

Systems in Sheep's Clothing: Rebecca Gordon and Robin Zheng

[begin music]

Sandra Bertin, producer: Welcome back to the Examining Ethics podcast, supported by the Prindle Institute for Ethics. I'm Sandra Bertin. And our topic today is exploring hidden systems. Hence the very clever title of the show "Systems in Sheep's Clothing." We'll be discussing things that you thought were just you, a fear or a fixation or things that you hear about on the news that seem like individual cases, but are actually part of a larger system in society.

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Sandra,: I'm here with the other producer of this show, Christiane Wisehart. Hi Christiane.

Christiane Wisehart, producer: Hi Sandra.

Sandra: On episode one, I had actually suggested that you go on and read the credits, but you said no. <laugh>.

Christiane: I said I did not want to, because I, I actually hate the sound of my own voice. And I think, I think I've actually hated the sound of my own voice for a really long time, maybe since middle school. And a lot of that has to do with the fact that I kind of have a valley girl way of speaking. So I, I do up speak. I say like a lot. I say, um, a lot, I sometimes kind of have a higher pitch to my voice and, and all of these things I've heard from various people about how annoying they are and how maybe I should stop saying like so much, right. You know, hearing from my English teacher that I would never be taken seriously if I continued to talk the way that I did. So I think for, for a really long time, I've, I've been really self-conscious about, about my voice. Are you at all? Self-conscious about your voice, Sandra.

Sandra: Yeah. So I never really noticed it, but I do have this tendency to kind of imitate everyone who I'm around. So a lot of people like I'm from Staten Island, New York, but people always say to me, but you don't have a Staten Island accent. It's a really strong accent. But the funny thing is, is that I did, if I'm around people that are from Staten Island, I will speak like them or especially I did when I was younger, cuz it's really fun to have an accent out of nowhere. The only time I was actually self-conscious about this was in a political science class I had in college where I was the only female student in the room and it already had this sort of strong male personality to it. I was nervous about my ideas, but I was also worried that my ideas weren't being taken seriously just because my voice was too feminine. And maybe if I made my voice a little more masculine, when I was sharing my ideas, they would be received better because honestly they weren't being received well at all. <laugh> And I don't know if that's because I was

a woman or because they just didn't agree with them, but either way I attributed it to the way my voice sounded. And I tried to sound more masculine by deepening my voice. Like making sure I didn't go up at the end of my sentences, things like that.

Christiane: Women's voices get sort of policed in two different ways. Right? A lot of times we will hear people say, you know, actually telling us, don't say like so much, don't talk like this or making fun of women who talk like that and sort of de-legitimizing what they're saying because of the way that they talk that, you know, I've, I've often heard people say, "I can't take her seriously. She sounds like a valley girl." So just the way that you talk allows you to be taken less seriously. So there's the kind of overt policing of women's voices, but then there's also a more covert effect of that. Right. Which is that women then feel self-conscious about their voices. Like we've just been discussing and we even sort of police ourselves. Right. When I was in graduate school, for example, I very consciously tried really hard to train myself out of saying "like" so much and to train some of the valley girl-isms out of my voice, you know, as a result of my self consciousness and as a result of the fact that I wanted to be taken seriously,

Sandra: Christiane and I have noticed that this issue has been popping up more in the media recently. And we realized we weren't the only two weirdos thinking about this. In fact, lots of women experience self-consciousness about their voices often because men directly complain about them.

Sandra: The radio show Fresh Air recently released an episode in which they discuss the ways that women are often criticized for using linguistic tools of emphasis, like raising your voice at the end of a sentence, as if it's a question which is called up speak or allowing your voice to deepen and trail off to emphasize a point called vocal fry, which is what I'm doing right now though. Men use these linguistic techniques as well. Women are usually the ones called out on it. Here's a clip created by the producers of Slate's Panoply, featuring men using vocal fry:

[assortment of masculine voices with vocal fry]: Welcome to the show...I am bad at planning in advance..juice box, where I met the guy who was close friends with him in Milwaukee...I grew up outside of Chicago..

Sandra: Apparently podcasts that feature women's voices receive tons of complaints about how annoying female contributor voices are.

Christiane: And in terms of policing women's voices more generally, there's a great article by Ann Freidman who claims that the reason an overwhelming portion of society is critical of women's voices is that subconsciously people believe that women shouldn't be speaking at all. She quotes the linguist Deborah Tannen, who says when women talk in ways that are common among women and are seen as ineffective or underestimated, they're told it's their fault for talking that way. But if they talk in ways that are associated with authority and are seen as too aggressive, then that too is their fault. When people react negatively, Freidman goes on to note "Asking women to modify their speech is just another way we are asked to internalize and

compensate for sex bias in the world. We can't win by eliminating “just” from our emails and “like” from our conversations.” So it's stories like this that have helped me realize the ways in which my self-consciousness about my voice is perhaps a product of bigger forces at play.

[music begins]

Sandra: Maybe the old adage that children should be seen, not heard didn't include women because that was supposed to be a given. It's like women are just trying to worm their way into a system that wasn't really built for them. We have more to say about things we ordinarily consider to be individual events, but turn out to be systems in sheep's clothing. Next, we have our host Andy interviewing Rebecca Gordon who'll be discussing the ways in which torture is a systemic embedded practice in the US, though we don't always see it that way. But first, a message from Andy about our sponsor.

Andy: This episode of Examining Ethics has kindly been supported by Oxford University Press stay tuned for more information about them and an opportunity to receive a discount on Rebecca Gordon's new book.

[music fades out]

Andy: Joining me for this segment is Rebecca Gordon, the author of *Mainstreaming Torture: Ethical Approaches in the Post-9/11 United States* from Oxford University Press. Dr. Gordon is currently a professor at the University of San Francisco. Dr. Gordon, thank you for joining us.

Rebecca Gordon: It's a pleasure. Thank you for having me.

Andy: So I'd like to start by just talking generally about the concept that the book is about. The book is about torture. So I suppose we should start by clarifying what torture is. How would you define torture?

Rebecca Gordon: Let me say that the book is not only about torture, but it's about a very particular kind of torture mm-hmm <affirmative> I'm not talking about mean terrible, horrible things that individuals might do to each other. I'm not talking about what you see Jack Bauer doing on 24, a lonely heroic torturer against the world. I'm talking about a state institution. So when I talk about torture, what I mean is institutionalized state torture. Something that goes on over a long period of time is embedded in a larger society and has the institutional support of the state. Okay. My definition is this really: it's inflicting severe mental or physical suffering by an official or an agent of a political entity, which results in dismantling the victim's sensory, psychological and social worlds with the purpose of establishing or maintaining that entity's power. First of all, it's the infliction of severe mental and physical suffering.

This is language that comes directly out of the United Nations Convention against torture, which the us has actually signed and ratified. As you know, when the Bush administration began their

torture program, they needed some legal advice about what these very strange and difficult language, severe mental or physical suffering might actually mean. So they turned to the justice department's office of legal counsel and discovered, uh, from the legal authority, John Yoo and Jay Bybee, who is now a federal judge. Together they wrote a memo in which they explained severe pain and suffering. That would mean the kind of pain generally associated with organ failure or even death, right? He didn't die. You didn't torture it. <laugh> so mental suffering also, they said has to be of the kind whose effects last for years. Hmm. Now it's very hard to tell in the moment whether or not something you are doing to somebody else in that particular human being is going to have an effect that lasts for any predictable amount of time.

It's an absolutely unsatisfiable requirement. Mm-hmm <affirmative>. And so essentially mental suffering is out the window because there's no way to get to indicate that you intended that suffering to last for years or decades with the effect of dismantling a person's world. And so this means essentially that when a person is in a position as a captive to be tortured, the process of torture is one of taking apart that person's world first linguistically you lose your capacity to speak. And when you lose your capacity to speak, except to scream, you lose that ability to interact with the world that we all do through language, you lose your social world, your social contacts. And, and this is very important. In many cases you are forced to, and I put this in quotes, betray the people and the ideals that are closest to you. This creates in you a tremendous amount of shame. And it also has the effect of destroying the organizations that you might be part of. Because part of what happens with torture is that not everyone who is tortured is kept in captivity forever. Torture really only works if other people in a society know that it's happening. And so when those people are released, the suspicion builds within the organization, what did she say? Mm-hmm <affirmative> whom did he betray? And that penetrates, that whole organization pulls it apart from the inside out. Yeah.

Andy: You leave this person sort of tainted.

Rebecca Gordon: Exactly, totally tainted. And that leads us to the third part of the definition, the political part, which is that the real purpose of torture in spite of anything that you might hear in the Senate committee report or in the explanations for why we were doing this, the purpose of torture is not really to derive information. There's vast amounts of data that demonstrates that if you really wanna know things from someone, the way to get information is to establish a rapport. What torture does is it establishes the power of the regime. That's doing the torturing.

Andy: You say that we shouldn't, we shouldn't be thinking about torture as individual acts, right? As, as a kind of socially embedded practice. Can you break that down for our listeners? What, what do you mean by something being a socially embedded practice?

Rebecca Gordon: Okay. So let's start with what a practice is. A practice is an ongoing collaborative and complicated activity. Okay. That involves a number of people. It has its own internal values. So examples of practice might be professional football. Professional football is an ongoing collaborative, complex activity that requires the work of a vast number of people, all

of whom share certain kinds of values, ideas about physical courage. Mm-hmm, <affirmative> about commitment to one's teammates about discipline and work that are things are virtues capacities that you can develop in the context of that practice that you really can't get in some other way in exactly the same way.

Andy: I see. So it's, it's something it's a, it's a complex activity that you can do better or worse at, by whatever the rules of that activity are. Exactly. So like take hazing, for example, you can be...

Rebecca Gordon: A good hazer or bad.

Andy: That's a good hazer. Yeah. You can be a good hazer or a bad hazer. You can be good at it. It might even be a bad activity, but based on what the rules of that activity are, you can be good at doing or following those rules. Well, you say that our failure to think about torture this way has had a negative impact on our deliberations about the ethics of torture. Can you, can you say why failing to recognize torture in this way has that negative impact?

Rebecca Gordon: When we think of torture as broken down into specific actions, we can decide whether a specific action was good or not based on some different theories of ethics, which we can talk about in a minute, utilitarianism deontology other, other means of judging individual actions. But what that misses is that torture is not an action. It's not something you do suddenly in a moment of terror and extremity, it's an ongoing sustained, organized set of behaviors that people engage in. And as I said before, is socially embedded. In other words, it goes on in the context of a larger society. So that societies in which torture becomes embedded as part of the practice in which people acknowledge that it's happening in many cases against their wills, people are encouraged to acknowledge that it's happening and to turn their backs on it so that they themselves are not caught up in it.

They're encouraged essentially to become cowards in a country like the United States that is nominally a democracy that social embedding has an almost even more pernicious effect because we in effect become complicit, not in a random action here or there, but in an ongoing activity that is supposedly being undertaken to protect us it's as if we've been made a, a deal by the us government in the context of this so-called war on terror, which is you, let us do whatever we want over here. On the dark side, we promise that you will always be secure and safe. Now this is a false deal because nobody can be guaranteed permanent safety.

Andy: So after sort of laying some of this theoretical groundwork down, you actually turned to more practical things talking about our post 9/11 practices. And you say that what the us did qualifies as torture. Can, can you explain a little bit why?

Rebecca Gordon: Oh sure. Immediately after 9/11, the United States began a so-called interrogation program or actually several of them, let's just look at the CIA program in which they developed a series of techniques, methods of torture. They built an entire set of dark sites in, we

now think somewhere between 30 and 40 different countries, where there was a built infrastructure devoted to torture, they introduced a number of specific ways of tormenting people that are designed to do just what I said, tear apart a person's social, psychological, and physical worlds. And these include the infamous technique of waterboarding in which a person experiences drowning to the point of suffocation over and over and over again, exposure to intense heat and cold. What are called stress positions, which sound like maybe a little bit of an extra stretch, but which in fact are ways of holding the body in mobile so that it causes in a very short period of time pain that is as intense as anything you can generate with an electric current say, but here's the kicker you're doing it to yourself.

And so it also has a profound, psychological effect. All of this is in the service of producing what the CIA used to call in the 1950s and sixties "DDD:" situation of dependency, disability, and dread. There was an ongoing program of torture in which hundreds, and perhaps thousands of people were exposed to terribly painful mentally and physically forms of treatment. And it was ongoing embedded. And people in this country knew about it. You could read about it in the Washington post and the New York times, if you wanted to see,

Andy: Obviously torture is bad for the, the people who are victims of the torture, but you also talk about how it can impact citizens of the country that practices torture, right? Both in terms of perception of threats and in terms of acceptance of restrictions on Liberty at home, can you briefly summarize some of the reasoning here

Rebecca Gordon: I talk in terms of some of the virtues that have called the classical virtues or the, the four cardinal virtues of ancient philosophy in the middle ages, and these are courage, temperance, justice, and my favorite virtue of all which I call practical wisdom or prudence. And I think that when we allow torture as a society, as the price of our safety, then one of the virtues that clearly is being perverted here is courage. We lose our capacity to say, you know, courage is the willingness to accept a danger to face a danger. And instead, what we have been taught over the last 15 years to do is to turn our backs and say, as I said before, anything you need to do to keep me safe is acceptable. My working title for this book was actually a nation of cowards, but Oxford rather wisely, I think, thought that that might be a little over the top.

But in fact, I think we have been encouraged to adopt cowardice as our national stand. And we see this not only in the approach to torture and the encouragement to accept torture as the price of safety, but also in the encouragement that we give up our civil liberties, that we allow the NSA to do warrantless wire taps to do bulk collection of our phone data, to do bulk collection of all of our internet correspondence, essentially to accept that our privacy, which is a right, that is actually enshrined in the us constitution, the right to not have unreasonable searches and seizures that we give up that right. Again, for this illusory idea that we can be kept perfectly safe.

Andy: And don't you also note that when citizens realize that their government is up to certain kinds of apparently nasty things, they sort of reason as follows. Well, gosh, if they're, if they're going to these lengths, the dangers must be really, really bad.

Rebecca Gordon: The argument is sort of like this. If our government, a good government, a government that is devoted around the world to human rights is forced to do such terrible things. By definition, the people we're doing them to must be even worse. The logic is basically we had to torture him, therefore he deserved to be tortured. And this is where we get into the corruption of our capacity. For this virtue, I call practical wisdom. Practical wisdom is this wonderful moral habit that uses your intellectual ability. Thomas Aquinas calls it the right reason of things to be done. In other words, it's that intellectual capacity that allows us to know in a given situation, what are possible right. Things to do, and what is the right way to go about doing them? Mm-hmm <affirmative> it requires that we have these other virtues. It requires courage.

The willingness to stand still long enough in a moment of fear, to be able to allow your reason to think about a situation mm-hmm <affirmative>. It requires that kind of moderation and humility that says I don't have all the answers. And it requires a capacity for justice because otherwise we wouldn't want to even know what is the right thing to do and the right way to do it. But practical wisdom is an intellectual quality. It's that daily practice of looking at the world around you and trying to interpret what the moral meaning of that world is for you. And we all do this all day long. We make moral decisions all day long, but I think in the context of the war on terror, we have been encouraged not to lo not to dig too deeply.

Andy: When you start talking about the ethics of torture, you argue that consequentialist and deontological approaches mm-hmm <affirmative> to thinking about the ethics of torture, missed the mark in some important ways. So really I have two questions first for our listeners who might not know what consequentialism and deism are. Could you briefly explain what those are and then tell us how they can each miss the mark.

Rebecca Gordon: Consequentialism is just a big, fancy word for a kind of ethics that says you can judge whether an action is good or bad based on its consequences. So for example, the most common form of consequentialist thinking is what's called utilitarianism <affirmative>. And we associate this with people like Jeremy Benham, John Stewart mill, and in the present day, probably the most famous utilitarian thinker is Peter singer. Utilitarianism says essentially, and action is good in so far as it produces the greatest happiness that contributes to the greatest happiness for the most people. And it's bad insofar as it creates the opposite of happiness. So if the result is more, people are happy, then it's a good action. If more people are sad, it's a bad action. And happiness is very simply defined. At least for John Stewart Mill as pleasure, and the absence of pain there, you have a utilitarian argument.

There are other kinds of consequentialism. And the one that's most relevant here, I think is actually, although people who use it, don't say so nationalism mm-hmm <affirmative>. So now it's not whatever's the best for the most people in the world is a good thing, but whatever is best

for the people who live in a particular country, say the United States of America, right, is the best thing. The quintessential consequentialist argument for torture is the ticking time bomb. Mm-hmm <affirmative> there is a terrorist. He is in front of you. You know that with absolute certainty, that he can stop a bomb, which will kill hundreds of thousands of people from going off in the next two hours. Do you torture him to get the information mm-hmm <affirmative>? And the utilitarian argument is, of course you do, because one person versus a hundred thousand is a no brainer, right? That's an easy calculus to make the problem with this approach is that it fails to recognize the real nature of torture, which is you can't just torture someone on the fly.

The only way you're even gonna be in a position to torture someone is if you have an ongoing practice of torture in which there are actual practitioners who literally keep their skills honed as any practitioner has to, you have an infrastructure, you have the capacity to do this thing to this person. So understanding torture from a consequentialist point of view, misunderstands what torture is really like. So that the hypothetical case is an impossibility. The other problem is that this is the key case in which a person is most inclined to hold out, because here, unlike most to situations, he knows how long it's gonna go on. He knows that if he can just hold out for two hours, his goal will be satisfied. So he has a real incentive to resist, right? That he does not have otherwise. Okay. So that's a consequentialist argument. Deontology is a little different.

It is a form of ethics that's based on the idea that you judge an action, again, an action, not based on its outcome, but based on the motive that you have for doing that action mm-hmm <affirmative>. And most of our thinking about deontology goes back to Immanuel Kant and Immanuel Kant had a couple of different ways of talking about how you can identify whether your motive for doing an action is a good one. And essentially he wants all of our actions to be based on reason alone. He says that our emotions and our desires get in the way of our making clear sided decisions. And we basically have to use just reason or logic. And then in a kind of an interesting twist, he says, and there is one thing in the whole world that exists that it is so valuable that it can be the ground of the logic that we use to decide what to do.

And he says that thing is humanity itself because we have this moral capacity to make a moral choice we're infinitely valuable. And therefore he says, you should never treat a person like a thing. Things can be used for other purposes, people or purposes in and of themselves mm-hmm <affirmative>. And so he says, never treat a human being as a means to an end, always as an end in itself, or only as a means to an end. Well, the quintessential case of treating a human being as a means to an end is to torture someone, to get information outta them. Right? The problem with this approach is that once again, it treats torture as if it is simply an action. And there are people who take deontological approaches who say, yes, you can look at that, but if you step back a little bit and think of deontology in the larger sense of having a duty of care or a duty to a community or a duty to a nation, then you can make arguments for why torture would be necessary because you have a larger duty that extends beyond this individual. And if this individual were himself truly rational, he would recognize the need to give you the information that you have. But again, the problem with this is it misses the point that torture's not something you do once on the fly. It's something that goes on and becomes embedded in the

entire society that develops around it. A cohort of people who are devoted to the practice, it transforms, it distorts their capacity for virtue. And as I said before, distort distorts the capacity for a good life in the society at large, where it's being practiced.

Andy: So you end up advocating a kind of virtue ethics approach. Mm-hmm <affirmative> to thinking about torture. Can you explain what virtue ethics is and how if true. It, it might have some bearing on how we ought to behave.

Rebecca Gordon: The idea behind virtue ethics. It's an idea that comes from the ancient Greeks and especially from Aristotle Aristotle's idea was the goal of human life is to be happy, but he wants to understand what is happiness. Well for him, happiness is not pleasure in the absence of pain. It's actually a kind of life. It's a way of living your life in which you develop your capacities, both intellectual and moral as fully as possible, because in that way you become as fully what it is to be a human being as possible. And in that way of living that life is found this DY, this complete full fulfillment or flourishing. So Alister McIntyre looks at this and he says, okay, what does this mean in a modern context? And he develops this idea that we develop virtues these particular moral habits, not out of the blue, not just even as a result of education and upbringing, which is what Aristotle thought, but really in the context of these ongoing practices that make up these complex activities, that human beings in any society engage in, and these practices are then engaged, are embedded in larger traditions.

So for example, one of the traditions in the United States is this ongoing argument about what constitutes national security mm-hmm <affirmative>. And so the practice of torture, as well, as I would say, the practice of nonviolent resistance, the practice of civil disobedience, the practice of us military, the practice of war, all of these things are part of an ongoing argument across centuries in this country about what constitutes real security. What does that mean for us? And can we have security as a nation? If the cost of that is the loss of all the principles that make our nation worth protecting is part of the argument that has been going on for all these years. So virtue ethics is a way of understanding human life as a kind of a journey or a quest in which each of us, as part of a larger community communities in society is looking to understand what is a good life for a human being and in the process of, of this quest, we, if we are lucky, and if we work at it, develop a set of moral habits that can stand us in good stead when times get tough.

Andy: What should we think about torture or the ethics of torture? How might we apply virtue ethics to thinking about torture?

Rebecca Gordon: As people living in a society in which we now know, because it's out in the open that the United States has in fact, engaged in torture, and I would argue is still engaging in torture. And I'll talk about that in a minute. How do we develop those moral habits that are gonna allow us not only to recognize this, which is the first part of the problem, but to do something about it. Mm-hmm <affirmative>. And so I think that the way virtue ethics works here is first, we need to understand that torture is an ongoing practice that's embedded in our society,

and we need to find a way to root it out. And that includes engaging in some kinds of practice, like political participation. That again, we have been encouraged not to be part of, oh, don't worry your pretty little heads about it. We'll protect you, we'll take care of you. You go shopping. And also the kind of courage that says, you know what? There will probably always be disturbed human beings who will put bombs in their backpacks and take them to the end of the Boston marathon. And this one is of particular personal interest to me because I've had friends, who've run the marathon. I myself have been a marathoner. You know, I don't wanna get blown up at the finish line, but I also recognize that I live my life as a mortal being. And that means that at some point I will die and no amount of torture can stop that from happening. So then I have to ask myself, okay, what kind of country do I wanna live in? What kind of world do I wanna live in? Is it one that includes using torture to maintain state power? And my answer is no. And then what kinds of practices must I be involved in to, to stop that from happening?

Andy: Thinking about torture as some isolated acts doing that you argue, pushes us to seek routes, to addressing torture. That really won't handle the problem such as simply punishing the individual or something like that. And so you think so now we've got the virtue ethics picture on the table. We've got the, the picture of torture as a socially embedded practice. So where do we go from here? If, if thinking about it as isolated acts pushes us to seek the wrong ways, what are the, what are the right ways or the at least the more promising ones?

Rebecca Gordon: That is so much the right question. <laugh> and I have a couple of answers. First. I wanna make a little digression and talk about one place where torture continues in addition to the so-called war on terror. And there's evidence mounting that some places that's still going on, but right here in the United States, torture is going on every day in plain sight. And that's in the jails and the prisons in this country, we have gone since 1975 from having 750,000 people in jails and prisons to having 2.3 million people. Mm-hmm <affirmative> in jails and prisons. That's almost an eightfold increase. Torture goes on in us prisons all the time, two particular forms that are really clear and obvious and about which many reports have been written are solitary confinement. We are now finally beginning to re recognize that solitary confinement actually has the effect of profoundly disturbing the personality, which is one of the definitions of psychological torture mm-hmm <affirmative> in the convention against torture.

And very quickly within 15 days, a person who has no contact with other human beings begins to hallucinate, begins to see voices. There are people in this country who have been in solitary confinement. There is one in the prison known as Angola in Louisiana, who has been in solitary confinement for 40 years. Oh my goodness. 40 years. And it's not a small number. We don't know for sure. The estimate is that at any given time, there are about 80,000 people in solitary confinement in the us. So in addition to that, there's also rape in prison. Mm-hmm <affirmative> rape in prison is an ongoing institutionalized practice. It's not an aberration. Rape is a form of torture. And when it is set up and used as a form of discipline and control, as it is both against women prisoners, usually by corrections officers and against male prisoners, usually by other prisoners, but with the connivance and at the direction of the con corrections officials, it's a form of institutionalized torture.

We need to stop this. Mm-hmm <affirmative>, it's something that is right here in our own country that we need to stop. So that's one, one thing we can do. The other thing is that we need a full accounting and real accountability, not just for individuals at the low operational level, but for what, in Latin America, they call the intellectual authors of the torture programs. And I'm talking about people at the very highest level of government, the people who designed and organized the torture programs. I think that impunity, the ability to establish a program like the us torture program and get away with it is actually very dangerous. Not only for the people who might be tortured in the future, not only because it means these individuals get away with it, but because for people in this country, there's no reckoning. There's no official of pre in premature that says this was wrong and it should never happen again.

Right? Lots of times when people look for justice and especially people who have been the targets of torture over and over again, and we see this in things like truth and reconciliation commission in South Africa, when people think about justice, what they want is not so much punishment for the people who did harm to them, but an acknowledgement that harm was done. Mm-hmm, <affirmative> an official acknowledgement that what happened to you was wrong. And ideally hearing that from the people who did it, I don't think we're ever gonna get that, but at least having an official us government in premature saying this was wrong, would go a long ways towards cementing in the minds of people in this country, that it was wrong. We used to have a consensus in this country before 9/11, that torture was wrong. We don't have that anymore. And we need to get that back.

Andy: Thank you for joining us. Thank you for your time.

Rebecca Gordon: Thank you so much for having me.

Andy: And the book is again, *Mainstreaming Torture: Ethical Approaches in the Post-9/11 United States* from Oxford University Press.

Rebecca Gordon: May I also mention, I have a website called mainstreaming torture.org that also has information about the book and links to a number of blog posts that I've made since the book came out.

Andy: That's great. We'll actually link to that in our show notes.

Rebecca Gordon: Oh, wonderful. Thank you very much.

Andy: Great. Thanks again, Rebecca.

Rebecca Gordon: Thank you. Take care.

[music begins]

Sandra: After the break, our producer Christiane interviews Robin Zheng about her work on systemic racism and a phenomenon called yellow fever.

Christiane: So with me today is Robin Zheng who recently completed her PhD at University of Michigan. In 2015, she will be a visiting junior research fellow at Cambridge University. And then in 2016, she will be an assistant professor at Yale and US college in Singapore. So welcome to the show, Robin.

Robin Zheng: Thank you so much for having me.

Christiane: Thank you for being here. So you're here to talk about your work on a phenomenon popularly known as yellow fever. So could you begin by kind of briefly defining the phenomenon for us, and then also maybe tell us how you landed on this particular topic?

Robin Zheng: Sure. So yellow fever is a term, as you said, it's, it's sort of a popular term, so it's not a technical term or anything. So yellow fever is a popular term for usually men. Although in principle, it could be men or women who have a clear racialized preference for Asian women. And the way that I got into this topic was actually through my own experience as an Asian American woman and experiences that I found were very common with other friends of mine who are also Asian American women. The experience of discovering that somebody has yellow fever or might have yellow fever is one that at least in my own experience. And in that of many of my friends, it's a pretty unsettling one. And I think most people find that they have a, a strong aversion to this. And some people even go so far as to say it's a deal breaker, but when it comes to explaining exactly why that's the case, I found that I was struggling and that many other people were struggling to articulate exactly what's wrong with yellow fever. So really this project came out of my desire to make sense of and put my finger on exactly what's wrong with yellow fever. And ultimately I hope to vindicate that experience.

Christiane: When you say racialized sexual preferences, you mean maybe what would popularly be known as sort of a fetish for certain racialized physical features? Could you maybe give us an example of what somebody might say that might tip you off to them? You know, having yellow fever or the kinds of things that people talk about if they could be characterized as having yellow fever?

Robin Zheng: Yeah. This is a sort of tricky question because I think it gets to differences in the way that people might manifest yellow fever, especially across different generations. So you might get people who speak to you in what they think is your native language. So they'll say something in Chinese or, or Japanese. I think you, you might also not get any kinds of these comments, which are much more explicit. And you might just discover that somebody has a history of only having been, uh, romantically involved with Asian or Asian American women. And usually that's the thing that I think is, is the biggest tip off the other stuff can happen, but I think it probably happens less often than it used to because more people are recognizing how, how problematic the overt racial comments are.

Christiane: A lot of people would claim that this type of a preference is a compliment or is complimentary towards Asian women or that Asian women should be flattered by the attention that they're receiving in this way. Right. That there's nothing wrong with that. So what is your response when confronted with this type of a claim?

Robin Zheng: There are sort of two different ways that I would go about answering that question. One is a little bit more individual and personal and the other is a bit more structural or, or group level. So in the first case, I think that from the perspective of the Asian woman, what you've done has actually put her into a pretty uncomfortable position. And as has already come up, a lot of these preferences come up in the context of romantic love relationships we could say. And one of the features of love that many philosophers for example have noticed is that it seems like true love requires that you are loved as an individual and not just as a person who has certain properties. So it seems like you don't really love someone, if you would be just as likely to love someone else who had all those same properties, seems like love requires that you be treated again as an individual and maybe even irreplaceable in some way.

You couldn't just give me somebody else who had all these great properties that I have of being smart and funny or whatever it is, and then just love them equally as well. When this pattern comes up, where you notice that this partner of yours has only dated Asian or Asian American women, what that's likely to do, whether or not it's true that this person loves you as an individual or not, is it's likely to make you doubt whether they love you as an individual or not. And I think that's a pretty uncomfortable and not a flattering position to be in. The second thing that I would say has to do with the intersectionality of race and gender. So women are already pretty likely to be sexually objectified by which, I mean, there's a tendency for them to be viewed as valuable, uh, in virtue of their sexual capacities, rather than in virtue of their intelligence, their leadership or their other abilities, but women of color in particular are also what's called hypersexualized. So that means that they're often viewed as having sexualities that are somehow different or deviant from white women who are viewed as the norm. So they might be thought to be more promiscuous, more animalistic, more willing to cater to male pleasure in their sexualities. And so what that means is that for Asian women, there's now two interlocking categories that sort of box them in as sexual objects rather than as whole human beings. And I think that's also pretty unflattering as well.

Christiane: So you also write that when men are confronted about yellow fever or when they're confronted with this idea that yellow fever might be a problematic thing or hurtful a common counter argument is, you know, that, and I'm speaking as a man here, right? I, I just can't help who I'm attracted to mm-hmm <affirmative> um, and you call this the mere preferences. Objection. So if I can try to paraphrase it for our audience, the mere preferences, objection goes something like this. And again, I'm speaking as a man here, it's okay for me to have sexual preferences for things like hair, eye color, other non racialized traits. So too, if my preferences for certain racialized traits, aren't based in negative stereotypes, they're basically the same as my other preferences for hair color, eye color, et cetera. So therefore none of my sexual

preferences, even those based on racialized physical traits are morally problematic. And what are the problems with this argument?

Robin Zheng: Yeah. As I see it, the biggest problem is with that second premise. And so I reject the idea that racialized sexual preferences are mere preferences, just like these other ones. And what I would say is that even if your preference was not grounded in, or wasn't caused by some racial stereotype, it's still going to have the effect of perpetuating the idea that people of different racialized groups are somehow essentially different. So there's some experimental work. For example, that shows, um, people are less on guard against positive stereotypes, and they're more likely to affirm them than negative stereotypes, which they already recognize are problematic, but after they've affirmed a positive racial stereotype, they're more likely to buy into these essentialist beliefs about races and subsequently are actually more likely to engage in negative stereotypes. And I think that what's going on here is that race, as we know, it is just itself, a morally pernicious concept, and that makes it different from other categories like hair color and eye color, because people have not, um, on the basis of hair and eye color historically, or categorically been treated differently on that basis by categorically, I mean, systematically disadvantaged across multiple dimensions of life.

So health education, wealth employment, uh, treatment by the police or the criminal justice system across all of these dimensions, race makes a difference in a way that hair color and eye color doesn't. So I think that having these preferences, which contribute to maintaining the existence of an institution where people are divided up based on racialized phenotype is contributing to a morally pernicious social institution of racial categorization.

Christiane: So when somebody is said to have a kind of privilege because of their race, like white privilege, it often means that the benefits that wanna accrue because of white privilege are often invisible, right? You don't even notice them. And, and so for that reason, it's often hard for a lot of white people to admit to, or accept the fact that they do indeed have privilege. So I guess the flip side of that is what are some of the difficulties that one can encounter when race is a part of their dating life or their romantic life?

Robin Zheng: I think one of the difficulties that I mentioned earlier is having to deal with the mere suspicion that race has been involved and having to wonder whether your partner is attracted to you because of your race or not, regardless of whether it's actually the case that they are. I think this has some parallels with another common experience of people of color, which is being in an ambiguous situation where they're not sure whether they've been discriminated against and what tends to happen is that there's a lot of discussion and focus on whether it really was the case of discrimination or not. Whereas from the perspective of the person of color, whether or not it is a case of discrimination, they've already had to deal with this burden of having to wonder whether it's discrimination or not. And that's something that a person in the dominant racial group would not have to experience.

Christiane: So in addition to facing these sort of ambiguous burdens in the dating world, there are also more overt burdens and overt problems that have to do with race in the dating world. So I was wondering if you could talk about some of those.

Robin Zheng: Yeah. So one case where I think you could imagine this happening is in online dating, where if you're allowed to click a checkbox that excludes or includes only one racial group, that's going to strengthen this racialized preference that you have. And another place that I think it crops up is in pornography, which in this day and age has become far more accessible and far more easy to tailor than it has been in the past. So I think that it's likely that things like dating services and online pornography sites can actually generate, or at least strengthen these preferences. Because once you've started to identify as a consumer of this particular type of pornography, for example, it's like being, you know, a Mac user or a PC user, you start to view yourself in that way and that strengthens the preference and leads you to rationalize or try to find ways to justify it. And I think that we should, we especially have reason to be suspicious of this phenomenon because pornography, for example, is a market industry. And there's a profit motive behind getting people to identify as a certain kind of consumer such that they can target you and develop markets for specific types of consumers.

Christiane: So capitalism is all too eager to kind of squeeze us into these little slots and keep us there, right. Keep us on those tracks. And so it's dangerous for the consumer as well, right? Because if they're not careful they can get themselves on this track.

Robin Zheng: I think it also serves to legitimize the preference. If there's a little box for it sitting right there on the screen for you to click, um, that's going to make it less likely that you're going to reflect on this preference and consider whether or not it's morally. Okay.

Christiane: So correct me if I'm wrong, your other work, you do a lot of writing about implicit bias. So really quickly, could you define for us what implicit bias is, um, and maybe give an example of implicit bias.

Robin Zheng: So an implicit bias, as I define it is an automatically activated association between some social category on the one hand and some negative or stereotypic trait. On the other hand, that influences people's judgment and behavior, oftentimes without there being aware of it or being able to control it. So for example, it's been found that people have associations between women being caretakers and men being leaders. And it's also been found that if you take two identical CVS with all the exact same content, but you put a woman's name on top of one of them and a man's name on top of the other, and you send them out, they'll get different rates of callback. So under the plausible assumption that people aren't intentionally discriminating against women in this day and age what's likely happening is that that association that you had between women being caretakers, rather than being leaders or having high powered careers, is causing you to weight the evidence of the women's CV in a different way than you would the man's CV. Even though, as I said, they actually were completely

Christiane: Identical. And I think you've hit on something that is especially terrifying about implicit bias, at least for me, which is that, unless you're aware of it, it's not something that you can necessarily control,

Robin Zheng: Even if you are aware,

Christiane: Maybe yeah, mm-hmm <affirmative> so it's, if you want to be someone who is not racist or not sexist, even if that's something that you truly desire and try to work towards you probably still, as you pointed out, have these implicit biases, right? So it's a way in which systemic injustice and systemic problems in our society become kind of embedded in our individual selves in a, in a really scary way. And this is something that I've actually been thinking about a lot lately, what can individuals do in the face of systemic injustice? And my question for you maybe is what kind of moral responsibility does the individual have to try to fight against implicit bias in themselves? Is it possible to fight against implicit bias? And if so, what are some of the things that we can begin thinking about? Or some of the things that we can begin to try to, to do to train that out of ourselves?

Robin Zheng: That's a great question. And it actually, you've put your finger on a link between these two different projects that I have because like implicit bias, these racialized sexual preferences, a person has, might not be inside their immediate control. And so the question might be well. So what happens now morally, and in my work on implicit bias, I've argued that we should really separate out two different concepts of moral responsibility. And what that amounts to in these cases is I don't think that you have to be blamed for your implicit bias or maybe for your racialized sexual preference. So we don't have to conclude on the basis of that, that you are a racist person or a morally bad person. That's one concept of responsibility, which has to do with how your actions reflect who you are as a moral agent. Instead, I think we should focus on a different concept of moral responsibility, which has to do with the, as philosophers would put it, the burdens and duties you are assigned as a member of a moral community.

Robin Zheng: And so I think instead of blaming you for your implicit biases and judging you to be a, a morally bad person, what we can do instead is expect you to take on certain burdens that result as a consequence of your actions. So rather than saying that this employer is racist. For example, we can require that the employer compensate the victims of discrimination or, uh, change their policies in the future as an individual with morally problematic preferences, you might take it upon yourself to educate yourself about the issue and to learn more about it and maybe educate others about the issue. So I think that as an individual who is enmeshed against your will and beyond your control in systems of structural injustice, but who also is helping to perpetuate that injustice, what you should do is think about your role in these larger social structures and think about how you can through your roles, through acting, how you can, by acting through these roles, do things to undo those structures. So how can you be a good parent and raise your children not to have these biases? How can you be a good teacher and be unbiased in your teaching? How can you be a good citizen and go out and organize and demonstrate for policies that will change the institutional structures that are currently biased

against people, these role based ideals? I think give us guidance as to what we, as individuals can do to start changing the structurally unjust systems that we're all a part of.

Christiane: So you mentioned that the onus is on the perpetrator or the, the person with those implicit biases to educate themselves against their own implicit biases. So I have to apologize because I think a lot of times victims of injustice are called upon to educate the perpetrators of the injustice mm-hmm <affirmative> which so if, if somebody recognizes that they have yellow fever and, and recognizes that as something that they wanna change about themselves and something that is morally problematic, do you have any sources at hand or any kind of starting points for self education?

Robin Zheng: Um, I have my paper <laugh> yeah. Um, what I would recommend here, I think because it's a somewhat less well studied and therefore less well understood phenomenon is actually what I would recommend is that you should talk to the people who are implicated by and who are affected by your preference. So you should talk to these women for example, and ask them how they feel. And a lot of the material that I draw on my paper, which suggests that this is a very common and widely available source of information is individual women's testimonies about how yellow fever has made them feel. And I think that through engaging with people in this personal way, where you are made to feel the impact of your preferences on them and their lives, that'll be a starting point for getting you to understand the effects. And hence, I think to transform yourself once you understand the effects of these preferences.

Christiane: So Robin, I think that's a really great piece of advice, which is to listen to the victims, truly listen to their stories and not get immediately defensive and really take in what they're actually saying and consider very carefully the stories that they're telling you. So I think that's really great advice and, and I hope that more people begin to listen in that way. So thank you so much for joining us today. This was a really great conversation. Thank

Robin Zheng: You. I really enjoyed it. Also,

[music begins]

Andy: Any articles or books discussed in this episode can be found on our show notes page, visit examiningethics.org to learn more.

Sandra: This podcast was hosted by the director of the Prindle Institute, Andrew Cullison. Christiane Wisheart and Sandra Bertin produce the show. The photograph in our logo was taken by Cynthia O'Dell. Our music is by Cory Gray and can be found at freemusicarchive.org. Thanks to Oxford University Press and The Janet Prindle Institute for Ethics, for supporting the show, a fear or a fixation or things that you hear about on the news that seem like individual cases, but are actually a part of a larger system in society.

Christiane: Sandra, I'm gonna stop you there. Could you take that last sentence or that last part of the sentence again, I was picking up a lot of vocal fry,

Sandra: But are actually part of a larger system in society.

Christiane: No, that doesn't sound good either.

Sandra: But are actually part of a larger system in society.

Christiane: No.

Sandra: But are actually part of a larger system in society?

Christiane: No.

Sandra: But are actually part of a larger system in society?

Christiane: No.