
ARTYKUŁY

ADRIANA JOANNA MICKIEWICZ

ORCID: 0000-0002-7090-9987

email: adriana.mickiewicz@wp.pl

The Shattering of Subjectivity: Reflections on Torture and Human Suffering

Keywords: violence, torture, phenomenology, subjectivity, body, suffering

Słowa kluczowe: przemoc, tortury, fenomenologia, subiektywność, ciało, cierpienie

Abstract

In this article, I undertake an analysis of torture from a phenomenological perspective. In the first part of the paper, I analyze the UN definition of torture. Against this background, I show that the legal understanding of torture relies on vague and undefined concepts of severe pain and suffering. This leads me to a phenomenological investigation into the question: What does the suffering of a tortured person consist of? In the second part, I discuss the shattering of subjectivity as the main source of the victim's pain. In conclusion, I aim to strengthen the argument against the use of torture.

This article has two key aims. The first is to understand what torture is and how it differs from other forms of violence. This issue will be addressed in the first part, based on an analysis of the legal definition of torture. I will demonstrate that our understanding of torture relies on vague conceptual categories that require broader explication from the perspective of the victim. I will show that it is a mistake to base these definitions on previously

undefined concepts of pain and suffering. Secondly, following this intuition, I will employ phenomenological methods to analyze what suffering under torture consists in. Applying phenomenological reduction will allow me to focus on the very mode of experiencing torture by the subject. Following Michael Staudigl's postulate (2012), I will suspend (*epoché*) psychological, social, and political explanations of violence. Thus, I am not interested here in why torture is still widely used today. Instead, I will show how torture, by violating the intentional structures of the subject, tears apart their subjectivity and their relationship with the world. Torture will be described here in terms of a phenomenologically understood event. I argue that the evil of torture lies in breaking the victim's subjectivity. The descriptive approach will then shift into a normative perspective: it will contribute to strengthening the argument against its use.

Literature Review

Philosophical discussions of torture usually take place from an ethical and political perspective and include debate on the possibility of employing torture. Arguments in favor of allowing torture in certain exceptional circumstances most often appeal to a utilitarian approach (although there are also utilitarian positions opposing the use of torture (Blakeley, 2007; Ginbar, 2008)). These arguments involve creating scenarios in which torturing one guilty person could save the lives and health of a large number of innocent people (Shue, 1978; Dershowitz, 2002; Allhoff, 2005; Steinhoff, 2012). Opponents of this approach usually base their views on deontological ethics, referring to universal moral law and the idea of human dignity (Davis, 2005; Sussman, 2005; Brecher, 2007). Both perspectives, however, omit the experiences of tortured individuals and very often do not consider what torture actually consists in.

This article will contribute to the discussion in at least three ways. First, it will present an analysis of torture from a phenomenological perspective. This approach is used relatively rarely to describe the experience of torture, although there are exceptions. Particularly important for me are the writings of Jean Améry (1966), who develops a kind of auto-phenomenology. Améry was captured while participating in the Belgian resistance during the German occupation in World War II. In prison, he was subjected to repeated torture,

which he later described in his memoirs. Another significant point of reference is Elaine Scarry's *The Body in Pain* (1985), in which she examines Amnesty International reports on torture. Although the monograph is not purely phenomenological, it contains many insights close to phenomenological perspectives and terminology. These concern, above all, viewing torture as an experience and examining how it affects the structures of the subject's consciousness. In addition, the research of Jeremy Heuslein (2019) should be mentioned. Even this brief literature review shows that the use of phenomenological methods to describe torture is relatively rare. However, I believe that this method—due to its emphasis on embodiment and subjectivity—constitutes an excellent theoretical framework for the description of torture.

Second, I intend to present torture as an experience that tears apart the subject's sense of self in its many dimensions: the subject's relationship with their own body, their agency, their relations with others, and their ability to participate in the common, intersubjective process of constructing meaning. Similar themes can be found in David Sussman's article (2005), which analyzes torture as forced self-betrayal and deprivation of the victim's will. I intend to expand Sussman's analysis to include other aspects of torture which, in my view, disrupt not only the subject's relationship with their will, but also with their body and the external world. This perspective will allow for a broader description of the suffering to which tortured individuals are subjected. This is important, as contemporary definitions often define torture in terms of the intentional infliction of suffering, yet they do not offer any specification of what this suffering actually consists in. I wish to fill this gap.

Third, I intend to support the argument concerning the impossibility of permitting torture.

What Is Torture?

Torture is usually defined within the framework of legal theory. A key aspect is distinguishing torture from other types of violence. According to the most commonly used definition, presented in the UN *Convention Against Torture* (1984):¹

¹ Other, less common definitions also focus on inflicting pain and suffering (usually described as severe), without considering what pain or suffering consists of. These can be

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.

According to this definition, we can identify some distinctive features of torture. First, it is a deliberate act. While much suffering can be inflicted unconsciously or accidentally, torture is always a planned action. Second, torture always has a purpose beyond the act itself (punishment, obtaining information, humiliating the victim, etc.). In this sense, the tortured person becomes an instrument for achieving a certain end. Third, there is an inherent extremity in the act of torture. Torture is also described as the infliction of severe or extreme pain upon the victim. Another important factor is the placement of torture within an institutional context. The perpetrator of torture is a representative of a larger system of power—most often the state.

These definitions, however, do not adequately distinguish torture from other forms of deliberate violence, including acts that remain socially acceptable, such as standard prison sentences. The main problem I identify is their emphasis on extreme pain and suffering without first defining and specifying these categories. In the literature, I have found only one proposal that refers explicitly to the victim’s perspective. According to Robert Cover, “The deliberate infliction of pain in order to destroy the victim’s normative world and capacity to create shared realities we call torture” (Cove, 1968, p. 1603).

It seems that torture can be distinguished in two ways: based on a quantitative criterion or a qualitative criterion. In the first case, the emphasis is placed on the particular extremity of the pain or suffering inflicted during torture. Torture employs similar methods to other forms of violence but applies them in a far more radical manner. However, I believe this

found in Tindale (1966), Amnesty International’s *Torture*, the Inter-American Convention (1985), and the Tokyo Declaration (1975).

strategy of distinguishing torture is doomed to failure. Pain and suffering are highly subjective categories, extremely difficult to express, let alone compare. Relying on such a criterion also creates the risk that individuals who do not perceive the inflicted pain as severe may not be recognized as victims of torture.

Therefore, torture should rather be understood based on qualitative criteria. In this case, we seek properties that distinguish torture from other forms of violence. Based on the analyzed definition, we can see that these features include the deliberate infliction of pain or suffering and the institutional context. Another significant aspect is recognizing that torture is carried out for a purpose other than merely inflicting pain. Nevertheless, the criteria remain very general. It seems that they do not allow us to distinguish torture from ordinary punishment (for example, imprisonment can also be a source of suffering, occur within state institutions, and constitute a deliberate act aimed at punishment and rehabilitation). Torture is also extremely difficult to define because any attempt at definition must refer to the categories of pain and suffering, which remain extremely hard to articulate, describe, and specify (Sussman, 2005).

This ambiguity of definitions can lead to many abuses by those in power, as clearly demonstrated by the case of the Torture Memos—a set of notes signed by U.S. Assistant Attorney General Jay S. Bybee, leaked in 2004. The document authorized the use of certain violent techniques (including waterboarding, sleep deprivation, and stress positions) within the so-called American “War on Terror.” According to this document, these practices did not constitute torture. The authors based their argument on gaps and ambiguities present in the UN Convention, especially concerning the vagueness of the category of “severe pain and suffering.” For example, the Torture Memos stated that extreme pain occurs in the case of physical organ damage: “akin to the pain accompanying serious physical injury (...) In the absence of such pain it is obvious that they cannot be said to inflict severe physical pain or suffering” (Bybee & Yoo, 2002, pp. 9–10). Furthermore, suffering was defined as “substantial mental harm of a sustained duration, e.g., harm lasting months or even years after the acts were inflicted upon the prisoner” (Bybee & Yoo, 2002, p. 17).

Torture consists in the deliberate infliction of pain and suffering upon a victim within an institutional framework to achieve a specific purpose other than the act of violence itself. Moreover, the suffering inherent in

torture lies in the loss of autonomy, the inability to control one's own body, and the inability to exercise one's will. I argue that these elements lead to the fragmentation of subjectivity. While all forms of violence constitute a violation of our agency, in the case of torture this aspect is taken to the extreme. In permissible forms of punishment (such as imprisonment), the will is indeed restricted (the prisoner cannot leave the building and must obey the rules of the facility), but a certain degree of freedom is preserved. Some forms of protest, appeal, or resistance remain possible. In the case of torture, the victim's will is completely destroyed, fully subordinated to the torturer's actions, and any opposition becomes impossible and meaningless. In this sense, torture is directed at breaking the victim's subjectivity. In the following section, using phenomenological methods, I will attempt to answer the question of how the loss of will constitutes the suffering of the tortured person.

Phenomenology in Relation to Torture

In this subsection, I will focus on a phenomenological analysis of the experience of torture, which I will treat as an event. Torture can be analyzed both as a fact occurring in the world and as an event. These two approaches determine two distinct analytical perspectives. In the first case, the aim is to establish the occurrence of a situation in which one person was tortured by another. This is the study of the phenomenon as an observable fact that can be examined from an objective, third-person perspective. It can be explained by referring to political science or sociology.

The description of torture as an event activates a different, more subjective perspective. Its personal character means that it cannot be analyzed using the logic of cause and effect. Unlike a fact, an event in phenomenology refers to something that happens in the world and is personally experienced by the subject and addressed to them (or—in the case of collective events—to subjects) and no one else (see Romano, 2009, pp. 27–28; Caputo, 1993, p. 270; Filiz, 2024). An event is not simply an everyday situation we encounter. An event happens to me and transforms the meaning I ascribe to my own subjectivity and the world. Therefore, an event has an essential existential and transformative character, reorganizing my horizon of life. It is an opening to a completely new perspective. Events are singular (always experienced slightly differently) and rupturing. They initiate a transformation

in the order of the world and are therefore extremely difficult to conceptualize. Events transcend the framework of the previous order (including the linguistic order), yet new frames have not fully developed. Their personal character makes them simultaneously intimate and alien, and therefore difficult to fully grasp.

The event as such is singular, not a presentable thing. Its happening surprises us, it comes to us in an unforeseeable way, it sometimes invalidates our expectations and changes our usual ways of looking at the world, things and people. It is not something that can be easily conceived and conceptualized. Nevertheless, it is also something we are so familiar with. We face, experience and witness in our lives, and that we also express in different ways in our languages. (Filiz, 2024, p. 3)

The analysis of torture as an event privileges the perspective of the person who has directly experienced torture. The focus here is on the way in which this experience transforms the subject and their relationship to the world. Torture will be described here as an event that brings about a significant reconfiguration (or destruction) in the subject's relation to the external world, to other subjects, to themselves and to their own body. My approach is thus close to Staudigl's phenomenology of violence. The author proposes a methodology based on suspending explanatory judgments and moving toward the question of what torture is as a lived experience of the subject.

Here, the subject will be understood in phenomenological terms as embodied intentionality (Staudigl, 2012, p. 174). The subject is embodied and capable of intentional reference to external reality. Staudigl emphasizes the bidirectionality of the subject's relation to the world (both spheres influence each other), but in his view it is the subject who possesses the capacity for creative reference to objects, active agency in the world, and participation in the intersubjective process of meaning-constitution. Violence is conceived as a phenomenon that happens *in between*: taking place within a certain field created by the perpetrator, the victim, and the Third (e.g., the witness or silent participant in events):

Rather, in descriptive terms, it states that in violence, our capacity to create meaning and to originally articulate foreign meaning is at stake: this concerns suffered violence, which must be endured in its corporeal power to injure and meaningfully appropriated; it concerns perpetrated violence, in which the reciprocity of intersubjective meaning-making has

been interrupted or has collapsed; and it concerns witnessed violence, in which the articulation of another's injury becomes the task and responsibility of third parties who are never entirely absent.

(Staudigl, 2012, p. 180)

For Staudigl, violence is always a singular event, that always unfolds between three perspectives, each of which seems to constitute the meaning of the event slightly differently. Experienced violence is constituted as wounding that must be endured and reveals us as vulnerable. Perpetrated violence—wounding—means the violation of the space of shared meaning, as it deprives the other of the possibility of coexisting within the world of meaning. Meanwhile, the position of the witness constitutes violence and the observed wounding as a call to take responsibility.

In torture, the position of the perpetrator is rather obvious: they are above all representatives and embodiments of institutionalized violence. Torture constitutes an extremely radical situation, as here reciprocity is broken not only between the victim and the perpetrator but also between the victim and the invisible system of power. This leads to a significant deepening of the victim's alienation.

The position of the Third, the witness, is much more intriguing. Torture may evoke associations with events taking place without witnesses. Common depictions of torture, such as in films, portray it occurring in dark, squalid cells, far removed from public view. The victim's screams go unheard; the wounds remain unseen. However, this does not mean that the Third is completely absent. Many researchers note that a society which is physically absent becomes an indirect victim of torture. As Naomi Klein points out:²

This is torture's true purpose: to terrorize—not only the people in Guantánamo's cages and Syria's isolation cells but also, and more importantly, the broader community that hears about these abuses. Torture is a machine designed to break the will to resist—the individual prisoner's will and the collective will.

(Klein, 2005)

Torture, as institutional violence, means that the position of the Third is not merely that of a detached observer. In the situation of torture, violence

² Naturally, Naomi Klein's writings are not phenomenological in character; however, her reflections largely converge with what Améry demonstrated in his work.

directly aimed at the body under interrogation also indirectly strikes the bodies of the wider community. Fear here becomes one of the key political emotions. The Third becomes aware of the vast reach of the institution capable of torture, which can serve both as a tool of discipline and an impetus for resistance. Nevertheless, torture is a case in which the boundary between the position of the witness and that of the victim becomes somewhat blurred. In the next part, I will focus on the victim's perspective.

Shattered Subjectivity

I believe that the extremity of torture lies precisely in its aim to shatter the victim's subjectivity and agency. I understand the subject in terms of embodied subjectivity, characterized by the capacity for conscious reference to external reality (intentionality of consciousness) as well as co-construction of meaning. I assume that subjectivity is shaped in relation to the external world, which always influences the way the subject constitutes itself. Thus, the subject emerges at the intersection of activity and passivity, of acting and being acted upon, of autonomy and heteronomy. Nevertheless, the capacity for conscious reference to external reality and for self-reference remains crucial for subjectivity. I also assume that embodiment is the condition of possibility for both reference and self-reference.

In the case of torture, the question of meaning and subjectivity appears particularly difficult. Participation in the constitution of meaning seems almost impossible here, while the objectification of the victim perhaps reaches its furthest limit. Research shows that, in the experience of torture, the ability to co-create meaning undergoes radical destruction. Torture violates the very core of intentionality, understood both as the intentionality of consciousness (the directedness of the subject's mental states toward an object) and as intentionality in the sense of the philosophy of language (that concepts possess meaning). In the experience of torture, there is a significant reduction of the active aspects of the victim's subjectivity, which becomes confined to the passive dimension of experience. The subsequent reductions will be described below, with reference to the experiences of tortured individuals. Here, I primarily draw on published memoirs of victims, as well as materials and interviews collected by Amnesty International.

In my analyses, I draw on various kinds of writing, all of which present the first-person perspective of the victim. These include both auto-phenomenological works authored by victims themselves, who consciously apply philosophical theory to their own memories and experiences (most notably Améry and Sempérún), as well as statements contained in reports by Amnesty International. Although these two types of sources differ significantly in character—individual, phenomenological reflections on the one hand, and interview records produced by a *de facto* political organization on the other—restricting the analysis solely to auto-phenomenological testimonies would unduly narrow the range of victims whose voices are acknowledged. It would limit this range to individuals who are highly educated, familiar with the history of philosophy, and who (at least prior to their capture) occupied relatively high social positions. Torture, however, also affects individuals from lower social strata who did not have access to a humanistic education and therefore conceptualize their experiences differently. Including these accounts thus appears necessary in order to capture the phenomenon of torture as broadly as possible.

The Radical Destruction of Autonomy

Torture is an act aimed at the radical breaking of the prisoner's autonomy. While in the case of other forms of violence a certain degree of freedom and capacity for defense remains, in the experience of torture there emerges an overwhelming sense of helplessness and hopelessness. Any resistance seems utterly meaningless, as it can only lead to angering the guard and thereby increasing the likelihood of renewed suffering. The experience of torture is the experience of the absolute power of the Other, who can exercise complete control over the victim's body. I believe this domination is all the stronger because both the perpetrator and the victim are aware of the institutional permission for violence.

The breakdown of autonomy here goes very far, as it concerns not only the restriction of the ability to act and to manage one's own body, but it also affects the inner will. Torture is primarily directed at breaking the will of the victim. While first-order will (I want) is preserved and directed toward the desire for the cessation of pain, second-order will—which determines the values and motivations behind our desires (I want to want)—is subjected to destruction. Existing beliefs, desires, and adopted values lose

their significance. What once seemed important and formed the basis of the subject's identity loses meaning in the face of immense suffering. In this context, I will quote the words of Samar, a former prisoner of the Syrian Saydnaya complex, from an interview conducted by Amnesty International. Samar and his fellow prisoners were tortured, among other methods, by being denied food and water.

[prisoner] only thinks of food, he goes to sleep and wakes up thinking about food, he goes to sleep and wakes up thinking about food. He doesn't even think about his family. He could say "I don't care if they live or die, the most important thing is to survive."

(Amnesty International [AI], 2016)

Pain and fear become the primary motives compelling the victim to obey orders. Even if we can point to examples where torture failed and the victim managed, through sheer force of will, to resist their oppressor (e.g., by refusing to answer questions), those examples are extremely rare.

The Loss of Being-at-Home

The phenomenological tradition describes the human being as entangled in the world, which influences the constitution of their subjectivity. The self is always immersed in the world, thrown into certain meaningful references through which it can give meaning to its existence. Heidegger (1996) described the relationship between human beings and the world using the metaphor of a home: a person inhabits the world, feeling at home in it. Dwelling describes the condition of a person who feels closely connected to the world, who belongs to it, and feels a bond with it. In relation to this category, torture can be described as an event that leads to the loss of one's world-as-home. The external reality becomes alien—it is no longer a space the victim can co-create and co-constitute with other subjects. It is a space of constant threat. Ordinary objects, such as chairs or cutlery, can at any moment become instruments of torture. The other person appears as someone who threatens them, who has absolute power over them. The victim experiences alienation and the loss of a sense of harmonious belonging to their environment. As Améry describes it:

If from the experience of torture any knowledge at all remains that goes beyond the plain nightmarish, it is that of a great amazement and a foreignness in the world (...) Amazed, the tortured person experienced that in this world there can be the other as absolute sovereign, and sovereignty revealed itself as the power to inflict suffering, and to destroy. (...) Whoever has succumbed to torture can no longer feel at home in the world. The shame of destruction cannot be erased. Trust in the world, which already collapsed in part at the first blow, but in the end, under torture, fully, will not be regained.

(Améry, 1966, pp. 39–40)

It is also significant that torture takes place within an institutional context and is not merely the act of pathological individuals. The victim is aware that the violence inflicted upon them has been imposed by the very social institutions that, in principle, were supposed to protect their citizens. This intensifies the loss of trust in the world and reinforces the conviction that no help will come—the law enforcement services will not intervene, and family or friends would have to face an immense institutional machine. In victims' accounts, the theme of losing hope often recurs. This is why Améry rightly points out that the experience of torture also destroys trust in society itself, as well as the belief that the Other will extend a helping hand to me in a situation of danger.

One of the key psychological consequences of torture is the loss of trust in others, which persists long after the traumatic experience (Schippert et al., 2025). The victim has experienced an absolute lack of empathy and compassion, which negates the very sense of being-with-Others. The Other appears primarily as a threat, as someone who can hurt them. They are not a partner in co-constituting the meanings of reality but rather a person who can destroy their reality. This deepens the victim's sense of loneliness and alienation.

The Constriction of the Sphere of Transcendence to Immanence

Torture can be described as a radical narrowing of intentionality through the confinement of consciousness to immanent bodily suffering. Under normal conditions, consciousness is oriented toward a vast horizon of meanings, objects, and possibilities that constitute the world as the space of meaning, shared with other subjects. Torture disrupts this structure by forcefully directing all of the subject's attention toward their suffering.

Under the influence of the suffering endured, the external world appears unreal, distant. The sensations become so intense that they absorb the subject's entire attention. This creates a paradoxical situation. On the one hand, the external world appears as radically present because it constitutes a constant threat to the victim. On the other hand, the experience of torture narrows the field of the subject's intentional references to such an extent that, in extreme cases, they are no longer able to think of a world beyond the prison. Thus, torture does not merely inflict physical harm; it restructures consciousness itself, reducing the world to the present moment of pain and depriving the subject of their fundamental openness to the world. As Elaine Scarry comments:

It is the intense pain that destroys a person's self and world, a destruction experienced spatially as either the contraction of the universe down to the immediate vicinity of the body or as the body swelling to fill the entire universe. Intense pain is also language-destroying: as the content of one's world disintegrates, so the content of one's language disintegrates; as the self disintegrates, so that which would express and project the self is robbed of its source and its subject.

(Scarry, 1985, p. 35)

Similar themes also recur in the recollections of Jacobo Timerman (an Argentine journalist who was captured and tortured between 1977 and 1978). Timerman describes the refusal to think almost as a survival strategy. He emphasizes that in prison, his thoughts constantly revolved around the suffering that still awaited him and his fears for his family. He states that he consciously entered a state of denial: he rejected memories from before his imprisonment, as well as emotions and rational reflections. The memory of moments of freedom was simply too painful and only deepened his suffering (Timerman, 1982, pp. 34–39). In other testimonies, the mechanism of cutting oneself off from the world beyond the cell is not always described as a conscious strategy, yet it remains common.

Naturally, such a narrowing of intentionality also accompanies other forms of suffering not necessarily related to violence (for example, in cases of severe pain experienced by oncology patients). However, in the case of torture, the victim is additionally cut off from the world beyond the prison—contact with reality outside the prison is at the very least severely limited, if not entirely impossible. This further deepens the narrowing of the

world to the reality immediately accessible to the victim. Moreover, torture—more than other forms of violence—disrupts the subject's relation to the external world and to other people.

The Breakdown of Language

In the experience of torture, we are dealing not only with the disruption of cognitive intentionality. Linguistic intentionality is also violated, in the sense of a concept's reference to its meaning. Torture is an experience that distorts the usual structure of linguistic reference. Everyday objects cease to signify what they essentially and ordinarily are. The victim begins to perceive them as tools of pain and suffering. For example, the concept of a chair no longer refers to an object used for sitting; it begins to signify an instrument of torture. Such descriptions recur in many victims' testimonies, and these associations often remain long after the traumatic experience. For instance, Samar associated food with pain because "food also means beating" (AI, 2016). Similarly, Ngugi wa Thiong'o (a Kenyan writer imprisoned between 1977 and 1978) describes how white—the color of his cell—began to signify death for him (Thiong'o, 1981, p. 7). General, commonly shared meanings and cultural connotations (for example, the association of white with purity or innocence) cease to function and are replaced by individual, subjective associations.

Torture breaks down language in at least two ways. First, it blurs the shared meanings that exist within a community. This leads to a disruption of the communicative function and limits the possibility of understanding between people for whom the same concept connotes entirely different meanings. Furthermore, Scarry, in her research on torture, showed how intense suffering destroys the very possibility of linguistic expression. Language is reduced to onomatopoeia and cries, which become almost the only form of expressing pain. In extreme cases, this reduction can go even further, leading to the complete collapse of speech. For example, an Amnesty International report records one Syrian prisoner recalling: "I reached a point where I could not scream any more" (2016). This breakdown of expression deepens the sense of alienation, as the victim is no longer able to articulate their own experience.

The Reduction of the Subject to Their Body

Victims often describe how the experience of torture changed their relationship to their own bodies. Most commonly, this concerns prisoners who were subjected to physical injury. However, even in the case of torture that does not involve physical pain (e.g. head shaving, forced public masturbation), suffering remains distinctly embodied. The memories of tortured individuals frequently focus precisely on describing their somatic sensations, which are so intense that they absorb the subject's entire attention, leaving them incapable of rational reflection or emotional engagement with reality. The only affective states they are able to experience are overwhelming fear and pain, which become so powerful that they limit—and sometimes even exclude—the possibility of experiencing any other feelings.

...you will not answer any questions. Accomplices? Addresses? Meeting places? You hardly hear it. All your life is gathered in a single, limited area of the body, the shoulder joints, and it does not react; for it exhausts itself completely in the expenditure of energy.

(Améry, 1966, p. 32)

Whoever is overcome by pain through tortures [sic] experiences his body as never before. In self-negation, his flesh becomes a total reality. (...) only in torture does the transformation of the person into flesh become complete. Frail in the face of violence, yelling out in pain, awaiting no help, capable of no resistance, the tortured person is only a body, and nothing else beside that.

(Améry, 1966, p. 33)

I felt I was becoming a vegetable, casting aside all logical emotions or sensations—fear, hatred, vengeance—for any of these emotions or sensations meant useless wasting energy.

(Timmerman 1982, pp. 34–35)

In the experience of torture, there occurs a fragmentation of the various elements of the victim's identity and subjectivity. In everyday life, their emotions, thoughts, cognitive processes, and somatic sensations are more or less harmonious and are an inherent part of the same experience. These aspects are so deeply interconnected that they are difficult to clearly separate. However, the event of torture causes all other spheres—apart from embodied

pain and suffering—to be reduced. The subject’s consciousness is reduced to bodily suffering. As Scarry comments:

(What) the process of torture does is to split the human being into two, to make emphatic the ever present but, except in the extremity of sickness and death, only latent distinction between a self and a body, between a “me” and “my body.” (...) The goal of the torturer is to make the one, the body, emphatically and crushingly present by destroying it, and to make the other, the voice, absent by destroying it.

(Scarry, 1985, pp. 48–49).

If we describe torture as the reduction of a multilayered subjectivity to the body, it is worth asking: what kind of body are we talking about? The phenomenological tradition has often drawn attention to the dual perspectives through which one views one’s own body. The subject has a body, understood as a material and visible object, but also *is* the body: their actions, desires, and emotions are shaped through the body. Husserl (1989, p. 167) described this by using the conceptual distinction in the German language between *Leib* and *Körper*. The former refers to the embodied body, experienced from the first-person perspective as the center of perception and agency. In contrast, *Körper* denotes the materiality and the body as an object, accessible from a third-person perspective. Importantly, in everyday experience these spheres remain inherently interconnected (in *Körperleib*).

I argue that torture is a pathological situation in which the unity between *Leib* and *Körper* is fractured, and the embodied body disappears. In the testimonies of torture survivors, a particular alienation from the body is frequently emphasized: the victim perceives their body as separate from themselves, in some way external. This foreign body also becomes a source of threat, since it is through it that pain is experienced.

It was in Auxerre, in the city of the Gestapo, under torture, that I became aware of the reality of my body; before that, my body and I were indistinguishable: I *was* my body without knowing it. And it was me. Before the period of interrogations, there was no distance between my soul—my will, desires, abilities—and my body, which was always available and capable of action. In Auxerre, I felt (...) as if I had never had a body, as if I had incarnated into pain, and at the same time discovered my body, its fragility, suffering, and finiteness. I felt my body so intensely that, in

a way, it became a separate, perhaps autonomous entity—dangerously autonomous—like an Other (...), a being hostile to the idea of myself.

(Semprun, 2012, p. 56)

The victim experiences their body solely as an object, dependent on the will of the torturer. The dominant perception of one's own body is exclusively from the perspective of passivity, rather than agency. The objectification of one's body becomes yet another aspect of the reduction of subjectivity in the experience of torture.

Normative Aspect

In this subsection, I move from ontology to normative and practical issues. I aim to show how phenomenological analysis can support arguments against the legal permissibility of torture. Of course, in contemporary debates there are no arguments in favor of legalizing torture in general: the discussion concerns exclusively exceptional and rare cases in which torture might appear to be the lesser evil.

Arguments for the legalization of torture in exceptional cases usually appeal to consequentialism. Thought experiments are often employed—cases in which the use of torture appears, within the logic of the scenario, to be a rational solution. The most common example is the so-called ticking bomb scenario (Twining & Twining, 1973; Dershowitz, 2002; Bagaric & Clarke, 2007). Here, we are faced with the question of whether we may torture a terrorist in order to extract information that would allow us to locate a hidden bomb and save the lives of innocent citizens. The scenario is often supplemented with additional conditions, such as the absence of any alternative solution (only the terrorist's knowledge can reveal the bomb's location, and evacuation is impossible), or the certainty that the torture will not result in death or permanent damage to health. It is worth emphasizing, however, that even if we agree that in such situations the choice of torture is morally preferable, this does not yet entail agreement with the introduction of legal mechanisms permitting its use. In legal theory, this point of contention is represented on the one hand by Alan Dershowitz (2002) and on the other by Henry Shue (1978). Dershowitz argues that introducing a legal framework for torture would make it possible to subject it to a range of procedures that

would limit its actual use. Shue, by contrast, holds that torture, even if in certain situations it is the better option, should remain legally prohibited. He fears that the legalization of torture, even with legal constraints, could encourage authorities to engage in various forms of abuse and manipulation.

The second argument I wish to consider is based on a comparison with killing (Dershowitz, 2002; Bagaric & Clarke, 2007, p. 51). In this case, the starting premise is that torture is morally preferable to killing. According to proponents of this view, torture is morally preferable because of its reversibility (a victim of torture may survive the experience, whereas death is irreversible) and the greater amount of harm involved in killing. One may then argue that killing is, under certain conditions, legally and morally permissible—above all in cases of self-defense and just war. If, in certain exceptional cases, we morally permit the worse act, should we not also permit torture?

Both arguments rely on quantitative calculations and consequentialism. In the first case, the suffering of one person is treated as preferable to the suffering of many. In the second, legally and morally permissible killing seems to generate more suffering and evil than torture, which serves as a premise for permitting the latter. In my view, however, ethical situations cannot be reduced to quantitative calculations. The inclusion of qualitative research is crucial, as it allows us to show what the suffering of the victim actually consists in. It is precisely here that space opens up for phenomenological methods.

The first argument (the ticking bomb scenario) has already been subjected to various forms of criticism (Sussman, 2005; Brecher, 2007; Wisniewski & Emerick, 2009, pp. 16–55). First of all—as I have mentioned—it is insufficient to justify the legal permissibility of torture in exceptional cases. Second, the artificiality of the argument is significant. The described situation must rely on numerous conditions in order to be persuasive: the detainee must be the only available source of information about the planned attack; they must be actively involved in it (the criterion of guilt); they must possess knowledge that is both necessary and sufficient to carry out the attack; and there must be no possibility of using other means (such as evacuating the population from the threatened area or locating the bomb using technology). It therefore seems that this scenario—due to the number of conditions it requires—is in reality highly improbable and detached from actual experience.

The second argument—based on a comparison with killing—appears more interesting. In this case, phenomenology allows us to undermine its premises. First, phenomenology shows that torture is also an irreversible act—it brings about suffering that extends beyond the moment of the actual torture and has lasting consequences for the subject’s life. Moreover, torture differs fundamentally from killing, which calls into question the very validity of the analogy. Killing is primarily an attack on another person’s life. This is, of course, an evil, but it is an evil fundamentally different from torture. Torture does not attack life; on the contrary, the moment of death would mark the end of torture, and torturers usually aim to keep the victim alive. The evil of torture lies in radical objectification, in which the victim loses dignity and their relation to the world. We can imagine situations in which a victim of murder dies with dignity—for example, in an honest and just fight, resisting an aggressor. In such a case, death may be an expression of agency and personality (for instance, if the victim dies in the name of their values). In the case of torture, this seems impossible, since—as phenomenological analysis has shown—it is based on depriving the victim of personality, agency, integrity, and dignity. From the perspective of torture victims, the suffering is so immense that they would often have preferred death (similar statements recur in memoirs). I do not claim that killing is “better” than torture, but only that the two phenomena are incomparable. Thus, qualitative and phenomenological analyses allow us to rebut this argument.

Conclusion

This work has set itself an extremely ambitious task, one that may even be impossible to fully accomplish. The author remains aware that many issues have only been outlined here and demand further development based on interdisciplinary research combining philosophical, psychological, and legal perspectives. The text is intended primarily to initiate a debate.

In this article, I have aimed to show that our current understanding of the concept of torture remains unclear. We usually think of torture in terms of inflicting extreme pain and suffering on a victim within an institutional context. This is reflected in legal definitions of torture. However, the problem that emerges when analyzing different definitions is the ambiguity

surrounding what exactly this extremity entails. How can it be assessed? I believe that clarifying this requires going beyond the legal context and turning to considerations at the intersection of phenomenology and the psychology of pain. According to my thesis, the extremity of torture should be understood not quantitatively but qualitatively. If every form of violence violates the victim's subjectivity, then torture results in a complete shattering of subjectivity. This constitutes the main aim of the torturer. Victims lose their sense of dwelling in the world and of belonging to a broader community; they become alienated from the world and their own bodies, and their capacity for relating to external reality becomes restricted.

Such a description of the experience of torture can form the basis for normative analysis. Above all, it makes it possible to show the significant qualitative difference between torture and other forms of violence that are considered permissible under certain conditions (e.g., regular punishment). Torture cannot be considered comparable to commonly accepted and legal practices.

I believe that torture is indeed the most extreme form of violence, one that cannot be justified under any circumstances. By shattering subjectivity, torture in fact enables the reduction of a person to an object, striking at the very core of humanity. The victim is subjected to radical instrumentalization, deprived of will and autonomy even at the most basic level. They undergo complete disintegration, which causes suffering that goes beyond the enormity of the physical pain inflicted. Furthermore, I believe that this reduction also affects, to some extent, the torturer, who likewise risks becoming merely an instrument in the hands of a system that transcends individual agency. Their responsibility becomes blurred, especially given that they often have limited options to refuse participation in acts of violence.

The use of torture also causes society to perceive the radical objectification of a person as an acceptable possibility within key institutional bodies. Torture shows that institutions that were supposed to protect their members do not fulfill this function and instead become a threat. Moreover, rather than fostering moral education, they shape individuals inclined toward violence, as they demonstrate that radical objectification of another person can be permitted under certain conditions and within certain spaces. For this reason, torture carries dangers not only for the individual but also for society as a whole. It undermines social relations. As shown, a victim whose subjectivity has disintegrated possesses a limited capacity to participate in

the shared construction and expression of meaning. Therefore, torture constitutes a radical negation of the ideals of community and co-responsibility.

References

- Allhoff, F. (2005). A defense of torture. *International Journal of Applied Philosophy*, 19(2), 243–264.
- Améry, J. (1966). *At the mind's limits: Contemplations by a survivor on Auschwitz and its realities* (S. Rosenfeld & S. P. Rosenfeld, Trans.). Indiana University Press.
- Amnesty International (n.d.). *Torture*. <https://amnesty.org/en/what-we-do-torture>.
- Amnesty International (2016). Saydnaya: Inside a Syrian torture prison (E. Weizman, director). <https://saydnaya.amnesty.org>.
- Bagaric, M., & Clarke, J. (2007). *Torture: When the unthinkable is morally permissible*. State University of New York Press.
- Blakeley, R. (2007). Why torture? *Review of International Studies*, 33(3), 373–394.
- Brecher, B. (2007). *Torture and the ticking bomb*. Blackwell.
- Caputo, J. D. (1993). *Against ethics: Contributions to a poetics of obligation with a constant reference to deconstruction*. Indiana University Press.
- Cover, R. (1986). Violence and the word. *The Yale Law Journal*, 95, 1601–1629.
- Davis, M. (2005). The moral justifiability of torture and other cruel, inhuman, or degrading treatment. *International Journal of Applied Philosophy*, 19(2), 161–178.
- Dershowitz, A. (2002). *Why terrorism works*. Yale University Press.
- Filiz, K. (2004). *Event and subjectivity: The question of phenomenology in Claude Romano and Jean-Luc Marion*. Brill.
- Ginbar, Y. (2008). *Why not torture terrorists? Moral, practical and legal aspects of the "ticking bomb" justification for torture*. Oxford University Press.
- Heidegger, M. (1996). *Being and time* (J. Stambaugh, Trans.). State University of New York Press.
- Heidegger, M. (1977). *The question concerning technology and other essays* (W. Lovitt, Trans.).
- Harper & Row. Heuslein, J. (2019). Torturous violence: A phenomenological approach to the violence in the acts of torture. In L. Lauwaert, L. K. Smith, & C. Sternad (Eds.), *Violence and Meaning* (pp. 191–215). Springer.

- Husserl, E. (1989). *Ideas pertaining to a pure phenomenology and to a phenomenological philosophy II*. Martinus Nijhoff.
- Klein, N. (2005, May 14). The true purpose of torture. *The Guardian*. <https://www.theguardian.com/world/2005/may/14/guantanamo.usa>.
- Organization of American States (1985). *Inter-American convention to prevent and punish torture*. <https://www.oas.org/juridico/english/treaties/a-51.html>.
- Romano, C. (2009). *Event and world* (S. Mackinlay, Trans.). Fordham University Press.
- Scarry, E. (1985). *The body in pain: The making and unmaking of the world*. Oxford University Press.
- Schippert, A. C. S. P., Grov, E. K., & Bjørnnes, A. K. (2025). “After torture, everything changed”: The unpacking of trauma from torture with interpretative phenomenological analysis and Merleau-Ponty’s theory of the lived body. *BMC Psychology*, 13(1), 219. <https://doi.org/10.1186/s40359-025-02507-4>.
- Semprún, J. (2012). *Exercices de survie* [Survival exercises]. Gallimard.
- Shue, H. (1978). Torture. *Philosophy & Public Affairs*, 7(2), 124–143.
- Staudigl, M. (2012). Entwurf einer Phänomenologie der Gewalt [Outline of a phenomenology of violence]. In J. Dreher (Ed.), *Angewandte Phänomenologie: Zum Spannungsverhältnis von Konstruktion und Konstitution* (pp. 173–195). Springer.
- Steinhoff, U. (2012). Legalizing defensive torture. *Public Affairs Quarterly*, 26, 19–32.
- Sussman, D. (2005). What’s wrong with torture? *Philosophy & Public Affairs*, 33(1), 1–33.
- Thiong’o, N. w. (1981). *Detained: A writer’s prison diary*. Heinemann International.
- Timerman, J. (1982). *Prisoner without a name, a cell without a number* (T. Talbot, Trans.). Penguin Books.
- Tindale, C. W. (1996). The logic of torture. *Social Theory and Practice*, 22, 349–374.
- Twining, W., & Twining, P. E. (1973). Bentham on torture. *Northern Ireland Legal Quarterly*, 24, 305–356.
- U.S. Department of Justice, Office of Legal Counsel (2002a). *Memorandum for John Rizzo, Acting General Counsel of the Central Intelligence Agency*. https://www.washingtonpost.com/wp-srv/nation/pdf/OfficeofLegalCounsel_Aug-2Memo_041609.pdf.

- U.S. Department of Justice, Office of Legal Counsel (2002b). *Memorandum for Alberto R. Gonzales, Counsel to the President*. <https://nsarchive2.gwu.edu/NSAEBB/NSAEBB127/02.08.01.pdf>.
- United Nations (1987). *Convention against torture and other cruel, inhuman or degrading treatment or punishment*. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading>
- Wiśniewski, J. J., & Emerick, R. D. (2009). *The ethics of torture*. Bloomsbury Academic.
- World Medical Association (1975). *Declaration of Tokyo*. <https://www.wma.net/wp-content/uploads/2006/05/DoT-Oct2006.pdf>.

Author note

Adriana Joanna Mickiewicz is received PhD at Jagiellonian University and is a research and teaching assistant at Jan Długosz University in Częstochowa. Her research interests focus on the intersection of ethics, phenomenology, and philosophical conceptualizations of suffering in its various dimensions. She is a recipient of the Diamond Grant (2020–2025), a French government scholarship (May–June 2025), and the Preludium grant (carried out in collaboration with the Jagiellonian University Medical College). She is currently engaged in developing the phenomenology of physical pain and suffering.

Address for correspondence: adriana.mickiewicz@wp.pl.

Citation

Mickiewicz, A. J. (2026). The shattering of subjectivity: Reflections on torture and human suffering. *Analiza i Egzystencja*, 74 (2), 51–73. DOI: 10.18276/aie.2026.74-03.