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A Zemiology of Torturous Violence and the Limits of Law

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Social and legislative responses to torture remain dominated by legal definitions and debates around what constitutes 'torture'. Although narratives are progressing contemporarily, the fact remains that definitions of torture continue to be situated in the narrow confines of the United Nations Convention against Torture, or Other Cruel, Inhuman or Degrading Treatment or Punishment. This article argues that the implications of this is a sidelining of survivor needs when people are subjected to forms of violence that fall beyond narrow definitions, but impact in ways which parallel the severity and intensity of torture. By focussing on bordering processes as a case study, two key issues are exposed. Firstly, that the intensification and militarization of bordering enable the infliction of torture and torturous violence; and secondly, by employing a zemiological lens, we can more meaningfully examine impacts of multifarious forms of torturous violence and their relationship with wider avoidable social harms in the aftermath of such abuses.

KEY WORDS: Torture, Violence, Asylum, Sexual Violence, Refugees

INTRODUCTION

There is growing recognition that torture, as defined in domestic and international laws, can be a narrow lens through which to view and understand violence, which is similar in action and impact, but not technically definable as torture *per se*. In particular, feminists, such as Copelon (1994), MacKinnon (2006) and McGlynn (2008) have argued that the endemic nature of violence against women can have similar sustained patterns of psychological and/or physical abuses as torture and yet are not necessarily categorized as such. Although their conclusions differ on whether change should lay with legislative reforms or more practice-based approaches, their arguments present a basis for transformative epistemologies in relation to gender, sexualized violence and torture.

When torture is discussed in criminology or other academic disciplines, it is often in the context of ethical debates (Biswas and Zalloua 2011; Rejali 2011), war and terror (Greenberg and Dratel 2005; Cobain 2012; Jones 2014; Slahi 2015) or questioning of whether torture is ever legitimate—such as the highly contested 'ticking time bomb' scenario whereby the options are to torture for information, or allow countless 'innocents' to die (Dershowitz 2004). This article acknowledges the value of these narratives but is concerned more specifically with the implications of applying the narrow and state-focussed approach inherent to the United Nations Convention against Torture, or Other

Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT 1984). Drawing upon three investigations that explore responses to refugee survivors of violence in Denmark (Projects One, Two and Three); Britain (Project Two); and Sweden (Projects Two and Three) conducted between 2013 and 2023, it outlines the limitations that legal boundaries apply in terms of who is recognized as having been 'tortured', and the gendered exclusions inherent to this narrow lens.

Although I have focussed extensively on structural and gendered violence elsewhere (Canning 2017), for the purposes of this paper, torture, torturous violence and violence are taken to be physical or psychological inflictions. Harm and trauma refer to the social and interpersonal impacts of these inflictions (see also Gerrity *et al.* 2001). This paper advocates that to better understand the range of harms experienced by survivors and the (often gendered) barriers acknowledged by practitioners in the field of torture advocacy, a *zemiology of torturous violence* should be considered by those working in torture-focussed response and practice, as well as those working against violence and harm more broadly. This critical disruption of dominant approaches is important because of the lived implications of social and psychological support in the aftermath of torture and torturous violence, an issue which is gendered in consequences, as we will later see. As I will also argue, by drawing from both a focus on bordering and torture and torturous violence, academics and practitioners can more robustly evidence the links between increased border controls and externalization, with the facilitation of torture and torturous violence against people on the move.

The article makes this case in three parts. Section One critically considers UNCAT and subsequent cases and legislation, as well as the integralism of a 'hierarchy of severity' in relation to torture, cruel and inhuman treatment and degradation (see Cakal 2022: 289). Here, by employing interviews from Project Three with leading practitioners working in this field, I introduce three key epistemologies: *orthodox legalism; legalist hybridity; and experiential epistemologies* (see also Canning 2023) and their relationship to torture response and practice.

Section Two addresses the limits of law in reflection of the above and in relation to the infliction of violence which is equal in severity, seriousness, impact and potential for harm as that which is recognized in UNCAT as torture. It draws from three key bases: (1) forms of torture as identified by Darius Rejali's seminal text 'Torture and Democracy' (2007); (2) forms of torture as identified by practitioners working with survivors of violence seeking asylum in Denmark and Sweden (data from Projects One and Three); (3) forms of violence outlined in six oral histories by women seeking asylum in Britain, Denmark and Sweden (data from Project Two). It is argued that the current narrow legalistic approach actively impedes survivor access to support. It is here that I introduce the specific definition of *torturous violence*.

Section Three employs a zemiological lens to explore the impacts of torture and torturous violence in relation to refugee survivors (Gerrity *et al.* 2001; Boyles 2017; El-Koury *et al.* 2020), and what these may mean for both survivors and host societies (Hillyard *et al.* 2004; Hillyard and Tombs 2008; Pemberton 2015; Canning 2018; Boukli and Kotze 2018; Soliman 2022). This penultimate point unpacks the ways in which bordering[1] processes both facilitate torture and torturous violence and compound their long-term impacts by creating further avoidable social harms.

METHODOLOGY

As mentioned above, the empirical data which forms the basis of this article draws from three projects[2]. Taking a grounded theory approach (Charmaz 2024), the data collected has informed

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[1]   Bordering can be understood as 'the spread of border checking points from the territorial borders at the edges of states into a multiplicity of locations, especially in the metropolis—train stations, sweatshops, restaurants—wherever border agencies feel there is a chance to catch 'irregular' or 'undocumented' migrants' (Etienne Balibar paraphrased by Yuval-Davis *et al.* 2018: 1).

[2]   All projects were approved by university ethics boards, namely Liverpool John Moores University; The Open University; University of Bristol.

the process of problematizing the implementation of narrow legal definitions of torture into practice for organizations working with refugee populations, including survivors of torture. It was through the data collection process that the gendered implications of access to support in the aftermath of torture and torturous violence led to disrupting this approach and developing the definition of torturous violence more robustly than I had done in an earlier article in the British Journal of Criminology (2016). It has also informed the development of the three epistemological approaches that are outlined in the central section of this article, including those beyond the remit of dominant legal narratives. This thus ensures the framing of debates and indeed practice are survivor- and practitioner-led in their empirical essence. As highlighted later, a reflexive and iterative approach was then taken to present the definitions and framing back to practitioners and migrant rights groups to gain feedback and critique before finalizing the arguments in 2023, with approximately 80 offering verbal responses overall.

The first was a qualitative project exploring institutional approaches to sexual torture in collaboration with the Danish Institute Against Torture[3] (2013–2014), a world-leading organization working in psychotraumatological responses to torture. This included 19 in-depth semi-structured interviews with psychotraumatologists, psychologists and lawyers working with survivors of torture in Denmark with the objective of exploring gender specific and informed responses. The second was a qualitative and activist academic exploration of harm in Northern European asylum systems: Britain, Denmark and Sweden[4] (2016–2018). This incorporated 74 in-depth semi-structured interviews with psychologists, support workers, detention custody officers, lawyers, advocacy workers and other such social actors working with people seeking asylum in the three case study countries (Britain: *n*23; Denmark, *n*: 21; Sweden: *n*30[5]). The objective was to explore state and organizational responses to women seeking asylum and investigate women's experiences of the asylum process in relation to harmful practices which may have gendered consequences. Practitioner participants were recruited through purposive sampling (Palinkas *et al.* 2015) initially directed at relevant institutions and organizations working with people seeking asylum in state and NGO capacities, and snowball sampling (Mason 2002) within organizations once some contacts had been established. To gain a deep and woman-centred understanding of the complexity of experiences of seeking asylum (Hoffmann 2020), oral history interviews were undertaken, focusing on lifelong journeys through episodic interviews (Ritchie 2015: 27) with six women across Britain, Denmark and Sweden: Antonia, Asma, Faiza, Jazmine, Mahira, Nour (see Canning 2023 for this focus. Please note these are pseudonyms, chosen by the participants). This has been supplemented with over 500 hours of ethnographic activist research with women seeking asylum during this period (see Canning *et al.* 2017; Canning and Matthews 2023). This included participation in multiple refugee rights organizations, including anti-detention protests, support letter writing campaigns, weekly support session drop-ins for women in destitution. This approach is situated in an activist academic lens, which is,

> 'a corrective to the dominant logics, narratives and practices of the carceral-corporate-neoliberal state and the multitude of harms it perpetuates. While criminologists have long recognized the injustices of the criminal legal system, not until recently have crimes become more broadly defined as harms under the banner of zemiology' (Canning *et al.* 2023: 11).

Moreover, such a lens allows for empirically informed activist interventions. In relation to this research, it has led to the development of two key practice-based collaborative toolkits: *The Right to Remain Asylum Navigation Board* (see Canning and Matthews 2023) and the forthcoming *Supporting Survival* Toolkit, which highlights examples of best practice whilst informing on the impacts of bordering, torture and torturous violence (developed in collaboration with the Danish Institute Against Torture, launching in late 2025).

The third and most recent study was entitled 'Unsilencing Sexualised Torture'[6] (2020–2022). It included in-depth interviews with 20 leading practitioners, including psychologists, psycho-traumatologists and international lawyers to identify and examine how practitioners understand torture and examples of best practice in response that can be developed to address sexualized violence, which may amount to torturous violence. This study has been supported by three ideation workshops[7] (Malou Petersson and Lundberg 2018) that engaged key stakeholders in three torture response organizations which sought to identify best practice for supporting survivors.

SECTION ONE: DOMINANT DEFINITIONS OF TORTURE IN DISCOURSE AND PRACTICE

How we conceptualize 'torture' is integral to how it can be prevented or responded to in the aftermath of its infliction. UNCAT (1984) is most commonly recognized as the international backbone to understanding what is meant by the term 'torture'. Under Article 1, torture is,

> '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.'

(UN Convention, Article 1, 1984, own emphasis added on gendered terms).

The UN Convention's emphasis on the involvement or acquiescence of a state official was often central to wider definitions as it offers the classification of torture as state crime in a landscape where states/state actors are rarely held accountable (Green and Ward 2004). Whilst this is a welcome objective considering the dearth of legislation which actively address state crime in practice, this research found that Non-Governmental Organisations (NGOs) which centred their mandate on UNCAT were restricted in responding to survivors of violence which is torturous in nature but *not* inflicted by state actors. This includes, for example, severe sustained violence by partners, family members or community actors and thus barriers to support were gendered in nature. As Anne, a clinical psychologist working with refugee survivors in Sweden highlighted, 'within the primary healthcare sector it's easier to say, 'Okay, so this male has been subjected to torture,' and asking women about those same experiences, I don't think that's as common as asking

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men. I'm not even sure that the experience of being in prison or detained is as common within the female population' (interview 2021). Indeed, some organizations had a client demographic 80 per cent male to 20 per cent female. Although this is understandable when working with survivors of torture in custody (since it is mostly men who are detained in state facilities on an international scale), it does mean that survivors of severe abuses—as outlined in the following section—and the impacts thereof can be excluded from support and rehabilitation.

This issue is one which has been increasingly recognized as debates have proliferated around whether some forms of sexual and/or domestic violence, for example, may be considered torture (see Başoğlu 2017; Şalcıoğlu and Başoğlu 2017; Ein016lf 2018). Moreover, as Cakal argues, 'It (UNCAT) has long represented a source of confusion and obfuscation for the legally oriented anti-torture practitioner, whether academic, advocate, or adjudicator' (2022: 285). The reasons for this are multifarious: severity is relative and subjective, and there are deep complexities in measuring pain and suffering (which, Cakal convincingly argues, have no meaningful difference, ibid: 295).

However, although organizations working toward a world without torture do tend to depend predominantly on UNCAT, it is not the only definition of torture. Indeed, there are various key developments which have informed and shifted how torture is recognized and responded to, as Table 1 highlights.

Table 1. Developments on definitions of torture

1975	General Assembly of the United Nations	Adopted the above in their first Declaration against Torture
1984	General Assembly of the United Nations, *Convention Against Torture*	Solidified the Convention Against Torture with no explicit distinction between 'torture' and 'ill treatment'—although articles 4–9 (criminalizing torture, bringing perpetrators to justice); article 3 (non-refoulement) and article 15 (using evidence extracted by torture) apply exclusively to torture, not CIDT, so the *legal* distinction is paramount
1985	Inter-American Convention to Prevent and Punish Torture	Broader than CAT to specifically include psychological torture as 'the use of methods upon a person intended to obliterate the personality of the victim or to diminish his physical or mental capacities, even if they do not cause physical pain or mental anguish'
1970–1980s	European Court of Human Rights, *Ireland v UK*	Five techniques used by British army in Northern Irish conflict (wall-standing, hooding, noise, sleep deprivation, deprivation of food and drink) did not amount to torture, but inhuman and degrading treatment
1999	European Court of Human Rights, *Ahmed Selmouni v France*	Ruled sustained beating and humiliation leaving evidence of physical injury constitutes torture. Also supported qualification of torture based on psychological suffering, namely humiliation, debasement and instilling fear or anguish. Recognized changes for future classification based on critique of the *Ireland vs UK* decision
2001	European Court of Human Rights, *Keenan v United Kingdom*	Court begins to disavow severity of suffering as defining factor, still focussing on deprivation of liberty in its example, but indicating the Five Techniques may constitute (earlier challenged in 1997 in response to Israel's use). Motivation, not severity, becomes core criteria
2006	UN Special Rapporteur Manfred Nowak	Proposes principle of proportionality and powerlessness in applying to CIDT and possibly torture

In undertaking 20 interviews with leading practitioners working on torture response and reha-bilitation in Denmark, three key perspectives were evident through thematic analysis of transcripts (Braun and Clarke 2012). These shape the way in which participants epistemologically framed their work and who they acknowledged as 'survivors of torture'. These approaches I term as: orthodox legalism, legalist hybridity and experiential epistemologies. Although each is outlined in much more depth elsewhere (Canning 2023), they are important to this article in terms of the ontological relationship between how one views the world, and how one practices their area of expertise when responding to violence. This therefore informs the key arguments in Section Three.

Orthodox legalism

This relates to strictly following the mandate of the UNCAT, though practitioners working from this perspective may be receptive to different definitions as to what constitute torture evolves over time. This approach is adopted in the International Rehabilitation Council for Torture Vic-tims' General Assembly Resolution on the Global Standards on Rehabilitation of Torture Victims (2020). In brief, this perspective places emphasis on the centrality of the role of the state, and the sustained and systematic nature of torture, usually in state custody. Mila, a psychologist and psychotherapist, reflects this narrow definition,

> 'We also have clients that I would define as having been physically tortured, so that's a govern-ment or state agency imprisoning and torturing a person physically or psychologically, so that would be my definition of it' (interview 2021).

> Similarly, Luna, a clinical psychologist working with survivors of torture, goes further to say,

> 'The term 'torture' is used, in my room at least, when it has been systematic, breaking down both psychological and physical violence from people in power, from the government or the terrorist organisation, or when it has been systematically brought upon them' (interview 2021).

Christian, a psychologist working with survivors in a clinical capacity considered that, 'a sur-vivor of torture is having been exposed to or seeing others be threatened on their life or wellbeing by a state official or other organised groups' (interview 2021). This slightly broadens the defini-tion, yet the requirement for 'organized group' involvement maintains a focus on a collective with a shared motivation for engaging in the use of torture.

Legalist hybridity

There are three facets to this perspective. Firstly, multifarious forms of violence can be considered to be torture, but torture is separately definable. That is, this perspective recognizes that some forms of violence may be akin to torture by nature, but that the prerequisites for formally acknowl-edging and defining torture remain limited by the UNCAT. For Amina, a psychologist working with survivors of torture but with previous experience of working with other forms of violence,

> 'Torture is of course mostly for those who have been held captive, been imprisoned. Some would define torture as also when they have been subjected to violence by their partner. Even the fathers—I've had a client who told me how his father tortured him, in Denmark' (inter-view 2021).

Secondly, this perspective recognizes that the context and motivation of violence is important, but the significance does not supersede the impacts and nature of the violence inflicted. In short, where the UNCAT generally requires reasons of, for example, extraction of information, people working from a legalist hybridity perspective tend to place the motivation for violence as

secondary to its impacts. Klara, a child psychologist working with families affected by torture specifically, opens this up further. She considers war as well as the traumas increasingly induced by flight from conflict and persecution, stating,

> 'I also work with people that are not necessarily exposed to imprisonment and torture, but that have been exposed to other forms of violence during war or the flight from war' (interview 2021).

In this, there is recognition that the same forms of violence may be committed with similar effects or impacts as those which are inflicted under the conditions drawn in UNCAT.

Thirdly, and as is central to the following perspective in relation to *experiential epistemologies*, there is a recognition that the term 'torture' is not universally understood regardless of legislation and is not a term that all survivors adopt when speaking about their own experiences and histories, as Section Two goes on to explore.

Experiential epistemologies

Developing on from the final point above, experiential epistemologies centralize perspectives which are informed by the experience of the survivors and/or practitioners. Rather than beginning with legal norms or definitions as the foundations for support, *experiential epistemologies* focus instead on the acts and impacts thereof as defined by the survivor. This does not mean that all acts of violence are addressed as torture, but that the practitioner gives more space to experiences of severe violence even if the person does not recognize this as torture. In short, abuses which happen outside of the confines of the UNCAT but that are as impactful can be taken as justification for engaging prevention and facilitating access to intensive post-torture support and rehabilitation. Importantly, this means that practitioners working with survivors of sustained domestic abuse, sexualized violence or border-related continuums of violence (Canning 2017) do not exclude on this basis, the outcome of which allows for a more deeply intersectional and woman-centred approach to responding to torture.

Amina, introduced earlier, went on to reflect on working with other survivors, or 'clients' as termed here, moving from perpetrator-centred definitions (connected to motivation and intention, which deviate from legal norms such as UNCAT) to focus on the forms of violence inflicted,

> 'it's not the torture forms that are used, like falanga, basically, or even being tied up, continued hanging or something. All that sorts of stuff is not considered in terms of violence, but more like torture, but violence is more like, 'Oh, my husband is violent towards me,' or 'He's violent to our children.' But sometimes, when you dig more into it, then you find out that it's not only violence—*torture methods are also used in some cases*' (own emphasis added).

Evidently the legal basis of UNCAT is powerful in its mandate to focus on state related violence but it does not translate to recognizing the complexity of domestic, community based or interpersonal violence which, in many areas, is disproportionately experienced by women (McGlynn 2008; United Nations Office on Drugs and Crime 2018) and can have the same impacts.

SECTION TWO: TORTURE AND TORTUOUS VIOLENCE: CONTRASTS IN MOTIVATION, PARALLELS IN IMPACT

Thus far, I have focussed mainly on relevant conventions and cases in defining torture, as well as the motivations behind it, who inflicts it (generally the state or with state complicity) and upon whom it can be inflicted (most commonly people held in confinement). But what is *torture*? What acts does torture entail? These are important questions both for understanding and addressing impacts in the

aftermath of torture, and in highlighting the parallels between the violence present in the oral histories of the women who participated in Project Two—none of whom referred to their experiences as 'torture'.

In this seminal text *Torture and Democracy*, still regarded as world-leading in its depth and breadth, Rejali introduces 24 chapters of documentation of the wide range of practices considered 'torture', which include (but are not limited to),

> Beatings, crushing of nipples, use of stun guns, the driving of pegs into kidneys, the rubbing of bodies with sandpaper followed by alcohol or turpentine, use of cattle prods, electric shocks, pumping with alcohol, excessively spicing or salting meals and forcing ingestion, insertion of irritants to eyes, nostrils, anus and/or vagina, deprivation of sleep, waterboarding, the crapaudine (tying legs and arms behind the head and drawing together on the stomach), blows to fleshy areas, various forms of chairs inducing stress positions, excessive or deprivation of light, sleep deprivation, and holding people in cold rooms or sweatboxes (2007).

The text has been central to my framing of torture because of what it simultaneously includes and excludes. It is acknowledged as groundbreaking in its range of both historic documentation and the range of practices explored, as well as its significance in thoroughly conceptualizing 'clean' torture and torture by stealth—the move to psychological torture and torture which is difficult to evidence. However, in doing so, it also includes sexual torture only as a subset of abuses relating to practices (such as electric shocks to testicles) with limited exploration of the gendered nuances and layers of silencing which exacerbate the value of stealth in torture as a means to silence. This subsequently became an evidence gap that I aimed to address empirically and conceptually.

In undertaking all interviews across the three projects, I asked all participants to outline forms of violence that they had encountered in cases with refugees they had worked with. Although the roles of participants varied (such as psychologists, lawyers and barristers, immigration custody officers and medical doctors), the forms of violence resonated across the three host countries, often echoed Rejali's typologies of torture, as well as other narratives (see Jones 2014; Slahi 2015; Einholf 2018; El-Khoury *et al.* 2020; Mohammadi 2022). Across the interviews, instances of violence included (but again, were not limited to),

> Water boarding, burning cigarettes, noise exposure, people who have witnessed rape of their family members, mothers, fathers, children, mock executions, rape, bestiality, enforced labour in jails, people who have been forced to drink their own urine, cat in the sack, 'short sleeve or long sleeves', falanga, isolation, suspensions, cigarette burning in your eye, retractions, forced to inhale acidic fumes, witnessing (not technically torture), forced to prepare tortured/murdered family member for burial, forced to eat murdered family member, deprivation of food, deprivation of the possibility to sleep, deprivation of the possibility, mock executions and witnessing other people being subjected to torture, either by seeing it or listening to it or by being forced to perform acts of violence towards other prisoners or other people who are being held captive, do stuff that has no meaning.

As we will see when we turn our attention toward a *zemiology of torturous violence*, this list has potential for significant impacts, or indeed cumulative harms across the trajectory of a person's life, their family network (including through intergenerational trauma—see Sangalang and Vang 2017; Wang in Danish Institute Against Torture 2024), and communities. However, it is also a stark reminder to host states of the potential multiplicities of severe violence which some people have experienced prior to arriving, during migration and/or whilst living in asylum systems. This is itself often overlooked, particularly in an era of increasing hostility toward migrants in the Global North (Abdelhady *et al.* 2020).

Finally, and importantly, we move now to the forms of violence documented in the oral histories of Antonia, Asma, Faiza, Jazmine, Mahira and Nour. For these six women, experiences cumulatively included,

> Acid burns, hot water burns, multiple perpetrator rape, rape whilst being burned with cigarettes, marital rape, forced prostitution, so-called survival sex, stalking, harassment, forced pornography, child abduction, beating, threats to life, sexualized exploitation by friends and/or family members, false imprisonment.

It is here that the nexus between the private and public becomes increasingly complex. For all the participants, these acts were committed mostly by husbands, family members and men who had been paying for sexual experiences. For one woman—Nour—the private and public very clearly intersected, as she was married to an abusive state official. Thus, her subjections to beating, false imprisonment and child abduction were not state mandates, which arguably separates this from the qualifications of UNCAT.

Regardless of who has perpetrated these, or under what conditions, the forms of violence experienced by participants clearly reflect the forms of torture outlined above. For all of the women, violence was sustained, either through coercive control in their—often psychologically, physically and/or sexually—abusive relationships or through structural conditions under which they were subject to (predominately male) violence. Such conditions involved economic dependence on income, including forced prostitution in Antonia and Jazmine's cases, or through border-related restrictions such as spousal dependence in Asma and Faiza's cases. Although there is limited space to develop this point further here, it is worth noting that the latter form of forced dependency relates strongly to gendered border harms, whereby autonomy over one's future, including potential deportation or homelessness, is enabled by many state policies in Northern Europe (Girma *et al.* 2014). This subsequently creates conditions under which women with precarious migration status are further held in states of reliance, sometimes on violent partners (Hulley *et al.* 2023).

The term 'torture' was not used by survivor participants in relation to their experiences of interpersonal violence, no matter the extent of physical or psychological harm (see Pérez-Sales 2017). Indeed, on analysis of documents which specifically address violence against women, recognition of torture is seldom commonplace. For example, the Istanbul Convention uses the term only once, at Article 62 in relation to non-refoulement (Council of Europe Convention on preventing and combating violence against women and domestic violence 2011: 17). It is more commonly used in relation to the migratory process or whilst waiting for refugee status (Boochani and Tofighian 2021), and in experiences of immigration detention (Tsangarides 2012) than in relation to the physical or psychological torture or torturous violence experienced elsewhere. This is important for two reasons: firstly, that 'torture' continues to epistemologically exclude the gendered experiences of torture and persecution and secondly that, conscious or otherwise, the term 'torture' holds a gravity for heinousness that is not—I argue—comparable to other terms. This leads to an unconscious hierarchy of severity for the same forms of violent practices, with the same impacts thereof, through which torture and torturous violence can be more clearly equalized in gravity.

It is through this argument that the term and concept *torturous violence* becomes more centralized to this article, and more clearly applicable to the experiences of women (in this case, women seeking asylum who have been subjected to sustained violence). Although first discussed in the *British Journal of Criminology* in 2016 (Canning 2016), there has been little in the way of establishing a solid definition. However, working from the three projects which inform this contribution, we can define torturous violence as sustained, psychologically impactful and harms to the same or similar extent as violence which is definably torture (Pérez-Sales 2017). It can be enabled by coercive control, marital rights, relative powerlessness between perpetrator(s) and victim/survivor(s), and on structurally violent familial or cultural norms. These norms include patriarchal

norms and so transcend usual representations of cultural violence as 'Other' or somehow discon-nected from society in the Global North. It may be in familial relationships, or interpersonal relationships. Torturous violence may be the continuous subjection to sustained violence over a period of months or years or one sustained violation by an individual or group which has deep and long-lasting psychological or psychosocial impacts on the survivor. Individuals may be subject to torturous violence at different intersections of their lives, in different places or spaces, and with different forms of infliction by different people or social actors. This element is particularly relevant to those living in abusive familial settings, in conflict, during flight from conflict or persecution, or when seeking asylum or safety from domestic violence (Canning 2023: 62).

For the purposes of this issue and the empirical research reflected within, I have focussed on the lives of women seeking asylum in Northern Europe, although there is clear capacity to explore the narratives and experiences beyond this[8]. Taking the epistemological and definitional clarifi-cations and developments to hand, this article will now outline the value of a *zemiology of torturous violence* in relation to recognition and response to violence, specifically in documenting the com-plex relationships between the impacts of such violence and the potential for inter-relational and multidimensional harms stemming from these.

SECTION THREE: ADDRESSING THE LIMITS OF LAW: THE VALUE OF A *ZEMIOLOGY OF TORTUROUS VIOLENCE*

As outlined thus far, much of what comes to be determined as 'torture' depends on interpretations of the UNCAT, and this (as Cakal points out, 2022) is based in law. In discussions with both lawyers and NGO leads and stakeholders who specialize in torture within the aforementioned ideation workshops, the value placed on law is one which is held dear to some. Questions arose, for example, on what would happen should the severity element of torture be reduced. Is all harm or violence 'torture' or 'torturous'? This is a justifiable concern, particularly in an era where terms such as trauma, torture and harm are increasingly flattened and at times arguably trivialized. It is for this reason that the terms 'sustained' and 'severe' are included in the above definition of tor-turous violence. Although severity in particular has its own set of contestations in torture literature (Nowak 2006; Cakal 2021), there requires a means by which torture and torturous violence are not reduced to things one might dislike or from which impacts are unlikely to be deeply held or sustained in physical or psychological injury[9]. Moreover, and drawing from arguments made by Manfred Nowak[10] almost 20 years ago, elements of power and powerlessness between abuser and abused are integral to the application of the term.

During these conversations, colleagues also highlighted that some of the forms of violence that women seeking asylum had been subjected to do in fact fall under multifarious articles in inter-national law, including where sustained domestic violence has been inflicted. Again, this is accurate in theory. As Table 1 shows above, there are various additions to UNCAT which can work to recognize the significance of interpersonal violence and which broaden recognitions of torture. However, given that the term torture does not appear to be a common recognition of subjections among survivors, and given the complexity of laws in this area and economic cost of bringing a

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[8] This is undertaken in more depth in (Canning 2023) which includes analyses of violence against women who do not fall into a demographic of seeking asylum/refugee status and advocate further research and analyses on this from the lens of torturous violence more broadly.

[9] As one example of the misplacement of 'harm', I recently read a statement on X (formerly Twitter) by a UK based professor who has taken part anonymously in a research project by an early career researcher. It was on a politically sensitive subject area, and the key findings were in opposition with the professor's publicly held views. The professor professed to have been emotionally harmed on publication of the research report—a clear undermining of the seriousness of harm, and its potential dilution.

[10] Manfred Nowak served as the United Nations Special Rapporteur on Torture from 2004 to 2010. During this time, he was vocal on the role of private actors as being responsible for torture, including in reference to domestic violence and violence against children. See Nowak (2006).

case, how would one expect to move such claims forward? Reporting to police was one suggestion. This is one which is fraught with barriers for survivors of domestic, sexual or interpersonal violence at the best of times (O'Neal 2019) and compounded if and when it is police who pose a threat themselves. The significance of depending on legal avenues as a means to 'tackle torture' (see Evans 2023) is questionable in practice: there is a significant dearth of convictions for torture. In short, there is a gap between laws and conventions in theory and in practice, particularly in the lives of survivors with already limited means to access justice or support through recovery.

As discussed in Section One, these limitations impact on who is or can be recognized as 'tortured' in relation to accessing support in the aftermath of torture and torturous violence.

This was reiterated in workshops, where those working in medical or psychological capacities were much more vocal on arguing that definitions (which often require medical examinations and psychological assessments to support claims—see Perez-Sales 2017) were arbitrary. Given that most people who access trauma support after torture have been subjected to multiple traumata (Canning 2016), I argue that focussing on forms of violence and their impacts, rather than the purpose of their subjection (that is, at the behest of states and state allies), makes more sense in practice.

This is where a zemiological lens lends particular relevance. As Canning *et al.* (2023) highlight, it is one which actively encourages addressing harmful practices, with a view to reducing or indeed eradicating harm where possible. Given that survivors in this context are already harmed, moving to reduce further the harms of impacts is integral. Given also that wholesale legal reforms to torture conventions is unlikely (McGlynn 2008), changes in practice which centralize torturous violence would arguably facilitate harm—in particular gendered harm—reduction in relation to access provision. The remainder of this section will focus on zemiological approaches to asylum and refugee rights as a case study, given this is what the three projects predominately focussed on. However, since zemiology itself is ever evolving, there is clearly scope for much broader investigations in relation to torture and torturous violence.

Border zemiologies and the impacts of torture and torturous violence

As outlined in our thematic group *Border Zemiologies* as part of Border Criminologies at the University of Oxford,

> 'Contemporary bordering is increasingly characterised by invisibilised forms of bureaucratic violence, which include restrictions on housing, access to healthcare, personal autonomy, opportunities to work or study, and even marriage, family rights, and relationships. The effects of these barriers to human realisation range from dehumanisation and degradation to the infliction of mental, emotional, or physical harms. These socially mediated harms are often difficult to recognise and have complex causes, making harm mitigation evermore challenging' (Border Zemiologies 2024).

A zemiological lens ties the otherwise seemingly disparate issues of bordering and torturous violence in two ways. Firstly, the intensification and militarization of bordering enable the infliction of torture and torturous violence, as well as increasing traumatic or deadly migratory routes, and thus endemic harms; and secondly, by employing a zemiological lens, we can more meaningfully examine impacts of multifarious forms of torturous violence and their relationship to wider avoidable social harms. In essence, by combining knowledge of the multifarious impacts of such abuses that can affect survivors physically and psychologically—such as acute pain, sleeplessness, depression, intense anxiety and post-traumatic stress disorder (see Danish Institute Against Torture 2012 for a comprehensive typology and overview)—with a social harm perspective, the conditions under which survivors go on to live can either encourage human flourishing (Pemberton 2015) or negative compounding of these impacts (Canning 2021). That bordering

has permeated everyday lives of people attempting to gain refugee status, and increasingly, once refugee status has been granted, the security necessary for the former has depleted, whilst conditions for exacerbating impacts have intensified. Subjection to detention or threat of detention; fear of deportation; inability to access job markets or education; poverty; dispersal to unknown regions of the host country—all such practices create barriers to effect support whilst embedding further social harms into the lives of survivors.

Indeed, it is clear that the intensification of bordering (or borderization—see Soliman 2022) actually facilitates, if not in places actively inflicts, torture and torturous violence. Reports of abuse by border guards—including throwing border crossers into the sea to drown (BBC News 2024)—as well as abuses in detention (Bosworth *et al.* 2024) have seemingly increased in parallel with militarization. In my research spanning more than fifteen years, many women's subjections to violence have been directly related to bordering, including during clandestine travel, dependence on spousal visas where domestic violence was present, and in border camps. These are seldom acknowledged as torture but are certainly torturous in nature and impact.

The Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) has repeatedly issued specific concerns in relation to refoulement, immigration detention and illegal pushbacks of migrants at European borders, and the torture these facilitate (2022). For torture researchers and legal practitioners, these reiterate long-standing concerns about states but also expose corporate and other non-state actors as torturers or facilitators of torture. Moreover, given also that all 57 of the states aligned with the Organization for Security and Co-operation in Europe have indeed ratified the UK Convention Against Torture, the proliferation of such violence (and the role of states and corporates in inflicting it, as well as enabling) directly undermines the roles the same states have in preventing torture or responding to survivors effectively or credibly. Instead, bordering enables it.

The trajectories of these abuses are not left at external borders but transcend directly into trauma therapy. As Klara, a child psychologist working with child refugees, recalled, trauma for the children she worked with was inextricably linked with bordering including,

> 'Internal battles along the borders, the constant fear of being caught, over-filled boats and over-filled trucks, where people are struggling to find air or afraid of being squashed, especially if you end up inside of a truck, are some things that are with people physically and embodied, or mentally and embodied' (interview 2021).

Luna, an experienced psychologist, also indicated that these abuses are increasing, which aligns with the gradual intensification of bordering. She states, 'I hear more and more stories about traumas on the way from the country of origin up to Denmark, and it comes in waves and also it takes a longer time' (interview 2021). Similarly, Saffi, a medical doctor, found that, 'a lot of young people coming from Afghanistan, I think they had—the migration affected them maybe more' (interview 2021). It is a damning indictment on border practices that a doctor working with survivors of torture, in its narrowest definition, is finding that migratory journeys are more affecting for survivors than torture.

The impacts of torture and torturous violence and their relationship to border harms

The impacts of violence are not monolithic: people may respond in differing ways, and indeed psychological or physical impacts can surface or resurface at various stages of a survivor's life trajectory. However, the Danish Institute Against Torture, which is world leading in its work on torture prevention and rehabilitation, outline the below impacts in Table 2.

As is evident from the two lists, the possible physical, sexual and psychological implications arising from torture—and torturous violence—are expansive. Importantly, and contingent with zemiological

Table 2. Problems which may develop in the aftermath of torture (adapted from DIGNITY 2012)

Body functions	Activities and participation
Abdominal pain, anger, anxiety, arm pain, back pain, bleeding from orifice, breathing difficulties, burning sensation, chest pain, cognitive problems, coldness, constipation, coughing, depersonalization, depression, diarrhoea, disfiguration, Disorders of Extreme Stress Not Otherwise Specified [DESNOS], dissociation, dizziness, facial pain, flashback, foot pain, guilt feelings, hand pain, headache, hearing difficulties, heart palpitations, hyper-vigilance, incontinence, indigestion, intrusive memories, leg pain, loss of appetite, loss of energy, loss of interest, menstruation problems, micturition, muscle, joint and bone pain, muscle weakness, nausea, neck pain, numbness, over alertness, pain [acute], pain [chronic], pain [neuropathic], pain [psychogenic], paranoia, paresis, pelvic pain, persistent thoughts, phantom pain, Post Traumatic Stress Disorder [PTSD], posture and balance problems, reproduction difficulties, sense of a limited future, sexual problems, shame, shoulder pain, skin infections, sleeping difficulties, somatization, somatization [children], substance abuse, sweating, swelling, tics, tinnitus, tiredness, ulcer of skin, urge to urinate, urinating difficulties, vision difficulties, vomiting, weight loss, whole body pain.	Aggressive outbursts, alienation, antisocial behaviour, avoidance behaviour, bed wetting, bereavement, community life [participation in], coping and preoccupation with pain, disability, dressing problems, eating problems, exclusion from participation in social and political activities, family life [participation in], friendship breakdown, gainful activities, identity problems, intimate relations, isolation, lifting and carrying objects, maintaining a dwelling, nightmare, night terror, obsessive compulsive activities, performing household work, redress, regressive symptoms, relational problems, risk-taking behaviour, self-efficacy problems, self-harm, self-mutilation, taking care of others, toileting problems, traumatic play, using transport, walking problems, washing problems, worrying about symptoms.

exploration, the relationship between these and the potential for socially harmful circumstances arising are evident from considering activities and participation. In his text *Harmful Societies*, Pemberton specifically addresses the connections between a lack of access to autonomy and meaningful activity with societies which have higher levels of harm (2015). These can result in self-isolation, social separation, increased poverty and poorer access to healthcare (see also Canning 2017).

For example, tiredness, loss of energy or sleep difficulties all reduce ones' ability to take part in social or personally meaningful activities, increasing relational harms since this relates to community, family and even self-worth or confidence in the longer run (Başoğlu *et al.* 2001; Dehghan 2018). Urges to urinate, issues with diarrhoea or incontinence can also induce feelings of shame or anxieties about leaving indoor spaces for fear of loss of bodily control, in turn impacting on participation in social activities, relationships or sexual interactions. For survivors who are rebuilding lives and communities with refugee status, these elements are central to recovery. And yet, for this demographic, as for people seeking asylum or living as irregular migrants, access is greatly diminished when support to address these impacts is not available (Kastrup and Arcel 2004; Sjölund 2009). In all, what we can see here is the nexus between the impacts of trajectories of violence and the structurally induced conditions under which addressing these impacts is reduced.

As well as the physical and psychological implications outlined above, it is important to state that border zemiologies arose also from the recognition that cradle-to-grave harms, as Hillyard *et al.* centralized in zemiology from its inception (2004), are both *inflicted through* and *compounded by* processes and practices of bordering. As with the increased facilitation of torture and torturous violence, border regimes and policies are directly correlated to the inducing harmful conditions for survivors of torture and torturous violence. As Mila, a psychologist and psychotherapist, argued, 'when you work with these clients, you're not just working with the trauma; you're working with immigration issues around coming to a new country, what that actually means, having given up so much in your country of origin: loss of family, loss of life, loss of work, loss of identity, loss

of future, in a way' (interview 2021). For this demographic of survivors of torture and torturous violence, trajectories of harm—from the cradle—are often intrinsically linked with migration and refugee status. And yet border harms have become the modus operandi of many states, meaning that survivors of torture and torturous violence live in suspended forms of control which both harm and exacerbate traumata.

This can relate to spaces of exception, such as asylum centres or immigration detention, which has been repeatedly termed as 'a second torture' (Tsangarides 2012; Girma *et al.* 2014; Boochani 2018). Laksha, who worked as a legal advisor for survivors of torture, found that, 'prolonged detention or the uncertainty of people not knowing why they're there, when are they going to be released, are they going to be sent back, what's the reason? You could see just so much uncertainty and people just—I think the suffering that is caused by that uncertainty is so big' (interview 2021).

It is also knitted into the everyday: fear or threat of deportation, which reduces engagement in sustained support; dispersal to other areas of a host country which shatters access to rehabilitation or counselling; or reductions in funds, which create barriers to simple means of engaging, such as transport. As Amina, a psychologist working with refugee survivors of torture succinctly put it, 'Sometimes we're not able to do the treatment because people are so much caught up in their economic situation because they're very poor, so they can't afford to pay their transport' (interview 2021). She went on to specify the implications of integration programmes for refugees, often mandatory in Nordic states, which can directly reduce access to support in the aftermath of torture and torturous violence. She found that survivors,

> 'Were very interested in getting treatment but they had to leave it because they were basically in the integration programme, and at that time, it was more important to follow their school, language school, or even to work instead of prioritising treatment, because otherwise they wouldn't be able to survive' (ibid).

As borders became increasingly restrictive during the decade within which this research was undertaken, access to family reunification was also targeted by states as a means to reduce immigration. Anne found that this was,

> 'a huge problem for conducting successful trauma treatment, because it's nearly impossible to focus on trauma, and that's what we're supposed to do, when everything else is… when you worry about where to live and where your family's at and the economic situation. That's a huge problem, or barrier, or challenge' (interview 2021).

Support which often takes a long time for practitioners to administer (particularly through trust building and overcoming obstacles to access for refugee survivors), can be easily shattered by nefarious changes to refugee rights. For example, during research for Project Three in Denmark, the then government (the Social Democratic Party led by Mette Fredriksen) declared Damascus a safe area for the return of refugees. This immediately rendered a whole demographic's future unstable, even for people who had previously felt secure with refugee status in Denmark. The consequences of this were immediate: Syrian friends and colleagues were no longer sure of their futures, and colleagues working in first response to refugee rights scrambled to clarify new laws and reduce the impact of potential changes. As one interview with Aksel, an interpreter in a torture support organization reflected, 'The day after they announced a new strategy towards refugees from Syria, the day after, they worsened. They had increased symptoms, instant reactions, so we can see that' (interview 2021). This was reiterated by Imani, a psychologist working with torture survivors, who found that 'I have several clients who were actually seeing really good progress and they felt much better, and then this announcement came and people started being sent home and they were completely back to scratch, and it hasn't really been possible to work with their traumas

because the level of stress right here and now was so high'. Given that security, stability and freedom from fear is integral to human hierarchies of need (Maslow 1970), the changing nature of bureaucratic border is central to creating barriers to harm production for refugee populations.

CONCLUSION

In centralizing the perspectives and experiences of people seeking asylum as well as practitioners working in response to torture and refugee rights, this article has critically addressed both the value and limitations of dependence on the United Nations Convention against Torture, or Other Cruel, Inhuman or Degrading Treatment or Punishment (1984). Whilst holding states and state actors to account—a central facet of UNCAT—is a legally and criminologically worthy objective, there remains a clear and significant void in acknowledging the importance of abuses which are as severe and impactful in their infliction and which are disproportionately experienced by women and girls. In the context of refugee rights and experiences, the increasing correlation between bordering and the facilitation of definably extreme violence contributes to the need for further critique of the confines of law in relation to prevention or support and rehabilitation in the aftermath.

Drawing from empirical research and earlier arguments (Canning 2023), the definition of *torturous violence* is argued to be a more practical means by which survivors of such severe abuses—including burning, repeated beatings, false imprisonment, multiple perpetrator rape and sustained psychological and physical sexual, interpersonal and domestic violence—can be considered tantamount to torture without necessarily diluting the significance of torture as defined in UNCAT.

To do so, I contend that the development and implementation of a *zemiology of torturous violence* allows for the centralization of the harms and impacts of such abuses in the aftermath of their infliction. The wider socio-structural and relational implications of such impacts are arguably more easily disentangled, and the connections to trajectories of trauma more accessible to practitioner consciousness when working against torture, as well as the long-term impacts of torture and torturous violence. For refugee survivors, this allows for a truly human-centred approach to addressing and mitigating both the harms of bordering and addressing harms which are not necessarily singular, but as Hillyard and Tombs advocated (2008), acknowledge those experienced as part of lifelong trajectories from the cradle to the grave.

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