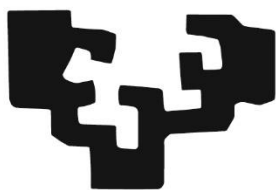


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TESIS DOCTORAL

**HEROES GONE PSYCHO: INTERROGATIONAL
TORTURE IN POST-9/11 TELEVISION FICTION**

Realizada por

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Introduction

It was the year 2007 and I was a major student of English Philology when I became a late fan of the series everyone around me was talking about: *Lost* (ABC, 2004-2010). I remember a dinner with the members of a Spanish theater company in which the topic of conversation was the narrative complexity of the series. We all agreed on praising the show for being the nearest contemporary equivalent to the phenomenon of the Elizabethan theater. Filled with action and a balanced mixture of sci-fi, fantasy and soap-opera motifs *Lost* was also rife with literary and philosophic references which made it successful among popular and high-brow audiences alike. Spanish writer and critic Jordi Carrión would later capture our feeling that there was a connection between Quality TV and the Shakespearean drama in his book *Teleshakespeare* (2011). We all were thrilled that television, the democratic medium *per excellence*, was taking ambitious cinematic and narrative projects to the widest audiences possible.

I enthusiastically (and perhaps uncritically) deemed progressive all television series that blurred the traditional binary of highbrow cinema/low-brow television until a year later, when an Argentinian friend of mine problematized my optimism. She was very critical of a sequence in *Lost's* first season in which two of the main male characters tortured another to force him to produce a stolen asthma inhaler that a young woman needed to survive. We did not reach an agreement whether the show could be charged with normalizing torture for that single clip, but I was troubled that I had not noticed the implications of a torturer hero in a post-9/11 product until then. I was very alert to Hollywood representations at that time. I remember myself outraged, for example, at the way *The Dark Knight* (Cristopher Nolan, 2008) argued for the suspension of freedom for the sake of security in a context that could be clearly read as a terrorist emergency. But when I watched television, my defenses where off.

The anecdote somehow left a mark on me and as I continued watching contemporary television series, I began to pay attention and noticed that interrogational torture was a motif that repeated itself over and over. It was not the first time I saw bamboo needles inserted under a victim's fingernails. Indeed, I had seen much worse.

Like many of us, I grew up with the films from the James Bond franchise, and Bond was the regular victim of a wide variety of torments, from waterboarding to being stung by scorpions in *Die Another Day* (Lee Tamahori, 2002), to receiving so severe bangs in the testicles that the scene made us contemplate the possibility of castration in *Casino Royale* (Martin Campbell, 2006). It is not surprising, given that the Western Culture is mostly founded upon the torture of its messiah, that authors have often presented us with the detailed and gruesome torment of their heroes, so that their heroism became epic. The readiest example that comes to my mind is that of William Wallace in *Braveheart* (Mel Gibson, 1995), but this is certainly not the only one. The difference between the examples I grew up with and the ones I encountered when I became a fan of the most recent American television fiction was that the roles had been inverted. James Bond never tortured an enemy, but the new heroes often did. Under a sense of urgency, the good guys (and as I would soon find out, also the good girls) did not hesitate to torture suspected villains to avert the always imminent threats that they fought against. This was certainly novel and it could amount to a pattern: it had been present in *Lost* and it was present in the three shows I was watching by the year 2010: *Heroes* (2006-2010), *Jericho* (2006-2008) and *Battlestar Galactica* (2004-2009). In 2012, as part of my Master's Degree in English Literature and Linguistics I conducted a preliminary research on the state of the question and found that, while the torture scenes that had attracted my attention had been virtually ignored by scholars and critics, *24* (Fox, 2001-2010), a television series I was not familiar with, had accumulated an enormous amount of attention for its controverted celebration of interrogational torture. From that moment on, I set out to find more television shows that featured heroic characters as torturers and I obtained proof that the pattern was not an isolated one.

When I fixated on this pattern –the recurrence of heroes that *need* to torture a suspect for a greater good– Obama had already arrived at the White House. The abuses committed during his predecessor's so-called War on Terror¹ had been widely publicized and denounced. The whole world knew that the U.S. had committed countless human rights infringements, indefinitely imprisoning terrorist suspects without charges, torturing them or rendering them to the authorities of countries known

¹ Although the phrase coined by Bush contains important contradictions (most notably that while Bush spoke of waging a war against Terror and terrorists, terrorist prisoners were not considered Prisoners of War so that they were not protected by the Geneva Convention provisions) I will use it because it has become standard to describe the global military, political, legal and ideological struggle that the Bush administration launched as a response to the September 11 attacks.

for their abuses. Some of those crimes were still being committed and would continue after Obama's failure to close Guantánamo and invalidate the Patriot Act, but the arrival of the new President, his enthusiasm and his drastic change of discourse made it possible to look back to the immediate aftermath of September 11 with a sense of distance that I now find exaggerated. Paraphrasing former CIA Director Cofer Black, there was before 9/11 and there was after 9/11², but it remains unclear if there was before President Obama and after President Obama, at least regarding effective changes in U.S. foreign policies. That said, it was the sense of being at the beginning of a new era that compelled me to begin a Ph. Dissertation in 2014 that looked back at its most recent past, at the abuses committed as a response to the September 11 attacks and at the way popular fiction had dealt with them.

It all began with the demarcation of an initial corpus of eight television shows that showed the pattern I had fixated upon and with a historical correlation: after 9/11, as the CIA asked the President for unprecedented detention and interrogation capabilities, television fiction became riddled with instances of heroes that tortured antagonists to get life-saving information from them. What could be ascertained of this parallelism? Was it the product of propaganda or ideology? Had American television series been disseminating the discourse that torture was legitimate, normalizing in the eyes of the public the crimes that its Government and its intelligence agencies were committing? Was there such an unproblematic reflection of power discourses in fiction as radical Marxist critics would have expected? Did television fiction fulfill a relevant role in shaping opinions regarding interrogational torture and other controverted counter-terrorism issues? These are some of the questions that I wanted to give answer to when I decided to conduct this research but my departure point was a rather condensed working hypothesis. I set out to demonstrate that, by its recurrent representation of heroes that torture for a greater good, post-9/11 television fiction legitimized the use of interrogational torture, which is paramount to legitimizing the main tenet of Bush's War on Terror, the "whatever it takes" discourse that calls for extreme measures in extreme circumstances.

² When testifying in 2002 at the Congressional Joint Inquiry into the September 11 attack, former Director of the CIA Counter Terrorism Center Cofer Black was asked about operational flexibility (about interrogation and detention capabilities) and he stated: "This is a highly classified area. All I want to say is that there was "before" 9/11 and "after" 9/11. After 9/11 the gloves come off "(qtd. in Mayer, 2009: 43).

Corpus

My research focuses on analyzing representations of interrogational torture carried out by “the good guys (and girls)” in post-9/11 television fiction. By the phrase “good guys” I want to emphasize my interest in main characters (not necessarily protagonists) that are endowed with heroic characteristics and/or uphold a moral paradigm as opposed to villain-heroes or anti-heroes, who are very common in recent popular fiction. Walter White from *Breaking Bad* (AMC, 2008-2013), Dexter from *Dexter* (Showtime, 2006-2013), the married couple from *House of Cards* (Netflix, 2013) or the recent Pablo Escobar from *Narcos* (Netflix, 2015) are some paradigmatic examples of a trend in Quality TV that aims at narrative complexity by building fictions around characters that dwell in the morally grey or are straightforward evil (Carrión, 2011; Sutherland and Swan, 2007). Viewers are capable of establishing a sort of empathy with these types of protagonists, but they watch from a distance that precludes complete identification. They stare with a certain degree of guilty fascination at how these psychopaths, ruthless drug-dealers and Machiavellian politicians engage in despicable acts, but they do not lose sight of the side they are in. Villain-heroes or anti-heroes do not uphold (or are meant to uphold) any righteous path to heroism. Their actions and the discourses implied in their actions do not have the exemplifying potential of traditional protagonists. They do not fight for the community but against it. When Pablo Escobar tortures one of his victims, this act adds to his characterization as “the patron of evil.” Viewers do not need to justify his deeds in an attempt to make them coherent with his noble ends and, therefore, no serious debate over the legitimization of torture is brought up. The same is true about villains or clearly antagonistic characters. However, when interrogational torture is carried out by a character that is endowed with heroic attributes and fights for a righteous cause, the connotations are very different. As Fiske concludes from Gerbner’s work (Gerbner and Gross, 1976) on violence in television, “heroes are socially central persons who embody the dominant ideology, whereas villains and victims are members of deviant or subordinate subcultures who thus embody the dominant ideology less completely, and may, in the case of villains, embody ideologies that oppose it” (Fiske, 2004: 1279). Departing from my initial hypothesis that American television fiction has disseminated the Bush administration’s discourse that in extraordinary circumstances the total ban on torture needs to be lifted, my interest lies on tales of heroism rather than anti-heroism.

This said, the opposition sketched between heroic and anti-heroic protagonists does not imply that post-9/11 “good guys” are immaculate, either. As Duncombe and Bleiker (2015) note, “[t]he new heroes are tired, dirty and damaged. They are afflicted by the knowledge of what they have done and what they will have to do to protect America.” In *The Terror Dream* Susan Faludi (2007) describes how post-9/11 America looked back to the 1950s searching for a narrative that fit the new times, and many of the heroes that are found in my corpus’ television series are reminiscent of the Western genre. They are often loners, outsiders who fight for a community in which they will never be truly welcome, but always redeemed by their will to protect and sacrifice themselves for the wellbeing of others. They are not innocents like the victims they set out to protect, rescue or avenge, but tough men and women who are willing to do what needs to be done in our behalf. “Whatever it takes,” like Bush allegedly told the CIA Director who on September 13 presented him with the preliminary plan to attack the Taliban (Mayer, 2009: 31).

Thus, my corpus is made up of fourteen television series that were aired between the years 2001 and 2015 and whose common characteristic is that they have at least one instance of interrogational torture committed or endorsed by a character with heroic traits. They belong to different genres, from the police and spy drama to fantasy and terror to the Sci Fi post-apocalyptic and dystopian genres. Some of them explicitly engage with counter-terrorism and the so-called War on Terror, others refer to these themes allegorically and still others have nothing to do with post-9/11 related topics, but they all are products of the same historical context and therefore engage in a dialogue with its contemporary political discourses, sharing common anxieties. Though shows produced by right-wing network Fox and its private channel Showtime are prominent in my corpus while left-wing HBO is absent, networks like ABC, CBS and NBC whose audiences “lean left” have a strong presence (Engel, 2014), so it cannot be contended that the type of pro-torture discourses that I will analyze are only present in the most conservative productions, nor addressed to strictly conservative audiences. This speaks of the pervasiveness of the debate on torture across all sectors of the political spectrum. Another interesting (and unforeseen) aspect of the selected corpus is that more than half of the shows (eight out of fourteen) are led by female characters, which will necessarily bring gender considerations into this dissertation.

Listed by chronological order, the television series that constitute my basic corpus are the following: *24* (Fox, 2001-2010), *Alias* (ABC, 2001-2006), *Lost* (ABC,

2004-2010), *Battlestar Galactica* (Syfy, 2004-2009), *The Closer* (TNT, 2005-2012), *Heroes* (NBC, 2006-2010), *Jericho* (CBS, 2006-2010), *Fringe* (FOX, 2008-2013), *Homeland* (Showtime, 2011-), *Revenge* (ABC, 2011-2015), *Penny Dreadful* (Showtime, 2014-2016), *State of Affairs* (NBC, 2014-), *Daredevil* (Netflix, 2015-) and *Jessica Jones* (Netflix, 2015-). Though they will not be the object of extended analysis, *Star Trek: Enterprise* (UPN, 2001-2005), *Scandal* (ABC, 2012-), and *The Following* (2013-2015) also add up to the list of shows that engage in the legitimated, “torturer-hero” paradigm. Furthermore, for their relevance to understanding general traits of post-9/11 television fiction, other series such as *CSI* (CBS, 2000-2015), *The Wire* (HBO, 2002-2008), *The Mentalist* (CBS, 2008-2015), *The Good Wife* (CBS, 2009-2016), *The Walking Dead* (AMC, 2010-), *Quantico* (ABC, 2015) and *Westworld* (HBO, 2016-), among others, will be quoted.

Ticking Time Bombs and interrogational torture are also present in mainstream cinema. *Zero Dark Thirty* (Kathryn Bigelow, 2012), which tells the man-hunt of Osama bin Laden and attributes the finding of a crucial lead to the continued torture of a CIA detainee is one of the better known examples. I have narrowed down the scope of my research to television series to obtain a manageable corpus, but the choice is not gratuitous. As Jordi Carrión has put it, “during the first decade of the 21st century, American television series have occupied the representational space that Hollywood cinema had monopolized during the second half of the 20th century” (2011:13). The open-ended nature of the serial format that, as Cantor (2012) explains, demands constant improvisation, has rendered these fictions much more permeable to ongoing political debates than its cinematic counterparts. As Anderson notes, “television is actually more capable of tackling complicated topics than cinema because it has more time to develop and resolve storylines as well as present varying points of view” (2008:16). Stephen Stockwell (2011) argues that the TV series format also has advantages over traditional journalism. Major issues related to post 9/11 order such as “the limits of governance in times of warfare, the breadth of presidential prerogative, and the utility and acceptability of torture” have been “played out in TV fiction series in ways that allow writers and producers the opportunity to explore events in directions and to depths that news and current affairs cannot reach because of their commitment to objectivity, balance and accuracy.” Furthermore, Stockwell observes, some of these crucial issues have been tackled in television series even before they reached mainstream media. For example, *24* was talking about torture (about government

sponsored torture) as early as September 2002, but the media did not address the issue seriously until March 2003, when Khalid Shaikh Mohammed, mastermind of September 11, was captured, “and then only to provide assurance that he would not be tortured.” It is, in a sense, symbolically adequate that television has acquired such a vital role in our post-9/11 world since all those who were not in New York in the morning of September 11 watched the shocking events unfold on their television screens. As Janet McCabe explains,

The simple fact that cameras were ubiquitous and the entire globe was watching the 'live' coverage recorded by the main satellite and network broadcasting companies confirms to a large degree what Guy Debord said about how a technological culture 'experiences' its historical time as if 'everything that was lived directly has moved away into representation' (2012: 79).

In Part II I will account for the influence that *24* exerted in every sphere of American society (politics, human rights activism, the military, etc.) and, by quoting politicians and judges who invoked fictional character Jack Bauer as part of their arguments for the implementation of real-world policies it will become clear that “representation” and “experience” are often, and increasingly, enmeshed.

Post 9/11 television has been described as belonging to “American Television’s Second Golden Age” (Thompson, 1996)³, or as “Quality TV” which, as Hammond and Mazdon (2005) observe, has been linked to the format of the serial. Its proliferation and sophistication has to do, as Cascajosa argues, with the “irruption of drama in cable television,” and with “the growth of specialized audiences out of the birth of new channels like Fox, WB and UPN” (2005: 2). For some time, “cult” series were associated with cable networks like HBO. However, the irruption of shows like *Lost*, which was broadcasted by ABC, a generalist channel, has proved that “it is possible to reach massive audiences without downgrading quality” (Cascajosa, 2005: 3).

Novel and Ginés also agree with this when they state that the massive success and aesthetic achievements of television fiction is one of the most important characteristics of contemporary popular culture:

³ The name alludes to the 1950s “Golden Age of Television” that was characterized by “highbrow programs” addressed to the still small television public of the time.

Uno de los fenómenos más destacables en la cultura popular contemporánea ha sido la creciente relevancia del medio televisivo en la generación de ficciones que han nutrido su imaginario. Tal y como han señalado diversos especialistas, la televisión norteamericana de las últimas décadas ha vivido una segunda edad de oro, que se ha materializado en el auge de las series televisivas como producto de calidad. A la sofisticación formal y la densidad ideológica de estas producciones, se le ha unido la globalización creciente, que ha permitido una amplísima circulación de estos textos, además de las nuevas prácticas de consumo generadas por la red, las cuales han fomentado la expansión del texto narrativo y la relación proactiva de los espectadores con el producto. En la confluencia de estos factores debe situarse la relevancia cultural que han alcanzado tantas series televisivas en los últimos años [...] (2016)

The worldwide circulation of American television series to which Novel and Ginés allude makes a study of their ideological postulates even more appealing since their dissemination scope is boundless. In Parts II and III I will exemplify the political relevance that some of the television series from my corpus have acquired by quoting real-life anecdotes in which politicians and judges invoke *24's* main character Jack Bauer for the sake of their pro-torture arguments, or by exploring the case of the opening title sequence of *Homeland* which has been used by the ISIS in one of its propaganda videos. These are fictions that are consumed by former President Obama and by the latest terrorists recruited by the jihad. The extent to which they are shaping views on the still on-going menace posed by global terrorism should not be disregarded.

Though I am not particularly interested in exploring the aesthetic virtues of recent television series, their perceived “quality” is paramount to their successful dissemination and has extensively been studied in recent years by different television scholars. As Cascajosa (2016) argues, television had historically been approached from the fields of social sciences, concerned with its effects, rather than from the field of humanities, but this trend is changing. John Ellis (2007), wondering about the possibility of constructing a canon of television programs, speaks of two general traditional approaches to the study of these visual texts and proposes a third that is developing, which contemplates humanist, aesthetic notions:

One studies texts in their historical context, tying meaning to the period in which the programme was made. The other centres itself on the texts and the potential meaning they carry, reinterpreting them through a modern optic. The tension between these approaches, the

textual-historical and the immanent, is already beginning to emerge despite broadcast television's tiny historical span of a little more than a half-century (Ellis, 2007: 15-16)

My research inscribes itself in the context of “cultural studies,” a “heterogeneous and eclectic” area whose interdisciplinary nature makes it difficult to systematize and define (Cook, 1986) but whose main tenet is possibly its understanding of “culture” as “neither aesthetic nor humanist in emphasis, but political” (Fiske, 2004). Therefore, following Ellis’ quotation, I am not interested in dealing with my corpus’ immanent meanings but, on the contrary, indebted to the textual-historical approach that he mentions and positioned within the realm of political criticism, dependent on concepts such as ideology and hegemony. However, I would like to emphasize both the work of authors such as Cascajosa, Ellis or Carrión (2011), who are working to define methodological tools capable of coming up with a canon of television series, and my own personal respect and appreciation for many of these shows’ artistic achievements, mainly to avert the sort of criticism that Tonny Dunn directs against cultural scholars that deal with supposedly “low-brow” artistic forms. According to Dunn,

investigation of popular culture offers a way for “cultural workers” into working-class consciousness of the symbolic, denied as they are daily experience of the working-class community. The romances and thrillers, the *Du Mauriers* and *Le Carrés* are, of course, tosh, and their formulaic repetitions do qualify them for assembly-line status. So they are material only for a sociology of mass media where concepts of ideology and hegemony certainly apply (Dunn, 1986: 72).

Though my approach to the corpus of recent television series earlier mentioned is a political approach, this is not because I consider them “unworthy” of aesthetic or humanist considerations, but rather because I do not believe in such analyses, not even in the existence (or need for) a canon. If my personal taste were of any relevance, however, I would vindicate many of the television shows mentioned in this dissertation with the same enthusiasm that I vindicate Elizabethan fiction. I guess I feel no need to fake an interest in working-class products because I share the aesthetics of the working-class. This is the reason why I have enjoyed so much with the writing of this dissertation and also the reason why I decided to write it: as an enthusiast of television

series, I feel particularly compelled to remain alert to their ideological dealings, since pure enjoyment usually lowers our (critical) defenses.

Methodology

For the sake of proving (or refuting) my initial hypothesis, my research combines a quantitative approach to the presence of interrogational torture in post-9/11 television fiction with a qualitative approach. The quantitative approach aims at locating and describing instances of interrogational torture committed by “the good guys,” focusing on small sequences and scenes to ascertain its patterns (who the torturer is, how the torture is conducted, how effective, naturalized or debated the act of torture is, etc.) and to account for the relevance that each torture scene has within the particular show and within the corpus. The qualitative approach tries to find which type of attitude or attitudes towards torture each show manifests and to situate its arguments within the larger historical context of post-9/11 America in general, and within the debate on the legitimacy of torture in particular.

My research is influenced by Foucauldian and Marxist views as they appear merged in New Historicist criticism (Rivkin and Ryan, 2004: 505-507). I share the Foucauldian understanding of history as textual or, as Hayden White (2002) would put it, I consider that every historical text is a literary artifact. This connection between the literary and the historical “make[s] it possible to study relations between texts both literary and historical and discover how they trace certain patterns and negotiate various kinds of cultural meanings” (Rivkin and Ryan, 2004: 506). From Marxism⁴ (though I tend to conceive of a less deterministic solution to the traditional base/superstructure influence scheme, in that sense closer to the later writings of Raymond Williams than to his earliest ones), I take the fundamental notion that cultural texts disseminate power discourses. My initial hypothesis postulates that popular television shows written during the so called War on Terror spoke on behalf of the use of interrogational torture in exceptional circumstances, that is, they disseminated a discourse which met the one that came from the Bush administration: a power discourse.

⁴ I tend to conceive of a less deterministic solution to the traditional base/superstructure influence scheme, in that sense being, for example, closer to the later writings of Raymond Williams (i.e. Williams, 1977) than to his early ones.

I also take Althusser's (1971) and Gramsci's (2004) notions on ideology and hegemony, respectively, emphasizing that, just as no force is needed to impose on the subordinate classes the ideology of those in power, authorial intention is not necessary for a discourse to be present in a text. Ideology is best disseminated and consumed when it seems transparent. In this sense, I find the fictions that have dealt with my subject matter without a conscious agenda much more interesting than the ones that could be dismissed as propaganda. This is, perhaps, because I am more interested in finding power discourses than in uncovering oppositional ones, which does not imply that I deny their existence. Television series (particularly the longest-running and richest in ensemble casts) fit perfectly into the description that Bakhtin made of the novel as a genre in which heteroglossia is present by means of the mingling of different compositional units such as "authorial speech, the speeches of narrators, inserted genres, [and] the speech of characters" (Bakhtin, 2004: 674). Not even *24* is monolithic in its approach to torture, exceptionality and counter-terrorism. A careful analysis of the show's variety of voices will surely reveal the inner cracks of the post-9/11 Republican mentality that it set out to vindicate. For example, its construction of the terrorist as a radical "other," worthy of inhuman treatment for her radical difference, coexists with the recurrent fear of "the enemy within," an enemy that resembles us and is, therefore, impossible to unveil. However, though I will not completely ignore the dissonances and dissidences that appear in the texts studied nor disavow their ability to make oppositional readings possible, I must admit that my focus will rest on uncovering the extent to which the shows analyzed reproduce or sustain the power discourses that circulated after 9/11 regarding interrogational torture.

I identify with Cultural Materialism in general and with the arguments of Alan Sinfield in particular when he reminds us that it is impossible to write a text that will immanently function as either a vessel for the dissemination of dominant discourses or as a subversive artifact only.

The reason why textual analysis can so readily demonstrate dissidence being incorporated is that dissidence operates, necessarily, with reference to dominant structures. It has to invoke those structures to oppose them, and therefore can always, ipso facto, be discovered reinscribing that which it proposes to critique (Sinfield, 1992: 47).

This, which is true about dissidence, is also true about hegemony. “All stories comprise within themselves the ghosts of the alternative stories they are trying to exclude. It does not follow, therefore, that the outcome of the inter-involvement of resistance and control must be the incorporation of the subordinate” (Sinfield, 1992: 47). Cultural Materialists challenge New Historicist’s claims that there is no way out of the “entrapment logic” by which texts are “simple registers of social power” (Rivkin and Ryan, 2004: 743). New Historicism accepts the possibility that “[a] playwright like Shakespeare might evoke the undermining of royal power in his Henry plays, but in the end, such undermining merely serves the ends of reinforcing that power all the more forcefully” (Rivkin and Ryan: 506). According to this scheme, subversion always leads to containment. But Sinfield argues, the mere representation of subversion, however forcefully and effectively contained, articulates the existence of cracks that threaten the system and is therefore (effectively) dangerous.

My hypothesis is formulated in New Historicist terms, expecting to find little true opposition to the official discourse that in extreme circumstances (a.k.a. in *The War on Terror*) torture is necessary. However, I am sympathetic with Cultural Materialism’s tenets, eager to believe that popular culture can also go against the grain. At the end of this dissertation I will go back to testing my initial hypothesis in order to see if any real dissidence has been found. I do not aprioristically deny the possibility. Indeed, I have some reticence towards the deterministic bottom-to-top/subversion-containment logic which characterizes some Marxist approaches in general and New Historicism in particular. Perhaps the New Historicist notion that bears more influence on my dissertation is methodological rather than ideological, after all. It is related to the assumption that “[t]o see the discourses circulating in a particular era, one needs to see not only their literary manifestation but also their presence in other kinds of cultural representations” (Rivkin and Ryan: 506). Already classic New Historicist works such as Stephen Greenblatt’s on Elizabethan theater (1982) pay attention to political pamphlets, newspaper pieces, monographic works, diaries, etc. searching for patterns that are repeated within and throughout the various texts. Following this thread, I have looked for appearances and invocations of Ticking-Time-Bomb-Scenarios and their related pro-torture arguments in a wide variety of post-9/11 texts covering philosophical essays, political speeches, government memoranda, journalism pieces and historical and legal texts. They appear gathered in Part I of this dissertation, together with other sources relevant for understanding more general discourses behind the War on Terror and

behind the general atmosphere that prevailed in the immediate aftermath of the September 11 attacks and later. Given the great amount of shows led by female character in my corpus, gender is an important coordinate and texts valuable for understanding the meaning of female heroism and female violence in cinematic and televisual representations and in the historical period covered are also considered in Part I. Parts II and III deal with the quantitative and qualitative analysis of the corpus, Part II focusing on genre (Sci Fi as the preferred approach from which to tackle themes related with September 11 in the immediate aftermath of the attacks) and Part III, on gender. In Part III, the following issues will be analyzed: does the superiority of female action heroes in my selection account for a general trend in American television? Considering traditional stereotypes regarding gender and violence, do heroines torture as often as/in the same fashion as heroes? Is there any gendered difference in their approach to interrogation?

The structure of the dissertation, however, should not be interpreted as Part I being the “context” against which Parts II and III are measured because I depart from the notion that “history is not some unmediated reality out there, some stable background that the literary text reflects or refers to; it is not a context” (Rivkin and Ryan: 506). Rather, it is a textual network that encompasses the television fictions of my corpus and that influences and is influenced by them. The structure of my dissertation aims at reflecting a dialogue between the parts rather than a hierarchy.

State of the Question

When I started reviewing what had already been written on post-9/11 television series and torture (interrogational torture committed by heroic characters) I found that conservative Fox network’s *24* had accumulated all the attention and criticism. It is not surprising for it possibly offered the most explicitly celebratory representation of torture that could be found in television fiction until, perhaps, the recent (2015) release of *Daredevil*. The show has been studied in relation to torture by scholars with expertise in fields and approaches as diverse as International Law, Human Rights, Philosophy (Ethics and Casuistry), History, Television Studies, Media Studies, Security Studies, Linguistics, Semiotics, Sociology, Psychoanalysis, Political Discourse and other interdisciplinary approaches indebted to the tradition of Cultural Studies. Kate Kovaric

summarizes the agreed upon criticism that the show and its main character Jack Bauer have earned:

Regardless of the circumstances, Jack always succeeds where most men cannot; Jack can always find a way to break a terrorist suspect and obtain the exact information he needs to save the world. Because of this unrealistic portrayal of the successes of torture, Americans have also come to expect that Jack Bauer is not the exception, but the norm (Kovacic, 2010: 251).

Most scholars have agreed on condemning the show for its unrealistic portrayal of torture, which is always the fastest and most effective method of extracting intelligence from an unwilling suspect (i.e. Mayer, 2007; Nikolaidis, 2011; o'Mathúna, 2010), and they have generally concluded that such a representation legitimizes torture (i.e. Downing, 2007; Pinedo, 2010); others have also worried about the effects that such representations of torture could have on public opinion (Kearns & Young, 2010; Lokaneeta, 2010), policymakers (Tenemboim-Weinblatt, 2009) and even on army recruits (Danzig, 2012); and they all have linked, one way or another, the discourse of the series with the official discourse of the White House after 9/11 (Mayer, 2007; Ip, 2009) often accusing the producers of having created a piece of political propaganda (Clucas, 2009; Danzig, 2012). Particularly interesting are the works that have studied the preeminence of torture in *24* in relation to its particular treatment of time and imminence (Neroni, 2015; Žižek, 2006). Pinedo provides us with a description of the show's crucial characteristics that will help us understand this issue:

The signature trait of the series is that events transpire in “real time,” with the 24 episodes of the season depicting 24 hours of a single day. Each season, *24* places its protagonist, a counterterrorist agent named Jack Bauer in a high-stakes series of crises involving layers of conspiracy and impaling its characters on the horns of a dilemma. He has less than 24 hours to resolve a massive terrorist threat against the United States (2010).

24 is therefore imbued with a sense of imminence that invokes what Žižek calls “the ethics of urgency.”

What does this all-pervasive sense of urgency mean “ethically”? The pressure of events is so overbearing, the stakes are so high, that they necessitate a suspension of ordinary ethical concerns. After all,

displaying moral qualms when the lives of millions are at stake plays into the hands of the enemy (Žižek, 2006).

“The ethics of urgency” have a paradigmatic narrative that stands for them, a hypothetical that has often been used in philosophical casuistry and that is known as The Ticking Time Bomb Case. It presents us with the following dilemma: a bomb is about to go off in the middle of a big city and the authorities have captured the man responsible for planting the device, but he will not cooperate. Should the authorities torture the terrorist? The fact that this hypothetical is often used as an argument by those who want to lift the ban on torture has not been ignored by scholars. Many have read the recurrence of Ticking Time Bomb situations in *24* as proof of the series’ vindication of torture (Neroni, 2015; Ip, 2009). In this vein, some authors have used *24* as a pretext to dismantle the premises of the argument, that is, to attack the notion to which it leads: that in extreme circumstances torture is necessary and justifiable (Scheppele, 2005).

The extensive corpus of scholarly pieces devoted to studying the representation of torture in *24* contrasts with the silence that surrounds other television series that feature similar instances. The most probable cause for this dissimilar treatment is that no other show “plays” with torture in such a recurrent and exaggerated manner. Most of the series of my corpus feature no more than two instances of interrogational torture carried out by the heroes. Torture was *24*’s signature, but it is only a secondary theme in *Lost*, *Jericho*, *Heroes* or *Revenge*, for example. To find pieces on these series’ torture scenes it is often necessary to call to monographies or collections of essays devoted to analyzing a single show’s each and every aspect. Such is the case with Scott Parker’s piece on *Lost*’s Ticking Time Bomb situation entitled “Tortured Souls,” which is found in *Lost and Philosophy*, a volume edited by Sharon M. Kaye (2008); or with Sutherland and Swan’s analysis of *Alias*’ “moral ambiguities” (which encompass torture) that appears in *Investigating Alias* (Brown and Abbott, 2007). However, the number of series from my corpus that have been the object of such specialized and comprehensive analytical works is restricted. The likeliness to find scholarly pieces devoted to analyzing the representation of torture in a show depends on how popular the show in question has become among the critics, which is not a matter of audience rates but of its cult status.

Volumes devoted to “favorites of the critic” such as *Battlestar Galactica*, *Lost* or *Alias* tend to be written for the sake of vindicating the virtues of the show in question,

which somehow restricts the diversity of viewpoints available. The above-mentioned pieces by Parker (2008) and Sutherland and Swan (2007) provide an illustration of this tendency. Parker studies *Lost*'s first torture scene, a re-imagination of the Ticking Time Bomb Case in which torture proves useless because the suspect turns out to be innocent and concludes that the episode stages anti-torture arguments. Though there is complexity in the episode addressed by Parker that allows for a degree of resistance towards the typical legitimizing argument, I will try to prove in Part II that his conclusions are somehow premature. Sutherland and Swan's insightful piece on *Alias* contains findings that have been extremely relevant for my research, particularly for their proposal that *Alias*' female protagonist Sydney Bristow is not less violent than Jack Bauer but departs from him in a fundamental way because "she questions intensely the morality of her choice[s]" (125) while "Bauer never questions whether he was justified in his actions" (126). They acknowledge that Bauer resembles closely Sydney's father Jack Bristow, the main torturer of the series, for their utilitarian mentality, which meets the type of reasoning the American government uses "to justify surveillance, intense interrogation techniques and torture," but they eventually exonerate the series. Torturer-heroes belong, after all, "with a long line of revenge tragedy protagonists and action film heroes whose vendettas against villains, criminals and terrorists are launched by actual or threatened harm to their families and a need for justice and vengeance" (128). Similarly, they note that the general moral ambiguity of the series "is part of a trend in television" that favors the "grey" before the "black or white." As we watch heroes work out difficult moral choices "we are presented with an opportunity to pose our own questions" about the dilemmas (132). I will try to argue against the notion that these heroes meet the standards of "tragic heroes," particularly because the tragic pathos requires knowledge that a crime has been committed, and punishment for it. *Battlestar Galactica*, a space opera self-consciously conceived as a commentary on The War on Terror is such a dear show to the critic that "has been the impetus for a body of scholarly thought that should perhaps be described as *Battlestar Galactica* studies" (Howie, 2016) and shows a similar tendency to unanimous, uncontested praise of its famous torture sequences. In fact, it is often analyzed in contrast to *24* (Ip, 2009; Pinedo, 2010; Lewis, 2008) as to establish an antithesis between positive/negative representations of interrogational torture.

Unlike *Battlestar Galactica* or *Lost*, *Homeland* is a show that has received almost exclusively ideological scrutiny (Rouleau, 2014; Kumar and Kundnani, 2014)

for it is regarded as the Obama-period equivalent to *24*. As such, it has been studied for its representations of “drone warfare” and extensive surveillance (Castonguay, 2015; Letort, 2016) rather than for its vindication of the CIA’s “enhanced interrogation techniques” (Jenkins, 2014). Little has been written regarding other shows from my corpus in general, so finding close analyses on their representations of interrogational torture/of their contribution to the torture debate is difficult. In the case of *Jericho*, for example, I have been able to find a single source in which its instance of torture is mentioned, though only in passing, since Santularia’s (2014) account deals with gender stereotypes.

As I stated earlier, it is natural that television series be studied for their most prominent features and interrogational torture is unusual and little striking in many of the shows from my corpus. I have nonetheless selected them because part of my intended goal is to prove quantitatively the real extent to which torture became normalized, established as a handy narrative device in post-9/11 television fiction. In fact, the most notable absence in the existing bibliography on “torturer-heroes” is such a corpus. *24* is often quoted as the paradigmatic example of the pervasiveness of torture in television, that is, as the most representative case of an extended trend, but which the secondary items of the category for which it stands are is a question that is often left unanswered.

One illustrative instance of this tendency to over-generalization is found in *Screening Torture* (Flynn and Salek, 2012), a collection of essays that “addresses the representation of torture in film and television,” (3) though only one of its thirteen chapters is devoted, in fact, to television. In the introduction, the editors contend that “[m]any contemporary films and television shows support the myth that torture leads to truthful confessions” (10) and quote two films, *Man on Fire* (Tony Scott, 2004) and *Taken* (Pierre Morel, 2008), and a television series, *24*. The book’s scope is wider than this dissertation’s because it is concerned with representations of any kind of torture: sadistic torture in the context of horror movies like *Hostel* (Eli Roth, 2005) –which are illustrative of the so called “torture porn,” a distinct post-9/11 trend that accounts for the success of horror movies that feature highly produced and somehow sexualized “explicit scenes of torture and mutilation” (Edelstein, 2006)–; the purifying torture of Christ in Mel Gibson’s *The Passion of the Christ* (2004); documentaries such as *The Ghosts of Abu Ghraib* (Rory Kennedy, 2007); or the type of interrogational torture of the “torturer-hero” that concerns me. The authors describe the latter as follows: “[i]n

many contemporary American films and television shows the torturer is represented as a messianic figure, or at least as a serious man, whose administration of “world-destroying” pain is righteous and even necessary (*Inglorious Basterds*, *Man On Fire*, *Taken*, *Unthinkable*, *V for Vendetta*) (10). In this second attempt at defining the category, they forget to even mention *24*.

The single chapter that addresses television is authored by David Danzig, the project director for the Primetime Torture Project at Human Rights First who recounts his efforts to persuade *24*'s producers to acknowledge the damaging effects on military recruits and public opinion in general that the show's enthusiastic endorsement of torture was achieving and to persuade them to compromise and adopt a more responsible attitude. Though his focus is on Jack Bauer's brutality, he mentions some other shows: “[t]he heroes on programs like *Lost*, *The Shield*, and even *Star Trek: Enterprise* turn to torture regularly to gain information” (21). My definition of the heroic or exemplifying does not meet the corrupt cops that feature *The Shield* (FX, 2002-2008) so I would leave this show out of the list, but *Star Trek: Enterprise* does have an instance of interrogational torture motivated by a Ticking Time Bomb Situation (*Anomaly*, Season Three Episode Two) that is carried out by one of the heroes, and *Lost* has two similar instances of torture that will be analyzed in Part II. This small corpus that Danzig is able to produce to back up his contention that *24* represents a trend is rather exceptional. Most articles that deal with this notion either exclusively focus on its quintessential representative or contrast it with some other show, typically *Battlestar Galactica*, as mentioned earlier (Pinedo, 2010; Ip, 2009).

In short, *24* has so many times been quoted as the emblem of the “torturer-hero” trend that it has accumulated nearly all the attention regarding representations of interrogational torture in television and has led scholars to neglect the necessity to back up the notion that there exists such a trend. My research wants, therefore, to contribute to the existing bibliography on the subject by proposing a rich corpus and by analyzing it in depth, paying attention to marginal instances and not only to the most evident ones. If *24* stands for all the shows that have represented “torturer-heroes” it seems undeniable that television fiction has contributed to the dissemination of the notion that torture is justified. This is, in fact, my starting hypothesis, one which has already been proposed, most recently in a Ph.D. Thesis entitled *Terrorism, Television, and Torture: post-9/11 Morality in Popular Culture* (Beicken, 2015) in which its author sets out to explore three television shows: *24*, *Homeland* and *Scandal*. After close textual readings

and quantifications of these shows' torture instances she concludes that "post-9/11 media represent[s] torture as justifiable, effective at gaining life-saving information, and entertaining." Can such a forceful and general conclusion be reached by quoting three shows only? The evidence of a tendency in post-9/11 television to represent torture in a legitimizing way seems evident, but I am curious to find whether the analysis of a richer corpus reveals a more complex (and varied) landscape that incorporates dissent.

I need to acknowledge Hilary Neroni's *The Subject of Torture: Psychoanalysis and Biopolitics in Television and Film* (2015) as the work that comes closest to materializing this project. Aware that "[i]t is impossible to grasp contemporary torture without a thorough investigation of the different ways that contemporary film and television represents it" (2015: 23), Neroni analyzes representations of torture in post-9/11 Documentary Films on Abu Ghraib such as *Standard Operating Procedure* (Errol Morris, 2008) and *Taxi to the Dark Side* (Alex Gibney, 2007), in the pseudo-documentary film on Osama bin Laden's hunt *Zero Dark Thirty*, in the terror blockbusters *Hostel* and *Saw* (James Wan, 2004), and in the television series *24*, *Alias* and *Homeland*. Her corpus spans through different genres, which explains her choice of a single and already too-iconic trio of television series, but I appreciate the accumulative effect that she achieves (providing us with a sense of the pervasiveness of the "torture fantasy," as she calls it, in our contemporary world,) and her identification of two different approaches to torture, one of which she deems positive. This acknowledges the possibility that not every show follows the lead of *24*.

With different theoretical tools (Neroni relies exclusively on a combination of the Foucauldian concept of Biopower and Psychoanalytical approaches to the subject) and working with a corpus that is larger but also restricted to the television medium, I aim at following and expanding Neroni's project, 1) providing a comprehensive account of how after 9/11 torture changed sides and heroes became aggressors, 2) trying to relate the emergence of this pattern with its historical period and 3) trying to determine whether these shows endorse pro-torture arguments so that post-9/11 television can be effectively deemed pro-torture or if the statement needs to be reconsidered.

PART I
Torture after 9/11

DEFINING TORTURE

What Is Torture?

In a scene I will analyze in depth in Part II, Jake and Eric Green, the protagonist siblings of *Jericho*, are arguing over waking an agonizing patient up in pain for interrogation. “We can’t just torture a dying man,” Jake says. “No one is torturing anyone,” his brother answers. They eventually force the man out of the coma, but they do not reach an agreement on the nature of the act they have committed. Is Jake right? Have they tortured a man or is “torture” a word that can only be associated with dark chambers and gardening tools reconstituted as mutilation weapons? As stated by Posner, “the word ‘torture’ lacks a stable definition” (2004:91). Indeed, much of the controversy that surrounds the debate on the status of torture in contemporary democracies exists as a result of this definitional instability. Interrogational torture takes place in situations where certain unpleasantness is unavoidable and it is often difficult to draw the line between necessary pressure and coercion, coercion and pain. Nonetheless, for methodological purposes, it is crucial that we depart from some agreed upon definition that, however vaguely, helps us pin down the basic notions that lie behind the concept of “torture.”

The definition most often quoted in contemporary legal and philosophical texts dealing with torture and the one I will use in this dissertation appears in the 1984 UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). Approved by 155 states, it is “regularly celebrated as one of the most successful international human rights treaties” (Hathaway, 2004:199). Its purpose is not only to set an unconditional ban on torture –Article 3 states that “no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency” can serve as an excuse for infringing this commitment– but also “to ensure that no-one is deported across borders to be tortured, and that there is no safe haven for perpetrators” (Amnesty International, 2014:5).

The Convention gives specific form to a prohibition that was already stated in Article 5 of the Universal Declaration on Human Rights (1948) –“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”–, is crucial to the Geneva Convention (1949), and reappears in article 7 of the 1966

International Covenant on Civil and Political Rights⁵. However, unlike these previous treaties, it does give a definition of torture. Article 1, Part 1, declares:

For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

At first sight, it would seem incontestable that, according to this definition, Jake Green was right when he attached the word "torture" to waking a man with severe radiation burns out of a coma for the sake of obtaining information from him. However, as it will soon be exemplified, a lawyer could argue the opposite by focusing on the condition of intentionality. In the aftermath of 9/11, many American lawyers (some of the best minds of their generation one could ironically argue) put their skills at the service of bending such prohibitions as the absolute ban on torture, and they often did so by exploiting the definitional instabilities of the term.

Although the definition offered by CAT is not the only definition of torture existing in international law, it addresses the four constitutive elements or "elements of definition" that "most international dispositions and bodies tend to agree on." (UNVFVT, 2011:2). These constitutive elements are: 1) the nature of the act, 2) the intention of the perpetrator, 3) the purpose of the act and 4) the involvement of public officials. A closer look at each of them will illuminate the definitional soft spots that

⁵ Article 7 ICCPR reads: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation." While it forbids them in absolute terms, Article 7 does not contain a definition of the prohibited acts. In its General Comment on Article 7, the HRC stated that it did not consider it necessary to draw up a list of prohibited acts or to establish a sharp distinction between torture and the other forms of ill-treatment, though such "distinctions depend on the nature, purpose and severity of the treatment applied." Therefore, in its jurisprudence, the HRC often does not specify precisely which aspect of the prohibition has been breached, but simply states that there has been a violation of Article 7. The HRC has indicated that the assessment of whether particular treatment constitutes a violation of Article 7 "depends on all circumstances of the case, such as the duration and manner of the treatment, its physical or mental effects as well as the sex, age and state of health of the victim. ... In contrast to the [CAT] ... there is no requirement in the ICCPR for a level of involvement or acquiescence by a State official for an act to be qualified as torture or ill-treatment" (APT and CEJIL, 2008:6-7).

lead to the legal sophistry available and will also help pin down the type of acts constitutive of torture that will be found in my corpus.

The Nature of the Act

When speaking about the nature of the act, the concept of severity is crucial. Torture implies “severe pain or suffering.” Though both practices are banned, the Convention makes a distinction between “torture” and “Other Cruel, Inhuman or Degrading Treatment or Punishment” (CIDT) that does not amount to torture. Torture is explicitly defined in Article 1, but CIDT—which is prohibited in Article 16— is not. Therefore, a logical interpretation is to assume that “severity” is the criterion that makes the difference. The UNVFCT observes that:

Torture is a severe form of inhuman treatment, but there is no objective element of distinction between the two categories. Acts at stake are usually identical and only the level of intensity/severity of the ill-treatment, taking into account the vulnerability of the victim, may vary (2011:6).

The Association for the Prevention of Torture and the Center for Justice and International Law clarifies the matter regarding the vulnerability of the victim:

Assessing the severity of physical or mental pain or suffering includes a subjective element. Where the State agent inflicting pain or suffering or acquiescing in its infliction is aware that the victim is particularly sensitive, it is possible that acts which would not otherwise reach the threshold of severity to constitute torture may do so (2008:12).

The UN Special Rapporteur on Torture goes further and avoids giving so much importance to the concept of severity and takes the position that:

the decisive criteria for distinguishing torture from [CIDT] may best be understood to be the purpose of the conduct and the powerlessness of the victim, rather than the intensity of the pain or suffering inflicted (qtd. in APT and CEJIL, 2008:11)

However, as the practice of International Tribunals has shown, the “extreme” or “severe” nature of torture is often regarded as the key distinction.⁶ Furthermore, the CAT definition is the result of a compromise between different state parties –each of whom offered a formulation to the working group– and most of them agreed on these particulars: they emphasized that only extreme acts could amount to torture and rejected the possibility of defining torture merely as “cruel, inhuman or degrading treatment or punishment.”

Another important qualification regarding the nature of the act is that it can be either physical or mental. This bears importance because not all the commentators agree on the matter and propose, instead, that the frontier between the psychological and the physical be the frontier between what constitutes torture and what does not. Allhoff states that, though he does not “rule out the possibility,” he is “somewhat skeptical about mental torture” (2012:64). Posner, for example, is of the opinion that

as we move up the pressure curve we encounter a kink, an inflection point, when the coercion changes from the psychological to the physical. After that point is reached, the affixing of the term “torture” ... is ... mandatory. (2004:292)

For him, the invulnerability of the body is crucial to such extent that he understands mild touching to be more severe than, for example, sleep deprivation.

Practices commonly regarded as amounting to psychological torture include the use of mind-altering drugs, the threat of death (“mock executions”) or the threat of torture, the threat of death or torture of a relative or a friend, the forced witnessing of others being tortured, threat by dogs, withholding of medical care, etc. Furthermore, CAT “covers not only positive acts, but also omissions” (APT and CJIL, 2008:12) so that deprivation of food and water, for example, have also been ruled as constitutive of torture.

When dealing with borderline instances I will analyze the testimony offered by Mathew Alexander, a senior interrogator in Iraq who claims to have captured the national leader of Al-Qaida in 2006 through methods that do not violate the CAT. His account, however, acknowledges the use of practices that can be easily regarded as psychological torture, particularly in relation to the “threat of relatives” prohibition. His proposed alternatives to torture, which favor deceit, manipulation and rapport building

⁶ See *Ireland v. United Kingdom*.

by showing respect and interest for the culture and the life history of the suspect, for example, are echoed in two of the most recent counter-terrorism themed television series, *Homeland* and *State of Affairs*. These series have tried to distance themselves from the masculinist and undeterred violence that fueled shows like *24* by featuring leading female characters that officially reject torture and set out to explore alternative method like the ones proposed by Alexander. However, they ascertain the degree of implantation of the concept of “severity,” that is, they are proof that the discourse that only “severe” forms of physical brutality can be deemed “torture” is very much extended. Without apparently contradicting their claim to be anti-torture advocates, they engage in practices that are condemned under international law, such as sensory deprivation, threats of torture or the denial of medical care.

The Intention of the Perpetrator

“Pain and suffering must intentionally be inflicted... negligence is not sufficient to qualify an act as torture under international law, whereas recklessness might suffice” (UNVFVT, 2011:3). An example to illustrate this would be the following: if an interrogator is aware that his prisoner has an extreme, phobic fear of rats, and purposefully lets them into his cell or does not make sure that his cell is isolated from an acknowledged infestation, this would satisfy the condition of intent. Contrary, if an unexpected infestation takes place that before is remedied causes the prisoner an extreme psychological pain, the condition is not met.

The concept of intentionality is ambiguous enough to have elicited diverse and biased interpretations. In a memorandum drafted in May 2002 by John Yoo, Deputy Assistant Attorney General of the United States, and signed in August 2002 by Assistant Attorney General Jay S. Bybee, George W. Bush’s Counsel Alberto R. Gonzales received counsel regarding the legality of interrogations conducted outside of the United States. The Bybee memo emphasized that 18 U.S.C. &&2340, the statute by which the United States commit to the CAT provisions, translates intentionality as “specific intent.” Indeed, section 2340 defines the act of torture as an:

act committed by a person acting under the color of law *specifically intended* [my emphasis] to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to

lawful sanctions) upon another person within his custody or physical control.

In domestic criminal law, a distinction is made between “general intent” and “specific intent” that, quoting an example used by the Supreme Court, Yoo illustrates as follows:

[A] person entered a bank and took money from a teller at gunpoint, but deliberately failed to make a quick getaway from the bank in the hope of being arrested so that he would be returned to prison and treated for alcoholism. Though this defendant knowingly engaged in the acts of using force and taking money (satisfying “general intent”), he did not intend permanently to deprive the bank of its possession of the money (failing to satisfy “specific intent”) (Yoo, 2002:4).

The relevance of this qualification in discussing the definition of torture is particularly related to “mental torture,” since Section 2340(2) defines “severe mental pain” (that is, the only type of mental pain that amounts to torture) as “the prolonged mental harm caused by or resulting from” a series of practices⁷ listed. According to commentators like Allhoff, it is impossible to fulfil specific intent within this framework:

When someone is interrogated, the infliction of prolonged mental harm will rarely –if ever– be specifically intended. Rather, threats may be issued, and the point of those threats will be to engender the disclosure of some information. Whoever proctors the interrogation has no interest in the detainee suffering prolonged mental harm; all that the interrogator cares about is getting the information (2012:64).

The exculpatory potential of the concept of specific intent is also exemplified by the U.S. Supreme Court ruling in *Chavez v. Martínez* 123 S.Ct. 1994-1999 which should bring to mind the fictional example of *Jericho* with which I opened this chapter. The

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- (A) the intentional infliction or threatened infliction of severe physical pain or suffering;
- (B) the administration or application, or threatened administration or application, of mind-altering substances or other procedures calculated to disrupt profoundly the sense or the personality;
- (C) the threat of imminent death; or
- (D) the threat that another person will imminently be subjected to death, severe physical pain or suffering, or the administration or application of mind-altering substances or other procedures calculated to disrupt profoundly the senses or personality.

events that led to this lawsuit can be summarized as follows: in California, two officers were questioning Martinez, a suspected drug dealer when, allegedly, the suspect took the gun of one of the officers. His partner responded by shooting Martinez several times. As a result of the shots, he was left blinded and paralyzed from the waist down. Then, the officers arrested him and called for an ambulance. Sergeant Chavez, a patrol supervisor, was the one who accompanied Martinez to the hospital, where he interrogated him while he was being treated by the doctors. He wanted –and obtained– a confession that would exonerate their partners for shooting at him. The District Court stated that he “had been shot in the face, both eyes were injured, he was screaming in pain, and coming in and out of consciousness while being repeatedly questioned about details of his encounter with the police” (qtd. by Skolnick, 2004: 120). Furthermore, the transcription of the interview shows that Martinez was not aware that he was already receiving medical attention while being interrogated, so it was logical of him to infer that if he did not answer to the questions, he would be left to die.

When Martinez got out of the hospital he sued Chavez arguing that he had violated his constitutional rights under the Fifth Amendment's “privilege against self-incrimination” and the Fourteenth Amendment's prohibition against depriving “any person of life, liberty, or property, without due process of law.” Martinez won the case but Sergeant Chavez appealed to the Supreme Court in *Chavez v. Martinez*. The Court ruled against the violation of the Fifth Amendment while observing that a violation of “due process” might have occurred. Particularly relevant to our ongoing debate is that the decision was not unanimously reached and diverse interpretations of the events were made. Justice Thomas, for example, did not regard Chavez's behavior as “torture” because Chavez's purpose –his *intention*– was not to interfere with Martinez's medical treatment, but simply to interrogate him. The fact that Martinez understood that he was being coerced or that he received psychological pain from the situation was not something that Chavez had in mind while conducting his interrogation and, therefore, the incident could not be labeled as one of torture.

The disagreement between Jake and Eric Green in *Jericho* regarding the agonizing patient they wake up from a coma echoes the opposing views of plaintiff and defendant in *Chavez v. Martínez*. Eric does not agree with Jake that waking up the suspect constitutes torture. The man is going to be in pain while he is being asked questions, but Eric's intention is not to cause him pain, but to interrogate him. The concept of specific intent is not met. In this scene, *Jericho* goes beyond staging the

dilemma of whether torture is ever justifiable; it deals with the slippery definition of the term. Just like jurisprudence often looks for hypothetical, narrative examples to make its cases, polyphonic fictions like television series can illustrate the opposing views that lie behind controverted jurisprudence.

The Involvement of Public Officials

The malleability of the condition of intentionality has been particularly criticized by Human Rights advocates when analyzing state responsibility. Intention concerns individuals but, as Bagchi observes

the CAT is primarily concerned with torture that is the consequence of a state policy. After all, cruelty by private individuals unrelated to state activity does not qualify as torture. Under Article 1 of CAT, to qualify as torture an act must be inflicted “[b]y or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity (2009:7).

On *Velásquez Rodríguez v. Honduras* (1988) the Inter-American Court of Human Rights reached a similar conclusion. It stated that:

For the purpose of analysis, the intent or motivation of the agent who has violated the rights recognized by the Convention is irrelevant –the violation can be established even if the identity of the individual perpetrator is unknown. What is decisive is whether a violation of the rights recognized by the Convention has occurred with the support or the acquiescence of the government, or whether the State has allowed the act to take place without taking measures to prevent it or to punish those responsible.

Controversy on this matter, therefore, involves whether subjective intentionality can be invoked for states that create policies that, although not primarily intended to inflict torture, persistently open the way for such occurrences. Amnesty International, for example, has often criticized the solitary confinement period to which terrorist suspects are subjected to in countries like Spain because it creates an environment particularly fit for human rights violations (2016:259). If allegations against such states were made for the individual acts of interrogators during those solitary confinement

periods, the question remains whether it is fit or not to invoke the concept of “specific intent” to avoid the charges.

As I mentioned earlier in the Introduction when talking about the criteria used to build up my corpus, I consider that, within the realm of fiction, the weight of official legitimization is carried by those acts that are perpetrated by characters who are heroic. Symbolically, the hero is both an individual actor and a public official. His acts deploy a discourse, and his discourse is privileged within the fictional world as the discourses that come from official institutions are privileged in the real world. It is not necessary that Jack Bauer and his torture techniques receive the blessing of the President of the U.S.A. for his actions to be considered legitimizing, but the striking thing is that he often does receive that blessing. In shows like *24*, *Alias*, *Scandal* or *Quantico*, torture is endorsed by public officials in a literal way. *24*'s righteous President Palmer orders the torture of the head of the NSA and watches the interrogation through video monitors in the series' Second Season (2.10 and 2.11). In *Scandal*'s Season Four (4.05), President Fitzgerald Grant gets his own hands dirty while questioning the man suspected of killing his son. In *Quantico*, protagonist Alex Parrish is an FBI recruit who is framed for a major terrorist incident. Believed to be guilty, she is tortured by the CIA when captured, though she does not seem to harbor hard feelings against the organization for at the end of Season One she leaves the FBI to work for them (1.22). The CIA is also featured as an Agency that tortures on a regular (and legal) basis in *Alias*.

The Purpose of the Act

The UNVFVT (2011:4) establishes a list, “indicative rather than exhaustive,” of the purposes an act must serve in order to constitute torture:

1. for extracting a confession ; or
2. for obtaining from the victim or a third person information ; or
3. for punishment ; or
4. for intimidation and coercion ; or
5. for discrimination

As I already explained in the section where I exposed the criteria followed to select my corpus, my research focuses on the type of torture whose purpose is to extract

information from a person, which is the type of torture whose use has been proposed, debated and used in The War on Terror because it aims at intelligence gathering, not at conviction. The right to due process is well implemented in Western democracies, making confessional torture (ideally) fruitless since no self-incrimination obtained under duress can be accepted as evidence by a Court of Law. It is for this reason that police television dramas are practically absent⁸ from this research in spite of their omnipresence in the television programming of the last decade. In general, police detectives play by the book and focus on forensics (e.g. *CSI*) or mind-tricks (e.g. *The Mentalist*) to approach their subjects in the interrogation room. In Part III I will analyze one of the few exceptions to this representation of the police domestic forces as “morally immaculate” when dealing with *The Closer*, but it can be strongly stated that confessional torture as in police brutality is not a trend in post-9/11 television; only intelligence gathering torture is.

Definitional Ambiguities and Controversies

We have seen that most of the “elements of definition” that appear in the definition of torture offered by the CAT present us with varying degrees of ambiguity that lead to various interpretations. These conceptual “soft spots” have been used by scholars, legal advisors and policymakers to challenge the absolutist nature of the prohibition on torture. I am particularly interested in analyzing the inherent vagueness of the concept of “severity” because it is the basis for distinguishing between torture and CIDT, and this distinction has had (and still does) important implications. As Levinson observes, “it should be clear ... that state authorities have incentives to offer particularly horrific requirements for something to be considered ‘torture’; this serves in effect to legitimate actual interrogation practices (2004: 28).” George Bush’s government condemned and deplored of the Abu Ghraib scandal, but never attached the word “torture” to the practices that were documented by the leaked pictures. Similarly, the interrogation techniques the CIA sought approval for in the aftermath of 9/11 (sleep deprivation, stress positions, waterboarding, containment, etc.) were “sanitized” in the official discourse by being referred to as “coercive interrogation,” “stress and duress

⁸ *The Shield* is the most notorious exception to this pattern and one that could have made it into my corpus for it features instances of interrogational torture committed by the police. However, its characters are corrupted cops, paradigmatic villain-heroes and therefore no fit for my investigation.

techniques,” “enhanced interrogation” or “torture lite.” As Oren Gross states, the debate on torture is tightly linked to the definition of the word.

Much of the legal discussion about torture revolves around the decision as to what precisely constitutes "torture." Thus, for example, the jurisprudence developed under the European Convention on Human Rights has tended to tackle the issue through the prism of a “severity of suffering” test. ... The "severity of suffering" test has been invoked by governments arguing that interrogation techniques utilized by their agents, while rough and coercive, did not cause so much suffering as to constitute "ill-treatment." Thus, the threshold test of suffering has been used in an attempt to fly below the radar of the absolute prohibition on torture (2004:232).

The CAT’s demarcation of two distinct though equally prohibited categories (CIDT and torture) has been understood by some as a *carte blanche* for States to indulge in practices that fall short of torture, since only “torture” bears the mark of the taboo. Others, however, understand that it means to extend the prohibition to borderline instances, forcing the prosecution of States that engage in practices that are not as extreme or obvious as the ones that characterize authoritarian regimes. In the history of the U.S. implementation of CAT we find that both the Reagan and the Bush administrations understood that the CIDT prohibition was rather lax. According to them, the Treaty

establishes a category of acts that are not to be committed and that states must endeavor to prevent, but that states need not criminalize, leaving those acts without the stigma of criminal penalties. CAT reserves criminal penalties and the stigma attached to those penalties for torture alone. (Qted. by Yoo, 2002:15)

On its ruling on *Ireland v. United Kingdom* (1978), The European Court of Human Rights stated that it understood the distinction between torture and CIDT as seeking to “attach a special stigma to deliberate inhuman treatment causing very serious and cruel suffering.” Amnesty International emphasizes that establishing two different categories does not imply that everything that falls short of torture is permitted, but rather the opposite. It observes that

There is no general definition of other cruel, inhuman or degrading treatment or punishment under international law, but international standards state that it should afford the widest protection possible. From the practice of international and regional human rights monitoring bodies, acts that constitute such ill-treatment may roughly be described as ill-treatment which does not involve all of the key elements of the torture definition. For instance abuse that causes pain that is not “severe” or not being intentional or purposeful, would be described as cruel, inhuman or degrading. There is not always agreement on whether a particular form of abuse amounts to torture and other ill-treatment. However, all forms of torture and ill-treatment are absolutely prohibited under international law, including the laws of war (2014).

This quotation acknowledges the difficulty of ascribing certain practices to either of the two categories, but suggests that the problematic is irrelevant since the Treaty establishes a total ban on the two of them. In practice, however, the issue is far from being irrelevant. As we saw, Article 1.1 states the definition of torture. CIDT is not mentioned in this opening statement. 2.1. binds the signing states to preventing torture as described before and 2.2. also precludes torture in emergency situations, “whether a state of war or a threat of war, internal political instability or any other public emergency.” It is not until 16.1, however, where the category of CIDT is directly addressed:

Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article I, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. In particular, the obligations contained in articles 10, 11, 12 and 13 shall apply with the substitution for references to torture of references to other forms of cruel, inhuman or degrading treatment or punishment.

This particular configuration of the articles in the text has been interpreted by some commentators as releasing signers of the duty to prevent acts of CIDT in exceptional circumstances. Fritz Allhoff, for example, vindicates this reading in his analysis of torture and understands that “extraordinary circumstances” are those instances that resemble the Ticking Time Bomb Case. John Yoo holds the opinion that the current “war against al-Qaeda” releases the U.S. of its allegiance to Article 16.

Regardless whether it was the intention of those who issued the treaty to allow for these interpretations or not, it clearly opens the gate for certain shortcuts.

The ambiguity that surrounds the issue of CIDT in the Treaty is further accentuated by the fact that neither CAT nor previous or equivalent treaties offer a clear definition of the type of practices that amount to it. We often find that, lacking a proper definition, the category of CIDT is defined in opposition to Article 1.1. “Cruel, inhuman or degrading treatment or punishment” is that which is not as severe as to amount to torture but is, nonetheless, condemnable. The same writing in reverse is found in the text from the U.N. Declaration on Protection from Torture (1975), the precedent to CAT, which defined torture as an “aggravated and deliberate form of cruel, inhuman or degrading treatment or punishment.” The clarifications offered by Amnesty International also lead us to address the issue in the negative: when torture is not severe or intentional, we call it CIDT.

The Human Rights Committee does not “consider it necessary to draw up a list of prohibited acts or to establish a sharp distinction between the different types of punishment or treatment” which, according to the UNVFVT “enables the Committee to encompass within the scope of this prohibition, acts that would not necessarily fall within the concept of torture at the time where a strict legal definition would have been adopted (2011:3).” Instead of an exhaustive legislation, these organisms prefer that each individual case be studied in terms of its own particular characteristics. In *Ireland v. United Kingdom*, The European Court stated that in order to fall within the scope of Article 3, an act of ill-treatment, whether it is torture, inhuman or degrading treatment or punishment, must attain a minimum level of severity. The assessment of this threshold of severity is made in regard of the specific circumstances of the case and the Court considers the following:

- duration of treatment;
- physical effects of treatment;
- mental effects of treatment; and
- sex, age and state of health of the victim.

Although it is true that the open-endedness of the definition allows for the constant inclusion of new methods within the protection of the CAT, it also allows state members to violate their commitment to the Treaty by means of offering counter-interpretations of the subjective factors of the definition. I am not saying that this is

something specific to the prohibition of torture, nor a problem that arises only from the vagueness of the definition offered by the CAT. As Stanford Levinson observes, “What all lawyers (and most laypersons) know is that legal prohibitions often act as implicit permission to do, at least as a matter of law, anything short of what is prohibited (2004:28).” However, it is easy to foretell the type of shortcuts that will be used just by paying attention to the inherent instability of such concepts as “severity,” particularly when talking about pain.

An approach that can give us an idea of the vagueness of the concept (and its implications) derives from the fields of semantics and the philosophy of language.

“Severity” and Vagueness

A basic notion in grammar is the distinction between gradable and non-gradable adjectives. Gradable adjectives get their meaning from a relational context. When we say “My friend is tall,” we more or less understand the extent of the word “tall” because we have a sense of the average height of our countrymen and measure it against it. Predicates like these, which consist of gradable adjectives in the positive form, present us with the problem of vagueness. They have three characteristics: contextual variability – “My friend” might be tall in Bolivia, where average male height is 1,60, but not in Denmark, where it’s over 1,80 –; the existence of borderline cases – we can agree that a 1,80 meters tall man is tall, and a 1,60 meters man is short, but what about a 1,70 meters tall man? – and (very related to the previous characteristic) the so called Sorites Paradox:

P1. A 1,80 meters tall man is tall.

P2. Any man who is 1 mm shorter than 1,80 is tall.

P3. If we repeat the process enough times, is a 1mm individual still tall?

Where did it change? (Kennedy, 2007).

a) Contextual Variability

If we analyze CAT’s proposition “Torture is severe” under this light, we get an idea of the practical problems that have arisen from such a definition. First of all, it assumes that pain can be objectively measured – so that we can establish an “average pain score” that allows us to judge individual abuses as “mild” or “severe”– and that

every person feels it in the same degree under the same circumstances. Representations of the torturer as a rigorous, detached doctor (white cloak, careful calculations) for whom the infliction of pain is an exact science recur in *Alias* and *24*, but are the obvious reflection of a fantasy. Wolff emphasizes that pain is not like fever, which can be objectively measured with a thermometer, but something much more ambiguous.

We know and we can tell whether pain is little or much, localized or diffuse, sharp or dull, continuous or intermittent. Yet, if we become sick and are in pain our physicians would be most surprised if we were to ask them to measure our pain. They would be unable to do so. They might perform some physical manipulations and note how much we wince under their touch or, in turn, question us about the pain we feel. In contrast, if we had a fever, we would be most surprised if our doctors failed to produce a thermometer to measure our temperature. Pain and fever are the two most common signs of disease or injury-yet one we can measure objectively and quantitatively while the other appears to be somehow vague and unmeasurable (Wolff, 1980:10-13).

For a doctor trying to evaluate the pain of her patient, the foremost difficulty derives from language. “Whatever pain achieves, it achieves in part through its unsharability, and it ensures this unsharability through its resistance to language (1985:4),” states Elaine Scarry. In her wonderful book *The Body in Pain*, she reflects on the uniqueness of pain, on what it is that makes it so difficult to be expressed in a precise, objective manner:

Contemporary philosophers have habituated us to the recognition that our interior states of consciousness are regularly accompanied by objects in the external world, that we do not simply “have feelings” but have feelings for somebody or something, that love is love of x, fear is fear of y, ambivalence is ambivalence about z. ... [But] ... physical pain -unlike any other state of consciousness- has no referential content. It is not of or for anything. It is precisely because it takes no object that it, more than any other phenomenon, resists objectifications in language (1985:5).

Language betrays us when we try to give pain form, make it exist outside our hurting bodies. Attempts have been made in the medical field, however, to ease this limitation by systematizing a vocabulary specific for the description of pain. Scarry recounts Melzack and Torgerson’s procedures to develop the “McGill Pain

Questionnaire,” a diagnostic tool that “enables patients to articulate the individual character of their pain with greater precision than was previously possible (1985:7).” Based on the words most often used by their patients in distress, these authors have defined pain along different dimensions (“thermal dimension,” “temporal dimension,” “constrictive dimension,” etc.), aware that the typical medical vocabulary that only contemplated intensity (“moderate pain” vs “severe pain”) was not able to grasp the extreme complexity of the matter. Furthermore, recent advances in the field of fMRI scans have shown that “a universal pattern of pain activation” exists that “could be used to detect pain objectively” (Yi, Klein et al., 2013:24), but the extent to which these measurements could render an accurate pain scale remains unclear. Aspects such as individual variability, habituation or other psychological variables ought to prove elusive in terms of systematization. Quoting scientific studies included in the CIA interrogation manual known as the Kubark Manual (1963), Bowden states: “As people become more familiar with pain, they become conditioned to it. Those who have suffered more physical pain than others –from being beaten frequently as a child, for example, or suffering a painful illness– may adapt to it and come to fear it less (2003).”

In short, we confronted with the following problem: 1) pain is not sharable as other experiences are, 2) pain is too complex to be described in terms of intensity only and 3) individual statements cannot be verified by means of an objective measurement, partly because not every individual responds in the same way to the same stimuli. Therefore, an statement such as “Torture is severe” can mean anything, or nothing at all, depending on the context of interpretation. Advocates of human rights might be prone to set the bar lower than, for example, government agents working in the field. I guess that no one has any doubt that severing a prisoner’s arm is a clear example of torture while shouting at that prisoner is not, but what about sleep deprivation? Here is where the second characteristic of vague statements comes into play: borderline cases. It could be argued that the inclusion of CIDT in the treaty serves the purpose of making room for these instances, but there are also borderline cases between the categories of CIDT and torture. This would not be too important if it was not for the fact that, as already explained, there exists a reading of the CAT treaty according to which CIDT 1) “are not to be committed” but need not to be criminalized, “leaving those acts without the stigma of criminal penalties” and 2) they could be used as extreme measures in extreme circumstances (Yoo, 2002). These two premises have articulated the justifications for the abuses that the CIA committed after 9/11 in the context of its Interrogation and

Detention Program and they are also present in the popular unconscious (and in popular fiction). As Lokaneeta (2010) has observed, television shows like *24* in which torture is an everyday matter, “torture” is always associated with extreme physical brutality: mutilations, broken bonds, savage beatings... This promotes among the audience a virtual image of torture in which physicality and severity are key and this leads to disregard practices which are not as “spectacular” as the ones routinely represented as “not torture.” Who could be outraged by the idea of a terrorist being waterboarded when she weekly watches Jack Bauer aim for the knee-cups of his enemies?

b) Borderline Cases

We get an overview of the phenomenon of borderline cases by examining the kind of acts that have been listed by different commentators and organisms, or have been ruled by different courts as constituting torture or CIDT.

Amnesty international (2014:26-27) has offered a list of 27 recorded methods of torture used worldwide:

1. Beating;
2. Electric shocks;
3. Stress positions;
4. Prolonged isolation;
5. Whipping;
6. Mock executions;
7. Water torture/forced suffocation;
8. Prisoners having needles pushed under their fingernails;
9. Cigarette burns;
10. Stabbing;
11. Forced drinking of dirty water, urine and chemicals (chiffon);
12. Sleep deprivation;
13. Sensory deprivation;
14. Forced abortion and sterilization;
15. Rape/threat of rape;
16. Humiliation;
17. Threats of violence to prisoner/their family;

18. Forced administration of drugs;
19. Inhumane detention conditions;
20. Deprivation of food and water;
21. Judicial corporal punishment;
22. Forcible shaving of Muslim men's beards;
23. Prisoners made to endure long periods of extreme hot/cold;
24. Boiling water poured onto prisoners;
25. Prisoners having their joints drilled;
26. Denial of medical care;
27. Melting plastic poured on prisoner's back.

However, the European Court of Human Rights has ruled many of these methods as constituting CIDT but not torture. Fionnuala Ní Aoláin explains that the Court “has developed a three-tier hierarchy of proscribed forms of treatment or punishment” and that each threshold “represents a progression of seriousness” from “forms of treatment that are ‘degrading’ to those that are ‘inhuman’ and finally to ‘torture’ (2004:214).” She offers the following description of each of the categories:

In relation to degrading treatment or punishment, the threshold has been applied to a wide variety of situations, including prison and detention conditions, corporal punishment, gender-based discrimination (including the treatment of transsexuals), and racial discrimination. Generally, degrading treatment encompasses treatment or punishment that humiliates or demeans a person in a way that shows a lack of respect for his or her dignity and personhood. It is also characterized by the feelings it arouses in the victim, including inferiority, fear, anguish, and physical or mental suffering (2004:215).

The most representative case for this distinction is the ECHR ruling on *Ireland v. the United Kingdom* (1978). In the context of the 1970s IRA terrorist violence in Northern Ireland, British forces used the so-called “five techniques” to interrogate prisoners: wall-standing for hours (stress positions), hooding (sensory deprivation), continuous loud and hissing noise, sleep deprivation and restricted food and water. Furthermore, some of the detainees denounced having been severely beaten and “forced to stand spread eagled while an interrogator kicked them ‘continuously on the inside of

the legs (Yoo, 2002).” The case reached the European Commission of Human Rights⁹ in 1976 and the Commission found that these practices, at least when used together, amounted to torture. However, the case was transferred to the European Court of Human Rights and in 1978, it reversed that ruling. Following the CAT terminology, the court concluded that the techniques listed amounted to cruel, inhuman or degrading treatment but were not extreme enough as to constitute torture.

A similar example is provided by the Israeli Supreme Court ruling in *Public Committee Against Torture in Israel v. Israel*, 38 LLM. 1471 (1999). In 1987, it was made public that the Israeli General Security Services (GSS) had engaged in torture when interrogating Palestinian suspects of terrorism. In order to investigate this matter, the Government set a commission known as the Landau Commission, headed by former Supreme Court Justice Moshe Landau. After deliberating, they resolved that in exceptional circumstances, when non-physical interrogation techniques failed, physical coercion was to be permitted. These were their conclusions:

We are convinced that effective activity by the GSS to thwart terrorist acts is impossible without the use of the tool of the interrogation of suspects ... The effective interrogation of terrorist suspects is impossible without the use of means of pressure, in order to overcome an obdurate will not to disclose information and to overcome the fear of the person under interrogation that harm will befall him from his own organization, if he does reveal information. ... The means of pressure should principally take the form of non-violent psychological pressure through a vigorous and extensive interrogation, with the use of stratagems, including acts of deception. However, when these do not attain their purpose, the exertion of a moderate measure of physical pressure cannot be avoided (Supreme Court of Israel, 2004:170).

The report contained a second secret part that detailed the kind of techniques that were allowed, in order to set “the boundaries of what is permitted to the interrogator and mainly what is prohibited to him” and avoid incurring in “physical or mental torture” (2004:171). In spite of the exact content of this second part not being public, we get an idea of the techniques that were used by means of the detainee testimonies that were gathered by different Human Rights organizations and that informed the *Public Committee Against Torture in Israel v. Israel* case.

⁹ “The Committees are not courts, but rather quasi-judicial bodies, meaning that their decisions, while important to the interpretation of treaties, are not directly legally enforceable (APT and PTCJ, 2008:2).”

As a response to the Landau Commission, a special Public Committee against Torture in Israel was created that challenged the legality of the practices of the GSS before the Israeli Supreme Court. The techniques that were discussed in the case were: (1) shaking, (2) waiting in the “Shabach” position, (3) the “frog crouch,” (4) the excessive tightening of handcuffs, and (5) sleep deprivation. “Shaking,” considered to be “the harshest,” consists of

the forceful shaking of the suspect's upper torso, back and forth, repeatedly, in a manner which causes the neck and head to dangle and vacillate rapidly. According to an expert opinion submitted in one of the applications, the shaking method is likely to cause serious brain damage, harm the spinal cord, cause the suspect to lose consciousness, vomit and urinate uncontrollably and suffer serious headaches (2004:166).

Waiting in the “Shabach” position is described as a combination of different techniques that were already listed in *Ireland v. United Kingdom* (stress positions, sensory deprivation and loud music leading to sleep deprivation) and that the U.S. Government authorized the CIA to use after 9/11. We find a representation of this technique in *Homeland*, in a scene that will be analyzed in depth in Part III, and it is also part of the torture to which Nick from *State of Affairs* submits Fatah, a terrorist that he keeps captive aboard a ship in international waters and whom he tortures for months, trying to turn him into a CIA asset.

[A] suspect investigated under the “Shabach” position has his hands tied behind his back. He is seated on a small and low chair, whose seat is tilted forward, towards the ground. One hand is tied behind the suspect, and placed inside the gap between the chair's seat and back support. His second hand is tied behind the chair, against its back support. The suspect's head is covered by an opaque sack, falling down to his shoulders. Powerfully loud music is played in the room. ... suspects are detained in this position for a prolonged period of time (2004:174).

The “Frog Crouch” consists of “consecutive, periodical crouches on the tips of one's toes, each lasting for five minute intervals.” Excessive tightening of handcuffs results in “serious injuries to the suspect’s hands, arms and feet” (2004:168). The State did not deny the use of “shaking,” “waiting in the Shabach position” and the “frog

crouch,” though claimed that both sleep deprivation and the injuries caused by the cuffs were the unintended consequence of prolonged interrogatories.

Some of the techniques here addressed, particularly the ones described as “shaking” and “the Shabach position,” constitute good examples of borderline instances between the categories of torture and CIDT. On its ruling, the Israeli Court mentioned the precedent of the European Court in the case against the United Kingdom and sided with its decision. It concluded that the GSS had no authority to “employ physical means which infringe upon a suspect's liberty during the interrogation” but avoided classifying the methods as “torture.” Nonetheless, in an allusion to CAT, it reminded that both “torture” and “other cruel, inhuman or degrading treatment or punishment” are absolute prohibitions and that “there are no exceptions to them” nor any “room for balancing” (2004:172).

Whichever their purposes, these rulings reinforce that idea that “torture” is “severe” and that the difference between “severe” and “non-severe” is vague but meant to be commonsensical. Taking an eye out of its orbit is more severe than a hard punch in the face. That should be a matter of common sense. It is dangerous, however, to deal with aprioristic conceptions of pain. It seems self-evident that “severing an arm” is “severe.” Being deprived of sleep for a couple of days is necessarily “not severe” in comparison. Elaine Scarry invites us to contrast our intuitions about pain, however, by quoting well-known tortures that consist of apparently benign actions (1985: 47). She dares the reader, for example, to try to swallow her own saliva with her head as tilted back as possible, a practice that in Greece was called “making knots.”

Only when a person throws his head back and swallows three times does he begin to apprehend what is involved in one hundred and three or three hundred and three swallows, what atrocities one's own body, muscle, and bone structure can inflict on oneself (Scarry, 1985: 48).

If our body can be turned into our own worse enemy, could “prolonged and forceful unnatural swallowing” be as “severe” as a “mutilation”? Could the instantaneous though brutal pain of a mutilation be preferable to an always increasing pain that is self-inflicted and lasts for hours or even days? Are the practices that the European Court of Human Rights deemed as CIDT *in effect* less torturous than other forms of physical brutality for which it has condemned non-European dictatorial

regimes? Did the judges try to stand naked and cold in a single position for hours before giving their verdict?

c) *Mental Torture and the Sorites Paradox*

Elaine Scarry observes that “for the person whose pain it is, it is ‘effortlessly’ grasped ... while for the person outside the sufferer’s body, what is ‘effortless’ is not grasping it (1985:4).” If it is too easy for a subject to doubt about the pain of another, when we move from the sphere of physical pain to the realm of the psychological, distrust is absolute. The difficulty and subjectivity implied in judging whether a practice amounts to CIDT, torture or none becomes even sketchier when dealing with mental suffering. Although we know the type of acts that have been listed by different tribunals as amounting to mental torture,¹⁰ CAT does not offer clarifications on this matter. The U.S. Code, on the other hand, does provide an exhaustive list of practices that are to be considered within the scope of mental torture. Point 2 of the 18 U.S. Code § 2340 states that “severe mental pain or suffering” means the prolonged mental harm caused by or resulting from (A) the intentional infliction or threatened infliction of severe physical pain or suffering; (B) the administration or application, or threatened administration or application, of mind-altering substances or other procedures calculated to disrupt profoundly the senses or the personality; (C) the threat of imminent death; or (D) the threat that another person will imminently be subjected to death, severe physical pain or suffering, or the administration or application of mind-altering substances or other procedures calculated to disrupt profoundly the senses or personality.

In a book entitled *How To Break A Terrorist: The U.S. Interrogators who Used Brains, not Brutality, to Take Down the Deadliest Man in Iraq* (Alexander and Bruning, 2008), army veteran Mathew Alexander gives an account of his experience as a senior interrogator in Iraq. He recounts the way in which he and his team helped locate and kill Abu Musab al Zarqawi, al Qaida’s leader in Iraq in 2006, by means of interrogation techniques that, allegedly, did not contemplate the use of any type of violence. “Respect, rapport, hope, cunning, and deception are our tools. The old ones –fear and control– are as obsolete as the buggy whip” (2008:6). The author earnestly disapproves

¹⁰ As mentioned earlier: instances of mind-altering drugs, threats of death (“mock executions”) or threats of torture, threats of death or torture of relatives or friends, forced witnessing of others being tortured, threats by dogs, etc.

of torture and of any way of inhuman treatment towards prisoners –even of talking about them in derogatory terms– because “dehumanizing them is the first step down the slippery slope of torture” (2008:75). This is a well-known argument that features *Battlestar Galactica’s* famous interrogational torture scene in which a human military officer tortures a Cylon, a perfectly human-looking robot, for hours in a row, feeling that her actions are justified because the enemy is nothing but a machine.

The techniques proposed by Alexander do not lose sight of the Other’s humanity or, as Neroni (2015) would put it, understand the Other as subject, that is, as a complex construct that surpasses its mere bodily existence. For Neroni, focusing on the body as a receptacle that contains truth and not as a network of desires is what constitutes the contemporary “torture fantasy.” The torture-approach is linked to the discourse of biopower, to the emphasis of modern power on the body’s “flourishing and survival” that Michel Foucault described in his writings. “Sovereignty took life and let live. And now we have the emergence of a power that I would call the power of regularization, and it, in contrast, consists in making live and letting die” (2004: 241). Biopower places the survival of the body at the center of the system. Within this worldview, torture acquires its meaning:

If the body is nothing but a biological entity that wants to survive and flourish, torturing the body is the best way to retrieve the secrets that it harbors. Under the threat of pain and death, the body reveals the truths that it contains (2015: 25).

The approach to interrogation that Alexander proposes and Neroni vindicates is related to psychoanalysis because it acknowledges the existence of the subject, “a body that doesn’t coincide with itself,” a body to which we “don’t have access” and that “plays a significant role in our desires.” As Neroni claims,

Unlike the knowable body, the subject of desire bespeaks the ineffectiveness of torture because the body does not hold the key to the subject. [...] The subject’s relationship to bodily pleasure or violence is unpredictable, and the subject doesn’t always do what is best for the body (Neroni, 2015: 26).

Alexander deals with subjects and his techniques are founded on understanding what it is that subjects long for: respect, self-importance, fulfillment of desires. He therefore proposes approaches that involve showing knowledge and respect towards the

culture of the detainee, trying to understand their origins and motivations and offering deals, whether true or false. Lying and manipulation, indeed, are crucial. Cheating is the ultimate alternative to torture. The last chain before getting to al Zarqawi, Alexander tells us, was an al Qaida officer named Abu Haydar whom he tricked into cooperation by making him believe that he would be released and made to join a secret division of Sunni members that would collaborate with the U.S. in an upcoming war against Iran. Bodies are the victims of torture while subjects are the victims of narrations. Playing with the Other's desires is a crucial tool for an interrogator, but deceit and manipulation are stereotypical feminine traits, so it is no surprise that the television series that have opted for representing the type of interrogation techniques that Alexander vindicates (*The Closer*, *Homeland* and *State of Affairs*) have done so through female characters. I will explore this and other gender-related issues in Part III, but it is important to bear in mind that when Alexander's real-life account of counterterrorism is transferred to the realm of fiction, it becomes a female account.

Trickery looks convincing as an alternative to torture, but Alexander's book contains examples that prove less clear. In the chapter entitled *The Blue BMW*, tracking a car that has been seen getting away with corpses and weapons from the site of an attack leads to the detention of three men, all brothers. The interrogators decide to focus on the eldest and try the so-called "Love of Family" approach. In the first sessions, they offer Yusif a deal: the freedom of his two younger brothers in exchange for what he knows. Yusif, however, denies any involvement in the matter; he swears he did not drive his car during the day of the attack. Angered by his stubbornness, on the second session, the author increases the pressure.

"Okay, Yusif," I begin. "My boss is furious that you will not tell the truth. Yesterday, I offered you a chance to get your brothers back home to your mother. Today, he won't allow me to do that. You had that chance and you threw it away by lying to me. ... Today, I can only offer you this deal. You tell us the truth and my boss says he will release one of your brothers. Only one. This deal ends today. If you don't take it, your mother might be alone for a long time."

The color drains from Yusif's face. His eyes start to water.

I scoot my chair a little closer. Now our knees are a cat's whisker from touching. My face is inches from his. I hand him the photos of his brothers and order, "Hold these." He takes them, and I see him sneak a glance down at them.

"Go ahead, look at them." He does.

"Now, which one will you save?"

Mustafa's translation hits him like a sneaker wave, and he stares at his brothers like a man being dragged out to sea. ... His eyes meet mine. Pleading, he cries, "I can't. Don't make me choose."

"You must. I gave you a chance yesterday."

He starts to hyperventilate. His breathing is shallow, fast, and ragged.

"Please, I beg you. Please don't make me do this."

"Your mother will be alone."

"No!"

"Who goes home to her, Yusif?"

A sob escapes him. Tears spill down his face and splatter on the concrete floor. He drops his head almost into his knees. I back up to give him some space. He clutches the photos as he gasps.

"Please. Please. Please. I am telling the truth. I cannot choose."

(2008:166-67)

The description of the scene leaves no doubt as to the angst the prisoner is experiencing due to the psychological pressure exerted on him. He is being asked to take an impossible decision, one that will render him guilty regardless of the choice. The interrogator himself is aware of the cruelty of his drill. When later on the chapter Alexander learns that he has made a mistake (a neighbor of the detainees owned the exact same car model and he is the terrorist they were looking for), he expresses his guilt as follows: "The image of Yusif doubled over in the booth, blooms in my mind. *I psychologically savaged him.* [My emphasis]" (168).

This is not the only example in the book where apparently benign approaches get closer than expected to what could be labeled as "psychological torture." When interrogating Abu Bayda, known leader of Al Qaida's operations in northern Iraq in 2006, the interrogators discover that his 17 years old son, presumed to be innocent of any charges, has however been picked up by the Iraqi police and is now in a Shia prison. Father of a Sunni leader, this means that he is in the hands of his sworn enemies. Alexander and his colleagues decide to use this as leverage. They approach Abu Bayda and offer to release his son only if he gives out the information they are looking for (215). Though subtle, I am of the opinion that a "threat of violence to the prisoner's family" is implicit here. The American interrogators acknowledge that the 17 year old innocent boy is at risk and that it is within their power to get him released, but threaten to deny their help if the suspect does not comply.

On commenting the methods proposed by Alexander, Fritz Allhoff contends that he does not find the interrogator's alternatives to torture so different from methods that fall short of it. He states his conclusions as follows:

I respectfully contend that the distinctions between these treatments and torture are far more tenuous than he [Alexander] contends. Philosophically -if not legally- does it really make a difference that he never beat a detainee? To my mind, not really. ... Either Alexander thinks that psychological torture is impossible, or else he thinks that these techniques fall short of it. ... The argument thus far portends a red herring: maybe not only is torture impermissible, but so are many of the practices in which Alexander engages (even if they fall short of torture). By arguing that his practices are not morally innocuous, the proper conclusion might be to reject them all rather than to endorse torture. What tools are then left for interrogators? (2012:160)

The concern Allhoff expresses in the above quotation has to do with The Sorites paradox described earlier and whose implications for the ongoing discussion can be formulated as follows: if there is no way of distinguishing between the three categories of a continuum ranging from mere pressure through CIDT to torture, then both "severing a prisoner's hand" and "shouting at a prisoner" are illegal and the work of the interrogator becomes impossible. Bethke Elshtain states the same concerns:

sleep deprivation and a slap in the face. Do these belong in the same torture category as bodily amputations and sexual assaults? ... If everything from a shout to the severing of a body part is "torture," the category is so indiscriminate as to not permit of those distinctions on which the law and moral philosophy rest. If we include all forms of coercion or manipulation within "torture," we move in the direction of indiscriminate moralism and legalism -a kind of deontology run amok. At the same time, we deprive law enforcement, domestic and international, of some of its necessary tools in an often violent and dangerous world (2004:79).

Both Allhoff and Elshtain expose this logical problem as part of their cases for the justification of torture in certain exceptional cases. However, the truth is that also the contrary could be argued: if there is no way of distinguishing between the three categories of the continuum, a point could be reached where everything short of torture was permitted, which would amount to legalizing torture. Levinson explains the paradox as follows:

We must be as attentive, intellectually and emotionally, to “inhuman and degrading” acts as to “torture,” lest we fall victim to accepting anything “short of torture” is in fact fully acceptable, morally even if not legally. In any event, anyone who accepts the necessity of line-drawing [...] must be willing to defend quite awful conduct that comes right up to the line. There is no way to avoid the moral difficulties generated by the possibility of torture (2004: 42).

Are the methods proposed by Alexander representative of that “awful conduct that comes right up to the line”? I have no answer to this, though it could be the case. I certainly find it shocking that Allhoff denies “a tremendous moral distinction between the practices advocated by Alexander and physical torture” (2012:160). While I do not doubt, as Posner and Allhoff do, of the existence and direness of mental torture, I am intuitively much more inclined to condone the methods proposed by Alexander than the practices addressed in cases like *Ireland v. United Kingdom* or *Public Committee Against Torture in Israel v. Israel*. However, when watching *Homeland* which, as will become clear in Part III, takes alternatives to torture based on trickery and manipulation to extremes that cause profound moral discomfort, the seed of doubt is planted. Again, it is difficult to establish a “severity” distinction between certain forms of manipulation and sheer mental torture. However, I sense that there is a difference between disjuncting a body and disjuncting a subject. The subject is fought with fictions which it can choose to believe or not, and which it can fight back with other fictions. The interrogator builds up a fantasy in which she can get trapped herself. In *Homeland*, for example, protagonist Carrie Mathison tries to catch her suspect with the fiction that she is in love with him, and the drill eventually comes true. There is a greater sense of a fair fight between the two opponents. Sheer torture, on the other hand, implies the attack upon the defenseless. The body is restrained, so it cannot fight back, and the subject has been annihilated because, as Scarry observes, pain is “world destroying” (1985: 29), it cuts the person in pain from its surroundings, it proves language failing, it blurs the margins. Neroni contends that people are subjects before bodies and that the torture fantasy is the product of a worldview that ignores subjectivity. But it can also be stated that torture is that which turns a subject into a body. It is both the product and the means to turning persons into meaningless, cultureless mashes of flesh, bonds and nerve ends.

State of Affairs: Contradictions and Confusion

I would like to end this section with an example of how the problems derived from the definitional instability of the word “torture” materialize themselves in fictional representations. In Part III I will expose how unproblematic it is for *Homeland’s* main character Carrie Mathison to state that the CIA does not torture while submitting a suspect to the “Shabach position.” This exemplifies how, as a matter of practice, the distinction between “torture” and CIDT has been used to destigmatize any practice that is not as “severe” as the paradigmatic examples of physical brutality that the word “torture” evokes. *Homeland’s* position is, to a certain extent, coherent with the official discourse that was promoted by the Bush Administration during its “War on Terror.” The Government authorized the CIA to use “enhanced interrogation techniques” after its lawyers argued that they did not constitute torture but CIDT and that the acts that fell into the category of CIDT did not constitute criminal offences under U.S. law. To account for the confusion that the slippery meaning of “torture” generates it is much more interesting to focus on *State of Affairs*, a show which does not reproduce any pre-given discourse but seemingly incurs in involuntary contradictions. The series is centered on the character of Charleston “Charlie” Tucker, a CIA analyst whose job is to daily brief Madame President on the most immediate threats that the country faces. Charlie is recovering from PTSD because she was recently the victim of a terrorist attack in which her fiancé was killed. Coherent with her trauma, the series is rich with flashbacks that take us back to two different but co-related moments in the past: 1) the death of Aaron, her fiancé; and 2) her assignment aboard a ship in international waters where her colleague Nick and herself were meant to turn a terrorist into a CIA asset. In Episodes Three and Four we see Charlie arriving at the ship that functions as a secret detention facility and which, according to Nick, is not affected by international law restrictions. Charlie is outraged by the treatment to which the prisoner is being subjected (he is half-naked, dirty, isolated in a small cell) and, particularly, by the interrogation techniques on which Nick relies. On the day of her arrival, she witnesses the drill that will go on for weeks. Nick approaches the terrorist, who is in the Shabach position, and tells him: “Today I terrorize you.” Then he covers his mouth with tape and his nostrils with his hands and lets him suffocate for some seconds. Charlie looks on speechless, but we sense that she is disgusted. Right before allowing him to breathe again, Nick takes a picture of the detainee’s terrified face, just to show it to him

afterwards. “This is what 30 seconds with me look like. Want to see what a day looks like, a week, a month?” The drill continues with Nick pouring gasoline over the man’s head while he asks him about the whereabouts of the leader of his cell. Charlie’s anguish escalates as Nick takes out a lighter, lights it and takes it close to the terrorist. She eventually screams, begging him to stop and they both leave the interrogation room. In the argument that follows, Charlie lectures Nick on the illegality and inefficacy of his methods:

CHARLIE: What you're doing is illegal.

NICK: Hey, I'm not Agency on this one. I'm a private contractor.

CHARLIE: It's illegal and ineffective. Fattah is traumatized.

NICK: Yeah, yeah, I hope so.

CHARLIE: You're making it worse. He's never gonna talk to you.

NICK: He is second or third in command behind Sheikh Hakam, and I'm gonna break him.

CHARLIE: Fattah, his loyalty is to family. His brother recruited him and then was killed.

NICK: Yeah, I know. I read the file.

CHARLIE: Then read between the lines! [...] Access those emotions.

For several episodes, there is a subplot (told by flashbacks) that tracks Charlie’s attempts to stop Nick from torturing the terrorist and replace him in the interrogation room. Charlie’s methods, which are non-coercive and meet some of Alexander’s rapport building techniques, work where Nick’s had failed. For some episodes, Charlie becomes the leader of anti-torture arguments in the realm of counterterrorism fiction, perhaps the first of her kind. However, as the series advances and this subplot is buried, she forgets her speech. In one of the last episodes of the series’ only season (1.11) Charlie needs to find a terrorist who has escaped police custody and is suspected to be about to commit an attack. The situation is that of a Ticking Time Bomb, in a sense, but we soon realize that the terrorist is nothing but a scared, brainwashed child who is wounded and has sought refuge in the woods where he used to hunt with his father. He is no big threat, but he has valuable information about *the* threat. Therefore, when Charlie finds him bleeding out, she stops her colleague from calling an ambulance.

CHARLIE: You're dying, Kenneth. You're bleeding out. So you have somewhere between three and five minutes before your body shuts down and you slip into unconsciousness. [...] In ten minutes you'll be dead. All that talk about Jihad, and death... You don't wanna die, do you? [...] Do you wanna die today like a fool or do

you want me to call an ambulance and save the life you've cast aside? Tell me now, Kenneth. Do you want to die today?

Charlie is threatening Kenneth to let him die if he does not cooperate. She is also benefiting from the pain he feels from injuries which are the result of his resistance to arrest. So far, the situation looks similar to the *Chavez vs. Martínez* case discussed earlier. There is a combination of psychological torture (“threat to life/fear of death”) and torture without specific intent. Still, the scene gets worse.

CHARLIE: Tell me now, Kenneth. Do you want to die today?

KENNETH: No.

CHARLIE: There's going to be another attack, right?

KENNETH: Yes.

CHARLIE: What time?

KENNETH: I don't know.

Dissatisfied with his answer, Charlie presses his open wound with the tip of her boot. It is only a second, but it is enough. The kid does not know the time of the attack, but promptly produces the number of bombs that are about to go off and the name of the man who has them. A massive strike is therefore prevented. In spite of Charlie's earlier claims, torture has just proved effective. What can be made out of this contradiction? Has Charlie changed her views on torture or is it that her actions are not severe enough to receive that label? Is “torture” even possible when you barely touch a man with your boots?

The scene reproduces a pattern that I will analyze in depth in Parts II and III (namely, The Ticking Time Bomb Case as the quintessential justification for torture) but at this point I just want to emphasize the contradictions and ambiguities that the concept of “torture” leads to. Charlie can be outraged at the continued torture of a terrorist in a secret detention facility, strongly arguing against the practice, and yet be herself the torturer of a young agonizing kid if the situation is crucial and her methods are not too gruesome. I believe that the crucial explanation for Charlie's change of attitude is that in Episode Eleven there is an imminent threat to be averted while there was no “imminence” in the ship where they kept the terrorist (this ambivalence is present in *Lost* and will be properly analyzed in Part II). However, the flexibility of the word “torture” is also important for the character to stand up. Charlie is a diligent, professional, intelligent woman, but her character does not break gender stereotypes in

any relevant way other than in possessing agency. She is a mid-western feminine beauty, soft, compassionate and caring. It would be impossible to feature her torturing a suspect by extracting his nails, or even by punching him. None of the paradigmatic physical brutality routines that “torture” immediately evokes can be associated with Charlie. I am positive that there were people who watched the scene just described and did not think of the taboo word. If torture is “severe physical brutality” only as some interpretations of the CAT propose and as the relentless representation of torture in television has helped to establish, it is possible for Charlie to be both an anti-torturer paladin and a torturer, just like Carrie Mathison from *Homeland* can say that the CIA does not torture while she submits her prisoner to the Shabach position.

International Treaties are texts and, as all critical theorists are well aware of, meaning only exists in the reader. The definition of “torture” that is found in international human rights treaties could be bettered, but it could never exist outside of language, that is, it could never be immune to vagueness, nor to biased interpretations. The fact that the CAT provisions have been recently bended and twisted by one of its most notable signatory countries is the effect of a very particular historical event, September 11, and of a very particular context: the unprecedented concessions that the Central Intelligence Agency was granted by the Bush administration in the aftermath of the attacks or, to put it shortly, the history behind the CIA’s Detention and Interrogation Program.

THE TICIKING TIME BOMB SCENARIO AND THE DEBATE ON THE PERMISSIBILITY OF TORTURE

Torture Strikes Back: From Public Lynchings to “Torture Lite”

Michel Foucault’s classic book *Discipline and Punish: the Birth of the Prison* (1977) famously opens with the detailed description of the public torture and execution of Damians the regicide in 1757. His torment epitomizes the end of an era. The second half of the 18th century saw the emergence of a different type of institutional form of punishment in Europe, the modern prison that was fully consolidated in the 19th century

and which involved “the disappearance of torture as a public spectacle” (1977:4). In pre-modern times, torture served different purposes. First, it aimed at extracting a confession (confessional torture). Once the confession was obtained, it served as punishment for the crime committed (punitive torture) and, at being publicly exhibited, as dissuasion for future criminals (exemplifying/terroristic torture).

As Jerome H. Skolnick observes, the United States has its own history of torture, “though hidden by other labels” (2004:105). A practice that was not fully abolished until the beginnings of the civil rights movement of the 1960s was the public lynching, both by the police and by white vigilantes, of Southern blacks who stepped out of their place in the caste system. Furthermore, although the right to due process is a clause included in the Constitution since the 19th century, the 1936 Supreme Court ruling in *Brown v. Mississippi* is proof that evidence obtained under torture was admitted in trials. As related by Skolnick, in *Brown v. Mississippi* “no evidence, except for their confessions, was produced against three black tenant farmers accused of murdering a white planter” (2004:107). As acknowledged by the chief justice of the United States Court, Charles Evan Hughes, “the suspects were arrested and privately tortured by the police,” and yet their “confessions” were “admitted as evidence by the Mississippi trial court” (qtd. by Skolnick, 2004: 108). Irrespective of their race and well into the 1960s, the so called “third degree,” a euphemism for police brutality, that is, for physical coercion in the interrogation room aimed at forcing an admission of guilt, was a common practice among police detectives.

However, the 1966 *Miranda v. Arizona* ruling by which it was established that no defendant could be interrogated by the police before being read his rights to avoid self-incrimination and to consult with an attorney (this is the origin of the famous “Miranda warnings,” the litany that we have heard religiously read aloud by every American and film and television cop, “you have the right to remain silent...”) marked the beginning of a period in which the Fifth and Fourteenth amendments¹¹ became invulnerable precepts. What follows from this evolution toward greater guarantees in the law system, particularly from the fact that no evidence gained by coercion can be

¹¹ The Fifth and Fourteenth Amendments to the United States Constitution each contain a Due Process Clause. Due process deals with the administration of justice and thus the Due Process Clause acts as a safeguard from arbitrary denial of life, liberty, or property by the Government outside the sanction of law. The Supreme Court of the United States interprets the Clauses as providing four protections: procedural due process (in civil and criminal proceedings), substantive due process, a prohibition against vague laws, and as the vehicle for the incorporation of the Bill of Rights.

admissible at court of law, is that nowadays torture is “used to gain information rather than evidence” (Skolnick, 2004:110).

Punitive, confessional and exemplifying/terroristic torture are almost extinct practices in democratic regimes, but counterterrorism’s reliance on intelligence gathering seems to be an important factor in the recent spread of interrogational torture. “To counter an enemy who relies on stealth and surprise, the most valuable tool is information, and often the only source of that information is the enemy himself,” observes journalist and writer Mark Bowden (2003).¹²

The European Court of Human Right’s condemnatory sentences regarding torture have mainly focused on countries with domestic terrorism. In 1978 *Ireland v. United Kingdom* the Court ruled that British forces had incurred in practices that fell short of torture against IRA members. In *Etxebarria Caballero v. Spain* and *Ataun Rojo v. Spain*, Spain has been recently condemned for a violation of Article 3 (prohibition of inhuman or degrading treatment) on account of the lack of an effective investigation into the applicants’ allegations of ill-treatment (European Court of Human Rights, 2017:2). In the United States, 9/11 has brought back to the limelight practices that seemed buried in the past, apparently at least. Some argue that the kind of abuses that were visible in pictures like those from Abu Ghraib are nothing new. Alfred McCoy contends that they show “the genealogy of CIA torture techniques, from their origins in 1950 to their present-day perfection” (2007:5). He is referring to recently declassified documents that prove that from 1950 to 1962 the CIA conducted secret psychological and medical experiments “with hallucinogenic drugs, electric shock, and sensory deprivation” (2007:7) for the sake of perfecting interrogation techniques. The results of those experiments are visible in the recommendations contained in manuals like The KUBARK Counterintelligence Interrogation Manual, issued by the CIA in 1963 and declassified in 1997. The Manual distinguishes “Non-coercive Counterintelligence

¹² Mark Bowden is the author of *Black Hawk Down: A Story of Modern War* (1999), the book which became the 2001 Ridley Scott movie, and of a long piece on interrogational torture, *The Dark Art of Interrogation* (2003) to which I will go back later and which was also adapted for the screen, turned into a documentary that was distributed by channels like the History Channel. I will refer to the original text only, but the documentary is an excellent example of the degree of normalization that discourses justifying and defending torture acquired in the years after 9/11 (perhaps until the scandal of Abu Ghraib). This was a documentary distributed by a reputed and allegedly unbiased channel like the History Channel and which argued, with a matter-of-fact, scientifically informed tone, for the necessity of “torture” (though the word is, of course, masterfully avoided). It can be watched on Youtube accessing the following link: <https://www.youtube.com/watch?v=BS6WTVmIOHw&t=1556s>

Interrogation,” which favors rapport and deceit techniques such as the Good Cop/Bad Cop role play, and “Coercive Counterintelligence Interrogation.” Although the latter section opens with a warning not to understand its discussion of available techniques as a “blanket authorization” to use them, it argues for sensory deprivation and stress positions as reliable techniques. “[W]hereas pain inflicted on a person from outside himself may actually focus or intensify his will to resist, his resistance is likelier to be sapped by pain which he seems to inflict upon himself” (1963:94), states the manual. In the light of this, McCoy reads “the notorious photo of a hooded Iraqi on a box, arms extended and wires to his hands” as a materialization of the KUBARK procedures. “The hood is for sensory deprivation, and the arms are extended for self-inflicted pain” (2007:8).

The CIA’s involvement in criminal activities in foreign countries is neither new. Chomsky (2001 and 2006) brought into post-9/11 media and scholarly debates the darkest history of U.S. Cold War activities in foreign countries, particularly in Latin America and the Middle East where it helped overthrow democratic governments to replace them with criminal fascist regimes. One paradigmatic case is that which in Latin America is often called “the first 9/11,” the overthrow of the democratic government of Salvador Allende with a military coup sponsored by the U.S. that placed dictator General Pinochet in power. Atrocities backed up by the American Government under the belief that the communist threat had to be eliminated ‘no matter what’ included the brutal murder of six leading Latin American Jesuit priests and intellectuals by a Salvadorean battalion which had been “train[ed] at the JFK School of Special Warfare, acting on direct orders of the high command of the U.S” (Chomsky, 2016: 20) or the soon-to-become tragic Operation Cyclone, the CIA program that armed the *mujahideen* in Afghanistan so that they fought the socialist regime between the years 1979 and 1989. Chomsky asks us to contrast these actions with the official definition of “terrorism” that appears in the U.S. Code and to ask ourselves if there is any real difference between the acts committed by the U.S. and by its “terrorist” enemies. The U.S. Code describes acts of terrorism as

any activity that (A) involves a violent act or an act dangerous to human life that is a violation of the criminal laws of the United States or any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State; and (B) appears to be intended (i) to intimidate or coerce a

civilian population; (ii) to influence the policy of a government by intimidation or coercion; or (iii) to affect the conduct of a government by assassination or kidnapping.

According to this definition, Chomsky argues, long before it became the victim of terroristic violence, the U.S. had become “a leading terrorist state.” However, this is not rendered evident because “‘terrorism’ conventionally means ‘terrorism directed against us and our friends.’” (Chomsky, 2001: 75) Fundamentally, Chomsky is giving voice to Max Weber’s views on the state as the exclusive holder of “*the legitimate use of physical force*” (1946: 77). Islamic terrorists do not exert a legitimate type of violence because they lack ‘territory,’ that is, a politically constituted community to back it.

There was, therefore, nothing unprecedented in “The War on Terror,” neither in its tactics nor in its philosophy, except, for the boundless prerogatives that the Central Intelligence Agency was granted by the Bush Administration and which led to the legalization of torture. As Jane Mayer observes, “there was nothing new about torture, [but] its authorization by Bush Administration lawyers represented a dramatic break with the past” (2009: 8). Bush’s War on Terror was an unusual war because it was not run by the Department of Defense but by the CIA. “To the dismay of Rumsfeld, the Department of Defense had no military plan for defeating Al Qaeda in Afghanistan on hand at the time [in the immediate aftermath of the attacks], which forced the Pentagon to yield the lead role to the CIA” (33). Despite the many mistakes it committed (the most notable being that it failed to inform the FBI of its knowledge about two suspected terrorists that had entered the U.S. and where receiving flying lessons), the Agency’s Counter Terrorism Center (CTC), led by Cofer Black, had been worried about bin Laden long before September 11 and it had repeatedly tried to persuade the Government of the seriousness of the threat with no success. Now, they were finally being paid attention to and they had an aggressive plan ready to be implemented at once that President Bush subscribed enthusiastically, “reportedly respond[ing] with a line that would later become the unofficial motto of Jack Bauer, the macho terrorist-busting hero of Fox Television’s fantasy melodrama *24*. ‘Whatever it takes’” (31). On September 16, Cofer Black presented the President with a “finding” that

included the inauguration of secret paramilitary death squads authorized to hunt and kill prime terror suspects anywhere on earth.

A week earlier, these deaths would have been classified as illegal assassinations. Under the new legal analysis, such killings were sanctioned as acts of national “self-defense.” Black’s proposal was nothing less than a global plan for a secret war, fought not by the military, with its well-known legal codes of conduct and a publicly accountable chain of command, but instead in the dark by faceless and nameless CIA agents following commands unknown to the American public (Mayer, 2009: 39).

As CIA veteran John Maguire put it:

Cofer and the CTC got exactly what they wanted all along, but were stopped from getting before, which was the authority and the congressional funding to do anything they wanted and needed to succeed. Before, they had been neutered. They couldn’t do anything that resulted in injury or death. But after September 11, the gloves came off (qtd. in Mayer, 2009: 41).

Torture became sanctioned in the War on Terror as part of the capacities that the CIA was granted in the context of a program that is usually referred to as the CIA’s Interrogation and Detention Program. One of its most controverted practices was known as “extraordinary rendition,” which allowed for the extradition of “criminal suspects from one foreign country to another outside of the recognized legal process” and whose “unstated purpose” was eventually found out to be “to subject the suspects to aggressive methods of persuasion that were illegal in America—including torture” (Mayer, 2009: 103). Lawyers working in secret for the White House found the legal justifications needed to make this program possible. In addition to exploiting the soft spots of the CAT’s definition of “torture,” to account for the practice of indefinitely imprisoning suspects without charges it was crucial that they came up with the designation of terrorist prisoners as “unlawful enemy combatants.” As opposed to “Prisoners of War,” “unlawful enemy combatants” are not protected by the provisions of the Geneva Convention which enforces *habeas corpus* and forbids cruel treatment and torture.

As Mayer states, “[t]he redefinition of America’s standards for the treatment of its enemies took place almost entirely out of public view” (Mayer, 2009: 43) and it was not until the spring of 2004, once the Abu Ghraib scandal was made public, that all the hidden secrets of the War on Terror began to come to light in the form of hard evidence rather than rumor. However, almost immediately after 9/11 a public debate on torture that involved legal scholars, philosophers, fiction writers and politicians started to heat

up. As Stanford Levinson (2004:16) observes, the question of whether the total ban of torture should be abolished in the exceptional circumstances surrounding the War on Terror was as early raised as 21 October 2001. In *The Washington Post*, an article by Walter Pincus entitled “Silence of 4 Terror Probe Suspects Poses Dilemma for FBI” gave voice to the alleged frustration of FBI and Justice Department investigators at the silence kept by the first detainees linked to Osama bin Laden’s al Qaeda network. “[S]ome are beginning to say that the traditional civil liberties may have to be cast aside if they are to extract information about the Sept.11 attacks and terrorist plans” (Pincus, 2001).¹³ By then, most of the measures above described had already been taken, though only a few were made public. Two days after 9/11, the U.S. Congress authorized President George W. Bush to take force against any nation, organization or individual linked to international terrorism and after the Taliban declined to extradite Osama bin Laden, the launching of Operation Enduring Freedom on 7 October 2001 gave start to the Afghanistan war, which was to be the longest-running in American history. On November 2001, an executive order which allowed non-US-citizens to be indefinitely held without charges was the last necessary step before opening the detention facility at Guantánamo Bay. The first 20 prisoners arrived 11 January 2002. Following Mark Bowden’s account, by October 2003 the following was true:

three inmates have died in U.S. custody in Afghanistan, and reportedly eighteen prisoners at Guantánamo have attempted suicide; one prisoner there survived after hanging himself but remains unconscious and is not expected to revive. Shah Muhammad, a twenty-year-old Pakistani who has held at Camp X-Ray for eighteen months, told me that he repeatedly tried to kill himself in despair. “They were driving me crazy,” he said. Public comments by Administration officials have fueled further suspicion. An unnamed intelligence official told *The Wall Street Journal*, “What’s needed is a little bit of smacky-face. Some al-Qaeda just need some extra encouragement.” Then there was the bravado of Cofer Black, the counterterrorism coordinator, in his congressional testimony last year. ... Describing the clandestine war, Black said, “This is a highly classified area. All I want to say is that there was ‘before 9/11’ and ‘after 9/11.’ After 9/11 the gloves came off (Bowden, 2003).

¹³ *The Senate Report on CIA Torture* has blamed the CIA for leaking false information to the press. In seeking approval for their “enhanced interrogation techniques” they manipulated results (for example, they claimed that torture had been successful in obtaining important intelligence in cases in which it had not been so) and leaked them to the press with the intention of bending public opinion to their side.

The Committee Study of the Central Intelligence Agency's Detention and Interrogation Program, a report that contains the findings of an investigation opened by the Senate in 2009 into the practices of the CIA between late 2001 and early 2009, places a significant amount of responsibility on the CIA as the agency that pushed the executive to condoning and justifying the use of torture in The War on Terror. The Senate Report, which consists of 525 pages that were declassified in 2014 (the full report is over 6,000 pages long), sketches the history of the CIA's Detention and Interrogation Program from the detention of Abu Zubaydah, "the first major catch in the War on Terror" (Bowden, 2003), in late March 2002, to the Program's termination in 2009 when President Obama prohibited the CIA to indefinitely hold detainees and use techniques different from those included in the Army Field Manual. As the report details, on the very same day that Abu Zubdayah was captured, CIA attorneys began to discuss "interpretations of the criminal prohibition on torture that might permit CIA officers to engage in certain interrogation activities" (*Senate Report*, 2014:22). Different reports and memoranda circulated between the CIA headquarters and the Department of Justice seeking the approval to use waterboarding and 10 other interrogation techniques (the attention grasp,¹⁴ walling, the facial hold, the facial slap, cramped confinement, wall standing, stress positions, sleep deprivation, use of diapers and use of insects) on Abu Zubaydah. Although it was eventually confirmed that the prisoner did not have any life-saving intelligence, the CIA used the Ticking Time Bomb argument to pressure the Department of Justice, alleging that "countless more Americans may die unless we can persuade Abu Zubaydah to tell us what he knows" (37). On August 2, 2002, the CIA obtained approval to employ its "enhanced interrogation techniques."

As it was later leaked, the day before the approval, 1 August 2002, Assistant Attorney General Jay S. Bybee from the U.S. Department of Justice's Office of Legal Counsel signed a Memorandum originally written by John Yoo and addressed it to Alberto R. González, Counsel to George W. Bush, answering his petition to be informed about the "Office's views regarding the standards of conduct under the Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment" (Yoo, 2002). As drafter John Yoo understood it, the question had "arisen in the context of the conduct of interrogations outside of the United States." The

¹⁴ "The interrogator grabs the detainee by the collar, with two hands, and pulls him closer in, according to a description of the technique by former CIA acting general counsel John Rizzo." (*Associated Press*, 2014)

President wanted to know how short of torture the conduct of his interrogators could fall without infringing Section 2340, the statute by which the CAT is ratified in the U.S. Code.

The memorandum, best known as the Bybee-memo, made an especial emphasis on the “severity” condition that distinguishes between torture and CIDT because it concluded that “the statute, taken as a whole, makes plain that it prohibits only extreme acts” (Yoo, 2002). As I have commented on in the previous section, the memorandum disregarded “mental torture” because of the condition of “specific intent” (the prolonged nature that mental harm needs to have in order to amount to torture is not foreseeable by the interrogator) and, though it reminded the President of his Commander-in-Chief powers which would make “enforcement of the statute ... an unconstitutional infringement of the President’s authority to conduct war” as he pleases, it also offered two possible defenses in case any individual faced criminal liability under Section 2340: necessity and self-defense.

The Bybee Memo’s emphasis on the differentiation between torture and CIDT was meant to be read as a *carte blanche* to indulge in practices that had been ruled by different courts as illegal but not amounting to the necessary severity to be considered torture. The two paradigmatic cases of *Ireland v. Great Britain* and *Public Committee Against Torture in Israel v. Israel* are analyzed in the memo, giving a detailed account of the techniques as if to suggest their similarity to the practices proposed by the CIA. Many of the techniques (sleep deprivation, wall standing, hooding, subjection to noise, shaking, deprivation of food and drink) are indebted to the combination of “self-inflicted pain” and “sensory deprivation” that the KUBARK manual proposed (1963). Waterboarding is not quoted in the memos but was repeatedly used on Abu Zubaydah and other detainees at CIA facilities. Together, they constitute the category that has been referred to as “stress and duress techniques,” “coercive interrogation techniques,” “enhanced interrogation techniques” or “torture lite” in an attempt to isolate its practices from the “severe” category of “torture.”

In *The Dark Art of Interrogation* (2003) Mark Bowden contends that there is torture (the type of brutal practices that “[c]ivilized people everywhere readily condemn”) and

Then there are methods that, some people argue, fall short of torture. Called “torture lite,” these include sleep deprivation,

exposure to heat or cold, the use of drugs to cause confusion, rough treatment (slapping, shoving, or shaking), forcing a prisoner to stand for days at a time or to sit in uncomfortable positions, and playing on his fears for himself and his family (Bowden, 2003).

Considered in abstraction and isolation, Bowden is probably right to contend that these practices do not inspire the type of repulsion and condemn that mutilations or bamboo needles do. The detailed report of the treatment to which Abu Zubaydah was submitted, however, is difficult to be characterized by any other word than “torture.” For 47 days before the formal interrogation began, Abu Zubaydah was isolated in a white cell

with no natural lighting or windows, but with four halogen lights pointed into the cell. ... [E]ither loud rock or music was played or noise generators were used to enhance Abu Zubaydah’s ‘sense of hopelessness’... [he] was typically kept naked and sleep deprived (*Senate Committee Report*, 2014: 28-29).

After this isolation period and for consecutive 20 days, 24-hour-per-day, “the most aggressive interrogation phase began” (40), consisting of routines like this:

Security personnel entered the cell, shackled and hooded Abu Zubaydah, and removed his towel ... Without asking any questions, the interrogators placed a rolled towel around his neck as a collar, and backed him up into the cell wall (an interrogator later acknowledged the collar was used to slam Abu Zubaydah against a concrete wall). The interrogators then removed the hood, performed an attention grab, and had Abu Zubaydah watch while a large confinement box was brought into the cell and laid on the floor ... so as to appear as a coffin (40-41).

That evening, the prisoner “was waterboarded for the first time,” and according to the cables, he was submitted to this technique 2-4 times a day. When he was left alone, “he was placed in a stress position, left on the waterboard with a cloth over his face, or locked in one of the two confinement boxes.” The interrogators described that waterboarding sessions “resulted in immediate fluid intake and involuntary leg, chest and arm spasms” that often distressed Abu Zubaydah “to the level that he was unable to effectively communicate” except for the articulation of “hysterical pleas.” (2014: 41-42) *The Senate Report* also records the reactions of the personnel that watched these

interrogations. Four days after the aggressive phase had begun, a cable stated: “Several on the team profoundly affected ... some to the point of tears and choking up” (44). Coincidentally released the same year that the Report was made public, *State of Affairs* is the only series in my corpus that represents the brutality of these techniques withoutedulcorating them or downgrading their harshness, as *Homeland* does.

Referring to the treatment to which Abu Zubdayah and many other prisoners under the CIA’s Detention and Interrogation Program were submitted as “torture” or as *mere* “cruel and inhuman treatment” has important legal implications, as I have already exposed. However, this definitional aspect was not so central to the public debates concerning torture that were fueled after 9/11 not by media or official reports on what was actually taking place but rather by the general atmosphere of fear, paranoia, patriotic jingoism and “tough guy” mentality that was spread (and that will later be analyzed by following Susan Faludi’s (2007) account.) The debate on torture took form in legal, philosophical, political and fictional texts. For most commentators, the issue was not whether *waterboarding* amounted to torture or to CIDT within the context of the CAT treaty, but whether abuses of any type could be understood as amounting to the lesser evil in certain extreme circumstances. The main fight, therefore, was placed on questioning the absolutist nature of the human rights ban on torture. In the following section, I will review its main tenets.

Torture and the Ticking Time Bomb Case: Kantians vs. Benthamites

As Jeremy Davies notes, “[t]he last decade has seen an intense debate, unprecedented since the late eighteenth century, about the ethical status of interrogational torture” (2012:1). Its most relevant and early agitator was Harvard Law Professor Alan Dershowitz who in 2002 published a book entitled *Why Terrorism Works: Understanding the Threat, Responding to the Challenge* in which he proposed that torture in extreme circumstances should be legalized. Dershowitz, himself a civil libertarian, abhors of torture “as a normative matter” (2004: 266) and wishes to reduce or eliminate it, but finds the current situation in which the practice is tolerated and carried out under the radar, without accountability, unacceptable. His argumentation starts by undermining the idea that torture, as human rights treaties contend, is never admissible. According to him, there are certain extreme circumstances –where there is a clash between two competing rights, where torture is the lesser of two evils– in which

nobody would oppose it. Therefore, his proposal is to issue “torture warrants” that would allow interrogators to lawfully engage in torture when confronted with such extreme circumstances. The decision to whether a situation is desperate enough to break the general prohibition would be at the hands of the judges, who would examine cases one by one and force permissible instances of torture to be made public.

The extreme circumstances under which Dershowitz considers torture admissible are the ones described by the Ticking Time Bomb scenario. This hypothetical has a long history as it has often been used in casuistry to speculate about moral dilemmas, that is, about what the best course of action is when we have to choose between two evils. Jeremy Bentham, the father of utilitarianism, is often credited for being the first to introduce the concept in the late 18th century. In an essay entitled “Of Torture,” the author argues that “there are a very few cases in which for a very particular purpose, torture might be made use of with advantage” (1973: 308). The cases Bentham alludes to are two: a) situations in which a man refuses to do something that he is capable of doing and therefore, his not doing it is proof of his guilt, and b) situations where

a man is required what probably though not certainly it is in his power to do; and for the not doing of which it is possible that he may suffer, although he be innocent; but which the public has so great an interest in his doing that the danger of what may ensue from his not doing it is a greater danger than [...] an innocent person’s suffering” (1973: 309).

Contemporary descriptions of the Ticking Time Bomb Case have given a concrete form to those “few cases” whose existence legitimized the use of torture for Bentham. A typical formulation adapted to the settings of contemporary global terrorism is offered by Bargaric and Clarke:

A terrorist network has activated a large bomb on one of hundreds of commercial planes carrying more than three hundred passengers that are flying somewhere in the world at any point in time. The bomb is set to explode in thirty minutes. The leader of the terrorist organization announces this via a statement on the Internet. He states that the bomb was planted by one of his colleagues at one of the major airports in the world in the past few hours. No details are provided regarding the location of the plane where the bomb is located. Unbeknownst to him, he was under police surveillance and is immediately apprehended by police. The terrorist leader refuses to

answer to police questions, declaring that the passengers must die and will shortly (2007).

The ensuing question is this: should the police torture the detainee?

Following Fritz Allhoff, “all moral theories can be categorized into one of two groups: absolutist or nonabsolutist” (2012: 113), deontological (rights-based) and utilitarian (means-based). Absolutist theories “posit moral rules that can never, under any circumstances, be justifiably violated” and “they can be subdivided into two types: absolutist in principle and absolutist in practice” (113). Absolutist in principle is the most extreme approach and is informed by Kant’s notion of a categorical imperative, a precept that must be obeyed in all circumstances, irrespective of the context. A famous example in which the inflexibility of his views is manifested is that of the duty to tell the truth. According to Kant, if X receives the visit of a murderer who intends on killing his friend Y, X must tell the murderer the truth when inquired about Y’s whereabouts, even though it will lead to Y being assassinated (Johnson and Cureton, 2017).

Human rights law legislation on torture is absolutist in principle because it posits that there is no context under which torture can be considered admissible, not even a Ticking Time Bomb Case. A typical example of this approach is an often quoted passage from *The Brothers Karamazov* by Dostoyevsky. The following words are uttered by Ivan Karamazov, who is testing the morals of his brother Alyosha who has recently become a monk. To the dilemma presented, he answers “No, I would not.”

I challenge you—answer. Imagine that you are creating a fabric of human destiny with the object of making men happy in the end, giving them peace and rest at last, but that it was essential and inevitable to torture to death only one tiny creature—that little child beating its breast with its fist, for instance—and to found that edifice on its unavenged tears, would you consent to be the architect on those conditions? Tell me, and tell the truth (1955: 229).

In the foreword to *Torture: A collection* –an insightful overview of the wide range of philosophical and legal opinions that inform contemporary debates on the status of interrogational torture, edited by Sanford Levinson– writer Ariel Dorfman aligns himself with Alyosha Karamazov, hoping that, were he presented with such a dilemma, he would “say no to such a temptation” (2004:17). He has previously reminded us that

every regime that tortures does so in the name of salvation, some superior goal, some promise of paradise. Call it communism, call it the free market, call it the free world, call it the national interest, call it fascism, call it the leader, call it civilization, call it the service of God, call it what you will, the cost of paradise, the promise of some sort of paradise, says Ivan Karamazov, will always be hell for at least one person somewhere, sometime (2004:16).

However, Dorfman's absolutism stands as a *rara avis* in Levinson's collection where most commentators endorse either a mid-point between consequentialism and absolutism or a less restrictive form of absolutism that fits into the category described by Allhoff as "absolutism in practice." In response to the Ticking Time Bomb Case, this approach acknowledges that torture is admissible within the theoretical universe of the hypothetical but when transplanted to real-world conditions, the absolute ban on torture holds. The most common arguments focus on the extreme artificiality of the dilemma. The hypothetical is based on a series of premises that prove unattainable in 99% of real cases. The most important ones are that 1) it assumes that the interrogator is certain that there is a threat, that 2) it harbors no doubt as to whether "the person to be tortured is the one" (2005: 293) and that 3) it assumes that torture is going to work. Regarding the third point, the most important pieces of criticism come from expert interrogators and real-life instances. The Senate Committee Study of the CIA's Detention and Interrogation Program concluded that "[t]he CIA's use of its enhanced interrogation techniques was not an effective means of acquiring intelligence or gaining cooperation from detainees" and it supports its claim with solid evidence:

according to CIA records, seven of the 39 CIA detainees known to have been subjected to the CIA's enhanced interrogation techniques produced no intelligence while in CIA custody. (...) Other detainees provided significant accurate intelligence prior to, or without having been subjected to these techniques. (...) While being subjected to the CIA's enhanced interrogation techniques and afterwards, multiple CIA detainees fabricated information, resulting in faulty intelligence. Detainees provided fabricated information on critical intelligence issues, including the terrorist threats which the CIA identified as its highest priorities (2014, 19).

Expert interrogators have similarly claimed the futility of torture. Tony Lagouranis, a former Army interrogator in the war in Iraq, has stated:

In Iraq, I never saw pain produce intelligence ... I worked with someone who used waterboarding ... I used severe hypothermia, dogs, and sleep deprivation. I saw suspects after soldiers had gone into their homes and broken their bones, or made them sit on a Humvee's hot exhaust pipes until they got third-degree burns. Nothing happened. ... physical pain can strengthen the resolve to clam up (Mayer, 2007).

Both in *Jericho* and in *State of Affairs* we find CIA characters who describe themselves as experts in interrogation and who make similar claims. *Lost's* professional interrogator Sayid Jarrah, on the contrary, is represented as a man who has been morally devastated by his job as a torturer, but his experience has not taught him that torture is ineffective. On the contrary, despite the personal suffering that engaging in it has cost him in the past, he somehow sacrifices himself and accepts to do it again when the situation crucially demands it.

For Elaine Scarry, the Ticking Time Bomb argument demands omniscience (“to know that the person in front of us holds this crucial information”) and this is startling given the fact that “[a]lmost all aspects of our post-September 11 world bring us face to face with our lack of omniscience” (2004:284). I quote the excerpt in which she summarizes the extent to which knowledge in the War on Terror has proven to be imperfect because it sharply illustrates the contradiction between casuistry and reality:

In the two and a half years since September 11, 2001, five thousand foreign nationals suspected of being terrorists have been detained without access to counsel, only three of whom have ever eventually been charged with terrorism-related acts; two of these three have been acquitted. ... We have failed, in two and a half years, to find the anthrax murderer, despite the fact that the precisely identified strain of anthrax limits the pool of eligible candidates to a tiny handful of people; ... We have gone to war against a country that was “known” to have weapons of mass destruction, only to find it had none. We knew our troops would be welcomed as liberators, at least by the Shi'ites, who are now killing our soldiers as the Sunnis hang our civilians from bridges. And yet, ... we are asked to entertain the possibility of lifting the unconditional prohibition against torture, and to do so by imagining that one of us will recognize the ticking bomb accomplice the moment we see him (2004: 284).

Besides the material impossibility of attaining such an omniscience as the Ticking Time Bomb requires, the case is also restricted by time (the threat has to be

imminent) and by its uncritical assumption that torture is the only means to get the life-saving information that is needed. No other intelligence gathering resources are available, and torture will undoubtedly work. The Ticking Time Bomb Case, often used as an argument to question the absolutist ban on torture, does not contemplate the possibility that, if any information should be obtained, it might be false and misleading. However, it is reasonable to expect that under extreme pain, the suspect will say whatever the torturer wants him to say to put an end to his suffering or simply to gain time. In short, as Scheppele concludes, “in the real-world situations in which the use of torture is being considered today, none of the elements that make the hypothetical so persistently persuasive is present, except the hypothetical balancing of lives” (2005: 294). As I mentioned in the Introduction, the Ticking Time Bomb Case that is represented in *Lost* and that will be analyzed in depth in the following section has been read by Parker (2008) as making a case against torture because it shows a “fake” Ticking Time Bomb. Two of the main characters torture a third believing that he has a piece of information that is crucial to save the life of a young woman, but it turns out that the man did not have that information and that there were other alternatives to save her. The show questions the feasibility of the Ticking Time Bomb Case but does not question the effectiveness or legitimacy of torture if such a case was ever presented.

A recent case in Germany that has reached The European Court of Human Rights in *Gäfgen v. Germany* is close to resembling the Ticking Time Bomb hypothetical and exemplifies the inner workings of such a dilemma and the stance taken from the absolutist human rights position.

As stated in the judgment act, on 27 September 2002 the applicant lured J., aged 11, into his flat in Frankfurt where he killed him. He hid the body and left a ransom note at J.’s parents’ place demanding one million euros. Three days later, he was apprehended by the police while picking up the ransom and was taken to the police headquarters. There, he was allowed to consult a lawyer and afterwards, during interrogation, he lied to the police by saying that the boy was still alive, hiding in a hut by a lake. On 1 October, believing that J.’s life was in imminent danger after several days without food or water, deputy chief of the Frankfurt police ordered another officer “to threaten the applicant with considerable physical pain, and, if necessary, to subject him to such pain in order to make him reveal the boy’s whereabouts.” Fearing the threat, the applicant confessed “after approximately ten minutes.” When later examined by a police doctor, it was confirmed that “the applicant had a haematoma (7 cm x 5cm)

below his left collarbone, skin lesions and blood scabs on his left arm and his knees and swellings on his feet.”

The Court held by eleven votes to six that the applicant was a victim of a violation of Article 3 of the Convention and stated that

[t]orture, inhuman or degrading treatment cannot be inflicted even in circumstances where the life of an individual is at risk ... In the Court’s view, neither the protection of human life nor the securing of a criminal conviction may be obtained at the cost of compromising the protection of the absolute right not to be subjected to ill-treatment proscribed by Article 3 (*Gäfgen v. Germany*, 2010).

The resolution is particularly interesting because it ratifies the absolute nature of the ban on torture even when confronted with one of the very few instances of real world cases that resemble a Ticking Time Bomb Scenario. However, it also bears attention to the unfeasibility of the omniscience that the hypothetical demands. The deputy chief that ordered the interrogational torture believed that the suspect had life-saving information, but as it was later discovered, he was wrong. I will come back to this case in Part III because there is an episode in *The Closer* whose argument resembles it closely. Under a similar kidnapping situation, one of the cops crosses the line and tortures the suspect, obtaining information that leads him to the kidnapped kid’s dead body. The moral judgment he receives is also similar to the Court’s. The torturer is found guilty, un-excused regardless of the circumstances.

Though there are fictional representations that question it, the Ticking Time Bomb Case can only work in fiction, and perhaps this is the reason why it has become such a recurrent motif in visual media narratives. Even the authors that invoke the hypothetical to propose a change in the status of torture (from the invulnerable taboo it is to a rule that accepts exceptions) admit that it involves high degrees of “idealization and abstraction” (Allhoff, 2012:101), that is, they acknowledge that it is very unlikely that a case that fulfills all the requirements of the *imagined* situation has or will ever occur. And yet, as Scarry points out, they ask that we lift the unconditional prohibition against torture just because there is a chance that such a scenario could ever take place. Introducing an “imaginable occasion for torture that has no correspondence with the thousands of cases that actually occur has the effect of seeming to change torture to a sanctionable act” (2004: 283).

Both in the corpus of television series that depict the Ticking Time Bomb dilemma and in the corpus of academic and legal texts that have informed this analysis, voices that denounce torture are found. Indeed, I would dare to say that they are predominant. The problem is that human rights defenders and State Parties accused of torture, absolutists and utilitarians, conservative and progressive scriptwriters... They all depart from the same argument, from the Ticking Time Bomb hypothetical that is unable to lead to “[a]n accurate understanding of torture” because it “opportunistically provides a flexible legal shield whose outcome is a systemic defense of torture” (Scarry, 2004: 285). Does this mean that entering the debate –whose rules have been set by pro-torture advocates– implies a degree of complicity with their overall project of destigmatizing torture?

In the introductory chapter to the collection of essays on torture of which he is the editor, Stanford Levinson records Žižek’s opinion that critical and theoretical pieces “which do not advocate torture outright, [but] simply introduce it as a legitimate topic of debate, are even more dangerous than an explicit endorsement of torture” (2004: 30). His contention may sound exaggerated, but I share some of his concerns. In Part II I will show the extent to which television has become riddled with interrogational torture scenes. Despite the fact that a close textual analysis shows that they do not all (nor always, nor totally) celebrate the permissibility of torture, constant repetition might lead to normalization. Does this mean that the only ethical representation of torture is the total omission of torture? It could be so, but such a scenario remains a utopia. For as long as the Ticking Time Bomb argument is used by pro-torture advocates, such argument must be contested. Otherwise, a scenario would be reached in which torture would only be represented in a celebratory manner. In this sense, I partake of Scarry’s opinion that an active opposition must be taken.

In the years following 9/11, the ticking bomb argument has come to seem omnipresent and urgent, not only because of Alan Dershowitz’s startling articulations of it but because our own leaders have repeatedly cited imminent nuclear, chemical, or biological threats as reasons for modifying constitutional and international rules on an array of matters ... Answers must therefore be given to the ticking bomb argument, even though the arguments (both for and against it) provide a false location for achieving a genuine understanding of torture (2004: 282).

Excused but Not Justified: Michael Walzer and the Importance of Accountability

Responses to utilitarian authors that posit the Ticking Time Bomb situation as a necessary argument to relax our commitment to the total ban on torture come in different forms but share similar tenets. I have already reviewed the reactions of moralists of an absolutist or deontological orientation, but theirs is not the most vindicated approach nor, for many who disregard them as “naïve” or “unrealistic,” the most convincing one. If we set our apprehensions aside and engage in a debate that departs from the casuistry of the Ticking Time Bomb, a realistic assessment of the moral dilemma that the hypothetical case contains is needed. Such a realistic assessment entails admitting, like Michael Walzer has put it, that nobody would want to have a ruler who, confronted with a situation in which resorting to torture is the last option to save the lives of hundreds of civilians, would prefer to keep her hands clean. Walzer departs from tenets which are very similar to those sustained by Weber. Weber reminds us that “no ethics in the world can dodge the fact that in numerous instances the attainment of ‘good’ ends is bound to the fact that one must be willing to pay the price of using morally dubious means” (1946: 102) and while he dismisses the leader who feels his acts legitimized by a sense of superiority over the citizenship, he sees something “genuinely human and moving” in the one who “is aware of a responsibility for the consequences of his conduct and really feels such responsibility with heart and soul” (Weber, 1946: 127). Walzer introduces the concept of “dirty hands” to account for this act of taking responsibility for acts which entail engaging in a necessary evil. He posits that any ruler or military officer will, at some point of her career, face difficult moral dilemmas that will imply choosing between two evils. At doing so, she will be guilty (Walzer, 2004). The crucial moral distinction between the good and the bad ruler is that the good ruler is conscious that she is guilty, that she has her hands dirty.

A Ticking Time Bomb scenario does not imply that, in such an extraordinary circumstance, torture is no longer abhorrent. It implies that the person in charge will infringe a sacred precept and, henceforth, she will not be innocent any more. For Walzer, the good ruler has her hands dirty because she has not chosen to put her moral purity above the interests of her people nor has she committed the necessary crime and later denied it. A Christian notion of taking responsibility and paying for one’s sins is implicit here, but also a matter of accountability. Walzer sets the foundations for the reconciling of the (utilitarian) belief that Ticking Time Bomb scenarios might take place

in real life and would demand an infringement of the sacrosanct prohibition of torture and the firm (absolutist) conviction that torture ought to remain a taboo. Jean Bethke Elshtain, whose approach lies in this middle-ground between the two main opposing moral theories, summarizes this paradigm as follows:

Torture remains a horror and, in general, a tactic that is forbidden. But there are moments when this rule may be overridden. The refusal to legalize and to sanction something as extreme as torture is vitally important. It follows that Alan Dershowitz's suggestion that there may be instances of "legitimate torture" and those about to undertake it should be obliged to gain a "torture warrant" to sanction the activity is a stunningly bad idea. Sanctioning torture through torture warrants partakes of the same moralist-legalism as the statesperson who values his pure conscience above all else and who will not violate a moral norm under any circumstances (2004:83).

Differences between excuses and justifications and between before-the-fact and after-the-fact assessments are important to distinguish pro-torture utilitarians from anti-torture non-absolutists. As Michael Walzer puts it, "an excuse is typically an admission of fault; a justification is typically a denial of fault and an assertion of innocence." In criminal law, Miriam Gur-Arye explains, defenses such as self-defense or necessity may be classified as either justifications or excuses. "Justifications negate the wrongfulness of the conduct, whereas excuses negate only the culpability of the actor for her wrongful conduct" (2004:188). Excuses relate to actors whereas justifications relate to acts. Alan Dershowitz supports the view that torture in extreme circumstances implies no wrongdoing and, through torture warrants, he proposes an Ex Ante, before-the-fact, justification for the torturer (2001; 2004). Similarly, the Landau Commission argued that the GSS was entitled to use coercive interrogation techniques against Palestinian suspects of terrorism because they were covered by the necessity defense. If necessity exonerates a person who commits a wrongdoing because, in a given situation, it was "the lesser evil," the GSS should be authorized to torture in the context of counterterrorism. The Commission did not want its agents to be excused after the fact, but the practice to be justified Ex Ante (Supreme Court of Israel, 2004). Jessica Montell, executive director of a human-rights advocacy group set in Jerusalem, explains the difference as follows:

If I as an interrogator feel that the person in front of me has information that can prevent a catastrophe from happening ... I imagine that I would do what I would have to do in order to prevent that catastrophe from happening. The state's obligation is then to put me on trial, for breaking the law. Then I come and say these are the facts that I had at my disposal. This is what I believed at the time. This is what I thought necessary to do. I can evoke the defense of necessity, and then the court decides whether or not it's reasonable that I broke the law in order to avert this catastrophe. But it has to be that I broke the law. It can't be that there's some prior license for me to abuse people. (qtd. in Bowden, 2003)

Dershowitz's and Landau's proposals imply an official authorization of torture that would withdraw their respective countries from the human rights treaties to which they are signatories. Without changing the existing jurisdiction, the officer who is presented with a Ticking Time Bomb scenario and decides to engage in torture has at least two available courses of action. The first is civil disobedience, which is favored by Michael Walzer and Miller, among others. Within this paradigm, if an agent decides to torture a suspect because she deems it her moral obligation, she will do so aware that she is breaking the law and she will face the consequences unreluctantly. Probably, "if the situation approximates those in the imaginary examples in which torture seems possible to justify" (2004:59), Shue argues, she will be exonerated or punished with a symbolic fine or minimum imprisonment. In the eyes of the public she will be excused but not justified. Furthermore, Miller argues, she "should resign or be dismissed from [her] position" because "public institutions cannot suffer among their ranks those who commit serious crimes" (2005:190).

The second alternative for the interrogator who commits torture under a legislation that forbids it is searching for an after-the-fact criminal law excuse or justification. Self-defense and necessity are her available defenses and the most important difference between them is that self-defense demands the culpability of the person against whom the crime is committed whereas necessity does not. If an ambulance that carries several critically wounded patients speeds up and kills a pedestrian, the driver could invoke the necessity defense. As Gur Arye explains, "[t]he justification of necessity rests on the balance between interests of innocent persons" (2004:191). Therefore, in the context of Ticking Time Bomb torture, it would not protect bystanders and third parties from abuse. "Taken to an extreme, necessity might *prima facie* justify the use of force against

a terrorist's child in order to force the terrorist to reveal the information about the location of a bomb he has planted" (191).

The necessity defense is very much linked to consequentialist ideas as it is proven by the fact that Fritz Allhoff, who describes himself as a utilitarian, favors this justification above any other. In *Terrorism, Ticking Time Bombs and Torture* he begins his dissertation by acknowledging that torture constitutes a moral wrong. However, in the current war on terrorism, it may often be a necessary wrong. He then sets out to explore the following question: "[h]ow far can we go to disarm terrorist threats?" (2012:9) His answer is close to the Landau Commission's and much more radical than Dershowitz's because, though departing from the Ticking Time Bomb scenario as the extreme situation that legitimizes torture, he dispenses with the hypothetical's conditions of "imminence" and "culpability of the suspect." When torturing one person can save lives, the utilitarian compute is satisfied and torture is the right choice even if an innocent pays the consequences. To illustrate the workings of this logic, he proposes the following variation of the Ticking Time Bomb Case:

Red Sweatshirt. Our intelligence reveals that a terrorist has just set up a bomb in a crowded building and has exited wearing a red sweatshirt. Law enforcement sets up a perimeter and starts to canvas the area; two men in red sweatshirts are apprehended, both of whom deny any knowledge of terroristic activity. Run the rest of the story as in standard ticking-time-bomb cases, the adjustment being that the bomb can be disarmed only if both men, one of whom is innocent, are tortured.

Is this torture permissible? Surely, it is worse to torture a guilty person than an innocent one, but I maintain that this torture could still be justified if there are enough people at risk in the building (141).

Allhoff's views are only represented in one of the series of my corpus, in 24. As I will detail in Part II, protagonist Jack Bauer is seen, for example, torturing a suspect's innocent wife to exert pressure on the uncooperating husband. However, the good guys in the show are always running against the clock. Jack Bauer has but 24 hours to dismantle a massive terrorist threat. Allhoff, on the contrary, is flexible regarding imminence, which is a crucial aspect of the typical formulation of the Ticking Time Bomb. The hypothetical usually asks us to imagine a situation in which a nuclear device *is about to go off*. This time constraint is important for our intuitive realization that torture could be permissible in such a context, mainly because it precludes us from

looking for intelligence gathering alternatives. It is also a characteristic that, according to some critics, undermines the feasibility of the hypothetical. Rejali argues that “real torture—not the stuff of television—takes days, if not weeks” (2009:474) to achieve its intelligence gathering purposes. “Breaking” a prisoner is not an easy task. In the German real-case analyzed in the previous section, the suspect confessed in a matter of minutes, but he was not the type of committed terrorist that contributors to the debate on interrogational torture usually have in mind. In the case of Abu Zubdayah, he was submitted to 20 days of extreme rough treatment before his interrogators determined that he had told them everything he knew. For Allhoff, however, this bears no significant importance. “The point needs to be only that torture operates on a faster timetable than the alternatives and that we can reasonably suppose it to be more expedient than building up a network of informants” (2012:146).

Allhoff begins his dissertation by asking us to concede that torture in extreme situations that fit the Ticking Time Bomb Case is permissible. However, by the end of the book he has distanced himself greatly from the strict set of conditions that characterized such hypothetical. The person to be tortured needs no longer to be guilty and time is not running out in the literal sense that we thought. If we follow his line of thought, we begin sustaining that torture is inadmissible in all but a rare set of contexts and end up condoning its normative use. The underlying idea is that the Ticking Time Bomb scenario is a symbol of exceptionality, and the war on terror its materialization. Such is the risk of departing from casuistry to make statements about the real world. Allhoff claims that consenting to torture in the Ticking Time Bomb case “has no implications for the practice of torture in other cases” (154) and yet, his book is proof of the opposite. The “slippery slope” phenomenon is often proposed as an argument to sustain absolutist views on the inadmissibility of torture and is based on the suspicion that “[o]nce we authorize state agents to use interrogational torture in one set of cases, it is unlikely that we will be able to contain such use to that limited subset of cases. Rather, such powers and authority are likely to expand far beyond their original intended use” (Gross, 2004:235).

The after-the-fact necessity defense that Allhoff proposes does not imply the kind of judicial legitimization of Dershowitz’s before-the-act “torture warrants,” but his emphasis on justification rather than on excuse together with his reinterpretation of the Ticking Time Bomb Case as to condone the torture of innocents leads to troubling conclusions. The interrogator who engages in torture in an extreme situation should be

justified because he “did not do anything wrong” (2012:100). It follows from Allhoff’s arguments that a field agent who has raped a terrorist’s daughter in front of his eyes and thus extracted lifesaving information “should be celebrated for an act of courage or fortitude, in much the same way that we could celebrate a war hero” (293). To avert such troubling statements, Gur-Arye proposes an after-the-fact self-defense justification because “self-defense ... justifies the use of force against *an unlawful* [my emphasis] attack,” (2004:194) that is, the self-defender only takes violent action against the person who is putting him (or others) in danger.

Although interrogational torture does not strictly fit into the definition of what amounts to self-defense, Gur-Arye proposes that it is close enough and, given that it does not accommodate the possibility of torturing the innocent, she favors self-defense as a justification rather than as an excuse. However, what remains most important for her and for most of the non-consequentialist commentators, is that torture be still treated as a taboo, as a total prohibition. If given the extreme circumstances described by the Ticking Time Bomb Scenario, the torturer will need to find a defense to justify her crime and she will most certainly be acquitted. Unlike Walzer (2004) or Miller (2005), who only considered the possibility of granting the wrongdoer an excuse, she accepts that a torturer can be justified but still, that justification would not imply an official authorization of her practices but an acknowledgment that in such an extraordinary circumstance, she did what she had to.

At this point, it is interesting to go back to the analysis of *State of Affairs* carried out earlier in this Part and to propose a different reading to Charlie’s apparent contradiction regarding torture. She condemns it when her colleague is torturing a suspect for the sake of breaking him and turning him into a collaborator but then, when facing a Ticking Time Bomb situation, she becomes a torturer herself. Her attitude could meet Gur-Arye’s position. As a matter of general policy and when imminence is out of the question, Charlie rejects torture. However, she is ready to sacrifice this precept in which she believes when she is presented with a situation in which time is running out and lives are at stake. However reasonable Gur-Arye’s and other non-absolutist authors’ theoretical arguments look on paper, when translated to the realm of fiction, the effect is different. Theoretical speculation that addresses the real world deals with an infinite number of possible experiences, but fiction is selection. *State of Affairs* chooses to present Charlie with a Ticking Time Bomb case in which torture appears to be justified and proves effective and disaster-averting. Furthermore, Charlie will not be

held accountable in any way for her decision to torture the terrorist. Her initial endorsement of the prohibition of torture loses strength when she is forced to remind us of the weakness of such a prohibition.

Those who defend the absolutist definition of torture as an act that is always inadmissible but are ready to exonerate *certain* torturers Ex post are regarded by Dershowitz as hypocrites. In the realm of fiction, torturer-heroes like Charlie do not hesitate to torture because the legal repercussions of their actions are not addressed. Just like romantic comedies end with the wedding and omit the story of what comes after, torture-heroes face the torture dilemma as a personal dilemma, they work it out and move on. Their deeds do not come back to haunt them in the form of criminal prosecution. *24* offers the only exception to this norm when Jack Bauer is called to testify in a Senate hearing, but scriptwriters use the occasion to defend and justify his actions; he is never found guilty. What if they were afraid of the consequences of their actions? Would it stop them from doing what needs to be done? This is what Dershowitz fears. He considers unfair that the interrogator who is rightfully doing her job be made to answer for her actions, if these were justified, and he fears that the possibility of being prosecuted could stop her.

It can be argued that these reservations amount to a contradiction in Dershowitz's argumentation. He has tried to convince us that, in the case of the Ticking Time Bomb, nobody would oppose to torture and yet he fears that, for the sake of self-preservation, trained field offices that daily risk their lives will. As Scarry sharply notes, Dershowitz "addresses us as a population whose members are morally impaired" (2004: 281). It is unreasonable to think that military officers that are willing to go to war and die for their country would be stopped by a threat as comparatively trivial as being forced to justify themselves in front of a jury.

However, Dershowitz's observations regarding the contradiction inherent in the position of most non-consequentialist authors deserves some attention. If they are ready to exonerate an interrogator that has engaged in torture when torture was, indeed, the necessary lesser evil, why not include in our legislations that, just like murder, torture is *sometimes* justified? I believe that the symbolic is very much at play here, just like it is in the idea of erecting heaven from the ashes of the innocent that we find in *The Brothers Karamazov*. Fritz Allhoff points out that "terrorism threatens more than just lives" because it has "symbolic costs" (2012: 32) and he is right. The effects of 9/11 went beyond the casualties and the economic impact directly related to the attacks

because the terrorists targeted symbols of the US's strength and values. Baudrillard points in the same direction, but with a different intent. According to him, terrorism "moves the fight into the symbolic domain, where the rule is the rule of challenge, of reversal, of escalation." Terrorism "challenges the system by a gift that the latter can reciprocate only through its own death and its own collapse" (2001). From a Baudrillardian view, the "symbolic costs" of terrorism also allude to the restrictions on civil liberties and human rights that have ensued from the war on terror. To confront the menace, most Western democracies have sacrificed liberty for safety, and this is also a victory for their enemies. Upholding such an important victory for human rights as the total ban on torture should be regarded as an act of symbolic resistance even from those who, deep down, believe that an absolutist approach to the matter is unrealistic. As Oren Gross puts it:

even if one believes that an absolute ban on torture is unrealistic, as a practical matter, there is independent value in upholding the myth that torture is absolutely prohibited. Such a position may serve as an obvious notice that fundamental rights and values are not forsaken, whatever the circumstances, and that cries of national security, emergency, and catastrophe do not trump fundamental individual rights and liberties. In fact, the more entrenched a norm is—and the prohibition on torture is among the most entrenched ones—the harder it will be for government to convince the public that violating that norm is necessary (2004: 234).

If holding on to the prohibition of torture has symbolic gains, relaxing our current absolutist ban has dire moral implications as well. Shue (2004), for example, raises the issue of institutionalization. If torture was made legal in any way, would we begin to open torture academies, demand that doctors infringe their Hippocratic oath and use their skills for the mechanics of pain infliction, etc.? Jean Maria Arrigo exposes the matter as follows:

The use of sophisticated torture techniques by a trained staff entails the problematic institutional arrangement I have laid out: physician assistance; cutting edge, secret biomedical research for torture techniques unknown to the terrorist organization and tailored to the individual captive for swift effect; well-trained torturers, quickly accessible at major locations; pre-arranged permission from the courts because of the urgency; rejection of independent monitoring due to security issues; and so on. These institutional arrangements will have to be in place, with all their unintended and accumulating

consequences, *however rarely* terrorist suspects are tortured (qtd. in Allhoff, 2012:147).

The requirement of institutions is only a specific example of the abstract intuition that torture dehumanizes the society that engages in it, because it is not a practice that can be kept in isolation; it will eventually contaminate all spheres we deem sacred by the sheer fact of its existence as a legitimized practice. The social earthquake that the scandal of Abu Ghraib meant when the abuses there committed were made public in the spring of 2004 can be taken as proof of the particular repulsion that torture inspires. Life is certainly on top of the rights we consider fundamental, but it does not follow that murder is therefore worse in any qualitative manner than torture. On dissecting the argument that since murder is a higher offence than torture and it is authorized in war contexts then we should authorize torture as well Henry Shue (2004) reminds us that torture is always an attack on a defenseless person who has no control at all: she does not know when the pain will stop and all she knows is that it will escalate. In her book *The Body in Pain* Elaine Scarry (1985) makes a determinant description of what it is about torture that is so abhorrent (a review can be found in the first section of this chapter) when she describes it as “world-destroying.” I doubt that any of the authors that have become advocates of legitimizing the use of torture in our post 9/11 world are desensitized to arguments like hers. On the contrary, the fact that such a difficult and troublesome debate has been open proves the degree of anxiety and insecurity that the war on international terrorism has instilled on individuals.

Bowden (2003) distinguishes two types of “clashing sensibilities,” “the civilian sensibility,” which “prizes above all else the rule of law” and will always see “abusive government power as a greater danger to society” than any extraordinary circumstance that could contradict the existing moral order, and “the warrior sensibility” which “requires doing what must be done to complete a mission.” Both sensibilities are complementary and necessary since, as Bowden observes, “war exists because civil means have failed.” However, it is surprising to find that the “warrior sensibility” has won over so many civilians in recent times as the previous discussion seems to prove. It could be that terrorism, a menace that, as stated by Baudrillard (2001), is perceived like a virus, everywhere present, has broken up all the traditional binaries of war: there are no longer clear-cut distinctions between combatants and non-combatants (on the one hand, civilians are the preferred targets of terrorist strikes and on the other, the Bush

administration has deprived terrorist prisoners of their status as Prisoners of War), nor between allies and enemies – “[s]leeping in their suburbs, reading and studying within families, before waking up suddenly like delayed explosive devices. The perfect mastery of this secretiveness is almost as terrorist as the spectacular action of the 11th September” (Baudrillard, 2001)– and, as a consequence, there is neither a strong division between civilians and warriors. Because in the context of terrorism civilians are treated as military targets, it could be that civilians have started to develop a military mentality as well.

That there is a tendency to utilitarian thinking in post 9/11 world is something that can be assessed by analyzing the popular fiction of the time. In Part II I will try to show how the “warrior sensibility” has been reflected in television fiction, particularly through the constant reworking of the Ticking Time Bomb Scenario, a motif that forces traditional heroes to perform hideous deeds for the sake of a greater good. I will not forget to address that, when transplanted to fiction, the moral dilemma presented by potentially life-saving torture, the need to choose between the lesser of two evils, resembles the tragic choice of the tragic hero described by Hegel. I will address how these and other issues thus far tackled have manifested in contemporary television and I will try to elucidate which agenda (if any) they serve, either intentionally or unintentionally.

COMPETING DISCOURSES IN POST-9/11 AMERICA

The CIA in Hollywood

It might seem that there is too big a gap between some of the texts analyzed in the previous sections and my corpus. Is such a specific account as that of the history of the CAT –with its ratification and interpretations by the U.S. Government– any relevant to understanding the recurrence and nature of torture in a show like *24*? Are these two “stories” related?

If legal documents and television fictions might seem too far apart despite the historicist notion that all contemporary texts, regardless their genre, are linked to each

other by common discourses, there is a very specific example that accounts for their interrelatedness. The CIA has made possible a palpable connection between the Department of Justice lawyers that after September 11 tolled to find a legislation that could accommodate the use of coercive interrogation techniques that the Agency demanded and the scriptwriters of some of the television series of my corpus. Legal texts maneuvering to grant the CIA unlimited interrogation capacities and televisual/cinematic representations of the CIA interrogating terrorists have both been directly influenced by the Agency. If former CIA Director George Tenet and the Agency's Counterterrorist Center's Director Cofer Black were the men responsible for persuading George Bush of carrying out their retaliation plan against al-Qaida and its allies, the influence the CIA has exerted on post-9/11 fictional representations of the Agency has been the work of Chase Brandon and Paul Barry, the CIA's entertainment liaisons from 1955 to 2006 and from 2006 to date, respectively.

Tricia Jenkins' *The CIA in Hollywood* (2016) illuminates a little known aspect about the influence that U.S. Government Agencies like the FBI, the CIA, the Pentagon, the Department of Defense or Homeland Security exert on Hollywood –used by the author “as a shorthand term to describe both the American film and television industry” (1)– through their media relations teams or entertainment industry liaisons whose purpose is to collaborate with film and television producers interested in depicting their respective agencies. There is a mutual-interest relationship between film and television networks and Government Agencies because the latter provide the former with “advice, technical consultants, shooting locations, props, and equipment” asking in exchange “to see the project’s scripts to ensure that it depicts their agency in a positive light; if it does not, they will either refuse to assist the project or negotiate their assets to secure a more positive representation” (2016: 48). In the 1930s, The Federal Bureau of Investigation was among the first agencies to establish an office dedicated to “bolster[ing] its image in radio programs, films and television shows” (31). The ABC television series *The F.B.I.*, which run from 1965 to 1974, was among the products that resulted from this cooperation. The agency's liaison fed the producers and scriptwriters with the real cases that appeared in each episode and which had been previously selected and embellished by an agent working on the archives. While the FBI has traditionally been featured positively in popular fiction, the CIA has, on the contrary, been negatively stereotyped, perhaps because it was slow to follow the FBI's lead in taking care of its image.

Since the CIA first started appearing in motion pictures in the 1960s, the Agency has been depicted in a very negative light. Hollywood's most common constructions of Langley revolve around the image of a rogue organization, working outside effective oversight; a malicious organization that betrays its own assets and officers; an agency strongly predisposed towards assassination; or a buffoonish and hopelessly inept outfit (60).

Justified as these preconceptions about the Agency may be, it is very likely that the different treatment the CIA and the FBI have received is conditioned by the fact that the CIA did not establish its own relations with the motion picture industry until the early 1990s. Its characteristic secrecy had impeded the Agency to create its own propaganda machinery but when the Cold War ended and questions about the Agency's usefulness began to be posited, establishing an entertainment liaison became mandatory. Since the founding of its entertainment program to the year 2012 in which Tricia Jenkins' book was first published the Agency had

[s]haped the content of numerous film and television works, including *JAG* (1995-2005), *Enemy of the State* (1998), *In the Company of Spies* (1999), *The Agency* (2001-2003), *Alias* (2001-2006), *24* (2001-2010), *Bad Company* (2002), *The Sum of All Fears* (2010-2014), *Homeland* (2011-), *Zero Dark Thirty* (2012), and *Argo* (2012). (1)

The CIA, however, is not the Agency who is more capable of shaping, altering and censoring its media representations. After all, it can only offer counsel and ideas to scriptwriters and the possibility of filming scenarios at Langley, the CIA headquarters. The Pentagon, on the contrary, "is able to provide submarines, aircraft carriers, helicopters, and tanks at little or no cost" with the condition of "persuading filmmakers to change dialogue and delete scenes that portray the military unfavorably" (100). One documented such instance took place during the production of *Independence Day* (Roland Emmerich, 1996). The Pentagon complained about the script because it contained "no military heroes" and "the military appear[ed] impotent and/or inept" (qtd. by Jenkins, 113) and refused its assistance until changes were made. Some of these changes included giving more prominence to military characters and featuring the President as one of the main heroes.

In legal terms, it is difficult to argue that these agencies' media teams infringe the First Amendment because producers can always refuse government help and release

representations that have not passed censorship. They do not forbid dissent, but try to buy consent. In a capitalist society and in a money-driven industry like Hollywood, both strategies sound all too similar.

Since government collaboration is not always included in the credits of films and series, spectators should always be vigilant of characterizations of government agencies, bearing in mind that their hidden agendas may cover issues that go beyond self-aggrandizing. A fascinating issue that is mentioned by Jenkins is how the CIA has allegedly fed scriptwriters information about technology that they do not actually possess for the sake of instilling fear in the enemy. Thus, if their cooperation with a show like *Alias* which features shady characters and unpopular methods like torture should, at first, strike as odd, an analysis of the display of fabulous gadgets that the show attributes to the Agency can be enlightening about its propaganda potentials. Jenkins quotes writer Mark Bowden and Director of Operations Bill Daugherty providing an example of how these images have real-life consequences. They give an account of the way media representations of American military power shaped the reactions and expectations of Iranian terrorists in the 1970s hostage crisis that took place in Teheran:

the Iranians often worried that the American embassy workers' watches were really CIA communication devices and that hostages could flag Langley down simply by waving at the sky to attract one of their satellite's attention. (On one occasion, an American hostage even decided "to play" with the hostage takers by waving wildly at the sky when he was let outside for exercise, much to the Iranians' horror.) the Iranians also believed that the CIA controlled the weather and could cause earthquakes. All these ideas, according to Daugherty and Bowden, stemmed from the Iranians watching too many spy films that featured high-tech gadgetry and the CIA as an omnipotent and omnipresent power (96).

As I will analyze in Part III when dealing with television series *Homeland* whose opening titles were mimicked by an ISIS propaganda video, post-9/11 terrorists are still very much influenced by the American televisual culture, so it is to be expected that unrealistic portrayals of government agencies' capabilities are still being promoted.

Though compelling and very well-documented, Jenkins' work on the CIA collaboration with Hollywood is hampered by its publication date, which is previous to the partial release of the Senate Committee's Report on CIA Torture in 2014. When she

compares *Zero Dark Thirty* and *Homeland* to other “typical CIA-Hollywood collaboration[s]” (153) like *The Agency* (CBS, 2001-2003) or *Argo* (Ben Affleck, 2012) that “feature[d] the Agency in a heroic light,” she senses that the CIA, while “still invested in promoting a positive image of itself, it has recently adopted a more pragmatic strategy for working with Hollywood in the post-9/11 and post-bin Laden age” (153). What makes *Zero Dark Thirty* and *Homeland* different from its predecessors is that these films do not represent the Agency as morally immaculate. *Zero Dark Thirty* was particularly polemic for its 20 minutes long torture scene that featured main character Maya, a CIA agent, visiting a secret detention facility where a terrorist was waterboarded and locked up in a coffin-like box for several days until he broke and produced the crucial information that would eventually lead her to Osama bin Laden. For Jenkins, that the CIA supported a film that explicitly made it complicit with torture proves that the Agency is relaxing its rules. To account for the CIA’s earlier endorsement of *Alias*, which also engages in interrogational torture, she highlights the series’ appeal for its portrayal of the Agency’s omnipotent technology and, particularly, for its protagonist Sydney Bristow’s recruitment potentials. (Sydney Bristow, a young and attractive agent who constantly travels around the world and is able to combine her job with her studies at college became the perfect recruiter, so much that the CIA hired actress Jenifer Garner to produce an advertising video on its behalf.)

What Jenkins was unaware of when she published her research was that after 9/11 the CIA set out to disseminate the inaccurate notion that torture was proving crucial in the War on Terror. One of the findings of the Committee Study of the Central Intelligence Agency’s Detention and Interrogation Program was that “[t]he CIA coordinated the release of classified information to the media, including inaccurate information concerning the effectiveness of CIA’s enhanced interrogation techniques” (2014: 8). Actually, the CIA’s Office of Public Affairs and senior CIA officials coordinated to share classified information on the CIA’s Detention and Interrogation Program to select members of the media to counter public criticism, shape public opinion, and avoid potential congressional action to restrict the CIA’s detention and interrogation authorities and budget (8). Therefore, it was not contrary to its interests but consistent with them that television series like *24*, *Alias* and *Homeland*, or films like *Zero Dark Thirty* represented agents who engaged in torture, as long as it proved effective and produced valuable intelligence.

This account about the CIA's intervention in some of the series of my corpus should not lead to an aprioristic reading of these shows as mere propaganda material. First, the exact nature of the influence exerted by the CIA on these texts is unknown, and foremost, as Takacs (2012) warns us, it is erroneous to assume a paranoid attitude about Government influence on Hollywood:

While there is clearly a political-economic convergence of interest between Hollywood and Washington, however, the recourse to conspiracy to explain this convergence oversimplifies very complex processes of social control and implies the public plays no role in the formation, maintenance or alteration of power relations. The biggest flaw in this conspiracy theory is its assumption that military-media coproductions always achieve the desired ideological effect—support for the United States and its military (17).

The Agency and its interests in shaping its image in some of the shows addressed should be regarded as one of the multiple forces that collide in such a permeable, open-ended and polyphonic artifact as a television series. In the following sections I will shortly address some other codes and discourses that a reader of post-9/11 fiction should expect, and it will become obvious that many of them are contradictory: regressive gender stereotypes, a fascination with female violence, vindication of the 1950s manly man, justification of torture, outrage at/fascination with sexualized torture, normalization of selective assassinations, increasing concern with the notion of “collateral damages”... They all are part of the spirit of the age, and they come in contact, collide and offer those cracks or “faultlines” that Sinfield (1992) vindicates as the sites that allow for the dissident reading.

Targeted Killings and Surveillance: The New War on Terrorism

Two historical events are crucial to understanding the way in which public opinions regarding torture were shaped in the U.S.: the 2004 scandal of Abu Ghraib and the arrival of President Obama at the White House in 2009. One of Obama's first official measures was “to issue an executive order requiring that all persons detained by the United States be treated humanely” (Ip, 2009). He terminated the CIA's Detention and Interrogation Program, closing its detention facilities abroad, and promoted a Senate investigation into its practices that culminated in the already mentioned Senate

Report that was half-declassified in 2014. With these measures he was giving answer to the discontent that a great amount of the American population experienced in regard to the counter-terrorist policies that the Bush administration had implemented and which had dirtied the image of the U.S. abroad, especially since the scandal of Abu Ghraib, “a major tipping point in public opinion” (Holloway, 2008:48).

If the Bush administration will be remembered for Guantánamo, the status of terrorist prisoners as unlawful combatants and Abu Ghraib, Obama will be remembered for his surveillance programs, the assassination of bin Laden and his drone attacks.

When he was a Senator, Obama condemned the Patriot Act for invading the liberties and civil rights of Americans. In a Senate Floor Statement in 2005, he claimed that the Patriot Act “didn't just provide law enforcement the powers it needed to keep us safe, but powers it didn't need to invade our privacy without cause or suspicion” (Obama, 2005). However, after becoming President, when the time came to renew it in 2011, he signed “a four-year extension of post-Sept.11 powers to search records and conduct roving wiretaps in pursuit of terrorists” (Abrams, 2011).

Obama was the President who had to deal with Wikileaks, Chelsea Manning and Edward Snowden. The early most relevant filtrations by Wikileaks involving U.S. wrongdoings took place in 2010 and targeted the Bush administration, because they focused on American involvement in the Iraq war. In April 2010, a classified video of a Baghdad airstrike of 12 July 2007 was leaked which showed an American Apache helicopter shooting at two Reuters journalists. Allegedly, the pilots mistook the cameras the journalists were carrying with weapons and after the mistake they shot on a van with nine people who stopped to pick up the bodies. The leakage was found to have originated in Soldier Chelsea Manning, who was convicted by court-martial in July 2013 and sentenced to 35 years' imprisonment. One of Obama's last measures in office was to commute her remaining sentence in January 2017, but he has shown no similar generosity to Edward Snowden, the former CIA computer professional who released NSA documents that implicated his administration in global illegal surveillance and who is still a fugitive of US law, in exile in Russia.

The NSA filtrations that took place during 2013 revealed massive spying on national and foreign citizens with the help of internet companies. As *The Guardian* (Macaskill and Dance, 2013) explains, “cell phones, laptops, Facebook, Skype, chat-rooms: all allow the NSA to build what it calls ‘a pattern of life,’ a detailed profile of a target and anyone associated with them.” The requirements to be subject to surveillance

imply a “three degrees of separation” system, so that anyone talking to somebody who is talking to somebody who is talking to somebody under inquiry becomes a target. Obama defended his surveillance programs, known as PRISM and Boundless Informant, “as necessary to protect Americans at the price of only ‘modest encroachments’ on personal privacy” (qtd. in Nicholas and Gorman, 2013). His claims, however, have been challenged by many experts. *The Guardian* (Pilkington and Watt, 2013) quoted experts who argued that in the two arrests that the Senate presented as evidence of the importance of the programs –Najibullah Zazi’s, who attempted to bomb the New York subway in 2009, and David Headley, who participated in the 2008 Mumbai attacks– “data-mining through Prism and other NSA programs played a relatively minor role.” It was found that “[c]onventional surveillance techniques, in both cases including old-fashioned tip-offs from intelligence services in Britain, appear to have initiated the investigations.”

Former debates on the efficacy and desirability of torture moved to the ground of surveillance and targeted killings by drone attacks, with similar arguments and counter-arguments based on its efficacy and implications in terms of human and civil rights. This evolution can be tracked by contrasting *24* and *Homeland*, two shows that share network and producers but are separated by a decade. While Jack Bauer relied almost exclusively on torture, *Homeland*’s Carrie Mathison is known by her colleagues as “the drone queen.” “The use of drones aligned with Obama’s ambition to keep up the war against al Qaeda while extricating the US military from intractable, costly ground wars in the Middle East and Asia” (Purkiss and Serle, 2017). As the Bureau of Investigative Journalism observes, only during his first year in office, Obama authorized more strikes than Bush during his entire tenure and most of them were conducted by drones, argued to be “exceptionally surgical and precise” and capable of keeping “innocent men, women and children” out of danger. However, as it turned out, collateral damage was all but eliminated. The first strike on Yemen, for example, “was a catastrophe: commanders thought they were targeting al Qaeda but instead hit a tribe with cluster munitions, killing 55 people. Twenty-one were children–10 of them under five. Twelve were women, five of them pregnant.” Since 2014, “[t]he US has been leading a coalition of countries in the fight against IS in Iraq and Syria” so that “the number of countries being simultaneously bombed by the US” in 2017 amounted to seven: Iraq, Syria, Pakistan, Afghanistan, Libya, Yemen and Somalia (Purkiss and Serle, 2017).

For *The Washington Post's* James Downie (2016), “Obama’s drone war is a shameful part of his legacy,” morally questionable and ineffective as a counterterrorist measure. He quotes former head of the Defense Intelligence Agency General Michael Flynn saying: “[w]hen you drop a bomb from a drone you are going to cause more damage than you are going to cause good.” Innocent victims lead to new radicalized terrorists in a spiral that is never broken. Furthermore, since “Obama’s embrace of drones has led to a preference for killing rather than capturing terrorists,” the possibilities of intelligence gathering are severely reduced. It seems as if by closing detention facilities and committing himself to eradicating torture Obama gave up on interrogation and opted out for the elimination of targets. If they cannot be made to talk, it is not necessary to catch them alive.

Abu Ghraib: The Scandal that Opened the Pandora’s Box

Although criticism against Guantánamo –where prisoners were kept indefinitely with no charges against them and the use of “unorthodox” interrogation techniques were known to be used– already circulated before April 2004, it was the leakage of photographs that detailed prisoner mistreatment at the Prison of Abu Ghraib at Iraq which spread public outrage. Hersh offers a written account of those which would become more iconic:

In one, Private England, a cigarette dangling from her mouth, is giving a jaunty thumbs-up sign and pointing at the genitals of a young Iraqi, who is naked except for a sandbag over his head, as he masturbates. Three other hooded and naked Iraqi prisoners are shown, hands reflexively crossed over their genitals. A fifth prisoner has his hands at his sides. In another, England stands arm in arm with Specialist Graner; both are grinning and giving the thumbs-up behind a cluster of perhaps seven naked Iraqis, knees bent, piled clumsily on top of each other in a pyramid. Near them stands Graner, smiling, his arms crossed; a woman soldier stands in front of him, bending over, and she, too, is smiling. Yet another photograph shows a kneeling, naked, unhooded male prisoner, head momentarily turned away from the camera, posed to make it appear that he is performing oral sex on another male prisoner (2004).

Some pictures (comparatively few) did not have a sexual component but represented administration sponsored techniques such as standing in uncomfortable

positions. The best known of this sort shows a man who is made to stand on a box, hooded and wired. Apparently, he was told that he would electrocute if he fell off.

Outrageous and explicit though they were, the leaked pictures did not account for all the brutality of the tortures that were documented. Originally intended to remain secret, Major General Antonio M. Taguba completed in February 2004 a report that denounced numerous instances of “sadistic, blatant, and wanton criminal abuses” committed between October and December 2003 by soldiers of the 372nd Military Police Company and members of the American intelligence at Abu Ghraib. He described some of the practices as follows:

Breaking chemical lights and pouring the phosphoric liquid on detainees; pouring cold water on naked detainees; beating detainees with a broom handle and a chair; threatening male detainees with rape; allowing a military police guard to stitch the wound of a detainee who was injured after being slammed against the wall in his cell; sodomizing a detainee with a chemical light and perhaps a broom stick, and using military working dogs to frighten and intimidate detainees with threats of attack, and in one instance actually biting a detainee (qtd. in Hersh, 2004).

There can be little doubt that the practices mentioned in the Taguba Report amount to torture. However, discussions about the practices that appeared on the photographs were not that unanimous. As Susan Sontag (2004) observes, among members of the Bush administration and those close to it “[t]here was [...] the avoidance of the word ‘torture.’ The prisoners had possibly been the objects of ‘abuse,’ eventually of ‘humiliation’—that was the most to be admitted.” Sontag quotes Secretary of Defense Donald Rumsfeld who, at a press conference, said this: “My impression is that what has been charged thus far is abuse, which I believe technically is different from torture. And therefore I’m not going to address the ‘torture’ word.” Republican commentator (and close friend to *24*’s producer Joel Surnow) Rush Limbaugh went even further in his radio show, where he agreed with a caller that the photographed practice of stacking naked men in a pyramid was like a college fraternity prank:

Exactly my point. This is no different than what happens at the Skull and Bones initiation, and we’re going to ruin people’s lives over it, and we’re going to hamper our military effort, and then we are going to really hammer them because they had a good time. [...] You know, these people are being fired at every day. I’m talking about

people having a good time, these people. You ever heard of emotional release? (qtd. in Sontag, 2004)

This disregarding of torture techniques for their resemblance to ordinary activities is not an extraordinary instance. Jenee Lokaneeta (2010) describes other cases in which interrogation techniques such as sleep deprivation, waterboarding or standing have been dismissed as not amounting to torture because they were compared to “normal day-to-day-activities or what could be termed a routinization of methods.” She also quotes former Secretary of Defense, Donald Rumsfeld, who questioned that the interrogation technique of “standing for 4 hours” could be labeled as “torture” by “stating that if he could stand for 8-10 hours then why shouldn’t the detainees?” This recalls what Elaine Scarry observes in her book *The Body in Pain*, where she explains that “[t]he nomenclature for torture is typically drawn from three spheres of civilization:” 1) “a particular invention or technological feat” such as when waterboarding is referred to as “the telephone” or “the submarine”; 2) “the realm of cultural events, ceremonies and games,” such as “the dance” in Argentina or “the birthday party” in the Philippines, both synonyms for “torture”; and 3) the realm of “nature or nature civilized,” which is less frequent but manifests in “the little hare” of Greece, the “parrot’s perch” of Brazil and Uruguay, and “the dragon’s chair” of Brazil.

In all these cases, the designation of an intensely painful form of bodily contortion with a word usually reserved for an instance of civilization produces a circle of negation: there is no human being in excruciating pain; that’s only a telephone; there is no telephone; that is merely a means of destroying a human being who is not a human being, who is only a telephone, who is not a telephone but merely a means of destroying a telephone (1985: 44).

Apart from denying that the techniques pictured by the photographs of Abu Ghraib amounted to “torture,” there was also a government effort to deny any institutional accountability. After the story broke, President Bush condemned the events while attributing them to “the work of a few ‘rotten apples’ who were not representative of authentic US military culture in Iraq.” The ‘rotten apples’ theory became “the standard explanation for Abu Ghraib,” although “the testimony of soldiers involved in the scandal told a different story” (Holloway, 2008: 48). Staff Sergeant Ivan L. Frederick II, one of the accused, argued that military-intelligence officers encouraged them to conduct the abuses and told them ‘Great job’ afterwards (qtd. in Hersh, 2004).

Janis Karpinski, the commanding officer of Military Police in Iraq, explains in her memoir *One Woman's Army* (2005) that the abuses at Abu Ghraib started with the “administrative takeover of large parts of the prison by military intelligence personnel in the autumn 2003, and political pressure to secure ‘actionable intelligence’ from detainees.” She states that “direct responsibility for the scandal went up the chain of command at least as far as Rumsfeld, and possibly higher” (qtd. in Holloway, 2008: 47). Her claims were substantiated by the Bybee memo when it was leaked to the press in June 2004. The memo, as already explained, argued for the use of “stress and duress techniques” –sleep deprivation, standing, walling...– arguing that these did not reach the “severity” requirement of the definition of torture, or either invoking the necessity defense for the officers that engaged in prohibited techniques.

Contrary to the Bush-administration rhetoric, Heather MacDonald summarizes the explanation that became ingrained among its critics, namely that Abu Ghraib was but the top of a huge, institutional iceberg:

critics seized on the scandal as proof that prisoner “torture” had become routine. A master narrative—call it the “torture narrative”—sprang up: the government’s 2002 decision to deny Geneva-convention status to al-Qaida fighters, it held, “led directly to the abuse of detainees in Afghanistan and Iraq,” to quote the *Washington Post*. In particular, torturous interrogation methods, developed at Guantánamo Bay and Afghanistan in illegal disregard of Geneva protections, migrated to Abu Ghraib and were manifest in the abuse photos (MacDonald, 2005).

Media and Fiction Representations of Women after 9/11

The Aftermath of 9/11: A Return of Manly Men and Fragile Females

In her book *The Terror Dream*, Susan Faludi conducts a compelling analysis of the social and cultural changes that the US underwent after the attack on the World Trade Center and reaches the following conclusion: “in the aftermath of the attacks, the cultural troika of media, entertainment, and advertising declared the post-9/11 age an era of neofifties nuclear family “togetherness,” redomesticated femininity, and reconstituted Cold Warrior manhood” (Faludi, 2007: 4). One of the first immediate responses to the trauma was the declaration by many media commentators of the demise

of equalitarian feminism. Allegedly, feminist vindications had become irrelevant and unrealistic in the light of recent events. Faludi quotes military historian Martin van Creveld's words in *Newsday* that stand for this view: "Now that the peaceful life can no longer be guaranteed [...] one of the principal losers is likely to be feminism, which is based partly on the false belief that the average woman is able to defend herself as the average man" (25).

The surprising and unprecedented terrorist strikes made America feel weak and vulnerable, and its vulnerability was read as the natural consequence of its feminization. The loss of traditional masculinities under the pressures of radical feminists had given way to a "softer" typology of men and to a country its enemies no longer feared. The desperate attempt to reinstate America as a symbol of power demanded the return of "manly men" and the elimination of women from the public spheres. This was made evident from the morning after the attacks when, Faludi noticed, female commentators disappeared from the press and from television political debates. They were also eliminated from the myth of heroism that the country fabricated to heal its wounds. The media became desperate to find pictures of firemen rescuing female victims. The reconstruction of what might have happened inside the United 93 Flight that did not hit its intended target was that a few strong and courageous men tried to confront the hijackers. Phone calls that recorded the plan by flight attendants to throw boiling coffee on the terrorists did not find a place in the official narrative. "The flight attendants were assigned another role, as frightened damsels whose distress turned them into inadvertent sirens. As *Newsweek* put it, 'The screams of the attendants may have lured the copilots out of their cockpits.'" (74) The myth-making of September 11 left no place for female heroism. The country wanted to represent women as rescued victims and as mourning widows.

Faludi makes a strong case for female silencing in the media and in the political arena by quoting from an extensive corpus of newspaper and magazine pieces and television and radio talk-shows and debates. However, she deals with television fiction casually. To argue for the relocation of women in the domestic sphere and their systematic erasure from heroism narratives other than as victims, she quotes two shows which are indeed paradigmatic of this case: *Rescue Me* (FX, 2004-2011) and *Desperate Housewives* (ABC, 2004-2012). In the latter, its very title is descriptive of the role female characters are tied to (suburban wives and mothers struggling to cope with

domestic challenges). *Rescue Me* is a show about the New York firefighters that became the emblem of 9/11 heroism, and which

revolved around an all-male firehouse brimming with buff studs in which women figured as bitchy ex-girlfriends, harridan wives, or, most frequently, ‘booty call’ nymphets in spandex whose character development generally followed an arc from brain dead sex machine to *Fatal Attraction* psychotic. Toward the end of the show’s first season, a lone firewoman was introduced to the house: “The bean counters lower their standards so they can make their bitch quotas,” the chief gripes to his men. She isn’t quite up to the job, can’t win the acceptance of the “brothers,” initiates an affair with one of the firemen in the house—and is eliminated from the script by the end of the second season (103).

To prove that “[t]he post-9/11 fixation on male protectors at work and mommies at home” (179) was echoed in pop culture, she also mentions *24* (Fox, 2001-2010), *Prison Break* (FOX, 2005-2009), *The Shield*, *House* (Fox, 2004-2012) and *Lost*. I would add two of the series of my corpus, *Heroes* and *Jericho*, as unquestionably participating of this current. However, while *24*, *Prison Break*, *The Shield* and (arguably) *House* are masculinist fictions starred by “tough-guys” with stereotypical, peripheral female characters, *Lost* is an ensemble show that, despite having Jack Shepherd as its pivotal hero, features a diverse cast of female characters, many of them fitting the standards of the action hero. It is nonetheless true, as I will explore in Part II, that shows that deal with conservative gender stereotypes tend to represent interrogational torture according to a gendered pattern and *Lost* follows the trend. The pattern is as follows: male heroic characters propose to engage in torture and a female character enters the discussion trying to dissuade them. Her views, of course, are ignored. But apart from this rather formulaic motif, J. J. Abrams’ series in general show an effort to give prominence and complexity to female characters. *Lost* is, in a sense, a post-apocalyptic series—the characters crash in a desert island and need to build a community from scratch—and, as I will comment on further in Part II, the post-apocalyptic genre has a strong tendency to nostalgic regression, that is, to going back to the values of an idealized simpler past where men are the providers and women stay home. This is made evident in *Jericho*, but *Lost* features female characters like Jane Austen, an expert tracker, who adopts an active and crucial role in the community as one of the heroes that is always out in the jungle providing for resources.

Furthermore, while the *Boston Globe* stated in June 2006 that “[w]e’re in the middle of a Menaissance” (qtd. in Faludi: 179), it was also true that the basis for Juliana Margulies’ enthusiasm in 2014 – “What a wonderful time for women on television,” she exclaimed when she received her second Golden Globe award for her lead role interpretation in *The Good Wife* (qtd. in Scott, 2014) – was already being set. By 2006, the following shows that featured main female characters with agency (mainly as cops, spies or high ranking militaries) had been aired: *Alias*, *Dead Like Me* (Showtime, 2002-2003), *Cold Case* (CBS, 2003-2010), *Battlestar Galactica*, *The Closer*, *Bones* (FOX, 2005-2017) and the different *CSI* franchise productions. The characteristically post-feminist *Sex and the City* (HBO, 1998-2004) had its queer replacement with *The L-Word* (Showtime, 2004-2009), an all-female ensemble show that is perhaps the richest and most complete exploration of homosexual, transgender and transsexual women that the television format has ever seen. The trend was further established between the years 2008 and 2011 with shows like *The Mentalist*, *Fringe*, *The Good Wife* (2009-2016), *The Killing* (FOX, 2011-2014), *Revenge* and *Homeland*. Far from aprioristically ascribing progressive or feminist attributes to these shows, while real-life female cops, firefighters, doctors and flight attendants were erased from the media and institutional narratives of 9/11 heroism, television, at least, made a room for them, and as productions moved away from the immediate aftermath of the tragedy, the small-screen became their kingdom.

Abu Ghraib and Female Violence

Stereotypical assumptions regarding gender tend to conceive violent women as monstrous deviations from the norm (Creed, 1993¹⁵), the norm being that females are, above all, mothers, nurturers, loving creatures. However, recent history has proven that they do. As Barbara Ehrenreich puts it, a certain kind of naïve feminism died when the Abu Ghraib scandal broke out (2007:1). Of the seven U.S. soldiers involved in the abuses, three were women: Specialist Megan Ambuhl, Private First Class Lynndie England and Specialist Sabrina Harman. The kind of feminism that grants women a higher moral status crumbled in the face of pictures that showed England restraining an

¹⁵ Barbara Creed’s *The Monstrous Feminine* deals with the notion that, while violent women in heroic roles were late to appear in action films, the horror genre has always been “populated by female monsters (1985: 1)”, prove of the anxieties that the female body has historically instilled.

Iraqi prisoner with a dog leash or standing thumbs-up next to a pyramid of naked bodies.

Among the many photos that were released by the media, none were made more iconic than those which captured female soldiers, particularly England. Although male abusers like Graner and Frederick were shown mistreating prisoners in a more physical and brutal way, they did not receive the same amount of attention. As Laura Frost notes, “male aggression is taken for granted; it is ‘natural.’ Female aggression is aberrant.” (2007:141) Ilene Feinman contends that, given the real number of women in the military, “the relentless repetition of the photos” (2007: 62) starred by England, Ambuhl and Harman resulted in an exaggerated perception of female involvement in abusive practices. In contrast to their overrepresentation as torturers, the lack of representation of female victims of torture remains startling.

Borrowing a concept from feminist film critic Carol Clover, there is still another possible meaning for the media’s interest in over-representing the participation of females in the Abu Ghraib scandal. When analyzing the appeal of the rape-revenge movie (a narrative that is typically divided into two different parts: in the first, the lead female character is brutally raped; in the second, she takes revenge on the men that raped her) for the male viewer, Clover speculates that the fantasy of women who take up the responsibility of avenging their male attackers can be linked to men’s desire to lose any sense of guilt for being complicit with creating a world that legitimates male-on-female violence:

It goes without saying that the notion of women going around New York putting bullets through male chauvinists has everything to do with fantasy and little to do with reality. Just what the male spectator's stake is in that fantasy is not clear, but it must surely be the case that there is some ethical relief in the idea that if women would just toughen up and take karate or buy a gun, the issue of male-on-female violence would evaporate. It is a way of shifting responsibility from the perpetrator to the victim: if a woman fails to get tough, fails to buy a gun or take karate, she is, in an updated sense of the cliché, asking for it. Moreover, if women are as capable as men of acts of humiliating violence, men are off the guilt hook that modern feminism has put them on. (Clover, 1992: 142)

Making emphasis on the fact that “women are as capable as men of acts of humiliating violence” could be an issue behind the excessive attention that England,

Ambuhl and Harman received. It could be that this fact was fascinating in the sense that it created both outrage and relief (at least for the male commentator). In any case, analyzing the responses to the Abu Ghraib photos, what remains clear is that the feature that most shocked the public was not so much the evidence of American personnel committing abuses, but the gendered nature of those abuses. Much of the debate that followed the scandal focused on this dimension that manifested itself on two different levels: on the one hand, through the presence of women soldiers in front of the cameras, and on the other, through the nature of the tortures depicted.

Men dominated by women, men posing in homosexual acts, men treated as dogs... The imaginary behind the abuses committed at Abu Ghraib heavily relied on sexist practices and patriarchal power relations. Puar (2004) records former prisoner Dhia al-Shweiri's testimony regarding his mistreatments at the Iraqi facility:

We are men. It's okay if they beat me. Beatings don't hurt us; it's just a blows. But no one would want their manhood to be shattered. They wanted us to feel as though we are women, the way women feel, and this is the worst insult, to feel like a woman (53).

The general perception was that these practices were aimed at attacking Arab men where it hurt them most: in their sense of manhood. As Jumana Musa (2007) summarizes, these "photos depicting men being dominated not just by women, but by American women were intended to be the ultimate diminution of male pride" (82). Therefore, against Bush's "rotten apples" theory, the sophistication of the abuses, its carefully designed semiotics was seen as proof that they were part of a larger policy that had been devised by people with a certain understanding of the Arab world. Gary Myers, part of the defense counsel in the Abu Ghraib trials, said: "Do you really think a group of kids from rural Virginia decided to do this on their own? Decided that the best way to embarrass Arabs and make them talk was to have them walk around nude?" (qtd. in Hersh, *The Grey Zone*, 2004). The orientalist book *The Arab Mind*, written by Raphael Patai in 1973 and which has a history of being used as "manual" by government officials, "includes a twenty-five-page chapter on Arabs and sex, depicting sex as a taboo vested with shame and repression" (Hersh, *The Grey Zone*). Furthermore, interrogation tactics that exploited gender roles and sexual taboos had already been used at Guantánamo. In its periodic report to the UN Committee Against Torture, the U.S. government has verified the abuses "of a female interrogator in a tight shirt straddling a

detainee in a virtual lap dance” and those of “a female interrogator wiping red ink, made to look like menstrual blood, on a detainee.” (qtd. in Musa, 2004: 82). Evidence therefore suggests that female soldiers have been directed to use their bodies and gender identities as a weapon against the enemy, flaunting the demeaning cultural implications associated with being a woman.

The participation of England, Ambuhl and Harman in the events was given a great deal of importance and different interpretations. As mentioned above, (too) many were shocked by the fact that women could behave in such a way. Right-wing commentators attacked feminism for promoting “female barbarians” (Neumayr, 2004, qtd. in Marshall, 2007: 51), suggesting that equalitarianism had forced women to behave unnaturally, adopting traditionally male traits like violence. Among feminists, in spite of the general agreement over the constructed nature of gender, some had thought that the incorporation of women to the military would change the institution. As Erin Solaro explains, they had “argued that the military was naturally misogynist, homophobic, and heterosexist because it was majority male by demographic and masculine by ethos, while women were naturally peaceful” (2007:100). But there is no such thing as a “natural” behavior for either men or women. Rather, as Elizabeth Hillman notes, there’s “the military’s sexual culture,” a history of “sexual humiliation, taunting and abuse” (2007:112) that has been routine in training facilities much in the way that Kubrick’s *Full Metal Jacket* (Stanley Kubrick, 1988) exemplified. When women join the military, they have two options: either they behave like “one of the guys” (McKelvey, 2007:13) or they are systematically marginalized. Their very presence is not enough to change the system. This paradigm is relevant for the question that I ask in Part III: when women enter post-9/11 television fiction as action heroes, do they engage in interrogational torture like their male counterparts do or do they bring with them their gender’s stereotypical compassion and change the pattern?

During the trials, Lynndie England’s personal experience at Abu Ghraib was made public. She had returned from Iraq pregnant with Specialist Charles Graner’s child, who left her for Megan Ambuhl, another female soldier with whom she had been destined at Abu Ghraib. The uncovered soap opera plot served the arguments of those who claimed the need for preserving a heterosexual, men-only military, but also sketched the portrayal of England as a victim in at least two different ways. First, her defense strove to depict her as Charles Graner’s slave, someone easy to manipulate who would do anything he told her to. Janis Karpinski, commanding general of Abu Ghraib

at the time of the incidents, has described England as “a woman in love” whose relationship with Graner was “based on a kind of bizarre excitement with strong sexual undertones. She wanted to please him.” (2007: 216) This portrayal of female abusers as reluctant participants or secondary actors has also been supported by feminist critics like Barbara Finlay who considers that “the women involved in the actual tormenting of detainees at Abu Ghraib served mainly as *instruments* of masculine aggression, pawns in the game, responding to orders and encouragement by men who often held positions of authority over them” (2007: 204).

A second way in which female torturers like Lynndie England are regarded as victims is by the very tactics they use to coerce and torture. As stated earlier, abuses at Abu Ghraib had a clear sexual component, they aimed at humiliating the detainees by a reversal of gender roles and according to a hierarchy in which being treated like a woman is the last step before being treated like a dog, which can only be worsened if (as it was the case) the person holding the leash is also gendered female. Ilene Feinman (2007) speaks of a “double degradation” regarding women who “are being instructed to use their sexualized behaviors to defile and intimidate the male detainees while their U.S. comrades watch, participate verbally, and thus defile both female soldiers and male detainees” (78). Indeed, there is something twisted in exploiting the negative cultural connotations that are attached to one’s gendered self or, like Zillah Eisenstein (2007) puts it, in women “participating in the very sexual humiliation that their gender is usually victim to” (37). For Musa (2007), these practices “take[s] advantage of the military women” whom she considers that “sacrificed themselves in interrogations” (86-87). I will go back to this notion when analyzing shows like *Homeland* and *The Closer* which represent female interrogators as being extremely effective in their jobs because they use gender and sex as assets. They present us with an interesting dilemma because these are the heroes who never engage in torture. Is the instrumental use of the female body the only alternative to torture? Is it a legitimate alternative?

Readings of the women involved in the Abu Ghraib abuses as victims coexisted with other interpretations that highlighted the pornographic appeal of the photos and therefore understood the female agents that appeared on them as incarnations of the prototypical sexualized sadist, the dominatrix. What remains significant is that their characterizations fell in either of the two stereotypical poles, “innocents” or “whores,” “victims” or “dominatrix,” and these positions deny women agency. As Laura Frost (2007) cleverly observes, in Leopold von Sacher-Masoch’s classic novel *Venus in Furs*,

the dominatrix that mortified the masochistic male protagonist was in the end discovered to be playing a role that was not satisfying to herself, but only intended to please her lover. Conceiving the female torturer as either the pawn of a system that abuses her or as the product of a masculine fantasy “prevents a realistic assessment of women in power” (Frost, 2007: 143). To illustrate this, Frost quotes Kayla Williams’s *Love My Rifle More Than You* (2005), a book where this U.S. Army sergeant recounts her time in Iraq in an intelligence company. This is her recollection of an episode in which she mocked and verbally abused a prisoner, and a good example of the plausible experiences that common discourses on “women and violence” systematically deny:

I don’t like to admit it, but I enjoyed having power over this guy.
I was uncomfortable with these feelings of pleasure at his discomfort, but I still had them. It did occur to me that I was seeing a part of myself I would never have seen otherwise.
Not a good part.
For months afterward, I think about this episode, minor though it really was. I wonder if my own creepy sense of pleasure at my power over this man had anything to do with being a woman in this situation—the rarity of that enormous power over the fate of another human being (qtd. in Frost, 2007: 143)

Violent Women on Screen

As Laura Mulvey pointed out in her seminal essay “Visual Pleasure and Narrative Cinema,” (1999) in the classic Hollywood cinema there was a clear and gendered division of roles. Male characters advanced the action and were the subjects with which the audience identified whereas female characters were passive and objectified subjects, displayed to be looked at for scopophilic and voyeuristic pleasure. Up until the 1970s, the action film and other action-driven genres such as the Sci Fi film or the western were a male territory so the linkage between female heroism and violence had yet to be explored. In the 70s, however, the situation began to change.

In her 1992 book *Men, Women and Chain Saws: Gender in the modern horror film*, Carol J. Clover signals that the subgenre of the *slasher* and the *rape-revenge* film gave birth to a new type of female heroism. She describes the slasher as a genre that is indebted to Hitchcock’s *Psycho* (Alfred Hitchcock, 1960) but breaks free from the original and its imitations in a number of significant ways, particularly through the

motif of what she labels The Final Girl. *The Texas Chain Saw Massacre* (Tobe Hooper, 1974) and *Halloween* (John Carpenter, 1978) engendered a new horror trend in which the killer murders a group of innocent victims one by one until there is only one (female) survivor left, The Final Girl:

The image of the distressed female most likely to linger in memory is the image of the one who did not die: the survivor, or Final Girl. She is the one who encounters the mutilated bodies of her friends and perceives the full extent of the preceding horror and of her own peril; who is chased, cornered, wounded; whom we see scream, stagger, fall, rise, and scream again. She is abject terror personified. If her friends knew they were about to die only seconds before the event, the Final Girl lives with the knowledge for long minutes or hours. She alone looks death in the face, but she alone also finds the strength either to stay the killer long enough to be rescued (ending A) or to kill him herself (ending B). (Clover, 2015: 35)

We find “ending A” in *The Texas Chain Saw Massacre*, where a head-to-feet bloody Sally leaves wounded Leatherface behind, gets to the highway and is rescued by a truck-driver. Released four years later, *Halloween* gives us “ending B” with a Final Girl that actively confronts and kills her stalker. From then on, the presence of “Final Girls who not only fight back but do so with ferocity and even kill the killer on their own, without help from the outside” (37) becomes more and more common.

The rape-revenge film is also a product of the 70s and introduces a female victim-hero that is similar to the Final Girl: first she endures all types of sufferings, then she answers violence with violence. Clover situates the origins of this genre in Ingmar Bergman’s *The Virgin Spring* (Ingmar Bergman, 1960), where a father took revenge on the men who raped and killed her daughter. *Last House on the Left* (Wes Craven, 1972) mimicked this story, but allowed the mother to participate in the violent retaliation. *Act of Vengeance* (Bob Kelljan, 1974) and *I Spit on Your Grave* (Meir Zarchi, 1978) “take the next step, dispensing with male help altogether and having the victims take their own revenge” (2015: 138), which entails killing those who assaulted and humiliated them.

As we can see, during the 70s, horror films allowed female characters a gradually increasing agency that got them standing at the center of their story-lines (if only for the last twenty or thirty minutes of the film, in the case of the *slasher*) and reacting with resourcefulness and violence to their assailant’s attacks. Although Barbara

Creed (1993) sees signs of monstrosity in the vindictive Jennifer of *I Spit on Your Grave* (and it is true that her revenge goes as far as equating her with her rapists, in terms of brutality), I think it can be argued that this is the first time we encounter women on screen who are violent and heroic at the same time.

However, it is important to note that Clover's analysis, which departs from a psychoanalytic framework, denies these characters the label of "heroines." In the folk tradition, it is the hero who saves himself and the heroine who gets rescued (2015: 59). According to the binary logic of genres, passivity and victimhood are feminine whereas action and aggression are masculine. Therefore, she speaks of "victim-heroes," instead, to convey that the Final Girl and the rape-avenger embody both the feminine subject position of abject terror (the girl who screams, cries, runs, begs for her life...) and the masculine subject position of the hero who saves himself, killing the monster with a typically phallic-in-nature weapon. This is to stress that the Mulveyan analysis that did not contemplate cross-gender identification was inaccurate (as it is demonstrated by the fact that most of the moviegoers that watch *slashers* are males), that spectators do not identify with the body, but with the role. In the *slasher*, the male viewer identifies with the survivor because she has been figuratively re-gendered male (by virtue of her use of phallic weapons, by the simultaneous feminization of the aggressor who is usually a "mummy's baby," etc.) and the female spectator has only to read the movie in a literal way to empathize.

Clover still considers that the slasher "does, in its own perverse way and for better or worse, constitute a visible adjustment in terms of gender representation" (64) but her rendering of the Final Girl as "boyish" or "figurative male" (55) has had an impact on much of the feminist criticism that has addressed the issue afterwards, and it has provoked a quick denial of the female action hero's potential for transformation. As Jeffrey A. Brown (2011) explains, "a central concern for critics has been the common interpretation of the action heroine as simply enacting masculinity rather than providing legitimate examples of female heroism" (43). In this still ongoing debate I agree with Elizabeth Hills (1999) who, from a Third Wave perspective, calls for an interpretation that breaks free from gender binaries.

For Hills, the action heroine is a new type of heroine that transgresses "both cinematic genre codes and cultural gender codes which position female characters as the passive, immobile and peripheral characters of Hollywood action" (1999: 38). Agent Ripley from *Alien* (Ridley Scott, 1979) is the first "action heroine" of her type," a

“highly transgressive, transformative and controversial character” (40) that eludes the charges of being a “phallic woman” (that is, a simple reversal of roles; a part written up for a man that is eventually played by a woman) because she actually possesses skills and traits that are traditionally ascribed to either female or masculine categories. Hills reviews the critical responses to the first movie of the saga and summarizes the general feminist reception, which disregarded the character’s potential, as follows:

to some feminist theorists Ripley is not able to function as *both* female and heroic. In this context she has been read as phallic, and therefore figuratively male, or as eroticized, and therefore regressive rather than transgressive (42).

The most controversial part of the film is its last sequence. Indebted to the *slasher*, *Alien* presents us with an initial crew of seven members that go on dying, one by one, until only Ripley is left. This is the moment when she arises as the true heroine, confronting the monster by herself and finally defeating him, though in a scene that reminds slightly of *Psycho*’s most famous clip. Ripley has succeeded in her attempt to leave the ship and enter the evacuation capsule –together with her cat, for whom she has put herself in danger; an “irrational” action that critics have also linked to the script’s will to remind us of her “femaleness” (Hills, 1999: 42)– and once there, believing she is already safe, she takes her clothes off to enter the spatial suit. She does not know that the monster has followed her in and is hidden in the capsule, voyeuristically looking at her striptease just like the spectators do. Like Marion in *Psycho*, Ripley is attacked when she is most vulnerable, stripped down to her underwear, but unlike Marion, she is able to save herself.

Hills does not understand, and neither do I, why feminist criticism “reads Ripley’s ‘femininity’ as disqualifying her as a hero. Because Ripley is shown to be vulnerable *as well* as brave she can be only a token hero” (43). Rather, and in contrast with other action heroines, the fact that Ripley borrows traits from the list of what it is traditionally considered to be feminine and traditionally considered to be masculine seems to go against the charges that she is nothing but a “figurative male.” She is something much more complex than a “phallic woman,” something that goes beyond gender inversions and defies gender binarisms. In Part III I will argue that Olivia Dunham from *Fringe* is both the most feminist character from my corpus and the most heroic, a character that reconciles the best attributes of both gender stereotypes and

breaks free from the “tough guy” Western paradigm that has been so popular in post-9/11 fiction. Olivia Dunham is, undoubtedly, an heir to Lieutenant Ripley.

Hills reads the final stripping of Ripley as a way of proving that her heroism is not compromised by nakedness, that she is able to defeat the enemy even in her most vulnerable moments. Indeed, the casting of Sigourney Weaver, a muscular, tall, athletic woman, seems to pursue verisimilitude rather than spectacle. Something similar happens with the Sarah Connor from *Terminator* (James Cameron, 1984), where the eye of the viewer was directed to Linda Hamilton’s physical strength rather than to her curves. Tasker describes the 1980s female action cinema as a “muscular cinema” (1993: 5) and Brown considers that these muscular heroines offer the “most progressive depictions” of their kind because they are represented “at the same level of erotic portrayal as the male icons of the screen, as primarily subject and secondarily object” (2011: 41). However, more recent action heroines do not so easily escape these charges of objectification.

As Rikke Schubart notes, during the 70s and 80s female action heroes entered mainstream films as a rarity, but in the nineties their presence became a “box office trend” that reached its height at the beginning of the new century with *Charlie’s Angels* (Joseph McGinty Nichol, 2000) and *Lara Croft: Tomb Raider* (Simon West, 2001). As Schubart declares, “[s]uddenly, female heroes were everywhere” (2007:3). If we pay attention to the actresses that played these roles and to the way in which they were represented, the split from the early action heroines’ paradigm is clear. Cristina Lucia Stasia highlights that *Lara Croft: Tomb Raider* “fundamentally comprises four long action sequences” that, first and foremost, “function to showcase Lara’s (Angelina Jolie’s) body”, with shots that “focus on her breasts, thighs and butt” (2004:177). The heroine is spectacular because she has a perfect body –think of the fake breasts and mini-shorts that Jolie shows in the film– and, with that amazing anatomy, she performs amazing deeds. As Stasia concludes, “[s]he is thus figured as primarily object before subject” (177).

The regressive agenda that lies behind the hyperfeminization of the action heroine is perfectly understood through a case study that psychoanalyst and writer Joan Riviere analyzes in “Womanliness as Masquerade” (1929). In this book which became crucial for the late twentieth century de-essentializing and deconstructive theories of gender as performance, Riviere discusses the case history of a professional woman whose work demanded that she gave public speeches where she managed with great

proficiency and success. However, once the exhibition was over she felt an enormous anxiety and fear, which she tried to alleviate by seeking the reassurance of men (father-figures) from the audience, and by acting flirtatious and provocatively with them.

The exhibition in public of her intellectual proficiency ... signified and exhibition of herself in possession of the father's penis, having castrated him. The display once over, she was seized by horrible dread of the retribution the father would then exact. Obviously it was a step towards prostituting the avenger to endeavor to offer herself to him sexually (1929: 305-306).

Dispensing with the psychoanalytic talk, what Riviere's patient experienced was that she had entered a male sphere and to compensate for it, to reinstate herself in her gender, she displayed herself as a sexual object. This, or something similar to this, is the problem behind hyperfeminized action heroines. Rooted in a system of gender binaries where action is male and passivity female, Lara Croft, who is courageous, intelligent and leads the action, has entered a domain that is not hers. To reinstate her in her due place, she has to be represented as an object to be looked at. *The Closer*, to be analyzed in Part III, offers an interesting exploration of the interrelatedness of female power and compensating sexualization through the character of Brenda Johnson who arrives at Los Angeles to become the head of the Police Department's Homicide Division. She is the boss in a predominantly male world, and some of the initial episodes deal with her subordinates' problems to adapt to the situation. Her femininity is her most relevant character trait, but it is so inflated that it allows for the reading that it could be an act, the necessary price she has to pay to occupy the rank she has been given. There is no ambiguity, however, in the FBI recruit Alex Parrish, the female hero from *Quantico*, one of the most recent counter-terrorism series. She incarnates the exact same prototype that Lara Croft, which means that regressive characterizations do not get buried in the past but coexist with other types in the same television grill.

One important aspect about Lara Croft is that she is not only deprived of agency by her eroticization. She is also a Daddy's girl. Stasia distinguishes between a "public female action hero who acts on the offensive" and a "private female action hero who acts on the defensive" (2004:178) and who is indebted to the 1970s rape avengers and Final girls who became heroic only after being victimized (only after being given a cause) by males. On the surface, Lara might look like a "public female action hero," but as the story unfolds, we learn that her quest is motivated by a secret in her father's past.

She behaves the way she does just in order to please her father and once she fulfills her duty, she goes back to her normal life, giving up adventure and becoming Lady Croft. Therefore, according to Stasia's characterization, her motivations are "located in the 'private' sphere" (2004:178).

"Male motivation –whether offensive (being sent on a quest by your dead father) or defensive (responding to male violence) –mitigates the agency of the female action hero," summarizes Stasia (2004:179). Within this narrative framework, the male action hero pursues thrill and justice for no reason at all, because he can, whereas the female action hero is only propelled to the realm of the public and the adventurous when she is forced to do so by circumstances beyond her control. It is noteworthy that even the most transgressive and interesting action heroines that are found in contemporary television respond, too often, to male motivation. In Part III I will expose how this trait is among the few common features that characters as diverse as Sydney Bristow from *Alias*, Olivia Dunham from *Fringe* and Emily Thorne from *Revenge* share. There is no clear connection between the type of female hero a character embodies (masculinist, muscular, hyperfeminized, etc.) and her attitude to torture. Charlie from *State of Affairs* and Emily Thorne from *Revenge*, who incarnate traditional femininity, engage in torture as much as tomboyish Kara from *Battlestar Galactica* and Jessica Jones from *Jessica Jones*. However, some knowledge about the precursors of these violent and yet heroic female characters is relevant to understanding the particular characteristics that they have acquired in post-9/11 television, and to discern whether they have interiorized the motif of the "torturer-hero" in accordance to their male counterparts or to their own history of visual representation.

PART II

A Box about to Go Off: Torture in Television

POST-9/11 TELEVISION AND TICKING TIME BOMBS

In Part I have discussed how the War on Terror opened a political, legal and scholarly debate on the legitimization of torture that has been articulated around the Ticking Time Bomb hypothetical. In this chapter I will analyze how these debates not only found echo in the realm of popular television fiction, but also how the popular, legal and political discourses fed each other. All “cultural artifacts [...] exist in time, and they are bound up with personal and institutional conflict, negotiations and appropriations” (Greenblatt, 2010:1250). However, as Karen Tenenboim-Weinblatt points out, in post 9/11 television fiction we find an explicit “intersection between popular culture and conventional politics” that opened the way to fictional texts being “used in formulating and expressing opinions on public issues” (2009).

The embeddedness of post 9/11 television fiction in its historical context is most clearly illustrated by its unprecedented fixation on the representation of torture. In 2007, Human Rights First signaled that before 2001 the number of times torture was shown on television was four a year, while after 2001 it amounted to more than 100 per year (qtd. in Lokaneeta, 2010:257). The medium not only replicated the debates regarding the legitimization of torture in extreme circumstances studied earlier, but it became part of that very same debate. Since much of the torture was carried out by “the good guys,” the attempts within the realm of fiction to find ways of reconciling heroism with such a generally condemned practice was parallel to the endeavors of politicians and lawyers to account for the actions of their military and intelligence agencies abroad.

The most notable example of a show whose insistent and controverted representation of torture shaped political and legal discourses regarding its legitimization was *24*, a Fox network production that aired in November 2001 and spanned through a decade. The Parent’s Television Council counted sixty-seven torture scenes during its first five seasons (qtd. in Kearns and Young, 2014:3) and as Neroni points out, despite the early acclaim its novel dealing with time received, by the time the series ended it was “more known for its involvement in the debate on torture than for its original form” (2015:98). Hill (2010) explains that its protagonist Jack Bauer is behind

the coining of a term, the ‘Jack Bauer Effect,’ which alludes to the process of numbing audiences through the constant representation of torture in the show.

Torture on *24* is not an instrument of the wicked, but a standard tool of interrogation employed by good-hearted people in the defence of the country they love. The ‘patriotisation’ of torture has led to considerable concern of the part of human rights activists and others that continued exposure to the show’s positive portrayals of torture might lead audience members to overestimate terrorism’s real-world efficacy, while inuring them to its serious negative consequence (2009:4).

Though none of them are such explicit nor egregious as *24* is in their dealing with the subject, many successful post-9/11 contemporary television series have included scenes in which the heroes torture suspects to obtain crucial information, often justified by narrative re-imaginings of the Ticking Time Bomb Case. My corpus, made out of fourteen television series that contain at least one such instance is indicative that it has become a trend in recent television fiction. Flynn and Salek (2012) describe the phenomenon as follows:

Although torture is the ‘clumsiest’ way to extract information [...] in the post-September 11 era torture has been given magical qualities. Torture victims are thought to rarely confabulate, and instead name names and give locations and dates with an empirical accuracy that is hardly seen in actuality. The torture ends in a confession that ends up breaking open the case and reinforces the notion that torture and sacrifice will yield the desired results (3).

The typical drill they describe is perfect to account for all the torture scenes that appear in *24*, as it will become evident in the following section in which I will provide a close textual reading of the show. However, do the rest of the series of my corpus represent torture in such a way? Do they always “patriotize” it and prove it “magical”? In this first section I will analyze six different series that represent instances of heroes who engage in torture because they deem it necessary. I will try to elucidate if they, indeed, fit the legitimizing pattern described by Flynn and Salek (2012) or if they depart from it in any relevant way. I will also pay attention, both in this Part and in Part III, to how the scandal of Abu Ghraib in 2004 and the arrival in 2009 of President Obama affected representations of torture, careful to locate reflections of the changes in public perceptions and government discourses. In *Terrorism TV* (2012), Stacey Takacs argues

that television after 9/11 (she addresses both news and entertainment programs) shifted from early uncritical dissemination of the Government's rhetoric as it is best illustrated in Faludi's *The Terror Dream* (2007) to the gradual emergence and final proliferation of programming that overtly attacked the Bush administration. Dates, therefore, should be considered relevant. In the following sections I will depart from *24*, aired in 2001, to move on to *Heroes*, *Jericho* and *Battlestar Galactica*, aired between the years 2006 and 2008, to end with one of the most recent shows of my corpus, *Daredevil*, released in 2015.

24 AND THE POLITICS OF IMMINENCE

24 features a fictional counter terrorist unit (CTU) that, through the decisive help of one of its agents, Jack Bauer, works to avert imminent attacks on US soil. Its main appeal was its innovative use of real time. Each season of the serial covers a day, each of its 24 episodes, an hour. As Hilary Neroni puts it:

The form of *24* is geared toward a sense of immediacy. This sense of immediacy begins with the twenty-four-hour clock. The clock is introduced in every episode along with the name of the series (*24* depicted in numbers signifying a digital clock), the name of the episode (which is the hour it represents), and Jack's voiceover explaining that events occur in real time (2015: 98).

The premiere of its pilot episode, which ended with the explosion of a flight in which all passengers were killed as part of a terrorist plot to assassinate President David Palmer (a prophesizing black president), had to be delayed from its original airing date on October 2001 due to the 9/11 attacks. It was, therefore, coincidence that the series tackled from the onset themes that would become of such great concern for the American public as terrorism, insecurity and exceptionalism. However, its famous pro-torture zeal is not made obvious until the Second Season, which was consciously written as a post 9/11 text. While in the First Season (1.23) we only see Jack Bauer threaten the torture of a suspect (he never carries out the deed because the threat is enough to elicit the information and, whereas this amounts to "psychological torture" according to the U.S. code, it certainly is a trifle given the course the series would take), the Second Season has ten instances of interrogational torture of which only two are

committed by the enemy. The Season opens with a man being tortured in Seoul by two Korean officers (2.1). The victim is hooked up to a torture machine that is feeding him some kind of drugs and electricity shocks. We hear him screaming and the steady voice of the interrogator asking him a question. The man eventually produces a word, “today,” and the interrogator goes to an adjacent room to deliver the message to a group of American military officers who were waiting for it. The imagery of the scene is reminiscent of the CIA’s detention facilities abroad and of the euphemistically called “rendition program” that entailed handing over terrorist suspects to the authorities of countries that were known for their human rights violations.

The departure point of the Second Season is the typical formulation of the Ticking Time Bomb scenario. Soon after the initial torture scene, the President is briefed about the implications of the intel extracted as follows: “There’s a nuclear device, under terrorist control, that’s on US soil.” “Where?,” Palmer asks. “Los Angeles. It gets worse. This bomb is going to go off today” (2.1). President David Palmer, agent Jack Bauer and his colleagues at CTU have 24 hours, or maybe less, to avert an imminent attack that will cost the lives of thousands of civilians. As Neroni points out, “the constructed urgency of the clock and its link to the ticking bomb provides the reason that a suspension of political rights is acceptable, a suspension that allows for the use of and even celebration of torture” (2015: 99).

With such a narrative proposal, it seems almost inevitable that the subsequent episodes will be rife with desperate decision makings and extreme measures. Indeed, the traditional format of the television series, with episodes that usually last 40 minutes, already imposes a sense of urgency. This is, at least, the justification that some scriptwriters have given to account for their relentless reliance on torture narratives. Danzig (2012) quotes TV writer Jacob Epstein explaining this view: “A lot of writers simply don’t have the time to go through complex scenes where an interrogator and a prisoner build rapport. Torture scenes only take a few seconds. And one-hour programs are really only forty-two minutes when you cut out the commercials” (29). It could be stated that, in a way, structure leads to content. However, this does not mean that producers are released of their responsibility for the contents they choose. In the particular case of *24*, the extremes to which writers take the motif of torture shows a bizarre passion for the motif that surpasses mere generic conventions. In Season Two Episode Eleven, David Palmer learns that the head of NSC might be implicated in the plot and has him tortured with electric shocks in an interrogation room at the White

House. In Episode Twelve, Jack Bauer apprehends the Middle-Eastern terrorist that has planted the device. He uses physical coercion against him but the man is profoundly committed to his cause.

ALI: I woke up today knowing that I would die.

BAUER: I can make you die with more pain than you ever imagined. (He breaks his hand).

ALI: Then I will have that much more pleasure in paradise.

Accepting that pain is not going to be enough to break him, Bauer tries a different approach. He lets an Imam into the interrogation room hoping that he will be able to establish rapport. It is significant that, for Bauer, torture is not the last course of action to be taken after every other means have failed, but rather the default technique. Only after physical torture has proven useless does he try other alternatives. The conciliatory Imam is not successful, so he opts for psychological torture. This is somewhat an anomaly in a show where, as Lokaneeta (2010) argues, torture is always the equivalent of extreme physical brutality. But the drill is spectacular enough to meet the standards of the series. Bauer has the terrorist's family (wife and two sons) be apprehended by the cooperating government from which he is from and orders the guards to kill them one by one at his command, every time the terrorist fails to answer to his questions. The President is not willing to cross this red line, however, and forbids Bauer from carrying out his threat. Faced with this obstacle, Bauer resorts to a mock execution that makes Ali talk. Once again, he has opted for the less drastic measure (faking the death of the terrorist's son instead of effectively killing him) only after the original plan has failed.

As Pinedo observes, the narrative of *24* works like a videogame, "with each episode culminating in a challenge that must be overcome in order to advance to the next level, until the end of the game is reached" (2010). Each level usually consists of apprehending a suspect, interrogating (torturing) him or her, and getting the information needed to apprehend the next suspect, higher in the ranking command. Following this pattern, after getting from Ali the location of the bomb, Bauer gets to Mary Warren, the American fragile looking blonde terrorist that has masterminded the plot. Mary is shot in the arm while being arrested and is in great pain. Jack is accompanied by Mary's sister Kate, who has been helping him find her. At hearing the desperate screams of her sister, she asks Jack to give her painkillers, but Jack calmly explains to her that he needs

to make use of every advantage he has, that he understands her love for Mary but right then, it is more important to save the lives of millions of people. She needs to let him do his job. Kate, who will later become Jack's girlfriend, submissively assents and watches Jack enter the interrogation room where he will torture her sister.

"Do you know why the pain is so severe? The bullet's still in your arm, lodged against the bone," Jack approaches the female terrorist and presses the wound, causing her enormous pain. For a show that deals with flaunted regressive stereotypes, torture is egalitarian. "Tell me where the bomb is and I'll get you something for the pain and then we'll treat your arm." In spite of her suffering, Mary remains uncooperative. Then, Bauer gives her a short-action painkiller and asks Kate to talk to her. When the effects of the painkiller remit and the pain comes back, Mary begs Kate to make Jack stop. "No, *you* make him stop," she answers. This is not the only instance in which familiar of affective bonds are superseded for the greater good. In Season Four, the Secretary of Defense sanctions the torture of his own son, who is not telling the whole truth about his circumstantial involvement with the terrorists because he does not want to acknowledge that he is gay (4.22). In Season Five, Jack strangles his girlfriend who is suspected of being a mole after he notices that she is contradicting herself (5.3). In Season Six, he tortures his own brother twice, first by suffocating him with a plastic bag and then by injecting him with sodium pentathol in the presence of their father (6.7).

No individual is protected in *24*, because no individual is more important than many individuals. As Žižek explains, "[i]n the 'war on terror,' it is not only the terrorists but the CTU agents who become what philosopher Giorgio Agamben calls *homini sacer*—those who can be killed with impunity since, in the eyes of the law, their lives no longer count" (Žižek, 2006). In Season Three, CTU officer Tony is charged with treason for boycotting an operation under the command of a terrorist that has taken his wife hostage (3.20). He has put the life of a single person above his duty to protect the many. True heroism in *24* involves doing what needs to be done, no matter how heinous the act needed to avert a greater disaster is. In fact, in an extreme utilitarian fashion, deeds are right or wrong not for themselves, but for the means they achieve. Bauer, who is constantly volunteering to sacrifice himself for others (in Season Two he embarks on a suicide mission to dispose of the located bomb), has no qualms to sacrifice innocents if the stakes are high enough. In Season Five Episode Eleven, Bauer is interrogating the man who trained him. He knows Bauer's tricks and is as capable of enduring pain, so Bauer decides to torture his innocent wife instead. He shoots her in

the thigh and threatens to dare for her kneecap, which will put her “in a wheelchair for the rest of her life” if he does not talk (5.11). In Season Four, there is a new bomb that will go off in two hours and Bauer has kidnapped a man who could lead them to the perpetrators, but he is dying. He storms into CTU’s hospital demanding that they keep him alive. However, there is only a doctor and he is operating on his girlfriend Audrey’s estranged husband, who is critically ill. Bauer needs to decide between saving an innocent or a terrorist who might have life-saving information, and he opts for the second (4.20).

Heroes and villains in *24* are not told apart by their actions but by their affiliations. There are striking similarities between them. Season Three starts with a group of terrorists kidnapping the Secretary of Defense with the purpose of submitting him to a televised trial for his alleged crimes of war. They want him to sign a confession (3.1). At the end of Season Five, Bauer learns that the President Logan has been involved in the assassination of former President Palmer and he abducts him so he can torture him and obtain an admission of guilt (5.24). Torture is also the trade of terrorists and counter-terrorists alike. In Season Two, Episode Nineteen, Bauer is tortured by an enemy who wants to know the location of a chip that has incriminating evidence. For several sequences, we see Bauer sustain torture for, though “everybody breaks eventually” is one of the series’ mottos, that is true for everyone but for Bauer. He is about to be injected with a paralyzing toxin that will slowly kill him when he regains control of the situation. He takes the shot and uses it against his torturer, whom he interrogates immediately. Pointing a gun to his head, he tells him that he will make it quick if he tells him the name of his superior. The man immediately complies.

The series partakes of that self-interested definition of “terrorism” that Chomsky has persistently denounced, the conventional understanding of the concept as “terrorism directed against us and our friends” (2001: 75). There are two types of terrorist violence, “wholesale” violence and insurgent or “retail” violence (Chomsky and Herman, 1979). The USA and other Western states have historically committed massive acts of wholesale terroristic violence, but the term “terrorist” is only ascribed to the insurgent violence. It is related to the power of the actor who commits the violent act rather than to the act itself. In short, “[t]he argument becomes a pragmatic one about who is politically enabled to be violent, not the absolutist Gandhian or Tolstoian question of whether “anyone” is so entitled” (Downing, 2007: 68).

In 24, villains and heroes alike are committed to utilitarian cost-benefit calculus. Both the terrorists who are ready to sacrifice millions of innocent lives for the hope of a better political order and the CTU agents who think of individuals as expendable in their fight to avoid greater harms partake of a similar thinking. In Season Three, the ultimate villain is a former MI6 agent, Stephen Saunders, who was abandoned to the enemy in a mission in the Balkans and has since learned about the implications of American interventionist policies the hard way. He is threatening President Palmer to release a lethal virus if he does not dismantle the American intelligence/military apparatus. Bauer gets to him by kidnapping his teenage daughter Jane, whom he uses as leverage.

JANE: I know you think what happened to you is the government's fault, and maybe it is. But the people who are going to die are innocent.

SAUNDERS: And that is tragic, Jane. But it has to happen for things to change, and they must change.

JANE: How can you do something like this?

SAUNDERS: I'm doing it for your sake.

JANE: For my sake?

SAUNDERS: For you and your children. After it's all over, the world will be a better place. (3.23)

Actually, in 24, villains are often patriots gone awry. They are “inside terrorists,” “politically highly-placed individuals” that are “trying to sway the course of American policy rather than –as they see it– watch the USA be destroyed by wrong-headed policies” (Downing, 2007:76). This involves that many of the terrorist ploys that feature each season are directly or indirectly sponsored by members of the government. In Season Five, for example, President Logan facilitates that a group of Russian separatist terrorists (they are not named as Chechens) gets access to a nerve gas that they plan to release in Moscow. The President has just signed an anti-terrorism treaty with Russia that allows American military presence in Central Asia in case of an attack and he wants to use the terrorist strike to invoke such a privilege and secure American petroleum interests in the region. In other seasons, ploys are orchestrated by members of government close to the President, from counselors to the head of NSC. “The enemy within” motif is pervasive and also affects the CTU which typically features at least one mole among its ranks per season. It was a mole, Jack Bauer’s former lover Nina Myers, who killed Bauer’s wife in the last episode of the first season, the single incident that is most responsible for the hero’s tragic self.

For Downing, this “Terrorists-R-Us!” discourse “complicates 24 a little,” at least in terms of racial stereotyping (2007: 75). It is true that the ploy regarding the anti-terrorism treaty with Russia contains a scarcely hidden attack on the “friends” the U.S. makes to secure its allies in the War on Terror and on the suspicion that it wages wars for profit. However, I believe that “the enemy within” motif that repeats itself season after season in fairly similar variants is most relevant as the manifestation of a typical anxiety of the post-9/11 world, related to the threat of global terrorism: the enemy is no longer clearly identifiable; it remains hidden among us. Baudrillard describes this characteristic of contemporary terrorism as follows:

Sleeping in their suburbs, reading and studying within families, before waking up suddenly like delayed explosive devices. The perfect mastery of this secretiveness is almost as terrorist as the spectacular action of the 11 September. For it makes one suspect: any inoffensive individual can be a potential terrorist! If those terrorists could pass unnoticed, then anyone of us is an unnoticed criminal (each plane is suspect too), and ultimately, it might even be true. This might well correspond to an unconscious form of potential criminality, masked, carefully repressed, but always liable, if not to surge, at least to secretly vibrate with the spectacle of Evil. Thus, the event spreads out in its minutiae, the source of an even more subtle psychological (mental) terrorism (2001).

Like the insistence on interrogational torture, the fear of an enemy that resembles us is a motif that repeats itself in most post 9/11 series and that is masterfully explored in *Battlestar Galactica*. I will go back to it in the section devoted to this other show.

Tragic or Utilitarian Dilemmas

Hegel (1962) described the essence of tragedy by departing from Sophocles’ *Antigona*. In the original myth, Antigona has his two brothers Eteocles and Polinices dispute the throne of Tebas and start a civil war that ends up when they kill each other. Creonte, who succeeds Eteocles in the throne, determines that Polinices was a traitor to his country and forbids that he is properly buried, ordering that his body is left at the margins of the city for the beasts to consume it. Antigona is torn apart between her duty to honor tradition and her duty to obey the authority of the city. She eventually disobeys Creonte and buries the body of her brother, for what she is sentenced to an awful death.

She escapes it by committing suicide. “In Hegel’s view the essence of tragedy is conflict, not a moral conflict between right and wrong, but a conflict between legitimate rights and institutions” (Williams, 2012: 8). The tragic hero is presented with an impossible situation. Whichever path she chooses, she will be committing a moral wrong, but only one of these wrongs involves going against something which is public (the city) rather than personal (the individual right to honor one’s relatives). When Antigona dies, we experience an angst for the destruction of “one who is noble and excellent, but ... we are fundamentally reconciled to this destruction because a conflict and loss of essential institutions that hold everything together would be even more unbearable” (Williams, 2012: 9). If we agree with the notion that torture requires institutions and its legitimization would therefore corrupt the whole system, Jack Bauer resembles Antigona in his transgression, but he is never accordingly punished. His tragic hero outfit is as fake as Cofer Black’s who, in the days after 9/11, after a meeting in which the extraordinary measures that would have to be taken to implement their counterterrorist plan were being discussed, reportedly told a British intelligence representative there present: “We’ll all probably be prosecuted.” Mayer recounts that “Drumheller [the British agent] thought that Black practically relished the possibility casting himself as a tough but noble hero, forced to sacrifice himself for his country.” Of course, Cofer Black was neither ever prosecuted. Indeed, when he delivered his famous “after 9/11 the gloves come off” speech, he addressed the Senate arguing for torture just like Bauer does in Season Seven’s opening sequence. I will address this memorable scene later in this section but for now, I just want to emphasize that 24 represents the exact same type of jingoist hero that the men behind the War on Terror wanted themselves to be.

A priori, it must be accepted that the hero who faces a Ticking Time Bomb scenario is presented with a tragic dilemma. She needs to choose between upholding the value of life (the lives of the innocents she believes she will save by torturing the suspect) at the cost of corrupting sacred institutions (in this case, the commitment of the Government he represents as a law official to fundamental democratic and humanist values.) Even though the extreme circumstances in which she finds herself ask for the suspension of such a sacred precept as the right not to be tortured, the justification of her acts would mean the destruction of the institutional commitment to human rights. But according to Hegel, for a torturer hero to be tragic, she would need to be sacrificed

in the end. Bauer, like Cofer Black, is a fake tragic hero, one which retains the honorability of sacrifice when such a sacrifice will never get real.

The recurrence of torture in *24* is only a concrete manifestation of the pervasive presence of moral/tragic dilemmas in the series that, just like the tragic heroes that face them, are fake. As Parrish (2002) argues, “*24*’s creators have substituted in the public mind almost a parody of the standard philosophical account of a moral dilemma in place of the traditional notion.” While Antigona is truly divided between two opposing loyalties, as Sutherland and Swan (2007) state, Jack Bauer never doubts. There is always a simple way to ascertain the right path to choose: following utilitarian ethics, the virtuous remain virtuous if they take whatever action will minimize the number of deaths. President Palmer, who stands as the only unquestionably righteous President of the many that appear in the series, needs to decide whether to give in to a terrorist’s demand (that he orders the assassination of a CTU officer) or to accept the consequences of a lethal virus being released in Los Angeles; whether to sacrifice the life of Bauer to get the location of a bomb or to protect his friend’s life... Each time, he makes the right decision, that is, the tough one. If taking a single life brings the benefit of protecting the community, this is the way to go. He is the perfect incarnation of the “tough guy,” “whatever it takes” mentality that political and media discourses demanded after 9/11 (Faludi, 2007). “This is a dirty business, and we’re gonna have to get our hands dirty to clean it up,” we hear him say in Season Four Episode Twenty. However, his usage of the expression “dirty hands” would not satisfy Michael Walzer. Both in Season Two and Season Four, Palmer decides between the lesser of two evils (aiding the escape of a narco-terrorist because his brother is menacing to release a lethal virus otherwise (Season Three), and breaking into the Chinese embassy to kidnap a suspect in Season Four), but asks Bauer to carry out his orders covertly, so that these do not implicate the government. Bauer is therefore deprived of any official protection. If he is caught following the President’s orders, he will be held accountable for them. The President will not.

As Thomas observes “contrary to the actions of the characters’ that abide by the law, it is Jack Bauer’s outside-of-the-law actions that consistently prove to be the ‘right’ ones, i.e. the ones that get results and ‘stop the bomb’” (2008:91). In this sense, as Neroni has noted, “Jack is simply an incarnation of the Western hero” (2015:112). He is the loner, peripheral figure who cannot be fully integrated in the community that he strives to protect because the things that need to be done are incompatible with the law

by which the community abides. At the end of Season Four, Jack fakes his own death and goes into hiding under a new identity because the Chinese want him for attacking their embassy (4.24). He is forced to come back to CTU in Season Five, and at the end of the season (5.24), he is captured by the Chinese, who incarcerate him and torture him for the two years that lapse between Season Five and Six. The series ends in Season Eight with Jack leaving the country because both Russian and American governments want him for conducting a series of assassinations to avenge the death of his latest lover. The President gives him the chance to decide whether to face the charges against him and go to prison, or disappear for good. He opts for the second (8.24).

Jack Bauer pays, poetically and literally, for his transgressions. In the last episode of Season One, the main villain of this first narrative arc kills his wife and throughout the series, he loses everyone who is dear to him. He is incarcerated and tortured and eventually forced to leave his country, where his daughter and granddaughter live, for a permanent exile (1.24). At the beginning of Season Two, we see him in a self-destructive mood, addicted to heroine, unable to deal with the guilt he experiences for having put his late wife at risk. The last shots of Season Three (3.24) picture him crying in his car. Analyzing this scene, Pinedo (2010) observes that we are left to fill in the reason for those tears and to wonder if this is how Jack ends all his 24-hour days. Although we cannot know for sure what he is crying about, the fact that he has just said goodbye to his daughter and the emphasis made by the series on his incapacity to reconcile his family life with his work point towards this direction. Executive producer Howard Gordon contends that “Jack Bauer pays a terrible price on his soul” for doing the “awful things [that] need to be done.” (qtd. in Dilullo, 2007:124-25) However, of the many crimes Bauer commits for the greater good, torture is not among the ones for which he seems to pay or suffer most.

In the first episode of Season Seven, aired in May 2009 after the election of President Barack Obama, Bauer is subpoenaed to testify in Congress during a U.S. Senate hearing aimed at investigating the dealings of CTU, which has been closed under the new administration of President Allison Taylor. Allusions to real-world politics are here more evident than ever since the scene is reminiscent, as I mentioned earlier, of Cofer Black’s September 26, 2002 address to the House and Senate Intelligence Committees and one of one the first measures taken by Obama, that was to end the CIA’s Interrogation and Detention Program and to open a Senate investigation into the abuses committed. Bauer is asked by Senator Blaine Mayer about his torture of Ibrahim

Hadad, “a member of a terrorist sleeper cell CTU had under surveillance in 2002”. I transcribe the dialogues because they are worth paying attention to:

SENATOR: ... Did you “torture” Mr. Hadad?

BAUER: According to the definitions set forth by the Geneva Convention, yes, I did. Senator, why don't I save you some time. It's obvious that your agenda is to discredit CTU and generate a series of indictments.

SENATOR: My only agenda is to get to the truth.

BAUER: I don't think it is, sir.

SENATOR: Excuse me?

BAUER: Ibrahim hadad had targeted a bus carrying 45 people, ten of which were children. The truth, senator, is I stopped that attack from happening.

SENATOR: By torturing Mr. Hadad.

BAUER: By doing what I deemed necessary to protect innocent lives.

SENATOR: So, basically, what you're saying, Mr. Bauer, is that the ends justify the means, and that you are above the law.

BAUER: When I am activated, when I am brought into a situation, there is a reason. And that reason is to complete the objectives of my mission at all costs.

SENATOR: Even if it means breaking the law?

BAUER: For a combat soldier, the difference between success and failure is your ability to adapt to your enemy. The people that I deal with, they don't care about your rules. All they care about is a result. My job is to stop them from accomplishing their objectives. I simply adapted. In answer to your question, am I above the law? No, sir. I am more than willing to be judged by the people you claim to represent. I will let them decide what price I should pay. But please do not sit there with that smug look on your face and expect me to regret the decisions that I have made, because, sir, the truth is, I don't. (7.1)

A direct criticism to Obama's prosecution of the abuses committed during George W. Bush's administration, the scene represents Jack Bauer invoking the necessity defense which, as we have seen in the previous Part, was the defense recommended by Jay S. Bybee, by the Israeli Court that ruled over the abuses committed by the Security Services and by many other non-absolutist theorists that have dealt with the implications of the Ticking Time Bomb. Unlike politicians in the series, who rely on Bauer to carry out their dirty jobs under the radar to provide them with plausible deniability, the hero is ready to accept the consequences of his acts, which theoretically, rather than a tragic hero, would make of him a “dirty hands” moralist as the one described by Walzer (2004). However, since the Senate hearing plot is not revisited in the remaining episodes, we are led to understand that Bauer is effectively

exonerated and never find out whether he would have accepted to go to jail had he been found guilty. The last episode of the series in which he chooses exile over prison suggests the opposite.

Although this Senate hearing scene is rather anecdotic and has not serious impact in the overall narrative arc (according to Pinedo, it simply “allows Bauer to have the last word” (2010) on the subject), its inclusion is significant because up until now, and in spite of the recurrence of torture in *24*, the issue had not been debated in depth. As Mayer argues, “[t]hroughout the series, secondary characters raise moral objections to abusive interrogation tactics. Yet the show never engages in a serious dialogue on the subject” (2007). Within the CTU, the practice is sanctioned as it is demonstrated by the existence of a professional torturer named Eric Richards whom the characters call to assist them during interrogations. For most of the sequences in which Richards appears, we barely see his face: only his hands opening a small suitcase that contains acute pain inducing serums. He has no other role in the series but to inflict pain; he is rather an instrument than a character (“I’ll use Richards,” says one of the CTU agents when his boss asks him about how he is going to direct the interrogation of a suspect in Season Four Episode Eighteen). When resorting to torture, Jack Bauer does not meet the opposition of his colleagues or superiors (as he does in many other instances in which he disobeys their direct orders or commits unlawful acts such as helping a prisoner break free from jail) because they do not understand interrogational torture as an unlawful act. The only times before the Senate hearing that Jack is confronted about the matter, opposition comes from a civilian woman (his girlfriend Audrey) and from a human rights attorney who works for an organization wittingly called Amnesty Global (4.18).

In Season Four, the menace comes from a group of Islamic terrorists who have planned a series of consecutive strikes whose culmination is the launching of a nuclear warhead that is missing. The head of the plot, a man named Marwan, has one of his men captured by CTU. To impede that they extract information from him, Marwan makes a phone call to Amnesty Global, alerting them that “an innocent man is being held without charges and is about to be tortured at CTU Los Angeles” (4.18). The human rights group, therefore, becomes an instrument of the villain to prevent the counterterrorist unit from doing its job, that is, from impeding the attack. At CTU, Agent Manning, who is going to conduct the interrogation of the suspect, receives the following order from his boss: “I want this man broken in minutes, not hours.” Thus, he

calls Richards, but right when he is about to inject the detainee with his famous serum, they are instructed to stop. The lawyer from Amnesty Global has arrived with a court order protecting the rights of the detainee, and accompanied by a US marshal to make sure that he is allowed to see his client. Most of the episode revolves around CTU's officers' indignation at the incident ("A warhead's missing. This is our only lead," protests Manning) and about the ways in which they try to shortcut the prohibition. First, they reach a judge, which suggests that within 24's universe Alan Dershowitz's "torture warrants" are implemented. The judge, however, "won't budge" because "his feeling is Prado's got no record, he shouldn't be treated like a terrorist." Second, Bauer demands to speak to the attorney, hoping that he will talk some sense into him.

Bauer: You and I both know that your client isn't clean, and that he conspired to steal a US nuclear warhead.

Attorney: All my client wants is due process.

Bauer: Mr. Weiss, these people are not gonna stop attacking us today until millions and millions of Americans are dead. I don't wanna bypass the constitution, but these are extraordinary circumstances.

Attorney: The constitution was born out of extraordinary circumstances, Mr. Bauer. This plays out by the book. Not in a back room with a rubber hose.

Bauer: I hope you can live with that (4.18).

Finally, they contact President Logan, a weak and untrustworthy president who, according to Downing, "looks and sounds remarkably like Richard Nixon" (2007: 74) and will become a traitor in Season Five. CTU Agent Buchanan briefs him on the situation they are facing and asks for his permission to torture the suspect. The President tells him that before making a decision, he needs to consult with his advisors. These are Mike, a former counselor to righteous President Palmer, and Walt, who will also be involved in the conspiracy of Season Five:

PRESIDENT LOGAN: Mike, what do you think?

MIKE: I think we need to do whatever it takes to find the warhead.

PRESIDENT LOGAN: Walt? Weigh in.

WALT: Well, this makes me nervous.

PRESIDENT LOGAN: Why?

WALT: Should this man be innocent, as he claims he is, your first act as president is to sanction his torture. That'll forever haunt your presidency. (4.18)

In this brief scene from Season Four, Episode Eighteen, the legitimacy of torture is debated from two contrasting positions. The pro-torture advocate plays the card of exceptionality, reminding the President that the extreme nature of the threat they are facing demands extreme measures, but the anti-torture advocate's arguments are opportunistic rather than ethical. He opposes that the President risks ruining his political career by sanctioning such an act. He is putting the interests of his campaign above the interests of the nation which in *24* is the definition of treason. Since President Logan is a bad ruler, he decides not to give CTU the permission to torture their suspect.

All legal ways exhausted, Bauer decides to take action as a private citizen. He temporarily quits his job and when CTU releases the suspect, he kidnaps and interrogates him about Marwan's whereabouts. The terrorist refuses to tell him what he wants to know, so Bauer starts breaking his fingers. When he presses a knife to his eye, threatening to take it out, the man breaks and tells him how to find the man who is in possession of the nuclear warhead. In spite of Bauer's success, the President orders to arrest him, but the reason why he is mad at him is that he has disobeyed him; he feels his authority compromised. The main and crucial distinction between this victim of torture and the others in the Season and in the series is that he was a US citizen.

"In narrative terms, Jack's suffering serves to expiate the sins he commits to keep us safe," Pinedo (2010) argues. However, his suffering is ambiguous, it never seems truly related to the violent acts he commits but rather to his personal losses: his dead wife, his incapacity to reach out to his daughter, the death of his girlfriend... Torture never seems to trouble him much. The only instances in which it affects him are those in which he has an emotional attachment to the victim, most notably in Season Six Episode Seven when he tortures his own brother. I think it is important to deny him of a tragic dimension, because the dilemmas he faces are false dilemmas. On the one hand, he does not conceive of them as such (there is no doubt, nor inner turmoil), and on the other, the concept of imminence that makes the hypothetical case persuading is also an act. Torture is not the last and desperate option, but his usual trade, the only weapon he relies on. Despite the personal sacrifices that his job cost him and his many efforts to distance himself from "the action," he comes back season after season. Because he enjoys it.

In Part III I will deal with Pinedo's proposal that the torturer-hero's suffering might be a symbolical narrative path to atonement and even to diminishing the legitimizing discourses proposed by their actions, but I will do so by focusing on female

action heroes who, probably in accordance with their gender's expectations, are passionate in their involvement with the violence they engage in. I hope I will succeed in making a convincing case for the crucial distinctions between Jessica Jones from *Jessica Jones* or Kara Starbuck from *Battlestar Galactica* and Jack Bauer.

I do not find Bauer's suffering convincing, but his suffering makes him look human. This, for Slavoj Žižek, only furthers the perversity of *24*'s discourse:

Therein also resides the lie of "24": The presumption that it is not only possible to retain human dignity in accomplishing acts of terror, but that when an honest person accomplishes such acts as a heavy duty, this confers on him an additional tragic-ethic grandeur. But what if such a distance is possible? What if we do have people who commit terrible acts as part of their job, while, in private, they remain loving husbands, good parents and caring friends? As Arendt knew, far from redeeming, the very fact that they are able to retain their normality while committing such acts is the ultimate confirmation of their moral catastrophe (Žižek, 2006).

Žižek is just the better-known of the many commentators that, from the left, have been extremely critical with the show. The right has had a different but equally intense relationship with the series. In the following section I will address the extent to which *24* influenced the social sphere, denounced and celebrated by politicians, journalists and even members of the military.

Jack Bauer Comes to Life: *24* in Media, Politics and Legal Discourses

24's portrayal of torture as a normative and always successful means of obtaining intelligence in "the war on terror," together with its linkage of counter-terrorism with a sense of imminence that demands "a suspension of ordinary ethical concerns" (Žižek, 2006) has earned the show a great amount of criticism and its ascription to the conservative agenda pursued by the Bush administration. Indeed, both the creators of the show and the channel for which they produced it (FOX television) are very close to the Republican Party and had strong links with the Bush White House. In an extended and thorough article written by Jane Mayer to *The New Yorker* in 2007, the author interviewed Joel Surnow, co-creator and executive producer of the show, and offered a detailed account of the politics of the man behind *24*. The following excerpt is quite clarifying:

Although he is a supporter of President Bush—he told me that “America is in its glory days”—Surnow is critical of the way the war in Iraq has been conducted. An “isolationist” with “no faith in nation-building,” he thinks that “we could have been out of this thing three years ago.” After deposing Saddam Hussein, he argued, America should have “just handed it to the Baathists and ... put in some other monster who's going to keep these people in line but who's not going to be aggressive to us.” In his view, America is sort of the parent of the world, so we have to be stern but fair to people who are rebellious to us. We don't spoil them. That's not to say you abuse them, either. But you have to know who the adult in the room is (Mayer, 2007).

Although Surnow denies that *24* has any political agenda, David Nevins former Fox Television network official thinks otherwise:

There's definitely a political attitude of the show, which is that extreme measures are sometimes necessary for the greater good ... The show doesn't have much patience for the niceties of civil liberties or due process. It's clearly coming from somewhere. Joe's politics suffuse the whole show (Mayer, 2007).

Intentionally or unintentionally designed for propagandistic purposes, *24* and its hero Jack Bauer became emblems for the Republican Party and the show was recurrently invoked in real life discussions on torture and exceptionality. Jane Mayer (2007) recounts several examples, such as Laura Ingraham's, a conservative political commentator and talk-show host who ascribed the show's popularity to the idea that Americans are in favor of torture. “They love Jack Bauer,” she noted on Fox News. “In my mind, that's as close to a national referendum that it's O.K. to use tough tactics against high-level Al Qaeda operatives as we're going to get.” In his book *War by Other Means*, former Justice Department lawyer John Yoo, author of a “torture memo” known as the Bybee Memo, also cited the show. “What if, as the popular Fox television program ‘24’ recently portrayed, a high-level terrorist leader is caught who knows the location of a nuclear weapon?” (2007:172). Virginia Thomas, wife of Supreme Court Justice Clarence Thomas and member of the conservative think-tank The Heritage Foundation, organized a panel discussion on *24* entitled “‘24’ and America's Image in Fighting Terrorism: Fact, Fiction, or Does It Matter?” Homeland Security Secretary Michael Chertoff attended the discussion and praised the show for its accurate depiction

of the war on terrorism which, according to him, “reflects real life” because it is about “trying to make the best choice with a series of bad options” (qtd. in Mayer, 2007). In a Law Conference that was held in 2007 in Ottawa, late U.S. Supreme Court Justice Scalia participated in a panel discussion on “Torture and terrorism.” A Canadian judge commented: “Thankfully, security agencies in all our countries do not subscribe to the mantra ‘What would Jack Bauer do?’” and, as reported by the *Wall Street Journal*,

Justice Scalia responded with a defense of Agent Bauer, arguing that law enforcement officials deserve latitude in times of great crisis. “Jack Bauer saved Los Angeles... He saved hundreds of thousands of lives ... Are you going to convict Jack Bauer?” He then posed a series of questions to his fellow judges: “Say that criminal law is against him? ‘You have the right to a jury trial?’ Is any jury going to convict Jack Bauer? ... I don’t think so, ... so the question is really whether we believe in these absolutes. And ought we believe in these absolutes (qtd. by Lattman, 2007).

“As the 2008 election season started to heat up, the embeddedness of 24 within the contemporary political culture became increasingly apparent” Tenenboim-Winblatt (2009) claims. He also recalls a Republican presidential debate in May 2007 in which Fox News moderator Brit Hume asked the candidates about their stance on the Ticking Time Bomb scenario. Of the ten candidates, nine endorsed the use of torture, which led *Los Angeles Times* columnist Rosa Brooks (2007) to describe them as “a group of middle-aged white guys competing with one another to see who could do the best impersonation of Jack Bauer.” One of the candidates, Tom Tancredo, directly mentioned Bauer in his response: “You say that nuclear devices have gone off in the United States, more are planned, and we’re wondering about whether waterboarding would be a bad thing to do? I’m looking for Jack Bauer at that time, let me tell you” (qtd. in Tenenboim-Winblatt, 2009).

In a later Democratic presidential debate on MSNBC, moderator Tim Russert “posited another 24-like scenario” and the candidates, Hilary Clinton among them, “insisted that torture should not be part of American policy.” The moderator then revealed the existence of an interview in which Bill Clinton had supported the use of torture in such an exceptional case as the one described by The Ticking Time Bomb hypothetical. “Later that week, Bill Clinton appeared on Meet the Press once again, endorsing his wife’s position and supporting his arguments with extensive references to 24 and counterterrorism agent Jack Bauer.” He argued that the type of scenarios that

appear constantly on the series are highly rare in the real world and aligned himself with authors such as Walzer (2004), Miller (2005) or Bethke Elshtain (2004) by favoring a resolution of the dilemma that is close to Civil Disobedience: if an agent decides to torture a suspect because she deems it her moral obligation, she will do so aware that she is breaking the law and she will face the consequences unreluctantly. “If you look at the show,” explained Clinton, “every time they get the president to approve something, the president gets in trouble, the country gets in trouble. And when Bauer goes out there on his own and is prepared to live with the consequences, it always seems to work better” (qtd. in Tenenboim-Weinblatt, 2009).

It appears that *24* was also extremely popular among the military. An Army regiment stationed in Iraq gifted Joel Surnow an American flag “in a glass case” with a “small label [that] reveals that the flag once flew over Baghdad.” Apparently, “the soldiers shared a collection of *24* DVDs ... until it was destroyed by an enemy bomb” (Mayer, 2007). This popularity worried U.S. Army Brigadier General Patrick Finnegan, lawyer and dean of the United States Military Academy at West Point who teaches future commanders about the laws of war and who told Jean Mayer that “it had become increasingly hard to convince some of the cadets that America had to respect the rule of law and human rights, even when terrorists did not.” He suggested that one of the reasons for that growing resistance “was misperceptions spread by *24*.” As he told the author, “The kids see it, and say, ‘If torture is wrong, what about *24*?’” To discuss the perceived toxic effects of the show’s representation of torture, Human Rights First official David Danzig arranged for a meeting between Finnegan, “accompanied by three of the most experienced military and F.B.I. interrogators in the country”, and the producers of *24*.

The objective of the meeting, that took place in November 2006, was to make producers aware that “by suggesting that the U.S. government perpetrates myriad forms of torture, [the show] hurts the country’s image internationally.” Furthermore, veteran interrogators tried to offer a more realistic account of the way real life interrogations take place, proposing “a list of seventeen effective techniques, none of which were abusive.” The *24* producers defended themselves by arguing that “they were careful not to glamorize torture” and they emphasized the personal angst Jack Bauer experiences as a consequence of his actions. Finnegan and his colleagues disagreed, “pointing out that Bauer remains coolly rational” (qtd. in Mayer, 2007). In line with Žižek’s criticism, F.B.I interrogator Joe Navarro told Mayer that “[o]nly a psychopath can torture and be

unaffected. You don't want people like that in your organization. They are untrustworthy, and tend to have grotesque other problems."

Executive producer Howard Gordon has emphasized that the show is mere fiction. "I think people can differentiate between a television show and reality" (qtd. in Mayer, 2007). However, Finnegan is not the only one who believes that the show is not inane. In 2014, Erin M. Kearns and Joseph K. Young published the results of an experiment they conducted with the purpose of answering to this question: "Does a show, such as "24," influence people's opinions about torture or terrorism?" Measuring in the participants parameters such as "level of support for torture" and "behavioral commitment to this belief" before and after watching 24, they concluded that "exposure to media that depicts torture as effective moves opinion in favor of torture." Lokaneeta (2010) quotes a poll conducted in December 2005 which showed that 54 percent of the respondents were against the use of torture, while a 40 percent supported it. The numbers, however, were different when asked about "harsh interrogation techniques" such as sleep deprivation or wall-standing. 55 percent of the people considered these practices acceptable. In this sense, Jinee Lokaneeta worries about the way 24 represents torture in exclusive terms of extreme physical brutality, forgetting "a history of mental torture or psychological torture." For her, the imagery of 24 allows supporters of the "harsh techniques" that the Government implemented during "The War on Terror" to claim that these "are not as bad as 'the real' torture shown on the program" (2010). I will address the politics behind contrasting extreme forms of torture with the kind of "clean torture" (Rejali, 2009: 4) techniques that the U.S. sanctioned in the War on Terror in Part III, when addressing *Homeland*.

However inconclusive the effects of the show on popular perceptions on the legitimacy of torture are, what remains clear in the light of the examples discussed in this section is that 24 played a crucial role in the debate on torture that was rekindled after 9/11. It also offers an acute example of how intertextuality and reference work both ways in popular fiction: 24 consciously alludes to American politics and legal debates, and 24 is found in legal and political discourses. The show and its discursive ramifications vindicated the format of the television series as a valid site from which to discuss the anxieties and dilemmas of the period. Despite its propagandistic nature, it allowed for later productions such as *Battlestar Galactica* to contest its politics from the realm of fiction and it inaugurated a period in which, as Jorge Carrión notes

(Kosmopolis-CCCB, 2013) it has been television rather than cinema the medium that has best portrayed the world it addressed.

TERRORISM AND SCIENCE FICTION: WORKING OUT TRAUMA FROM A SAFER DISTANCE

Due or undue, *24*'s polemic representations of counterterrorism related issues in a show that featured a fictional but close equivalent to the CIA earned the show an impressive amount of negative criticism. Perhaps to avoid this kind of controversies, or because, as Tonya Anderson notes, "up until 2006, Hollywood TV studios were hesitant to release 9/11-themed material" under "the impression that the viewing public around the world was relatively uneasy, unready or unwilling to watch it yet" (2008:18), many of the television series that during the first decade of the 21st century undertook the challenge of giving voice to typical post 9/11 anxieties did so under the protection of science fiction. From *Alias*, the closest equivalent to *24*, through *Lost*, *Battlestar Galactica (BSG)*, *Heroes* and *Fringe*, to *The Walking Dead* (2010-), "issues circulating within the post-9/11 cultural consciousness, such as terrorism, leadership, anxieties involving air travel, torture and globalization" (Tkachuk, 2009: 4) have been approached from this genre. Whereas realist approaches to international terrorism and counterterrorism have become popular since 2011 (*Homeland*, *Scandal*, *State of Affairs*, *Quantico*), in the immediate aftermath of the attacks science fiction took the lead.¹⁶ However, superheroes, exotic and hunted islands, space operas and zombies are not a

¹⁶ This phenomenon of "ellipsis" could perhaps be understood by borrowing Freud's concept of "latency period." In *Moses and Monotheism* (1939), where he applies his views on trauma to the history of Judaism, he departs from a clinic case in which a man walks out of a train crash apparently unharmed and it is not until a lapse of time has passed that he starts to show physical symptoms associated with the accident. Repetition, in the form of nightmares and hallucinations, is also a characteristic of trauma and PTSD. As Cathy Caruth explains, the traumatic event "is experienced too soon, too unexpectedly, to be fully known and is therefore not available to consciousness until it imposes itself again, repeatedly, in the nightmares and repetitive actions of the survivor (1996:3)." Much of the shows above quoted are rife with narratological tools that affect the lineal structure of time –e.g. constant flashbacks, which are often used as "a way of signaling and exploring the return of trauma" (Turim, 2001: 207)–that have been understood by some critics as reflecting a post-9/11 traumatic consciousness. Aris Mousoutzanis (2011) speaks of a "trauma sci-fi" trend in television and he quotes *Lost*, *Alias* and *Fringe* as examples of the category.

symptom of evasion. Rather, as Raymond Williams would contend, these fictions “are written to resemble realistic novels, and operate in the same essential terms” (2010: 45).¹⁷ *Lost*, *BSG*, *Heroes*, *Fringe* and *TWD* are as much concerned as *24* is with fear, threat of annihilation, enemies that resemble us/are among us, racial prejudice, moral dilemmas and, as a particular manifestation of the latter, Ticking Time Bombs. As Donna Haraway observes, “the boundary between science fiction and social reality is an optical illusion” (2000: 291). Therefore, the façade of these shows should not confound us: they are products of the same cultural context and they address the same obsessions. However, none of the shows listed has been awarded the same amount of ideological scrutiny that *24* did. In the following sections I will try to show how all these shows are as much embedded in the post-9/11 rhetoric as their most controversial predecessor, though they do not contribute to the torture debate from identical positions.

***Lost*: Ticking Time Bombs and Prisoners of War**

Lost deals with the fate of the survivors of Oceanic Flight 815 who land on a mysterious island where fantasy—e.g. a monster made out of smoke—and science fiction elements — e.g. time travel and related quantum physics phenomena—intertwine creating that “dialectic between magic and technology” (2006: xvii) that Adam Roberts regards as characteristic of modern SF. After the plane crash, the serial tracks the struggle of the survivors to cope with their new and puzzling environment. Part of their response to this trying situation involves settling down as a community. Their principal concern is that they will not survive if they do not learn to cooperate. Therefore, they choose a leader, surgeon Jack Shephard, and they divide the most important tasks—hunting, collecting water, exploring, etc.—among the rest of the members. In this sense, *Lost* fits clearly into the “social formula” novel described by Raymond Williams in which “the relation between individuals and society” (2010: 45) is central. However, this is not the only story-line. Through the frequent use of flashbacks that characterizes

¹⁷ This statement is taken from “The Future Story as Social Formula Novel” where Williams contends that “nearly all serious SF [...] are written to resemble realistic novels, and operate in the same essential terms. Most of them contain, fundamentally, a conception of the relation between individuals and society; ordinarily a virtuous individual or small personal group, against a vile society” (2010: 45). For Williams the realist novel is divided into two separate traditions, the social novel—which focuses on the description of “the general life, the aggregation—and the personal novel—based on “accurate observation and description of persons, the units” (2010: 43). The social novel, on its part, is further subdivided into the documentary, which describes a particular social or working community and the “formula” novel in which “a particular pattern is abstracted, from the sum of social experience, and a society is created from this pattern” (2010: 43). In his view, most Science Fiction works fall into this category.

the serial we get to know about the lives that each of the survivors led before they crashed in the island. The uncommonly large cast of *Lost* allows for the narrative construction of fourteen rounded characters and part of its appeal rests on the balance between “group” and “individual” plots.

Central to the story is the love triangle integrated by Jack Shephard, the leader; Sawyer, the charming former conman who will play the part of Jack’s antagonist, and Kate Austen, an enigmatic ex-convict and atypical heroine for whose attention the two characters will fight. It is also crucial the categorical distinction drawn between the two types of threats that the survivors face. On the one hand, the island of *Lost* seems to be an autonomous organism able to conjure up the character’s worst fears to haunt them. On the other hand, there is a group of natives whom the protagonists call “the Others” with a mysterious agenda that involves kidnapping members of the community and killing those who step in their way.

Consciously designed as a multicultural show, *Lost* features characters of different nationalities and races. Particularly interesting—and controversial—is the part of Sayid Jarrah, a former Iraqi member of the Republican Guard who, after being captured by American troops in the War of Gulf, was forced to interrogate and torture his fellow countrymen to eventually become a member of the secret services. It is mainly through this character that contemporary issues linked to the War on Terror are introduced in *Lost*.

The story of a group of survivors in a mysterious Pacific island where fantasy and science fiction elements intermix allows for a treatment of terrorism-related issues that is subtler than the one we find in shows that explicitly deal with the matter. While *24*, produced by conservative broadcasting company FOX, has often been deemed as mere propaganda to the Bush administration, *Lost* is credited with a greater ideological independence (Tkachuk, 2009). The analysis by Scott Parker (2008) that I commented in the Introduction which celebrates *Lost*’s for arguing against the Ticking Time Bomb argument for torture fits into this preconception. In the following sections I will try dilucidated if this is really the case.

I will focus on two episodes that take place in Season One and Season Two, respectively: *Confidence Man* (1.8) and *One of Them* (2.14). The former features an abuse committed by the leaders of the community against one marginal member of their own, while the second portrays a member of the adversarial group of “the Others” as the victim in an act that, as one of the characters contends, is regarded as an act of war.

“Confidence Man”: The Ticking Time Bomb Scenario in “Lost”

In Season One, Episode Eight, Shannon, one of the survivors, suffers an asthma attack. Her inhalator is exhausted but his brother Boone remembers having brought with him, in his luggage, four additional ones. Everybody knows that after the crash, when the suitcases were scattered along the beach, Sawyer went through them and stole whatever he fancied. Furthermore, he has been seen reading a book that was carried alongside the inhalators. Because of this, Boone assumes Sawyer is in possession of the medicine and sneaks into his tent to steal it. But he is caught red-handed and gets punched in the face. When Jack finds out about the incident, he confronts Sawyer directly.

JACK: You attacked a kid for trying to help his sick sister.
SAWYER: No, I whooped a thief ‘cause he was going through my stuff. [...] A man's got a right to protect his property. [...]
JACK: Get up.
SAWYER: Why, you wanna see who's taller?
JACK: Get up!
SAWYER: You sure you wanna make this your problem, doc?
JACK: Oh, yeah. I'm sure. (1.8)

The doctor is about to hit Sawyer when they are interrupted by Kate, with whom he leaves for the beach in a fit of rage.

JACK: I'm gonna kill him.
KATE: That's not gonna help us get the medicine.
JACK: Maybe not, but it'll feel good.
KATE: So what's stopping you?
JACK: We're not savages, Kate. Not yet. (1.8)

Jack's statement proves highly ironic regarding what is about to happen next. When Shannon's state gets worse and Sawyer still does not seem ready to cooperate, Sayid, the Iraqi soldier, volunteers to torture him and get the medicine.

SAYID: What will happen if she doesn't get her medicine? (...) We have to make Sawyer give it to us.
JACK: Yeah. That's what I'm gonna do.

SAYID: No, not you. Me. I served five years in the republican guard.

JACK: I thought you were a communications officer.

SAYID: Part of my training entailed getting the enemy to communicate. Just give me 10 minutes with him. He'll give us the medicine. (Jack thinks it over) Is that a yes?

JACK: Yes. (1.8)

Once the decision has been taken, Sayid knocks Sawyer unconscious and with the help of Jack, ties him to a tree. While they are dragging him along the beach, Kate tries to stop them.

KATE: What are you doing? (no answer) Jack!

JACK: This was Sawyer's choice, not mine.

KATE: If you do this... (1.8)

She does not complete her warning but the unfinished sentence recalls Jack's previous words, "we're not savages, Kate; not yet." The threat of losing humanity in the new exotic scenario, detached from civilization, echoes Marlow's apprehensions in *Heart of Darkness* (Conrad, 2012); it is the colonial fear of the European lost in the wilderness. But for Jack, while killing Sawyer would have meant crossing that dangerous line between order and chaos, torturing him does not; it is not seen as something equally contemptuous, in moral terms.

Deaf to Kate's warning, the two men proceed with their plan and Sayid begins to torture Sawyer driving splinters under his fingernails while Jack oversees the scene. For Sayid, this is a reenactment of his past: he is once again being used as a tool by an American. In a sense, he is Jack's torture weapon. An instrument. Sawyer endures the pain for some time. Only when he fears losing one eye does he "break," although he demands to speak with Kate alone.

The episode depicts a scenario that fits perfectly into the Ticking Time Bomb Case. Jack and Said believe that Shannon is about to die, that Sawyer is the one withholding the life-saving information, and that torturing him will save a life. Confronted with the ethical dilemma, they take a utilitarian stance on the matter. However, as Scarry (2004) would put it, they are not aware of their lack of omniscience. The typical hypothetical assumes two premises: 1) that the interrogator is certain that there is a threat, and 2) that the suspect has the crucial information to dismantle it. In short, it "assumes that the person to be tortured is the one" (Scheppele, 2005: 293).

Furthermore, it does not contemplate the possibility that, if any information should be obtained, it might be false because the suspect will say whatever the torturer wants him to say in order to put an end to his suffering or simply to gain time. As it is summarized by Scheppele, “in the real-world situations in which the use of torture is being considered today, none of the elements that make the hypothetical so persistently persuasive is present, except the hypothetical balancing of lives” (2005: 294).

Confidence Man can be read, as Parker (2008) does, as an episode whose purpose is to demonstrate the fallacy of the Ticking Time Bomb Scenario because none of the conditions that justify Jack and Sayid’s decision to torture Sawyer are eventually met. To begin with, Sawyer does not have the information his torturer wants to get from him. Through a series of flashbacks, the episode has been telling us about Sawyer’s past as a con man, about his guilt for things he did, and we are led to infer that his refusal to cooperate, his exposure to violence and pain, stems from his unconscious desire for atonement. This is confirmed when he confesses to Kate that he has never been in possession of the inhalers. He was acting out of pride. Sayid, however, refuses to believe him and goes back after him, holding a knife with which accidentally, while fighting, stabs Sawyer in the arm, piercing an artery and almost killing him. The aseptic, controlled infliction of pain (under the supervision of a doctor) that we faced at the beginning of the sequence has led to vindictive and uncontrollable violence.

The episode is also reminiscent of absolutist arguments that try to dismantle the inner workings of The Ticking Time Bomb by vindicating that there are always alternatives to torture (e.g. creating informant networks and assets). Jack and Sayid believed that getting the inhalators was the only way of saving Shannon’s life, but the episode has a happy ending because Sun, the Korean survivor who is an expert on medicinal herbs, knows a remedy for the asthma that proves effective. This, together with the episode concluding with Sayid’s decision to leave the group in a voluntary, redeeming exile, ashamed of his action, reinforces the idea that the episode is arguing against torture both by pointing to the unfeasibility of The Ticking Time Bomb and to the damaging effects it has on the torturer. Sayid is among the few characters analyzed that behaves according to Michael Walzer’s paradigm of “dirty hands.” Although his actions were motivated by the greater good, he is aware that he has committed a crime and he internalizes the crime: we see him suffer for his guilt and being held accountable. He is the judge who finds himself guilty, and he pays the price of exile, which entails leaving the protection of the group and put himself in danger.

However, his attitude strikingly contrasts with Jack's who, within the power structure of the group of survivors, is the highest ranking official. As I mentioned earlier, the island has a way of repeating the traumatic experiences of its dwellers as if they all were inhabiting a Post Traumatic Stress Disorder nightmare (Mousoutzanis, 2011). The recovered drug-addict finds a cargo of heroine in the jungle that forces him to overcome temptation once again, the killer meets the man he thought he had murdered alive and tied up to a chair, ready to be sacrificed once again... In this sense, the torture scene means the reenacting of Sayid's darkest past, one in which he was forced by Americans to betray his brothers in arms and become a perfect torturer, a machine at their service. Sayid is found guilty of committing an old mistake, and he will pay for his transgression eye for an eye.¹⁸ Jack, who was also accomplice to the crime committed against Sawyer, however, remains unpunished. He shows no signs of remorse and refuses to apologize. His attitude does not change because he keeps believing that it "was Sayer's choice, not mine." In the following episode, *Solitary*, he pays Sawyer a visit to check on his wound and they have this conversation:

SAWYER: How'd I score the house call, Dr. Quinn? Trying to ease your conscience? JACK: My conscience is fine, thanks.

SAWYER: Of course, what do you have to feel guilty about? I mean, you just let that damn Arab torture me; stood by and watched. Now you figure you'll patch me up and buy you a ticket into heaven?

JACK: I'm here because no one else wants anything to do with you.

SAWYER: She does. (Meaning Kate.)

JACK: Change your own bandages. (1.9)

This scene would suggest, in the first place, that torturing Sawyer for interrogation and torturing Sawyer for revenge overlap, which meets Elaine Scarry's (1985) contention that torture is never about information gathering, but about exerting power over the Other. In the Pilot, Sawyer earned Sayid's animosity when accusing him of being a terrorist because of his ethnicity and as the quotation above clearly suggests, Jack has a grudge against him because they both are fighting for Kate's attentions. Foucault's observation (1977) on how investigation and punishment become mixed up in torture is also relevant for this scene. But even more important is to highlight the fact

¹⁸ In *Solitary*, Season One, Episode Nine, he finds a woman in the jungle who has been living alone in the island for many years and is also terrified by "the Others." She is suspicious that Sayid might be one of them and takes him to her camp to interrogate him. He is tortured with electric current until the woman eventually believes his story.

that, in spite of the torture episode, Jack still considers himself morally superior to Sawyer. Although he should be held responsible for almost causing his death, he feels entitled to act proudly over a silly offense, leaving him alone with his wound.

Right after the previous scene, Jack encounters Kate at the beach, gazing with a preoccupied look at the horizon, and he has the opportunity to reassert, once again, his firm belief that what he did, or rather justified, was legitimate.

JACK: looking for someone, or just admiring the view?

KATE: It's been two days since Sayid took off on his own. I keep looking up thinking I'm gonna see him coming back.

JACK: He'll come back when he's found what he's looking for.

KATE: He wasn't looking for anything. He left because of what happened, because of what he did.

JACK: It was an accident.

KATE: Well, accidents happen when you torture people, Jack.

JACK: (offended) Sayid's a trained soldier, Kate. He can take care of himself. (1.9)

Parker's reading of *Confidence Man* holds that the episode is highly critical of interrogational torture, that it presents us with a Ticking Time Bomb Argument just to dismantle its premises. He argues that "thanks to Sawyer (petty as his motivations may have been), we learn about the dangers of torture" (2008: 156), implying that the episode deploys a discourse which is antithetical to that of *24*, where torture is always efficient and those who inflict it suffer no psychological harm afterwards. I agree at this point and I would further highlight the multiplicity of voices and approaches that are enmeshed in the episode: Kate's clear opposition to torture, Sun's attempts to look for an alternative, the rest of the group's complicit silence¹⁹... The episode stages the complexity of the debate that is typically built around the exceptional case of The Ticking Time Bomb to later prove it wrong. Furthermore, the fact that it is Jack, the character who stands for moral righteousness on the island –and a doctor, to further complicate things–, the one who approves of this meaningless act of violence against one of his own brings a shadow over the hero that could have been interesting from a dramatic point of view, had it been consistently used. It could have been proof of what Susan Tkachuk (2009) argues, that *Lost* exemplifies the blurring of clear-cut divisions

¹⁹ I will speak of the typical gendered pattern of torture in the sections to come, but it is important to notice that it is present here: torture advocates are male while females argue for humanity and peaceful alternatives to solving the problem. Abuse is male/conciliation female. This was the deeply shared stereotypical conviction that caused female presence in the Abu Ghraib pictures to constitute such a shock.

between good and evil that characterizes American reality after 9/11. For the first time, she contends, America's enemy is not a clearly delimited evil "other" as were the Nazis during WWII or the Russians during the "Cold War" but a highly ambiguous, unquantifiable one –the Muslim terrorist– that has involved America in a war where distinctions between villains and heroes are rendered problematic. For her, Jack's ambiguity would be the conscious reflection on this contradictory nature of the contemporary world.

Attractive though her arguments are, I do not share Tkachuk's enthusiasm, at least regarding the episodes that delve around torture. First, there is a troubling racial ascription of guilt. The Arab subordinate to American power is found guilty of doing the deed, but the white overseer remains unblamed. As I will analyze in depth in Part III, there is a gender dimension to the acknowledgment of responsibility. In the corpus of television series I have dealt with, heroes and heroines torture alike, but females typically suffer or pay for their transgressions in a way that males do not. In the practice of visual representation, "Dirty hands" appear to be gendered female, probably because "women are held to a more rigorous ethical standard than men" (McKelvey, 2007:15). If we take *Lost* and Sayid as one of the few examples in which a male character is held accountable for a transgression he committed when facing a moral dilemma, the Orientalist prejudice that deems the Arab as feminine (Said, 1985) comes to mind. The adjudication of responsibility to the man who follows orders and the acquitting of his superior is also reminiscent of the real-life trial of those who committed abuses at Abu Ghraib;²⁰ it denies that acts of torture are not individual acts, but institutional(ized) ones.

Furthermore, while the torture episode has a great relevance for the overall construction of Sayid as a character, Jack's participation in the scene is soon forgotten to the point that certain plot inconsistencies appear. The episode in which he condones torture is not an episode that signals him as a morally ambiguous character. Rather, Jack's heroism is aggrandized season after season. Indeed, the most surprising aspect is

²⁰ Colonel Thomas Pappas "was under the command of Major General Barbara Fast, head of military intelligence in Iraq. Although Fast was the leader from whom the instructions would have been given, she was not held culpable. Then-brigadier general Janis Karpinski, a midlevel leader in charge of the military prisons and MPs, and her soldiers were the main focus of the investigation. Those in Karpinski's charge were allowed into the infamous cellblocks, but she was restricted access, under the guise that interrogation was their sole function. Karpinski and Pappas were both demoted and reprimanded in the aftermath of the scandal. To date, none of the ranking officers above them has been held directly responsible or court-martialed" (Feinman, 2007:60).

the contradiction between the attitudes to torture that Jack manifests in *Confidence Man* and in *One of Them*.

“One of Them”: Torture in Times of War

In Season Two, Episode Fourteen, Sayid brings a hostage to the camp. Everything suggests that he is a member of “the Others,” but the man claims that he is not. He says that he landed on the island accidentally, just like the protagonists, while travelling in an aerostatic balloon with his wife, who passed away some days before. In the absence of Jack, while the prisoner is locked up in the armory, Jack’s closest friends have the following conversation:

JOHN: So what do you think?
SAYID: What do *you* think, John?
JOHN: I think he's pretty convincing.
SAYID: Yes, he is.
JOHN: The real problem is, there's no way we can be sure he's telling the truth. SAYID: That is not necessarily true. Does Jack have the combination to the armory?
JOHN: For now he does.
SAYID: How long would it take for you to change it?
JOHN: If you're angry, looking for someone to punish...
SAYID: Why would I need to punish anyone? I want to find out who he is. I want the truth. And I think we both know that Jack will have issues with what must be done in order to get it. (2.14)

There are two questions worth paying attention to in this dialogue: 1) why is it that Sayid, who had felt such a great guilt in the previous season after torturing Sawyer, and John Locke, who has so far been a conciliatory and civilized man in every aspect, are willing to torture a man who is probably an innocent? And 2) how is it that they take for granted Jack’s opposition to their plan when the last time he had to face a similar situation he sanctioned torture?

A year lapsed between the airing of *Confidence Man* (2004) and *One of Them* (2005). Therefore, the scriptwriters could expect the spectators’ memory to be slow at recognizing the contradiction that underlies this conversation between John and Sayid. They are still there, however. It makes no sense that Jack, who had no qualms when torturing Sawyer in Season One, is here presented as an absolutist anti-torture advocate when the theme has not been raised again in any intermediate episode. It could be

argued that after the negative experience in Season One, Jack has learned the lesson and evolved, but we have seen no evidence of this. The only time he has commented on what happened, he has done it to ratify his position: he did nothing wrong; he did what he had to do in a moment of crisis. And yet, in *One of Them*, his friends Sayid and John are positive that they will meet his opposition, and their expectations prove right. From the very moment he finds out about their intentions, Jack is outraged and tries to intercede to protect the prisoner. The only reason he cannot save him is that John has changed the combination of the safe-room in which they keep him. The torture is not impeded, but this time, Jack is kept away from it.

This could be a reason behind the script inconsistency: as the series advances closer to its ending –an ending in which Jack will incarnate the role of the redeeming, sacrificing hero, in an episode filled with religious iconography that characterizes him as Christ-like figure– it becomes mandatory to emphasize Jack’s moral superiority and radical humanism which cannot be tainted by utilitarian motivations. As Paul C. Cantor notes, it is important to remember that unlike it is expected from most literary fiction under the Aristotelian notion that “every part of a true work of art is there by design, not by chance” (2012:5) television series are not conceived as a whole but are open-ended, subject to constant modifications and improvisations.²¹ Cantor explains the idiosyncrasies of the medium as follows:

Writing for television resembles committee work rather than what we normally think of as an artistic activity. Scripts generally involve compromises and may end up embodying different conceptions of the work in question, sometimes even contradictory ones (2).

Contradictions, inconsistencies and radical plot-twists are to be expected although, as Cantor argues, this does not necessarily imply that these fictions cannot function as organic, self-regulated wholes. Using metaphors from the realms of Economics and Biology, Cantor defines two different models of creation: “the perfect plan model” in which the author is like the Christian God for creationists, somebody who creates its world to be perfect from the onset, and the “Smith-Darwin” model, a model in which “systems perfect themselves over time” (21). Borrowing from Adam Smith’s notion of the “invisible hand,” Cantor argues for fictions that, despite their

²¹ For example, the unexpected pregnancy of a lead character has altered the original scripts of shows like *The X-Files* (Fox, 1993-2002) or *How I Met Your Mother* (CBS, 2005-2014).

accumulation of errors, eventually find an equilibrium that makes them have sense without the single and domineering intervention of an omniscient author that planned it all from the beginning.

The contradiction that arises when comparing Jack's characterizations in *Confidence Man* and *One of Them* can be understood as typical of the serial format and does not necessarily obscure the artistic value of the product. However, it is there for a reason. These cracks in the script are often places that point to ideological tensions and historical contaminations. Noah Goldberg (2009) gives a clever example of how the politics of a writer can lead to inner inconsistencies by quoting a dialog from *Star Wars: Revenge of the Sith* (George Lucas, 2005). In the prequel to the original trilogy from the 80s, young Darth Vader is heard shouting: "Either you are with me, or you are my enemy!" Obi Wan Kenobi responds by saying: "Only a Sith deals in absolutes!" As Goldberg wittingly notes, this implies a disavowal of the inner rules of the Star Wars universe, which is articulated around absolute binaries –darkness vs. light, good vs. evil–, for the sake of attacking Bush by echoing one of his most famous speeches on the War on Terror:

Siths are Jedi Knights who have given themselves over to the Dark Side by embracing the evil emotions of anger, envy, and revenge. [...] For decades, the established premise of the Star Wars franchise was that the universe is divided into the Dark Side and the Light Side of the "Force." Jedi Knights—champions of all that is noble and virtuous— were warned never to give in, even a little, to the Dark Side, lest they lose their souls. If all that is not about "absolutes," then what on earth (or in a galaxy far, far away) is? [...] His [George Lucas'] swipe at Bush's famous iteration of the doctrine that would bear his name—"You are either with us or against us"— in a few seconds unraveled the entire moral superstructure of the Star Wars franchise (Goldberg, 2009).

I can think of two reasons to explain the script contradiction that we find in *Lost*. The first is linked to dates. Season One was first conceived and written before its original airing date in 2004, which means that it is prior to the scandal of Abu Ghraib. As we have commented on in Part I, it was public knowledge that detention facilities abroad were operating on the margins of human rights, but it was the leakage of the pictures that depicted the abuses committed at the Iraqi facility which triggered general

outrage and alarm at the interrogational techniques that were being used in the War on Terror. The fact that Season Two was shot and released after the scandal could have something to do with the hero's change of attitude towards a topic that had become highly sensible. Before Abu Ghraib, it was conceivable that a character was both a hero and a torturer. After Abu Ghraib, it was better not to test the audience's tolerance.

A second hypothesis acknowledges that there is a difference between the types of interrogational torture that are presented in each Season. Season One *Confidence Man* fit into the Ticking Time Bomb Scenario. Although the initial assumptions proved to be wrong, Jack believed that time was running out for Shannon, who would die unless he obtained a piece of information from Sawyer. In *One of Them*, however, we are in the middle of a war so the suspect, if proven to be an "Other," would be a Prisoner of War.

JACK: Why isn't this combination working, John? Did you change it?

JOHN: Yeah.

JACK: Why would you do that?

JOHN: You are raising an army.

JACK: What?

JOHN: [...] There is only one reason to raise an army, Jack; and that's because we're at war. And like it or not, whatever Sayid has to do behind that door, that's part of it, too.

JACK: What if he's telling the truth, John?

JOHN: What if he's not? (2.14)

By asking Jack to think of themselves as an army in the middle of a war against "the Others" he wants to activate his warrior mentality in detriment of the civilian. However, the torture of a captured enemy goes against the *jus in bello* tradition as it is materialized in international treaties like the Geneva Convention. Furthermore, when Jack ordered Sawyer to be tortured he believed he was guilty. This time, he cannot be sure. It could be heroic to choose the lesser of two evils when confronted with a moral dilemma like the one that lies behind The Ticking Time Bomb Case, but it would be a war crime that Jack to authorized what John demands. The legal tricks by which Bush solved this problem (characterizing terrorist suspects as "unlawful enemy combatants" instead of as "prisoners of war") are not relevant to the survivors of an isolated island. However, the whole group has taken steps towards endorsing a discourse that dehumanizes the enemy completely. The fact that they call them the Others is sufficiently revealing. These are people who kidnap pregnant women and steal their

children, who move through the jungle like shadows, who *terrorize* the protagonists for no reason. Do they have any rights? For John, they do not. Jack refuses to endorse his reasoning, thus contesting the power discourses of the period, but despite his opposition, the suspect is still tortured and the intelligence obtained proves crucial for the group as a whole and for Jack who rules it. Now that he is the commander-in-chief, his advisors need to grant him deniability.

Whether because after Abu Ghraib it was impossible to remain a torturer and a hero, or because the scriptwriters understood that torture is *only* permissible in a Ticking Time Bomb Scenario, what remains clear is that their ultimate purpose was to keep Jack morally immaculate. Even with (or because of) its tendency to put into question clear-cut divisions between good and evil through characters like Sayid—the torture with a conscience— or Kate—the patricide fugitive heroine—, *Lost* depends on the central presence of a hero whose integrity must remain unquestionable. This is not surprising for a character whose name is “Jack Shephard,” “Jack” being a name often identified with the “Everyman” figure that we find in many English-language folktales (Winick, 2012) and the surname “Shephard” (Shepherd) having clear religious connotations. Jack is not a tragic hero whose moral failure in Season One could have been exploited as the hubris, but a mixture between the “Jack” hero, the provider for his community, and the Christian martyr who will give his life to save/redeem his friends.

We only need to pay attention to the first 20 minutes of the pilot to understand the centrality of Jack in the whole story and his characteristics as a hero. *Lost* opens (and ends) with a shot of one of his eyes as he gains consciousness in the middle of the jungle after the crash. For the two minutes that follow, it is only Jack in our screens. The camera follows him from the moment in which he wakes up puzzled, disoriented, until he finds out that he has survived a plane crash, leaves the place where he has landed and runs for the beach where he discovers the rest of the survivors. In addition to the opening shot, there is another scene which graphically tells us that we are looking through Jack’s eyes: when he reaches the beach he scans the horizon, from right to left. At the beginning it is only a beautiful coastal postcard but as he moves his eyes to the left, the remains of the crash begin to appear. Still from Jack’s perspective, we see in detail the tableau displayed on the beach: amidst the remains of the plane people are running disoriented; a young blonde lady is hysterically shrieking, probably in shock; a father is calling out the name of his son... And then Jack’s eyes focus on a man who is asking for help, his legs trapped under a piece of the fuselage. With no hesitation, he

runs to him and tries to lift the piece that keeps his leg blocked. He cannot do it alone so he starts recruiting people around him to help in the job. Nobody had helped the wounded man before, but once Jack reaches out to people, people follow his command. Jack is a natural born leader.

He is also the ultimate hero. The scene, which is obviously evocative of September 11, features Jack as a fictional equivalent to the New York firefighters that, after the tragic events, were construed by the media as incarnations of sheer heroism, the role-models that the country needed to believe in to heal its wounds. Many died in the World Trade Center that fateful day, though it has transcended that it was partly because their walkies did not function and they were not alerted about the demolition of the first tower. However, the image that remains in the unconscious is that of a young male that runs through wreckage and fire and gets back with a rescued woman in his arms. Reenacting this myth, after finding people who can take care of the wounded man, Jack leaves to assist a pregnant woman who cries, bent over her belly, on the shore. He tries to calm her and when he is sure that she will be fine, he leaves to help another woman, this one needing a cardiopulmonary resuscitation. By minute 7— after evacuating most of the people on the beach before a wing of the plane fell on them—, Jack has practically saved the lives of all the survivors. He has also capitalized most of the talking and meaningfully, his sentences have been either clear commands or reassuring promises. He is a leader—he gives orders and takes responsibilities—and a savior who will put the lives of the others, even though they are just strangers, before his. This is emphasized when we later learn that he has been injured all along, but only once the people on the beach are safe does he take care of his own wounds.

The first sequence of *Lost's* Pilot features Jack enacting a central fantasy within the myth of heroism that was built after September 11. Heroism was built as a myth because, as Faludi explains, the particular circumstances of the attacks (they were so sudden that rescue teams could do little when they reached ground zero, notwithstanding that the stories of those who traveled on the planes will never be fully known) left Americans “with little in the way of ongoing chronicle or ennobling narrative. So a narrative was created [...] [that] would exist almost entirely in the realm of American archetype” (Faludi, 2007: 82). That narrative was influenced by already existing Western tales of relentless male heroes who do whatever needs to be done to

rescue damsels in distress²². Jack is coherent with this archetype when, in the first season, he approves of the torture of a man he suspects to be guilty for the sake of saving an innocent woman. Above all, he is savior, a rescuer, and females come first.

The Western genre stages the transition between a lawless territory and a land ruled by law and order. For law and order to win, shady peripheral characters are needed. Jack Bauer resembles closely the role that John Wayne played in *The Man Who Shot Liberty Valance* (John Ford, 1962). In the film, for young idealistic lawyer Stoddard (James Stewart) to become the first governor of the state, the man who will bring order and democracy, he first needs to kill the villain, Liberty Valance, but he is a man of books, not of guns. Therefore, in the shadows, Wayne does the dirty work for him and then disappears, letting Stoddard take the credit for freeing the village of the man that terrorized its inhabitants and thus securing his election. Jack Shepherd is similar and different from Bauer because he wants to incarnate both the figures of John Wayne and James Stewart. He wants to be the man of law who can take a shot when that shot is necessary.

Lost recurrently associates Jack's heroism with his ability to make difficult decisions. In one of the episodes in which we learn through a flashback about his past as a surgeon we see how he had to denounce his own father, head of the hospital in which they both worked, to the medical board because he was putting his patient's lives at risk due to his abusive use of alcohol. Jack had to decide whether to put an end to his father's career and lose his affection or keep his mouth shut at the risk of endangering other people's lives. The fact that he made the right choice ennoble him and adds to his stature as a hero. In this context, his decision in Season One to put his moral beliefs at stake when agreeing to torture Sawyer to save Shannon's life can be seen as another instance in which he is willing to take the most difficult path for the sake of the survival of the group. It is here that Jack Shephard and 24 hero Jack Bauer resemble each other: they are ready to "sacrifice the few—especially (them)selves—to save the lives of the many" (Parrish, 2002: 5).

However, Jack needs to be more than a hero who gets the dirty job done. He is, above all, the leader of his community, the man who delivers inflated motivational speeches like the motto of the series: "live together, die alone." In 24, the warrior and the civilian spheres were incarnated by two different people; Jack Bauer was the excess

²² The paradigmatic example would be John Ford's *The Searchers* (1956) that tells the long-running, Homeric journey of a group of men in search of a young girl who has been kidnapped by an Indian tribe.

of the lawful power that President Palmer exerted. In *Lost*, Jack needs to be the spiritual guide and the soldier, and it is soon made evident that the convergence is impossible. Jack's change of discourse in Season Two could have been motivated by an implicit distinction made between "torture in Ticking Time Bomb cases" and "torture as an institutionalized practice." This is probably the case with *State of Affairs*'s Charlie's similar change of heart. However, *Lost* lacks narrative coherence. The conversation in which Sayid and John plan to torture the suspect behind Jack's back is a script failure, a clumsy adjustment or rectification. Consciously or unconsciously, motivated or not by recent events such as Abu Ghraib, the scriptwriters understood that heroism is not compatible with torture, and this is, perhaps, the most positive aspect of the show's engagement in the debate on torture: it proves that the paradigm of the torturer-hero does not hold, and that it is better amended in time by means of script inconsistencies than perpetuated.

In short, analyzed in isolation, First Season's Ticking Time Bomb sequence both decries and legitimizes torture in exceptional circumstances. The episode proves false the premises of the hypothetical, as if suggesting that it works in theory but never in practice, but it fails to exact any type of accountability from Jack, who is the moral anchor of the show, and does not question its efficacy, only the feasibility of the omniscience that the hypothetical that justifies torture requires. The inconsistencies between Season One and Season Two could obey to a reaffirmation of The Ticking Time Bomb Case as the only legitimate instance for torture, or it could mean a change of spirit, a greater conscience acquired by the creators of the show under the influence of contemporary events such as Abu Ghraib. The exemplary heroism that Jack incarnates in the series is not compatible with his endorsement of torture. The show does not argue against the Western notion that for law and order to rule certain lawless characters like Sayid might be needed. However, it makes it incompatible with the moral, institutional order that Jack represents. In a way, it reproduces the non-absolutist, compromising position that Dershowitz deemed hypocrite because it accepts that torture can be effective, necessary and justified in certain occasions, but it rejects that the official ban on torture is lifted.

As opposed to 24, multiple readings of *Lost*'s ideological underpinnings are possible. Complexity is the rule and this is perhaps the reason why it has always been a favorite of the critic (Krukowski, 2017).

Apocalyptic Sci Fi: 9/11 as the Threat of Extinction

From the nuclear strikes that destroy U.S. main cities in *Jericho* and the cyborg attack that ends human civilization in *Battlestar Galactica* to the spread of a zombie virus in *The Walking Dead*, the first decade of the 21st century saw “a rebirth in popularity” (Andrade, 2009: 1) of the post-apocalyptic genre that had already been in vogue during the Cold War. This could be due to the fact that, as Mathias Nilges observes, “representations of destruction grow in number and popularity especially in times of (national) political, moral, and psychological uncertainty” (2010: 23).

According to Nilges and before him to Broderick (1993), post-apocalyptic scenarios appeal to the regressive desire to hit the reset button and go back to an idyllic past of small communities, communion with earth and traditional family values, which involves that the majority of these productions are

highly reactionary, and seemingly advocate conservative social regimes of patriarchal law (and lore). In so doing, they articulate a desire for (if not celebrate) the fantasy of nuclear Armageddon as the anticipated war which will annihilate the oppressive burdens of (post)modern life and usher in the nostalgically yearned-for less complex existence of agrarian toil and social harmony through ascetic spiritual endeavors. (1992: 362)

The shows that I will analyze in this section (*Jericho*, *Heroes* and *Battlestar Galactica*) display traits of the post-apocalyptic genre’s ideology described by Broderick that meets some of the discourses that Susan Faludi (2007) has described as characteristic of the aftermath of 9/11. They partake of the official narrative that was construed after the attacks and which looked for the return of the “manly man” as hero and the female as the rescued victim. “Save the Cheerleader, Save the World,” the advertising motto of *Heroes*, gives us an idea of the extent to which “rescue narratives” are implemented in these fictions. Furthermore, the backlash against feminism that followed the September 11 attacks is also evident. Its most paradigmatic representation takes place in *Battlestar Galactica* where President Laura Roslin, once a feminist, takes the decision to criminalize abortion now that the human race has been decimated. In extreme circumstances, women’s rights are no longer a priority.

Gender representations are as regressive as they are expected to be, but these shows challenge post-9/11 ideological assumptions in other relevant matters such as

interrogational torture and utilitarian mentality. The three of them work with the event of a massive nuclear attack that threatens or has already annihilated civilization as we know it, and such event is construed as an allegory of 9/11 and of the situation of exception that came after it. They interrogate about the limits to which tragedy can push human beings and about the ethics of true heroism. Their answer, at least on the surface, is, unlike *24*'s, that "not everything is excused under exceptional circumstances."

"Jericho" and the Dream of the Post-Apocalyptic Pastoral

Jericho is perhaps the show that best captures the typical traits of post-apocalyptic fiction as defined by Broderick (1993): it partakes of a nostalgic fantasy to return to a rural, pre-urban world. In the pilot episode protagonist Jake Green goes back to his hometown in Kansas after five years away in order to claim the money from his grandfather's inheritance. He has no intention of staying. His relationships with both his parents and his brother Eric are troublesome because they resent him for something he did in the past and he looks anxious to leave Jericho as soon as possible. However, while he drives out of the town, he witnesses a cloud mushroom in the distance, probably in Denver. As it is soon found out, a series of nuclear attacks have been launched on 23 major US cities and Jericho is among the few settings that have escaped the blast. Jake and the rest of the inhabitants of the town are trapped, isolated from the outside world and forced to work together as a community in order to survive.

At the beginning, the series is made of rather auto-conclusive episodes that focus on the survivor's strategies to cope with different problems: an acid rain fallout, an electromagnetic pulse that disables all electronic devices, the loss of power, the administration of basic resources like salt and gas among the people, etc. Jake's father is Jericho's Mayor and is in charge of leading its inhabitants through these difficult times, giving them hope and preventing their baser instincts to take the best of them. Under his guidance and thanks to mutual cooperation, the small community successfully overcomes every threat. There is an explicit celebration of rural life and local structures against the general mistrust that urban politics and supra-local institutions inspire. At the beginning, most characters believe that they have been attacked by a foreign enemy but as the series unfolds, it is discovered that the enemy came from within. The attacks were part of a conspiracy carried out by high ranking members of the former U.S.

government who wanted to overrule democratic institutions and use power to benefit a few big corporations.

The rural/urban binary is also explored through a romantic subplot that involves Stanley Richmond, a young farmer who refuses to sell his farm even though he cannot afford to pay the bills, and Mimi Clarke, an IRS (Internal Revenue Service) Agent who travels from Washington DC to Jericho on the day of the attacks to audit Stanley's farm. Mimi despises Jericho and everything that is related to the rural lifestyle, but she finds herself stranded in town and needing Stanley to provide her with accommodation. For most of the time they appear together on screen they argue over the advantages and disadvantages of living in the country. Mimi is represented as good-hearted but frivolous, missing her rural lifestyle which Stanley considers full of "unamerican" traditions like celebrating Thanksgiving by the pool, drinking mango cocktails. Stanley upholds traditional values like the attachment to the soil and house one was born in, manual work and family bonds. Their love affair, which culminates with Mimi establishing herself for good in the Richmond farm, is the symbol of the rural winning over the urban and, as Santaulària notes, the most notable example of the show's general tendency to domesticate females (2014: 109).

Thus, the celebration of the small community lifestyle of which *Jericho* partakes is linked to the series' traditional gender representations. In the new situation of emergency, men get armed and go out to clear the roads and to provide for food and medicine while female characters are relegated to the private sphere. The subplots they lead are mainly romantic. Emily and Heather, formerly school teachers but unemployed after the attacks, are Jake's love interests. April, Eric Green's wife, is a skilled doctor whose intervention proves crucial in many early episodes of the first season. However, her role in the narrative is soon directed to the domestic sphere when she gets pregnant and learns that her husband is involved with a waitress. She dies before the season is over (1.16) due to pregnancy complications and we get to see her mother-in-law screaming by the surgery table in which she is being operated that the child needs to be saved, even though the doctor's efforts are focused on saving the mother. Equally disturbing is the role played by Rob Hawkins' wife. Before the attacks (known as "the September attacks" in the series' mythology) Hawkins was a CIA agent who had infiltrated the terrorist cell responsible for the bombings. When he discovers that he has been betrayed by someone inside the government and that he will not be able to avert the disaster, he kidnaps his long-estranged wife and kids to lead them to Jericho where

they will be safe. There, he forbids them to go out until they learn their fake backstories and he never tells them the truth about his involvement in the plot. He is the perfect example of authoritarian father/husband, except for the fact that he abandoned his family years ago, so he is now rather a kidnapper than a father/husband. Despite this fact, and despite her initial reservations, Hawkins' wife soon falls back in love with his him. She is quite and little inclined to showing her emotions, but we learn that her feelings towards him have changed when a former lover and CIA co-worker of Hawkins appears in Jericho. She immediately resents her presence out of jealousy and this is the proof we need to know that she still loves her husband (1.13).

Though *Jericho* is critical of contemporary mainstream discourses on the War on Terror, it is affected by the general post-9/11 spirit described by Susan Faludi that called for the return of traditional family values to overcome tragedy. This combination of a combative political stance in general matters of security and defense with a regressive discourse in terms of gender is a trait that is shared by the three series that I analyze in this section. *Jericho* embraces traditional family values, but does not embrace American policies. For example, it denounces the American military's acknowledged practice in Iraq of hiring private contractors to supply the invasion forces with mercenaries. In Season One Episode Eight Jake and Eric drive to the nearest big town to get some very specific antibiotics for his father, who is dying of sepsis. The place has been evacuated and seems deserted, but when they enter the hospital they are welcomed with bullets. They duck the attack and get in the building to find its corridors crowded with corpses. As they later find out, the slaughter has been perpetrated by a group of mercenaries that FEMA (Federal Emergency Management Agency) has hired to deal with the evacuation. They work for a private military company called Ravenwood which Jake distrusts from the beginning because he was a first-hand witness of their dealings in Iraq. He does not go into detail about what the tactics of these mercenaries were during the invasion, but we can see how they conduct themselves in Jericho and other nearby towns: instead of fulfilling the work for which they were hired, they loot towns and murder the sick and the elderly. *Jericho's* criticism of private contractors' work in Iraq advanced the findings of several inquiries that were later conducted by journalists and state commissions. The Senate Intelligence Committee Report on the CIA Program, for example, attributed some of the most controversial torture routines to the Agency delegating its duties to a company of psychologist assessors who had no real training on counter-terrorism.

But the series is not only critical of alleged misdeeds in Iraq. Overall, the way the small community of Jericho faces the aftermath of “the September attacks” should be read as the counterpoint to the way Bush faced September 11, or as the way it *should have* faced it. Presented with different moral dilemmas, the town always manages to find an alternative to the utilitarian logic of choosing the lesser evil. In Season One Episode Seventeen, for example, a refugee crisis is presented. The city is running out of resources and it cannot feed the hundred newcomers from other affected areas that it had initially welcomed. Grey Anderson, the recently elected new mayor of Jericho, decides to put the people of Jericho first and orders that the immigrants are expelled. Anderson is represented as the moral antagonist of former mayor Green. He is a man who is always inclined to solve problems with an iron fist, uncompromising, an advocate of exemplary executions. However, his decisions are often invalidated by the alternatives that the Greens propose. In this particular case, right when he is about to send the refugees out, Mrs. Green appeals to her neighbor’s solidarity and proposes that each household takes one in, thus solving the problem.

Jericho recurrently invalidates the motto that “extreme measures need to be taken in extreme circumstances.” Therefore, it is not surprising that the show deals with interrogational torture if only to denounce the practice. In Season One Episode Four, after the acid rain emergency has passed, Jake finds a man with severe radiation burns who has tried to break into the pharmacy. He is a foreigner with no links to anyone in town, the first newcomer after the recent attacks, and he is immediately considered suspicious, so much more when they find his wallet in Shep Cole’s truck. Shep was an employee of the salt mine in which many residents took refuge during the nuclear fallout and he has gone missing. Jake takes the mysterious man to the hospital. The police, accompanied by Eric Green, the mayor deputy, and Rob Hawkins, are soon there demanding to interrogate him. April, the doctor in charge, tells them that he is unconscious and refuses to obey their order to wake him up. Then, the following conversation between the male characters takes place:

COP 1: Why'd he have Shep's truck? We need to know what he did with him.

JAKE: I know, but we can't just torture a dying man.

ERIC: No one is torturing anyone.

ROB: We could give him a shot of adrenaline. It'll wake him up enough to question him.

JAKE: He's dying of third degree burns. It'll be like waking him up on fire.
COP 1: Our people are dying out there. Shep may already be dead.
COP 2: We need to protect ourselves, Jake.
JAKE: We need to protect ourselves from this.
COP 1: Jake, Shep, he's one of us. We need to find out what this guy did to him.
ROB: Hey, he is going to die, anyway. But he could save some people's lives. (1.4)

Jake has acknowledged that waking the man up in pain for interrogation is equivalent to torture. The scene is reminiscent of the Supreme Court ruling in *Chavez v. Martínez* 123 S.Ct. 1994-1999 where Sergeant Chavez accompanied Martínez to the hospital and interrogated him while he was being treated of his bullet wounds. The Supreme Court was not unanimous in judging the policeman's conduct as torture and here the characters stage a similar debate. They wait for Jake, the one who is ethically troubled, to give his consent. After doubting for a while, he closes his eyes and nods in approval. Next scene, the men are in the patient's room when April storms in and confronts her husband.

APRIL: What's going on in there?
ERIC: They're asking him a few questions.
APRIL: Like hell they will. That's my patient. (1.4)

April tries to approach her patient but Eric stops her.

ERIC: We need information.
APRIL: You have no right.
ERIC: He could be a murderer.
APRIL: And that gives you the power to do anything that you want?
ERIC: Yes. (1.4)

It is concomitant to her gendered role that April, the caretaker, gives voice to the anti-torture approach. As I will analyze in the following chapter, television series led by female heroines do not stage this opposition between violence-driven males/peace-advocator females, but in a show like *Jericho* where females incarnate traditional and secondary roles, her attitude fits expectations. It is also expected that her views are immediately disregarded. While her husband keeps her away from the patient, Jake and Hawkins wake him up with an injection of adrenaline. Conscious but in an awful pain,

the man reveals that he found Shep's car abandoned and used it to lead a group of refugees from Denver to a lake outside Jericho. When Jake leaves the room for a few seconds and Hawkins is left alone with the patient, we discover that they know each other and that he was somehow involved in the attacks. This establishes a difference between Jake and Erick, who believe they have tortured a man who was innocent, and Hawkins, who knew he had valuable information from the beginning. After being interrogated, the man collapses and dies.

The episode ends with a public memorial in Jericho's church in the memory of the victims of the attack. Mayor Green reaches the pulpit and addresses the people with the following speech:

MAYOR GREEN: We stand because we know that every life matters. We have to fight for every life, even when it seems hopeless, even when we're afraid, because the battle ahead isn't just for our survival. It's for our humanity. (1.4)

We do not get to see any of the male characters that have taken part in the interrogation scene regretting or questioning their actions, but the father figure's words are meant for them. He provides us with the moral teaching of the episode. The fear of losing humanity as a consequence of indulging in torture was already insinuated in *Lost*'s Ticking Time Bomb episode (1.8) where it was also a woman, Kate Austen, who tried to stop the male characters. In *Lost*, however, the leading moral authority and the torturer (or the torture overseer) were the same person. Jack Shepherd fulfills both the roles of Mayor Green and Jake. There is no distinction between civilian and warrior mentality, as I established earlier. In *Jericho*, however, the fact that the mayor is an old man who is not capable of being out in the field with his sons allows for a separation of powers and discourses. Soldiers will be held accountable for their actions, tried by an independent judge.

Rob Hawkins, who is the most morally ambiguous character both in the episode described above and throughout the whole first season –we are not entirely sure of whether he has been involved in the attacks as a terrorist or as an intelligence officer until Episode Eighteen– is responsible for the second torture scene that is staged in *Jericho*. In Episode Nineteen we already know that he is CIA, which is meant to imply

that we can trust him but expect him to be shady.²³ Jericho is on the verge of starting a war with the nearby town of New Bern. Thus far, the two communities have been cooperating, sharing resources. Men from Jericho have been building windmills in New Bern that they will exchange for a ten per cent of their crop when spring comes. At the beginning of the episode, they come back home sooner than expected and without Eric. When Jake asks about the whereabouts of his brother, he gets evasive answers and gets suspicious, so he decides to go to New Bern to find him. He asks Rob to help him and Rob complies under the condition that “they do it his way.” The two men drive to the neighboring town and once there, while meeting the mayor, a co-worker of Eric tips them about the address of a policeman who is connected to his disappearance. Rob and Jake drive there and take the cop by surprise in his trailer. Rob ties him to a chair and Jake asks him about Eric. “Screw you,” he gets for an answer, and Jake, losing his temper, punches him in the face.

ROB: Hey, come on, Jake, we got to be smarter than that.

JAKE: We need answers.

ROB: Getting answers is easy. It’s getting the truth that takes work.
(1.19)

Rob takes a knife from the kitchen counter and a package of something that looks like bleach. While he sharpens the knife, he approaches the cop and resumes the interrogation. “When did you last see Eric Green?” The man hesitates and Rob asks Jake to hold his knees. Jake seems troubled but obeys. Right then, terrified, their suspect provides them with the information they needed. Eric has gone missing because the mayor is after him for something he discovered: that New Bern is getting armed to start a war against Jericho.

When they leave the cop’s trailer, Jake is agitated and confronts Rob about what has just happened.

JAKE: Is *that* doing it your way?

ROB: You asked me to come along.

JAKE: What were you gonna do?

²³ The show characterizes the classical antagonistic stereotypes of CIA and FBI Hollywood representations that Jenkins (2016) describes. In Season One Episode Eight, the sheriff is suspicious of Rob and visits his house to question him and his family. Rob lets him search the house, aware that he will find a fake FBI badge that he has hidden. Once the sheriff discovers that he is with the “righteous” agency, all his doubts are gone. Rob is not a terrorist as we are led to believe for some episodes but a CIA agent. However, displaying his real identity will not get the sheriff as reassured as his FBI badge.

ROB: Less than you would have. You see, I've done enough, Jake, to know better. It's the fear of torture that gets results. Actual torture only works in the movies. (1.19)

The U.S. Code in hand, a judge would tell Rob that the threat of torture is constitutive of mental torture. In general, as Lokaneeta (2010) observed in her analysis of *24*, television representations of torture tend to obliterate the existence of mental torture, focusing exclusively on torture as physical brutality. However, Rob's ironic comment is not to be treated lightly for what it says about the series' self-conscious criticism of its contemporary fictional representations of torture. Rob takes a pragmatic stance that meets the recommendations of the CIA interrogation manuals. The KUBARK asserts that

The threat of coercion usually weakens or destroys resistance more effectively than coercion itself. The threat to inflict pain, for example, can trigger fears more damaging than the immediate sensation of pain. In fact, most people underestimate their capacity to withstand pain (1963).

His opinions are, therefore, consistent with his role as a CIA agent. He does not oppose torture in moral terms because, in a way, this would not fit his character. We have seen him kidnap his wife by force and murder an informant to protect his cover, among other dubious actions. He is not the moral leader of the series as is Mayor Green, nor the main hero, as Jake is. He resembles *Alias's* Jack Bristow, *Lost's* Sayid or *Scandal's* Huck for being one of those secondary characters that work alongside the good guys but whose methods are unorthodox or morally reproachable. However, while the three characters mentioned are torturers, Rob is not (at least in the restricted sense of physical brutality.) Stating the inefficacy of torture is the only coherent anti-torture argument that we can expect from a character like him, and he makes it. Jake's attitude is more troublesome. When the interrogation is over, he pretends to be outraged by what he thought Rob was capable of doing, but while in the trailer, he has beaten the cop for refusing to answer to his questions and he has complied to Rob's petition to hold his knees, believing that it was meant to aid him with the torture drill. Rob was acting, but Jake was not. The conversation the two men have when leaving the scene of the interrogation repeats a previous pattern. Jake is once again reprimanded by a man who is older than he is for his justification of torture. In Season One Episode Four, his father

made the moral argument: torture dehumanizes. In Season One Episode Nineteen, Rob makes the pragmatic one: torture as infliction of pain does not work.

Jake seems to be a slow learner and, by judging his behavior in the two episodes described, he meets the profile of the pro-torture hero. However, by giving voice to other characters that have some authority over him and who delegitimize his position, *Jericho* cannot be charged with arguing for physical torture. The understanding of torture in the exclusive terms of physical brutality is common to all the shows analyzed. I exposed the implications of this in the section devoted to *24* –in short, it disseminates the idea that anything which does not amount to the extreme forms of abuse that the public grows accustomed to need not be prosecuted– and I will come back to it when analyzing *Battlestar Galactica* and *Homeland*. But for the time being, I believe that if *Jericho* is assessed in comparison to other contemporary shows, its representation of torture can be deemed rather delegitimizing.

“*Save the Cheerleader, Save the World.*” *Heroism after 9/11*

In *The Terror Dream*, Faludi describes the sense of helplessness and impotence that overcame Americans on September 11:

...the battalions of city firefighters, police officers, and paramedics who race to ground zero on 9/11 from emergency services across the region, across the state, across the country, the medical and quasi-medical volunteers—internists, nurses, burn specialists, orthopedic surgeons, pediatricians, anesthesiologists, psychiatrists, even lifeguards—who staffed the dozens of MASH-style hospitals that materialized in marbled bank lobbies and shopping mall atriums and the courtyards of insurance firms; the doctors who jogged over the bridges from Brooklyn and the hundred surgeons attending a review course at Montefiore Hospital who sped o the scene in two packed buses. ... Thousands of citizens stood in five-hour lines to offer their blood, and hundreds more showed up at the smoldering mound with garden trowels and beach buckets to dig for survivors. One man drove from Nebraska with a bulldozer in his flatbed truck.

What met them was idleness. (Faludi, 2007: 67)

Despite the many attempts by civil population to gather and try to make a difference, little could be done at ground zero but collect body parts and watch sheer disaster. As I advanced in my commentary on *Lost*, to counter the general feeling of despair, narratives of heroism were needed for the country to heal, and “[t]he search for

survivors quickly gave way to a search of heroes” (69). Since very few first-hand witnesses survived to tell their stories, these “often had to be imagined” and a fiction of heroism was construed by the media. This fiction, like all fictions, was strongly ideological and took the shape of a traditional Western narrative starred by strong, manly men who rescued female victims in distress. Facts were shaped to fit a narrative that pre-existed. Even though most victims at the World Trade Center were male, journalists gave prominence to the few pictures that showed females being rescued. Even though female heroism stories existed, they were erased from the official version. The need to write a coherent tale of resistance was as strong as the need to inscribe it into a regressive, traditional patriarchal myth. The country was perceived to have been attacked for its weakness, that is, for its feminization, and a reversal of symbolic roles was called for.

It is interesting to see *Heroes*, the NBC television series released on September 2006, in the light of this mythic fabrication of heroism that took place after 9/11. The Pilot episode shows main character Peter Petrelli, a nurse in New York City, obsessed with proving himself and others that he is special, that as he has recurrently seen in his dreams, he can fly. What his relatives deem as delusions of grandeur turn out to be true. Peter is among a few gifted, genetically altered individuals who are showing extraordinary skills like mind-reading, time-space control, spontaneous regeneration, super-strength, divination or flying. Peter’s ability has something to do with empathy: he acquires the power of those “heroes” he interacts with. This fits his characterization as a caretaker. Far from incarnating the typical masculinist hero, Peter is closer to the soft, feminized man that right-wing commentators denounced after 9/11. The discovery of his power, however, will change his role. For Peter and for other central characters in the show, becoming a hero will imply occupying the slot of the savior in the rescue fantasy. Thanks to Isaac, an artist who foretells the future with his paintings, he learns of an impending nuclear explosion at the heart of New York and of the steps that will precede the catastrophe. The murder of a cheerleader seems to be the prerequisite for the gloomy outcome, so saving the blonde, teenage girl, becomes the key to saving the city which, in the US-centered narrative of *Heroes*, is the equivalent to saving the world.

“Save the Cheerleader, Save the World” is the motto that moves the main male characters throughout the series, instating them at the center of the heroism narrative in vogue after 9/11. Tellingly, right after learning about his gift, Peter quits his job as a

nurse. When asked about his reasons by Simone, the daughter of one of his patients with whom he is secretly in love, he says: “This is not where I’m supposed to be. It’s not what I’m supposed to do. I can’t really explain it. [...] Look, the truth is, I’ve been trying to save the world, one person at a time but I’m meant for something bigger, something important. I know it now” (1.03). Soon after, in this same episode, he tells Simone that he loves her and they sleep together. Stepping out of his feminized role as a nurse and aiming for something “important” is rewarded with a sex scene that asserts his heterosexuality. Together with underscoring the value of nursing and assessing that it is not a suitable job for a man, his speech about being tired of saving “one person at a time” meets the sense of futility that so many firefighters, police officers, doctors and nurses like himself experienced after the attacks on the World Trade Center. We can imagine a younger Peter running to ground zero and failing to be a hero on September 11. Now, he will be given a real chance to act like one.

There is a certain amount of irony to in the rescue fantasy behind saving the cheerleader because Claire, the teenage girl they all are after, is invulnerable. Her extraordinary skill is spontaneous regeneration. She has tried to kill herself 20 times with no success because she is capable of healing after any sort of injury. There is only one man who can destroy her. As Andújar Molina (2013) reminds us, *Heroes* is based on a comic and as such, it has every comic’s constitutive elements: humans with heroic skills, a villain to fight, and a great mission to accomplish. The mission is stopping the nuclear explosion in New York City and the villain is Sylar, the dark side of heroism, a skilled individual whose superpower is acquiring other heroes’ skills by stealing parts of their brains. If he reached Claire and acquired her power he would be invincible and this is the reason why protecting the cheerleader is so important. However, “Stop Sylar, Save the World” would have been a much more fitting slogan.

Stereotypical gender characterizations are found everywhere in the show. In Season One, there is only a recurring character apart from Claire who has special abilities, but these are characterized as a “disease.” Niki, a single mother who strips on line to pay the bills of her son’s tuition has a psychopathic super-strong alter-ego who takes over when they face a risk. Niki experiences losses of memory. When she regains consciousness she finds that the gangsters who were threatening her, for example, have been murdered, their bodies ripped apart. Her skills are closer to a schizophrenic disorder than to heroic superpowers. She is unable to control her violent self, and the violence she (unconsciously) engages in is always excessive. Actually, this meets the

traditional stereotype of female aggression as disproportionate, and female aggressors as either “bad” or “mad” (Creed, 1993).

Heroes' extremely large cast (the first season features 13 main characters and 17 recurring characters) is predominantly white and male. Andújar Molina (2013), for whom the series serves as propaganda for America's grandeur after 9/11, calls our attention to the opening titles of the show in which we see the Earth spinning and stopping in a fixed frame. In this frame, the Earth is shadowed except for the United States. Right after, an eclipse obscures the entire globe.

El eclipse es la imagen que se usa para mostrar un evento que va a ser global y que va a afectar a personas de todo el mundo. Es el recurso que se utiliza para relacionar a varios personajes de distintos lugares en un mismo momento, uniéndolos. A menudo el eclipse se interpreta como símbolo de regeneración, de cambio que se acerca” (de la Torre, 2007: 127).

The show purports to talk about a global event (genetic modifications in the human race that are activated after the eclipse) and to have its characters “save the world.” However, except for Hiro, a Japanese character who is capable of bending the space-time continuum, all main heroes are American and “saving the world” means “saving New York City.” This self-absorbed representation provides us with a telling example of the symbolic impact that the attacks on the World Trade Center exerted on the American public's imagination. The United States represent the world as we know it and New York is at its heart. Destroying New York means destroying the world.

The catastrophe in Manhattan that Isaac has painted represents the threat of a second September 11. *Heroes* is both a ticking-time-bomb narrative and a post-apocalyptic one. In *Don't Look Back*, the second episode of the first season, Hiro teleports five weeks into the future to New York City and witnesses the nuclear explosion just in time to travel back before being reached by the blast. For the remainder of the season, the heroes will try to stop that future from happening, each episode taking us closer and closer to the event. In *Five Years Gone* (1.20) Hiro and his friend Ando travel in time once again to find themselves five years after the explosion (just like the series was aired five years after September 11), in a post-apocalyptic landscape. They arrive at Isaac's former studio where “future Hiro,” in an attempt to change the past, has arranged a time-line with all the events that led to the explosion. His gesture recalls diverse initiatives among civilians after 9/11 that tried to prove that

the attacks could have been averted, accusing government intelligence agencies of having ignored the signals that alerted of the imminent strike. Among the individuals digging into that recent past, none were more influential than the so called “Jersey girls” or “Jersey widows,” four women who lost their husbands in the World Trade Center and who, Faludi recounts, spent months “scour[ing] obscure databases, news archives, and government documents” to “piece[d] together a sophisticated time-line of the missteps and mistakes leading to that terrible day.” They were key to the creation of the 9/11 Commission, in charge of “prepar[ing] a full and complete account of the circumstances surrounding the September 11 attacks” and which established that FBI and CIA failures made possible that the terrorists succeeded (Faludi, 2007: 140).

While the “Jersey girls” established a time-line of the events that led to 9/11 in order to denounce the mistakes committed and make sure that they would not be committed again, “future Hiro” has done so in order to change the past. It is a recurrent obsession in *Heroes* to travel back in time to the instant before the tragedy, in the hope of changing the outcome. In Season One Episode Eight, for example, Hiro meets Charlie, a waitress whose super-ability is an extraordinary memory and with whom he establishes a bond right before she is killed by Sylar. After her murder, Hiro decides to go back in time to alert her of the danger she is facing and save her, but his attempts prove fruitless. As Mousoutzanis says, this return to “the scene of the accident” is a common trait of trauma and of much of post-9/11 television which has been described as traumatic or post-traumatic (2011). Cathy Caruth (1996) explains that the patient experiencing PTSD is often haunted by nightmares or hallucinations that take her back to the site of the trauma only to find that she is unable to do anything but watch how the story unfolds once again before her eyes. In this sense, time dislocations like the ones achieved through flashbacks or through flash-forwards –this is particularly prominent in *Lost* where we are constantly shown through flashbacks the actions that led each of the characters to embark on the plane that crashed on the mysterious island where they all met– are regarded as characteristic of these type of traumatic fictions.

The post-apocalyptic future that Hiro encounters in *Five Years Gone* is a bitter reflection of post-9/11 America. It is believed that it was Sylar who blew himself up and created the nuclear explosion that destroyed New York City. Since then, Homeland Security has implemented a program aimed at identifying and imprisoning gifted individuals, who are treated as potential terrorists. Matt Parkman, a cop with the ability to read minds, works for the FBI and is complicit with the illegal surveillance and

detention measures that the President has implemented. He is also a torturer. Right after Hiro at the future, he is detained and taken for interrogation. Parkman is unaware that he comes from the past and knows nothing about the resistance movement for which “future Hiro” works, so when his mind-reading abilities prove useless, he resorts to torture. We see him repeatedly punch Hiro in the face while asking him questions he cannot answer. Later in that same episode, he interrogates Noah Bennet, Claire’s father, putting a gun to his face. The dark world that has come after the explosion is one in which heroes have turned into villains, cops into torturers. Fear of a new attack has justified the suspension of basic human rights.

In the pre-apocalyptic world of *Heroes*, torture is out of the question because heroism is described in opposition to utilitarian logic. Heroes are those who are willing to sacrifice themselves to save the innocent; villains are those who are willing to sacrifice the innocent for a greater good. This is exemplified by one of the final twists of the first season through which we learn that Peter and Nathan Petrelli’s mother, alongside other influential politicians and businessmen like the mob leader Linderman, have known about the impending explosion all along and are willing to let it happen so that a better world rises from the ashes of the old one.

NATHAN: An explosion of that magnitude will destroy half the population of New York City (snaps his fingers) like that.

LINDERMAN: There's six and a half billion people on the planet. That's less than 0.07%. Come on, that's an acceptable loss by anyone's count.

NATHAN: By anybody's count?

LINDERMAN: Look, I said people needed hope, but they trust fear. ... This tragedy will be a catalyst for good. (1.19)

Mrs. Petrelli tries to convince her son Nathan, who is a politician, to back up their plan to let the bomb go off. She promises that if he complies, they will make him the next President of the U.S. “Important men make impossible decisions. President Truman dropped two atomic bombs on Japan to end World War II. Killed thousands to save millions,” she tells her. Nathan is initially convinced by his mother’s speech, and represents himself as a tragic hero, “a man who's being asked to make a hard choice for the greater good.” In the end, both heroes and villains want to save the world, but what tells the difference between them is their moral stance: villains are consequentialists, heroes are not. The kind of heroism *Heroes* proposes is Christian in nature and calls for

individual sacrifice which turns out to be the only course of action capable of averting the disaster. Nathan, whose superpower is flying, is eventually redeemed by taking away from the city the human bomb his brother Peter has turned into so that it explodes in the air. His sacrifice is the singular act of heroism that “saves the world.” He carries out Hiro’s statement that “to save what is most important, I must be strong enough to cut out my heart” (1.22).

Hero’s morals are incompatible with interrogational torture because this is utilitarian in nature. The Mark Parkman from the future that tortures detainees is seen as the product of a world that has been corrupted. The audience is not led to condone his methods but to regret the loss of one who had been righteous. Indeed, characterizing the “cop superhero” as one with mind-reading abilities takes torture, a priori, out of question. It allows scriptwriters to solve interrogations fast, as opposed to the long sequences that featuring rapport building strategies would demand. However, there is an episode in which we see one of the “good guys” torture a villain. It takes place in Season One Episode Eighteen and its protagonist is a man named Suresh. Suresh is an Indian geneticist whose father was pioneer in studying the human mutations that are responsible for the heroes’ extraordinary abilities. Before he was murdered by Sylar, he had developed a software that could detect them and now Suresh has taken up his work and devotes himself to finding the key to unlocking it. His stated intentions are getting to the gifted individuals before Sylar do, in order to protect them.

In the episode entitled *Parasite*, after discovering Sylar’s identity, Suresh lures him to his house and drugs him so that he is deprived of his powers. Next scene, Sylar is connected to a drip that keeps on administering him the paralyzing drug. Suresh tells him that he has found out who he really is, but he demands to hear his admission of guilt. Sylar has recently acquired the power of an ultrasensitive audition, so Suresh tortures him by taking a tuning fork to his ear and making it sound. Sylar screams in pain and acknowledges that he is the one who murdered Suresh’s father and many other heroes to get their skills.

SURESH: You’re a parasite. There’s only one thing to do with a parasite: kill it before it kills again.

SYLAR: You're just like your father, murderers the both of you.

SURESH: I'm a scientist.

SYLAR: Your father said that but he kept bleeding me through.

SURESH: He had no idea what you were.

SYLAR: He knew. He might not have admitted it, but after all, we were making so much progress together, why would he stop? [...] Well, who's the real parasite here? (1.18)

As if to confirm SyLAR's accusations that he is a "parasite-scientist," Suresh decides it is better not to kill him, but to experiment on him. "I'm going to take a sample of your spinal fluid and it's going to hurt", he tells him just before stabbing him with the needle. SyLAR's DNA unlocks Suresh's father's software, solving the mystery Suresh had been obsessed with all along. If the torture scene was rather confessional than interrogational in purpose (Suresh just wanted to hear SyLAR admit to what he already knew), this act by which he forcefully penetrates the suspect's body (with a needle) and obtains a piece of truth meets the definition that Neroni (2015) offers of the "torture fantasy," the body conceived as a "repository for truth" (10):

SURESH: I finally found it. That's it, the four simple genes, they answer everything. I can make a new list, I can find them, save them.
SYLAR: And what about me? Don't I deserve to be saved? Aren't I just a victim too? I didn't ask for this.
SURESH: And what would you have me do?
SYLAR: Help find a way to give me salvation. [...] I'm a natural progressively species. Evolution is a part of nature and nature kills, simple. Right?
SURESH: What you've done is not evolution, it's murder. What I am doing is revenge. Now I can fulfill my duty as a son. (1.18)

Suresh points a gun at SyLAR and shoots, but SyLAR stops the bullet with his telekinetic skills. It turns out that he was not under the paralyzing drug any more. He was honestly trying to get Suresh to empathize with him, and Suresh has not passed the test.

There are two possible though non-excluding interpretations for this scene, that is, two theories that could account for the inclusion of an unheroic act committed by one of the heroes. The first, like some authors have already done (Yuen and Ray, 2009; Johnson, 2008), accuses the show of racial stereotyping. Suresh, who tortures and tries to kill SyLAR for avenging the death of his father would fit the stereotype of the vindictive oriental who puts his family and the honor of his family above anything else. Suresh is volatile and passionate, for better or worse, just like Hiro, the Japanese, is "childlike" and "plays into the long-standing stereotype of the emasculated and infantile Asian man requiring the paternalistic aid of white men" (Yuen and Ray, 2009: 68).

Suresh's racial stereotyping is to be expected if we pay attention to the few scenes that take place in India. The country is represented according to what Ramasubramanian describes as a "tendency for certain films produced in the West to depict India in a dream-like, utopian manner" (2008: 247). At the burial of his father, we see him celebrate a rite by the beach in which the skies are heavenly blue and everything seems timeless and suspended (1.8).

For all the critical discourses that *Heroes* stages in regard to post-9/11 exceptionalism and to government intelligence agencies, its representation of race and gender remains highly conventional. Nonetheless, the "torture scene" carried out by Suresh problematizes clear-cut divisions between good and evil, enemy and foe. Like Leoben, the human-looking cyborg Kara tortures in a scene from *Battlestar Galactica* that I will analyze next, Sylar poses the question of sameness. Suresh accuses him of being a parasite and Sylar characterizes Suresh's scientist father who experimented on him on the same terms. Furthermore, he denounces the cracks in his heroic discourse. If Suresh is driven by a true will to help people with extraordinary skills, why is not him worthy of such help? Implicit in the scene is the common mistrust of science and the scientist, a motif that is well implemented in the Sci Fi dystopic genre. In *Fringe*, for example, Dr. Walter Bishop, characterized after the stereotype of the "mad scientist," is the person responsible for creating the paranormal anomalies that will lead to an apocalyptic future, to a collapse between two parallel universes. Both in *Battlestar Galactica* and in J.J. Abrams' latest work as a producer *Westworld*, scientists have created robots that are capable of perfecting themselves and acquiring consciousness and who rebel against their creators, who treated them like slaves.

Unlike other torture scenes analyzed thus far, Suresh's abuse of Sylar compromises the former's heroic status and humanizes the second. The underlying idea is that torture equates the victim and the aggressor. In a series where ends never justify the means, Suresh and his father before him are criticized for using Sylar as a "means," as a lab-rat, and they pay the symbolic price of losing the audience's sympathy for at least one episode. Unlike with other torturer-heroes, he is not heroic for his act of torture or in spite of it, but becomes compromised, too close to cross the line that separates good and evil.

“Battlestar Galactica”: Re-Imagining America from Space

Consciously designed as an allegoric representation of 9/11 and the War on Terror, the re-imagined *Battlestar Galactica* has become one of the critics’ favorite and most studied television series. Cascajosa explains the reasons behind the huge amount of scholarly attention that it has received:

Battlestar Galactica se convirtió en una oportunidad de tratar, bajo el amparo distanciador de la ciencia ficción, todas las cuestiones polémicas que surgieron a rebufo de los atentados, desde las campañas bélicas en Afganistán e Irak al escándalo de las torturas en la cárcel de Abu Ghraib pasando por el juicio y posterior ejecución de Saddam Hussein. [...] este compromiso de tratar desde la fantasía los acontecimientos más relevantes de su momento histórico sería la clave definitiva de la consolidación de *Battlestar Galactica* como uno de los programas televisivos más destacados de la contemporaneidad (Cascajosa, 2016)

Battlestar Galactica features a mythic tale about the origins of our civilization. Once upon a time, humans dwelled in the Twelve Colonies of Kobol, twelve distinct planets in a distant star system. Their scientific progress had enabled them to create a species of robots known as Cylons which at some point rebelled against their masters. The series opens with a massive nuclear attack by the Cylons that destroys Kobol, decimating the human race to a number short of 50,000 survivors, most of them aboard civilian ships and commanded by the military ship *Battlestar Galactica*. Under the leadership of Commander Adama and President Laura Roslin –representatives of the military and the civilian bodies, respectively–, the group of survivors will wander through the universe in search of a home: the Earth.

One crucial aspect about the Cylons is that they have perfected themselves to look exactly like humans and they have infiltrated the survivors’ ships. Deeply religious (whereas humans are polytheists or atheists, Cylons believe in one true god), some of them sleeper agents (unaware of being Cylons until they are activated) and made of flesh and bones (though immortal, in a sense, because every time they die their consciousness is reloaded into a new body), they have been interpreted “as stand-ins for the robotic, prescriptive aspects of religious extremism; they are Islamic fundamentalists in one view, the politically aggressive factions of the Christian right in another” (Bellafante, 2009). The equation between Cylons and Al-Qaida terrorists has

been generally taken for granted and through their resemblance to humans the show has tackled the singularly post-9/11 fear “of an enemy that looks like us, an enemy that hides in plain sight” (Ott, 2008: 17). As Novell and Ginés explain, Cylon’s human appearance is also regarded as the way by which the show interrogates about identity and its opposite, alterity.

BSG explora de forma muy sofisticada los límites entre lo humano y lo que está más allá, a raíz del conflicto entre la humanidad y sus artefactos creados, los cylons, quienes, a su vez, presentan también desafíos a la idea de una identidad única y estable, en tanto que resucitan constantemente en un cuerpo que es uno y múltiple a un tiempo. [...] la distinción entre seres orgánicos y tecnológicos, la humanidad y sus constructos, copias y originales, convierte la noción de identidad en un espacio abierto que exige una redefinición (Novell and Ginés, 2016).

Is there an essence to being human? Any radical distinction between humans and Cylons in the show? As Erika Johnson-Lewis (2008) has noted, pain is proposed as the crucial single experience that connects us all. “Humans must endure their pain, and one way to deny Cylons access to the human is to deny the reality of their pain” (34). It is in this light that we need to read the central Ticking Time Bomb interrogational torture scene that features in Season One Episode Eight *Flesh and Bone*.

In *Flesh and Bone*, a Cylon is arrested in one of the civilian ships and Kara Thrace, a.k.a. Starbuck, is asked to interrogate him. Kara is one of the main characters of the series, a cocky, hard-drinking, expert pilot who in the 1978 original was played by a man and in the re-imagined version offers viewers one of its most interesting gender representations, one that contrasts most of the other female characters in the show, stereotyped as either manipulative Lady Macbeths or defenseless victims to be rescued. When Starbuck enters the interrogation room and meets Leoben, the first shock she receives is his convincing appearance. She had already heard the rumor that new Cylons looked like humans, but this is the first time she meets one of the non-robotic models. The second surprise comes when Leoben tells her that he has planted a bomb in the main ship that will go off in a few hours. A tough soldier always ready to do “what needs to be done,” Kara unhesitatingly calls for torture when she hears about the Ticking Time Bomb. In this sense, the series partakes of the argument that, if such a scenario is ever presented, torture is the path to take. However, the in-depth treatment of the relationship that is established between the torturer and the torture victim, together

with the fact that, as Pinedo (2010) says, “[t]he series troubles the easy dichotomy between hero and villain” by means of “human heroes [that] are not pristine but flawed,” has earned the episode more praise than condemn.

Throughout the torture scene, there is a crucial contradiction between Kara’s actions and her discourse. She tells President Roslin: “It’s a machine, sir. There’s no limit to the tactics I can use.” However, if he really is a machine, he should be able to turn off the pain and all the torture drill would be useless. It seems that, rather than for the extraction of information, Kara tortures him to prove herself that he is not human. Before resorting to violence, she tempts him with food. She eats and drinks in front of him and notices that he is hungry.

STARBUCK: Kind of bad programming.

LEOBEN: Part of being human.

STARBUCK: You’re not human. (1.8)

Kara lends him the plate with food and watches him eat voraciously. While he is eating, she has the guard beat him and asks him if it hurts. Leoben says it does.

STARBUCK: Machines shouldn’t feel pain, shouldn’t bleed, shouldn’t sweat... See, a smart Cylon would turn off the pain program right now.

LEOBEN: Maybe I’ll turn it off and you won’t even know. (1.8)

The scene is presented as a duel between the two characters. The Cylon wants to endure the pain to prove Kara that he is human, and Kara wants to hurt him enough so that he cannot endure it, turns his emotions off and thus proves to be a machine. Though it has the guise of interrogational torture, torture in this scene is about much more than information extraction. It is, first of all, about establishing pain as the key to what it is to be human. The only reason Kara feels entitled to hurt the Cylon is that she is convinced that he is *just* a machine, that is, that he can turn off the pain anytime he wants. This cognition is only plausible in the fictional world of *Battlestar Galactica*. In the real world, torturers deny the reality of their victims’ pain with no empirical grounds. As Johnson-Lewis (2008) observes, it is necessary to recall Elaine Scarry’s arguments on torture and pain while watching this scene. “For the person whose pain it is, it is “effortlessly” grasped [...] while for the person outside the sufferer’s body, what is “effortless” is not grasping it” (1985: 4). Kara has every reason to initially doubt the

Cylon's pain, because she is convinced of his inhumanity. This is, indeed, what moves her to torture him for hours. Is this the paradox at play at any real-life interrogation room where torture is used? Does torture imply a dehumanization, a denial of the victim's pain like we see at work in *Flesh and Bone*?

The show asks us to extrapolate the torture scene we are watching to the War on Terror by means of cultural references which are easy to grasp. Right before Kara initiates a waterboarding drill –CIA's most contested "torture lite" technique– she warns Leoben of what it is to come with the following sentence: "Now the gloves come off." As Pinedo (2010) explains, "[t]he phrase was widely associated with the Bush administration policy of covert rendition and torture." It was first used by Cofer Black, former Director of the CIA's Counter Terrorism Center, when testifying in 2002 at the Congressional Joint Inquiry into the September 11 attack. When asked about operational flexibility, he stated: "This is a highly classified area. All I want to say is that there was "before" 9/11 and "after" 9/11. After 9/11 the gloves come off" (qtd. in Mayer, 2009: 43). Later, in 2003, the phrase appeared in an e-mail sent by an Army official to all the interrogators deployed in Iraq, prompting them to use the techniques that had been tried in Guantanamo. "The gloves are coming off gentlemen regarding these detainees," (qtd. in Arsenault, 2017:148) the officer wrote. This mail has been presented as proof that the abuses that took place in Abu Ghraib were not the workings of a "few rotten apples" but came from higher power structures, that is, they were institutionalized.

Film critic Martin Anderson (2007) is among the few that has blamed the show for "its tacit acceptance of torture":

What most offended me about *Flesh And Bone* was not that it sought to rationalise torture but that it took the validity of such an interrogation procedure for granted and immediately went on to lesser issues. And this is the most insidious type of propaganda there is: when you wake up and find the status quo has been subtly rewritten (Anderson, 2007).

Kara is indeed convinced of the efficacy of torture as it is made evident in the following dialogue where she equates being human to complying under pain:

KARA: Here's your dilemma, turn off the pain, you feel better but that makes you a machine, not a person. You see, human beings can't

turn off their pain. Human beings have to suffer and cry and scream and endure because they have no choice. So the only way you can avoid the pain you are about to receive is by telling me exactly what I want to know. Just like a human would. (1.8)

However, torture proves useless in *Battlestar Galactica*. After 8 hours of interrogation, Kara achieves nothing but the reprimand of her superior, President Roslin.

ROSLIN: And where is the bomb?

KARA: I don't know.

ROSLIN: You don't know? You've spent the last 8 hours torturing this man, this machine, whatever it is, and you don't have a single piece of information to show for it? (1.8)

Four minutes before the bomb is expected to go off, Roslin takes over and tries a softer approach to the Cylon. "I apologize for what you've been through," she tells him, and orders that he is unchained. She offers to guarantee his safety if he tells her about the bomb and quite immediately, echoing *Lost's* Ticking Time Bomb, Leoben confesses that the warhead does not exist, that he made it up to gain time. At the end of the episode, Roslin orders his execution and we see Kara protest to her decision and, eventually, pray for his soul. Her encounter with the Other's pain has destabilized her beliefs. She is no longer convinced of the Cylon's inhumanity, which should also mean that she is no longer convinced of torture's infallibility. If the Cylon is human, after all, it is not true that all humans break.

I believe that the interrogational torture sequence in the episode entitled *Flesh and Bone* is complex and ambiguous enough not to be taken as "an insidious type of propaganda" (Anderson, 2007) and that it certainly engages in a conscious debate about the problems inherent to the Ticking Time Bomb Case, forcing the viewer to address it critically. *Battlestar Galactica*, nonetheless, suggests a qualitative distinction between the techniques used by Kara, which do not involve extreme physical brutality and which cause the hero a great amount of mental anguish but do not depict her as a monster, and the extreme forms of torture that are committed by the crew of the *Pegasus* in Season Two Episode Ten and which immediately cast them as villains. The episode starts with the encounter by the *Battlestar Galactica* of another military ship that survived the attack. It is led by Admiral Cain, a woman who outranks Commander Adama and is, therefore, going to take control of the fleet. The initial joy at discovering further

survivors is soon baffled when the antagonism between Cain and Adama is made evident. Cain is an extreme utilitarian, hardened by war to the extreme of cruelty. In Season Two, Episode Twelve, she justifies herself to Kara as follows:

CAIN: Let me tell you something, I've had to watch many kids be put into body bags. They're covered with flags and they float out that airlock. [...] Sometimes, terrible things have to be done. Inevitably, each and every one of us will have to face a moment where we have to commit that horrible sin. And if we flinch in that moment, if we hesitate for one second, if we let our conscience get in the way, you know what happens? There are more kids in those body bags, more kids floating out that airlock. (1.12)

Cain reproduces the type of discourse that those in charge of devising the War on Terror had internalized. Mayer (2009) recounts the September 13 meeting in which Bush convened his National Security Council to listen to CIA's Director George Tenet and to CTC's Director Cofer Black presenting their counterterrorism action plan. Once the presentation was over, Black addressed the President and they had the following conversation:

"Mr. President, we can do this. No doubt in my mind. We do this the way we've outlined it, we'll set this thing up so it's an unfair fight for the U.S military." But Black turned to Bush, who sat at the head of the conference table, and warned, "You've got to understand. People are going to die. And the worst part about it, Mr. President, Americans are going to die—my colleagues and my friends. So there should be no misunderstanding that this is going to be a bloodless activity."

Bush, who like Black was of an age to have fought in the Vietnam War but had not, responded, "That's war."

Black continued, "We've got to accept that we're going to lose people in this deal. How many, I don't know. Could be a lot." But Black promised, "You give us the mission—we can get'em. When we're through with them, they will have flies walking across their eyeballs" (qtd. in Mayer, 2009: 31).

Deploying once again his aggrandizing rhetoric of tragic hero (this will be painful, but we are tough and we take it) Cofer Black engaged Bush in the discourse of the hardened warrior. They knew nothing about real war, but Admiral Cain does. The horror she has been witnessed to and the things she has done following the logic that extreme measures apply to extreme circumstances have rendered her unable to tell justified from unjustified violence. This is the reason why she allows the brutal

mistreatment by her officers of the Cylon infiltrate they have imprisoned in their ship. In the episode entitled *Pegasus* (2.10), Gaius Baltar is led to her cell and finds out that she has been repeatedly raped by all the members of the crew, who brag about it. Deep scars on her back show that she has been whipped and burnt as well. The sexual nature of the abuses, together with the bragging attitude of the torturers and the superior in charge being a woman connect the events in *Battlestar Galactica* with Abu Ghraib. There is no moral ambiguity here. The perpetrators are regarded as savages by the main characters. An internal war between the two ships is declared when Helo and Chief Tyrol, two military officers from the *Galactica*, get in a fight with members of the *Pegasus* to stop the latter from raping and torturing their own Cylon prisoner.

There is a contrast between the torture scene in Season One, conducted by one of the “good guys” and represented as an endurance duel between torturer and prisoner, and this latter instance where the female-Cylons are nothing but victimized, the damsels in distress that the male protagonists set out to rescue. The gendered nature of the narrative is significant to understanding the viewpoint change, as it is the fact that no Ticking Time Bomb situation is insinuated as a justification for this type of torture. More crucially, there is a clear “severity” distinction between the tactics employed by Kara and those resorted to by the crew of the *Pegasus*. By means of uttering the phrase “now the gloves come off,” Kara is connected to State sanctioned torture. Her methods—a punch in the face, food deprivation and waterboarding—are exerted as part of a controlled, calculated routine. And though the scene proves them useless and Kara is forced to break up the wall that separates her from the Cylon, eventually admitting his humanity and sharing his pain, the episode is ambiguous enough as to present the viewer with moral questions, but no clear answers. In the re-enactment of Abu Ghraib that takes place in Season Two, however, the show is explicit in denouncing the depravity of the torturers. One of them is accidentally killed by the members of the *Galactica* when they are trying to stop them from raping their prisoner and Adama refuses to punish his men for it. Eventually, he gives the order to kill Admiral Cain so that she does not execute them for the homicide. The sexual abusers of the *Pegasus* are deserving of death for their transgression while Kara is left with doubts and a taint of moral angst.

Without the script-contradictions that were found in *Lost*, *Battlestar Galactica* enacts a similar distinction between two instances of torture: the Ticking Time Bomb situation is ambiguous, open to different interpretations, while the torture of an enemy

combatant with no time constraints is regarded as unjustifiable. Torture can be debated, analyzed from different angles, when it is presented under the guise of the hypothetical. As a matter of regular practice, however, it needs to be condemned without hesitations.

Despite *Lost* and *Battlestar Galactica*'s similarities, the latter introduces the notion of "severity," which is not addressed in *Lost*. In *Lost*, there was not a distinction between the techniques that were used in the half-legitimized Ticking Time Bomb torture scene and the ones available in the officially prohibited torture instance in Season Two. In *Battlestar Galactica*, however, what distinguishes the "morally grey" from the "absolute ban" has a lot to do with the "severity" of the techniques employed. Food deprivation and waterboarding might look trivial when compared to extreme sexual and physical torture. In Season Three, when victims become victimizers, when in an allegory of the Iraq invasion the Cylons occupy the planet where the survivors have settled in and systematically torture members of the resistance, their much condemned tactics are also "severe." We do not see Cylons waterboard or sleep deprive their prisoners, but mutilate them. Colonel Tigh, Galactica's Executive Officer, loses an eye while imprisoned and this experience radicalizes him to the point of advocating for suicide bombings in public places.

Season Three stages *Battlestar Galactica*'s most interesting and controverted discourse: the difficulty to tell between terrorism and legitimate resistance, and between state sanctioned violence and non-state, illegal terrorist violence. Once again, we are confronted with Chomsky's (2001, 2016) criticism of the popular usage of the word "terrorism," which does not match the official one. If it did, it would lead to acknowledging that the US's preemptive wars in Afghanistan and Iraq were terrorist in essence and that the US, historically, has been a terrorist state. This discourse manifests itself accidentally in *24* when Bauer's brutality routinely matches or surpasses his enemies', but *Battlestar Galactica* is nothing but self-conscious.

In the last episode of Season Two (2.20), the survivors find an inhabitable planet and they decide to settle in, founding the city of "New Caprica." A year later, they are found by the Cylons. The new Cylon top administration has concluded that they attempt to annihilate the entire human race was a mistake and now they want to cohabitate with humans, teach them about love and about the existence of one true god. They occupy the streets of New Caprica, override their democratic government and meet the survivor's resistance with public executions and imprisonment. Former military officers at Galactica become rebels, and their actions are deemed and tried as acts of terrorism.

This inversion of roles leads to an explicit criticism of the American intervention in Iraq. Cylons are equated to the invading forces, and Iraqi “terrorists” are seen as legitimate resistance fighters who, at some point and fed by the abuses committed against them, radicalize and lose sight of who the real enemy is.

The representation of violence in this season also matches the ambivalence behind Agamben’s *homo sacer* (1998)—a figure of Roman law where “sacer” meant something that was both “hallowed” and “cursed”—or rather, the concept of “terrorism” does. One single act –e.g. bombing a military compound– can be read as licit or illicit, as an act of war or an act of terrorism, depending on the agent who commits it. In Season Three, Episode Two, Gaius Baltar, who had been democratically elected President before the Cylon invasion and has since retained his title while collaborating with the enemy, meets former President Laura Roslin for interrogation. He wants her to condemn the most recent attack of the rebellion, a suicide bombing in the ceremony of graduation of the human police corps that the Cylons have trained:

BALTAR: I can protect you, but you have to understand the situation has changed now. The insurgency has crossed the line. Suicide bombings. It's abhorrent. It's contrary to everything that we believe in. So you... You and I, we will... We will publicly condemn these tactics. They cannot be legitimized in any shape or form.

ROSLIN: There is something that scares the Cylons after all.

BALTAR: I should think using men and women as human bombs should scare us all.

ROSLIN: Desperate people take desperate measures.

BALTAR: All right, look me in the eye. Look me in the eye and tell me that you approve of sending young men and women into crowded places with explosives strapped to their chests. (Silence) I'm waiting for you to look me in the eye and tell me that you approve! Thirty-three people killed, and their only crime was putting on a police uniform, trying to bring some order to the chaos out there.

ROSLIN: Order? By arresting innocent people in the dead of night, detaining them indefinitely without charge, torturing them for information.

BALTAR: Now, wait a minute. Nobody's been tortured!

ROSLIN: Tell that to Colonel Tigh.

BALTAR: Nobody has been tortured. We're done here. (3.2)

Baltar’s indignant denial of torture mocks the real-life, governmental discourses that refused to acknowledge that prisoner mistreatment was a routine tactic in the War on Terror even when confronted with evidence like the pictures from Abu Ghraib. He

says that the resistance has “crossed a line” with the suicide bombing and Roslin seems reluctant to accept it, but later on that episode, a line that is not to be crossed is insinuated. Colonel Thigh loses his legitimacy as a just resistance fighter when he proposes to bomb the city market, indifferent to the innocent civilian lives – collaborators of the regime are not regarded as “innocent”–that will be sacrificed in the process. His plan is defied by his comrades. Contemplating the notion of “collateral damage” is, according to the series, terroristic, regardless who the perpetrators are. In this sense, the series introduces a concern that will be very present in *Homeland* and advances another anti-torture argument: torture serves the counterproductive effect of radicalizing terrorists, providing them with motif.

Battlestar Galactica explores the limits to which a society can be pushed in times of war. When do we become that which we oppose? Torture plays an important role in this exploration since it is generally presented as an act that makes heroes and enemies look alike, just like Cylons and humans look alike. An in-depth analysis of hidden discourses, however, uncovers certain ideological assumptions that are close to pro-torture arguments. The emphasis made on “severity” as a requirement to condemn torture seems to imply a lax approach to “coercive interrogation techniques” such as waterboarding. Furthermore, torture in a Ticking Time Bomb scenario is problematized but excused. The torturer who acts under extreme circumstances is to bear some inner guilt after her acts, but will not be found guilty. In Part III I will further explore if this personal suffering of the torturer can be understood as a materialization of Michael Walzer’s “dirty hands” or not.

INTERRGATIONAL TORTURE: A THEMATIC FIXATION THAT DOES NOT WEAR OFF

I have thus far analyzed six shows (*State of Affairs*, *24*, *Lost*, *Heroes*, *Jericho* and *Battlestar Galactica*) which share the commonality that they all represent heroes that resort to torture under the belief that it is *necessary*, often justified by the narrative framework of the Ticking Time Bomb. They stand for the pervasiveness of the topic in post-9/11 television, a notion that has typically been discussed by focusing on *24*, a show that is taken to stand for the pervasiveness of the topic in post-9/11 television. The critic has repeatedly accused *24* of promoting enthusiast arguments for torture through

its main character Jack Bauer's systematic reliance on it as the fastest and most effective method for extracting life-saving information. My own reading of the series shares these conclusions. However, in the light of the analyses carried out thus far, it seems that *24*'s approach to torture does not stand for the rest of the shows. Most of them share at least one of its tenets: torture is effective, a Ticking Time Bomb Case justifies torture, "torture" is defined as physical brutality, torture leaves no sequel on the torturer, torture is not prosecuted... But it is also true that each one of them contests at least one of those same tenets. Approached as a whole, they stage a variety of points of view regarding interrogational torture similar to the one that Part I revealed when different legal, political and philosophical texts were put together. *24* represents the overtly utilitarian authors who vindicate that torture should be legalized whenever its use could lead to saving innocent lives, (Allhoff, 2012; Bargaric and Clarke, 2007); *State of Affair*, with its heroine's discursive attack on normative torture but her decisiveness to use it in a Ticking Time Bomb situation could satisfy Dershowitz; *Heroes*' rejection of the practice by representing heroes that step to the "dark side" for torturing could be close to absolutism, and so on. What has so far been demonstrated is that television series actively engaged in the debate on torture that was taking place in every sphere of the American society that watched them. The pervasiveness of the topic is still to be further documented.

The shows analyzed in this section were released in the aftermath of 9/11, during the first decade of the 21st century and therefore establish a direct dialogue with the events and discourses that surrounded Bush's War on Terror. However, America's temporal distancing from the immediate trauma of the September 11 attacks did not mean that interrogational torture abandoned the television screens. Particularly the thriller genre that usually builds tension out of urgency still relies on torture as a fictional device that advances the narrative. Justified and unproblematized torture episodes like the ones that feature in *24* are present in shows released immediately after the attacks, like *Star Trek: Enterprise*, and continue to be present in the most recent productions. A good example of this is found in *Marvel's Daredevil* or *Daredevil* (Netflix, 2015), the web series based on the Marvel Comics character of the same name that tracks the adventures of Matt Murdock, a man who became blind as a child but acquired ultra-heightened senses in exchange. By day, he works as a lawyer for a small firm he and his friend Foggy have founded and at night he patrols the streets of New York City's Hell Kitchen fighting the rocketed crime rate as a vigilante. In one of the

first scenes of the Pilot, we see Matt at church, talking to the priest in the confessional. “I’m not seeking penance for what I’ve done, Father. I’m asking forgiveness for what I’m about to do,” he says. What he is about to do is torture at least one man per episode until he gets to Fisk, the man on top of the criminal organization that has taken hold of his neighborhood. Matt is asking the priest to excuse him in advance, just like the Israeli GSS demanded that its agents were permitted to torture terrorists by invoking the necessity defense before the fact. Though elegantly filmed and rich in special effects, *Daredevil’s* script is formulaic and simple. Just like Pinedo (2010) described 24, it works like a videogame. Each episode, Matt gets to a gangster, fights him, subdues him and tortures him until he gets the name of the next man in the ladder that will lead him to Fisk.

Since every episode has a similar structure, a description of Season One Episode Two serves to illustrate the whole series. This time, one of the criminal organizations under Fisk’s command, a Russian mob whose deal is human trafficking, has kidnapped a kid to lure Matt into a trap. Matt succeeds to escape barely alive and is found in a dumpster by a nurse called Claire who takes him to her apartment and treats his wounds. While at Claire’s, one of the Russians finds him, but thanks to his extremely acute hearing Matt is faster than the gangster and knocks him out. He takes him out to the roof and ties him to a pole. When he regains consciousness, Matt begins to question him. “Here’s how this is gonna work. I’m gonna ask you some questions. You’re gonna answer them. If you’re lying to me, trust that I will know and I will be unhappy. Where’s the boy?” Matt is, in a sense, the perfect torturer since he hears people’s heart beats, senses their transpiration... And has learned to read those bodily signs. He is a human lie detector. Thus, he is never at risk of torturing a person who has already told him the truth. Always sure of the guilt of his victims, he is also merciless. He answers the Russian’s initial refusal to talk by beating him harshly, but the man does not break. Claire, who has been watching the scene a few steps behind covered with a ghostly white balaclava, surprisingly steps in to help Matt. “Try stabbing him in his trigeminal nerve. [...] Go in through here, right above the eye. That’s the supraorbital foramen. You want to go in right under there” (1.2). Matt follows her instructions and pushes his knife deep into the gangster’s lacrimal. He lets him scream in anguish for a few seconds before taking the blade out. Then he releases him from the pole to which he was tied up and drags him to the edge of the roof, threatening to drop him. Eventually, he gets the address of the house where the kid is kidnapped and releases him from his captors.

Matt's heroic status is not compromised by his methods, because his ends are always noble: he rescues children, damsels in distress, poor Hispanic renters who are being forced out of their apartments by real-estate speculators... He is the exact superhero version of Jack Bauer, but as Berlatsky points out, the series' politics are "a melange of half-digested, not especially coherent liberal and conservative talking points" (2015) that win over the sympathies of spectators from the whole ideological spectrum, something that did not happen with *24*, overtly associated with the right, and which is perhaps the reason why, so far at least, *Daredevil* has not been the target of much criticism. Berlatsky eloquently explains the contradictory politics behind *Daredevil*:

The series' working-class Hispanics living in rent-controlled apartments under threat from evil developers is a basic lefty meme. The all-consuming corruption of government institutions, from politicians to police, is borrowed from libertarian or right-wing distrust of government. The Kingpin—a powerful crime boss and one of *Daredevil*'s arch enemies—is a villain to liberals because he's super-rich. He's a villain to conservatives because he's a dreamy and hypocritical help-the-poor idealist. In short, there's a reason for people of every political persuasion to be flattered or irritated, as long as no one thinks about it too hard. ... amidst the ideological confusion, the one consistent value is torture (Berlatsky, 2015).

Introduced in the Pilot episode as a Christian, moral dilemmas are important to Matt Murdoch, but torture is not even regarded as such. His great concern is finding himself in a situation where he will cross the only line that he deems sacred: murder. He is constantly tempted by the idea and when he eventually gets to Fisk, he passes the ultimate test that will consolidate him as a true hero: instead of killing him, he decides to build a case against him.

Though the recently released spin-off of *24*, *24 Legacy* (Fox, 2017–), seems to have abandoned torture, the love affair of television fiction with brutal interrogation techniques has not come to an end. What can be sensed as we approach the second decade of the 21st century is a radical change in female presence and gender stereotyping. Post-9/11 exclusively male heroism has given way to a preponderancy of leading female characters. *Fringe* (Fox, 2008), *Revenge* (Showtime, 2011), *Homeland* (2011), *Penny Dreadful* (2014) and *Jessica Jones* (Netflix, 2015) are some of the shows that introduce the female action heroine as a new trend in television fiction. In the

following chapter I will analyze the way in which they deal with torture, in particular, and with violence, in general, trying to ascertain if there is any radical difference between them and their male counterparts.

PART III

The Female Action Hero in the Interrogation Room

A WONDERFUL TIME FOR WOMEN ON TELEVISION

In 2014, when she received her second Golden Globe award for her lead role interpretation in *The Good Wife* (2009-2016), Julianna Margulies exclaimed: “What a wonderful time for women on television” (Dockterman, 2014). Alicia Florrick, the brilliant, self-made professional woman that she incarnated for seven seasons was, at the beginning of the series, expelled from her cozy life as a high class housewife and forced to take up her career after her husband was sent to prison regarding a sexual and political scandal. The first shots of the series showed humiliated and submissive Alicia supporting his unfaithful and corrupt husband in front of the media. The last episode insinuated that, after his husband’s failure to become the Democrat candidate to the presidency of the US, she could be next in getting to the White House.

Post 9/11 television series –particularly those released from 2006 onwards– have given female leading characters an unprecedented prominence. *Alias*, *The Closer*, *Cold Case*, *Bones*, *The Killing*, *Fringe*, *The Good Wife*, *Homeland*, *Scandal*, *Revenge*, *Penny Dreadful*, *State of Affairs*, *Quantico* and *Jessica Jones* are some of the shows that throughout the first 15 years of the 21st century have had prime time television colonized by main female characters. Ensemble shows like *Six Feet Under*, *CSI*, *Lost*, *Heroes*, *The Walking Dead*, *Battlestar Galactica*, *Game of Thrones*, *The Leftovers* and *Westworld* also have actresses playing some of their most relevant parts. The majority of them are action series so they present us with female characters that are able and ready to pick up a fight. They are strong and familiarized with violence, which they do not hesitate to use to defeat their enemies. They are also part of a thematic fixation in American television with scenarios that depict interrogational torture. Given this context, a pertinent question to ask is whether they engage in torture as much as their male counterparts do. Taking into account that traditional gender stereotypes represent females as caretakers, it would be reasonable to expect that they offered greater resistance to torture. The previous analysis of *Lost* and *Jericho* has provided two examples in which the expected pattern was met: while male characters argued for interrogational torture, a female character entered the discussion to condemn the

practice. However, neither Kate from *Lost* nor April from *Jericho* occupied the center of their respective narratives (nor were their opinions taken into account). When we analyze shows in which the hero is a female, the quick answer to the formulated question is ‘yes.’ Female action heroes can also be “good girls gone psycho.”

Sydney Bristow from *Alias*, Kara from *Battlestar Galactica*, Jessica Jones from *Jessica Jones*, Emily Thorne from *Revenge* and Charlie from *State of Affairs* personally engage in interrogational torture. It is also common, however, that female protagonists have the aid of a male colleague in the *performance* of the act. In *Penny Dreadful*, *Homeland* and *Fringe* heroines do not condemn the use of torture in extreme circumstances but they hold ambiguous views towards it or simply look on in approval as others torture. I have left *Scandal* out of my main discussion because, though it is the show that features more instances of torture after *24* and *Daredevil*, these are regularly committed by secondary characters who are not shady, ambiguous heroes like Jack Bristow from *Alias*, Sayid from *Lost* or Rob from *Jericho*, but clearly anti-heroes like the psychopath vigilante Dexter, somehow likeable but devoid of any heroic or exemplary qualities. However, it should be mentioned that *Scandal* features a woman named Quinn, an employee at main character Olivia Pope’s crisis management firm, who not only tortures, but discovers that she enjoys doing it. In a perverse way, Quinn evolves from being a helpless victim in the first seasons to becoming empowered, in full control of her life thanks to her co-worker and later lover Huck introducing her to the realm of violence and sadism. In the light of the restricted “victim” readings with which most commentators approached female involvement in the abuses of Abu Ghraib, the characterization of Quinn is somehow transgressive.

In the previous Part I argued that the scandal of Abu Ghraib might have made an impact on *Lost*’s representation of torture and perhaps on the emergence of shows that self-consciously re-imagined the Ticking Time Bomb scenario to dismantle some of its assumptions, but I have the impression that the scandal made a greater impact on the representation of female characters. Its defying of traditional essentialist assumptions regarding women and violence and its introduction of the notion that female interrogators exploited their sexed bodies to obtain victories in the interrogation room are aspects that can be sensed in the shows that I will explore in the following sections.

J.J. Abrams' Female Action Heroes: The Best of Both Roles

Female protagonists are a trademark for J.J. Abrams' work on television and he is, therefore, complicit with creating that "wonderful time for women" that Margulies celebrated. *Felicity* (1998-2002), *Alias* (2001-2006) and *Fringe* (2008-2013) are starred by women and in the ensemble series *Lost* (2004-2010) and *Westworld*²⁴ (2016-), female parts are crucial. Excluding *Felicity*, whose trials were more mundane (choosing the right career and the right lover, breaking free from her parents' expectations...) Abrams' heroines are female action heroes. Sydney Bristow is a CIA espionage agent in *Alias*, Olivia Dunham is an FBI agent in *Fringe*, Kate Austen is a fugitive in *Lost* and Meave Milley is the android who will lead the revolution in *Westworld*. The four of them have further similarities that, against the filmic tradition of the female action hero sketched in Part I, position them as particularly progressive types. First, they are not "phallic" in the sense that would imply a *gender-swap* but, just like Ripley, they are able to reconcile feminine and masculine traits without having their heroism questioned (I am here referring to gender, to femininity and masculinity as something that is culturally constructed, of course; as to the set of assumptions about what constitutes the feminine and what the masculine). Second, and at least on the surface, they conform to the "muscular" rather than to the "hyperfeminized" model; they are shot in ways that do not objectify them or that, at least, represent them first and foremost as subjects. However, the four of them have a background, a narrative explanation for them being the way they are (strong, aggressive, powerful, decisive...) that is always linked to early manipulation by men. Kate Austen is on the run because of killing her abusive stepfather. Like the rape-avenger, she was a victim of male violence before becoming a female hero. *Westworld* has just seen its first season completed but its two main heroines are androids literally assembled by men. Once they acquire self-knowledge, they decide to take arms against their masters. The background stories of Sydney Bristow and Olivia Dunham are both similar and interrelated, but I will address them in detail in the following sections.

²⁴ It should be noted that Abrams is not the creator but the producer of this last series.

Alias

In *Alias*, Jennifer Garner –whose “physique, while conforming to the slender ideal demanded by Hollywood, is still strikingly tall, strong and athletic” (Finding and MacLachlan, 2007:74) – plays the role of Sydney Bristow, a young woman who, on the surface, lives a normal life: she is a student of English literature that shares a flat with her best friend and who, in the series’ pilot, becomes engaged to her college boyfriend. However, beneath the surface, she lives a second-life as a secret field agent for the SD-6, a supposedly black ops section of the CIA that we soon find out to be a branch of the Alliance Twelve, a criminal organization that conspires against the United States. After learning the truth, Sydney goes to the CIA, tells them her story and becomes a double agent for them.

When engaged in her *normal* life at university, at home, out in a bar with her friends... Sydney wears comfy clothes and a simple hairstyle, a brown straight long hair. However, her missions demand that she adopts different aliases whose essence “is often no more than a particular sexual type or fantasy (the drunken flirt, the bookish virgin)” (Finding and MacLachlan, 2007:75). She is a brilliant agent for many reasons: she is strong, skilled in martial arts, fluent in many languages... but above all, she is a great actress. She adopts different types of femininity as disguise, and her greatest asset is her female body or, rather, the expectations that her female body arouse in her enemies. No one is suspicious or frightful of a beautiful girl, so she often catches her targets off guard.

Although her aliases, that is, the transformations she undergoes through wigs, heels and dresses, are interesting for their capacity to reveal the performativity of gender, there is still something disquieting about her main weapon being her sexuality. As Finding and MacLachlan note, “Sydney must use her sexuality as much as, or more than, her physical strength. She seduces as frequently as she assaults” (76). In the first episode of season 3, Sydney meets a contact who is supposed to help her in her mission. He gives her the following advice: “if you want to stop the car, you will need backup”. Sydney answers: “No, I don’t. But I’ll need clothes.” Next scene we see her wearing a sexy red dress. She stands in front of the target car and the car, indeed, stops. She aims at it with her gun and blows it up.

The show premiered in September 2001 and for five seasons it went on representing a female field office who worked in a way that recalls the practices that

female interrogators in Guantanamo were using at the time. And if it can be agreed that there was something abusive in asking military women to use their sex against the detainees as a means of coercion, in exploiting the negative stereotypes associated to their gender for the sake of an interrogation, the same is at play in *Alias*. We find a particularly telling example of this in Season Five, where Sydney is pregnant and, therefore, unable to exploit her femaleness as usual. Now, she flaunts a different though equally demeaning stereotype, that of the hormonal, hysterical pregnant woman. In the season's second episode, Sydney is after the man who killed the father of her child, and when she finds him and ties him up for interrogation, she threatens him as follows: "It's something about pregnancy, the hormones. Today I woke up feeling very hormonal." In spite of the torture threat these words contain, the man does not cooperate and the scene ends with Sydney giving him a hard punch in the face.

Interrogational torture is everywhere in *Alias*. It is shown in two different ways: as the *interrogation room torture*, carefully designed, often following a standard protocol and orchestrated by a professional, and the *heat of the moment torture*, usually consisting of a death threat, "either you talk or I kill you," amidst an action scene. Though occasionally engaged in this second type of torture, Sydney is first and foremost depicted as a victim of it. Indeed, the first time we see her she is tied up to a chair and being interrogated by an Asian male who punishes her unwillingness to cooperate by extracting her molars. She endures the torture until she succeeds to escape by her own means (1:1). Between Season Two and Season Three there is a lapse of three years in which the CIA loses track of Sydney. She reappears with amnesia, unable to remember what has happened to her during that missing time. Throughout the season we learn that she was captured by The Covenant, an evil organization that pursues similar interests to those of the SD-6 and that brutally tortured her for months, trying to brainwash her.

In Season Two Episode Six the NSC believes that, during her time away, Sydney murdered a Russian ambassador. She is arrested and taken to Camp Williams, a facility that is the fictional equivalent to Guantanamo, "an unacknowledged NSC detention center used for the interrogation of suspected terrorists whose captivity the government won't admit to" (2:6). There is an explicit criticism of the state-sanctioned torture in this episode (particularly regarding accountability). The director of the NSC asks Lauren, Sydney's CIA boss, to supervise the whole interrogation and to later write a report to acknowledge that no human rights were violated. However, as they both fly

to Camp Williams we see that Sydney is already being tortured with electroshocks. Later, Lauren will be denied access to the “interrogation room” and asked to write her favorable report anyway. She is outraged and refuses to do such a thing. “I’m not naïve. I understand that under certain circumstances unorthodox methods may be required,” she states, but Sydney’s treatment at Camp Williams goes beyond exceptionality.

We find such an exceptional scenario that would legitimate torture for Lauren in Season Three Episode Fifteen. Here, a bomb is discovered in a plane that carries Sydney’s lover Vaughn and his detainee, Sark, an important member of The Covenant. At the CIA quarters, they have the man responsible for setting the bomb. He wants to kill Sark in retaliation, because The Covenant killed his brother. Sydney tries to gain his sympathy by telling him that the organization he hates so much destroyed her life too. She tries to build rapport, but it does not work. When there are only three minutes left and the brilliant tech-guy of the squad seems unable to deactivate the bomb, Sydney’s father Jack enters the room where two guards keep the detainee, orders them to leave and tortures the terrorist. He smothers him to the point of a cardiac arrest and then resuscitates him with an adrenalin shot and a defibrillator. Sydney sees what his father is doing through one of the monitors and runs to the room, seemingly to stop him. “What have you done?” she asks when she sees the pulseless body of the terrorist on the ground. “Get the defibrillator, hurry.” She obeys her father and helps him reanimate the terrorist. Once brought back from the death, Jack threatens him to repeat the process all over and the detainee, terrified, readily agrees to deactivate the bomb. The episode ends with a scene in which Sydney leaves the CIA quarters, goes down to the parking lot to get her car and, knowing that she is finally alone, starts crying. Soon after, Vaughn arrives and they embrace. Sydney is in distress for how close she was of losing him, but perhaps also for what it has taken, morally speaking, to save him.

This episode shows how, in the event of a Ticking Time Bomb scenario, when every legal course has been tried and proven useless, the last (and effective) resource is torture. It is important to note that, although Sydney does not play an active role in the torture scene, his father is *going beyond the line* for her, to save the man with whom she is in love. We know that Jack is ready to break every rule to protect his daughter because we have seen instances like these in the past. The father-daughter relationship is central to the series. In the pilot, Sydney’s college boyfriend Danny asks her to marry him and calls Jack to let him know of his intentions (to ask for his permission). This is the first time we see Jack, and he is presented like a cynical, cold man who mocks

Danny's "courtesy call" and tells him that Sydney "doesn't give a damn" about his opinion. The fact that her mother died long ago in a car accident and that she is totally estranged from his father signals Sydney as an orphan.

Later in the pilot, Danny is murdered by the SD-6 because Sydney has let him know of her true job. At the CIA headquarters, she finds out that her father is also a double spy, someone she will have to work with for the rest of the series. The gradual bonding of Jack and Sydney comes along with the discovery that her mother Irina is not dead. She was a Russian spy that married her father to obtain military secrets and who faked her death to escape the mission. The ambiguity regarding Irina's motivations and affects is one of the key mysteries of the series; she seems divided between her love for Sydney and her own ambition, she appears and disappears constantly, but the narrative allows for moments in which circumstances demand that the three members of the family work together. As Brown and Abbott note, "it is the Bristow's transgressive journey from the ultimate in estranged relations to a form of functional dysfunctionality that preoccupies the series' narrative arc" (2007:93). In the last episode of the first season, to prove how initially detached and unsentimental Jack has grown extremely devoted to her daughter, we see him torture and murder Steve Haladki, a CIA operative who has put Sydney's life in danger. This act of brutality is considered the ultimate proof of love.

The dysfunctionality of Sydney's family is not only a consequence of her mother being a traitor and her father a double-spy who, for the sake of maintaining his cover, was forced in the past to keep a distant relationship with her daughter. Both Jack and Irina are ambiguous and difficult to trust. Although Jack works for the good guys, his ethics, as we have already seen, are often questionable. In Season Two we learn a disquieting secret from his past. Back in the 70s, Jack was the manager of Project Christmas, a classified CIA project that aimed at creating sleeping agents. Talented six year old children were recruited and trained through a system that made them acquire incredible skills at a high speed. Once the program was over, the children's memories were erased and they were sent back home to be contacted in the future to become spies. After admiring Sydney's brilliant performance for several episodes, we discover that she was one of those children who were experimented on in the context of Project Christmas. Jack Bristow himself submitted her to the training once he learnt that his wife was a Russian spy (so that Sydney could protect herself in the future, in case Irina

came back to get her). Suddenly, there is an explanation for Sydney's genius that is located externally. She has a gift that her father chose to give her.

Fringe

Although the two characters are quite different, Sydney's experience resembles that of Olivia Dunham in *Fringe* in at least one crucial aspect: early male manipulation. Conceived as a contemporary remake of *The X Files*, the series features a male-female couple of investigators (Peter Bishop and Olivia Dunham) who, with the help of Peter's father Walter, a brilliant though eccentric scientist, work together for the FBI to solve cases that entail "fringe events." Fringe events are mysterious happenings that are linked to the misuse of the scientific advances that Walter and his former colleague William Bell developed in the past. Considering what it represents within the tradition of the female action hero, Olivia is much more interesting than her predecessors Agent Scully and Sydney Bristow. In comparing *Fringe* with *The X Files*, Rhonda V. Wilcox comments that, while most critics saw a gender-switching of roles in the couple of Mulder and Scully (he was the intuitive believer, she was the rational scientist who, in the end, proved to be wrong), Olivia and Peter are both difficult to categorize within gender stereotypes. In many senses, as actress Anna Torv stated, "Olivia was [is] the man" (qtd. by Wilcox, 2014:50). She is an FBI agent and Peter is only a consultant. She is allowed to have a gun but he is not. Usually, Peter stays in the lab with his father while Olivia is out in the field. The main reason why he was taken into the Fringe Division was to take care of Walter. He is a caretaker and often remains indoor so, thus far, there is a gender-switch. However, Olivia is much more complex than a traditional hero in the body of a woman. In Season One Episode Six she follows her intuition contradicting the orders of her boss and, at the end of the mission, when he confronts her, she gives a passionate speech with what Wilcox terms a "third-wave-feminist zest" (2014:50):

I understand that you think I acted emotionally. And putting aside the fact that men always say that about the women they work with, I'll get straight to the point. I am emotional. I do bring it into my work. It's what motivates me. It helps me get into the head spaces of our victims, see what they've seen, even if I don't want to, even if it horrifies me. And I think it makes me a better agent. If you

have a problem with that, sorry. You can fire me, but I hope you don't. (1.6)

Furthermore, by the fourth season she gives birth to Etta, and long before that we see her acting like a motherly figure with her niece, with whom she has an intimate relationship, and with other children she interacts with during her missions. As Sarah Clarke Stuart states, she incorporates “the positive characteristics of a maternal figure into [her] its persona” and she’s neither “the temptress-as-hero,” nor the “romantic heroine or Muse.”

She’s not a mere duplicate of the male version, as many female heroes tend to be characterized, simply adopting the masculine narrative nor is she a hyper-sexualized object using seduction as the source of her strength. Olivia is not overly emotional, but she’s sensitive when the occasion arises. (Stuart, 2011)

While *Alias* made a difference between private and public Sydney, the latter using her sexuality to succeed in her missions, Olivia is never eroticized. She wears dark suits like a uniform and solves her cases exclusively by means of intelligence, courage and intuition. As Wilcox summarizes, “Olivia is the straight-shooting, hard-drinking detective with an extraordinary memory and deductive powers. But she is also a protective, caring character who mothers more than one child in this story” (2014:55). In short, in a much more radical way but following the model of Agent Ripley, Olivia deconstructs gender stereotypes by incorporating into her persona traits that are traditionally assigned to both the masculine and the feminine. There’s only one characteristic that ruins the progressive appeal of the heroine. Like Sydney Bristow, she is not entirely responsible for her skills, which range from a photographic memory to the capacity to cross between parallel universes. In Season Two we learn that, as a child, she was experimented on by Walter Bishop and William Bell who submitted her to Cortexiphan trials. Cortexiphan, a drug of “unforeseen consequences,” was meant to expand the potentials of the mind.

NINA SHARP: Doctor Bell theorized that the human mind, at birth, is infinitely capable... and that every force it encounters – social, physical, intellectual– is the beginning of the process he referred to as “limitation,” a diminishing of that potential (1:14).

Olivia is extremely able, but her abilities (at least some of them) were given to her by men who did not ask for her consent. And just like Sydney, she is forced to work side by side with the man who determined her as an infant and who, although not her father, becomes a sort of father-figure. Olivia is an orphan and Walter, troubled and eccentric as he may be, is the source of knowledge within the Fringe division. He is the one who knows most about the strange happenings that she investigates because he made them possible. He is a god-like figure, a creator, and Olivia is one of his creations. As such, she is perfect, the redeemer that the apocalyptic world of *Fringe* needs. She is extremely self-sufficient and hardly needs of the assistance of Peter to save herself or others (rather, she often saves Peter). One of the few instances in which she proves less able than her partner is in the context of an interrogation.

In Season One Episode Ten she has taken into custody a man who has committed a bank robbery with a device that destabilized the particles of the wall so he could walk through it. Olivia is in the interrogation room trying to find out what it was that the detainee wanted to steal while Peter and her colleague Charlie watch her performance through a translucent glass. She is not getting any answers and Peter, who has noticed that the man's hands are trembling, guesses that he suffers from radiation poisoning and that this information can be used as leverage. But instead of telling Olivia, he asks her to give him a chance to interrogate the suspect himself. Olivia accepts his help with reluctance. "You lose him, we lose time. It's up to you." She leaves the room to let Peter in. What follows is a torture scenario of the "denial of medical help" type. Peter tells the robber that the reason why his hands are trembling and his hair is beginning to fall off is that he suffers from an intoxication that will kill him in a short period of time unless he calls a doctor. The price for that medical help is, of course, his confession.

While the torture-motif was ubiquitous in *Alias*, in *Fringe* it is rare and more implied than present. "I've been in rooms like that, on both sides of the table," Peter tells Charlie with a certain bragging tone in his voice. His assertion only has full meaning if we remember that Peter worked as a private contractor in Iraq before he was recruited for the Fringe Division. The specifics regarding his past are never disclosed, but it is surprising how the possibility that Peter was once a torturer is so nonchalantly insinuated. It is also noteworthy that he feels the need to exclude Olivia from the torture scene. He who has so many times been saved by her feels that he has to save her from this one. So far in the narrative, it has become clear that Peter is romantically interested in her partner, so this could also amount to an act of love.

Earlier in that Season, in Episode Five, we found an interesting reworking of the Ticking Time Bomb scenario. FBI Agent Mitchell Loeb gets infected by a rare parasite that constricts his heart and is impossible to remove. Walter Bishop analyzes its genome and finds a code inscribed on it that leads them to David Robert Jones, a man that is connected to many of the Fringe cases of the first season. In the hope that he knows the cure, Olivia flies to Frankfurt to meet Jones in the prison in which he is being held. At first, she is unable to visit him but gets a piece of paper where Jones demands that, in order to give her the cure she is after, he first needs to talk to Smith, a colleague of his who unfortunately has died in a raid. Time is running out for Loeb, whose heart is gradually being smothered by the parasite, and Walter tries a desperate solution. He creates a device that links Smith's brain to Peter's and which can make the latter receive the dead man's memories. Meanwhile, thanks to Lucas Vogel, a former love interest of Olivia who has political connections in Germany, she has gotten access to Jones. Once alone with him, Jones asks her the question he wants his friend to answer: "where does the gentleman live?" Through the phone, Olivia communicates the question to Walter, who has Peter tied to a chair with electric nodules on his head and lots of drugs on his system. He activates the machine and Peter receives several discharges until he gets the answer. The scene is frenetic because there is no time. Loeb, whose agonizing body lies next to Peter in the lab, is about to die and Olivia is being told to finish the interrogation by the German guards who watch Jones. The tension grows up as Peter receives higher and higher discharges. We have the typical Ticking Time Bomb scenario, but the person who is being tortured is not the guilty terrorist, but the hero.

Despite this positive rewriting of the typical torture scene, the episode ends with a troubling conversation between Olivia and her German friend. They are together in a car that is heading to the airport and Olivia is wondering about a cryptic comment of Jones in which he seemed to imply that there is a mole in the FBI. "You know I have other means of gathering information about Mr. Jones. If you'd like me to use them... Say yes, Olivia. It'll give me an excuse to call you again." Olivia smiles at Lucas, but says nothing. Although what "those other means" are is not specified, the euphemistic phrasing of the offering quite clearly alludes to something illegal or unorthodox. Once again, a man who has a romantic interest in her is gentlemanly offering to do the dirty job for Olivia. She is not outraged; she seems rather flattered, but never makes that call.

Both Sydney Bristow and Olivia Dunham live in a world governed by the rules of exceptionality. In such a world, the possibilities of interrogational torture are always

present and the heroines are not the ones to question it. However, it seems that J.J. Abrams prefers to keep them away from *the deed*. Sydney is sometimes seen catching a bad guy and punching him while she demands information, but these scenes are very short in length and little disturbing when compared to the many instances of “chamber torture” that we are offered, always led by men. The sight of a male dressed up like a doctor who extracts information from a suspect that is tied to a stretcher-like seat is a most recurrent motif in the series.

Among Abrams’ action heroines, the only one who takes an active part in denouncing the immorality of torture is Kate Austen from *Lost*. In Chapter II I have described in detail the episode from Season One in which Sawyer is tortured, but I would like to recall that Kate’s performance during that scene fits perfectly into a gendered understanding of violence that was perhaps buried for good after the scandal of Abu Ghraib. She intercedes in the confrontation between Sawyer and Jack demanding that they hold on to their humanity and she therefore conforms to the traditional stereotype of the heroine as peace-lover. Furthermore, it is important to remember that the reason why Jack decides to torture Sawyer is to protect a woman, Shannon, who needed her asthma inhalers to survive.

Looking at Abrams’ productions, dates are also significant to understanding the differences between Sydney Bristow, Kate Austen and Olivia Dunham. Both the Ticking Time Bomb Scenarios that seem to legitimate torture in extreme circumstances in *Lost* and in *Alias* were written before the scandal of Abu Ghraib. *Fringe* aired in 2008 and, against its predecessors, is extremely careful when dealing with the subject of torture.

Generally speaking, Abrams’ action heroines are rarely seen taking an active part in interrogational torture. Like their drive to action, that is male-motivated, this is something men do on their behalf. Protecting or safe-guarding a woman’s interests seems to be cause enough to cross the dangerous ethical line of torture. This gentlemanly condescendence can be understood to obstacle the potential feminist appeal of these shows that are led by action heroines that do not conform to either of the gender stereotypes, or it can be celebrated for what it says about heroism. The new female action hero that appears in Abrams’ television fiction is a careful combination of “the best of both worlds/roles”: rational, courageous, active, strong *and* empathetic, caregiver, motherly and humane. The irruption of women as lead characters in these

shows whose genre is typically male has achieved what the incorporation of women to the military could not: a *certain* moral improvement.

FEMALE TORTURERS AND “DIRTY HANDS”

The previous analysis of J.J. Abrams’ series should not give the wrong impression that keeping action heroines away from interrogational torture is a constant. They can be seen in the interrogation room, asking questions while men do the dirty job for them,²⁵ as we see in *Penny Dreadful*, or they can be torturers themselves.

Penny Dreadful (2014-2016) is a horror drama series that is set in 19th century Britain and which draws from classic fiction characters like Van Helsing, Dorian Grey and Victor Frankenstein. The main arc narrative of the first season revolves around Vanessa Ives, a woman who is chased by an evil force whose slaves are vampires and who have taken into its hosts her best friend Mina Harker. Together with Mina’s father Sir Malcolm, and with the help of Victor Frankenstein and Mr. Chandler, an American expatriate who is secretly a werewolf, they dive into the darkest spots of Victorian London in search of Mina. In Season One Episode Three they capture a young vampire and chain him to Sir Malcolm’s damp and somber basement for interrogation. Sir Malcolm is closest to him and whips him whenever he does not cooperate. Vanessa is a

²⁵ *Zero Dark Thirty*, the film that dramatized the manhunt of Osama Bin Laden, was led by a female heroine, a CIA analyst played by Jessica Chastain who, in one of the opening scenes, was taken to a remote interrogation facility in the Middle East where a male agent tortured in front of her a terrorist that she believed had crucial information about the case. Maya (Chastain) is shown uncomfortable watching how her colleague waterboards the detainee, but eager to benefit from his softening up for interrogation. The disgust in her face is not against the torturer or the act of torture *per se*, but against the fact that she has to witness it. It has to do with the fact that she is an analyst and not a field agent; she is shocked because she is not used to it. However, a memo declassified in 2013 revealed that the CIA had taken an active part in the writing of the script and among the changes it requested, leaving Maya out of the torture scene was one of them. As Ben Child for *The Guardian* informed, “Jessica Chastain's Maya, the film's main protagonist, was originally seen participating in an early water-boarding torture scene, but in the final film she is only an observer. A scene in which a dog is used to interrogate a suspect was also excised from the shooting script” (2013). The CIA argued that the requested change was in virtue of verisimilitude. “We emphasised that substantive debriefers [like Maya] died [sic] not administer Enhanced Interrogation Techniques, because in this scene he had a non-interrogator, substantive debriefer assisting in a dosing technique” (qtd. in Gayle, 2013). However, it would be interesting to dig deeper into the ideological reasons behind that decision. After all, fiction is supposed to take liberties and alter facts. The CIA’s recommendations were meant to protect its image. I leave the question open: In which specific sense damaged its image that it was a woman who engaged in the controverted practice of waterboarding?

few steps behind, at a safer distance, asking her own questions. “Where is your master?” The vampire is but a boy, a delirious boy who keeps rambling his master’s words. He is bleeding and crying. Mr. Chandler, disgusted by the scene, intercedes and stops Malcolm’s hand before he whips him again. There is a gender-switch in the expected pattern in which secondary female characters argue against torture. Mr. Chandler is here the equivalent to *Jericho’s* April and *Lost’s* Kate. Miss Ives’ explanation for their conduct is that they have suffered so much that they have become desensitized. If Chandler is not willing to go all the way with them, he should leave their company. The sight of Miss Ives watching and aiding in the torture scene a few steps behind the male torturer is also reminiscent of the *Daredevil* episode described in Part II in which Claire, Matt Murdoch’s nurse friend, intercedes to recommend that he aims for the victim’s trigeminal nerve, putting her medical knowledge at the service of inflicting pain in an efficient way.

Revenge is a contemporary adaptation of Alexander Dumas’ *The Count Of Monte Cristo* in which the careful vendetta around which the plot revolves is orchestrated by a woman. Young millionaire Emily Thorne moves into the Hamptons where she rents a house next to the Greysons, a rich and influential clan that hides dark secrets. As we soon learn, the newcomer is in truth Amanda Clarke, daughter of David Clarke, who was framed by the Greysons and sent to prison, where he would die, for a terrorist attack that he did not commit. Emily/Amanda, who has been training and plotting for years, is now ready to exact her revenge on those who, directly or indirectly, took a part in the demise of her father. Unlike the rape-avenger of films like *I Spit On Your Grave*, whose pay-back was murder, here the punishments are more proportionate. Emily is usually satisfied with publicly exposing and humiliating her enemies, with destroying their careers or emptying their accounts. Her endgame is marrying Victoria Greyson’s son and faking her own death at the wedding day, framing Victoria, but her fiancée discovers that she is plotting against him and shoots her. She survives although her wounds sterilize her. From then on, the game becomes more serious and collateral damage beings to mount.

In Season Four, an unexpected plot twist reveals that her father is still alive but in danger. Emily, whose quest has all along been motivated by her father, is now willing to go as far as possible to protect him (or perhaps to prove valuable to him). In the Fourth episode of Season Four, she learns that her father did not fake his own death. He was held captive for all those years by an important enemy of the Greysons who wanted

to use him as leverage. David asks her daughter not to dig into the particulars of his past, but the last scene of the episode shows a torture chamber where Emily has an unknown man restrained and blinded. She approaches him with a hot fire poker and says: “start talking.” The episode ends right there, the cliff-hanger being our doubt as to whether Emily is capable of being brutal in such a way. Episode Five starts where we left, with Emily holding the poker, but the answer to the question of how far she is willing to go is still delayed. Just when she seems ready to burn his detainee, there is a knock at the door. Different storylines appear in between and we have to wait five minutes to finally see her in action. Since she has been entertained by the visitor, the poker has gone cold. “Same game, different rules,” she says as she opens a briefcase full of weapons. First she takes a long sharp knife and makes an incision on the man’s neck. “Who hired you?” she asks. “I don’t know,” he answers. She goes back to the briefcase and gets a long chain with which she starts to strangle him. Quite immediately, the man confesses.

The contrast between the heroine’s looks (a sophisticated, sweet, “girl next door” prototype) and her actions are key to *Revenge*’s success. The retelling of Edmond Dantès’ story through the body of a woman, the gender-switch, has important implications. On the one hand, it builds up tension from uncertainty. The viewer is constantly wondering: what is *she* capable of? We know from Abu Ghraib of women committing the type of violent atrocities that seemed exclusive of the male sphere, but it still strikes us. At least, that seems to be the opinion of the producers of the show. On the other hand, when analyzing the parallels between the series and Dumas’ classic, coincidences abound, but it is what differs from the original that concerns us most. Emily Thorne is not avenging a crime that was committed against her (although she suffered from its consequences, she became an orphan and spent her youth in a juvenile facility), but one which was committed against her father. The “daddy’s girl” stereotype, the recurring external male agency, is here combined with the defensive nature of the heroine’s endeavor. In the way that Lynndie England’s lawyers articulated her defense, she is entitled to be ruthless because first, she was a victim.

I find actress Emily VanCamp’s hesitations about her character quite revealing about this need to justify the female hero’s violence and about the double standards by which this violence is commonly judged. In fact, she acknowledged that, “A big concern of mine when I read the script initially was, how do you continue to make this character likable even though she’s doing these awful things? When you see the

flashbacks of young (Amanda) and how much pain she had to endure, those are essential to the story. ... There's a glimpse of vulnerability" (Keveney, 2012).

By the time *Revenge* first aired, shows like *24* or *Dexter* (Showtime, 2006-2013), which portrayed a torturer-hero and a *vigilante* psychopath as main characters, respectively, had already proven extremely successful in terms of audience rates. Although the character of Emily Thorne undergoes an evolution that toughens her up and pushes her to cross certain ethical boundaries, she is not half as violent as Jack Bauer nor a proper villain-hero or antihero as Dexter, with whom she has nonetheless been compared (Daglas, 2012). Indeed, the most serious crime she commits throughout the series is the torture scene which we have just described. Her principal shortcut as a hero is that she uses those around her to get her revenge. For two seasons, she has a romantic relationship with a man she despises because he is a Greyson. Manipulation and seduction, typical feminine weapons, are her trade. Murder is not. Regarding murder, she resembles *Daredevil's* Matt Murdoch, a Catholic like herself whose no-crossing line is the act of killing, and regarding deceit and manipulation, she is close to Carrie Mathison from *Homeland*, whom I will analyze in the last section of this chapter. Actually, Mathison is capable of every type of deceit and manipulation to make an asset or get a confession, and she is not reluctant to use sex as a means to achieve her ends.

At the end of *Revenge*, all main characters but Emily and her lover Jack have died, but she has killed nobody. She is in part responsible for creating that spiral of violence, though, and she is well aware of it. Indeed, when collateral damage begins to pile up around her, she is at the verge of giving up. We see her suffer for the consequences that her actions have on the people she loves and ready to take responsibility for her acts. Unlike many of the male characters analyzed in the previous Part, who never had second-thoughts about their morally dubious actions, and particularly unlike Dexter, whose *vigilante* killings were only a way to channel his necessity to murder (a necessity that was taken for granted, like an incurable disease), Emily Thorne has "dirty hands" (Walzer, 2004).

The concept of "dirty hands" is introduced by Michael Walzer in his essay "Political Action: The Problem of Dirty hands." He states that all rulers must face difficult moral dilemmas and will, at some point, choose between the lesser of two evils. There is no such thing as an innocent politician, but what differentiates a good politician from a bad politician is that the former has "dirty hands." The good politician will not

look for justifications of her crimes in an attempt to keep her hands clean, but rather she will be excused, which implies “an admission of fault” (Walzer, 2004:67). The ruler with “dirty hands” knows when she has violated a moral precept, and accepts her guilt. Walzer associates “this form of prudential reasoning” (Elshtain, 2004:82) with the Catholic tradition that he sees exemplified in Albert Camus’ *The Just Assassins* (1958), a play about a group of Russian Socialist-Revolutionaries who assassinated the Grand Duke Serge Alexandrovich in 1905. Camus admired these men because they were ready, and even willing, to die for their crime (a crime which they had committed for the greater good). Dispensing with Camus’ extremism, which is implied by the death penalty, Walzer suggests that “just assassination ... is like civil disobedience. In both men violate a set of rules, go beyond a moral or legal limit, in order to do what they believe they should do. At the same time, they acknowledge their responsibility for the violation by accepting punishment or doing penance” (Walzer, 2004:72).

At the beginning of *Revenge’s* finale, we hear the voice-over of Emily saying:

When I was a little girl, the delineation between good and evil was as clear as night and day. But as life grows complicated, that line blurs, and we learn to justify our actions. If we are not careful, those choices can fill us with darkness, leaving us destined to never see light again. (4.23)

After the childhood flashback over which these words are heard, we see Emily/Amanda dressed in an orange jumpsuit at court. She is at prison because her arch-enemy Victoria Greyson has staged her own death and framed her for it. In front of the judge, convicted Emily says: “My father once said that no one is born bad, that is our choices that define who we are. By those standards, both myself and Victoria Greyson are far from saints. But only one of us crossed the line that we can’t come back from.” For Emily, that “line” means murder.

Throughout the series, Victoria has killed Emily’s former lover and been responsible for the deaths of many around her. In the final episode, we know that Emily is fully aware of what it means to break the ultimate taboo, but she still believes that Victoria deserves to die. Therefore, she escapes prison just to go to her hiding place and kill her. Victoria warns her that they are being recorded by security cameras, so she will pay for her crime. Emily is aware of the implications of her act and yet she accepts them. In the “just assassins” tradition, she is ready to spend her life at a maximum

security prison for what she believes is just. When she is about to pull the trigger, however, her father shoots Victoria for her. He carries out Emily's revenge while sparing her from doing the deed. He sacrifices so that her daughter remains innocent. But Emily has "dirty hands" already. She tells us so at the end of the episode. In a typical "restoration of order scene," she marries Jack and they both leave sailing for their honeymoon. But the happy ending has its shadows. Emily is shown to have recurrent nightmares about Victoria, unable to "put her behind" her, and her final voice-over speech acknowledges that, because of what she has done, she has been left with "deeply etched wounds."

The heroine is not punished in a literal, institutional way; her guilt is her punishment. Perhaps this bitter-sweet ending would not be enough for Camus, but it is in line with the Catholic tradition to which *The Just Assassins* (1958) are linked by Walzer and it certainly meets the standards of Weber's idea of a reconciliation of an ethics of ultimate ends and an ethic of responsibility. For Weber, "it is immensely moving when a mature man ... is aware of a responsibility for the consequences of his conduct and really feels such responsibility with heart and soul." Such a "mature man" departs from an ethic of responsibility but "somewhere he reaches the point where he says: 'Here I stand; I can do no other'" (1946: 102). Nonetheless, the emphasis made by *Revenge* on murder as the only unredeemable crime obscures Emily's responsibilities as a torturer. Her final speech acknowledges guilt over all her acts past, equating torture with deceit. Neither in the torture episode nor later do we find an admission of how particularly immoral that particular deed was. However, Emily Thorne stands apart from other torturer-heroes in that she has a moral conscience. She resembles Sayid from *Lost* but stands apart from Jack. Whenever she chooses to break a rule, she is aware of its moral implications and the things she does leave an imprint on her. She suffers from the consequences of trespassing the line that separates right and wrong.

Battlestar Galactica (2004) deals with the notion of "dirty hands" in a much more explicit way and through the characters of yet another two female heroes: President Roslin and Starbuck. Surprisingly for a show that deals with cyborgs—the artificial constructs that Dona Haraway (2010) vindicated as the perfect metaphors for a world without gender binaries—the two main female Cylon characters of the show, No. 6 and Sharon, incarnate the stereotypes of the femme fatale and the mother/wife respectively. So do other secondary characters like Executive Officer Thigh's wife, a manipulative temptress, or Anastasia "Dee" Dualla, whose role as a military officer is

irrelevant and she is tied to the domestic sphere by starring romantic subplots. The only female characters that escape traditional stereotypes are President Roslin and Kara “Starbuck” Thrace, which are humans. According to McGinnis, “[b]oth characters disrupt traditional notions of femininity in their actions, functions, representations, and agency.” Starbuck “is a loud, obnoxious, cigar-smoking, card-playing, drunk, hostile, ambitious, sexual (not-sexualized/objectified), butt-kicking woman” who, in a show where motherhood is privileged as the force that will redeem humankind, does not want to be a mother. She “has the qualities traditionally only given to television’s leading men,” which is not surprising given the fact that in the 1978 original series her part was played by a man, but she is also endowed with empathic and caretaking instincts that are traditionally gendered female. As for President Laura Roslin, McGinnis says, she also incorporates traits that are associated with the feminine and the masculine. “She makes tough and sometimes unpopular decisions that require her character to act rationally, instead of emotionally,” but she does not make them lightly, machine-like. She suffers when she needs to be tough (McGinnis, 2010).

In Season One, Episode One, the Battlestar Galactica and its dependent carriers need to jump from one dimension to another every 33 minutes to avoid Cylon attacks. In one of these jumps a ship is lost to mysteriously reappear some time later, causing the main characters to believe that it has been infiltrated by Cylons. After the suspicious ship fails to follow the order not to get closer to the warship, it becomes increasingly clear that they are being tempted by a Trojan Horse. Then, President Laura Roslin receives a call from the Commanding Officer William Adama, chief of the military, telling her that, in spite of the innocent passengers that could still be inside, the right thing to do is to take down the ship. While Adama, an experienced officer, is sure about the path to take, we see President Roslin struggle with the moral dilemma they are facing. We see her suffer before she eventually gives the order and we see her devastated afterwards, in spite of her assistant telling her that she made the right choice. Among the couple who is sent to take down the ship we find Lieutenant Kara and Captain Lee. They both stage the same gender split when they are given the order to shoot. Lee does not question it, but Kara is at first outraged and refuses to obey until her colleague takes the lead and opens fire. The angst of both heroines at the difficult decision making signals them as the type of good ruler that Walzer proposed:

He is good enough to do what is wrong but necessary in order to provide for the common defense— to protect the citizens he has a particular responsibility to protect—and he is guilty, as he should be, and as any decent person would be, at what he felt compelled to do (Walzer, 2004:81).

Except for the masculine pronoun Walzer uses, his description seems perfect to describe President Roslin and Lieutenant Kara's behavior in this episode.

It is also Kara who plays the main role in *Battlestar Galactica's* intense and complex interrogational torture scene in *Flesh and Bone*, described in the previous Part. Among the many heroes engaged in torture analyzed thus far, none is shown more conflicted, hurt and modified by the experience than Kara. Indeed, if the Ticking Time Bomb situation from *Battlestar Galactica* can be read as an allegation against the practice of interrogational torture, it is thanks to the emotional involvement of the main female character with her victim. Laura Roslin's intervention at the end of the scene, which proves, as Alexander would put it, that "respect, rapport, hope, cunning, and deception" (Alexander, 2008:6) are more effective than coercion, is also crucial for the episode's anti-torture potential.

The fact that the scriptwriters chose a female action hero to play the role of the torturer should not be disregarded as a casual decision. Kara is construed as a soldier and, for much of the time, she behaves like "one of the guys." Yet her empathic nature and her capacity for a kind of redeeming suffering seem to be gendered female, in *Battlestar Galactica* and elsewhere. One thing that female action heroes Sydney Bristow, Emily Thorne, Lieutenant Kara, Jessica Jones and Charlie Whitney have in common besides their engagement in torture scenes is their representation as women who, as Barnes described *Alias'* heroine, "take on the pain of the world (Barnes, 2007:57)."

Jessica Jones is a particularly interesting case for study because, on the one hand, she is consciously depicted as a woman who denies her femininity and, on the other hand, she is the lead character of the female equivalent to Marvel's *Daredevil* just like *Alias*, released the same year and tackling similar themes, was the equivalent to *24*. Both *Daredevil* and *Jessica Jones* are web series that were produced in 2015 for Netflix by Marvel Television and ABC Studios. Each of them tells the story of a superhero that inhabits the Marvel Cinematic Universe and whose quest is aimed at destroying a villain. But *Daredevil's* cast is mainly male and partakes of a masculinist narrative of

heroism –the two only female recurring characters are Claire, the nurse, and Karen Page, who is the damsel in distress that Matt Murdoch saves one episode after another– while *Jessica Jones* is starred by females who occupy every role. Furthermore, though torture plays a role in the narrative, the protagonist is a detective whose main weapons are investigation and surveillance. The clues that lead her to the ultimate villain are not obtained under torture, but through her deductive skills.

Jessica Jones is a loner superhero. Her gifts are a superhuman strength and the ability to fall unharmed from great heights, which nearly amounts to flying. She works as a private detective and, unlike Daredevil, she is not interested in using her skills to save the innocent. In fact, when the series opens we see that she is barely able to take care of herself. She drinks heavily, suffers from insomnia and looks messy and edgy. Jessica's first identity mark is that she is not feminine. Though the actress that plays her role is canonically beautiful, Jessica wears baggy jeans, sportive t-shirts and a leather jacket. Her attitude is difficult to deal with: she swears, reacts with violence to any provocation and never smiles. Above all, she looks angry, and her behavior pushes people away. Soon we learn that she is recovering from a trauma. Not long ago, she accidentally met a man known as Kilgrave who had skills of his own: mind control. He became enchanted by Jessica and conditioned her to become both his mistress and his thug. Kilgrave annulled her will and raped her in many ways. What hurts her most is not the physical, sexual abuses that he committed on her but the fact that he used her to kill a woman right before she managed to escape from him.

Jessica is trying to recover from these wounds when Kilgrave shows up again. In the Pilot, a married couple hires her services as an investigator because their daughter Hope is missing. Jessica discovers that she is being controlled by Kilgrave and her first impulse is to flee. However, when Hope is forced by the villain to murder her parents and faces a life-sentence at a maximum security prison, Jessica takes on the responsibility to save her. From here on, she will chase her rapist, her endgame being not simply killing him but getting evidence of his gift that will exonerate Hope. In other words, Jessica is first and foremost after a confession, so it is not surprising that one of the episodes features an interrogational torture scene.

In Season One Episode Nine, after a long hunting, she has succeeded in kidnapping Kilgrave and while he is sedated, she takes him to a hermetically sealed glazed room in which he wakes up hours later with water to his knees. Facing him from the other side of the glass is Jessica, who stands by a video camera that will record the

whole interrogation. She demands that he admits to his crimes, warning him: “Don’t make me hurt you.” Kilgrave defies her and Jessica presses a button that releases a discharge. When the discharge gets in contact with the water, Kilgrave is electrocuted. Amidst the torture scene Hogarth, a lawyer Jessica works for, arrives and demands that she stops immediately. She does not invoke a moral argument but rather a legal one: if obtained under torture, his confession will not be accepted at court. Then, Jessica realizes, what she needs is a video in which he uses his powers. In order to provoke him, she gets into the torture chamber with him. Her only friend Trish and Trish’s lover Simpson, a retired sergeant, are witnesses to this and have the task of electrocuting them both before she gets hurt. They watch on as Jessica brutally beats Kilgrave with no results. The only move that works is playing the emotional card with him. Jessica has found Kilgrave’s long estranged parents whom he resents deeply for having abandoned him as a child. It is being locked up with them what pushes him off the edge with unpredicted results.

Unlike Daredevil, whose privileged method of extracting information is torture, Jessica is a professional investigator and in most of the episodes we see her looking for clues and following different leads that will eventually get her to Kilgrave. The torture scene described above is an exception that somehow fits into the exceptional scenario *per excellence*, the Ticking Time Bomb Case. She desperately needs evidence of Kilgrave’s abilities to take Hope out of prison, because she is barely holding up. As it finally happens, the threat that Hope will take her life if she is not exonerated soon fuels Jessica’s drive to torture. There is an implicit countdown. Hope is the bomb about to go off. Like most of the torturer-heroes, Jessica is acting on behalf of a helpless woman, but her personal involvement is such that she is not merely inflicting pain on her detainee; she is ready to be electrocuted alongside with him if this is what it takes to get the evidence. In one episode Jessica tortures Kilgrave (and torture proves to be useless), but most of the time, she tortures herself. Guilt is her pathos and her quest is a redeeming quest. She is mortified by remorse. Her main source of suffering is that she killed an innocent woman on behalf of Kilgrave. The fact that she was not in control of herself at the time does not ameliorate her sense of responsibility. Hope can kill her parents and remain an innocent, but the female hero cannot. Furthermore, she blames herself for all the people around her that Kilgrave has manipulated or killed in order to get her attention.

Jessica's story resembles that of the rape-avenger but her motivations are different. When she first discovers that Kilgrave is back in town, she does not want to fight him but to escape. It is the involvement of Hope and other innocents that are harmed by her assailant that prompts her to action. She is not looking for revenge but doing justice for others, and she is ready to pay any price. In Season One Episode Seven, she gets home to find her neighbor's dead body on her bed. "This is the third death that I'm directly connected to," she says as she closes the boy's eyes. Desperate, she understands that Kilgrave will not stop until she gets her, and decides that the only way to stop the spiral of violence is getting herself out of the way. She does not contemplate suicide, but something similar. She cuts the neighbor's head off and goes to the police to plead herself guilty of his murder. She wants to be imprisoned in a maximum security facility where not even Kilgrave will be able to reach her. However, while at the police station, Kilgrave shows up and compels all the officers to let her go. Here, Jessica learns that Kilgrave is not out to kill her. He says that he is in love with her and that all he wants is to gain her back. "You've been ruining my life as a demented declaration of love?" She asks. The answer is yes.

Feeling that there is nothing she can do to stop him, in Episode Eight Jessica decides to make yet another sacrifice. She gives in to Kilgrave's wishes and moves in with him with the condition that he will not hurt anybody else. It is in this episode that we realize how Jessica and Kilgrave's story is that of any male-on-female domestic abuse. The first thing Jessica finds in her new bedroom is a sexy night-dress Kilgrave wants her to wear for dinner. He has promised that he will not use his powers on her this time, that he wants her to fall in love with him for what he is, so she tears the dress apart and goes down to the dining room in jeans. She takes a seat, ignores the food and swallows a whole bottle of expensive wine. We know this is the inversion of their first date. Through a flashback, we have seen compelled Jessica at a restaurant behaving *just like a lady*, silent, with good manners, high heels and a perfect (and compulsory) smile. The despise she feels towards everything that is linked to normative femininity finds its origins in this scene. Her tomboyish looks are a rebellion against the man who raped her.

Among the female action heroes analyzed in this chapter, Jessica Jones is the one who fits best into the "gender-swap" stereotype. However, her capacity for empathy, suffering and guilt are typically feminine. Barnes summarizes the implications

that this alignment of male-gendered violence and female-gendered empathy has on the contemporary female action hero as follows:

Can women, of all people, these shows implicitly ask, be violent and remain 'women': i.e., caring, nurturing, empathetic? The answer is 'yes'. ... violence is legitimized through its alignment with characters who understand and appreciate the nature and cost of the methods they employ, and who suffer because of it. The suffering is key (Barnes, 2007:58).

Barnes's words contain a warning. The rendering of female action heroes as violent but redeemed by suffering calls for a justification of their acts (in this case, of torture). But according to Weber (1946) and Walzer (2004) and in line with the Christian tradition of the sacrificing hero, stepping the line and then acknowledging guilt is the only moral way of acting in a world that presents us with difficult dilemmas. None of the torturer-heroines that we have here studied are explicitly punished for their actions. Sydney Bristow crying in the parking lot after the torture scene she has witnessed, Kara praying for the soul of the Cylon she has waterboarded or Jessica Jones willing to submit herself to the same kind of pain that she is submitting her subject to do not imply the degree of accountability that we would expect from field officers in real life cases. However, in contrast with other fiction heroes that remain unfazed and uncompromised by their actions, or that, like Jack Bauer, suffer for the personal costs that derive from his job but never explicitly for the pain he causes in his always dehumanized enemies, these female heroes offer a hopeful middle ground.

Post 9/11 television female heroes' engagement with torture finds echoes in the real world trials to which the women involved in the scandal of Abu Ghraib were submitted. First, Ambuhl, England and Harman's presence at the Iraqi facility was the result of the effective incorporation of women to the military and to the part they played in the Afghanistan and Iraq wars. Erin Solaro provides us with the figures that account for this phenomenon:

Between September 2001 and September 2006, the United States sent more than 151,000 women to war as volunteer professional soldiers (and sailors, marines and airmen). ... Approximately 2 percent of the dead and wounded are women, a historic percentage. Women formally serve in all roles and positions other than as direct groundtroops: special operations, infantry or armored troops, and in most field artillery positions (Solaro, 2007:97).

This visibility of women in the military has been echoed in fiction, where the presence of female characters in counter-terrorism and police dramas has dramatically increased.

Second, the way in which the women of Abu Ghraib were judged, both at courts and by the media, has things in common with the way in which television heroines have been represented in relation to violence. The defense of Lynndie England, much of the media and a certain number of feminist commentators agreed to represent her as a victim of male manipulation. She was depicted as a blinded woman in love, adversely influenced by her lover Charles Graner and by a system, the military, that uses and abuses female interrogators, forcing them to participate in power games that simultaneously humiliate the detainees and themselves. Similarly, the female action hero emerges in the 70s through the figures of the Final Girl in the *slasher* and the rape-avenger of films like *I Spit On Your Grave* and provides female violence with an explanation. First they are portrayed as victims of male violence, then they are allowed to be violent themselves. This tendency to situate the female heroine's drive to action externally, associating it to male manipulation, is still present in the most recent television action heroines, from *Alias* (2001) to *Jessica Jones* (2015). The use of their sexuality as a weapon is also present, particularly in shows like *The Closer* or *Homeland* where the female heroes avoid interrogational torture by exploiting their seduction and manipulation skills. This will be the object of the next section.

The world was shocked to learn that women had been involved in the abuses of Iraqi detainees at Abu Ghraib and, consequently, some television shows seem reluctant to let them engage in torture. Analyzing J.J. Abrams' heroines we find that there is a tendency to let male colleagues do the dirty job for them. Still, a good number of the action heroines described opt for torture in exceptional circumstances that typically resemble the Ticking Time Bomb scenarios. The possibility might have seemed unconceivable a few years earlier. For better or worse, the stereotype that women are not capable of the same atrocities as males is coming down, though it still has a shocking or surprising potential.

If traditional gender categories define masculinity and femininity around binaries like reason vs. intuition, action vs. passivity, war-makers vs. caretakers... the most recent action heroines effectively deconstruct those oppositions. Rather than affirming as some feminist filmic criticism has done that female action heroes are either

“figurative males” (implying that they symbolize a gender-swap, an inversion of stereotypes) or sex objects (females that pay their transgression, their illicit trespassing into a male sphere, by being hyperfeminized) I have argued that characters like Olivia Dunham, Lieutenant Kara, Emily Thorne or Jessica Jones effectively combine traits associated to both the feminine and the masculine. In fact, whether they are represented as sophisticated ladies or as tomboys, what they all have in common is the typical female capacity for empathy, self-sacrifice and suffering. As Barnes noted about the character of Sydney Bristow, these heroines “take(s) on the pain of the world” (2007:57). And for this reason, their engagement in utilitarian, immoral acts like murder or torture is read under a different light. They are not held accountable in any literal way, but their suffering is their punishment.

Following Max Weber’s (1946) and Michael Walzer’s (2004) views on political responsibility and moral dilemmas –they argue that every ruler will have to sacrifice his innocence at a certain point and choose between the lesser of two evils but only the one who acknowledges guilt over his impossible decision will be just– and extrapolating it to the field of heroism and fiction, it can be stated that these female action heroes are more ethical than their male counterparts who remain unfazed by the violence they engage in. They are not irreproachable, of course, and neither of them holds an absolutist view on the prohibition of interrogational torture, but this feminine side to which they hold on makes them examples of a more humane heroism for a post 9/11 world.

OVERCOMING THE “TORTURE FANTASY”: *HOMELAND* AND THE TRANSITION FROM TORTURE TO SURVEILLANCE

In the previous section I have substantiated with several examples that female action heroes are not kept from engaging in torture as stereotypical gender representations would lead to expect. Many of the television series starred by female characters participate in the torture debate, representing interrogational torture as a

desperate but justifiable act (e.g. *Penny Dreadful*, *Revenge*, *Jessica Jones*, *State of Affairs*) or questioning some of the tenets of the Ticking Time Bomb argument (e.g. *Battlestar Galactica*). Overall, and unaffected by considerations about their more or less ethical stance, they add up to a long list of shows that contemplate torture as an option. In this section, I will analyze *Homeland*, a show that quite self-consciously postulates itself as the opposite to *24* and that explores different real-life alternatives to torture. Significantly, it is starred by a woman and some of her non-coercive methods are linked to the possibilities of her sexed body. The underlying message –female investigators do not need to engage in torture because they have “female weapons” that can get the work done instead– had already been explored in an earlier show, *The Closer*, released in 2005.

Carrie Mathison is the vehicle for the new Obama administration’s counter-terrorism policies and egalitarian discourses. However, the progressive potential of the series, both in terms of gender representations and alternatives to torture, is complicated when placed under careful scrutiny.

***Homeland* Does Not Torture: Condoning “Torture Lite”**

Released on October 2011, ten years after the original airing date of *24*, and produced by the same network, Fox 21 Television Studios, *Homeland* counterterrorism series has its 2001 precedent in mind, if only to disentangle from it. The pilot of the series begins with Carrie Mathison (Claire Danes), the CIA agent that stars the show, moving through the chaotic traffic of Baghdad while arguing on the phone with David Estes, the CIA director played by David Harewood. She is distressed because the Iraqi government is about to execute a terrorist who might have intel about “an imminent attack on U.S. soil.” Disregarding Estes’ orders not to intervene, Carrie forces her way into the Iraqi prison where they hold the terrorist and gets the guards to give her two minutes alone with him. Time is running out and the stakes are high. Any regular viewer of *24* would expect a torture scene to ensue in this context. However, establishing the series’ approach to interrogation from the first clips, Carrie plays different. She first offers the terrorist to protect his family in exchange for his cooperation. When the man tells her that he does not believe that she will honor her word, Carrie responds as follows: “Well, maybe *I* was wrong to believe *you*. You said you were an important man. You said you had information about an attack by Abu

Nazir.” Here she is appealing to the man’s sense of self-importance, and the trick works. “I have information,” he protests. “Prove it. Because unless you do, I won’t protect your family.” Just when the guards are taking Carrie out of the facility, the terrorist whispers something to her ear. We will later find out that his words were “an American prisoner of war has been turned.”

Just like in *24*, we have a field agent who answers to a black superior (here it is David Estes, in *24* it was President David Palmer) but who is ready to disregard direct orders and act on her own. Just like in *24*’s second season, the plot is triggered by the intel provided by a terrorist suspect under interrogation. In *24*, a man under torture produced the word “today.” In *Homeland*, torture is substituted by a non-coercive approach: the suspect is persuaded to talk in exchange of a deal and after being played with by means of subtle psychological tricks of the types that are recommended by the KUBARK CIA interrogation manual and by professional interrogators like Mathew Alexander.

After a temporal ellipsis, Carrie is back at the CIA headquarters at Langley being briefed about a counter-terrorist operation in Iraq in which a US Marine who had been captured in 2003, at the beginning of the war, has been rescued. While her team applauds, Carrie is suspicious. Sergeant Nicholas Brody, who gets back home as a hero, one who has endured torture and resisted, might be a terrorist according to the intel she obtained in Iraq. For many episodes, Carrie will pursue this lead on her own. Nobody credits her theory, so she initiates an illegal surveillance on Brody’s house to obtain evidence. The surveillance proves fruitless, but it is the origin of an obsessive fascination that culminates with Carrie engaging sexually with Brody for mixed reasons: there is her attraction to him, and there is her relentless endeavor to get to the truth.

In Season One Episode Five, the Iraqi authorities “render” Afsal Hamid to the CIA. Hamid is the only survivor of the raid in which Brody was rescued: the man who tortured him for months. The terrorist arrives chained and hooded, covered with dried blood, and enters CIA custody. David Estes asks Brody to aid his team with the interrogation, providing them with details about the terrorist that only he knows, and Brody accepts. He is taken with Carrie to a room where they have access through television screens to the cell where the interrogation will be conducted. Guards unhood the detainee so that Brody can recognize him. When he looks at him, we see flashbacks of Brody’s past ordeal, details of the tortures he was submitted to. In the first flashback,

Brody appears lying on the floor naked and wounded, and Hamid urinates on him. In the second flashback, he is beaten with a club wrapped in barbed wire. The montage of the sequence, which alternates clips about the interrogation of Hamid with clips about the torture of Brody is meant to provide a contrast between the way in which Brody was treated as a prisoner of war and the way Hamid is being handled by the CIA.

The interrogation is going to be conducted by Carrie's mentor Saul Berenson (Mandi Patinkin). Saul, who is fluent in Arabic, enters the interrogation room and respectfully greets Hamid in his tongue. Then he sits in front of the terrorist and stares at him quietly, waiting. In the surveillance room, Brody, who is watching the scene through the monitors, asks Carrie about the meaning of what Saul is doing:

CARRIE: He's waiting to see if Hamid will say something first.

BRODY: This is the first stages of an interrogation.

CARRIE: Not exactly. Pakistani Intelligence held him for three days before they turned him over.

BRODY: Did he talk?

CARRIE: I'm afraid I can't tell you that.

[...]

BRODY: Why am I here?

CARRIE: Two reasons: one, to confirm his identity, which you've just done. And two, to provide us with information we can use to unsettle him. To prove we have complete control. To demonstrate our omnipotence. Are you comfortable with that?

BRODY: Yeah, I think so. [...] One question.

CARRIE: Go ahead.

BRODY: Will he be tortured?

CARRIE: We don't do that here. (1.5)

Carrie detaches herself and her team from torture, but the meaning of her sentence is unclear. She does not say "we don't do that," but "we don't do that *here*." Does this mean to imply a contrast between the United States and Pakistan, where the man *has* indeed been tortured? Does this mean that the CIA does not torture at Langley or that it does not torture at all? Her statement is ambiguous, but it is supposed to be true for Carrie and her co-workers. Contrary to 24, *Homeland* does not engage in torture, or so we are told.

The interrogation that ensues follows the CIA KUBARK (1963) manual's guidelines for non-coercive interrogation of resistant sources. First, Saul plays with "language," which is a variable that is given much importance in the manual. It is stated that "it is of basic importance that the interrogator not using interpreter be adept in the

language selected for use,” that “if the recalcitrant subject speaks more than one language, it is better to question him in the tongue with which he is least familiar” and “an abrupt switch of languages” is described as a technique that might “trick a resistant source (74).” After greeting him in Arabic, Saul asks Hamid if he speaks English. Through the earphone, he listens to Brody confirm that he does, so Saul reformulates his question into a statement: “we know that you speak English. Therefore, I will continue to address you in English.” This technique (asking questions for which, thanks to Brody, he knows the answer) articulates Saul’s interrogation and is listed in the KUBARK manual under the name “The All-Seeing Eye”:

The interrogator who already knows part of the story explains to the source that the purpose of the questioning is not to gain information; the interrogator knows everything already. His real purpose is to test the sincerity (reliability, honor, etc.) of the source. The interrogator then asks a few questions to which he knows the answers. If the subject lies, he is informed firmly and dispassionately that he has lied. By skilled manipulation of the known, the questioner can convince a naive subject that all his secrets are out and that further resistance would be not only pointless but dangerous (1963: 67)

After playing the trick of the self-answered questions for a while, Saul reaches the crucial point of the interrogation when he asks Hamid if he thinks his wife and sons are still alive. In the surveillance room, Carrie points at the screen triumphantly to attract Brody’s attention to the terrorist’s countenance.

CARRIE: There, you see that? That's exactly what we were going for. He is convinced we already know the answers to our questions. Now he thinks we know if his family is alive... information “he” wants. (1.5)

Saul goes on to ask Hamid about Abu Nazir, the man who is supposedly planning an attack against the U.S. He informs him of Nazir’s well-known tactic of killing the families of those arrested members of his network and offers to protect his family if he provides him with information. He leaves him alone in the cell with a crayon and a piece of paper.

Carrie stays up all night, looking through the monitors, waiting for the man to take the crayon. We see that he is being deprived of sleep by being submitted to direct lighting and loud heavy metal music. So that he does not get used to it, the noise is

intermittent, going in and out. He is also chained, unable to move from a small chair, and the air conditioning is on, suggesting temperature manipulation.

Two interesting ideas are present in this sequence. First, the series aligns itself with the position that “coercive interrogation techniques” such as sleep and sensory deprivation do not amount to torture. “We don’t do that here,” Carrie tells Brody at the beginning of the interrogation. Rapport, deceit and psychological manipulation, “non-coercive techniques,” are proposed alongside “coercive techniques” as alternatives to torture. Second, the arguments to sustain that these techniques are innocuous are well implemented in the public consciousness. One strategy is to compare these apparently inane procedures with brutal, unquestionable torture, which is exemplified by the flashbacks about Brody’s captivity. As Jeena Lokaneeta argues when analyzing the two most prominent official reports on Guantánamo, the Schmidt Report and the Church Report which concluded that no torture or CIDT had ever happened at the facility, “the popular imagery of torture” as physical brutality “leads to the characterization of other methods as ‘non torture’ (2010: 263). In the following quotation, Heather MacDonald exemplifies the pro-torture argument that calls for proscribing extreme physical brutality only:

Human Rights Watch, the ICRC, Amnesty International, and the other self-professed guardians of humanitarianism need to come back to earth—to the real world in which torture means what the Nazis and the Japanese did in their concentration and POW camps in World War II; the world in which evil regimes, like those we fought in Afghanistan and Iraq, don’t follow the Miranda rules or the Convention Against Torture but instead gas children, bury people alive, set wild animals on soccer players who lose, and hang adulterous women by truckloads before stadiums full of spectators; the world in which barbarous death cults behead female aid workers, bomb crowded railway stations, and fly planes filled with hundreds of innocent passengers into buildings filled with thousands of innocent and unsuspecting civilians (MacDonald, 2005).

The above quotation is found in a piece by Heather MacDonald where she earnestly argues for the use of “stress techniques” and accuses human rights activists of pressuring the government to tie interrogators’ hands to the extreme of uselessness. At one point in the article she quotes Chris Mackey who, on his account of his time as an interrogator in Afghanistan “reached the following rule of thumb”:

If a type of behavior toward a prisoner was no worse than the way the army treated its own members, it could not be considered torture or a violation of the conventions. Thus, questioning a detainee past his bedtime was lawful as long as his interrogator stayed up with him. If the interrogator was missing exactly the same amount of sleep as the detainee [...] then sleep deprivation could not be deemed torture. In fact, interrogators were routinely sleep-deprived, catnapping maybe one or two hours a night, even as the detainees were getting long beauty sleeps. Likewise, if a boot-camp drill sergeant can make a recruit kneel with his arms stretched out in front without violating the Convention Against Torture, an interrogator can use that tool against a recalcitrant terror suspect (MacDonald, 2005).

Watching Carrie stay awake surveilling the detainee's movements is reminiscent of this line of thought which denies that any treatment to which both the detainee and the interrogator are submitted can be considered unethical. It serves the purpose of downgrading the abuse, obscuring the fact that Carrie is working late because she wants to, that she can get away from the loud music, stretch her legs, move around, etc.

“Coercive interrogation” techniques bear fruits in *Homeland*. At some point during his isolation period, Hamid takes the crayon and writes down some information. However, what he provides is not enough for Saul. He presses a little harder and the man insists that he knows nothing more. “So say goodbye to your family,” Saul adds. The man reconsiders and takes the crayon again, providing an e-mail address that connected him directly with mastermind Abu Nazir.

So far in the first season, we have encountered two instances of implicit “threats of violence to the prisoner's family” which, as explained earlier, appear as constitutive of psychological torture in Point 2 of the 18 U.S. Code § 2340. *Homeland* does not stage a mock execution like the one in *24's* Season Two, but plays with a similar fear. It may sometimes be difficult to tell the difference between offering a suspect an incentive and threatening him with the opposite, particularly when dealing with protection and security promises. The discussion about Mathew Alexander's book (2008) conducted in Part I is relevant to understanding this paradox. The interrogator presented the readers with a real-life case in which a known leader of Al Qaida in his custody, a Sunni leader, had his innocent 17 years old son in a Shia prison. When playing the card that, in exchange for his cooperation, they would release the boy, the opposite was also stated: if he did not talk, his son would surely be tortured and probably killed.

The only instance of physical torture in *Homeland* takes place in Season Two Episode Five, but it is neither Carrie nor Saul who commit it, but Peter Quinn, a shady character, black-ops CIA agent specialized in selective assassinations and an outsider to the nuclear team. After several twists that make the viewers shift their sympathies from Carrie and her obsessive certainty about Brody's culpability, to Brody as a war hero suffering from PTSD and stalked by a "crazy" woman –relevant to Carrie's characterization is that she suffers from a bi-polar disorder–, at the end of Season One we discover that Brody had effectively been turned by the terrorists who captured him and was planning a suicide attack against the Vice-president that he aborts in the last moment, after receiving a call from her daughter. Proof that incriminates him appears at the beginning of Season Two, and in the fifth episode of the season he is taken into CIA custody for interrogation. In the previous season, Carrie had fallen in love with Brody to be later betrayed by him. To impede that her allegations against him were treated seriously, he denounced her for her illness to the CIA director and she ended up the season in a psychiatric facility, being submitted to electroshock therapy. This, together with gender stereotyping, is the reason why she is deemed "way too emotional" to interrogate Brody herself and it is Peter Quinn who enters the interrogation room instead.

Quinn's drill in this episode consists of asking Brody about things he already knows in order to catch him lying, to later confront him with his lies. They have a tape recording that Brody made acknowledging his intentions to blow himself up in front of the Vice-President, but Brody does not know this and Quinn withdraws the information until the end. "He's setting the table with Brody's lies," observes Saul, who is watching the interrogation with Carrie through television monitors. "He's good," Carrie agrees. After getting Brody to deny everything the video proofs, he shows him the recording and leaves him alone in the room. "No sleeping," he demands, so that Brody is submitted to the same treatment as Hamid in Season One, though with different results. When Quinn goes back to resume the interrogation, Brody acknowledges having recorded the video in a desperate moment, profoundly affected by his experience in Iraq, but denies any affiliation to Abu Nazir or any knowledge about future attacks. When Quinn realizes that his interrogation has failed, he loses his grip, starts yelling at Brody and in a quick and sudden move, he takes a knife out of his pocket and stabs his hand. Carrie and Saul enter immediately to stop him, along with doctors who diligently treat Brody's wound. While they do, Carrie asks that she is given a chance this time and

Saul complies. Later, Quinn tells Saul that his fit of rage was a performance. He was smoothing Carrie's path since, as he says, every good cop needs a bad cop. Saul, who is the most ethical interrogator that we find in *Homeland*, an expert of rapport building, smiles and nods, celebrating Quinn's transgression.

Coercive or stress techniques are only present in the two episodes described. Psychological manipulation and deal-making are the preferred tools of interrogators in *Homeland*. A pertinent question to ask would be why sleep deprivation is shown to work with the Islamic terrorist in Season One but fails with Brody in Season Two. One easy answer would be that the show partakes of *24*'s stance that "everybody breaks" but villains break more easily (because they are cowards). However, Brody is neither a hero nor a terrorist, but rather both. This ambivalence is at the heart of the series' narrative. As García Fanlo (2015) observes, *Homeland* identifies with a disenchanted approach to the American Homeland that, after 9/11, is no longer the land of inflamed political discourses, democracy and freedom, but the land of the Patriot Act, Guantánamo, collateral damage and exceptionalism (15).

During his captivity, Brody was tortured and did not break. It was his country's betrayal that broke him. The reason why he was not killed after being interrogated was that he converted to Islam and that Abu Nazir, the leader terrorist, put him in charge of his youngest son's education. Brody established a fatherly role with Issa just to watch him die along with 85 other children, killed by an American air strike that disregarded the proximity of a school when hitting its target. The realization that there is no essential distinction between "collateral damages" and "terrorism" makes Brody feel that everything he has fought for has been corrupted and that it is his duty to take action against those responsible for the massacre. For García Fanlo, this is one of the series' main controverted points: "he aquí el primer elemento polémico de la serie: Brody no se considera un traidor ni un terrorista sino un restaurador de la americanidad luego del 11S (García Fanlo, 2015: 13)." In the video that he records before planning to blow himself up in front of the Vice-President –the man who gave the order to attack the school and then covered the story–, he states it clearly:

BRODY (talking to camera): People will say I was brainwashed ... that I was turned into a terrorist ... taught to hate my country. I love my country. What I am is a marine, like my father before me and his father before him, and as a marine, I swore an oath to defend the

United States of America against enemies both foreign and domestic.
My action this day is against such domestic enemies. (1.12)

What Brody has found out about terrorism is that there is no clash between civilizations, no “us” vs. “them,” “Western democracies” vs. “Islamic extremism” as recorded in the logic of Bush’s War on Terror. Terrorism is the excess of the system that fights it and, in Žižek’s words,

the position to adopt is to accept the necessity of the fight against terrorism, but to redefine and expand its terms so that it will also include (some) American and other Western powers' acts: the choice between Bush and Bin Laden is not our choice; they are both 'Them' against Us. (2002:51)

Therefore, Brody is a complex character, a terrorist whose motivations we can understand and come to terms with. He does not give in to coercive interrogation techniques but he gives in to Carrie’s interrogation, to her emotional speech in which she confronts him with his values: honor, patriotism, love for his family. The problem is that, while Brody is complex, well-rounded and compelled by strong motivations, Muslim terrorists are not. As Neroni asserts,

The only Muslim characters that we become acquainted with are white Americans who have joined radical Islamic groups and come back to America. [...] The nonwhite Muslim terrorists depicted in the show, however, receive little time for complexity or exploring their point of view (2015: 121)

In Season One we meet Aileen, a U.S. born and white al-Qaida terrorist that is planning an attack along with her boyfriend Raqim Faisel against a Marine One landing pad. The CIA discovers the house where they hide in and puts them on the run. Faisel is killed before we get to know much about him, and Aileen tries to escape to Mexico, but when she gets out of the bus, the Mexican Federal police and Saul Berenson are waiting for her. Saul offers to give her a ride back to Langley so they can talk before she is delivered to the FBI. They spend 35 hours together and step by step, Saul breaks down her initial reluctance to talk by showing his knowledge of her background story.

SAUL: (He tells Aileen a sentence in Arabic). Must have learned Arabic growing up. Riyadh, right? I know those compounds. Rich

oilmen and their families, blocking out the world with those great walls, living like desert kings. The pools, the gardens... Never mind the desperate people outside the walls. The guest workers limping along the road. Kids with no shoes, shirts... Kids like Faisal. You met there, right? As kids? He was 13, you were 15? Somehow, between you being shuttled to that fancy American school and him laboring each day for 1.10 dollars a week, you and Faisal found each other. (1.7)

The background story of Aileen is presented through a Romeo and Juliet narrative. She was born to a wealthy and conservative American family that lived in Saudi Arabia and kept her isolated from the world outside. However, she managed to escape and meet Faisal. When her father learned that she had a romantic relationship with an Arab boy, he sent her out of the country to a boarding school. Saul forces Aileen's identification by telling her about his childhood as a member of a small Jewish community where he too was kept from interacting with other kids at school and forced to marginalization. Aileen's romantic background story is the weakness Saul exploits to make her talk. She eventually gives the name of a co-conspirator so that her boyfriend is buried according to the Muslim rite.

Despite their gendered differences (Brody acts out of his sense of duty, Aileen acts out of romantic love) the two domestic terrorists have in common some noble though misguided cause, and motifs. Arabs, however, lack background stories or remain incomprehensible, inscrutable and fanatic Others. For example, in Season Two Episode Eleven there is not common ground between Carrie and Roya Hammad, an Iranian journalist who helps Abu Nazir carry out his last and successful attack. Except for their skin and hair color, Carrie and Roya look alike: young, attractive, well-dressed, educated. However, the scene tells us, they belong to irreconcilable worlds that cannot communicate with each other. Carrie approaches her much in the same way that she approached Brody, appealing to her moral goodness, "I know you're not this kind of person, you don't really want this." She stereotypes Roya as an unwilling victim of hatred, radicalized by the injustices suffered by her family, but essentially "good." Carrie also attempts to build a connection between them by sharing aspects of her private life, which Roya uses to humiliate her,

CARRIE: I understand that this is personal for you, that your family lost land to the occupation. That your grandfather was killed. But Nazir can't change that. His only answer is perpetual war.

ROYA: Have you ever...? Have you ever had someone who somehow takes over your life, pulls you in, gets you to do things that aren't really you? That you know are wrong but you can't help yourself? Do you have anyone like that?

CARRIE (tears in her eyes): Yes.

ROYA: Well, I've never been that stupid. You idiot whore, you think you understand me or what my family have lost and suffered? You think this is just some fucking game? (She holds Carrie's wounded wrists, hurting her) Nazir's not afraid of you, I'm not. I don't need your help, I don't want it. (She goes on uttering threats in Arabic until the guards arrive). (2.11)

After failing to interrogate Roya, Carrie leaves the CIA building to go home, but while driving, she gets an idea and calls Quinn to share it with him. While the telephone ringing sounds, we get a quick image of Roya alone in the interrogation room with a doctor (white coat and stethoscope) who is preparing a shot. The image is fast backgrounded as the camera focuses on Quinn, who is watching the interrogation through television monitors and answers the phone. The clip that seems to suggest chemical torture appears and disappears so fast that the viewer does not have time to process it. Yet there it is. Torture is not necessary for experimented interrogators like Carrie and Saul when they can establish a sense of identification with the suspects and approach their desires. But Arabs in *Homeland* leave no other choice, apparently, because they cannot be read, they are too different.

Departing from her definition of “the torture fantasy” as one which is linked to biopower and the conception of “the body as an information depository that torture can mine (2015: 24),” Neroni vindicates instead an approach to interrogation that acknowledges the existence of a desiring subject and plays with its desires. According to these opposing conceptions, she identifies two different categories into which contemporary detectives can be classified: the biodetective and the detective of the real (116). The biodetective can be a forensic detective like the ones that appear in *CSI* and similar shows, or “a detective who relies on torture and surveillance (117)” like *24*'s Jack Bauer or *Daredevil*'s Matt Murdoch. Either of them “invests herself or himself completely in the ideology of biopower insofar as she or he believes that the truth is embedded in the body. Evidence of the body leads this detective to the truth (117).” The detective of the real, on the other hand, does not believe “that you can extract information from the body through biometric technology or torture” and relies, instead,

on “investigating on the level of desire,” that is, on “interpreting the subject rather than examining the body (133).”

According to Neroni, the detectives of *Homeland* are detectives of the real because they find “actionable truths, but not through biometrics, surveillance, or torture (136).” Here, the author seems to embrace the same ideological stance of the show: that only extreme physical brutality stands for torture. Neither sleep deprivation, threats to relatives, rendering suspects for interrogation by foreign intelligence services of countries that are known to torture, forceful submission to drugs or the stabbing of a detainee’s hand for the sake of staging a drill amount to the “severity” requirement of torture. Furthermore, while it is true that we never see Carrie or Saul being physically violent to detainees, they benefit from third parties’ violence. Quinn (who is also a detective in the show) stabs Brody’s hand so that Carrie can approach him as “the good cop.” Afsal Hamed is delivered to the CIA for interrogation after being submitted to torture by the Pakistani intelligence. As we see him enter the interrogation room we sense that the man’s defenses are already low and this could be another reason why he gives in to the routine of loud music, intermittent lighting and heat while Brody does not.

I agree with Neroni that, at least on the surface, *Homeland* purports to undermine the efficacy of torture by privileging rapport building and several non-coercive interrogation techniques that often prove successful. The contrast between *Homeland* and *24* is huge. While in the sequence above described torture is only insinuated (conducted behind the cameras) and called for as a last resort, it is always Jack Bauer’s first alternative to extract information. One gets the impression that what could be conducted out in the open with no regard of political correctness in *24* has been censored in *Homeland*. Torture is still present, but under the surface. Rather than the product of a new political awareness, rather than an amending of past mistakes, what Fox producers seem to have learned is to avoid a risky topic.

Slavoj Žižek famously opens his collection of essays on 9/11 with “an old joke from the defunct German Democratic Republic” in which

a German worker gets a job in Siberia; aware of how all mail will be read by censors, he tells his friends: ‘Let’s establish a code: if a letter you get from me is written in ordinary blue ink, it’s true; if it’s written in red ink, it’s false.’ After a month, his friends get the first letter, written in blue ink: ‘Everything is wonderful here: the shops

are full, food is abundant, apartments are large and properly heated, cinemas show films from the West, there are many beautiful girls ready for an affair—the only thing you can't get is *red ink* (Žižek, 2002: 1).

Although the letter is written in blue and therefore should be read as truthful, the mention of the lack of red ink “produces the effect of truth *independently* of its own literal truth (1).” I sense in *Homeland* mechanisms that remind of this joke. The overt, official discourse regarding torture is uttered by Carrie when she tells Brody that “we don't do that *here*.” “Here” introduces many possible exceptions. Foremost, it implies a contrast with Pakistan. Although the word “torture” is not mentioned, we understand that the Pakistani Intelligence that interrogated Hamid before rendering him to the CIA tortured him. And the fact that they conducted the first stages of the interrogation on behalf of the CIA seems responsible for the success of their less-aggressive routines. The same is true for Quinn stabbing Brody's hand for Carrie's sake (so that she is successful in her interrogation routine.) Furthermore, the insertion of a clip that suggests chemical torture against Roya Hammid in an almost subliminal fashion points to the same conclusion: *Homeland* is telling us that it cannot admit that the CIA tortures, not that it does not torture.

The omission (though not elimination) of interrogational torture in *Homeland* means a radical representational shift towards a more ethical understanding of counterterrorism. I believe that the military and FBI representatives that met with the producers of *24* in 2007 would be pleased with this approach to the matter for, while Surnow and his team did not consider implementing the real-life techniques that the experts suggested, *Homeland* is well documented on “the art of interrogation.” Most of the interrogation routines staged in the show are described in army and CIA manuals like the already quoted KUBARK manual (1963). The KUBARK manual argues against pain infliction, not in moral terms but in terms of its effectivity. It states that “people react very differently to pain” (93), that “intense pain is quite likely to produce false confessions” (94), and that “[p]ersons of considerable moral or intellectual stature often find in pain inflicted by others a confirmation of the belief that they are in the hands of inferiors, and their resolve not to submit is strengthen” (94). Departing from this thesis that traditional physical torture does not work, the KUBARK manual explains its most perverse finding: “whereas pain inflicted on a person from outside himself may actually focus or intensify his will to resist, his resistance is likelier to be sapped by pain which

he seems to inflict upon himself” (94). This is the origin of stress positions and sensory deprivation, the “coercive interrogation techniques” that the detectives of *Homeland* can engage in without contradicting their claim that they do not torture. A wearied man, deprived of sleep and food and exhausted by being forced to stand for hours, will sense that it is his body that is betraying him. He will be isolated and with nobody else to blame for the pain he is feeling than himself. It is undoubtedly painful, in physical terms, to be made to stand in uncomfortable positions for hours, or to be deprived of sleep by listening to loud music while shaking out of cold, but it is arguably a manageable pain. The psychological implications of blaming one’s self for lacking endurance are far more disturbing. However, as it has been demonstrated by the series analyzed thus far, mental torture tends to be disregarded in contemporary popular approaches to the subject.

CIA practices discovered by the Senate Inquiry into the CIA’s Detention and Interrogation program did not follow the allegedly scientifically based guidelines included in the KUBARK manual. For example, while the manual states that “the threat of death has often been found to be worse than useless” because “the ultimate threat is likely to induce sheer hopelessness (92)” in the detainee, Abu Zubaydah was forced into a coffin and told that he would only leave the detention facility in a box like that. *Homeland*, on the other hand, plays it by the book. Its reliance on tricks and psychological manipulation, its official denial of torture and unofficial though exceptional tolerance of it, and its matter-of-fact treatment of sensory deprivation as different from torture portrays CIA code. The shift from *24* to *Homeland* can be read as the result of President Obama’s arrival at the White House and the spread of a discourse that, at least in form, demanded a political correctness to which *24* was immune. But it can also be read as a materialization of the gradual and increasing shift towards greater realism of representation that Carrión (2011) describes as typical of post-9/11 Quality TV:

El mundo nuevo se ofrece tal como es a las pupilas del espectador, mediante cámaras que vacilan sobre el hombro del camarógrafo, en planos que vibran, a través de texturas que parecen sucias, en planos fijos que emulan los de las cámaras de seguridad. No sólo en las obras realistas, también en las fantásticas: *Galáctica* plantea en los mismos términos su historia de androides y naves del espacio y *The Walking Dead* parece por momentos un documental sobre naufragos y zombis. Todo se retrata con la misma ilusión de verdad que

encontramos en un documental y en el cine que ha incorporado su estética (2011: 15)

In any case, despite its self-conscious dissociation from *24*, I doubt that *Homeland's* intentions are to disapprove the use of torture. It condemns extreme physical brutality, but in so doing, it aligns with the restrictive interpretation of the definition of “torture” that accepts anything short of it as legitimate.

Sex vs. Torture: The Female Body as a Weapon

Carrie Mathison is different from his mentor Saul Berenson and from her predecessor Jack Bauer for a simple but crucial reason: she is a woman. Rodríguez Serrano (2014) considers that *Homeland* does not partake of a conservative view on the feminine: “ambos cánones tradicionales de género están arrasados por igual, completamente erosionados desde la raíz. La lectura de la serie parece más bien apuntar a una caducidad crónica de los arquetipos (27).” I am not as enthusiast as he is. From the first episode of the series, we learn that Carrie suffers from a bi-polar disorder. She takes her medication so she has the illness under control, but her characterization is that of the “hysterical woman,” a long-standing stereotype that Foucault describes as having emerged at the beginning of the 18th century in an attempt to pathologize and control female sexuality (1980: 104-105). A character describes Carrie as “intense,” she is often accused of being “too emotional,” she screams and cries often and twice in the series she lapses into mania, acting irrationally, inarticulate or plainly “crazy.” As Rouleau states, “It is interesting to notice that the characteristics she displays are socially undesirable and mostly associated with femininity [...] her gender and disability enact these intersections of oppressions” (Rouleau, 2014).

In spite of (or perhaps because of) her disability, Carrie is the ablest of the CIA agents in *Homeland*. There is a positive, though still stereotypical, vindication of her “feminine traits” which make her particularly insightful and intuitive, always the first to see what is really going on behind the surface. Her male colleagues tend to disregard her “visions” because of her hysterical behavior to eventually be confronted with the fact that she was right from the beginning. This is the case in the first two seasons, which have a narrative continuity based on Brody being an infiltrate terrorist. Although Carrie does not find hard evidence to prove it, she *senses* that Brody has been turned as early

as in the Pilot episode. As Brody becomes involved in politics, first as a congressman and later as the candidate for Vice-President, her superiors become more and more uncomfortable with her accusations and forbid her to pursue any leads that might incriminate him. She has no access to surveillance equipment or manpower to help her in her investigation, so she decides to act alone and with a weapon that is entirely hers: her sexuality.

In Season One Episode Four, she traces Brody to a meeting of a support group for war veterans that suffer from PTSD. She infiltrates the group and shares a traumatic experience of her time in Iraq. By sharing her grief with Brody, they establish an immediate bond. Next time they meet each other, after Hamid's interrogation, they leave together for a bar and get drunk. There, Carrie gets in a fight with a white supremacist and they have to leave running. Amidst the adrenalin rush of the escape, they have sex in the car. We see that every move (from ordering tequila, which affects Brody but not Carrie, who is a heavy drinker, to the starting of the fight, meant to build elation) has been carefully orchestrated by Carrie to get intimate with him. And though we sense that there is true attraction between the two of them, it is always present that Carrie is first and foremost working, and always suspicious. She is sleeping with the enemy to get him close and obtain the evidence that will incriminate him.

In Season One Episode Six, Carrie is more certain than ever of Brody's culpability. Hamid has killed himself in the cell with a small razor after Brody visited him in the interrogation room. Carrie believes that Brody has provided him with the razor while Saul argues that the man could have had it hidden in his boots. To test her theory, she proposes that everybody who was in contact with the detainee is submitted to the polygraph. This includes Brody and Carrie watches his interrogation carefully. The polygraph technician asks him if he gave Hamid the razor with which he killed himself and Brody says no. His vitals show that he is telling the truth. However, in one of the initial questions aimed at measuring his response levels with topics not related to the object of the inquiry, he is asked whether he has been unfaithful to his wife and he also (and truthfully, according to the machine) says no. Carrie is the only one who knows he is cheating (that he has the capacity to lie and be undetected by the polygraph) and that he should not be exonerated for having passed the test, but she cannot share her knowledge with her superiors because that would imply admitting to an illicit sexual relationship with Brody. She is, once again, on her own, and once again her only available method to get to the truth is to engage sexually with Brody.

In Season One Episode Seven they spend the weekend together in a cabin in the woods that Carrie owns. It is during this time that Carrie begins to confound work and feelings. Every conversation she has with Brody is aimed at sharing light over her investigation, but it also gets her closer to him. That night, while they are sleeping together, Brody has a nightmare in which he screams the name of "Issa." Issa, who was the son of Abu Nazir, is the key to solving the mystery. Carrie asks Brody about him and he tells her it was the name of one of his captors. However, the name stays with Carrie and later on the season she will put the pieces together and find out that Brody is about to commit a suicide attack thanks to this piece of information. In short, Carrie succeeds where her male superiors have not thanks to the intel she exclusively has obtained by having sex with the enemy. What Jack Bauer would have typically solved through torture is solved by Carrie through the deployment of her sexuality.

A more ethically disturbing case of sexual manipulation takes place in Season Four when Carrie approaches the teenage nephew of the terrorist she is after with the intention of turning him into an asset. In this season, Carrie is the CIA station chief in Afghanistan, mainly responsible for orchestrating drone attacks. The last one she has approved, aimed at a high level terrorist called Haissam Haqqani, has resulted in the death of many innocents since at the time of the bombing a wedding was being celebrated in the targeted farm. Her mistake becomes a public scandal when a video from the wedding is released on Youtube. They track the video to a young college student called Aayan who is not a radical but who was at the wedding because Haissam Haqqani is his uncle. Carrie and her team think that he would make a good asset and set up an intricate cover story to trick him into collaboration. Fara, a data analyst from Carrie's team, pretends to be a journalist and approaches Aayan at college under the pretense of wanting to write a piece on his story. Fara, who is represented as an unexperienced ingénue, does not get Aayan to trust her and Carrie needs to step in for her. The reason Carrie succeeds where Fara has failed is that she incarnates the role of the temptress. She seduces Aayan and locks herself up with him for several days in a safe-house to repeat the drill that once worked with Brody. Aayan is a devout Muslim and still a virgin, hoping to get married with her long-time girlfriend with whom he is barely allowed to be in private. Carrie's sexual disinhibition affects him profoundly and he falls in love with her.

Once again, we see Carrie using sex to succeed in her job. This representation of the female agent for whom sex is a tool has a long history, linked to the stereotype of

the *femme fatal*. Among the series of my corpus, it is particularly prominent in two shows. First in *Alias*, where both Sydney's father and lover get married to spies who get in bed with them as part of their assignments and where Sydney, who incarnates a different alias on each episode, incarnates, in fact, different sexual fantasies, and second in *The Closer*. *The Closer* explicitly connects alternatives to torture with femaleness. In the Pilot, its main character Brenda Lee Johnson is transferred from Atlanta to Los Angeles to lead the Crime Division of the city's Police Department. Her most salient trait is that she is feminine to the point of exaggeration. She wears high heels, excessive makeup, a perfect curly blonde hair and speaks with a tone of voice that fluctuates from cat-like softness to hysterical crying. Her male subordinates have a hard time getting used to following orders from such a boss but they eventually learn to respect her because she earns a reputation as a closer, that is, as an expert interrogator who obtains voluntary confessions from suspects before they invoke their right to an attorney.

The Closer is a series about cops, not about intelligence agents, so it is bound to domestic law requirements. Torture is out of the equation because no evidence gained under coercion can be used in a trial. The reason why Brenda is so successful as an interrogator in such a "restricted" context is that she uses her sexuality as an interrogation technique. She can unbutton her shirt and smile suggestively, pretend to be a moron blonde secretary with whom suspects lower their defenses, etc. Brenda never tortures because she has other weapons. However, her male colleagues do not. This is the reason why in Season Three Episode Four, in the context of a Ticking Time Bomb, her subordinate Sergeant Gabriel becomes one of the few torturer-heroes that can be found in police dramas. The episode features a case that is very similar to the European Human Rights Court *Gäfgen v. Germany* analyzed in Part I. A black young girl has been abducted and all traces lead Brenda and her team to a sex offender who is taken to the police station for interrogation. Brenda tries all her tricks on him and the man seems on the verge of confessing, but he eventually recoils. Frustrated, Brenda leaves the interrogation room to search for new evidence and on her absence, Sergeant Gabriel takes her place. His two other colleagues are surveilling his moves through live video feed so they watch and listen to the suspect making obscene comments in front of Gabriel about black girls' sexuality. Besides being disgusting, his remarks leave no doubt about his culpability. Gabriel is visibly heated and he breaks the distance that separates him from the suspect. Right then, at the surveillance room, his colleague

Lieutenant Provenza switches off the monitors arguing that Gabriel is about to make “a breakthrough in the case.”

We never get to see Gabriel torturing the suspect, but next scene he is driving with Brenda to a park where the pederast has told him that the girl will be found. For all the episode they have been running against the clock because they believed the girl could still be alive but they did not know in which conditions or for how long. Though there is no bomb in the episode, abduction narratives of this sort fit the pattern of the Ticking Time Bomb case. However, just like in *Gäfgen v. Germany*, when the police reach the disclosed location they find out that the girl had been dead all along. The sense of urgency was an illusion because there was nothing they could have done to save her life. Sgt. Gabriel has tortured the suspect for nothing, just like the German policeman that was afterwards found guilty by the European Court of Human Rights.

When they get back to the police station Brenda discovers the bruises on the suspect’s face and finally realizes the nature of the methods that Gabriel had earlier used to get him to talk. She is outraged, both indignant and sad, and makes a passionate speech against torture that, in a few sentences, condenses all arguments available: ethical, legal and pragmatic. On the verge of tears, she lectures her subordinate on the consequences of his actions. Torture is wrong, first of all because it is immoral, but also because it will give the suspect’s lawyer a great card to get him out of prison (his right to due process has been infringed) and it will dismantle their case against him. It will also end up with Gabriel’s career because Brenda is uncompromising: they are co-workers and friends but her duty is to denounce him.

Among the Ticking Time Bomb cases analyzed, this is the only instance in which torture is explicitly denounced and leads to consequences that are real, beyond symbolic poetic justice. The character who exacts accountability is a woman but she is not like April or Kate, the two female characters who voiced anti-torture arguments in *Jericho* and *Lost* respectively, because she has authority. Unlike them too, she is hyper-sexualized. In a sense, it is easy for her to avoid torture because she has tools, feminine tools, that her male co-workers do not.

For all the moral improvement that they bring about as heroines that do not torture (at least in the physical, brutal sense of the word), representations of interrogators like Brenda from *The Closer* or Carrie Mathison from *Homeland* acquire controverted resonances in a post 9/11 context because they evoke the practices that were revealed to be routine in the War on Terror. First with the release of the pictures of

Abu Ghraib and later with further accounts of regular practices in Guantánamo, it became public knowledge that female interrogators were using their sexuality to taunt and humiliate Muslim detainees. In 2005 (although his book was not published until 2007, pending approval from the Pentagon), Erik M. Saar, a former American Army sergeant who worked as an Arabic interpreter at the U.S. prison camp in Cuba denounced “a toxic combination of sex and religion to try to break Muslim detainees” (qtd. in Dowd, 2005). The *Associated Press* that was the first to access the manuscript described some of the practices as follows:

A female military interrogator who wanted to turn up the heat on a 21-year-old Saudi detainee who allegedly had taken flying lessons in Arizona before 9/11 removed her uniform top to expose a snug T-shirt. She began belittling the prisoner –who was praying with his eyes closed– as she touched her breasts, rubbed them against the Saudi’s back and commented on his apparent erection (qtd. in Dowd, 2005).

Female interrogators were known to have tried “to make Muslim men talk in late-night sessions featuring sexual touching, displays of fake menstrual blood, and parading in miniskirt, tight T-shirt, bra and thong underwear (Dowd, 2005).” As I sketched on earlier in Part I when dealing with the reception of the photographs of Abu Ghraib, feminist commentators have denounced that women at the army and intelligence agencies have been directed to use their sexuality and some demeaning stereotypes associated with femininity as tactics of coercion in the interrogation room. Carrie and Brenda never engage in practices like the ones described about female interrogators in Guantánamo, but the reading of her sexuality as a weapon is clear. Furthermore, it is often the key to their success in a world that, otherwise, is still represented as predominantly male.

Kelly Oliver (2008) analyzes early media coverage of female involvement in Abu Ghraib and Guantánamo to prove that this understanding of female sexuality as a weapon is a recurrent theme:

“women us[ing] sex to get detainees to talk” (Dodds 2005b, 15), “women us[ing] lechery as an interrogating tactic” (*News Journal* 2005, 4), “sexually loaded torment by female interrogators” (Novak 2005, 33), and “the use of female sexuality as a tactic” (Jacoby 2005, 11). The headnote of an article in *Time* magazine reads, “New reports of detainee abuse at Gitmo suggest interrogators used female

sexuality as a weapon” (Novak 2005, 33). The rhetoric of women as weapons is even more explicit in reports of Guantánamo than in the reports of Abu Ghraib. It is telling that the media continues to associate women and sex, going so far as to say that female sexuality is a weapon. Here, sexualized interrogation tactics become metonymical substitutes for all of female sexuality. And female sexuality itself is reduced to a tactic or strategy to “break” men, a threatening weapon that can be used against even the most resistant men. (Oliver, 2008: 4-5).

Oliver goes on to remind us that representations of female sexuality as a tactic or as a weapon of war “reveals a long-standing fear of women and female sexuality” (5) like the one described by Freud, who proposed that the female body aroused a fear of castration in men.

In *Homeland*, Carrie’s stereotyping as a hysterical woman combines with the fact that the key to her success often resides in the exploitation of her sexuality and therefore diminishes the potential for gender transgression that a counterterrorist show starred by a female hero could have. Furthermore, since the (often sexual) tricks that both Carrie and Brenda Johnson play on their targets are offered as alternatives to torture, a paradoxical conclusion is reached: stopping the oppression of a group (detainees subjected to torture), implies a certain oppression of another (female interrogators). Both in these series and in the real-cases documented at Guantánamo there exists an asymmetry of power: males are linked to the sphere of physical brutality or cunning, whereas females are linked to the exploitation of their sexed bodies. In *Homeland*, we do not see Peter Quinn get involved with assets or targets, and the only extra-matrimonial sexual experience Saul Berenson has so far had is one that has taken him to bed with a double-spy. Alisson Carr, the main villain of Season Five, is the chief of the CIA station in Berlin, but she is also a Russian agent. She is Carrie’s clear nemesis, for she repeatedly tries to kill her during the season, and has fooled Saul to the point that he is not aware of the many signs that should tell him that she is not trustworthy. Antagonistic as they are, Carrie and Alisson share commonalities: they both get results at work because they are capable of entering the private sphere of their targets through sexual and emotional manipulation.

“Is Torture Any Worse than This?” Dangerous Alternatives

Going back to the Carrie-Ayaan plot that I described in the previous section, it should be noted that it is profoundly uncomfortable for the audience to see Carrie manipulate the feelings of such a young boy as Ayaan, break his initial reluctance to pre-matrimonial sex and feed his love for her by sharing true aspects of her real life (e.g. that the father of her child was killed in front of her, something that takes place at the end of Season Three) with utilitarian purposes. There are no limits to the lies Carrie tells Aayan in order to ensure his cooperation. She promises him that she will take him out of the country, that he will get access to a prestigious London university and that she will meet him there, so that they can live together as a couple. Eventually Aayan is tricked into cooperation and leads the CIA to his uncle, who had not been killed in the attack as the CIA initially thought. Haissam Haqqani discovers that his cousin is a mole and shoots him point-blank in the face for Carrie and her team, who are monitoring the operation through satellite image, to see.

The way in which an innocent boy is treated as expendable is deeply troublesome, particularly for what it says about the ethics behind asset building, a technique which is often credited as an effective alternative to torture. In his book *Torture and Democracy* (2007), Darius Rejali conducts a historical research on the way democratic countries have engaged in torture from late nineteenth century to the aftermath of Abu Ghraib, analyzing in depth cases such as the French involvement in the Algerian independence war and finding plenty of compelling examples that prove the virtual non-existence of real-life Ticking Time Bombs and the inefficacy of torture. He offers evidence that torture is not more effective than alternative methods such as public cooperation or “a well-articulated system of informants” (458). Allhoff (2012) argues against Darius’ thesis by stating that in cases in which “we do not have any informants and time is too short to find any” (145) torture must still be faster than finding human assets.

Carrie would prove Allhoff wrong because she succeeds in turning Ayaan extremely fast, under time constraints. Those time constraints, together with her desperate need to get results, explain the extremity of her methods as they explained Jack Bauer’s physical brutality. For viewers, the question remains whether manipulating a human being –so much that he betrays his family and his religion to the point that returning to his normal life after the mission is over becomes impossible– and later

sending him to an almost sure death is any better, in moral grounds, than torture. Once again, the show is implicitly demanding that we compare intelligence extraction methods. In Season One, we were asked to measure sleep deprivation against the physical torture to which Brody had been submitted during his captivity. In Season Four, watching Carrie's lack of scruples when dealing with Ayaan (an innocent who is the means to a location, to Haissam Haqqani's hiding place) we might miss the "mild" psychological torture that appeared through the first two seasons. Then, at least, coercive techniques were used against guilty terrorists, not against bystanders.

Surveillance and Targeted Killings

Carrie Mathison's personal and romantic involvement with Brody, which articulates the plot of the first three seasons, is the result of the show's obsessive engagement with surveillance. In the Pilot, as Carrie gets suspicious of Brody, she initiates an illegal video and audio surveillance of his house. We see her voyeuristically spy on every aspect of Brody's life, from the reactions of his children to his comeback, to his (troubled) sexual encounters with his wife. Saul orders Carrie to end the illegal spying not because, as he acknowledges, is in violation of Brody's constitutional rights, but rather because it is leading nowhere. Once Carrie is denied eyes on the Brody household, she manages to penetrate his intimacy by initiating a sexual relationship with him that, at least at the beginning, has the purpose of continuing the aborted mission.

The clash between citizens' rights to privacy and the counterterrorist endeavor features as a major theme in Season Five, whose plot is very much influenced by the Wikileaks filtrations about the NSA spying on foreign governments and individuals. The season takes places in Berlin, where Carrie, who has left the CIA to lead a quiet life with her daughter, works as head of security for a German billionaire chairman who owns a philanthropist foundation. The Düring Foundation is devoted to promoting human rights and government transparency particularly through the work of one of its employees, an American journalist called Laura Sutton who has taken refuge in Germany because the FBI wants her under charges of treason for the leak of secret intelligence to the press. In the Pilot, this Snowden-like character receives from a hacker a stolen classified document that proves that the CIA is spying on German citizens on behalf of the BND (German's Intelligence Agency), who has its hands tied under German legislation. Laura approaches Carrie, asking her to vet the document for her to

publish it if it is true, but receives Carrie's refusal and reprimand: it would be irresponsible of her to leak information like that, for it would entail a risk to national security.

For most of the season, Laura Sutton is represented as a character that is willing to go as far as it takes for seemingly selfish reasons as getting the most media attention possible. She stands in the way of Carrie and other characters that are risking their lives doing the "serious spying work" and is eventually forced to give in to the BND's pressures not to publish her findings. While Laura's motivations seem irrelevant, the fruits of the BND's cooperation with the CIA serve to stop a woman who recruits teenage girls to join ISIS or a man who was about to blow himself up in Berlin.

In *Homeland*, illegal surveillance proves effective and its incompatibility with civil rights is rendered insignificant. There is not a single case during the series that reveals the dangers of programs like PRISM that tend to target individuals that are peripherally related to known suspects. Though Obama's administration disseminated the idea that "if you have nothing to hide, you have nothing to worry," as a matter of practice this is not so. *The New York Times* Editorial Board (2013) quoted intelligence officials who admitted that "'technologically complex' surveillance activities will always be prone to human error," and those human errors have already taken diverse form, from the kidnapping of Khalid El-Masri, a German national that was mistakenly taken for Jalid Al-Masri, a known Al-Qaida terrorist, to the disclosure of personal information of junior doctors –including sexual orientation– due to a security breach. However, if the risks of massive surveillance are not considered, the dilemma between privacy and security seems a trivial one.

Homeland's distancing from torture and its embrace of often illegal surveillance methods and drone strikes makes the show, in words of James Castonguay (2015), a "'quality' television propaganda for the Obama administration" (139). However, though no serious moral issues are raised regarding surveillance, drone warfare is often questioned in Seasons Four and Five. Season Four opens with Carrie ordering an attack that erroneously targets a wedding, causing the deaths of many innocent victims. For the sake of killing one single enemy, an entire family is annihilated. At the beginning, Carrie refuses to acknowledge her responsibility over the tragedy. She acts detached and unfazed, speaking of "collateral damage" as an abstraction, and blaming the targeted terrorist for putting in risk the lives of his relatives. But Carrie's main psychological characteristic throughout this season is her incapacity to take responsibility over things

in general. She has abandoned her baby daughter with her sister and has been chaining one conflict zone after another so that she has an excuse not to be with her. Carrie's insensibility towards the innocent civilians that have died under her direct orders is but a symptom of her numbness, a psychological blockage that reaches its peak when, while visiting her daughter and sister, she has the temptation to let the baby drown in the tub. Eventually, all the repressed guilt and pain overcome her, though the series is very careful to acquit her. Right when Carrie seems ready to be held accountable for her mistakes, we learn that the tragedy of the wedding attack was not entirely her fault. Bad intel due to the American ambassador's husband selling secrets to the enemy was responsible for the CIA's unawareness of the wedding, and the discovery that the targeted terrorist was never in the farm is proof that he knew about the attack and consciously sacrificed his entire family so that he was believed to be dead. In the end, Carrie was a victim of the circumstances; the villains are the others. And most importantly, the character is redeemed (¿or domesticated?) because she goes back to her daughter and becomes a good mother.

A much more explicit criticism of Obama's foreign policies, particularly of U.S. involvement in Syria, is articulated by the character of Peter Quinn in Season Five Episode One. Quinn has just come back from a two year assignment in Syria and is being briefed by top members of the Government and the CIA, who want to know if the program should be renewed. Saul has instructed Quinn to speak on behalf of it, but under the insistence of Crocker, a Government representative, to hear his real opinions on the matter, he eventually goes "off book":

Quinn: Our approach has remained constant. U.S. air strikes prepare targets for surgical intervention by special forces, initially against Assad, then al-Nusra, and most recently against the Islamic State. I've been heading up a team of special ops more or less continuously for the past 28 months. We've been busy.

Crocker: Doing what? What the hell is actually going on over there? [...] A handful of enemy dead here. Another handful there... I honestly have no idea what it all adds up to. [...] I'm asking, is our strategy working?

Quinn: What strategy? Tell me what the strategy is, I'll tell you if it's working. (Silence) See, right there is the problem because they, they have a strategy. They're gathering right now in Raqqa, by the tens of thousands, hidden in the civilian population, cleaning their weapons, and they know exactly why they're there.

GR: Why is that?

Quinn: They call it the end times. What do you think the beheadings are about? The crucifixions in Deir Hafer? The revival of slavery? You think they make this shit up? It's all in the book, their fucking book, the only book they ever read. They read it all the time, they never stop. They're there for one reason and one reason only: to die for the caliphate and usher in a world without infidels. That's their strategy. And it's been that way since the seventh century so do you really think that a few special forces teams are gonna put a dent in that?

Crocker: Well, what would you do?

[...]

Quinn: 200,000 American troops on the ground indefinitely to provide security and support for an equal number of doctors and elementary school teachers.

Crocker: Well, that's not going to happen. [...] What else? What else would make a difference?

Quinn: Hit reset.

Crocker: Meaning what?

Quinn: Meaning pound Raqqa into a parking lot. (5.1)

Quinn's bitter approach to the matter is proof of his exhaustion about a war that is leading nowhere and representative of some of the criticism that Obama's counterterrorist strategy has earned. It is based on targeted killings so that the U.S. still takes part in Middle Eastern zones of conflict without the direct involvement of troops. Can a war be won without fighting it (at least in the traditional sense of the word)? The drone warfare seems the extreme materialization of a dynamic Žižek perceived as soon as 2002:

Just as we drink beer without alcohol or coffee without caffeine, we are now getting war deprived of its substance – a virtual war fought behind computer screens, war experienced by its participants as a video game, a war with no casualties (on our side, at least). With the spread of the anthrax panic in October 2001, the West got the first taste of this new 'invisible' warfare in which—an aspect we should always bear in mind—we, ordinary citizens, are totally dependent on the authorities for information about what is going on: we see and hear nothing; all we know comes from the official media. A superpower bombing a desolate desert country and, at the same time, hostage to invisible bacteria—this, not the WTC explosions, is the first image of the twenty-first-century warfare (2002: 37).

Secrecy and invisibility have been present in the War on Terror since its onset and have created the perfect breeding ground for conspiracy theories, paranoia and distrust. Viewers were ready to sympathize with Sergeant Brody's hate for the Vice-

President who had covered the assassination of 83 children in a bombing strike because by the time *Homeland* aired, they too were experiencing uncomfortable and mixed feelings at the realization that it was becoming increasingly difficult to tell the difference between some acts of war and some acts of terrorism. The ambivalent logic that resides behind Agamben's *homo sacer* articulates the whole discourse of the War on Terror and presents us with a political landscape full of uncertainties where knowledge seems increasingly evasive.

Political Resonances in *Homeland*, an Obama and ISIS Favorite

A startling case of opposing assimilations emerges when analyzing the political resonances of *Homeland*. In an interview with radio show host Enrique Santos in 2012, President Obama mentioned *Homeland* as his current favorite show (qtd. in Dinan, 2012). Two years later, in September 2014, the Islamic State uploaded online the beheading of American-Israeli journalist Stephen Sotloff, a shocking piece of propaganda that, as acknowledged by Mia de Graaf and Darren Boyle for the Daily Mail (2014), was inspired by the show's opening credit titles.

The title sequence offers a torrent of quick and incoherent images mixed with different audio recordings. Mainly, we are presented with pictures of protagonist Claire Danes growing up and with speeches and clips of prominent U.S. politicians, from Reagan to Obama, addressing the American public on warfare and counterterrorism issues. For example, we hear Reagan's 1984 address to the nation on airstrikes on Libya –“...air and naval forces of the United States have launched a series of strikes against terrorist...”–, we see President Clinton talking to the press in the Rose Garden of the White House after the USS Cole bombing in Yemen's Aden harbor by al-Qaeda–“This was an act of terrorism... It was a despicable and cowardly act...”– and we get an upside down cut of Obama's speech after bin Laden's assassination –“We must and we will remain vigilant, at all times”–. A crucial album photograph of Danes watching television is aimed at telling us that this is the political landscape in which Carrie Mathison was raised and more importantly, that much of this political landscape became comprehensible to her through television. Thus, *Homeland* is presented as a television show on counterterrorism that is self-conscious of the crucial role that television has played in shaping past and present representations of terror and terrorists. A similar logic –an awareness of the importance of popular television culture for recruiting

westerners— is present in the macabre homage paid by the ISIS to *Homeland* in the prelude to the beheading of Stephen Sotloff.

As De Graaf and Boyle describe it, “[t]he *Homeland* opening credits uses poor-quality footage of Obama declaring ‘we will remain vigilant’. The ISIS video ... does the same with Obama saying: ‘we will be vigilant.’” The President’s words in the ISIS video come from “Obama’s reaction to the murder of US journalist James Foley, in which he states: ‘We will be vigilant and we will be relentless.’” Parallelisms between the terrorist propaganda piece and *Homeland*’s opening credits also include “shaky camera shots and special effects to interfere with the color and balance and sound quality of the video. They both fade in and out from President Obama with Arabic subtitles on the screen” (De Graaf and Boyle, 2014). Furthermore, according to Duncombe and Bleiker (2015), both videos coincide in their “desired emotional impact,” which is “one of fear and anxiety”:

The disjointed directorial style of the opening sequence of *Homeland* presents the post-9/11 world as one of uncertainty, misinformation and violence – all metaphorically underlined by the mental illness of the show’s central character, Carrie. By mirroring the format of those images, the ISIS video plays on the same feelings of doubt to generate a viewer’s mistrust in authority, a fear that the US can no longer protect or provide security for its citizens (Duncombe and Bleiker, 2015).

The ISIS video’s allusions to a television series like *Homeland* is yet another evidence of the particular characteristics of the new global terrorism, described by Baudrillard (2001) as “a new form of action that enters the game and appropriates its rules, the better to confuse it.” Terrorists confront the system with a challenge it cannot face. “They produce their own deaths, to which there is no possible response (“they are cowards”) [...] but they appropriate all the arms of dominant power” (Baudrillard, 2001). These arms include popular television fiction for its ability to shape attitudes and political discourses. Already in 1974, Jenkins observed that “[t]errorism is psychological warfare. It is theatre” (3). From 2001, it could be argued that the theater of terrorism has moved to the spheres of television and the internet, in general, and to television series in particular; to fictions that, more and more every day, are consumed on line, just like the propagandistic videos of the terrorists.

At this point, and after being presented with the bidirectional influence that *24* and its contemporary political, legal and military discourses exercised upon each other, an almost perfect circle is reached with *Homeland*, one in which all relevant agents in The War on Terror are linked to each other through appropriations and references of post-9/11 television series.

From *24* to *Homeland*, from Bush to Obama

From the first sequence of its Pilot episode, reminiscent of *24* but radically different from it because we are faced with a Ticking Time Bomb case in which the question of torture is not even raised, *Homeland* states its official discourse: the show explores realistic and effective techniques of interrogation that do not demand physical brutality. If it was not for its embrace of “stress and duress techniques” like isolation, sleep deprivation and temperature manipulation, it would come to terms with the techniques that Mathew Alexander (2008) privileges in his book. “Respect, rapport, hope, cunning, and deception are our tools” (6), he states. However, serious doubts are raised when analyzing in depth the way these “alternative” techniques are represented. First, the show combines interrogation routines like the “Good cop-bad cop” or “The All Seeing Eye” with “torture lite,” as implying that non-coercive techniques need some coercion to work out. Second, we are asked to contemplate “torture lite” in opposition to brutal physical abuse, implying that, compared to “real torture,” these methods cause but discomfort. This is a dangerous statement if taken into account that the practices approved by the Bush administration and officially considered “not torture” were applied to prisoners in foreign facilities to the extreme of causing the death of at least one detainee (*Senate Report*, 2014: 4). Third, rapport and cunning often have a sexual nature, at least when pursued by the female agents of the show. Exploring secondary routes to violence remains a feminine attribute in *Homeland*, and the representation of the female body, a counterterrorist weapon. Finally, as the series departs from even mild forms of torture (coercive interrogation is only present in the first two seasons), the embrace of massive illegal surveillance becomes the privileged (an unquestioned) means of intelligence gathering.

In its two last seasons, the show faithfully represents President Obama’s foreign policy’s spirit: targeted killings through drone attacks or special force units replace common warfare and the civil right to privacy is regarded as a minor loss in the pursuit

of global safety. Comparing *24* and *Homeland* is comparing the dominant political and media discourses of the Bush and Obama eras. Jack Bauer incarnated the “tough guy” from the Western myth to which America looked in the immediate aftermath of 9/11 at the expense of eliminating any feminine traits like “empathy,” “pacifism” or “softness” from the equation (Faludi, 2007). *Homeland* substitutes Jack Bauer for a woman, and brutal physical torture for “torture lite” and other alternative intelligence gathering methods which are often gendered female, like sexual manipulation. In short, both shows offer insightful approaches to the dominant ideologies of the historical periods in which they were produced, though *Homeland* is more readily open to including views that challenge the *status quo* than its predecessor. As Steenberg and Tasker (2015) note, the show “mov[es] beyond the Manichean opposition of right and wrong that characterized earlier representations” (132) and its direct criticism of drone warfare is proof that the show is something more than a propagandistic acceptance of the Obama administration’s measures.

Conclusions

When I began my research, I departed from the notion that post-9/11 television had legitimized torture by means of its recurrent characterization of “torturer-heroes,” that is, heroes that engaged in interrogational torture and remained heroic. This argument had already been made by previous commentators, but I intended to test it against a corpus that was substantially richer than the corpuses that have been commonly used. Throughout Parts II and III I have conducted close textual analyses of the following series: *24* (Fox, 2001-2010), *Alias* (ABC, 2001-2006), *Lost* (ABC, 2004-2010), *Battlestar Galactica* (Syfy, 2004-2009), *The Closer* (TNT, 2005-2012), *Heroes* (NBC, 2006-2010), *Jericho* (CBS, 2006-2010), *Fringe* (FOX, 2008-2013), *Homeland* (Showtime, 2011-), *Revenge* (ABC, 2011-2015), *Penny Dreadful* (Showtime, 2014-2016), *State of Affairs* (NBC, 2014-), *Daredevil* (Netflix, 2015-) and *Jessica Jones* (Netflix, 2015-). They belong to different genres, from counterterrorist or spy fictions to Sci Fi dramas, but they all were aired after September 11 and feature at least one instance of interrogational torture committed by heroic characters. Given the prominence of shows led by female heroes, I have devoted Part III to analyzing the intersections of gender and violence, while Part II analyzes the general characteristics of the “torturer-hero” pattern and highlights the relevance that the Science Fiction genre acquired in the immediate aftermath of September 11 as the privileged genre from which to address issues related to the War on Terror.

In Part I, before analyzing the fourteen different television series in which I have focused, I have offered an overview of the controversies that the concept of “torture” has sparked after 9/11. On the one hand, the definition of “torture” as it appears in international human rights treaties establishes that a form of physical or mental abuse needs to be “severe” in order to constitute torture. “Less severe” instances are criminal offences as well but are included under the category of “other cruel and inhuman treatment.” After 9/11, U.S. lawyers strove to find a justification for the coercive interrogation techniques that the CIA was demanding to use against suspected terrorists and found a way to justify that the U.S. was only legally compelled to criminalize “torture,” so they characterized the approved of methods with labels different from it, typically as “enhanced interrogation techniques.” Meanwhile, a wider debate was

sparked across different sectors of the American society that, in the new context of the war against terrorism, questioned the absolutist prohibition on torture (whether severe or not) established by international law and by the U.S. code. Dershowitz (2002) was perhaps the first to raise the issue: in extraordinary circumstances like the one described by the Ticking Time Bomb hypothetical torture is necessary and should be made legal. Following his lead, either to contest, nuance or support his arguments, lawyers, media commentators, human rights activists and philosophers produced an impressive amount of texts that address this question. The post-9/11 debate on torture has been prolific and widespread so it necessarily had to reach popular entertainment.

After analyzing the series from my corpus, the first solid claim that can be made is that post-9/11 television fiction has played an active part in the torture debate. The variety of viewpoints that appear in the collection of scholarly essays analyzed in Part I is echoed in the shows analyzed in Parts II and III. Each of the television series studied reflects a different stance regarding the permissibility of interrogational torture and if approached as a whole, the fiction corpus echoes the non-fiction one in terms of which viewpoints are more generally endorsed and which remain marginal. Thus, absolutist approaches (those that unconditionally condemn torture, no matter the context, understanding the prohibition as a Kantian categorical imperative) had little supporters in the written version of the debate and are explicitly endorsed only by two television series, by *Heroes* and *The Closer*. In *Heroes*, interrogational torture is represented in such a way that it forces spectators to shift their sympathies from the hero who engages in it to the villain, if not permanently, at least for the time the torture sequence lasts. *Heroes'* commitment to preventing legitimized instances of interrogational torture can be inferred from its decision to endow the cop-hero of the cast with the power to read minds, which renders torture unnecessary. *The Closer* features a Ticking Time Bomb situation—a young girl has been abducted and the police has the man responsible for her disappearance, who does not want to disclose the place where he has hidden her—that leads one of its main characters to torture a detainee, but the information he obtains under torture proves useless and, furthermore, he legally pays for the consequences of his actions.

Among scholars, absolutist rejections of torture were as rare as enthusiast legitimizing approaches and the fiction corpus follows this frequency pattern. The only shows that offer unrealistic portrayals of torture as an always-necessary, always-effective, never-questioned method of interrogation are *24* and *Daredevil*. These shows

justify torture in cases that do not even meet the standard premises of Ticking Time Bomb Case formulation. *24* condones torturing the innocent and *Daredevil* does not operate under a real sense of urgency. However, both among scholars and fiction writers alike, the most common approach to interrogational torture is to justify it *only* in the extremely rare context in which the agent is sure that the person to be tortured is guilty and no other intelligence gathering methods are available because time is running out. Most of the series from my corpus have their heroes engage in torture in rare, exceptional situations that meet the premises of the Ticking Time Bomb hypothetical. In *State of Affairs*, for example, protagonist Charlie reprimands a CIA co-worker who has been torturing a terrorist for weeks in a ship-prison in international waters but she eventually becomes a torturer herself when she is after a terrorist who has information about a series of bombings that are going to go off during the day. Absolutism in practice, the stance which accepts that theoretically there are contexts that justify torture but deny that such contexts can ever take place in real life (because the interrogator will never be sure that the person to be tortured is the one, or because torture will not necessarily exact a truthful confession, or because the urgency of the situation will not be such...) is also present in series like *Lost* and *Battlestar Galactica*. Both shows represent their heroes engaging in torture under the impression that they are living a Ticking Time Bomb situation to later prove them wrong. In *Lost*, the man tortured was innocent; in *Battlestar Galactica*, there was never a bomb in the first place.

When analyzed as part of an extended corpus, *24* is not, as it has often been contended, representative of the general approach to interrogational torture in post-9/11 television series, nor does the representation of a torturer-hero always argue for the justification of the practice as I initially thought. In this sense, I have found much more dissidence than I expected. There is not such an unproblematic reflection in fiction of the dominant discourse promulgated by the ideologists of the War on Terror as radical Marxism would expect. Rather, popular fiction is proof that 9/11 opened a debate on torture and echoes the different viewpoints available. It signals that the main approach to the matter is one which accepts torture in exceptional circumstances, but there is also room for totally condemnatory discourses and for totally legitimizing ones. Ticking Time Bombs and torturer-heroes have been represented for the sake of legalizing the practice, but also for rebutting utilitarian thinking, for showing that dehumanizing the Other is the prerequisite for torture, for proving torture useless, etc. However, despite dissident instances, my initial hypothesis still holds when the corpus is addressed

globally: by its recurrent representation of heroes that torture for a greater good, post-9/11 television has normalized and legitimized the use of interrogational torture, the “whatever it takes” approach to counterterrorism that calls for extreme measures in extreme circumstances.

Among the scholars studied in Part I, the most commonly endorsed view (i.e. Gur Arye, 2004; Walzer, 2004; Elshtain, 2004) was one which acknowledges that torture *might* be necessary in some extraordinary circumstances but which rejects that such a possibility is argument enough to legally institutionalize the practice. Even human rights activists (Bowden, 2003) have endorsed this view, arguing that if they were ever presented with such a case like the one described by the Ticking Time Bomb argument they would surely torture the suspect but they would then expect to be held accountable for their actions. Transplanting this logic to the realm of fiction disseminates a different type of discourse. On the one hand, the recurrence of Ticking Time Bombs in the television programming serves the purpose of making the extraordinary look ordinary. If authors like Rejali (2007) doubt that such a case like the one described by the hypothetical has ever taken place in real life, post-9/11 television is crowded with them. On the other hand, the norm among the torturer-heroes analyzed is that they do not pay any costs for their transgressions. Except for *The Closer's* Sergeant Gabriel, none of them suffers legal repercussions for the crime committed. In *Lost*, doctor Jack Shepherd orders a man to be tortured and later refuses to treat his wounds, still convinced that he deserved what he got. In *24*, Jack Bauer is called to testify in front of the U.S. Senate for his methods and, after delivering a “tough-guy” speech in which he denies harboring any regret for what he has done, he is acquitted. Very often, torture is committed by characters who do not act as individual actors but as representatives of diverse government agencies and I have even exposed fictional Presidents of the U.S. engaging in interrogational torture (for example, in *24* and *Scandal*).

Furthermore, what remains a constant through all the television series from my corpus is their contribution to the dissemination of a definition of “torture” in the exclusive terms of physical brutality. Mental torture is either absent or disregarded as something different from the most serious word. Such is the case in *Jericho*, for example, where one of the protagonists stages an act to make his suspect believe that he is about to be severely hurt. He afterwards makes a speech against torture, thus implying that instilling anguish and fear of imminent pain or death belongs with the

non-coercive methods. Furthermore, in *Homeland* and *Battlestar Galactica* a “severity” distinction is made between the torture techniques used by the heroes, similar to those implemented by the CIA in the context of its counterterrorism program (e.g. waterboarding, confinement, sleep and sensory deprivation, etc.), and the brutal, savage techniques used by the villains. Those comparative renderings and the persistent representation of torture in the form of spectacular physical violence take the “severity” requirement of the definition of torture to such an extreme that everything that falls short of it seems justified. In short, these shows serve the agenda of the Bush administration that sought to legalize torture by calling it by a different name. It argues for “torture lite” as a lawful approach to interrogation.

My research has shown the embeddedness of television series in the torture debate. A New Historicist methodological approach to the subject has proven useful to demonstrate that popular fiction is not only a reflection of its context. It engages in it as much as it is affected by it. In Part I, when analyzing *Lost*, I have shown the way in which a script contradiction (the character of Jack Shepherd is pro-torture in Season One but is suddenly assumed to be anti-torture in Season Two, without coherent explanation) can be understood as a reflection of the great impact that the scandal of Abu Ghraib had on public awareness and sensibility towards torture. Also, I have detailed the ways in which *24* and its main character Jack Bauer have been invoked by politicians, judges and human rights activists alike. *Homeland* has been quoted by President Obama as one of his favorite shows and its opening credits have been parodied by ISIS’ propagandists. My study reveals the connection between texts as different as Supreme Court rulings and television shows, thus proving that history is not the context against which fiction should be read, but one and the same phenomenon. Also, the more general ideological climate that has reigned in America over the last fifteen years has been uncovered. In this sense, gender has acquired an unexpected relevance in my dissertation for many reasons: for the regression to patriarchal roles that was invoked in the immediate aftermath of September 11, for the sexualized nature of the tortures depicted in the pictures of Abu Ghraib and of the practices that female interrogators were denounced to conduct in Guantánamo, for the shock that the involvement of women in such abuses caused, for what this says about the stereotypes by which female violence is judged, and for the possibility that all these issues are somehow linked to the unprecedented presence that female action heroes have acquired in recent television series and, consequently, in my corpus.

As Flynn and Salek (2012: 6) observe, “[t]orture is usually a man’s pursuit. For most men Western masculinity is based on the principle of domination,” and torture, as Scarry (1985) concludes, is always about power and domination. Departing from this rooted notion, one of my initial questions was this: do female characters torture in post-9/11 television *too*? As I have shown in Part III with several examples (Kara from *Battlestar Galactica*, Charlie from *State of Affairs*, Jessica Jones from *Jessica Jones*, Emily Thorne from *Revenge*) they do. When they lead their own narratives as action heroes, they are as liable to engage in torture in the ever-present narrative of the Ticking Time Bomb as the male heroes. In this sense, they deconstruct the stereotypical assumption that women are naturally peaceful whereas men are driven to violence. However, shows that purport to represent alternatives to torture rely on female characters for reasons that are linked to gender stereotyping. Female interrogators can do without torture because of the possibilities that their gendered bodies offer. Carrie Mathison from *Homeland* often succeeds in “breaking” her targets by engaging in sexual relationships with them and Brenda Johnson from *The Closer* and Sydney Bristow from *Alias* exploit their femininity and the cultural implications attached to it to manipulate and deceive their antagonists in a way that is reminiscent of the female interrogators in Guantánamo who insinuated themselves to Muslim detainees and played sexual tricks on them to humiliate them.

I have also argued that although female heroes are not spared from engaging in morally reproachable actions, their relationship to violence is different from men’s in a significant way. As Sutherland and Swann (2007) observe, while a character like Jack Bauer “never questions whether he was justified in his actions,” Sydney Bristow from *Alias* questions herself deeply and experiences moral anguish when faced with difficult dilemmas (126). To a greater or lesser extent, this is true for most of the female heroes of my corpus (Kate Austen from *Lost*, Kara from *Battlestar Galactica*, Olivia Dunham from *Fringe*, Carrie Mathison from *Homeland*, Emily Thorne from *Revenge*, Miss Ives from *Penny Dreadful*, Charlie from *State of Affairs* and Jessica Jones from *Jessica Jones*.) Since pain is the price of having a moral conscience, they are linked together by suffering. None but one (Sgt. Gabriel from *The Closer*) of the torturer-heroes of my corpus are prosecuted for their actions within their fictional worlds, which further increases the legitimizing potentials of their narratives, but perhaps female heroines are—in an individual and strictly poetic sense—by means of their suffering. I do not imply that this suffices to ameliorate the legitimizing arguments that their shows disseminate,

but these heroines' blending of traditionally male-gendered drive to action and violence with the traditionally female-gendered attributes of empathy and compassion articulates a type of heroism that contrasts deeply with the masculinist and lawless Western-style hero that, as Susan Faludi (2007) explains, was invoked to lead America in its war against terrorism. They can also be read as promoters of the type of ethics described by Max Weber that conciliates an ethic of responsibility with an ethic of ultimate ends. They seem to fit the "immensely moving" archetype of the hero who "is aware of a responsibility for the consequences of his conduct and really feels such responsibility with heart and soul" (Weber, 1946: 102). Though they do not pay their transgressions with their life in the fashion of Sofocles' *Antigona* (2015) or Camus' *Just Assassins* (1958), they are close to having their "hands dirty" in the sense that Michael Walzer understands it. Walzer (2004) posits that any ruler or military officer will, at some point of her career, face difficult moral dilemmas that will imply choosing between two evils. At doing so, she will be guilty. The crucial moral distinction between the good and the bad ruler –and, arguably, between the good and the bad hero– is that the good ruler is conscious that she is guilty, that is, she has her hands dirty.

As Solaro (2007: 100) noted after Abu Ghraib, the incorporation of women to the military has proven unable to change the masculinist inertias of the institution (inertias responsible for creating a context favorable to humiliation, abuse and torture) and the incorporation of the female action hero to the action genre has neither taken the motif of the torturer-hero out of the equation. However, while for women in the army there exist two either/of options (either they behave like "one of the guys" or they are systematically marginalized), recent female action heroes have been able to incorporate typically feminine traits into their active roles in traditionally male genres without losing their appeal. Therefore, if future representations keep on evolving in the direction of *Fringe's* Olivia Dunham's empathic and resourceful heroism, or towards a de-sexualized and saner version of *Homeland's* Carrie Mathison, perhaps the takeover of female characters will change the ethics of heroism and will therefore put an end to the still ongoing trend of post-9/11 torturous television.

Future Research

This study has a restricted approach to torture in television because I chose to focus on a very strict pattern –that of the "torturer-hero"– judging that it was inherently

inclined to disseminating legitimizing arguments. However, the post-9/11 thematic obsession with torture goes beyond this paradigm and other torture patterns can also disseminate pro-torture arguments. First, representing torture as effective can be misleading and convenient for its advocates also when inflicted by villains. I have neglected the figure of the villain-hero that is undoubtedly characteristic of the post-9/11 phenomenon of quality television series. Though they do not constitute role models, the fascination they exert is linked to the contemporary appeal of the “morally grey” and could enlighten the origins and reasons behind the surge of “torturer-heroes.”

Another type of torture that I have not dealt with is sadistic torture. Much has already been written on the sadistic pleasures offered by “torture porn,” (Murray, 2008; Lockwood, 2009; Jones, 2013) a term coined by David Edelstein (2006) to account for a trend best represented by films like *Saw* and *Hostel*, horror movies that offer detailed, long, stylized torture sequences that are charged with sexual overtones. Existing studies tend to focus on film but “torture porn” is also present in television series like *The Walking Dead* and *Game of Thrones*. Furthermore, relevantly for the concerns raised by this study, the phenomenon can be connected to Abu Ghraib. Susan Sontag (2004) argued that “most of the pictures seem part of a larger confluence of torture and pornography” and described Lyndie England leading a naked man around as if he was a dog as “classic dominatrix imagery.” Studying the relationship between the photos of Abu Ghraib and the pleasures that the viewers obtain from watching sadistic representations that play with the fantasies of sexual domination of mainstream porn could reinforce some of the notions addressed in this dissertation. The perversity inherent to the torturer-hero is that we empathize with him rather than with the victim. But it could be argued that the same is true when we watch torture porn.

My initial expectations were to find nothing but repetition of the extreme forms of legitimization advanced by *24* in the entirety of my corpus and it has turned otherwise. Though the general overlook cannot be deemed progressive, I have uncovered some representations of “torturer-heroes” that were not legitimizing or that made strong cases against torture (*Heroes*, *Battlestar Galactica*, *The Closer*, *Jericho*). What I have not addressed is viewer responses, which would be crucial to assess if these shows were interpreted to argue for torture or not. I am aware that meaning is not something fixed but constructed, and that such a construction occurs in the reader/viewer and is highly influenced by her particular subject positions. As Morley (2003) explains it:

the meaning of the text must be thought in terms of which set of discourses it encounters in any particular set of circumstances, and how this encounter may restructure the meaning of the text and the discourses which it meets. The meaning of the text will be constructed differently according to the discourses (knowledges, prejudices, resistances, etc.) brought to bear on the text by the reader and the crucial factor in the encounter of audience/subject and text will be the range of discourses at the disposal of the audience (80).

I have tried to situate the virtual viewership of the television series addressed by paying attention to the historical period in which they were received (and to the prejudices, knowledges and discourses that circulated.) However, further research should take into account the extensive body of texts written by fans that is available online, (in blogs, wikis, discussion forums...) looking for different readings of the torture scenes that I have analyzed.

Finally, there remains the task of comparing my corpus with a corpus made of television series released before 9/11. Were there “torturer-heroes” in these earlier fictions? Did they represent torture in a positive way? What kind of interrogation methods were privileged by early fictional detectives and spies? How did they behave when a Ticking Time Bomb situation was presented? In the *X-Files*, the truth machine was a recurrent device but in post-9/11 television it has practically disappeared. It briefly features in one *Homeland* episode but only to show that it can be easily cracked.

If a comparative analysis of interrogation and torture in shows released before and after 9/11 would indeed back up the notion that the action heroes from the past did not tend to torture, these could shed light on the issue that most concerns David Danzig. This human rights activist –who led a campaign to raise awareness among television producers on the effects that their representations of torture had on the ongoing War on Terror– argues that the best way to counter the “Jack Bauer Effect” is through fictions that feature “humane, effective interrogations on screen.” He also mentions that after asking “dozens of interrogators and intelligence officials to point me to films and TV shows that show the way successful, human interrogations are actually performed in the field” the examples they could produce were scanty (Danzig, 2012: 28). In this line, a study aimed at discovering positive portrayals of interrogation would also strengthen this area of research.

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Moore, Ronald D., creator. (2004) *Battlestar Galactica*. Syfy.

Nolan, Jonathan and Lisa Joy, creators. (2016) *Westworld*. HBO.

Psycho. (1960) Alfred Hitchcock. Paramount Pictures and Universal Pictures.

Rhimes, Shonda, creator. (2012) *Scandal*. ABC.

Rosenberg, Melissa, creator. (2015) *Jessica Jones*. Netflix.

Ryan, Shawn, creator. (2002) *The Shield*. FX.

Saran, Joshua, creator. (2015) *Quantico*. ABC.

Saw. (2004) James Wan. Lionsgate Films.

Scheuring, Paul, creator. (2005) *Prison Break*. FOX.

Shore, David, creator. (2004) *House M.D.* FOX.

Simon, David, creator. (2002). *The Wire*. HBO.

Standard Operating Procedure. (2008) Errol Morris. Sony Pictures classics.

Star Wars: Episode III - Revenge of the Sith. (2005) George Lucas. 20th Century Fox.

Star, Darren, creator. (1998) *Sex and the City*. HBO.

Stiehm, Meredith, creator. (2003) *Cold Case*. CBS.

Sud, Veena, creator. (2011) *The Killing*. AMC.

Surnow, Joel and Robert Cochran, creators. (2001) *24*. FOX.

Taken. (2008) Pierre Morel. 20th Century Fox and EuropaCorp.

Taxi to the Dark Side. (2007) Alex Gibney. THINKFilm.

The Dark Knight. (2008) Christopher Nolan. Warner Bros. Pictures.

The Ghosts of Abu Ghraib. (2007) Rory Kennedy. HBO.

The Man Who Shot Liberty Valance. (1962) John Ford. Paramount Pictures.

The Passion of the Christ. (2004) Mel Gibson. Newmarket Films and 20th Century Fox.

The Searchers. (1956) John Ford. Warner Bros. Pictures.

The Sum of All Fears. (2002) Phil Alden Robinson. Paramount Pictures.

The Terminator. (1984) James Cameron. Metro-Goldwyn-Mayer and Orion Pictures Corporation.

The Texas Chain Saw Massacre. (1974) Tobe Hooper. Bryanston Pictures.

The Virgin Spring. (1960) Ingmar Bergman. Janus Films.

Unthinkable. (2010) Gregor Jordan. Sony Pictures Home Entertainment.

V for Vendetta. (2005) James McTeigue. Warner Bros. Pictures.

Williamson, Kevin, creator. (2013) *The Following*. FOX.

Willimon, Beau, creator. (2013) *House of Cards*. Netflix.

Zero Dark Thirty. (2012) Kathryn Bigelow. Universal Pictures.

Zuiker, Anthony E. and Ann Donahue, creators. (2000) *CSI*. CBS.

HÉROES Y PSICÓPATAS: LA TORTURA DE INTERROGATORIO EN LA FICCIÓN TELEVISIVA ESTADOUNIDENSE POST 11S

Resumen

La presente disertación parte de un fenómeno muy particular que ha tenido lugar en la ficción audiovisual estadounidense escrita y producida tras el 11 de septiembre y que se relaciona con la representación de la tortura. No se trata únicamente de que el número de escenas de tortura exhibidas en televisión se haya multiplicado, sino que antes del 2001 eran los villanos los que torturaban a los héroes mientras que después del 2001, el patrón se invierte. En el presente trabajo se citan un total de dieciséis series de televisión emitidas entre los años 2001 y 2016 que cuentan con héroes torturadores. Estos héroes recurren a la tortura sin perder sus atributos heroicos porque no torturan por placer, sino por deber. Sus acciones a menudo resultan justificadas porque se inscriben en el contexto de la bomba a punto de estallar, un caso hipotético que se ha utilizado a menudo en el ámbito de la casuística filosófica para cuestionar la existencia de imperativos categóricos y que plantea lo siguiente: hay una bomba a punto de estallar situada en el centro de una gran ciudad. Su detonación causará millones de muertos y no hay tiempo de evacuar las zonas que resultarán afectadas. Las autoridades logran detener al terrorista que ha colocado la bomba, pero este no quiere divulgar su localización. ¿Deberían las autoridades torturarlo?

Mi disertación parte de la hipótesis de que la ficción televisiva estadounidense post 11S diseminó el argumentario apologético de la administración de George W. Bush, extendiendo la noción de que en casos extremos la tortura es necesaria, defendiendo su eficacia y normalizándola a ojos del público. Para refrendar esta hipótesis, llevo a cabo un análisis textual de catorce series que presentan el patrón del “héroe torturador”, pero antes de ello, ofrezco una panorámica de los diferentes argumentos a favor y en contra de la tortura que han sido vertidos tras el 11 de septiembre. Por un lado, analizo la definición de “tortura” que aparece recogida en los textos jurídicos vigentes y que estipula que la tortura es una forma de abuso mental o físico “severo”. Las formas “menos severas” también están prohibidas por el Derecho Internacional, pero se agrupan bajo la categoría de “otros tratos crueles, inhumanos y degradantes”. Tras el 11 de septiembre, el equipo jurídico de Bush se afanó en buscar argucias legales que justificaran las técnicas coercitivas de interrogatorio que la CIA

quería emplear y determinó que los Estados Unidos solo estaban obligados a criminalizar la tortura, pero no las formas “menos severas” de maltrato. Al mismo tiempo, un debate más amplio se abrió entre la sociedad civil cuando políticos, juristas, filósofos y periodistas comenzaron a debatir sobre la legitimidad de la tortura en el nuevo paradigma de amenaza terrorista. Alan Dershowitz (2002) fue quizás el primero que rompió el tabú. Propuso que en circunstancias extraordinarias como las que describe el hipotético de la bomba a punto de estallar la tortura es necesaria y debería, por tanto, estar legalizada. Tras él, ya fuera para refrendar su tesis o para invalidarla, muchos otros autores disertaron en torno al caso hipotético.

El análisis textual de las series de televisión que conforman mi corpus básico se centra en dilucidar el modo en que estas ficciones reproducen o intervienen en el debate general sobre la tortura de interrogatorio que se abrió en la sociedad estadounidense tras el 11 de septiembre. El hallazgo más relevante es que, en conjunto, dan voz a todas las posturas enfrentadas en dicho debate y no solo a las explícitamente legitimadoras aunque, también en conjunto, concluyo que su representación insistente de bombas a punto de estallar promueve que la excepción parezca la norma y contribuye, por tanto, a diseminar discursos justificadores. Asimismo, lo que todas estas series tienen en común es que definen la tortura exclusivamente en términos de brutalidad física severa. Así, se fomenta la noción de que todo lo que no sea extremo está permitido. La tortura psicológica se omite o se niega. Aunque las amenazas de muerte aparecen recogidas en el código penal estadounidense como constitutivas de tortura psicológica, en *Jericho* hay un agente de la CIA que tras interrogar a un sospechoso fingiendo que lo va a torturar y matar se desmarca de la tortura diciendo que esta nunca es efectiva: el miedo es más efectivo que el dolor.

El hecho de que la mitad de las series de mi corpus estén protagonizadas por mujeres ha hecho que la dimensión de género sea una dimensión importante en esta disertación. Los estereotipos clásicos asocian la violencia al heroísmo masculino y el pacifismo al heroísmo femenino. Las mujeres violentas han sido históricamente representadas como monstruos. En base a estas expectativas, sería razonable esperar que allí donde los héroes torturan, las heroínas se abstengan. Sin embargo, mi investigación desmiente esta hipótesis. En lo que se refiere al furor por la tortura de la televisión post-11S, reina la equidad. Lo que sí propongo es que la relación que las heroínas de acción mantienen con la violencia es más consciente, reflexiva y ética que la de los héroes. Si torturan, no salen indemnes. El dolor y la culpa es su pathos, y aunque esto no sea

suficiente para contrarrestar los discursos legitimadores que diseminan algunas de ellas, las heroínas de acción más transgresivas presentan una mezcla de atributos masculinos y femeninos, lo mejor de cada género, que quizás contenga el germen de un futuro modelo de heroísmo donde el relativismo ético no tenga cabida.