



Cruelty

A Book About Us

Maggie Schein

palgrave
macmillan

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This book is dedicated to the guardians of stories and communications that transform us: parents, teachers, witnesses, seekers, doers, tellers, those who see, who show, who mesmerize, who walk with us, who talk with us, those who exist in awe, and to “the little prince” in each of us.

—and to the Pilot who drew a Sheep for the Little Prince.

—and to the Little Prince’s Rose and to the endless question: “Is it yes, or is it no?”

Prelude

Defining Cruelty: Dictionary Definitions (Fail)

From: MERRIAM-WEBSTER Dictionary (2022)¹:

crueler or cruller; cruelest or cruelest

Definition of cruel

1: disposed to inflict pain or suffering:

//devoid of humane feelings

// a cruel tyrant

// has a cruel heart

2a: causing or conducive to injury, grief, or pain

// a cruel joke

// a cruel twist of fate

b: unrelieved by leniency

// cruel punishment

¹ Accessed 5/15/2022: <https://www.merriam-webster.com/dictionary/cruel>.

From: The OXFORD Dictionary (2021)²:

noun

(pl. **cruelties**)

1. [uncountable] cruelty (to somebody/something) behavior that causes pain or suffering to others, especially deliberately cruelty to animals. The deliberate *cruelty of his words cut her like a knife*. Opposite kindness.
2. [countable, usually plural] a cruel action. *Frightening cruelties were inflicted on child factory workers well into the 19th century*.
3. [countable, uncountable] something that happens that seems unfair *the cruelties of life*.

From: CAMBRIDGE Dictionary (2022)³:

Cruel | **cruellest** or **crueler** |

Extremely unkind and unpleasant and causing pain to people or animals intentionally

Willfully causing pain or suffering to others

Synonyms:

barbaric

barbarous formal

brutal

callous

hard (SEVERE)

harsh (UNKIND)

INHUMAN

sadistic

savage

tyrannical

tyrannous

vicious

² Accessed 5/15/2022: https://www.oxfordlearnersdictionaries.com/us/definition/american_english/cruelty.

³ Accessed 5/15/2022: <https://dictionary.cambridge.org/us/dictionary/english/cruel>.

Sample of a US Legal Definition⁴:

“The deliberate and malicious infliction of mental or physical pain upon persons or animals.”

Please register that the nature and quantity of the details provided in US legal definitions often vary depending on their contexts, from the constitution, amendments, bills, laws specific to categories of victims like children, the elderly, nonhumans, the incompetent or mentally deficient, Supreme Court of The United States (SCOTUS) decisions, rules of engagement, war crimes, and so on, but in general, they are vague and have in common mal-intent and/or extreme physical pain.

Note: Each of these dictionary definitions offered for “cruelty” contains aspects that might contribute to an understanding of cruelty, but they are pitifully short of even the half of it, sharing and displaying our confusion in authoritative garb. Some definitions and synonyms dictionaries do, importantly, explicitly or implicitly, point to the connection between our understanding of “humanity” as part of our understanding of “cruelty.” Remember, the Cambridge Dictionary uses “inhumanity” and “cruelty” almost interchangeably. Thus, it follows, that “humanity” has a moral valence and is in direct contrast to whatever “cruelty” is. Though each dictionary definition is a touching stone, offering something, each is also inadequate. My attempt to offer groundwork does not claim to be adequate either. Rather, it attempts to gather together the provisional bits we can, from anecdotes, philosophy, psychology, to common sense and experiences, for building out a broader platform for discussing cruelty. Chapter 1 offers the background and a detailed formula or skeleton of a definition of cruelty. Here is a short summary of that suggested formula:

Cruelty: A human being perverting, or being responsible for the conditions for the perversion, of what should make a creature flourish as one of its kind against that creature, resulting in its harm somehow. The mechanisms driving the perversions may involve deliberation, indifference, mal-

⁴ Accessed 5/15/22: <https://legal-dictionary.thefreedictionary.com/cruel>.

ice, good intent; legal, societal, conventional, or religious violation, reprimand, or sanction; extremity, pain, suffering, pleasure; or an ordinary/incidental use—please be forewarned that I am putting “harm” and “somehow” to more work here than they are likely to be assumed to be doing. For our purposes, “harm” is not to be conflated with “pain” or “suffering,” and “somehow” isn’t meant as a glib brush-off but, rather, as an alert that we are in amorphous, unfinished, parts of unknowns.

If that sounds complicated, that is because it is, but *it is complicated mostly because we haven’t really talked it through*. There is plenty to unravel, undam, and plenty of diverting and competing tributaries and riptides of thought to explore.

Preface and Author's Notes

Preface: Firefly Death Necklaces

“The Aim of Knowledge,” says Hegel, “is to divest the objective world of its strangeness, and to make us more at home in it.” Different men find their minds more at home in very different fragments of the world.

—William James¹

It is the time of day when afternoon swings into dusk and dusk into evening, when parents take their cocktails and children reign over the front lawn, looking to see who is interested in whom and what. I am not a particularly attractive child. I am slight, fast, aggressive—for a girl—not unpretty, but I am not the perfectly symmetrical face, with the bee-stung lips and Disney blonde hair that my best friend is. I am weird, also, and more than just a bit socially awkward. Among those on my lawn, enjoying the transitions of light and catching more fireflies than any of us, is my opposite. He is the boy everyone, including most of the boys, including the parents, has a crush on. It is undeniable. He's that sort. I'm not sure if he's even actually handsome. That doesn't seem to matter. He keeps his fireflies in a jar into the lid of which he's poked holes so they will live.

¹James, William. *A Pluralistic Universe*. Intro. Levinson, H. (University of Nebraska Press; Reprinted from the original 1909 Ed), P.11.

He knew to do that. He brought along a nail to poke the holes with. He's good that way. Charming that way. He looks over at me and deftly catches a few more as I watch. Is that for me? Eli sits down next to me. His knees punctuate his lankiness. He pulls out a thin needle and a spool of waxed thread. With care, he takes one firefly, its mating light flickering on and off, and he gently pulls off its wings. Those are in the way. Fireflies don't scream, so this work goes unnoticed by most of us. He then pierces the fireflies just at the—I am not sure what you call it—so that they are immobile, still flashing their lights, and still alive. Then he threads them, with their bellies all alight, puts them around my neck, and ties the back, lifting my hair to get a good knot. And now I am queen of the fireflies. I am it. They pump their bioluminescent bellies in a last and futile attempt to carry on. And I wear them. And Eli made them for me. And then, of course, all their lights go out.

Is this a nostalgic story? Maybe. But in so many ways, this is a story about the bittersweet tincture in which humanity and inhumanity muddle: cruelty.

Are you cruel? I would very much like to believe that I am not a cruel person, and that I belong in the flock of those at least aspiring toward good most of the time, toward that mercurial virtue we sometimes mean when we say, "humanity." I would also like to believe that most people are not cruel creatures and that the dungeons of "inhumanity" are percussed with the footfalls of rare and extreme anomalies of nature, nurture, culture, and fate. Wouldn't you?

In public, probably most of us agree. I certainly *want* to agree. Who among us, who is not already an outcaste from the "us" of society, would proudly display how cruel he can be and how often he wants to exercise that skill? We might've made a firefly necklace for our crush, or we might've worn one, but we cannot confess to being cruel. That was for love. And we were young. And fireflies are magical. And we didn't know better. Or maybe it was their karma to be around our loved one's neck? And, for the record, Eli *was* handsome.

It might be all right in good company, well-footed by years of shared good intent, to vent such thoughts, fantasies, and questions. Or, if one is an artist, to work them out on the page, the sounds, the canvas, or the stage.

For most of us, most times, however, it's really not all right. I attempt to hold dear to honesty in this, even when it's raw, because the topic is too difficult and too important not to do so. I suspect that most people can identify with me in the story above, with Eli, or with my beautiful friend who watched that scene play out and wondered why the necklace wasn't for her, or the other friend, who at the corner of the lawn, bore horrified witness to what was happening to the fireflies as a violation of something unidentifiable, or the quiet one to the side whose father just moved him to town, away from the mother who expressed her own pain by making wounds in the flesh of her child, and whose screams were, unlike the fireflies', audible, and yet mostly ignored. The realities of this scene may not make us inhuman, and they may not solidify our virtue, but they make us perplexingly and, simultaneously, essentially human. This book is an attempt to come clean, for ourselves, about what being human might mean, morally speaking (but ironically, not appealing to any specific moral or ethical doctrine), so we can get better at it.

Some of us have strung up fireflies in youthful naiveté and curiosity; some carry the inarticulate historical wounds from slavery—as slave, trader, witness, slaveholder, or something in between. Have you been inexplicably reduced to tears and rendered intellectually impotent by a throwaway, underhanded, comment, no matter how thick your skin or how well cured your experiences? We've all been, and rightly so, emotionally desiccated by daily news reports. On another swing of the pendulum, some of us have tortured. Others have survived torture. Some have abused. Some have endured abuse. Some have survived it. Some are carved into their current shapes by it. Some secretly pride themselves on being master bullies, while some pride themselves on being the cunning and stealthy underdogs that won't be broken. Welcome to this conversation: we're talking about cruelty. We are talking about how not to do it, ways we might find to cheat what appears to be a unique and inextricable pitfall of being human; how to respond to it when we witness it; how we respond to it when we suffer it; and, as part of each of those pursuits, the ways in which each of us might come to understand **what** cruelty is. And, also, through this lens, what *we* are.

Talking about cruelty is undeniably awkward. I know, because I do it a lot. Because of this, I have come to recognize a peculiarly stable pattern

of responses when the subject comes up—from scholars across different disciplines to the only other person at the bar in a small-town joint. Let's take one instance (modified) from my real life.

I am at dinner with guests of my employer. They are sophisticated and lovely people, and they generously invite me into the conversation. Knowing I am a scholar and a writer, they ask me what I am working on. "Cruelty," I say. Eyes drop, guests swallow hard and tighten their jaws a bit; forks weave squeakily across the empty parts of their plates like kids rocking back and forth when caught in a lie. Say that you work on cruelty out loud in front of anyone who doesn't know you that well. Then try the same thing with the subject "beauty." Try to make it fairer and say "injustice" or even "human trafficking." There will be a marked difference in responses from your interlocutors. Although I am the one bringing up the subject, and that puts me in a peculiar light, I am not particularly intriguing, depraved, or colored by the light and shadows of the macabre. Cruelty is. And discomfort with it belongs to all of us, or it should. I just happen to interrogate it more than many do.

The mention of cruelty puts our emotions in a thumbscrew, puts our reactions on the rack, on view, and invites presumptions of intimacy, accusations of arrogance, ignorance, callousness, shameful worries, and painful memories. Talking honestly about it can expose truths we may prefer to keep tucked away and, at the same time, may confirm that at some level, even when exposed by floodlights, we are impenetrable to each other and unknowable to each other. Thinking and talking about cruelty quickly reminds us that others are, to quote the Australian philosopher Raimond Gaita, "limits to our wills."² No matter what realizations we come to, any conversation will twist those screws and wrench those intellectual joints.

So, let's be gentle with each other in this conversation. There may be a bitter, twisted charm to the nostalgic firefly example, but there is no such release when talking about any one man's torture or another's. No experience of cruelty is comparable to any other, and incidences of cruelty span

²Gaita, Raimond. *A Common Humanity: Thinking About Love, Truth, Justice.*, (New York, Routledge, 2002), P. 52.

a bafflingly expansive range from the ordinary to the extraordinary. Each is relentlessly personal and intimate, nonetheless.

Here is a lurking question: given how strange, difficult, and perverse cruelty is, why write a whole book on it? What is wrong with me? The answer to the latter we'll leave aside for cocktail hour. But for the first: to establish for us a shared ground on which we can at least stand with each other for exploration, disagreement, and thought. We don't yet have that with the subject of cruelty, not the way we do with, say, beauty, justice, evil, or even compassion. That work hasn't been done for us yet. This book attempts to pick up some of that slack and create an arena of shared knowledge where we can all gather for reflection, where we can agree, disagree, refine, and collectively help each other come to a better understanding of cruelty. In that attempt, the chapters take us through the experience—the difficulty—of engaging with cruelty as a subject; some reasons for our frustration, which—in cahoots with the challenging nature of the topic itself—are partially that even the “experts” and the scholars tend to avoid it and haven't helped us out overly much; provide a survey of what has been offered about cruelty in both art and scholarship so that we are better prepared; an investigation into the stories we tell ourselves about humanity and inhumanity; a formula or scaffolding of cruelty so that we can start actually debating the topic; and, finally, a hesitant way for us to move from a conversation about what we don't want to be to a conversation about how to be better at being human.

Since I answered a question about why I wrote this book, (and I grant that I wasn't overly forthcoming, but there will be a time and a place for more vulnerability and personal honesty), I get to ask you one: why did you pick up a book on cruelty? What was your reaction when you saw the title, and what of that reaction compelled you to read this far? The reader has a stake in this. So do I. So does whoever saw you pick up the book. This is not a subject one can have in front of oneself and keep at arm's length. Perhaps that is another reason the scholars shy from addressing cruelty and its orbital concepts head-on. Before we go further, ask *yourself* why you picked up this book on cruelty, and what you want from it. When have you been Eli, me, or the fireflies? I don't need to ask, “Have you?” We all have, just in varying degrees.

Author's Notes: An Unorthodox Approach

Please Read Appendices A (attached): Poems and Prose Excerpts: Cruelty through the lyrical, visceral, and the metaphorical, and **B:** Reader's Guide: Where to Look Next? (please see my website under "Reader's Guide" at www.maggieschein.com):

Appendix A: In the originally intended version of this book, positioned prior to Chaps. 1, 2, 3, 5, 7, 10, and 11, there was a poem or an excerpt of a poem or prose that was selected to provoke unexpected questions, thoughts, sensations, perceptions—in short, to help illustrate and help facilitate the practice of approaching the main subjects of the chapter and the work as a whole through a much broader lens than only argument, persuasion, or other more conventional approaches to scholarly works. Cruelty, humanity-as-having-a-moral valence, and inhumanity are ubiquitous terms and concepts, but most conventional treatments of them fall short of unveiling what we need to experience—unless we are also willing and open to engaging our faculties of perception and processing in an expansive, unorthodox, and often destabilizing way. To adhere to the standards of "scholarly publication and production," the poems had to be moved from the front of the chapters to Appendix A. So, I must ask a favor of the reader to help make the effort of this book complete: **Please see Appendix A: Poems and Prose Excerpts: Cruelty through the lyrical, visceral, and the metaphorical.** Please read the poem or excerpt corresponding to a chapter prior to reading the chapter.

Appendix B: <http://maggieschein.com/appendix-b-readers-guide/>: This section includes references to works and authors loosely generalized into categories of scholarly disciplines and themes as they appear in or relate to those in *Cruelty: A Book About Us*. The sections are intended to serve as basic introductions to the subjects, themes, scholars in their academic homes as they are relevant to the subjects that splay out around the idea of "Cruelty." This addition to the book is meant to serve as a general reference, to help guide the reader or any instructor who uses the book but might not be familiar with all the tendrils it reaches out with. Appendix B is not intended to serve as a comprehensive or ordinary literature review, as one might find in a more traditional scholarly paper or

academic book. Though fundamentally grounded in scholarly research, *Cruelty: A Book About Us* braids many disciplines from literature, philosophy, ethics, moral psychology, developmental psychology, social psychology, law, history, and the humanities in general. It is a book that is meant for us all, to be acknowledged wherever and however it appears, and so for those curious about particular avenues that are brought up, the Reader's Guide attempts to provide brief, editorial, introductions. For the Reader's Guide, I've chosen authors, themes, and works that I think were particularly influential for this book and that also represent important aspects of the subject that extend beyond and differ from what is offered here.

—With Gratitude, M. Schein

Acknowledgments

I can't accommodate an "acknowledgments" section. It is far too intimidating, and I am far too indebted and lucky. It is impossible to count the loss of the influential dead, the who's and the what's of their influence and importance; it is equally impossible, if one is lucky, to have trouble counting the influence on and importance for oneself and work of those who belong to the living. I would not dare try, so consider this a cursory, symbolic gesture, and one that is hopefully forever unfinished.

For this conversation, this book, I am infinitely grateful to more individuals and institutions than I can list. Here are a few, in no particular order:

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literature. I must express ineffable gratitude for more care, patience, skill, genuine brilliance, creativity, and love than any one person deserves to receive, to my husband, Mr. Jonathan Hannah, without whom this book would never have been completed, and neither would I be.

I am grateful to acknowledge a few of the special individuals who have been with me in this meandering marathon on cruelty for over a decade (or in some cases over two) and whose contributions, conversations, and support on all fronts have been precious:

Professor Danielle Allen, my dear friend, former dissertation chair, supporter, confidant, interlocutor, and source of consistency and brilliance; my fellow “professor of cruelty,” mentor, and friend (both despite our disagreements and because of them), the author, essayist, and teacher, J. M. Coetzee—who, for reasons unknown to me, never gave up on me or this subject and who, also for reasons that make me even more curious, believes in the value of humility enough in this conversation to allow me to share some of the raw, behind the curtains, exchanges we’ve had in our efforts to think through the issues surrounding inhumanity and cruelty over the past couple of decades; third, my wonderful friends and colleagues—in particular the remarkable, generous, and kind Chris Ferro, Jess Minor, and David Kidd, who have been constant champions and invaluable interlocutors; and of course the few contemporary philosophers and authors who bravely, rashly, or both dedicated their investigations and insights into cruelty and who have been gracious and welcoming enough to consult with me: Raimond Gaita, Rosalind Hursthouse, George Shulman, Thomas Nagel, Giorgio Baruchello, Simon May, Andrew Cullison, Pat Conroy, Tim Conroy, Corrin Tanner, my former agent and source of support and advice, Peter Riva, and every student who has graced me with their trust. A particularly vibrant and saturated gratitude goes to the unexpected and/or divine luck to have Arnold I. Davidson as first my teacher and mentor in graduate school (without whom I would never have finished), and then beloved friend and supporter in ways that are indescribably important to me, to my life, daily, and whose energy, insight, care, humor, genius, and kindness are invaluable.

I also want to acknowledge all who witness or experience acts of cruelty: whether their own or that of others; whether human, a moral player, or not. May we continue the conversation and the explorations. This is, after all, a book about *us*.

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1

What the Scholars Owe Us

Incidences of cruelty may make us cringe in fear, empathy, or shame. They may make us turn away in horror because what is happening is unbearable to witness or to undergo, is beyond our capacities to imagine, or is confirmation of our fundamental helplessness and vulnerability. They may also incite curiosity—perversely or genuinely—or annihilate or cripple our bodies or psyches in cases of physical or psychological abuse. If we look with open eyes, we can see that they also can motivate us, spurring us to learn to prevent, rectify, or heal from acts of cruelty, or even learn how to execute cruelty better by pushing the limits of what we can know about another and what we do with that knowledge. Sometimes, cruelty slides between our judgment of either good or bad and, therefore, matures us in necessary ways, like a stern guardian. Cruelty is all at once confounding, provocative, horrible, and ubiquitous. It is also, no matter the particular act or experience in question, uncomfortably intimate.

I am talking about it still, but how do I know if I am supposed to turn away or to look directly at it? It feels a bit shameful either way. In that sense, cruelty is obscene. We often find ourselves forced to say its name, though, when we find that other words for “bad” just won’t do: when your lifelong partner cheats on you with your best friend; when a

particular kind of bully comes up—the kind where you just can’t quite put your finger on what exactly churned your gut upon hearing what he did; when the blind woman’s caretaker hands her a tube of Preparation H (used) instead of the tube of lip gloss she asked for; when the young baggers at the grocery stock the elderly and mentally disabled new hire’s intact bags with ones weak with gaping holes, and then snicker as the customers become frustrated with him; when political torture comes into view, or the death penalty, child abuse, rape, nonhuman welfare; confidence games; when we are betrayed, lied to, or when we are privy to the liquid nitrogen words and actions of a genuine sociopath or psychopath, like Edmund Kemper, who said, during his trial, “With a girl, there’s a lot left in the girl’s body without a head. Of course, the personality is gone.”¹

I just lumped together a serial killer/rapist/necrophiliac and an inappropriately used tube of Preparation H in a paragraph about cruelty. On the one hand, this seems perfectly reasonable. They are all examples of cruelty. On the other hand, listing them together seems deeply disrespectful (at best) of their difference in degree and context. What’s similar enough about them to allow the paragraph to make sense? What’s distinct about them that makes us at the minimum nervous and at the most repulsed, dismissive, insulted, wounded, or worried? It’s worth asking, but there may not be one completely satisfactory answer. Note of forewarning, apology, and hope: throughout this book, there are times where I use “cruelty” and “cruelties” in a global, omnipresent, singular way. It is the lens through which we are looking. It has wide angles, close-ups, and filters, and it is important to aim, to keep track of what we need to set our focal trajectories on. There will be times, as a conceptual tool, point of (suggested) fact, temporal reality, or exercise, that I ask us—momentarily and for certain reasons—to collapse or condense degrees, contexts, and subcategories of cruelties into a slice that hones our perceptual fields in order that we may extract certain insights. I anticipate that these moments may be cringe-worthy, off-base or color to some, and profoundly callous, inappropriate, incorrect, disgusting, disturbing, or otherwise painful, to others. I will repeat repeatedly: cruelty is very difficult to talk about and to figure out how to talk about or to talk about what we aren’t talking

¹ Accessed 3/4/2022: http://www.azquotes.com/author/42856-Edmund_Kemper

about—resisting definition and sloppily undoing its own tracks as it makes them are two of cruelty’s slippery currencies, its trademarks. I ask that we fumble along and try to relish the fumbles like archeologists tripping over the toes of a sarcophagus.

It is sometimes tempting and easy to settle comfortably in the idea that any absence of empathy or emotional investment is a clear and defining feature of cruelty. Just for a reminder that will continue to rear its medusa’s head, Heinrich Himmler, who despite being partially responsible for one of the largest genocides in modern Western European history, as well as an expert torturer, apparently loved his pet bird so much that his entire household was instructed to tiptoe at night so as to be sure not to disturb it when it was asleep. That’s very caring and thoughtful. For the bird.²

In general, we haven’t much of a problem trotting out the accusation that some act or statement was cruel. And artists do like to portray cruelty in its myriad forms. And internet resources catalogue it, index it, promote it, “cancel” it, and, in short, exercise social and monetary interests. But the difficulty for us, both emotionally and intellectually, is: do we know what we mean when we call something “cruel,” and do we register what happens to us and to others when we start to interrogate the subject of cruelty? Given the liberality with which we use the term, often feeling quite justified in doing so, perhaps we might think “It must be obvious!” Let’s entertain that thought.

What is obvious about cruelty? What are we sure we know and are likely to agree on, within the usual variations of detail? We know it’s bad. That doesn’t get us far because betting on the wrong horse with one’s retirement savings is also bad, but it would take a little more of a story to make it cruel. We can agree, perhaps, that something cruel causes extreme suffering to another person or creature—extraordinary suffering. Torture, for instance. Torture, according to survivors such as Jean Améry, “Is the attempt to kill a man without his dying.”³ It is, without doubt and by definition—even if justified in some eyes—cruel.

²In addition to other sources, this vignette is recounted in *Camus at Combat: 1944–1947*, (Princeton University Press, 2006), P. 20.

³Améry, Jean. *At the Mind’s Limits: Contemplations by a Survivor on Auschwitz and Its Realities*. (New York: Schocken, 1966), Trans. Sidney and Stella Rosenfeld (Indiana: Indiana University Press, 1980).

What about when and where torture is legal? That's our first snag. Hang tight, because as soon as we've gotten over that one, we'll get tripped up by the next intellectual or emotional hurdle. Of course, torture is cruel. But much of the time it is also legal. So, legality will not be one of the anchoring plot points in this journey. Things may be cruel *and* legal.⁴ Even if bullying of a certain sort is legislated against, your partner and best friend's betrayal of you and the treatment of the elderly, mentally feeble new bagger are not. All right, but we can still rely on the use of extreme physical damage. Of course, we can. Death is pretty much the ultimate physical damage one can suffer, or at least the end of suffering completely. But if the death penalty is legal in even one state, then it certainly skids under the Eighth Amendment's interpretation of cruelty. So perhaps death is too extreme, too finite, to count as physical damage—legal or not. Let's try physical suffering. Perhaps that is the marker of cruelty. The dead can't suffer beyond death (or so it is reasonable to assume). So, there is a limit to the death penalty's capacity to inflict cruelty,⁵ if physical suffering is our measure. But it's not. We can't rely on that either.

Let's return to the betraying and conniving hearts of your closest friend and your partner. There is no comparing degrees or even genres of bad between them and the executioner or the torturer, but before they both appeared here together we would likely have called either and both cruel, precisely with no thought of comparing the one to the other. Your friend and partner caused no demonstrable physical suffering at all, and though the betrayal was imaginably emotionally painful to you, one would hesitate to assume it would cause irreparable emotional or psychological damage to a relatively well-adjusted you. One can't say the same for torture, not if the torture is well executed.

⁴ As Montaigne says in evidence of the cruelty of the death penalty: "Even the executions of the law, however reasonable they may be, I cannot witness with a steady gaze." *The Complete Essays of Montaigne*, Trans. Donald M. Frame (Stanford University Press, 2008), p. 314.

⁵ Many states in which the death penalty is legal are embroiled in complex moral and legal controversies over the executed person's perceived suffering and the potential violation of the Eighth Amendment on that basis. See: <http://www.theatlantic.com/national/archive/2014/04/Oklahoma/361414/> and <http://www.deathpenaltyinfo.org/ohios-new-lethal-injection-procedures--include-pinching-inmate-test-consciousness> for examples.