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INTERROGATIVE DESIGN:

ENHANCED INTERROGATION
WITH
INTENT

By

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INTRODUCTION

Comprehensive research into the subject of torture would cover a vast area of enquiry. The phenomenon is evident across the entire arc and spread of human history. This Research Paper does not attempt nor have the scope to engage with more than the instances closest to hand. It concentrates on the Anglophone world in the last two decades, principally the geo-political events following the September 11th, 2001 terrorist attacks on the United States that came to be known as the War on Terror. This war saw major armed conflicts in Iraq and Afghanistan and a global counter-intelligence operation spearheaded by the Central Intelligence Agency (CIA). This counter-intelligence operation involved the widespread use of physical force, psychological manipulation and general abuse against detainees that many individuals and organisations (such as the United Nations and Amnesty International have labelled ‘torture’.

Paradoxically however, for most of the period of this research project the spectre of torture appeared to have faded in the public eye. The War on Terror, which had seen terms such as ‘waterboarding’, ‘extraordinary rendition’ and ‘stress positions’ enter the popular lexicon, seems to have become shrouded by the cloak of history. Unlike the archetypal World Wars, a cathartic resolution to the War on Terror never eventuated. Nor were the customary rituals of hostility cessation observed. The signing of peace accords, the collapse of an enemy power or war-crimes tribunals did not mark this terminus. The West and its ‘coalition of the willing’¹ were not proclaimed defeated by our enemy (global

¹ John King, “Bush: Join 'coalition of willing',” *Cnn.com/World*, 20 November 2002, <http://edition.cnn.com/2002/WORLD/europe/11/20/prague.bush.nato/> (accessed October 19, 2014).

terrorism). But, neither did we appear to win. It is possible that the term simply went away. The 'War on Terror' did end 'semantically...in March 2009, when the [US] Defense Department replaced the term with 'Overseas Contingency Operations.'² The closest approximation of a cathartic full stop came with the demise of Osama Bin Laden on May 2nd, 2011. The slain enemy leader dumped into the sea did offer some resolution. Kathryn Bigelow's filmic account of the hunt for, capture and death of Bin Laden, *Zero Dark Thirty* (2012) seemed to confine the War on Terror to the hindsight of historical account. However, now³, as my research project draws to completion, it appears that global terrorism is back and the thunderheads of fear that accompany it are building in the middle-distance. The emergence of the Islamic State (IS) militant insurgency in Iraq and Syria has seen the West anxiously re-fixing its gaze on terrorism, the Middle-East and Islam. Echoing the overtures of hostilities in Afghanistan in 2001 and Iraq in 2003, the United States government is massing a coalition of international military force to combat the organisation. Australia is cooperating. The 'axis of evil'⁴, President George W. Bush's evocative term for governments that harboured terrorists and/or 'weapons of mass destruction', has been rebranded the 'network of death'⁵ – or Prime Minister Tony Abbott's logotype for IS's tooth-gnashing abhorrence, the 'death cult'⁶.

² David Cole, *The End of the War on Terror*, 7 November 2013, <http://www.nybooks.com/articles/archives/2013/nov/07/end-war-terror/> (accessed October 19, 2014).

³ The 9th of October, 2014 to be precise.

⁴ George W. Bush, *State of the Union Address (January 29, 2002)*, 29 January 2002, <http://millercenter.org/president/speeches/speech-4540> (accessed October 9, 2014).

⁵ Julian Borger, *Obama vows to defeat Isis and rallies UN against 'network of death'*, 25 September 2014, <http://www.theguardian.com/world/2014/sep/24/obama-un-isis-join-this-effort> (accessed October 10, 2014).

⁶ Mark Kenny, *Abbott declares war on the Islamic State 'death cult'*, 14 September 2014, <http://www.smh.com.au/federal-politics/political-news/abbott-declares-war-on-the-islamic-state-death-cult-20140914-3fol3.html> (accessed October 12, 2014).

In Australia we have also seen the spectre of state-sponsored torture re-enter public debate. The War on Terror's re-ignition has prompted the Australian Government to expand ASIO's (the Australian Security and Intelligence Organisation's) powers in response to an elevated terror threat. Legislative amendments to this effect afford ASIO officers immunity 'from prosecution for special intelligence conduct during special intelligence operations'. The legislation is not an outright exemption from criminality. Certain 'conduct,' is beyond the pale such as that resulting in 'death...or serious injury; or involv[ing] the commission of a sexual offence... or causes significant loss...or serious damage to...property'.⁷

The period of the War on Terror is of interest to me not simply *because* torture was practiced. Torture is an almost universal symptom of war and other forms of conflict. Nor because it was practiced by the United States, contradicting, amongst other things, a long-standing foreign policy position "opposed [to] torture and advocat[ing] a universal standard for human rights."⁸ This contradiction precedes the War on Terror by half a century.⁹ These factors do not distinguish the War on Terror from any other context for torture.

My interest in this specific period are summarised in one event. In August of 2008, journalist and commentator Christopher Hitchens underwent 'waterboarding', the controversial simulated drowning technique employed by interrogators at Guantanamo Bay and other detention sites. From this experience

⁷ Office of the Attorney General, "National Security Legislation Amendment Bill (No. 1) 2014: A Bill for an Act to amend the law relating to national security and intelligence services, and for related purposes," Legislative Bill, The Senate, Parliament of the Commonwealth of Australia (2013-14).

⁸ Alfred W McCoy, *A Question of Torture: CIA Interrogation from the Cold War to the War on Terror* (New York: Henry Holt and Company, 2006), p 7.

⁹ Alfred McCoy argues that this contradiction precedes the War on Terror. Both the practice of, and research into techniques of torture having "metastasized like an undetected cancer inside the U.S. intelligence community over the past half century." (Ibid, p 5.)

he concluded, “believe me, it’s torture.”¹⁰ A bizarre situation had emerged in the public discourse wherein the simulation of drowning as an interrogation tool was possibly not torture. At least in America a profound linguistic ‘slippage’ had occurred. The word ‘torture’ became disconnected from any clear functional determinants. In 2006 British high court judge Sir Andrew Collins observed; ‘America’s idea of what is torture is not the same as ours and does not appear to coincide with that of most civilised nations.’¹¹ But it also saw torture disconnected from cruelty. Torture was almost a valueless categorisation. Questions of humanity in detainee treatment were shrugged off. When pressed on detainee treatment at Guantanamo Bay and its ilk, White House officials would repeat some version of the standard line; ‘Remember these are terrorists.’¹²

The linguistic slippage that emerged in the White House’s public relations strategy and the public discussion of these extreme interrogation practices was preceded by a correspondent legal interpretation of ‘torture’. To permit unprecedentedly harsh and previous prohibited interrogation strategies the Office of Legal Counsel re-interpreted existing laws, most notably the definition of torture. This was done on the basis that its ‘true meaning had hitherto been misunderstood.’¹³ Simultaneously, building on past covert research into psychological torture techniques,¹⁴ the CIA designed a program of interrogation

¹⁰ Christopher Hitchens, *Believe Me, It's Torture*, 1 August 2008, <http://www.vanityfair.com/politics/features/2008/08/hitchens200808> (accessed October 15, 2014).

¹¹ Suzanne Goldenberg and Richard Norton-Taylor, *Judge's anger at US torture*, 17 February 2006, <http://www.theguardian.com/uk/2006/feb/17/politics.world> (accessed October 15, 2014).

¹² Ibid.

¹³ Jonathan H. Marks, “The Logic and Language of Torture,” in *Representing Humanity in an Age of Terror* (West Lafayette, Indiana: Purdue University Press, 2010), p 65.

¹⁴ McCoy, op. cit., p 7.

that would fit the brief set by the White House's legal advisors.¹⁵ The result was an interrogation regime that looked like torture, had the same effect and yet was not. This regime of 'torture-that-isn't-somehow-torture' was given an appropriately perplexing trademark: 'enhanced interrogation techniques'.¹⁶ In this context the application of specific design principles involved in *enhanced interrogation* forms the impetus for my research.

This Paper is intended to contextualise the creative component of this research project. Whilst not being a seamless transition, the concerns of this research emanate from ongoing enquiries in my art practice. Accordingly, this paper begins with a selective overview of recent work. This is approached thematically, identifying some key concepts that have coalesced into the concerns expressed in the studio work that accompanies this paper. The purpose of this analysis is to establish *intentionality* as an indicator of premeditation or design; not only in artworks and design artefacts, but in any phenomena including acts of torture.

¹⁵ See: Jay S Bybee, *Memorandum for John Rizzo, Acting General Counsel of the Central Intelligence Agency*, Memorandum, Office of Legal Council, U.S. Department of Justice (Washington DC: U.S. Department of Justice, 2002).

¹⁶ Andrew Sullivan, "Verschärfte Vernehmung" *The Atlantic*, May 27, 2009, <http://www.theatlantic.com/daily-dish/archive/2007/05/-versch-auml-rfte-vernehmung/228158/> (accessed 18/09/13)

1. EXAMPLE OF EARLIER STUDIO WORK



Figure 1: Sach Catts, *Experimental Reading*, 2012



Figure 2: *Experimental Reading*

The book held in the centre of the machine in *Experimental Reading* as shown in this image is labelled 'in pain'. And the book is receiving pain, signified by evidence of a force acting upon it. Specifically, the book evidences being under a tensile load (Figure 2). The face of the book is wrinkled along the force's axis, resembling a sheet of rubber stretched in one direction. This image of stress captures pain as a force, an action rather than a concept. The book identified as 'In Pain' becomes, from a different angle (Figure 3), *The Body in Pain* by Elaine Scarry.¹⁷ A definitive study of the nature of pain and its infliction, it is held aggressively between the clamping jaws of a large mechanical device. The device applies a tensile force on the book until it tears in two. In the context of this performance the book is easily anthropomorphised. What is occurring can be seen as an act of torture.



Figure 3: *Experimental Reading*

¹⁷ Elaine Scarry, *The Body in Pain: The Making and Unmaking of the World* (New York: Oxford University Press, 1985).

2. THE PROCESS OF DESIGN

Intent forms the basis of design. Firstly, the practice of design begins with the intention of producing something. One does not perform design for its own sake. The purpose of design is a product, an outcome, to put something into existence. Secondly, that product is specific, it ‘do[es] something. There is some reason behind [its] existence: the product function.’¹⁸ This function, the *brief*, directs and defines the series of creative decisions that constitute the design process.

Experimental Reading was a response to a specific intention. The work is centred on determining the tensile strength of a book. The apparatus of the machine and the procedure around which the performance is composed is primarily utilitarian. Other aesthetic elements, such as the performer’s attire, are secondary to the satisfaction of the brief for the performance. All elements of the work emanate from a central purpose and exude a sense of deliberation. The work’s formal composition is arrived at by a set of decisions directed at achieving a predetermined purpose.

The identification of this central purpose or brief is not to say that this artwork, as a whole, has an agenda behind it. The actions and objects that make up *Experimental Reading* are unified by an inquiry into the physical properties of a printed book. The artwork does not exist to reveal this specific piece of information, nor does it seek to comment on this specific quality of the physical world (the tensile strength of Elaine Scarry’s *The Body In Pain*). Rather, the work seeks to perform an epistemological meta-inquiry, to question what it is to

¹⁸ Jonathan R.A. Maier, “Rethinking Design Theory,” *Mechanical Engineering* (American Society of Mechanical Engineers) 130, no. 9 (September 2008), p 34-37.

inquire into the world by ripping a book in half. However, to evoke this the performance must resemble something of the scientific experiment. The artistic demonstration must carry the same seriousness and rigour of purpose as the experiments it appropriates. Thus, the intention suggested by, for instance, the functional austerity of the machine's construction, or the performer's disregard for the audience's presence, is a contrivance. These artistic elements are representations of the aesthetic qualities of science.

What *Experimental Reading* exhibits is the *performance of*¹⁹ intentionality. The actions are overtly directed at a specific functional outcome. The appearance of design becomes an aesthetic quality. This can operate in both objects and actions. The machine in *Experimental Reading* has the appearance of being custom-made for the purpose it performs. It seems manufactured rather than adapted. The attachment fixtures appear to be manufactured with the book in mind. Based on scientific methods, every element of the process architecture is accountable to the overarching aims of the project. It is a process saturated by premeditation.

3. THE INTENTION AESTHETIC

I have identified a particular set of qualities in *Experimental Reading* that conveys deliberation and clear intention directing the work's creation. These qualities firstly show evidence of design being employed and secondly they suggest that the design was pursued with a singular purpose in mind. I wish to

¹⁹ 'Performance' in this sense describes a self-conscious demonstration – as opposed to an incidental exhibition – of intentionality for the sake of appearing intentional (i.e. intention being exhibited by the mere fact of being directed toward an intended outcome).

propose a broader style within which these qualities operate, a generalised quality that I have termed the *intention aesthetic*. In service of articulating this intention aesthetic a countervailing un-intentional or accidental aesthetic will be proposed. It should be noted that intention is a property of all artistic work (one must *intend* to produce a work of art).²⁰ This is not a clearly defined binary. The quality in question is rather the overt projection of intentional design. It does not presuppose an oppositional lack of intention. (In a sense it is almost a tautological intention: intentional intention.) Furthermore, in design and architecture many creative decisions are made intuitively (and these elements often prove to be the most attractive feature to the end user.)

²⁰ It can be proposed that a *work of art* may also be constituted by an audience's *intention* to view it as such.

4. THE INTENTION AESTHETIC IN ART



Figure 4: Jackson Pollock painting, Summer 1950²¹

The deliberative approach seen in *Experimental Reading* can be contrasted with works that document a playful creative process. Such work appears to be composed through a set of decisions made immediately, based on an intuitive grasp of how the work should appear. Jackson Pollock's drip paintings are an example of this quality. The layered paint immediately refers to the act of pouring paint onto the surface. Rather than the manufactured precision of the designed object, they are a product of chance. Playfulness embraces chance. Rather than applying reason to determine how each individual act in the process affects the work as a whole, Pollock's work gives a sense of the whole emerging from moment to moment.

²¹ National Gallery of Australia, "Jackson Pollock Blue Poles," *National Gallery of Australia*, <http://nga.gov.au/Pollock/action.htm> (accessed March 10, 2014).

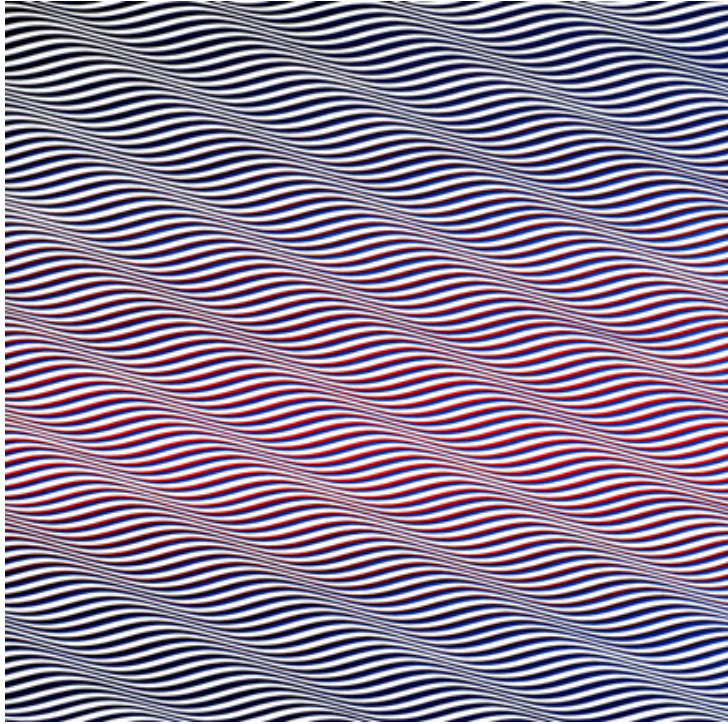


Figure 5: Bridget Riley, *Cataract 3*, 1967²²

Whereas Pollock's abstraction appears intuitive, Bridget Riley's shows deliberation and planning. Her geometric patterns are developed with producing an effect in mind. Her illusions of three dimensional space and movement cannot be intuited. Her compositions are a product of reference to studies of patterns and visual perception. The inorganic lines dividing solid blocks of colour suggest detailed attention compared with the ejaculatory abandon of Pollock's drips. Each graphic segment is a repetition of the central idea behind the work and requires adherence to that idea for the painting to affect the viewer in the desired manner. Riley's practice is quite close to that of a designer in other respects. Since the 1980s she has employed others to paint the works while she focuses on detailed design studies.²³ This approach divorces the artist from the experience of

²² Pascal Quehen, "Bridget Riley, op art queen," *Graphic Soul*, http://graphicsoul.over-blog.com/pages/Bridget_Riley_op_art_queen_-1990661.html (accessed March 10, 2014).

²³ Bridget Riley, *Bridget Riley, Dialogues on Art* (London: Zwemmer, 1995), p 62.

creation. The artist's relationship to what the audience sees (the painting) is of intent rather than experience.

The comparison of these works positions them as a document of the artist's process. The works suggest that where Pollock is spontaneous, Riley is methodical. Where he is directly engaged with the moment of painting, she is detached and objective, conscious of each act's relationship to the guiding intention, which the painting is a material articulation of. The manner in which a painting expresses intent is closely tied to intent's expression in the creative process. Pollock is responding to the qualities of paint as it is applied. The drips and splashes evidence chance being allowed into the composition of the image. Riley's images are composed of premeditated elements. The elimination of chance and application of reason to the form of every compositional element makes Riley's work an illustrative example of the intention aesthetic.

5. THE INTENTION AESTHETIC IN COFFEE TABLES

The appearance of intentionality in art is partially evoked through reference to design. However, this does not imply that intentionality is a given in designed objects. These too can be compared along the same continuum. A coffee table has a generally established function. It is a low table for a sitting area. It is generally placed indoors in front of chairs or lounges, and positioned in the centre of a room. As a category of designed objects, the coffee table has few stringent conventions. It is a low surface, approximately knee height with dimensions appropriate to the setting. All coffee tables, that are designed to be such, exhibit the intention to adhere to the conventions of a coffee table, as the

designer understands them to be. Beyond these basic conventions there is broad variance in the intentionality of these artefacts.



Figure 6: Marc Newson, *Lathed Table* (2007)²⁴

Marc Newson's *Lathed Table* harnesses the beauty of its material impeccably. Manufactured from a continuous block of Italian Carrara marble, the form is only made possible by CNC milling processes allowing a computer generated model to be machined from stone with microscopic precision. A single central foot transitions seamlessly into a broad top that radiates out and finishes in a small lip around the rim. The design is unembellished and entirely functional, every element a direct expression of the table's purpose. This reduction highlights the marble's natural softness and character. The material exudes designer luxury and is appropriately expensive and difficult to work with.

²⁴ Marc Newson, *Lathed Table*, 2013, <http://www.marc-newson.com/ProjectImages.aspx?GroupSelected=0&ProjectName=Lathed+Table%0D%0A2007+-+Gagosian+Gallery%2C+New+York&Category=Unique%20Pieces> (accessed March 15, 2014).

When employed in sculptural forms such as the *Lathed Table* (as opposed to a kitchen bench-top) it suggests a lineage with classical and Renaissance art such as Michelangelo's *David* (1501-4). Carved from the same Carrara marble as Newson's table, this biblical tableau is seen as an icon of human creative ability. The awe it inspires is partly a product of the artists' technical mastery. However, the stone carver's ability to force naturally occurring stone, replete with imperfections and veins of weakness, to express their vision is not an expression of domination. They still require some sensitivity to the material, working *with* and responding *to* it. Newson's design, by using industrial manufacturing technologies, is not forced to respond to his process or material. The table's form appears uncompromised by the material. It is an unhindered expression of intention.



Figure 7: Alex Pye, *Pallet Table*, 2010

Whereas *Lathed Table* appears bespoke, Alex Pye's *Pallet Table* is explicitly improvised. An example of creative re-use or 'upcycling', it is constructed from two salvaged shipping pallets. Immediately, this basic material

speaks of mixed intentions. The reclaimed shipping pallets bring with them their previous utility, as the found object does in any work of art. They have been repurposed; one single pallet forming the table's top and another – cut in two – for the legs. This design acknowledges the material, capitalises on the pre-existing design of the pallet, and leaves extraneous features – such as the central skid across the underside – in place. The design for the table, rather than being predetermined and uncompromising, is a response to the pallet. It expresses a sensitivity to the found form and a tacit acknowledgement of the pallet's original creator.

Both Newson's and Pye's coffee tables show intent in that they were designed to be coffee tables and have ended up as coffee tables. Newson's is all intent, composed with mathematical precision. Pye's allows other elements to define it; such as the dimensions of the shipping pallet (defined by the configurations of shipping containers and forklifts²⁵ rather than informal domestic spaces). Thus, as Pollock's paintings result from the artist's vision in conversation with the unpredictability of hurled paint, Pye's table is a symbol of the designer's intent mixed with the logic of freight and shipping. Intent, overall, can be seen as the elimination of chance, the premeditated reasoning of creative decisions and the consciousness of purpose.

²⁵ Shipping pallets are designed to a set of specifications as part of a transportation logistics system. The specifications of both the pallet and the other elements in the system are mutually determined. The pallet's design involves considerations including: the goods to be transported, the size of containers and loading docks, and the configurations of forklifts and pallet jacks. Such an integrated system is itself a prime example of intentionality in design. It demonstrates how a monolithic intent (i.e. the efficient transport of goods globally) defines a plethora of simultaneous considerations and resultant artefacts in the design of a system.

6. DEFINITIONS OF TORTURE

To begin developing a model for understanding the action of design upon the act of torture the confluence of torture and design will initially be discussed in general terms. A working definition will be sketched out. Some examples of contemporary and historical torture practices will be discussed and analysed to coax out the action of design on the act of torture as a whole and in terms of the victim's subjective experience. The discussion will then turn to the primary focus of my research: the interrogation practices of the United States government during the War on Terror.

Articulating the concept of torture is particularly important in this discussion, as certain instances of torture can be difficult to distinguish from general violence while other instances bear no resemblance to violence at all. The discourse around torture, both inside and outside legal debates, is also uniquely pre-occupied with its definition. This is particularly true since 9/11. Furthermore, the debates around its definition have a critical bearing on the creative component of this research. The prohibition of torture in most legal jurisdictions, most importantly under international law by the United Nations, has required the prescription of a specific set of acts and motivations, as they are constitutive of torture. The prohibition of torture under national laws – or ratification of the UN convention against torture – has been the subject of vigorous debates in many countries. These debates pivot on the meanings of existing definitions as they relate to each nation's detention or interrogation practices, be they civilian or military. A recent example has been the intelligence gathering practices of the United States' military and intelligence agencies in

their prosecution of the War on Terror. The most commonly referred to legal definition in these debates has been the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*. It defines “torture” as

‘... 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.’²⁶

The fundamental principles of this definition are that, to constitute torture, acts must cause pain and suffering and be practiced by a public official or someone acting in a similar capacity. Acts that cause pain and suffering but are legally sanctioned, such as corporal punishment, are not prohibited. The UN definition defines torture to the extent that it can be prosecuted under international law and can only apply to state actors. It does however suggest a more generalised sense of torture being the infliction of pain and suffering for coercive ends.²⁷

²⁶ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, New York, 10 December 1984, www.un.org/millennium/law/iv-9.htm (accessed 18/8/2013)

²⁷ Another commonly cited definition, however predominantly in research from a psychology and trauma studies background, is that of the World Medical Association. It is broader than the UN’s, describing torture as “the deliberate, systematic or wanton infliction of physical or mental suffering by one or more persons acting alone or on the orders of any authority, to force another person to yield information, to make a confession, or for any other reason.” World Medical Association, “WMA Declaration of Tokyo - Guidelines for Physicians Concerning Torture and other Cruel, Inhuman or Degrading Treatment or Punishment in Relation

The exclusion of lawfully sanctioned pain and suffering from the UN definition of torture is important. A judicial system incorporating capital punishment codifies certain acts of pain infliction as the result of certain criminal offences. Regardless of its humanity, capital punishment is predictable and based upon ‘publicly known acts administered during a definite and limited time period.’ Furthermore, it is ‘limited by normative definition of the guilty’ which torture does not require (torture is often used to establish guilt).²⁸ Conversely torture is in essence unpredictable, and gains its affective power from this unpredictability.

To pursue a proper inquiry into the practice of torture it is necessary to develop a functional definition. The UN’s legal categorisation does not shed sufficient light on the motivations for the practice and the effects of actions that qualify as torture as distinguished from other forms of violence and coercion that don’t qualify. This functional definition is difficult to find in most theoretical discussions of the subject because they posit torture as an a priori notion, only directly elaborated in the specific cases they cite.²⁹ The most revealing approach is to consider the dynamics of the relationship between the torturer and the tortured. Torture is necessarily inflicted on the victim from a position of control. It is used to coerce; ‘torturers who torture human beings do so with the (realised) *intention* of curtailing the autonomy of their victims.’³⁰

to Detention and Imprisonment”, www.wma.net/en/30publications/10policies/c18/ (accessed 20/8/13)

²⁸ “Torture” Stanford Encyclopaedia of Philosophy, Seumas Miller, *Torture*, Summer 2011, <http://plato.stanford.edu/entries/torture/> (accessed August 20, 2013).

²⁹ Green, Rasmussen and Rosenfeld found that in the field of trauma stress research this ambiguity adversely impacted torture research.

Debbie Green et al., “Defining Torture: A Review of 40 Years of Health Science Research”, *Journal of Traumatic Stress*, Vol. 23, No. 4, August 2010, pp. 528-531.

³⁰ “Torture” Stanford Encyclopaedia of Philosophy.

7. THE DESIGN PRINCIPLE IN TORTURE

We have seen that intentionality can be expressed as both a functional and aesthetic property. We have seen these properties expressed in both works of art and designed products, and have discussed their symbolic affect. The task now is to assess if and how torture can be considered through this paradigm of design and intentionality. First it must be determined whether torture can be found sufficiently congruous with design and whether it exhibits the degree of intent required for submission to this analysis. It will be posited that examples of torture techniques, both historical and contemporary, can be understood in terms of intentionality. Furthermore it will be argued that torture functions on an aesthetic level, and it is on this level that it affects victims.

For any act to be intentionally committed by a subject it requires a decision on the part of that subject. If that decision is to commit an act of torture, that subject (now a torturer) has to decide on the specific methodology they will use to commit the act. The conjecture surrounding the types of actions and projected outcomes that strictly constitute torture make characterising an intended product difficult in this case. As a generalisation, we will assume that the torturer's intention is the subjugation of their victim's will.



Figure 8: *Constitutio Criminalis Theresiana*, 1768³¹

Consider the approach of an ideal torturer. They wish to commit an act of torture and ultimately intend for the victim to submit to their will. They are aware of a range of methods, both historic and contemporary, by which they might accomplish their goals. Other methods could also be invented. Our ideal torturer, to the best of their abilities, will select the course of action most appropriate to the situation at hand and most likely to achieve the desired outcomes. If the torturer has no apparatus at hand and is an experienced boxer he/she may choose to beat the victim. If they have a medieval rack³² drawing their victim on that rack may be the best methodology. If permanent disfigurement would serve as incriminating evidence against the torturer in

³¹ “Theresiana Leiter,” *Wikimedia Commons*, 1 December 2013,

<http://commons.wikimedia.org/wiki/File:Theresiana-Leiter.jpg> (accessed October 23, 2014).

³² ‘Consisting of nothing more than a flat wooden bed on which a prisoner was laid out, the pain was inflicted by tying the victim’s feet to one end of the device and their hands to ropes around a large windlass located at the other end. As the windlass was turned, the rope was cranked in, stretching the victim’s limbs to the point where the arms could be dislocated from their sockets and/or the spine disjoined.’ (Daniel Diehl and Mark P. Donnelly, *The Big Book of Pain: Torture and Punishment through History* (Stroud: The History Press, 2008) p 206.)

possible future investigations, the torturer may instead use the rack's bed as a surface on which to waterboard their victim. The conscious selection of methodology to satisfy the sought outcome indicates a conscious process of design applied to the manner in which they perform their victim's torture.



Figure 9: Demonstration of waterboarding as part of a protest in the United States³³

To submit torture to the same critique as applied to the aforementioned objects and artworks it cannot be dealt with as a generalised set of actions. This analysis requires attention to specific torture techniques along with the apparatuses with which they are performed. The catalogue of cruel and unusual punishment is littered with exotic, complex, and improbable applications of violence. These often involve special equipment and extensive design; such as the use of 'pears' in medieval Europe. Also known as the 'pear of anguish', these mechanical devices were inserted into the mouth, anus, or vagina (dependent on

³³ Sam Greenhill, *First picture of drug suspects held in police 'torture' raid* Read more: <http://www.dailymail.co.uk/news/article-1191930/Six-Scotland-Yard-officers-accused-waterboarding-drug-suspects.html#ixzz3H8enEYF> Follow us: @MailOnline on Twitter / DailyMail on Facebook, 12 June 2009, <http://www.dailymail.co.uk/news/article-1191930/Six-Scotland-Yard-officers-accused-waterboarding-drug-suspects.html> (accessed October 25, 2014).

the crime being punished³⁴) and caused the orifice to stretch, often resulting in permanent disfigurement or death. However most cases of torture are more mundane. The beating of prisoners during interrogations has been extensively documented in police forces globally. The following account documents one such case. An extract from a 2005 case study into ethical issues in the New South Wales police force, it offers a contemporary account of torture at the hands of a politically stable, liberal-democratic state. In this case a man has stolen a car with an infant in the back seat. After dumping the car he has been apprehended but refuses to reveal the location of the vehicle with the infant in it to police.

“It's not too late; tell us where you left the car and you will only be charged with Take-and-Use. That's just a six month extension of your recognizance.” Threats: “If the child dies I will charge you with Manslaughter!” Sneering, defiant and belligerent; he made no secret of his contempt for the police. Part-way through his umpteenth, “It wasn't me”, a questioner clipped him across the ear as if he were a child, an insult calculated to bring the Islander to his feet to fight, there a body-punch elicited a roar of pain, but he fought back until he lapsed into semi-consciousness under a rain of blows. He quite enjoyed handing out a bit of biff, but now, kneeling on hands and knees in his own urine, in pain he had never known, he finally realised the beating would go on until he told the police where he had abandoned the child and the car.’³⁵

³⁴ Its application referred to the nature of the accused offence: in the mouth for those who spoke heresies, in the vagina for women who had sex with Satan (witches), and in the anus for homosexuals. (Allie Terry, “The craft of torture: bronze sculptures and the punishment of sexual offense,” in *Sex Acts and Visual Culture in Early Modern Italy*, 272-296 (Hampshire: Ashgate, 2010), p 214

³⁵ Miller, op. cit.

In this case the beating achieved the intended outcome. It elicited from the victim a confession to committing the crime and revealed the location of the missing child. However, in this account, the beating was enacted as a last resort. The officers begin the interrogation with an intended outcome and then do whatever it takes to reach this. It is improvisational, responding to necessity. In terms of design, this beating is ad hoc. The only logic guiding its use in the interrogation is that it demonstrates force and this will probably induce submission. It is the logic of trial and error, essentially. It shows little intentionality, as we have discussed it. The beating is applied when other methods have not worked and is chosen over a myriad of other forms of violence (which require deeper knowledge and possibly some sort of apparatus) because it is, literally, at hand. It lacks the appearance of intent because it cannot be unequivocally justified as serving the aims and conditions of the interrogation.

8. ENHANCED INTERROGATION

The ad hoc design of a beating, such as described above, can be juxtaposed against the ‘enhanced interrogation techniques’ implemented by the United States military and intelligence agencies under the auspices of the War on Terror. *Enhanced interrogation* is almost the polar opposite of the police beating in its degree of intent. It meets a complex, multi-factorial brief and is the result of long-term research and development. To begin with, it had to be a form of torture that avoided the illegality of torture. The competing design demands that led to *enhanced interrogation* emanate from historical socio-political narratives around the administration of criminality.

Michel Foucault's *Discipline and Punish* (1975) examines the social and theoretical mechanisms driving the shift from interrogatory torture and corporal punishment to disciplinary incarceration in the modern period. Torture and corporal punishment, and to a lesser extent capital punishment, is no longer publicly visible in the Western world. Historically however, torture and capital punishment were spectacles. As part of the exercise of justice, many criminal acts were punishable by the infliction of pain upon the body of the criminal. This was a reparatory act; the offence of the criminal act was annulled by a reciprocal offensive act performed on the body of the criminal. Citizens of these societies bore witness to and accepted these punishments as normative. The reciprocal violence maintained the society's stability by returning justice to equilibrium. Emerging from the Enlightenment, attitudes towards corporal punishment began to change. Imprisonment became the appropriate vehicle for disciplining criminality amongst the citizenry; 'from being an art of unbearable sensations punishment has become an economy of suspended rights.'³⁶ From the 'beginning of the nineteenth century...the great spectacle of physical punishment disappeared; the tortured body was avoided; the theatrical representation of pain was excluded from punishment', a development marked by the disappearance of public execution.³⁷ The focus of punishment on the liberties of the subject as opposed to their body has come to be seen as a key component of humane civilisation and has come to be prohibited in any forum including warfare³⁸.

³⁶ Michel Foucault, *Discipline and Punish: The Birth of the Prison* (London: Penguin, 1991), p. 11.

³⁷ *Ibid.*, 10, 14

³⁸ The treaties of the Geneva Conventions governing the humane treatment of people involved in armed conflict explicitly prohibit torture. (International Committee of the Red Cross, *What does the law say about torture?*, 24 June 2011, <https://www.icrc.org/eng/resources/documents/faq/torture-law-2011-06-24.htm> (accessed October 10, 2014).)

The state can no longer exert its power by overtly acting on the bodies of its citizens. Torture and corporal punishment are generally prohibited in both international and national legislation (with some exceptions). Furthermore, such practices are anathema to the values of liberal democracies. The primary vehicle for punishing criminality in countries such as Australia, the United States, and Britain is imprisonment. Whilst imprisonment's primary purpose is the removal of the individual's right to freedom, it undoubtedly acts upon the body as an 'instrument or intermediary' between justice and the individual's liberty.^{39 40} To reassure the state 'that the body [is] not the ultimate object...of its punitive action' its hold of the body is distanced by certain strictures, thus keeping its loftier aims central. An 'army of technicians' have replaced 'the executioner: the immediate anatomist of pain: warders, doctors, chaplains, psychiatrists, psychologists, educationalists; by their very presence near the prisoner...sing the praises that the law needs'.⁴¹ The situation whereby the law codifies and monitors its relationship with the bodies it sanctions was intended to ensure and justify the law's aim of and claims to non-corporal punishment. The barbarous passion and vengefulness understood as having motivated violent punishment is prevented by a scientific, objective, and disinterested discipline inducing punishment. This is a component of a more general force that Foucault terms (in

The Bush administration deemed that the Geneva Conventions, and their attendant prohibitions and requirements for treatment of prisoners, did not apply to detainees captured in the War on Terror as they were illegally waging war. (Jane Mayer, *Outsourcing torture*, 14 February 2005, <http://www.newyorker.com/magazine/2005/02/14/outsourcing-torture> (accessed October 20, 2014).)

³⁹ Foucault op. cit., 11

⁴⁰ Whilst the prison is ideally only a vehicle for attenuating liberty the reality of incarceration suggests that they tend to inflict corporal punishment by proxy. Apart from being ubiquitously violent institutions, numerous indicators of physical health and wellbeing suggest that prison inmates are often adversely affected compared to the general population. Poor physical health is so prevalent that deterioration of the body becomes another element of punishment and awareness of this part of the states deterrence of criminality.

⁴¹ Op. cit., Foucault, 11.

other works) 'biopower'. The modern state, rather than punishing the body for infractions, regulates the function of the citizen's body internally. This biopower 'seeks to bring all of life within its ambit.'⁴² Foucault broadly characterised biopower as 'the set of mechanisms through which the basic biological features of the human species became the object of a political strategy, of a general strategy of power.'^{43 44}

This system of power has no inherent moral compass. Its objectification of the detained body can be used to provide legal sanction to the torture it set out to prohibit. This came to fruition in the years following the terrorist attacks of September 11th 2001. The War on Terror ushered in a technocratic system of imprisonment and interrogation. Coupled with revisionist interpretations of laws around imprisonment this re-established torture in the civilised world. This technocratic torture – the collaborative work of crafty lawyers, physicians, psychologists, media strategists and military officers - was given a new title reflecting its innovation and strange distinction from the barbarity of medieval punishment; 'enhanced interrogation techniques'.

To begin revealing this strange distinction, it is necessary to again consider definitions. The term *enhanced interrogation* is negatively defined. It describes a set of coercive intelligence gathering practices employed by the CIA and US military in their waging of the War on Terror under the administration of President George W. Bush. As part of a complex legal and public relations

⁴² Michael Richardson, "Who Speaks? Torture and the Ethics of Voice," *Text Journal*, April 2012, <http://www.textjournal.com.au/april12/richardson.htm> (accessed 6 6, 2013).

⁴³ Michel Foucault, *Security, Territory, Population: Lectures at the Collège de France 1977-1978* (New York: Palgrave Macmillan, 2007), 1.

⁴⁴ These mechanisms include public health regulations, euthanasia laws and law enforcement DNA databases. A particular zenith was reached following September 11, 2001 with measures such as fingerprint and retina scanning at United States immigration control and its supreme articulation in enhanced interrogation.

strategy, these practices were presented as more effective at inducing cooperation than conventional interrogative questioning, but not qualifying as torture.

Finally, these escalated strategies were presented as being an entirely necessary component to combating the amorphous organisation of global terrorism, and the ideologically strengthened psychological resilience of Al Qaeda operatives and their associates. As President Bush stated in a 2006 speech on terrorism; ‘We're getting vital information necessary to do our jobs, and that's protect the American people and our allies.’⁴⁵ This categorisation covered methods, such as stress positions⁴⁶ and waterboarding, which were developed to offer interrogators a set of harsher interrogation methodologies that still avoided prohibitions under US and international law. *Enhanced interrogation* was presented to the global public as a negatively defined concept. It was not conventional interrogation, and this was framed as a good thing, conventional methods were assertively dismissed as impotent against terrorist organisations such as Al Qaeda. Moreover, it was not torture. Administration officials presented a set of conditions under which treatment of a detainee could be legally considered torture, such as the infliction of pain equivalent to ‘pain equivalent to organ

⁴⁵ George W. Bush, *President Bush's Speech on Terrorism*, 6 9 2006, http://www.nytimes.com/2006/09/06/washington/06bush_transcript.html?pagewanted=all&_r=0 (accessed 10 6, 2014).

⁴⁶ “There are three stress positions that may be used... Rather, like wall standing, they are designed to produce the physical discomfort associated with temporary muscle fatigue... The three stress positions are (1) sitting on the floor with legs extended straight out in front and arms raised above the head, (2) kneeling on the floor while leaning back at a 45 degree angle, and (3) leaning against a wall generally about three feet away from the detainee’s feet, with only the detainee’s head touching the wall, while his wrists are handcuffed in front of him or behind his back, and while an interrogator stands next to him to prevent injury if he loses his balance.” (Jay S Bybee, *Memorandum for John Rizzo, Acting General Counsel of the Central Intelligence Agency*, Memorandum, Office of Legal Council, U.S. Department of Justice (Washington DC: U.S. Department of Justice, 2002), 18.)

It should be noted that the International Committee of the red cross disputes that stress positions (and many other Enhanced Interrogation techniques) were not implemented with the degree of restraint that the above memorandum stipulates.

(Olga Pierce, *Torture Memos vs. Red Cross Report: Prisoners’ Recollections Differ from Guidelines*, 24 April 2009, <http://www.propublica.org/special/torture-memos-vs.-red-cross-report-prisoners-recollections-differ-0424#stresspositions> (accessed October 18, 2014).

failure...or death.’⁴⁷ *Enhanced interrogation* was the dialectical synthesis of the two positions. There is no categorical foundation to this concept. It has none of the strict legal definitions pertaining to torture and its qualification as ‘enhanced’ indicates that it is something other than questioning. The term’s use has an unequivocally sinister precedent, it was first used in 1937 by the German Nazi regime. ‘verschärfte vernehmung’ translates to ‘enhanced interrogation’ (other translations include ‘intensified interrogation’ and ‘sharpened interrogation’). It ‘describe[d] a form of torture that would leave no marks, and hence save the embarrassment pre-war Nazi officials were experiencing as their wounded torture victims ended up in court.’⁴⁸ The catalogue of officially sanctioned techniques available to CIA interrogators at Guantanamo Bay and Bagram Air Base mirrored the Gestapo’s; including ‘deprivation of sleep [and] exhaustion exercises.’⁴⁹ Like the Gestapo, CIA interrogators sought to avoid courtroom sanction.

The conditions of the War on Terror created both the impetus to practice torture, and the moral imperative to refrain from doing so. This contradictory problem was resolved by changing the terms of reference. The administration simply reinterpreted the constitutional definition of torture. After all, as has been discussed in this paper, torture is a difficult concept to define. Based on subjective experience, it evades universalisation. The designs of the techniques that constituted *enhanced interrogation*, therefore, had to position the techniques

⁴⁷ Gus Jewell, *Rice’s Return Sparks Outrage Over Torture Allegations*, January 2009, http://progressive.stanford.edu/cgi-bin/article.php?article_id=269&archive=1 (accessed May 9, 2014).

⁴⁸ Andrew Sullivan, “Verschärfte Vernehmung” *The Atlantic*, May 27, 2009, <http://www.theatlantic.com/daily-dish/archive/2007/05/-versch-auml-rfte-vernehmung/228158/> (accessed 18/09/13)

⁴⁹ “”Sharpened Interrogations” by the Gestapo” *American Torture*, http://www.americantorture.com/documents/torture_memos/TM0.pdf (accessed 20/9/2013)

in this realm of uncertainty. They could come close to torture but evade it in the mind of the body politic by exploiting a zone of inter-subjective indeterminacy.

The semantics of the adjective *enhanced* suggested two things. Firstly, it implied that the outcomes were superior to conventional interrogation. Secondly, it implied that the practices of interrogators underwent conscious modification to improve their efficacy.

In crafting a new interrogation regimen with which to gather intelligence from detained terrorists the CIA was effectively working to a design brief. Interrogators had to induce cooperation more effectively and efficiently. Both the CIA and Bush administration appeared to find that causing detained terrorist suspects greater discomfort than currently codified practices permitted was the optimal way to achieve this. However, these practices had to be designed with the brief's constraints in mind, specifically the regime's interpretation of the legal definition of torture.

The notion of enhanced interrogation techniques being developed in the ordered design workflow described above is at odds with the actuality of their development and implementation. The CIA had been conducting, either directly or through the clandestine funding of academic researchers, investigations into psychologically coercive interrogation methods since the 1950s (the imprint of this research can be seen in the enhanced interrogation techniques).⁵⁰ What the ordered design workflow does speak to, however, is the manner in which proponents of the techniques deflected criticism of these practices. The public

⁵⁰ Many researchers have investigated this history and have come to similar conclusions regarding the influence of purported CIA psychological research and enhanced interrogation, particularly in the use of sensory deprivation to induce psychological stress in detainees, making them more pliable for interrogators. Alfred W. McCoy argues that the photographs of prisoner abuse at Abu Ghraib prison bear the legacy of 'a genealogy of torture techniques, from their origins in 1950 to their present-day perfection.' (McCoy, *op. cit.*, p 5.)

debate became fixated upon the specifics of the techniques, as detailed in government memoranda, Army and CIA field manuals, rather than the general morality of torture.

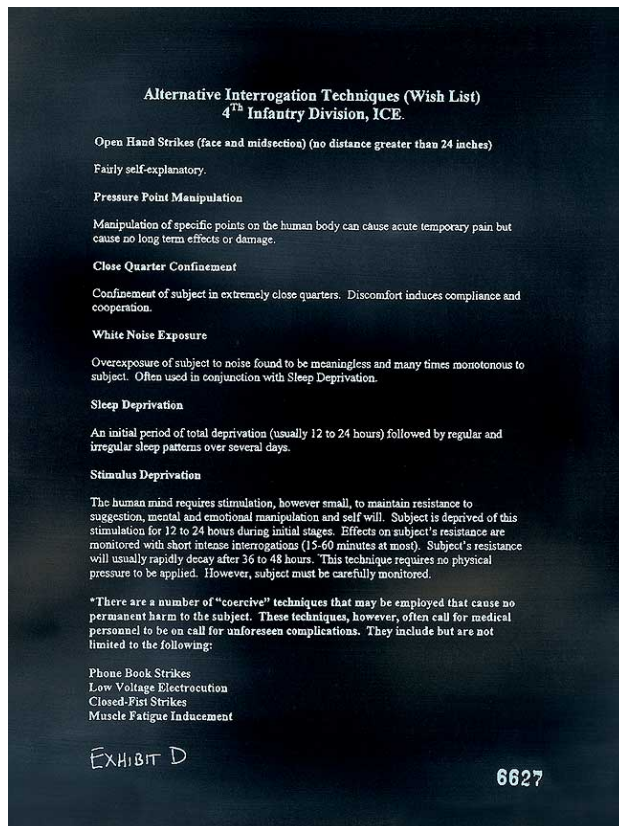


Figure 10: Jenny Holzer, *WISH LIST BLACK*, detail, 2006

We see this process historicised in Jenny Holzer's painting *WISH LIST BLACK* (2006). A painted facsimile of an official US Department of Defense document, Holzer drags the process by which enhanced interrogation techniques were developed out of archival obscurity and into the genre of history painting. *WISH LIST BLACK* is part of Holzer's series of Redaction Paintings. Beginning in 2005, each adheres to a basic formula:

‘...one or more linen canvases are hand painted with a monochromatic oil ground, each of which is then silk-screened with an enlarged reproduction of a page from a declassified United States government document pertaining to the war on terror.’⁵¹

Holzer decided to reproduce these documents in the medium of painting ‘specifically for its capacity to provide historical material with sustained visibility.’ The ‘paintings situate themselves within the genre of history painting by recalling precedents within it.’ Particularly she placed them alongside Andy Warhol’s *Death and Disaster* works and Francisco Goya’s *Black Paintings*, locating her efforts within a ‘specific tradition...that utilize[s] realist strategies to acknowledge the darker elements of history.’⁵² The *WISH LIST* places into this historical narrative the bureaucratic machinations through which a legally excusable but satisfactorily brutal catalogue of coercive techniques was developed. It captures a historical moment in the War on Terror in which a system of torture is being engineered with deliberate intent and observance of a set of design parameters.

⁵¹ Robert Bailey, “Unknown Knowns: Jenny Holzer’s Redaction Paintings and the History of the War on Terror,” *October*, no. 142 (Fall 2012): p 145

⁵² *Ibid.*, pp 153-154.

9. THE WATER CURE COLLECTION



Figure 11: Sach Catts, *Water Cure: Proto*, 2012-13. Early prototype from the *Water Cure Collection* (2012-14).

The most notorious of the ‘enhanced interrogation techniques’ was ‘waterboarding’. The aim of waterboarding is to simulate the sensation of drowning. The victim is immobilised on their back and water is poured over their face and mouth. Often their face is covered with fabric or some other thin material. The water fills the victim’s mouth and nasal passages. The officially sanctioned procedure thoroughly dictates the procedure as follows:

'In this procedure, the individual is bound securely to an inclined bench, which is approximately four feet by seven feet. The individual's feet are generally elevated. A cloth is placed over the forehead and eyes. Water is then applied to the cloth in a controlled manner. As this is done, the cloth is lowered until it covers both the nose and mouth. Once the cloth is saturated and completely covers the mouth and nose, air flow is slightly restricted for 20 to 40 seconds due to the presence of the cloth. This causes an increase in carbon dioxide level in the individual's blood. This increase in the carbon dioxide level stimulates increased effort to breathe. This effort plus the cloth produces the perception of "suffocation and incipient panic," i.e., the perception of drowning. The individual does not breathe any water into his lungs. During those 20 to 40 seconds, water is continuously applied from a height of twelve to twenty-four inches. After this period, the cloth is lifted, and the individual is allowed to breathe unimpeded for three or four full breaths. the sensation of drowning is immediately relieved by the removal of the cloth. The procedure may then be repeated. The water is usually applied from a canteen cup or small watering can with a spout. You have orally informed us that this procedure triggers an automatic physiological sensation of drowning that the individual cannot control even though he may be aware that he is not in fact drowning. You have also orally informed us that it is likely that this procedure would not last more than twenty minutes in any one application.'⁵³

⁵³ Jay S Bybee, *Memorandum for John Rizzo, Acting General Counsel of the Central Intelligence Agency*, Memorandum, Office of Legal Council, U.S. Department of Justice (Washington DC: U.S. Department of Justice, 2002), 3-4.

The *Waterboards*⁵⁴ were designed in response to a design brief set by the CIA, the United States Department of Defense, and the Bush administration. Official documents state that waterboarding is usually performed with the victim strapped to an ‘inclined bench’⁵⁵ or ‘gurney’⁵⁶. The apparatuses otherwise required are relatively simple and easily obtained. The interrogator would require a container to dispense the water and a piece of cloth or thin plastic (generally cling wrap or cellophane) with which to cover the victim’s mouth. All elements of the method underwent extensive deliberation and review. Permanent injury or death (the event of which would not have avoided the label of torture, even the persuasive definition of torture) had to be mitigated against. Rather than pure water interrogators used saline solution in the procedure, to prevent victims developing hyponatremia (a low sodium concentration in the blood) a condition caused by swallowing vast quantities of water. Victims were also placed on liquid diets prior to waterboarding to prevent them choking on solid pieces of regurgitated food as the procedure often causes vomiting.⁵⁷ Other design features of the procedure were less benevolent. To prevent a victim’s ‘effort to defeat the technique (e.g. by twisting his head to the side and breathing out of the corner of his mouth)’, the interrogator may cup his hands around the detainee’s nose and mouth to ‘dam the runoff’.⁵⁸ These considerations indicate that the exact version of waterboarding employed in US military facilities such as Guantanamo Bay was not intended to be improvised, developed ad hoc, or left to the intuition of

⁵⁴ The term I use to denote the waterboarding devices which make up the *Water Cure Collection*.

⁵⁵ Jay S Bybee, *Memorandum for John Rizzo, Acting General Counsel of the Central Intelligence Agency*, Memorandum, Office of Legal Council, U.S. Department of Justice (Washington DC: U.S. Department of Justice, 2002), 18.

⁵⁶ Steven G Bradbury, *Memorandum for John A. Rizzo, Acting General Counsel of the Central Intelligence Agency*, Memorandum, Office of Legal Council, U.S. Department of Justice (Washington DC: U.S. Department of Justice, 2005).

⁵⁷ *Ibid.*

⁵⁸ *Ibid.*

seasoned practitioners (at least insofar as official records indicate). Little attention appears to have been paid, however, to the device used to restrain and position the victim during waterboarding. The use of the gurney or bench is not officially specified as the preferred device. It appears these are simply convenient options easily acquired in a military prison environment.

The *Water Cure Collection* proposes a series of creative solutions to this design problem. The design parameters are formulated in response to the official procedures outlined in the ‘torture memos’. Whilst these memoranda from the Office of Legal Counsel do not stipulate or imply an obligatory or preferred device for positioning the subject, they do mention two informal conventions for the apparatus’ dimensions. The first comes from Assistant Attorney General Jay Bybee’s description of an ‘inclined bench...approximately four feet by seven feet’ to which the subject is secured.⁵⁹ The second comes from Steven G. Bradbury’s description of the subject ‘lying on a gurney that is inclined at an angle of 10 to 15 degrees to the horizontal’.⁶⁰ The dimensions of the bench, 4 x 7 feet (120 x 210 centimetres) reflect the size of an adult male body amply allowed for. The incline is more important to the technique as it allows it to simulate rather than cause drowning. With the subject’s head directed to the lower end of the bench their lungs are kept above their mouth and nose. This prevents the water that fills the mouth and nasal cavities during waterboarding from running down the trachea and filling the lungs, resulting in drowning. Whilst other provisions can be inferred from the description of the official waterboarding procedure as being required in the design of an effective waterboarding bench (such as consideration being given to restraints, water-resistant construction etc.)

⁵⁹ Bybee, op. cit.

⁶⁰ Bradbury, op cit.

the primary defining features of such a device is the provision of a flat surface, one large enough to accommodate the full height and breadth of the reclining subject, and inclined at an angle of 15 degrees from the horizontal. The *Waterboard's* design parameters are defined in this case by the function it is intended to perform. That function is to position the subject's body optimally for the procedure.

10. THE BIOPOWER OF FURNITURE



Figure 12: Sach Catts, *Water Cure Proto*, 2012-2013

The *Water Cure Collection* synthesises the parallel discussions happening throughout this research paper: torture and design. The *Waterboards* take their basic form from the functional requirements of waterboarding (most importantly the aforementioned fifteen-degree angle). The material manifestation compels

other concerns onto the design. *Water Cure: Proto* (2012-13) contrasts the clinical directness of the task at hand with the organic warmth and softness of timber. It is finished with a cured petroleum jelly polish (a technique originally used on the masts of timber yachts). Apart from referring to function – waterproofing the device – this embellishes the natural grain of the timber and evokes a relationship to the body through petroleum jelly’s corporeal associations. Non-functional design features such as these compare torture to other discourses. Furniture design was a primary line of enquiry informing this project and is a key stylistic referent in the *Water Cure Collection*. It is thus necessary to contextualise the *Collection* within a (broadly defined) discourse around furniture. As chairs are both functionally analogous to the *Waterboards* and a trope integral to design discourse, the chair and its relationship to the body will be explored. This will be rendered through both the underlying motivators of a range of chair designs and poignant artistic representations such as Andy Warhol’s *Electric Chair* images, part of the artist’s *Death and Disaster* series (1962-67).

The waterboarding apparatus is designed with intent toward the body. Of all the objects involved in an act of waterboarding it is most defined by the subject’s body. It shares this quality with an armchair. Both the *Waterboard* and the chair exist to, and are formed around, an intention to accommodate the body. However, this intent toward the body is specific. The armchair allows versatility in its occupation. It is designed to accommodate a range of postures. The *Waterboard* is dictatorial in its embrace. The subject cannot, and should not, adopt a volitional position. Unlike an armchair, its intention is not to be flexible and accommodating to the desires of the individual. Its intention does not

validate individual desire. Rather it is a device for positioning the body for a specific operation to take place. Seen in this way it objectifies the body. Over the armchair, the dentist's chair is a much closer relation. The dentist's chair is designed to position the body for an operation to be performed upon it. It puts the patient in a reclining position at such an angle so as to allow almost vertical access to their mouth, at a comfortable working height for the dentist in question.



Figure 13: Sky Dental, *M Chair*⁶¹

The dentist's chair and the *Waterboard* correlate beyond a discussion of ergonomics. The experience of dentistry somewhat approximates that of torture. Firstly, it is generally unpleasant. For many, few other necessary elements of contemporary existence carry the same visceral dread as the premonition of a dental procedure. Common procedures such as having cavities filled are painful and the experience of having a dentist's latex-gloved fingers and unfriendly instruments probing in one's mouth is psychologically distressing. Unlike

⁶¹ Justin Taylor, *Samsung and InnoDen Introduce the Future for Dental Chairs and Delivery Units*, 21 July 2010, <http://www.dentalblogs.com/archives/administrator-2/samsung-and-innoden-introduce-the-future-for-dental-chair's-and-delivery-units/> (accessed May 10, 2014).

surgery, one remains conscious throughout. Also the dentist, realising that this distress is collateral and at times a hindrance to their craft, must remain unmoved by much of their patient's suffering. The dentist will command the patient to suppress the natural reflexes provoked by the dentist's intrusion, such as closing the mouth. The subject's usual autonomy over their mouth is suppressed. The dentist treats an intrinsic and psychologically laden part of the body as an object, and ignores any protests to the contrary. The chair becomes an instrument of their power by positioning their body according to the demands of a mechanical procedure. Whilst surgery treats the body in a similar and often vastly more invasive fashion, the patient is anaesthetised and generally unconscious.

The authority that the dentist's chair takes over the body of its occupant can be seen beyond such specialised equipment. This specific intent toward positioning the body is perceptible in certain cases of furniture. Modernist architect and designer Le Corbusier's *Chaise Longue (LC/4)* (1928) demonstrates immediately an intended posture for its occupation. Its profile traces a line through space, instinctively evoking the shape and proportions of a human figure reclining on their back with their legs elevated and knees slightly bent. This ergonomic specificity is emphasised by its construction. The unornamented composition and continuous steel tube frame unflinchingly declares the *Chaise's* relationship to the body. Unlike a traditional flat lounge or couch one could not choose to comfortably roll onto their side, or choose to sit upright with their legs crossed. Le Corbusier does not appear to believe one should assume any other position for furniture-based relaxation, declaring his *Chaise Longue* as "the true

machine for resting.”⁶² This ergonomic certainty was informed by the contemporaneously ‘vogueish idea that sitting with the feet elevated was one of the most healthful and relaxing positions.’⁶³ Regardless of the piece’s success in achieving this ultimate level of comfort, the possibility of this comfort is only offered to the occupant if they submit to the posture it demands of them. Le Corbusier’s *Chaise* is thus an expression of authority through furniture.



Figure 14: Le Corbusier; *Chaise Longue (LC/4)*, 1928

Roland Reiss’ *Body Language I* (1980) explores this ability of furniture to direct the body’s position into abnormal articulations. The object’s appearance refers to exercise equipment (what Reiss refers to as ‘muscle-builders’ furniture’⁶⁴); a rectilinear arrangement of round steel tubes suspends an L-shaped board on a forty-five degree backwards tilt. It is unembellished, its austere black and white colour scheme suggesting functionality. It resembles a seat; its

⁶² Le Corbusier, “The Undertaking of Furniture” (1929), in *Precisions on the Present State of Architecture and City Planning*, Cambridge: The MIT Press, 1991, p 118.

⁶³ George H. Marcus, *Functionalist Design: An Ongoing History* (Munich and New York: Prestel-Verlag, 1995), p 104.

⁶⁴ Denise Domergue, *Artists Design Furniture* (New York: Harry N. Abrams Inc., 1984), p 135.

proportions invite the body but do not show any intention to comfort it. It positions the body at an angle. One's vision is directed upward, forty-five degrees above the horizontal. The refined/functional construction expresses Reiss' desire 'to press the physical nature of furniture design.' This reveals 'a series of planes that would dump your body into difficult positions.'⁶⁵ The difficult position is the core purpose of resistance training. As mentioned earlier, resistance or muscle training makes pain virtuous as pain indicates hypertrophy (the mechanism by which muscle growth occurs). However, this pain must be managed to ensure one is training correctly, both to prevent injury and to ensure one is consistently targeting the desired muscle groups. However, pain makes one disobedient. One slumps under the weight and shifts their posture, 'cheating' on the exercise by using other muscles to complete the motion, thus making it easier and violating the principles of hypertrophy. The "muscle-building furniture" to which Reiss refers, aids in enforcing this kinetic isolation, restricting the instinctual responses of the subject and the natural manner in which their body completes a task. Within the logic that this equipment functions the natural tendencies and visceral instincts of the body are wrong. The only way for the body to become virtuous is via the equipment's enforcement of the correct motion.

⁶⁵ Ibid.



Figure 15: Ludwig Mies van der Rohe, *Barcelona Chair* (1929)⁶⁶



Figure 16: Tom Sachs, *Bitch Lounge* (1999)⁶⁷

⁶⁶ Museum of Modern Art, *Ludwig Mies van der Rohe. Barcelona Chair. 1929*, http://www.moma.org/collection/object.php?object_id=4369 (accessed October 19, 2014).

The tendency of modernist design to act dictatorially is parodied in Tom Sachs' *Bitch Lounge* (1999), a low single-seater couch. Its chrome-plated steel base frame and tufted white leather upholstery clearly recalls Mies van der Rohe's functionalist icon, the *Barcelona Chair* (1929). In many ways *Bitch Lounge* appears unremarkable. The seductive qualities of mirror-polished steel and fine leather have been exploited in high-end furniture design to the point of cliché. Sachs design is considerably different from the array of Bauhaus imitations occupying furniture catalogues. The construction in all its details – from 'the density of the foam [and] the curve of the back' to 'the placement of the buttons' – were given meticulous consideration. The result is a 'singularly uncomfortable' article of furniture; 'the lounge does not allow the sitter to 'sit' conventionally without bending his or her legs so they sit directly under the chin, or having to extend them horizontally.'⁶⁸ The *Bitch Lounge* shares the same degree of intent toward the body as Le Corbusier's *Chaise*, both setting out to force the body into a position desired by the designer. Whilst the potential occupant is more likely to comply with Le Corbusier's directives, the *Chaise* does not broach any disobedience to the ideal. Its declaration as 'true machine for resting' makes plain its denial of subjectivity. The machine offers finite outcomes and removes the inefficiencies of human action. It is as if the *Chaise* will rest you – whether you like it or not.⁶⁹ In this sense you are an object to be acted upon by the furniture. The critique of modernist architecture and design's

⁶⁷ Tom Sachs "Bitch Lounge", 28 October 2011, <http://mondo-blogo.blogspot.com.au/2011/10/tom-sachs-bitch-lounge.html> (accessed May 1, 2014).

⁶⁸ Barbara J Bloemink, *Design ≠ Art* (London, New York: Merrell Publishers in association with Cooper-Hewitt, National Design Museum, Smithsonian Institution, 2004), p 135.

⁶⁹ This could further be thought of along the following lines: the resting machine (the *Chaise Longue*) relates to the tired human being as the automatic washing machine is to soiled dinner plates.

inhumanity is long established. Sachs' *Bitch Lounge* pursues a critical design; it allegorises functionalism's reductivism in a piece of furniture that flexes its ability to act upon the subject, megalomaniacally manipulating their body. The *Barcelona Chair* has become the eternal icon of modernist perfection. Intended for a royal reception room in the German pavilion at the 1929 Esposizione Internazionale in Barcelona, it 'could [never] be just a chair – it had to be a monumental object as well.'⁷⁰ At birth Mies' chair was given the agency that Sachs develops in his pastiche. As an ideal it does not respond to the manner in which we wish to sit, it defines what sitting is.



Figure 17: Tom Sachs, *Bitch Lounge*.⁷¹

⁷⁰ Ludwig Mies van der Rohe to I.D. Higgins quoted in; George H. Marcus, *Functionalist Design: An Ongoing History* (Munich and New York: Prestel-Verlag, 1995), p 108

⁷¹ Tom Sachs "Bitch Lounge", 28 October 2011, <http://mondo-blogo.blogspot.com.au/2011/10/tom-sachs-bitch-lounge.html> (accessed May 1, 2014).

The *Barcelona Chair's* agency in regard to the body is rendered even more dramatically in Mark Leyner's postmodern novel *My Cousin My Gastroenterologist*. After having been convicted for "conspiracy to commit murder with a plummeting commercial aircraft", Leyner's protagonist is sentenced to death and recounts his final moments;

'Luckily I'd developed an unusually close relationship with the warden. Knowing how much I loved Miës van der Rohe, he had an electric Barcelona chair custom-built for my execution. And when the date finally came and I was led into the death chamber, I couldn't help but marvel at the delicate curvature of the X-shaped legs, the perfect finish of the plated steel and the leather upholstery, and the magnificent, almost monumental proportions that have made the Barcelona chair timeless.'⁷²

The clichéd ascription of timelessness to Mies' chair is directly compared to the finitude of human life. In killing its occupant the *Barcelona Chair* performs the ultimate objectification, reducing the body to unconscious flesh. The electric chair is the ultimate modernisation of torture. Human reason reaches its zenith where it can harness and control an invisible force that was previously in the palms of only the gods. A flick of a switch and we effortlessly gain retribution from the condemned man, who convulses and bursts into flame.

⁷² Mark Leyner, *My Cousin, My Gastroenterologist* (New York: Vintage Contemporaries, 1993), p 32.

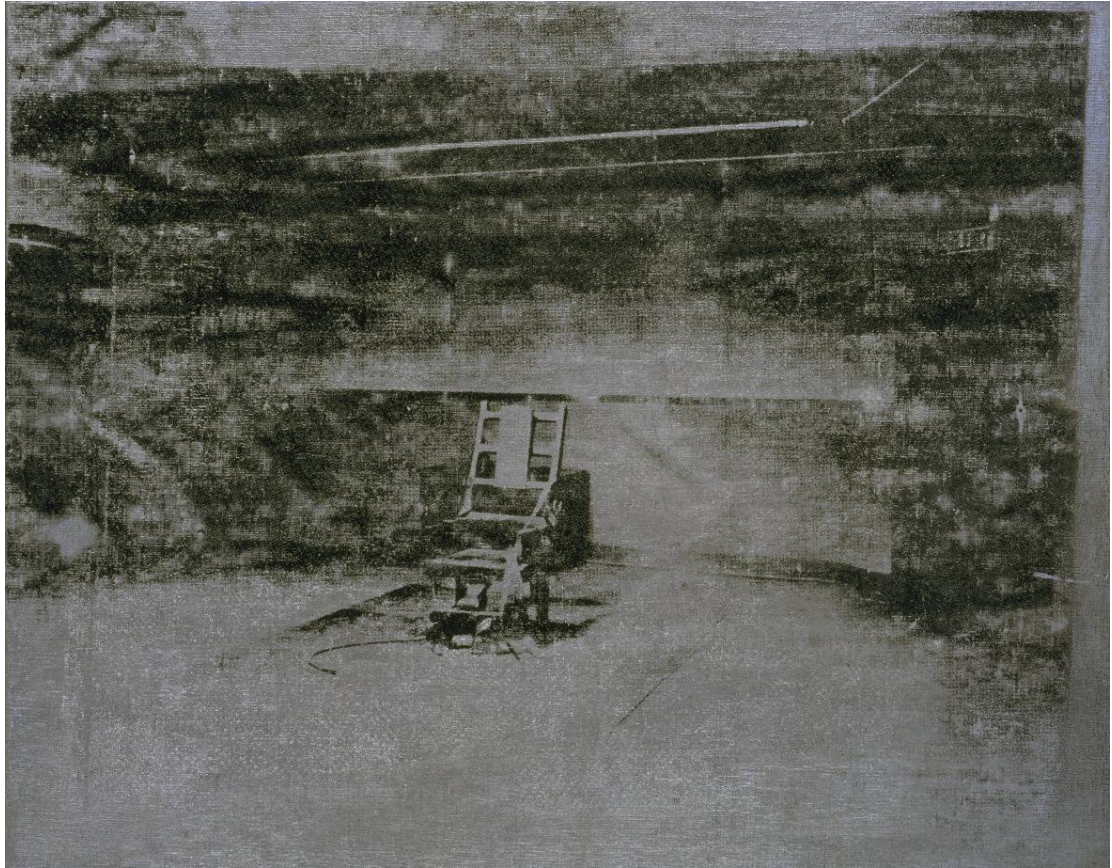


Figure 18: Andy Warhol, *Electric Chair* (1964)

Although irony is a quality oft-ascribed to Warhol and his oeuvre, his depiction of the electric chair sits in contrast to Leyner's postmodern frivolity. Warhol presents the chair as a symbol of death itself. Placed in the centre of an empty, hypnotically austere room the print renders the chair luminous against a patchy background of newsprint shadows. Its glowing presence elevates it to symbolic status. The austerity of the execution room is a scene far removed from the bloodthirsty public executions of pre-enlightenment Europe. The punishment that Warhol's totemic chair represents is the rationalised barbarity of science, the electrocution execution⁷³ being 'a by-product of Thomas Edison's lightbulb.'⁷⁴⁷⁵

⁷³ 'Electrocution execution', whilst deliberately employed here for effect, is actually a tautology. The term 'electrocution', a portmanteau of the prefix 'electro' and the noun 'execution', came into popular parlance around the first public demonstrations of electricity's lethality; first on

The death that the chair represents is ‘saniti[s]ed, antiseptic;’ a world apart from the baroque embellishment of medieval rites of torture. The manner in which the penalty is applied is homogenised to a single symbol represented by the chair (and aptly rendered in monochrome). Killing is serialised in the name of humanity (a process begun by the guillotine), its mechanical reproducibility matching the print process that Warhol employs to produce this icon. To continue Le Corbusier’s idiom (and with apologies to the same) the electric chair is the ‘true machine for killing’.

This movement through a series of chairs is aptly bookended with reference to the dentist’s chair. Electric current performs the pivotal executory function of the electric chair. The chair acts only as a convenient device for restraining and positioning the condemned person. This could conceivably have been achieved by other means, such as a bed (as is employed in lethal injection executions). However, the chair’s inventor, Alfred Southwick, was a dentist. The chair was presumably a natural choice for him. It is inviting to speculate that, as a dentist in 1887 – with little in the way of effective anaesthesia – a dentist would be used to inflicting suffering upon seated patients.

The electric chair was intended to satisfy a difficult brief. The state was searching for a more humane method of execution to hanging. We can identify

animals and then on humans via the electric chair. Whilst it has come to refer to any electric shock, the term has deliberate killing at its core.

⁷⁴ Bennett Capers, “On Andy Warhol's Electric Chair,” *California Law Review* 94, no. 1 (2006), pp 250-251.

⁷⁵ At the time when electricity was emerging as a household power source it was available in both alternating (AC) and direct (DC) currents. Thomas Edison had developed direct current and was aggressively promoting it as superior to alternating current, invented by George Westinghouse and Nikola Tesla. Edison had made claims that alternating current was the more dangerous form of electricity and had demonstrated by electrocuting animals for press audiences. Edison’s publicity influenced the state of New York’s decision to select alternating current for the electric chair as increased lethality was desirable in their application. However, Westinghouse refused to supply an AC generator fearing further negative publicity following the execution. Instead, Edison procured one anonymously for the execution, claiming the order was for a university. Eric Chaline, *History's Worst Inventions* (Sydney: Pier 9, 2009), p 30

herein a paradoxical bind that exists in the West, primarily in the United States. There is a desire by the state to inflict an extreme act of violence, and the conflicting desire to treat all subjects in a dignified manner. This has led the state to recoil from touching the body as they take away life. The same effect informs the logic of by-the-book waterboarding. The state – in this case the United States – wishes to force the victim – in this case an accused terrorist or ‘illegal enemy combatant’ – to cooperate by causing them distress. It is known that simulating the sensation of drowning achieves this. The act must be mediated by technical expertise. The outcomes of the state’s action must be determinate and consistent. Hence the procedure, that was once violent, becomes almost biological. Waterboarding is designed and regulated toward a definite outcome of submission. Whether or not harm occurs is now a moot point because all variables have been isolated. By applying reason to the process (in the form of technical regulation) it is deemed reasonable.

11. INTERROGATIVE DESIGN

The *Water Cure Collection* has been discussed relatively discretely thus far. The work has been located within design via furniture and seating targeted as a functional, and then discursive corollary. I now wish to evaluate this work on a more fundamental level; to examine the logic and ethics of the practice I am performing. I will address what it is to design solutions for torture and what it is to do so as a work of art. In this discussion I will briefly return to the disciplinary features of design and then examine the interface between design and art.

Finally, I will explore using design as a driver of critical reflection looking extensively at Krzysztof Wodiczko's notion of 'interrogative design'.

Although the *Water Cure Collection* explores design conceptually, it does not fit within its logic. These objects are works of art that appropriate the style and process of design artefacts. As discussed earlier, design is a product of creative intent toward a function. To an extent, the *Collection* concurs with this formula, being the product of both a function (waterboarding) and intent. Furthermore, the physical form of the *Waterboards* logically accounts for its relationship to the intended function. These works, however, deploy a self-conscious, performative articulation. This approaches parody. Insofar as it turns creative, logical, and lateral problem solving and desirable form into an inhumane 'need', it apes the amorality or moral relativism of which design can be accused. The artistic representation or performance of design can be elaborated further by examining the differences between art and design.



Donald Judd, *Chair*, c. 1973,⁷⁶

The late American minimalist sculptor Donald Judd worked on either side of this line. Making art and designing furniture, he approached both practices discretely. Whilst admitting obvious stylistic similarities between his sculpture and furniture, Judd resisted any conflation of the two. His statements of the matter are declarative; ‘The furniture is furniture.’⁷⁷ Approaching it as art or modifying sculptures to be used as furniture resulted, in his experience, in poor

⁷⁶ Phaidon, *Donald Judd furniture now available*, 22 September 2013, <http://au.phaidon.com/agenda/design/articles/2013/september/22/donald-judd-furniture-now-available/> (accessed October 25, 2014).

⁷⁷ Donald Judd, “It’s Hard to Find A Good Lamp,” in *Design and Art*, 50-54 (London: Whitechapel, 2007), p. 54.

furniture. Intent defines this demarcation.⁷⁸ ‘... furniture must be functional’ and this is the designer’s primary consideration. The work of art does suffer such teleological goals. It is ‘the assertion of someone’s interest regardless of other considerations.’⁷⁹ ‘...a chair exists as a chair itself...the idea of a chair isn’t a chair.’⁸⁰ The idea of the chair is the work of art. The *Waterboards* in the *Collection* appropriate stylistic elements from furniture and design artefacts to suggest a function. Their intent is the *idea* of a functional aid for waterboarding.

Within the work of art the idea of a waterboard can be considered critically. The function of the designed artefact becomes questionable. The logic of design practice is non-reflexive. A designer creates things to that fill some need in the world. By designing for that need they condone it. The cutlery designer creates tools to eat with. Before they can set out, they must first condone the act of eating. However, to do the same for waterboarding is more problematic. Rather than the ultimate purpose being need fulfilment, mine is rather a project of need illumination. The process of design requires great attention to the exact nature of the phenomena being designed for. Designing for waterboarding demands comprehension of its existence in time and space. Overlaid with reflexive criticality, design can act as a vehicle for interrogating the existence of that need in the first place. This project could be performed from within design. Anthony Dunne and Fiona Raby’s critical design approach ‘challenges designers... to envision...design products that reflect a more

⁷⁸ ‘Intent’ in this case approximately refers to purpose. This should be distinguished from the alternate usage throughout this text of ‘intent’ and ‘intention’ which refer to premeditation and deliberation as in the design process.

⁷⁹ Donald Judd, “It’s Hard to Find A Good Lamp,” in *Design and Art*, 50-54 (London: Whitechapel, 2007), p. 50.

⁸⁰ Ibid.

challenging view of human needs and experience'.⁸¹ This ethos is set against 'affirmative design: design that reinforces the status quo.'⁸² Critical design, at least as espoused by Dunne and Raby, seems to be an epistemological strategy or research methodology rather than a way in which to do design, 'more of an "attitude" than a "method"'.⁸³



⁸¹ Jeffrey Bardzell and Shaowen Bardzel, "What is "Critical" About Critical Design?," *Academia.edu*, http://www.academia.edu/3795919/What_is_Critical_About_Critical_Design (accessed October 15, 2014).

⁸² Anthony Dunne and Fiona Raby, *Critical Design FAQ*, <http://www.dunneandraby.co.uk/content/bydandr/13/0> (accessed October 19, 2014).

⁸³ Jeffrey Bardzell and Shaowen Bardzel, "What is "Critical" About Critical Design?," *Academia.edu*, http://www.academia.edu/3795919/What_is_Critical_About_Critical_Design (accessed October 15, 2014).



Figures 20 and 21: Krzysztof Wodiczko, *Homeless Vehicle* (1988-89)⁸⁴

A former industrial designer turned artist, Krzysztof Wodiczko uses design as an artistic strategy. In his work it is a method for critique in praxis; ‘interrogative design.’ The *Homeless Vehicle Project* (1988-89) uses design methodology to reveal needs in society that should not exist. Designed in collaboration with the homeless population of New York, the vehicle acted as a lens, focusing ‘attention [on] the specific limitations and compromises imposed by urban nomadic existence’.⁸⁵ The brief was bipartite. It met practical requirements: ‘a means of transportation and shelter.’ More importantly, it conveyed social and economic agency on its users, ‘creating a legitimised status for its use in the community and the city.’⁸⁶ The vehicle’s legitimising function was particularly important, ‘function[ing] as a visual analogue to everyday

⁸⁴ Espace Holbein, *Saluds de pauvres*, 18 December 2008, <http://espace-holbein.over-blog.org/article-25881365.html> (accessed October 15, 2014).

⁸⁵ Krzysztof Wodiczko and David Lurie, “Homeless Vehicle Project,” in *Critical Vehicles: Writings, Projects, Interviews*, 79-84 (Cambridge: The MIT Press, 1999), p 80.

⁸⁶ *Ibid*, p 83.

objects of consumption and merchandising (such as food vendor carts) and to create a bridge of empathy between homeless individuals and observers.’⁸⁷ By designing for the requirements of the homeless Wodiczko began to make visible their situation and treatment by city officials and the population in general. This is an ongoing project across the artist’s work, which he terms ‘interrogative design’; a design that ‘questions the very world of need of which it is born.’ Design that does ‘not hesitate to respond to the needs that should not, but unfortunately do, exist.’⁸⁸ Every functional feature acts as a description of the plight of the homeless. The *Homeless Vehicle*’s usefulness is problematic. The need it addresses should not exist in the first place. *Interrogative design* best describes the ethical position of the *Water Cure Collection*. The existence of waterboarding as a practice to be designed for is problematic. As an officially codified technique, detailed in a manual, it is even more so. Waterboarding, despite its ubiquity, remains an abstraction. It is peripheral to most people’s consciousness, existing symbolically in media reports. The word itself hides the magnitude of the act in its easy confusion with forms of marine recreation. Most have not seen its reality. Wodiczko states that such ‘design should not be conceived as a symbolic representation but as a performative articulation.’⁸⁹ The design of artefacts such as the *Waterboards* demonstrates the materiality; the size and shape; the palpable presence of inhumanity. These objects seek to de-symbolise waterboarding, arresting the slippage that allowed the West to condone ~~torture~~ *enhanced interrogation*. Confronted with the artefact we can imagine ourselves riding the board.

⁸⁷ Ibid.

⁸⁸ Krzysztof Wodiczko, “Interrogative Design,” in *Critical Vehicles: Writings, Projects, Interviews*, 16-17 (Cambridge: The MIT Press, 1999), p 17.

⁸⁹ Ibid.



Figure 22: Sach Catts *Water Cure: Beton Brut*, 2014

IN CONCLUSION

This research project has explored possible relationships between torture and design. It looks at my past work, and the works of other artists and designed artefacts, and concludes that design can be regarded as an aesthetic quality.

The geo-political period beginning in 2001, known popularly as the War on Terror, thrust the contemporary use of torture by Western governments, particularly the United States, into public discourse. Memorably, it saw torture domesticated under the title, *enhanced interrogation*, which employed the technique of waterboarding as a particular approach to torture, designed to circumvent legal prohibitions. The *Water Cure Collection* is an attempt to confer visibility on waterboarding.

I have approached design as a model for critical engagement with torture and enhanced interrogation. Design can be accused of amorality due to its

objective relationship to function. However, this objectivity can be a useful critical tool when mobilised in the work of art. It allows a coercive practice, such as waterboarding, to be engaged with, represented, and illuminated.

BIBLIOGRAPHY

Agamben, Giorgio. *Homo Sacer: Sovereign Power and Bare Life*. Stanford: Stanford University Press, 1998.

Amnesty International. *Torture in 2014: 30 Years of Broken Promises*. Amnesty International, 2014.

Aston, Heath. "Attorney-General George Brandis backflips on torture ban" *The Sydney Morning Herald*. 22 September 2014, <http://www.smh.com.au/federal-politics/political-news/attorneygeneral-george-brandis-backflips-on-asio-torture-ban-20140922-10kcx3.html> (accessed October 5, 2014).

Bailey, Robert. "Unknown Knowns: Jenny Holzer's Redaction Paintings and the History of the War on Terror." *October*, no. 142 (Fall 2012): 144-161.

Bardzell, Jeffrey, and Shaowen Bardzel. "What is "Critical" About Critical Design?" *Academia.edu*.
http://www.academia.edu/3795919/What_is_Critical_About_Critical_Design (accessed 15 October 2014).

Bloemink, Barbara J. *Design ≠ Art*. London, New York: Merrell Publishers in association with Cooper-Hewitt, National Design Museum, Smithsonian Institution, 2004.

Borger, Julian. "Obama vows to defeat Isis and rallies UN against 'network of death'" *The Guardian*. September 25, 2014.
<http://www.theguardian.com/world/2014/sep/24/obama-un-isis-join-this-effort> (accessed October 10, 2014).

Bush, George W. "President Bush's Speech on Terrorism" *The New York Times*. 2006, 6 September.
http://www.nytimes.com/2006/09/06/washington/06bush_transcript.html?pagewanted=all&_r=0 (accessed 6 October, 2014).

—. *State of the Union Address (January 29, 2002)*. January 29, 2002.
<http://millercenter.org/president/speeches/speech-4540> (accessed 9 October, 2014).

Bradbury, Steven G. *Memorandum for John A. Rizzo, Acting General Counsel of the Central Intelligence Agency*. Memorandum: Office of Legal Council, U.S. Department of Justice. Washington DC: U.S. Department of Justice, 2005.

Bybee, Jay S. *Memorandum for John Rizzo, Acting General Counsel of the Central Intelligence Agency*. Memorandum: Office of Legal Council, U.S. Department of Justice. Washington DC: U.S. Department of Justice, 2002, 18.

Capers, Bennett. "On Andy Warhol's Electric Chair." *California Law Review* 94, no. 1 (2006): 243-260.

Chaline, Eric. *History's Worst Inventions*. Sydney: Pier 9, 2009.

Cole, David. "The End of the War on Terror" *The New York Review of Books*. November 7, 2013.
<http://www.nybooks.com/articles/archives/2013/nov/07/end-war-terror/>
(accessed 19 October, 2014).

Coles, Alex. *Design and Art*. London: Whitechapel, 2007.

Le Corbusier, "The Undertaking of Furniture" (1929), in *Precisions on the Present State of Architecture and City Planning*, Cambridge: The MIT Press, 1991.

Domergue, Denise. *Artists Design Furniture*. New York: Harry N. Abrams Inc., 1984.

Dunne, Anthony, and Fiona Raby. *Critical Design FAQ*.
<http://www.dunneandraby.co.uk/content/bydandr/13/0> (accessed 19 October 2014).

Diehl, Daniel; Donnelly, Mark P. *The Big Book of Pain: Torture and Punishment through History*. Stroud: The History Press, 2008

Espace Holbein. "Salauds de pauvres". 2008, 18 December. <http://espace-holbein.over-blog.org/article-25881365.html> (accessed 15 October, 2014).

Foucault, Michel. *Discipline and Punish: The Birth of the Prison*. London: Penguin, 1991.

—. *Security, Territory, Population: Lectures at the Collège de France 1977-1978*. New York: Palgrave Macmillan, 2007.

General Assembly of the United Nations, *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, (New York: The United Nations, 1984).

Goldenberg, Suzanne, and Richard Norton-Taylor. "Judge's anger at US torture" *The Guardian*. February 17, 2006.
<http://www.theguardian.com/uk/2006/feb/17/politics.world> (accessed 15 October, 2014).

Green, Debbie et al., "Defining Torture: A Review of 40 Years of Health Science Research", *Journal of Traumatic Stress*, Vol. 23, No. 4, August 2010, pp. 528-531.

Greenhill, Sam. First picture of drug suspects held in police 'torture' *The Daily Mail*. 12 June. <http://www.dailymail.co.uk/news/article-1191930/Six-Scotland->

Yard-officers-accused-waterboarding-drug-suspects.html (accessed 25 October, 2014).

Hicks, David. *Guantanamo: My Journey*. Sydney: Random House, 2010.

Hitchens, Christopher. "Believe Me, It's Torture" *Vanity Fair*. 2008, 1 August. <http://www.vanityfair.com/politics/features/2008/08/hitchens200808> (accessed 15 October, 2014).

International Committee of the Red Cross. "What does the law say about torture?" 2011, 24 June. <https://www.icrc.org/eng/resources/documents/faq/torture-law-2011-06-24.htm> (accessed 10 October, 2014).

Jencks, Charles; Silver; Nathan. *Adhocism; the case for improvisation*. New York: Doubleday, 1972.

Jewell, Gus. *Rice's Return Sparks Outrage Over Torture Allegations*. 2009, January. http://progressive.stanford.edu/cgi-bin/article.php?article_id=269&archive=1 (accessed 9 May, 2014).

Krebs, Erin E.; Carey, Timothy S.; Weinberger, Morris, "Accuracy of the Pain Numeric Rating Scale as a Screening Test in Primary Care," *Journal of General Internal Medicine*, v. 22 no.10 (2007), pp. 1453-1458

Kenny, Mark. Abbott declares war on the Islamic State 'death cult' *The Sydney Morning Herald*. September 14, 2014. <http://www.smh.com.au/federal-politics/political-news/abbott-declares-war-on-the-islamic-state-death-cult-20140914-3fol3.html> (accessed October 12, 2014).

King, John. "Bush: Join 'coalition of willing'." *Cnn.com/World*. November 20, 2002. <http://edition.cnn.com/2002/WORLD/europe/11/20/prague.bush.nato/> (accessed October 19, 2014).

Levy, Allison ed. *Sex Acts and Visual Culture in Early Modern Italy*. Hampshire: Ashgate, 2010.

Leyner, Mark. *My Cousin, My Gastroenterologist*. New York: Vintage Contemporaries, 1993.

Maier, Jonathan R.A. "Rethinking Design Theory." *Mechanical Engineering* (American Society of Mechanical Engineers) 130, no. 9 (September 2008): 34-37.

Marcus, George H. *Functionalist Design: An Ongoing History*. Munich and New York: Prestel-Verlag, 1995.

Marks, Jonathan H. "The Logic and Language of Torture." In *Representing Humanity in an Age of Terror*, by Sophia A McClennen and Henry James Morello. West Lafayette, Indiana: Purdue University Press, 2010.

Mascia-Lees, Frances E. and Sharpe, Patricia eds. *Tattoo, Torture, Mutilation, and Adornment: The Denaturalization of the Body in Culture and Text*. Albany: State University of New York Press, 1992.

Mayer, Jane. "Outsourcing torture" *The New Yorker*. 2005, 14 February. <http://www.newyorker.com/magazine/2005/02/14/outsourcing-torture> (accessed 20 October, 2014).

McCoy, Alfred W. *A Question of Torture: CIA Interrogation from the Cold War to the War on Terror*. New York: Henry Holt and Company, 2006.

Miller, Seumas. "Torture" *Stanford Encyclopaedia of Philosophy*, Summer 2011, <http://plato.stanford.edu/entries/torture/> (accessed August 20, 2013).

Museum of Modern Art. "Ludwig Mies van der Rohe. Barcelona Chair. 1929" *Museum of Modern Art*. http://www.moma.org/collection/object.php?object_id=4369 (accessed 19, October 2014).

National Gallery of Australia. "Jackson Pollock Blue Poles." *National Gallery of Australia*. <http://nga.gov.au/Pollock/action.htm> (accessed 10 March, 2014).

Newson, Marc. "Lathed Table" *Marc Newson, Ltd*. 2013. <http://www.marc-newson.com/ProjectImages.aspx?GroupSelected=0&ProjectName=Lathed+Table%0D%0A2007+-+Gagosian+Gallery%2C+New+York&Category=Unique%20Pieces> (accessed 15 March, 2014).

Attorney General, Office of the. "National Security Legislation Amendment Bill (No. 1) 2014: A Bill for an Act to amend the law relating to national security and intelligence services, and for related purposes," Legislative Bill, The Senate, Parliament of the Commonwealth of Australia (2013-14).

Owens, Jared. "Coalition amends terror laws to explicitly prohibit torture by security agents" *The Australian*. September 22, 2014. <http://www.theaustralian.com.au/national-affairs/defence/coalition-amends-terror-laws-to-explicitly-prohibit-torture-by-security-agents/story-e6frg8yo-1227066258655?nk=8908da629b7b3975d2902e7e6ced61d1> (accessed October 7, 2014).

Phaidon. "Donald Judd furniture now available" *Phaidon*. 2013, 22 September. <http://au.phaidon.com/agenda/design/articles/2013/september/22/donald-judd-furniture-now-available/> (accessed 25 October, 2014).

Pierce, Olga. "Torture Memos vs. Red Cross Report: Prisoners' Recollections Differ from Guidelines" *Pro-Publica*. 2009, 24 April. <http://www.propublica.org/special/torture-memos-vs.-red-cross-report-prisoners-recollections-differ-0424#stresspositions> (accessed 18 October, 2014).

Portenoy, RK, and RM Tanner. *Pain Management: Theory and Practice*. Oxford: Oxford University Press, 1996.

Quehen, Pascal. "Bridget Riley, op art queen." *Graphic Soul*. http://graphicsoul.over-blog.com/pages/Bridget_Riley_op_art_queen_-1990661.html (accessed 10 March, 2014).

Richardson, Michael. "Who Speaks? Torture and the Ethics of Voice." *Text Journal*. 2012, April. <http://www.textjournal.com.au/april12/richardson.htm> (accessed 6 June, 2013).

Riley, Bridget. *Bridget Riley, Dialogues on Art*. London: Zwemmer, 1995.

Scarry, Elaine. *The Body in Pain: The Making and Unmaking of the World*. New York: Oxford University Press, 1985.

Sullivan, Andrew. "Verschärfte Vernehmung" *The Atlantic*. May 27, 2009. <http://www.theatlantic.com/daily-dish/archive/2007/05/-versch-auml-rfte-vernehmung/228158/> (accessed 18 September 2013).

Taylor, Justin. "Samsung and InnoDen Introduce the Future for Dental Chairs and Delivery Units" *Dental Blogs*. 2010, 21 July. <http://www.dentalblogs.com/archives/administrator-2/samsung-and-innoden-introduce-the-future-for-dental-chair's-and-delivery-units/> (accessed 10 May, 2014).

"Theresiana Leiter." *Wikimedia Commons*. 2013, 1 December. <http://commons.wikimedia.org/wiki/File:Theresiana-Leiter.jpg> (accessed 23 October, 2014).

"Tom Sachs "Bitch Lounge"" *Mondo Blog*. 2011, 28 October. <http://mondo-blogo.blogspot.com.au/2011/10/tom-sachs-bitch-lounge.html> (accessed 1 May, 2014).

Wodiczko, Krzysztof. *Critical Vehicles: Writings, Projects, Interviews*, Cambridge: The MIT Press, 1999.

World Medical Association. *WMA Declaration of Tokyo - Guidelines for Physicians Concerning Torture and other Cruel, Inhuman or Degrading Treatment or Punishment in Relation to Detention and Imprisonment*. May, 2006.

LIST OF ACCOMPANYING IMAGES

1. Sach Catts, *Experimental Reading*, 2013
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CATALOGUE OF WORK FOR EXAMINATION

The Water Cure Collection

Water Cure: Proto

Lubricated radiata pine

1350 x 2000 x 900 mm

Water Cure: Beton Brut

Concrete, steel, radiata pine, plywood

1300 x 2418 x 700 mm

Water Cure: Scand

Plywood, carnauba wax

1300 x 2418 x 700 mm

Water Cure: Iber

Stainless steel

1300 x 2418 x 700 mm