Torture as an inversion of the social order: a commentary on Roman Polanski's *Death and the Maiden*

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Beyond presenting us a story about the reencounter between a torturer and his victim, *Death and the Maiden* (Roman Polanski, 1994) is a film about how the basic convictions on which the social order is based may be ruptured.

Underlying our social order as we conceive it is the idea of a social contract, wherein and whereby different individuals yield their power to another or others who will be responsible for ensuring the security of all. According to Hobbes, Locke and Rousseau, this social pact is the hypothetical starting point of any society. It is only through the cession of power or, more precisely, of your right to use your own force freely, that civilization is conceivable. From the point of view of Contractualism, a humane world is a civilized world, a world where each individual enjoys certain rights by virtue of the mere fact of being an individual; rights that are agreed and guaranteed in and by the social contract.

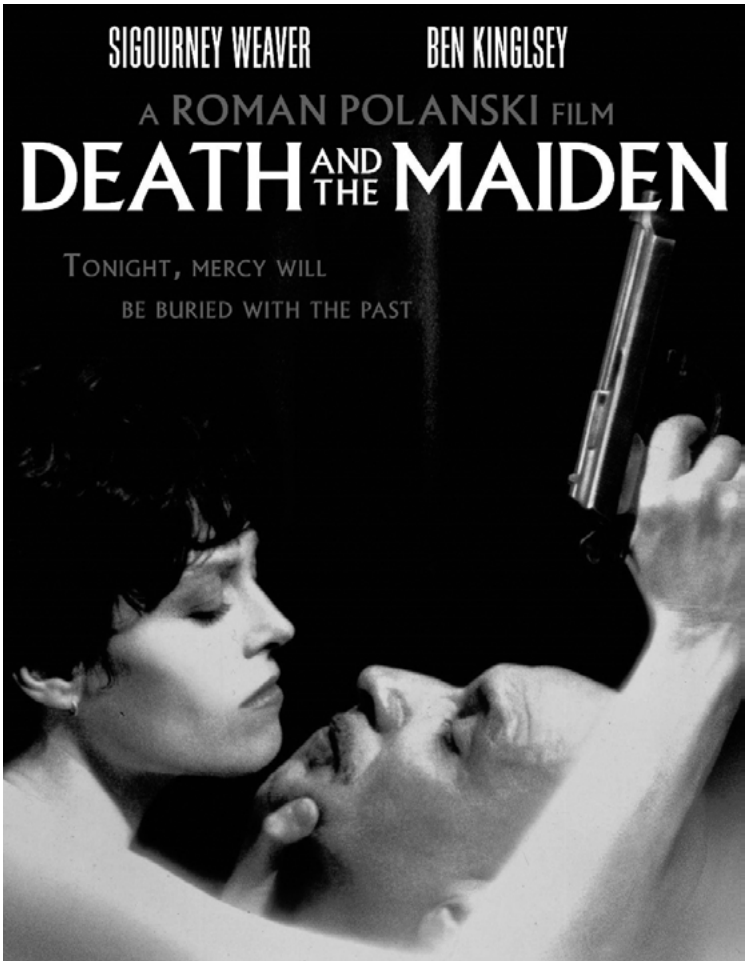
Starting from the well-known notion that man is a wolf to his fellow man, the basic right conceded in the social contract and perhaps that which, as a simple aspiration in the state of nature, acts as a decisive factor in the establishment of the pact, is the right to non-aggression, i.e., my right not to be eaten by other wolves, my right to

expect that my physical integrity will be respected. In the cession of their individual power, the contracting parties have renounced the use of their own force in favour of a new organization of that force that will be contained by certain state institutions. Once the contract is signed there is only one legitimate form of violence: violence committed by the institutions created for that purpose; violence committed with the intention of enforcing the pact. The legitimate violence on which the State holds the monopoly thus acts as a dissuasive factor for anyone who might feel tempted to violate the right to non-aggression. But dissuasion is not its only purpose. Violence is actually put into practice when the pact has been violated, thereby acting as a form of punishment.

What is being regulated in the pact is, therefore, power. Everyone yields part of their power to the State, so that the latter, using everyone's power, can ensure that no particular individual can exercise power over others beyond certain limits. In this sense, the word *power* is deemed to refer to "the effective capacity of persons to extend themselves (their intentions, purposes, expectations, etc.) beyond the limits of their own body, and to be objectified in acts and works that exist for other persons" (MARRADES, 2005:7).

On this social pact is based what Jean Améry would call our *faith in the world,* referring to a series of beliefs that are always accepted a priori by each individual simply by virtue of living in society. There are basically two such beliefs. The first is that no one –unless the affected person wishes otherwise– can commit violence against another individual. This idea is derived from the deterrent or limiting function of the pact. The second is that, if someone does overstep the limits interposed between you and the other person on the basis of the pact, you would receive assistance from other parties to the pact, i.e., from society. This second belief is related to the enforcing or punitive character of legitimate violence.

What we find in *Death and the Maiden* is an inversion of these basic convictions on which every social system that aims for a certain degree of justice is based. We witness a violation of the social pact (the entrapment of Doctor Roberto Miranda [Ben Kingsley] by Paulina Escobar [Sigourney Weaver]) and hear the testimony of another such violation (the revelation that Paulina has suffered abuses in the past at Miranda's hands). This violation is what happens in torture. When an individual uses his force against someone that can't defend himself he is contravening the fundamental laws of the social order, laws that make our world a humane world. This reversal of the established order accepted a priori by each and every one of us has certain consequences for the one who suffers it. This is shown to us in the film through Paulina, who, years after she suffered all manner of abuses and humiliations during a dictatorship in Latin America, now finds herself in her own home with one of her abusers. The film also identifies the motives that can lead one of the parties to this contract to violate it, as Roberto Miranda did.



Death and the Maiden **(Roman Polanski, 1994)**

But in any situation of violence there are not merely the two poles of torturer and victim. Apart from the one that breaks it and the one against whom it is broken, those other parties to the contract in whose hands is the power to restore the violated humanity of the social order –that is, those who receive news of the violence– are just as important. This third party implicated in any process of violence is represented in the film by Gerardo Escobar (Stuart Wilson), Paulina's husband and the lawyer responsible for directing a commission that will judge the crimes committed during the dictatorship.

I have already named all the characters in the movie. It is no coincidence that there are only three of them with three respective positions that are so clearly defined. Below is an analysis of the situation of each of them and the different roles they play.

Paulina Lorca and the loss of trust in the world

If there is anything that Polanski emphasizes in his depiction of Paulina, it is her vulnerability, which is represented by the stormy environment and the isolation of the place where we find her. In the film itself they acknowledge that they are "in the middle of nowhere" and that "there is no one here". The remoteness and isolation of the house where Paulina lives acts as a metaphor for the place where torture usually takes place, in hidden underground chambers cut off from the outside world.

However, the vulnerability mentioned above is not merely that suffered by the victim at the moment of the torture. This vulnerability will carry on throughout the victim's life, because her trust in the world has been broken forever.

Just as Jean Améry explains, the first blow is always accompanied by the expectation that help will come. However, this expectation is often unmet. The reparation for the damages suffered by Paulina would have to be awarded by a society that doesn't recognize those damages and that is represented in the film by Gerardo, her husband, who believes that "in a democracy the midnight knock on the door can be friendly". However, even though Paulina lives in a democracy, she will always feel her world to be hostile and inhospitable, as long as her painful experience remains unaddressed by the society that in theory should support and help her.

Gerardo Escobar and the position of the bystander

The character of Gerardo exemplifies what is perhaps the most characteristic feature of pain: its non-transferable and incommunicable character. In spite of the important position he occupies in legal terms, Gerardo doesn't really know anything about torture. This is what allows him to maintain his trust in the world, his belief in the legal and moral order and that for Paulina has fallen to pieces.

There is an impassable distance between Paulina and Gerardo that is highly evident in the last scene in the theatre, when at no point do their eyes meet. This distance is due to the fact that Gerardo's position is that of a man who can still allow himself to doubt, who can allow himself the luxury of thinking that his wife is delirious, because he understands the torture as an isolated case. In a certain moment of the film, Gerardo realizes that there are many aspects of the torment suffered by his wife that are unknown to him, because truly acknowledging the suffering of a torture victim would mean accepting that the order has been broken. The difficulty involved in accepting this is what leads people like Gerardo to evade it by pathologising the behaviour of the victims.

Roberto Miranda and the loss of moral identity

If there is anything interesting about the character of Roberto Miranda, it is precisely because he's not someone who in his daily life could be classified as a villain, in the sense that he doesn't believe in evil for evil's sake. Rather, he represents what Jonathan Glover, in his book *Humanity,* calls the *moral slide*.

Roberto Miranda starts his journey with Paulina as a passive collaborator. His mission was to ensure that the victims didn't die, which could even make him feel that he was doing something good for them. However, this collaboration is what makes possible both the continuation of the torture and the absence of evidence that prevents victims like Paulina from obtaining the recognition they need.

The fact that his collaboration was understood as a professional duty also gave Gerardo impression that Miranda wasn't doing anything wrong. This is a very interesting point if we consider that most of German society justified their acts during the Second World War on the basis that they formed part of their profession.

The moral slide mentioned above occurs when Miranda decides to go a step further, beyond the limits of passive collaboration. Participation, whether active or passive, facilitates movement into new conduct based on the idea

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that there is not so great a difference between what one has been doing and what one is going to do now. Once immersed in the dynamics of torture it is much easier to become an active torturer. In a way, the immersion in an atmosphere in which the behaviours whereby ordinary social ties were formed are inverted facilitates the slide into such behaviours.

Miranda himself says that he lost his moral identity in this situation. Glover also uses this concept to explain how soldiers, feeling so far away from the context where they have forged their identity, unleash a series of violent impulses that they have never exhibited until that moment. Something similar happens to Miranda, who, in the physical and psychological remoteness and isolation characteristic of the torture chamber, sees his commitment to morality grow weaker and allows himself to be carried away by feelings that he had never experienced in his daily life. There is a direct reference in the film to this debilitation of morals when Miranda talks of the astonishment of the children of a torturer when they find out what their father has done, i.e., when they learn of his other identity.

If we look closely, Miranda's behaviour with Paulina isn't presented as an isolated case, as an anomaly, but as something that could happen to many people. Therein lies the horror of this side of the story. Miranda is excessively and irritatingly normal. He is full of insecurities. He needs the approval of others. He hides behind set phrases and nervous laughter. He is characterized by his extreme mediocrity. He isn't a wicked monster with a diabolical personality whose life project was to do evil. In fact, if I have spoken about the factors that precipitated Miranda's moral slide, it is precisely for this reason; a Lucifer wouldn't need them. Miranda thus represents what Hannah Arendt called "the banality of evil"; the fact that terribly evil acts could be committed in the absence of reflection, or in what Anders would call "the good conscience of fools".

The positivity of power vs. the negativity of pain

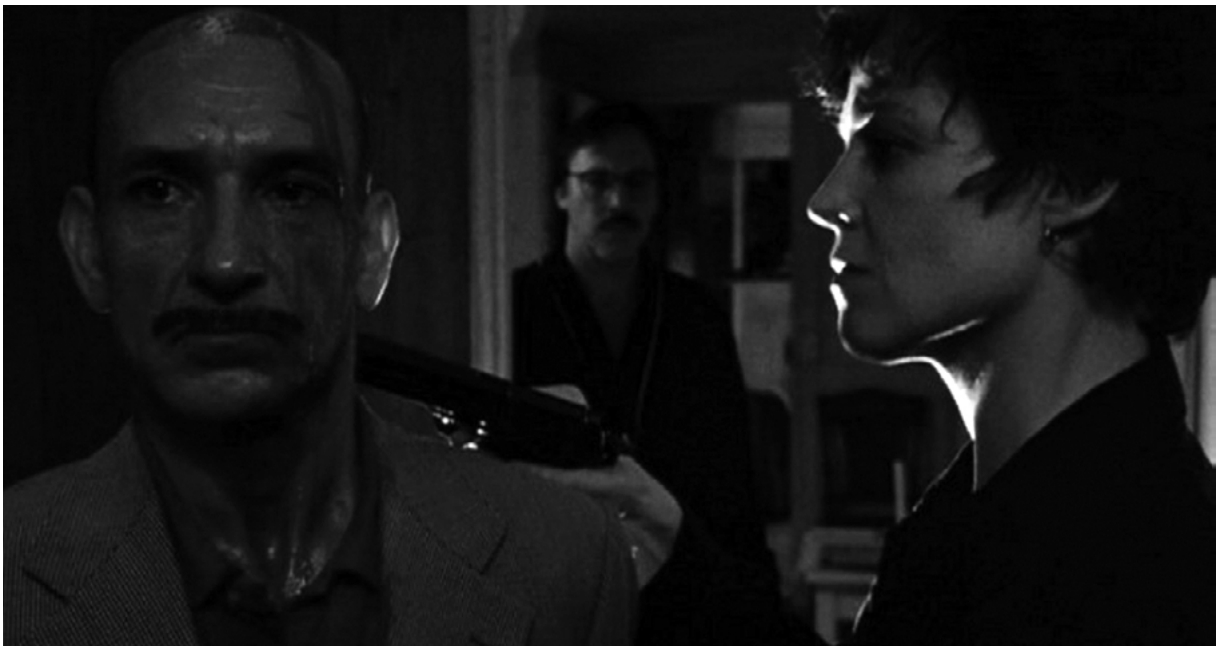
The dissolution of trust in Paulina Lorca's world is symbolised in the film by with the use of Schubert's *Death and the Maiden.* Roberto Miranda always raped her to the sound of Franz Peter Schubert's music. Every time Paulina hears this piece of music her isolation and her exposure to reliving the sensations from the past are made even more evident. On the other hand, Roberto Miranda keeps a tape of *Death and the Maiden* in his car and we might easily assume that he continues to listen to it. For him, instead of reminding him of the horrible part of his reality, the music is still enjoyable.

Miranda's world also dissolved in the period when he raped Paulina, but his dissolution went in a different direction. While Paulina's dissolution occurred in the sense that her own identity was negated, for Roberto Miranda the dissolution permitted him to affirm his identity more and more. The dissolution of Paulina's world consists in feeling the boundaries of the ego invaded, so that the self is effectively annihilated. Miranda's, on the other hand, consists in going beyond the boundaries of the ego to cross over the boundaries of another ego, who thereby has been reduced to a thing, who has ceased to be a person.

Our basic idea of person is of the individual who forms part of a society, by virtue of which that individual holds a series of rights. Of course, the most basic of these rights is the right to non-aggression. The whole society will call to account anyone who offends one of its members. Our idea of person is therefore of a subject for whom are responsible, a subject whose reasons, conditions and preferences should be taken into consideration. What happens in torture is the violation of this idea, the invasion of other person without taking him or her into account. In other words, in torture the other person is used, which contradicts Kant's principle (the basis of our idea of person) that other people cannot be considered a means, but as ends in themselves. It is in this sense that we say that in torture the other person is negated, annihilated or reified.

And if we agree that the torture victim is used, this usage has to obey some goal, which always involves the self-affirmation of the torturer or of the system the torturer represents. Through the torture the torturer expresses his power over the other, a power that could negate the other person completely, i.e., kill the other person. And by exercising this power, the torturer feels expanded, reaffirmed through his invasion of another.

In Miranda's case, this exercise of power is felt as a form of liberation. Feeling tired to his wife, he experiences a desire to control Paulina, a desire which, in his civil world, could never be realized. However, in the situation of remoteness and unreality where he first met Paulina, he could give full rein to his desires. IN this way, the experience that Miranda has of the social pact is, in a certain way, one of containment of the impulses of his ego. The limits by virtue of which every citizen is protected under the social pact are also the limitations that we all experience on ourselves. The idea that one person's freedom ends where another's begins can be understood as a reduction of the freedom of the first. It is very easy at this point to make a dichotomous interpretation which, as is the case in Contractualist philosophies, views unbridled violence as the basic character of the state of nature, which is brought under control in the passage to the state of civilization established by the social contract. I mentioned above that Miranda's world also dissolves, and that is true. The limits he experienced in his civil life vanish to the



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point that he can let out all those repressed impulses he had bottled up inside him: "In ordinary life, people in general prefer to be told what to do, and military discipline substitutes this with a liberating urge to break the rules. It is an escape from the obligations of everyday life, family ties, community and work" (MARRADES, 2001:86).

In his violation of Paulina Lorca's rights, Roberto Miranda is breaking the basic norms of his everyday life and this makes him feel a sense of pleasure: "And inside I could feel I was starting to like it. [...] I loved it. I was sorry it ended. I was very sorry it ended". Faced with Paulina's distress of annihilation, Miranda felt an internal explosion, the release of that which he had always contained: his own power. If power is understood as the expansion of the self, we will find its greatest realization in the negating possession of the other.

"I was naked in the bright light and you couldn't see me. You couldn't tell me what to do. I owned you. I owned all of them. I fell in love with it. I could hurt you, or I could fuck you, and you couldn't tell me not to. You had to thank me." Miranda's words don't leave room for any doubt. For the first time in his life he could unleash his desires to invade the other without having to answer for it, and part of this kind of invasion consisted precisely in not having to answer for it. This is what Jean Améry refers to, following Georges Bataille, as sadism: "The radical negation of the other [...] at the same time the negation of the social principle and the principle of reality. [...] [The sadist] wants to annul this world, and to negate the other, which in a very specific sense is also presented to him as *hell*, his own absolute sovereignty" (AMÉRY, 2001:88-89).

What Roberto Miranda truly wanted, although he didn't know it, was precisely what he did to Paulina. He negated her world, negated the foundations on which she understood her identity as a subject with certain fundamental rights. From that moment on, Paulina would never be able to recover her trust in the world. In Miranda's hands, Paulina was reified, reduced to flesh, her humanity ignored: "...and inside I could feel I was starting to like it. They laid people out, flesh on the table. And the fluorescent light. You didn't know. It was bright in those rooms. People lying totally helpless. I didn't have to be nice! I didn't have to seduce them!" With the women who were in his power, Miranda could do everything he was forbidden to do in his everyday life. The constant insults hurled at his victims are another example of this. Améry also refers to the destruction of life as a reduction to flesh: "The other is reduced to flesh and in doing so is taken to the threshold of death; in any case, the person is ultimately exiled in the realm of nothingness, beyond the confines of death. In this way, the tormentor and killer realises his own destructive carnality, without being completely lost in it as is the victim: when it suits him, he can stop the torture. In his hands is the power to cause cries of pain and agony; he is lord of flesh and spirit, of life and death. Thus the torture constitutes an absolute inversion of the social order, wherein we can live only if we also acknowledge the life of the other, if we dominate the expansive impulse of the ego, if we mitigate its suffering. But in the world of torture, man lives only on the destruction of the other" (AMERY, 2001:98-99).

To negate the life of the other is to negate his character as a person, to consider him a means to the end of self-expansion, the self-expansion which the mediocre Miranda desired and which, in order to be realised, required the breach of the contract that made him a citizen. In this way, he positioned himself as a god, a position of the Almighty in whose hands is the decision as to the suffering and relief of others, and even as to their life and death. For the first time in his life Miranda felt what it was like to have power: "In such circumstances the executioner makes the prisoner feel, while he hits him or electrocutes him, that he cannot expect help from him or from anyone. Through his continuous and obstinate action, the executioner establishes himself as an absolute ruler whose essential quality is self-affirmation through the radical negation of the other. In the executioner's hands is the power to torture or to stop the torture whenever he wants" (MARRADES, 2005:6).

"That is what motivates them: power, control", Paulina tells her husband. And she is right: "I realized I didn't even have to take care of them. I had all the power. I could break anyone. I could make them do or say whatever I wanted. [...] I would let my pants fall so you could hear what I was doing. I liked you knowing what I was going to do." If Miranda collaborated in her torment it wasn't out of ideological convictions, for the good of the State, to get information out of his victims or because he thought that Paulina was guilty of any crime with which she might be charged; it was only because he felt that he could absolutely control the alterity, he felt that he could possess her to the point that this alterity would be negated. This desire for possession of the other that leads to negation of that other (and the consequent over-affirmation of the ego) can be realised in torture, but also in very different contexts. The French-Japanese production *In the Realm of the Senses* (Ai-no korida, Nagisa Oshima, 1976) shows precisely how certain types of love can lead to similar phenomena. In the film, the female protagonist, in her desire to possess her husband totally, ends up killing him. The conclusion that the film seems to invite us to draw be that total possession leads to the annihilation of the other. This annihilation may be material, as in the film *In the Realm of the Senses*, or, for want of a better way of describing it, emotional, as in *Death and the Maiden.* Paulina has been annihilated through being used as an object, as a mere thing over which complete control could be exercised. She is a living corpse. She herself says as much. The inversion of the social order therefore consists in the annihilation of one person as a means of self-expansion for another. Or in other words, in the acquisition by one group of people of unlimited power over another.

Notes

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