

SOVEREIGN BODIES: THE NECROPOLITICS OF TORTURE,
SELF-IMMOLATION, AND SUICIDE BOMBING

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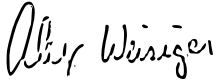
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Acknowledgement

One of the key findings that lurks in the background of this project is the simple reality that our relationships are always more complicated – more difficult to account for – than we think. It is impossible to know and name all the forces that influence us, and that turn us into who and what we are. But nevertheless, an attempt must be made!

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ABSTRACT

SOVEREIGN BODIES: THE NECROPOLITICS OF TORTURE, SELF- IMMOLATION, AND SUICIDE BOMBING

Archana B Kaku

Anne Norton

This project uses the study of bodies to examine three cases which provide important insights into questions of power and resistance: torture, self-immolation, and suicide bombing. It begins with a discussion of torture as a means through which boundaries are created and marked. I name this power of boundary-making as sovereignty. Reading declassified “torture manuals” and survivor testimonies side by side, I examine the ways that sovereignty works on the bodies of the tortured. I show how trends and commonalities in the torture methods used in divergent contexts mark bodies, in different ways, as Other. In doing so, they manifest the boundaries between proper and improper subjects. Taking torture as a model for the violent assertion of sovereignty on the body, the next two cases discuss methods of resistance which also work through the destruction of the body. The discussion of self-immolation focuses on refugees and asylum seekers, who are intensely imbricated in the issues of border-making that I identify with sovereign power. I argue that these self-immolations are an act of transgression and resistance against the idea of border enforcement. The discussion of suicide bombing, on the other hand, examines the suicide bomber and their corpse as a site of hybridity and mixing. Drawing on the materially specific ways that bodies are affected by these acts, I argue that dead, dying, and destroyed bodies are not only objects created by political agents, but also have the potential to be politically efficacious themselves.

Table of Contents

Acknowledgement	iii
Abstract	iv
Preface	viii
Introduction	1
The Place of the Body	3
The Body Politic: Image, Metaphor, Biology	27
Sovereignty, Violence, Vulnerability	34
The Time & Space of Violence: Slow Death & Necrogeopolitics	37
Sovereignty Between Life & Death: Biopolitics, necropolitics, and necroresistance ..	41
<i>Sovereignty</i>	44
<i>Biopolitics</i>	46
<i>Necropolitics</i>	54
<i>Necroresistance</i>	56
Structure of the Project.....	58
On Sovereignty	67
Exception as Border-Making	69
Sovereignty and Law.....	78
Torture and the Ban.....	86
Life Under Torture: Space, Time, and the Law	96
Introduction	96

Extralegal Torture	104
Spatial Disorientation	125
The Time of Torture	136
Temporal Dislocation	141
Sleep Deprivation	147
Dietary Manipulation	150
Time, Trauma, Disorientation	158
The Death of the Subject	162
The Session	171
Introduction	171
The Torturing State	183
The Marks of Torture	194
Spectacle & Sensation	207
Death, Dismemberment, Disintegration: the Necropolitics of Torture	212
Violation & Intimacy	224
Stealth Torture	235
Tortured Society	244
Torture, Medicine, Humanity	247
On Resistance	261
The Politics of Self-Killing	265
Necroresistance, revisited	272
Self-Immolation	280

Self-Immolation: A Framework for Analysis	289
Crossing the Border: Sovereignty, Violence, and Migration	307
Reading the Bodies of Migrant Self-Immolation	334
Violence & International Responsibility.....	337
Operation Sovereign Borders: Migrant Self-Immolation in Australia.....	352
Dying as/for Citizenship.....	359
Suicide Bombing.....	365
Introduction	365
On the Corpse.....	385
Monstrous Bodies.....	389
Boundary Control.....	398
Environmental hazards	409
Repair	421
Containment	429
Of Bombing and Boundaries.....	440
Conclusion	443
What Bodies Are	443
“Collateral Casualties”	446
In Search of Meaning	451
Bibliography	453

Maybe the body is the only question an answer can't extinguish
- Ocean Vuong, "Immigrant Haibun"
from *Night Sky With Exit Wounds* (2017)

Introduction

Bodies, violence, and power: this constellation is incredibly difficult to separate. Wherever we examine political power, we are likely to find bodies lurking just beneath the surface: bodies that are exploited for their labor; bodies that are maimed; bodies that are left unburied or hidden away in mass graves. These bodies are everywhere; they form the substance of political power by killing and being killed, producing and consuming. And yet, the materiality of these bodies – their fleshiness, their status as bodies as such – is not always apparently effectual in political analyses. The material body is generally an object on which power is enacted or displayed, but rarely is flesh a political subject. This project offers one corrective, bringing the material, fleshy body to the forefront of political analysis. In doing so, I argue that accounting for the materiality of the body changes the terrain of politics. This shift in perspective makes it possible to ask and answer new kinds of questions: what aspects of violence become legible when we shift our fundamental unit of analysis from the abstract agent or subject to the material body; a living entity that is capable of experiencing pain and destruction? What can we learn by reading closely and critically the many instances in which the body is hurt, destroyed, and remade?

Although political violence takes a myriad of forms, in this project I focus primarily on three in which bodily destruction is used to enact or refuse sovereign domination: torture, self-immolation, and suicide bombing. Specifically, I will describe the ways that torture instantiates a kind of “language” of domination: a language by which power is painfully marked onto bodies as they are pierced, contorted, and

confined. Although this mechanism develops through sovereign prerogative, I argue that the destruction of the body becomes a generally available political mode – a method which might be deployed to contest sovereign domination as well as establish it. Self-immolation and suicide bombing, as forms of self-destructive resistance, take up this method. These resisters deploy bodily destruction – the sovereign language of politics – to challenge domination. Thus, the body is both the site and the subject of these contestations over power.

In focusing on these cases, I am interested in the specific processes that characterize the sovereign relationship. I argue that these processes are focused on the material body, which is the primary – and perpetually available – site of political domination. Examining the ways in which sovereignty remakes the body, I argue that sovereignty is predominantly a practice of boundary creation and consolidation that divides what belongs inside from what must be kept without. Accordingly, the methods of resistance which I examine here (self-immolation and suicide bombing) unsettle, deny, and reconfigure these boundaries.

Fundamentally, this project is grounded the body itself. I do not approach the body as an abstraction, but as a material reality that bleeds and burns. This body is the subject of my analysis and the foundation of my theory. I draw attention to the ways that bodies interact as they live and die together, to the ways that blood mixes, scars form, and flesh melts. Drawing on the materially specific ways that bodies are affected by different forms of violence, I call for close attention to the material and political stakes of dead, dying, and destroyed bodies. In closely reading acts of violence, we must also attend to

the corpses these acts produce. To take these deliberately produced corpses seriously, we must treat them as potential political agents themselves – not merely as objects created by political agents.

In the pages that follow, I set the stage for this analysis in four steps. First, I discuss the status of the body in political theory, laying out some of the major debates and conversations in which this project intervenes. I also discuss the metonymy between the body and the state, arguing that this recurrent image is closely linked to the status of the material body. Second, I describe the relationship between the material body and violence to demonstrate that the two are inseparable. It is this inseparability, I argue, that gives the body its fundamental role in political domination. Third, I briefly outline some of the major theoretical concepts from which this project departs. In particular, I focus on sovereignty, biopolitics, necropolitics, and necroresistance. Finally, I will conclude with an overview of the project's structure, including the stakes and selection process of cases.

The Place of the Body

At its core, this is a project about the body and its place in politics. The displacement of bodies from political thought has a long and proud history, with lauded contributors including Aristotle, Descartes, and the line of Western European Enlightenment thinkers. The question of how the body becomes secondary to “the subject” or “the agent” in contemporary political thought has been well addressed by others. As Bryan S. Turner notes with amusement in his introduction to the *Handbook of Body Studies*, it has become “almost a convention to observe that the body was absent in

the ‘founding fathers’ of social theory, where it had only enjoyed a secret or implicit history.”¹ While I do not wish to dwell on this entire process, I want to emphasize that the sidelining of the body is neither incidental nor insignificant. Changing our relationships to our bodies fundamentally alters the universe of political possibilities. This is evident from examining even one example: the way in which John Locke separates the body from the agent of politics. I highlight this example in particular because of the immense impact Lockean thought has made on the construction of contemporary law and politics. In describing the origins of both human society and government, Locke writes:

Though the Earth, and all inferior Creatures be common to all Men, yet every Man has a Property in his own Person. This no Body has any Right to but himself. The Labour of his Body and the Work of his Hands, we may say, are properly his. Whatsoever he removes out of the State that Nature hath provided, and left it in, he hath mixed his Labour with, and joined to it something that is his own, and thereby makes it his Property.²

This oft-cited passage is the foundation of Locke’s entire property regime and – by extension – both basis and justification for government. But although Locke asserts that “every Man has a Property in his own Person” as a matter of simple fact, this proposition is the subject of significant controversy: what does it mean to have property in one’s

¹ Turner, Bryan S., “Introduction: The Turn of the Body.” In *Routledge Handbook of Body Studies*, ed. Bryan S. Turner, 1-18 (London: Routledge, 2012): 3

² Locke, John. *Second Treatise on Government*. (1689): Chapter 5, Section 27.

body?³ After all, this claim requires there to be two almost distinct entities joined within each individual: the Body (which is property) and Man who has the right to own it. The primary agent here – the entity capable of acting, of owning property, of enabling the rest of Locke’s theory – is distinctly *not* the body, but this somewhat mysterious other entity, this “himself” who has the Right to the Body. In his analysis of this passage, Roberto Esposito goes so far as to say that it is “this exchange – together both a splitting and a doubling [that creates] the onto-juridical foundation for every successive appropriation.”⁴ Separating the body from the agent therefore plays an enormous role in creating the necessary foundations for liberalism and the many other offshoots of Locke’s thought, which has been so influential in American and Western European political thought.

Thus, Locke and his inheritors relegated the body to the margins. They concluded that the body can be an object of politics, certainly, but not a subject. The body may be owned, but not an owner. The body is important, but only insofar as it can be acted upon. Despite this trend in mainstream political theory, the body also has its defenders: those who argue that we must be attentive to the ways the body shapes and is shaped by the realm of the political. Examining the dominant paradigms in North American and

³ See, for examples: Munzer, Stephen R. “An Uneasy Case Against Property Rights in Body Parts.” Pgs. 259-286 in *Property Rights* eds. Ellen Frankel Paul, Fred D. Miller Jr., and Jeffrey Paul (Cambridge: Cambridge University, 1994); Scott, Russell. *The Body as Property*. (New York: Viking Press, 1981); Hardcastle, Rohan J. *Law and the Human Body: Property Rights, Ownership and Control*. (Oxford: Hart, 2007).; Phillips, Anne. *Our Bodies, Whose Property?* (Princeton: Princeton University, 2013)

⁴ Esposito, Roberto. *Bios: Biopolitics and Philosophy*. (Minneapolis MN: University of Minnesota, 2008): 66. Esposito also describes this passage as the moment when immunitarian biopolitics enters Locke’s thought – an issue I will explore at length at the end of this chapter.

Western European political theory, feminist theorist Moira Gatens argues, for example, that “[o]ur political vocabulary is so limited that it is not possible, within its parameters, to raise the kinds of questions that would allow the articulation of bodily difference: it will not tolerate an embodied speech.”⁵ This limitation, she argues, has major political ramifications. The impossibility of “embodied speech,” political speech that recognizes and reflects the specificity of bodies, entails the foreclosure of certain kinds of political imaginaries. Scholars of feminist theory – joined more recently by scholars of queer theory and disability studies – have therefore argued for a renewed focus on the body in politics and diagnosed the ways that marginalizing the body also excludes marginalized communities.⁶ These fields of inquiry are reminders that the abjection of the body from political subjecthood is not yet a *fait accompli*: it is still possible, perhaps even essential, to question its effects and wonder about its costs. The boundaries between the body and political agency are porous, and still subject to contestation.

To review some of these ongoing contestations in brief: feminist theorists have argued that different (or differently marked and perceived) bodies necessarily produce different experiential life worlds.⁷ Feminist standpoint theorists, for example, have

⁵ Gatens, Moira. *Imaginary Bodies: Ethics, Power, and Corporeality*. (London; New York: Routledge, 1996): 45.

⁶ See, for example, the chapters on Plato in particular, from Moller Okin, Susan. *Women in Western Political Thought* (Princeton, NJ: Princeton University, 1979).

⁷ For feminist standpoint theory in particular, see, for examples: Hartsock, Nancy, “The Feminist Standpoint: developing the ground for a specifically historical materialism” in Harding, Sandra and Merrill B. Hintikka, *Discovering reality: feminist perspectives of epistemology, metaphysics, methodology, and philosophy of science*. (Boston, MA: Kluwer, 2003) and Collins, Patricia Hill. “Learning from the Outsider Within: The

theorized that these different experiences produce not only different bodies of knowledge, but also different ways of knowing. They argue that politics (and political theory) lose sight of these differences – and by extension, these ways of knowing – when it disregards the body.⁸ In outlining the political issues at stake in thinking about embodiment,

Shatema Threadcraft argues that embodiment is:

a central concern of feminist theory insofar as the body is a site for the symbolic construction of sexual difference, a ground for political exclusion or inclusion, a locus of subjectivity, a prospect for self-realization, and the material focus of many labors that typically fall to women and/or define femininity.⁹

As one method of correction, some feminist scholars have emphasized the importance of a phenomenological approach: they have argued that embodied experience is the primary way in which we interact with the world, and that bodily knowledge is therefore (in some respects) the primary mode of knowledge. Relatedly, queer theorists have worked to

Sociological Significance of Black Feminist Thought.” *Social Problems* 33, no. 6 (1986): S14-32.

⁸ There are copious examples of this line of thought in feminist theory, but perhaps the paradigmatic example is Simone de Beauvoir’s *The Second Sex*, which arguably inaugurated the genre. Beauvoir argues that the body is among “the conditions without which the very fact of existence would seem to be impossible. Presence in the world vigorously implies the position of a body that is both a thing of the world and a point of view on this world: but this body need not possess this or that particular structure.” De Beauvoir, Simone. *The Second Sex* (New York: Knopf, 1953). For other examples, see: Irigaray, Luce. *To Be Two*. (New York: Routledge, 2001); Rodriguez, Juana Maria. *Sexual Futures, Queer Gestures, and Other Latina Longings*. (New York: NYU Press, 2014).

⁹ Threadcraft, Shatema. “Embodiment.” In *The Oxford Handbook on Feminist Theory*, edited by Disch, Lisa and Mary Hawkesworth, 207-226. (Oxford: Oxford University Press, 2016).

recuperate the role of desire, intimacy, and the erotic in political thought as specifically bodily modes of interaction.¹⁰ These thinkers have argued that relationships between bodies (sexual or otherwise) are sites of power and control and – as a result – also potentially sites of resistance and freedom. These arguments provide a crucial jumping off point for the arguments that I will build.

Work in disability studies also examines the ways that bodily difference mediates political relations. In particular, some scholars argue that the disability framework is uniquely capable of pushing us to think about political action from the perspective of bodily limitations.¹¹ Theorists of disability have noted that the vulnerability and frailty of the human body – although they may vary in degree from body to body – are nevertheless inherent. This vulnerability is fundamental in the most literal and physical way. As a result, they theorize the body itself as “both limit and potential.”¹² Put another way, disability studies explores the role the body plays in both forms of subjectification: the body is both the capacity to act and the capacity to be acted upon. This is a key insight for my own project, since it provides the theoretical grounding for analyzing the body as both a site and a subject of political power.

¹⁰ See, for examples: Bersani, Leo. *Is the Rectum a Grave?* (Chicago, IL: University of Chicago Press, 2010); Muñoz, José Esteban. *Cruising Utopia: The then and there of Queer Futurity*. (New York: New York University Press, 2009).

¹¹ See, for examples: Wendell, Susan. *The Rejected Body: Feminist Philosophical Reflections On Disability*. (New York: Routledge, 1996.); Turner, Bryan S. *Regulating bodies: Essays in medical sociology* (London: Routledge, 1992); Turner, Bryan S. “Disability and the sociology of the body” pgs. 252-266 in *The handbook of disability studies* eds. G. Albrecht, K. Seelman, & M. Bury (London: Sage, 2001).

¹² Hughes, Bill. “Being Disabled: Towards a Critical Social Ontology for Disability Studies.” *Disability & Society* 22, no. 7 (2007): 682, summarizing Turner 1992.

In *Regulating Bodies* (1992), Bryan S. Turner called for thinking about the ways the body was becoming the battleground for social, political, and cultural issues. He termed this emerging society “somatic society.”¹³ Somatic society is a reminder that these returns to the body that I describe above – stemming from feminists, queer theorists, and practitioners of disability studies – are not confined the academic realm. Indeed, these groups have invested in reinstating the body in politics because they have been co-produced by social movements that have very real stakes in this project.¹⁴ And yet, as Turner describes, these political stakes are complicated. For example, even as feminist theorists have called attention to bodily difference, they have also sought to undermine the identification between biology and behavior, identity, and destiny.¹⁵ Likewise, those working in disability studies have simultaneously brought the disabled bodied into the sphere of public discussion and argued that disability is external to the body, since the experience of being disabled is constructed and mediated by social factors.¹⁶ Indeed, despite these approaches’ interest in the body, they also have their limitations; a certain wariness about investing too much in the body, a fear of reifying the material at the

¹³ Turner, Bryan S. *Regulating Bodies: Essays in Medical Sociology* (London; Routledge: 1992)

¹⁴ Turner, Bryan S., ed. *Routledge Handbook of Body Studies*. (London; Routledge, 2012): 6

¹⁵ See, for examples: Butler, Judith, *Gender Trouble: Feminism and the Subversion of Identity*. (New York: Routledge, 1999); Lorber, Judith., and Susan A Farrell. *The Social Construction of Gender*. (Newbury Park, CA: Sage Publications, 1991); Stryker, Susan. “Transgender Feminism: Queering the Woman Question” In: Gillis S., Howie G., Munford R. (eds) *Third Wave Feminism*. (London: Palgrave Macmillan, 2007)

¹⁶ See, for critiques: Hughes, Bill and Kevin Paterson. “The Social Model of Disability and the Disappearing Body: Towards a Sociology of Impairment.” *Disability & Society* 12, no. 3 (1997): 325-340.

expense of the social. In introducing her study of carnality and corporeality, Elizabeth Povinelli diagnoses the problem to which I refer:

Talking about bodies and materialities as actual fleshy things can produce strong ambivalence among feminists, queer theorists, and progressive scholars in part because it is assumed that to mention bodies and their materialities is to forget that these are always stretching, reacting, and forming their physiology in the domain of discourse.¹⁷

Although I share a certain discomfort with reducing bodies to their materialities, I argue that there are certain traits that inhere in bodies as “actual fleshy things.” These traits are more apparent, however, when we push back against the idea that bodies are political primarily as markers of identity. Therefore, my arguments here are not housed within any one of these disciplines or their associated social movements, but rather build from these diverse methods and perspectives. I am interested in how the frameworks provided by feminist, queer, and disability studies can provide a starting point, a place to begin thinking seriously about the body. Accordingly, even though I draw from these different modes of scholarship, I also want to push back against some of their skepticism around the material body. In thinking this way, I aim to follow Ramachandra Guha’s provocation that we be “methodologically promiscuous” and follow where our analysis leads, rather than beginning within a predefined perspective.¹⁸

¹⁷ Povinelli, Elizabeth A. *Empire of Love*. (Durham, NC: Duke University Press, 2006): 23

¹⁸ Guha, Ramachandra. *How Much Should a Person Consume?: Environmentalism In India and the United States*. (Berkeley, CA: University of California Press, 2006): 20.

To provide an illustration of the “strong ambivalence” Povinelli describes – and how I aim to complicate it – in her analysis of bodies as social and historical imaginaries in *Imaginary Bodies: Ethics, Power and Corporeality*, Moira Gatens argues that feminist theorists “do not take as their object of study the physical body, the anatomical body, the neutral, dead body, but the body as lived, the animate body – the situated body.”¹⁹ Although I am quite interested in what feminist theorists have to say on the subject, I will argue that physical and anatomical bodies are anything but neutral. And even more importantly, I will argue that the dead body may well be the most “situated” body of all. My divergence from feminist theorists occurs largely, I think, because I am not particularly concerned with how bodies produce or relate to difference.²⁰ The characteristics of the “actual fleshy body” do not include race, gender, sex, sexuality, or indeed any of the other categories which we might think of as the identity characteristics that are so often presumed to differentiate between bodies.

On the contrary, what interests me most is what bodies have in common. I focus here on two capacities that all bodies share, even if they do not experience these capacities in a uniform way: the capacity to feel pain, and the capacity to be materially destroyed. Focusing on these distinctly bodily traits, I will argue, allows us to think differently about politics, and to ask questions that are otherwise rendered invisible or unspeakable.

¹⁹ Gatens, *Imaginary Bodies*, 30

²⁰ In fact, I will argue that what we perceive as bodily difference is largely conditioned by prior political decisions, and *not* produced by material bodies.

Of course, by calling these traits shared I do not mean that all people are equally likely to be subject to bodily harm: they are not. Nor do I mean that every body faces exactly the same kinds of risk. For example, a minor cut would have dramatically different outcomes for an untreated hemophiliac than for someone without that particular condition. But these cases do not undermine the existence of certain facts of the body: they need oxygen, water, and calories to live. If one's heart ceases beating, or lungs stop pumping – and are not replaced by some prostheses – they die. And importantly, the body requires a certain amount of integrity – of wholeness – to survive. What “wholeness” looks like may vary from body to body, but whatever that starting point may be can only be altered or reduced with great care. Otherwise, the body will sustain significant damage, and likely die. To give the most simplistic example of what I mean: any living body will bleed if stabbed. And furthermore, if allowed to bleed for long enough without treatment or redress, it will die. Discourse plays a role in determining who, ultimately, is more or less likely to be stabbed at any given moment. But the knowledge that the body is socially constructed does not change the fact that the body is also “constructed” from skin and bones and blood, all of which can be fragile.²¹ This vulnerability to destruction is a fact of the body, and a fact that I want to insist is intensely political.

²¹ I doubt that even the most ardent poststructuralist would have any disagreement with this claim – the idea that the socially constructed body somehow *replaces* the material body is a misrepresentation that, I think, is only invoked by those who consider poststructuralism a dangerous innovation. However, there are certainly many theorists (some of who I named above) who consider the *political* character of the body to exist only its socially constructed character, rather than in these material facts.

Pain is a little bit more complicated. Studies in medicine and neurology have clearly shown that pain is a highly subjective, individualized experience.²² What causes one person only trivial pain may cause unbearable pain in another. The ways that people react to pain are heavily conditioned by experience, culture, and personality. And furthermore, perceptions of other people's pain are extremely uneven and distorted by bias.²³ For example, studies on medical practice show that American doctors consistently fail to accurately perceive (and therefore adequately address) the pain of Black patients.²⁴ Furthermore, the distribution of pain across any population is uneven. By "distribution," I mean both the extent to which pain is inflicted onto different groups and the ways in which differently situated people experience different kinds of pain. The question of whose pain "counts" is an important one, with repercussions spanning from military policy to medical techniques. Therefore, pain does not "level the playing field" as occasionally suggested.

In his *Philosophical Investigations*, Ludwig Wittgenstein uses the relationship between language, perception, and experience to try and "make sense" of pain. Although he thoroughly rejects the idea that pain is private in the sense of being imperceptible to others ("In one way this is false, and in another nonsense," he declares), there is

²² Cervero, Fernando, *Understanding Pain: Exploring the Perception of Pain*. (Cambridge, MA: MIT Press, 2012)

²³ Wandner, Laura D., Cindy D. Scipio, Adam T. Hirsh, Calia A. Torres, and Michael E. Robinson. 2012. "The Perception of Pain in Others: How Gender, Race, and Age Influence Pain Expectations." *Journal of Pain* 13 (3): 220-227.

²⁴ Aronowitz, Shoshana V., Catherine C. McDonald, Robin C. Stevens, and Therese S. Richmond. 2020. "Mixed Studies Review of Factors Influencing Receipt of Pain Treatment by Injured Black Patients." *Journal of Advanced Nursing* 76 (1): 34-46.

something peculiar and personal about pain for the individual who experiences it: pain cannot be separated from the one who feels it and rendered as a discrete object of knowledge or thought.²⁵ He writes:

It can't be said of me at all (except perhaps as a joke) that I know I'm in pain. What is it supposed to mean except perhaps that I am in pain? ... This much is true: it makes sense to say about other people that they doubt whether I am in pain; but not to say it about myself.²⁶

There are two key ideas about pain advanced in this declaration. First, pain does not exist as an object separate from the person experiencing it. Our experience of pain is not mediated by knowledge – we do not reason our way towards the understanding that we are in pain. As Wittgenstein clarifies, “I cannot be said to learn of [my sensations]. I have them.”²⁷ The second (and related) point is that other people may doubt or question whether someone else is in pain. This is not, I think, so much a question of observing a person in pain and mistrusting their behavior and symptoms as it is an issue of trying to rationally link one's own private experience to that of someone else. Wittgenstein summarizes this problem in saying:

The essential thing about private experience is really not that each person possesses his own specimen, but that nobody knows whether other people also have this or something else. The assumption would thus be possible

²⁵ Wittgenstein, Ludwig. *Philosophical Investigations*. 4th edition, translated by G.E.M. Anscombe, P.M.S Hacker, and Joachim Schulte. (West Sussex, UK: Blackwell, 2009). Electronic edition: 95^e.

²⁶ Wittgenstein, *Philosophical Investigations*, 96^e

²⁷ Wittgenstein, *Philosophical Investigations*, 96^e

though unverifiable that one section of mankind had one visual impression of red, and another section another.²⁸

Applying this same problematic to pain, the issue is not “do other people have pain?” but rather “is other people’s pain the same as mine?” – do we have the same visual impression of red? In fact, although Wittgenstein recognizes the philosophical issue behind this doubt, he does not argue that humans are naturally inclined to doubt each other’s pain.²⁹ On the contrary, although he entertains the philosophical question, he also concludes: “Just try, in a real case, to doubt someone else’s fear or pain!”³⁰ The fact that doubt is *possible* does not mean, for Wittgenstein, that it is inevitable or even likely. Indeed, Wittgenstein seems to find it quite absurd that one might doubt when confronted with actual suffering. He writes: “If I see someone writhing in pain with evident cause, I do not think: all the same, his feelings are hidden from me.”³¹ Of course, this example comes with many qualifiers: the person in question is visibly manifesting recognizable pain behavior, and the source of their pain is identifiable as such. And yet, despite the apparent specificity of the example, this is the case under consideration in the situations I will examine. These forms of pain are not quiet or mysterious but blatant, spectacular, and – if Wittgenstein is to be believed – ought not to be doubted.

²⁸ Wittgenstein, *Philosophical Investigations*, 102^e

²⁹ The converse claim, which I believe is mistaken, is implicit in the work of thinkers such as Elaine Scarry.

³⁰ Wittgenstein, *Philosophical Investigations*, 108^e

³¹ “Philosophy of Psychology – A Fragment” in Wittgenstein, *Philosophical Investigations*, 235^e

Furthermore, Wittgenstein does not believe that pain is defined by its expression. He suggests a thought experiment wherein we imagine a street full of people in agony – all hiding their pain most effectively. When we “see” these people, he argues, who show no signs of their pain, we nevertheless “see” pain and concealment – not the absence of pain. Therefore, we can cognize that their pain persists in the absence of any external manifestations.³²

The status of the body, however, is something of a problem for Wittgenstein. Although he says that pain can only be ascribed to a body, there is some hesitancy about the component parts of this body and their relationship. “And how can a body have a mind?” he asks, describing the necessary preconditions for pain.³³ In fact, by rejecting the idea that “I know I’m in pain,” Wittgenstein troubles the division between mind and body: although the mind is involved in the perception of sensation, this capacity cannot be separated from the body that “has” them.³⁴ The bodily feeling of being in pain and the “knowledge” of that pain are simultaneous to the point of being indistinguishable. He delves further into this question in proposition 286:

But isn't it absurd to say of a body that it has pain? – and why does one feel an absurdity in that? In what sense does my hand not feel pain, but I in my hand?
What sort of issue is this: Is it the body that feels pain? – How is it to be decided? How does it become clear that it is not the body? – well, something like this: if someone has

³² Wittgenstein, *Philosophical Investigations*, 126^e

³³ Wittgenstein, *Philosophical Investigations*, 104^e

³⁴ Scarry argues, as I will discuss below, that the work of the torturer is partially to leverage this link between “having” pain and “causing” pain.

pain in his hand, then the hand does not say so (unless it writes it): and one does not comfort the hand, but the sufferer: one looks into his eyes.

In fact, this is not quite right. One may look into the eyes of “the sufferer” to acknowledge their pain; to provide comfort in the form of words or gesture. But one may well “comfort the hand” in the sense of attempting to soothe the pain, as in the case of applying balm to a palm burnt on the stove or splinting a finger that is broken. The problem that Wittgenstein describes, but does not quite resolve, arises precisely from the philosopher’s tendency to speak of “I” and “my body” as two separate entities. If we understand these terms as describing the same entity, then the sensation of pain is both easier to understand and to describe. When I cut my hand, I feel pain in that part of my body – which is to say, I feel pain in that part of me. But there is a tension which nevertheless persists.

From both a scientific and philosophical perspective, therefore, it seems we cannot say much about pain with certainty. It defies measurement and standardization. It operates through a complex matrix of systems, both internal and external to the body. But despite these many uncertainties, two things seem essentially true: that an overwhelming majority of bodies (if not all of them) are capable of feeling pain, and that the experience of pain is an aversive one.³⁵ Although specific experiences of pain vary dramatically, I

³⁵ There are, of course, particular experiences of pain that cannot be strictly described as aversive. This does not mean that pain itself is not an aversive experience, but that these *kinds* of experiences contain more than pain alone. To give only two examples: fitness aficionados might describe post-workout soreness as a kind of pleasurable pain. Likewise, practitioners of sexual sadomasochism might describe certain kinds of painful

argue that pain itself is a shared experience for exactly these two reasons. The idea of pain lives in every body, built off past experiences and their memories. Even those who have lived thoroughly healthy and prosperous lives have, at some point, stubbed a toe, skinned a knee, or pricked a finger. While these minor ailments may pale in comparison to other pain, they nevertheless provide the memories that form a foundational understanding of pain and its potentialities. Pain, after all, is memorable.³⁶ Friedrich Nietzsche argued, in his contemplations on punishment, that pain is “the most powerful aid to mnemonics.”³⁷ By its very nature, pain makes an impression: to experience pain is to make a memory. In this capacity, Nietzsche considers pain not only the foundation of memory but also of the many goods that humans enjoy through social, political, and economic organization.³⁸ As he describes it, “the moral conceptual world of ‘debt,’

activities as sexually exciting and pleasurable. However, in both these cases the specific context of the experience is essential to the pleasure: other elements of the experience resignify the physical sensation of pain as part of a broader, pleasurable experience. The experience of pain itself, outside of these contexts, remains aversive. For example, the fitness aficionado might experience a similar kind of soreness after being subjected to stress positions. I think it is highly unlikely that anyone would describe this pain as desirable.

³⁶ Of course, because memories of pain are themselves painful, they are also liable to being suppressed or repressed. However, we should be careful about conflating *repressing* pain and *forgetting* pain. As Sigmund Freud (to whom I turn below) would point out, a repressed memory is precisely a memory that cannot be forgotten. See, in particular: *Beyond the Pleasure Principle* (1920) and *Moses and Monotheism* (1939), both in *The Standard Edition of the Complete Psychological Works of Sigmund Freud*. Edited by James Strachey and translated by James Strachey, Alix Strachey, and Alan Tyson. (London, UK: Hogarth Press, 1953-74).

³⁷ Nietzsche, *Genealogy of Morals*, 38

³⁸ In fact, Esposito argues that Nietzsche’s great innovation was precisely to understand that the relation between state and body was not at “the classical level of analogy or metaphor” but rather “an effectual reality: no politics exists other than that of bodies, conducted on bodies, through bodies. In this sense, one can rightly say that physiology,

‘conscience,’ ‘duty,’ ‘sacred duty,’ has its breeding ground – all began with a thorough and prolonged bloodletting, like the beginning of all great things on earth.”³⁹ Pain is only able to play this world-making role because it is an inherently common – and inherently memorable – experience.

Sigmund Freud similarly remarks on the integral role of pain in development and memory. He describes man as living constantly with the threat of three forms of suffering:

[F]rom our own body; which is doomed to decay and dissolution and which cannot even do without pain and anxiety as warning signals; from the external world, which may rage against us with overwhelming and merciless forces of destruction; and finally from our relations to other men.⁴⁰

As he describes it, the fear of pain – not to mention pain itself – is ubiquitous in life. This suffering animates not only the development of our individual personalities – which are conditioned by early memories of pain and deprivation – but also our relationships with the wider world. Indeed, Freud defines civilization itself as “the struggle between Eros and Death, between the instinct of life and the instinct of destruction, as it works itself out in the human species.”⁴¹ Both these drives – Eros and Death – are essentially structured around pain as Freud understands them. Eros is characterized primarily by the

which Nietzsche never detaches from psychology, it is the very same material of politics.” Esposito, *Bios*, 124

³⁹ Nietzsche, *Genealogy of Morals*, 41

⁴⁰ Freud, *Civilization and its Discontents*, 9

⁴¹ Freud, *Civilization and its Discontents*, 38

desire to avoid the pain caused by deprivation of the loved object. The Death drive, on the other hand, is (originally – before it is redirected towards the self) the desire to cause pain: to inflict one’s will on the other, to “satisfy their aggressiveness on him, to exploit his capacity for work without compensation, to use him sexually without his consent, to seize his possessions, to humiliate him, to cause him pain, to torture and to kill him.”⁴² The negotiation of pain – causing it, feeling it, deferring it – is therefore what shapes all human relationships.

Although there are plentiful possible examples, I highlight these two perspectives – the Nietzschean and the Freudian – because they are both influential across numerous fields and starkly divergent in their approaches. Despite the gulf between them, it is clear that in both these formulations pain is both ubiquitous and necessary. But necessary for what? This is a key question for both the Freudian and Nietzschean descriptions of pain. In both cases, pain is necessary for both the individual and the society. Pain enables the development of individual capacities – to promise, to will, to desire. And pain also sets into motion those processes which generate civilization. For Nietzsche, pain is directly productive of social organization. For Freud, it is the competing impulses to cause and avoid pain which make society necessary, giving “meaning to the evolution of civilization.”

To offer an example more firmly planted in the canon of political theory, David Hume named the relationship between pain, pleasure, and sympathy as the source of all

⁴² Freud, *Civilization and its Discontents*, 31

human connection. The perception of pain and pleasure, for Hume, is what guides human activity. They are, he writes, “the chief spring and moving principle of all its [the human minds’] actions.”⁴³ This guiding perception of pain and pleasure also ties us to others: he describes the relationship between “all human creatures” as one of “resemblance.”⁴⁴ Hume emphasizes that mutual care and concern does not stem from “an universal affection mankind” but from sympathy; from an identification between one’s self and the experiences of another.⁴⁵

In Hume’s description, because of this resemblance, other people’s “interests, their passions, their pains and pleasures must strike upon us in a lively manner, and produce an emotion similar to the original one; since a lively idea is easily converted into an impression.” This phenomenon, he argues, is particularly true of “affliction and sorrow,” since pain makes a stronger impression than pleasure.⁴⁶ The idea of resemblance – that one sees them self in another person – is key to this experience: we are impacted by the sight of other’s pain because we recognize ourselves and our experiences in it. As Hume sums up this process, “The sentiments of others can never affect us, but by becoming, in some measure, our own.”⁴⁷ In other words, the sight of a person in pain

⁴³ Hume, David. *A Treatise of Human Nature, reprinted from the Original Edition in three volumes and edited, with an analytical index*. Edited by L.A. Selby-Bigge. (Oxford, UK: Clarendon Press, 1896). Online via The Online Library of Liberty. (<http://oll.libertyfund.org>): 92

⁴⁴ Hume, *A Treatise of Human Nature*, 252

⁴⁵ *Ibid*, 326

⁴⁶ *Ibid*, 252

⁴⁷ *Ibid*, 392

(which Hume considers more powerful than pleasure) evokes our sympathy and attention because we recognize ourselves in that person. In a sense, one assimilates their pain – it “produce[s] an emotion similar to the original one” – and comes to experience their pain as one’s own. For Hume, this is not only the basis of individual connections, but also of political society.

Despite these diverse claims that pain is foundational to human society, it is nevertheless thorny to unpack how pain works on the experiential level. Although they occasionally deploy quite vivid examples, both Freud and Nietzsche talk about pain in a somewhat detached way. Nietzsche certainly has no interest in reducing or eliminating human suffering and is particularly disdainful of the idea that we might have an ethical or moral commitment to do so in contemporary society. Freud, on the other hand, abstracts pain: although he describes physical pain as important to human development, he primarily treats modern pain as the internalization of these forces. Physical pain is present in theory but seems to play a relatively minor role in his discussion of the modern psyche. Therefore, although the idea of pain is central, the experience of pain (which is my primary concern) is occluded. We see pain’s broad-ranging effects, but without seeing the bodies that suffer from it.

In *The Body in Pain*, perhaps the most influential study of pain to date, Elaine Scarry attempts to theorize pain from the perspective of those engaging with it – both those who cause pain and those who are made to bear it. Based on her findings, she concludes that pain is not only impossible to communicate but also language

destroying.⁴⁸ While many of Scarry's insights are invaluable (indeed, I will return to her work periodically) my analysis shows that her contention that pain defies and destroys language misses the mark. Instead, I will argue that the shared nature of pain allows it to function as a kind of universal language. I argue that the body in pain is a body that speaks – regardless of whether it has an audience that is willing to listen. And this language speaks through the body, as the site where pain is felt and remembered. For those who are committed to presuming a division between mind and body, saying that pain “speaks through the body” might seem to suggest that pain cannot be contemplated, reasoned about, or empathized with. However, that is not what I am arguing: our responses to pain can engage us on every level. But all of this thinking and feeling (by feeling, I here mean sentiment rather than sensation) is possible only because of the body and the function it serves as a repository for memories of pain which enable us to imagine the experiences of new and different forms of pain.

There is one condition required for the body to feel pain which I have neglected above: the body must be alive to be capable of sensation. The dead body feels nothing, although the treatment of a dead body may evoke memories and imaginings of pain in others. But at the individual level – the level of the body – life is a precondition for pain. And, of course, life is also a precondition for death. Life is therefore always haunted by the possibility of death. Thus, the fundamental quality of being alive is being vulnerable.

⁴⁸ “Physical pain does not simply resist language but actively destroys it, bringing about an immediate reversion to a state anterior to language.” Scarry, Elaine. *The Body in Pain: The making and unmaking of the world*. (Oxford, UK; Oxford University Press, 1985): 12

To be alive and to be vulnerable are functionally equivalent experiences. This is exactly the point that Judith Butler makes in her discussion of ethics, publicness, and vulnerability in *Precarious Life*:

The body implies mortality, vulnerability, agency: the skin and the flesh expose us to the gaze of others, but also to touch, and to violence, and bodies put us at risk of becoming the agency and instrument of all these as well. Although we struggle for rights over our own bodies, the very bodies for which we struggle are not quite ever only our own. The body has its invariably public dimension. ... we all live with this particular vulnerability, a vulnerability to the other that is part of bodily life, a vulnerability to a sudden address from elsewhere that we cannot preempt.⁴⁹

To be alive – which is to say, to be a living body – is defined by vulnerability to external forces, and thereby to the death, pain, and destruction which these forces might at any time unleash. Butler argues that recognizing this shared vulnerability might provide us with a starting point for a new kind of ethics: an ethics which recognizes that we live in relation to, and in common with, the Other. Proponents of Vulnerability Theory like Martha Albertson Fineman also argue that vulnerability is the fundamental human condition, “arising from our embodiment which carries with it the ever-present possibility of harm, injury, and misfortune.”⁵⁰ For Fineman, the recognition of shared vulnerability provides an alternative to liberal conceptions of inequality and enables us to make more significant and sustained demands on the state. As she explains it:

⁴⁹ Butler, Judith. *Precarious Life: the powers of mourning and violence*. (New York; Verso, 2004): 46-49

⁵⁰ Albertson Fineman, Martha. “The Vulnerable Subject: Anchoring Equality in the Human Condition,” *Yale Journal of Law and Feminism* 20, no. 1 (2008): 9.

Vulnerability analysis demands that the state give equal regard to the shared vulnerability of all individuals... Its mandate would be to be responsive to vulnerability, which would result in a more nuanced sense of what constitutes equal opportunity than currently theorizes – on that is more sensitive to existing inequalities and more demanding of the state.⁵¹

Bryan S. Turner takes this line of thought in a slightly different direction in *Vulnerability and Human Rights* (2006), arguing that recognizing our shared vulnerability might provide the basis for a new approach to international law. Writing from a perspective he terms “the sociology of the human body,” Turner argues: “There is a foundation to human rights—namely, our common vulnerability... human happiness is diverse, but misery is common and uniform.”⁵² This common misery, he argues, can provide the elusive legal justification for universal human rights laws, which are otherwise difficult to ground effectively in contemporary legal regimes.

My argument here is not specifically about ethics or law, although it touches on both. Instead, I argue that focusing on bodies, and on these shared bodily potentialities in particular, opens the door to a different way of thinking politics. Thinking through our shared vulnerability illuminates our susceptibility to political power’s violence, but it also suggests potential points of resistance. Vulnerability is not equivalent to weakness: displaying shared bodily vulnerability is also a position of strength for the marginalized

⁵¹ *Ibid*, 20. While I agree with Vulnerability Theory on its basic goals of offering a more substantive definition of inequality than liberalism provides and recognizing the ways that privilege and disadvantage are mediated by institutions, I do not fully share its optimism about the state’s capacity to operate in a way that is fully benign and egalitarian.

⁵² Turner, Bryan S. *Vulnerability and Human Rights* (University Park, PA; Pennsylvania State University Press, 2006): 9

and the disempowered. Although the ways in which the weak are vulnerable before the strong may be more obvious, we can also read shared vulnerability in the opposite direction. Indeed, it is precisely in the lethal potential of the weak – that “the weakest has strength enough to kill the strongest” – that Hobbes situates the fundamental problem to be solved by political life. If the strong were invulnerable, then nature itself would provide all the hierarchy needed to manage and order human society. But since the strong are equally vulnerable, other methods of control are required to create order.

Importantly, although these shared traits contain the threat of violence, they are not only activated during moments of overt violence. For example, Mohammed A. Bamyeh argues in his study of death and governance that politics is always oriented by and toward death:

In the same way that human beings entertain a sense of community through observing the commonality of their fate with that of others, they sense that death – as the most universal common – is the ground of a universal community of which oneself is an ineluctable member. A person thus becomes a political animal not simply because one does not live alone ... More primarily, one becomes so because one does not die alone.⁵³

It is important to recognize the difference between Bamyeh’s argument and the general claim that death is “the great equalizer.” The point is not that all humans are part of perfectly shared community, united by the unavoidability of death. What unites human beings is not simply their relationship with death, but rather the role that death plays in

⁵³ Bamyeh, Mohammed A. *Of Death and Dominion: The Existential Foundations of Governance*. (Evanston, IL: Northwestern University Press, 2007): 4

their orientation towards politics. The necessity for politics – for humans to take up the role of political animals – is conditioned by the relationship between the body and death. When we focus on the role death plays in political life, it seems clear that the material body has been central to politics all along.

The Body Politic: Image, Metaphor, Biology

Although I am primarily interested in the body as a physical and material entity, throughout this project I will also track the role of the body as a metaphor for the political community. In doing so, I argue that these metaphors are not pure image or abstraction, but (like all effective metaphors) closely related to the material phenomenon they rhetorically deploy. The metaphor of body-as-political-community is so ubiquitous that any attempt to catalogue its many uses will inevitably fail, but there are a few touchstones I wish to note here. The first, unsurprisingly, is Thomas Hobbes' *Leviathan*, a text to which I have already referred. The infamous frontispiece of *Leviathan* depicts the state as a monstrous compound man comprised of its many members, with the sovereign quite literally at its head. The takeaway from this image – at least, as Hobbes would like us to interpret it – is that the state operates with one will. The body does not move without will, and likewise no part of the body can claim that it did not will the motion it makes. Each part must therefore accept responsibility for the actions it takes. As Hobbes himself describes it, “nothing the Sovereign Representative can do to a subject, on what pretense so ever, can properly be called an Injustice, or Injury: because every Subject is Author of

every act the Sovereign doth.”⁵⁴ Thus, this particular bodily metaphor does not only represent a political community but rather proposes a very specific model of sovereignty which I will discuss at more length below. The function of the image is not only to depict a model of sovereignty but to *naturalize* it: the relationship between the ruled and the ruler is as real, inevitable, and harmonious as that of the body’s composite parts.

The second image I want to mark comes from Ernst Kantorowicz’s study of embodied sovereignty in *The King’s Two Bodies* (1957).⁵⁵ Studying both aesthetic representations of sovereignty and the historical record from the medieval period, Kantorowicz describes how the medieval king was possessed of a double body, with the two sometimes overlapping and sometimes diverging in quite profound ways. The first is the king’s physical body – that which was capable of sickening, dying, and decaying. The second, however, was the divine body. This body was the undying body of the state, the body that makes the statement “the King is dead, long live the King” not only reasonable but expected and necessary. Eric Santner’s study of the body politic picks up, historically, where Kantorowicz leaves off, examining “the transformation of the complex tensions belonging to the political theology of royal sovereignty into the biopolitical pressures of popular sovereignty” through bodily images.⁵⁶ Rather than seeing the sovereign as controlling the “flesh” of the body politic, as Hobbes did, Santner argues that the

⁵⁴ Thomas Hobbes, *Leviathan*

⁵⁵ Kantorowicz, Ernst H. *The King’s Two Bodies: a study in medieval political theology*. (Princeton, NJ: Princeton University Press, 1957)

⁵⁶ Santner, Eric L. *The Royal Remains: the people’s two bodies and the endgames of sovereignty* (Chicago, IL: University of Chicago Press, 2011): xi.

sovereign body is needed to manage the surplus of symbolic authority that sovereignty inevitably generates.⁵⁷ We might think about this as a problem of representation: Santner argues that sovereignty must be represented in order to be managed. He frames this in the language of Freudian paranoia, understanding unmanaged energy as a kind of nervous breakdown. Santner summarizes the problem as such:

How is it that a disturbance in the space of representation – the space in which we engage with one another by way of offices, titles, symbolic roles and mandates, generic predicates of all kinds – can generate (or more cautiously, be correlated to) a nervous disorder?⁵⁸

This is a particular problem in modernity because modern politics has done away with the royal body, thus eliminating “the figure that had traditionally been charged with corporeally representing the subject for all other subjects of the realm.”⁵⁹ The absence of this representative threatens to cause a crisis in the nation-state, wherein the irrepresentability of political authority leads to corrosion or, in Santner’s lexicon, “nervous disorder.” The crucial political problem of modernity, in this reading, is to deal with this unrepresented excess, “to incarnate in some ostensibly new way the excarnated principle of sovereignty.”⁶⁰ Since “The People” are figured as the source of authority in modern politics, The People must now be represented and symbolically invested with sovereignty. Thus, this problem not only enables but *requires* the image of the body

⁵⁷ Santner refers to this phenomenon variously as a “surplus of immanence” and a “crisis of investiture.” Santner uses these theological terms quite deliberately, to mark his interest in the relationship between representation and the idea of political theology.

⁵⁸ Santner, *The Royal Remains*, xiii

⁵⁹ *Ibid.*, 92

⁶⁰ *Ibid.*, 92. According to Santner, this evolution of the national body tracks precisely with the evolution of biopolitical power. I will return to this point in more detail below.

politic, which becomes the incarnation of popular sovereignty. Following Santner's argument, then, the state cannot exist without this mystical body, and we should expect to see some version attached to every sovereign state formation. The body/state metaphor is not merely a useful illustration, but a representation without which the state could not exist.

Even in recognizing the omnipresence of these metaphors, however, it is important to ask how they circulate and evolve. Although Santner provides an explanation of one specific kind of shift, not every change in body/state metaphors tracks onto a major change in regime type. Turner argues that these metaphors have persisted throughout history. In particular, he finds that images of destroyed or disrupted bodies have been used to represent political and social anxieties. He describes how the *danse macabre* expressed the profound social decay caused by the Black Death, while metaphors describing alien invasions of the body express modern anxieties about cancer and HIV/AIDS.⁶¹ Some of these evolutions and redeployments therefore track shifting social and political anxieties. However, bodily metaphors also evolve for more literal reasons: they track both specialized and popular knowledges about the body.

In his extensive study in *Body Politic: Political Metaphor and Political Violence*, A.D. Harvey argues that the metaphor of the body politic evolves in extremely literal correspondences to knowledge, suppositions, and fears about the physical body. He notes that “developments in knowledge with regard to the circulation of the blood, the spread

⁶¹ Turner, *Vulnerability and Human Rights*, 4

of infectious diseases, and the functioning of the nervous system certainly introduced new aspects into the discussion of the Body Politic.”⁶² In fact, Harvey goes on to quote Hebert Spencer’s *The Social Organism* (1860), in which the influential social scientist argued that early comparisons between the body and society were stunted by “the absence of physiological science, and especially of those comprehensive generalizations which it [had] but recently reached.”⁶³ Our conception of the body politic is therefore not divorced from our scientific knowledge about the body; the metaphor evolves along with our awareness of physiology and thus is quite closely related to the material body. However, Harvey also argues that the pervasiveness of the body politic metaphor is not caused by evolving scientific knowledge or advances in biology. On the contrary, he argues that the shared nature of the body – the collectiveness of our bodily experiences – is what makes the metaphor compelling. He writes:

The essential appeal of the Body Politic idea was always that it referred to something with which everyone was completely familiar, something which was the basic, unalterable fact in human existence. Society has changed immeasurably in the past 2,500 years but as far as most people are concerned, hands, mouth, and belly have remained more or less the same as they were in Aesop’s time.⁶⁴

In Harvey’s reading, the body is a useful point of comparison because it provides a stable referent: something that means the same thing to all people at all times. Because the body

⁶² A.D. Harvey, *Body Politic: political metaphor and political violence*. (Cambridge, UK: Cambridge, 2007): 2

⁶³ Quoted in Harvey, *Body Politic*, 65

⁶⁴ Harvey, *Body Politic*, 2-3

itself is universal, the body politic metaphor is universally understood. However, the universal dimension of this image cannot be taken for granted. To give only one example, feminist theorists have argued that the body politic metaphor concretizes the image of the political community as masculine. In an oft-cited account of this problem, Gatens argues this metaphor has been used to control, regulate, and render invisible women's bodies by creating an "apparent unity through incorporation" that invalidates the presence of difference.⁶⁵ The seeds of this problem are evident even in Harvey's summary above that "hands, mouth, and belly" are more or less the same across space and time: this metaphor does not recognize that, although bodies may adhere to a general "template," there is nevertheless significant variation possible between those bodies parts. Although Harvey does not comment on what this familiar, basic, and unalterable body looks like, we might safely assume that he is picturing a body that is male and non-disabled. By claiming this body as universal, the image of the body politic effaces all other bodies from political life.

Returning to the metaphorical body instituted in the leviathan, Gatens argues that the disappearance of women does not mean that they are outside of the leviathan or ignored by those who constitute it. On the contrary, this body is parasitic of women, who are integral to it:

Like the hapless Jonah, she dwells in the belly of the artificial man, swallowed whole...The modern body politic has "lived off" its consumption of women's bodies. Women have serviced the internal organs and needs of this

⁶⁵ Gatens, *Imaginary Bodies*, 42

artificial body, preserving its viability, its unity and integrity, without ever being seen to do so.⁶⁶

The corporeality of this metaphor is an important reminder that membership in the political community is a bodily issue. Not only are individuals excluded from membership on the basis of their bodies, but bodies are used to relegate some to specific subject positions and (perhaps most importantly) bodies can be used to make bids for inclusion of different kinds.⁶⁷ Gatens's description of women "dwell[ing] in the belly" of the body politic raises important questions about what it might mean for women to poison the artificial body from within, to "upset" the stomach, to force the body politic to vomit them back out. These questions remind us that the body politic is not, in fact, a perfect unity but rather (even at the metaphorical level) a relationship between bodies that contains many levels of tension and uncertainty. The body politic must be incorporated, maintained, and defended. These contestations over the body politic do not take place in the abstract, but rather work themselves out across the material, physical bodies that constitute it. Although some of these constituting bodies occupy privileged positions in the leviathan, Gatens reminds us that the dregs and the abjected of the political community also have a place in defining and maintaining the artificial body. In fact, it is

⁶⁶ Gatens, Moira. "Corporeal Representation in/and the Body Politic." In *Writing on the Body: Female Embodiment and Feminist Theory*, eds. Conboy, Katie, Nadia Media, and Sarah Stanbury. (New York: Columbia University Press, 1997): 3

⁶⁷ As I understand her, Gatens uses the term "women's bodies" to mean "bodies that are generally perceived as women." She therefore collapses the way the body is *read* with the empirical reality of the body. When it comes to categories like "women's bodies," this conflation proves problematic, since there is nothing about a material body that makes it, simply and determinatively, a "woman's body." This is the problem I alluded to above in describing why I, unlike certain feminist theorists, do not use the material body as a straightforward signifier of identity categories.

these maligned and neglected bodies whose regulation seems most important for enabling the fiction of the unified body politic to persist.

Sovereignty, Violence, Vulnerability

I suggested above that focusing on the body gives us new ways of thinking about fundamental political issues because the body – and its vulnerabilities – provides the shared conditions that facilitate human existence. As a result, they are also the preconditions for politics. In this analysis, I will use this lens to examine questions which specifically deal with two central political issues: sovereignty and resistance. To examine just one example that shows how closely linked bodily vulnerability and sovereignty are, Thomas Hobbes described bodily vulnerability as providing the original incentive to contract into government: humans submit to be governed because the alternative is to live under constant threat of violence and fear of death.⁶⁸ In fact, Michel Foucault summarizes the Hobbesian institution of sovereignty as “[t]he will to prefer life to death: that is what founds sovereignty.”⁶⁹ There is no escaping from the risk of violence since, as I have described above, it is inherent within our bodies. Management therefore presents the only viable alternative. Reading somewhat between the lines of the Hobbesian account, we can see that the threat of violence does not vanish after governance is established. It remains,

⁶⁸ Of course, the Hobbesian model of sovereignty is only one among many. However, there is no denying that it is a hugely influential model that shaped the thinking (whether through agreement or disagreement) of later theorists of sovereignty. I will say more about other models of sovereignty below.

⁶⁹Foucault, Michel. *Society must be Defended: Lectures at the Collège De France, 1975-76* [Il faut défendre la société.]. (New York: Picador, 2003): 95

necessarily, in the background. But this a different violence than that of the state of nature – violence that was unbridled, unchecked, and uncontrolled. The sovereign has the ability to check violence, if and as it wills – that was the motivation to submit from the outset. But by extension, the sovereign also has the ability to unleash violence, to withdraw its protection, and to expel subjects from its graces. As a result, the threat of bodily harm is transformed into a technology of sovereign control. Our inherent bodily vulnerability does not only render us susceptible to physical destruction but also, by extension, to political domination.

The sovereign now determines who is under their protection, and who is susceptible to being exposed to violence. Although this description is merely a very simplified way of reading the origins of sovereign authority, it nevertheless conveys an important message about the basic operations of political power: the threat of violence is an inescapable condition of political life, because human vulnerability to bodily harm renders us all, in advance, as potential objects of violence. If to live is to always be a potential target for harm, then life itself renders us vulnerable before the exercise of political power. This condition does not mean that bodily violence is the only form of political power, nor that all other forms of power are reducible to it. It does mean, however, that violence is a form of power that cannot ultimately be eliminated: eliminating outwardly violent actors would do nothing to curb the susceptibility to violence inherent in our own bodies.

Although violence may enter the political landscape as a background condition, something that is available for potential deployment, it does not remain in the

background. In fact, the ubiquity of the threat of violence makes violence a powerful tool in building, deploying, and resisting political power, with different forms of violence capable of different kinds of work. In this project, I focus on particularly extreme forms of violence, as they relate to a particularly extreme form of political power: the destruction and unmaking of the body as it relates to contestation over sovereignty. I argue that the destruction of the body is a central node of sovereign authority: it structures power, deploys it, and displays it. Given this incredibly close relationship between the body and the origins of sovereignty, I argue in this project that we must look to the body in order to fully analyze the operations of sovereignty. Furthermore, given the universality of these bodily conditions, this approach allows us to think about sovereignty as a general mode of political power. Because I am focused on traits which are shared across bodies, the potential for sovereignty to act in the ways I will describe are broadly shared as well. As a result, although I will examine very specific interactions between bodies, the patterns these interactions make visible have much broader ramifications for thinking about politics, power, and violence.

Following the Foucauldian maxim that “where there is power, there is resistance” imbricated in the same nodes and networks, I further argue that bodily destruction serves as a mutually intelligible language, used by both those who seek to assert sovereign authority and those who seek to resist it.⁷⁰ This “language” takes shape because of the political conditions I described above wherein the fact of the body makes violence the

⁷⁰ Foucault, Michel. *The History of Sexuality, Volume I: An Introduction*. Trans. Robert Hurley (New York: Vintage Books, 1990): 95

sovereign's first and most fundamental mechanism of control. Those working against (but also within) the framework of sovereign violence have adapted the same modalities of violence, turning this destruction against their own bodies. It is in these forms of bodily destruction that I find the crux of resistance against sovereign power.

The Time & Space of Violence: Slow Death & Necrogeopolitics

Although this project focuses primarily on concentrated and often spectacular forms of bodily destruction – what we might think of as “obvious” examples of violence – these are certainly not the only forms that exist. Indeed, Lauren Berlant argues that most forms of political violence are quiet, gentle, and almost invisible. She calls attention to “slow death,” which she defines as “the physical wearing out of a population and the deterioration of people in that population that is very nearly a defining condition of their experience and historical existence.”⁷¹ Unlike acts of obvious violence which are often sudden, decisive, and spectacular, slow death “prosper[s] not in traumatic events...but in temporal environments whose qualities and whose contours in time and space are often identified with the presentness of ordinariness itself.”⁷² Berlant gives the example of morbid obesity in America as a form of slow death: although obesity itself may be treated as a “killer,” the state’s complicity in commercializing obesity (both the causes and the “cures”), ignoring it, and blaming it on misdirected or uncontrolled desire generally go

⁷¹ Berlant, Lauren. “Slow Death: Sovereignty, Obesity, Lateral Agency.” *Critical Inquiry* 33, no. 4 (2007): 755.

⁷² Berlant, “Slow Death,” 760

unnoticed. Although these actions may be quiet and slow, Berlant argues that they are also forms of state violence which are active, intentional, and lethal.

In *Slow Violence and the Environmentalism of the Poor* (2011), Rob Nixon names a similar type of violence which is at work in climate change, deforestation, and other forms of state-sanctioned and state-permitted environmental catastrophes:

By slow violence I mean a violence that occurs gradually and out of sight, a violence of delayed destruction that is dispersed across time and space, an attritional violence that is typically not viewed as violence at all.⁷³

It is important to note, however, that slow death and slow violence are just as intensely bodily as the violence of administering targeted electric shocks. The difference is predominantly that slow death works from the inside out, maintaining the illusion of bodily integrity for a longer duration, where other forms of violence shatter this illusion immediately while they force their way into the body from without. For example, Nixon names the radioactive aftermath of wars as among the modes of slow violence.

Radioactivity is invisible to the naked eye, lingers in organic and non-organic material, and can destroy vital bodily functions long before it produces any changes which are detectable from outside the body. Nevertheless, victims of radiation poisoning experience the steady destruction of bone marrow and the digestive system as intensely bodily, characterized by weakness, fatigue, confusion, and – eventually, maybe – the externally visible wastage of the body through bleeding, sores, and hair loss.

⁷³ Nixon, Rob. *Slow Violence and the Environmentalism of the Poor*. (Cambridge, MA: Harvard University Press, 2011): 2

While both Berlant and Nixon focus on the temporality of violence, Caroline Alphin and François Debrix theorize necrogeopolitics as a mode of quiet state killing that is primarily characterized by its relationship to space. Like Berlant and Nixon, Alphin and Debrix link this violence to the exigencies of modern capitalism. They emphasize the necrogeopolitical nature of neoliberal governance in particular and argue that neoliberal governmentality is uniquely characterized by this kind of killing. In emphasizing the spatiality of state violence, they argue:

[S]patial arrangements are crucial to the work of slow or soft killing, to endemic precariousness, or to banal or common modalities of vulnerability. In other words, it is still within spaces, albeit mundane, commensensical, and almost unnoticeable (because allegedly unexceptional), that forceful and lasting regimes of neoliberal governance or biopolitical governmentality take place.⁷⁴

Death, as they understand it, becomes part of life in certain mundane and unexceptional spaces. Enmeshed into the realities of ordinary life within these zones, violence and death become functionally invisible.⁷⁵ I highlight these modes of bodily destruction, which are quite different from my foci, because they provide background conditions which are essential to keep in view: political life is saturated by interactions between the body and the many manifestations of violence. The body is the object of all kinds of political violence which may not be immediately apparent. The forms of violence I examine here,

⁷⁴ Alphin, Caroline and François Debrix. *Necrogeopolitics: On Death and Death-Making in International Relations*. (Abingdon, Oxon; New York, NY: Routledge, 2020): 5

⁷⁵ In making this argument, Alphin and Debrix follow Zoe Wool's theorization of the "extra/ordinary" – a "'zone of life' where the 'textures of ordinary life' are always already woven into the fabric of violence, war, destruction, and death." Alphin & Debrix, *Necrogeopolitics*, 4

therefore, are not unique by virtue of being destructive or painful. Destruction and pain take any number of guises. Rather, these moments are events insofar as they mark occasions when the ongoing grind of slow and quiet violence is punctured, and the conditions of violence are revealed. They are intensifications or distillations of the many forms of violence which are already in place, displayed in their most intense manifestations.

Because this approach focuses on bodies (rather than the more abstract subjects like “agents” or “actors” that I discussed above) it can read these events on an expanded timeline. It recognizes the networks of violence in which bodies are imbricated prior to a spectacular event. Likewise, it also recognizes the political work which might continue after the event. Death may end the life of the “agent,” but it leaves the body – or at least some fragments of it – behind. Tracking these bodies shows that the political work of these events does not end with death. Indeed, perhaps the most significant part of their work occurs after the death of the actor. Because the political work of these corpses is highly consequential, it is a mistake to treat them as mere byproducts of the violent event. Instead, the production of certain kinds of corpses is itself as an important task of the forms of violence that I examine here. In “Another Necropolitics,” Banu Bargu theorized the forms of violence and communication that work on and through the dead body. She argues that by desecrating, displaying, and degrading certain kinds of corpses (and often in ways that evoke culturally conditioned meanings), the state is able to use the dead to

attack the living.⁷⁶ The desecrated corpse is not only a threat of future violence, but rather is itself a form of violence. However, this form of violence also lays out potential avenues for resistance that work by creating and displaying particular kinds of corpses. Accordingly, I will argue below that the corpse is not only an object of sovereign violence but also a potential site of necroresistance. The corpses produced by self-immolation and suicide bombing are participants in this kind of political activity, and we must therefore be extremely attentive to the material state of these dead bodies.

Sovereignty Between Life & Death: Biopolitics, necropolitics, and necroresistance

Before outlining the project in detail, I want to lay out some of the key modes of power that animate this project, and how they relate to each other. In particular, I want to draw attention to four interrelated categories: sovereignty (which I have already begun to discuss above), biopolitics, necropolitics, and necroresistance. I will explore each of these modes in more depth throughout this project, but I want to begin by suggesting that these categories have rather more that holds them together than what keeps them apart. These terms all refer to the contested process through which a dominant political authority – in whatever particular form it takes – draws, defines, and defends the boundaries of its membership. By this I do not mean that sovereignty is a transhistorical or universal phenomenon, taking the same form in all times and places. Rather, I wish to be attentive to certain continuities regarding the psychic, bodily, and material investments that

⁷⁶ Bargu, Banu. “Another Necropolitics.” *Theory & Event* 19, no. 1 (2016) <https://www.muse.jhu.edu/article/610222>.

political authorities make in boundary creation and boundary maintenance. Given my focus on bodies, I am interested in two particular features of boundaries and boundary making: first, I examine the ways that boundaries are used to position, circumscribe, and categorize bodies. Second, I am interested in the ways that bodies themselves serve as boundaries, or perhaps more accurately in the ways that bodies are used to mark and reinforce boundaries.

In *Strange Encounters: Embodied Others in Post-Coloniality* (2000) Sara Ahmed argues that bodily relations – with each other, with space, and with representation – are precisely what imbue borders and boundaries with their content. Describing these bodily interactions, she writes:

The subject is not, then, simply differentiated from the (its) other, but comes into being by learning how to differentiate between others [...] It is the enforcement of the boundaries between those who are already recognized as out of place...that allows those boundaries to be established.⁷⁷

Put another way, it is only by seeing and naming familiar and unfamiliar bodies – bodies that are self and bodies that are other – that boundaries become meaningful. This act of meaning-making is common to all subjects, since it is precisely this process of differentiation through which the subject itself “comes into being.” But even though Ahmed here describes differentiation and boundary-making as a highly individual act, she also recognizes that the act of marking out boundaries between bodies correlates with

⁷⁷ Ahmed, Sara. *Strange Encounters: embodied others in post-coloniality*. (London, Routledge: 2000) 24-26.

(and contributes to) a larger political operation: in the act of identifying “strangers” (as Ahmed calls them) the subject “becomes aligned, not only with the police (and hence the Law), but with the imagined community itself whose boundaries are protected.”⁷⁸ This claim has several important elements. First, it is worth noting the parallel drawn here between the individual body and the body politic – the imagined community.⁷⁹ As I have indicated above, the metonymy between the body and the state is crucial to keep in view throughout this analysis. Second, Ahmed identifies boundary making as a fundamental act of sovereignty: boundaries define both the sovereign individual (i.e., the unified and discrete subject) and the political sovereign as it combines violence (the police) with authoritative representation (the Law). Importantly, these are not relationships between abstract subjects: they are relationships between bodies as they navigate spaces, see each other, draw near, and pull apart. According to Ahmed’s formulation, the capacity of bodies to circulate is what makes boundaries and belonging meaningful in the first place.⁸⁰ Throughout my discussion of each of these terms, I will show how they are fundamentally based in this premise of boundary-making. Bodies, boundaries, and power

⁷⁸ Ahmed, *Strange Encounters*, 30.

⁷⁹ Ahmed borrows this term from Benedict Anderson’s famous definition of the nation (specifically the postcolonial nation state) as “an imagined political community – and imagined as both inherently limited and sovereign.” In describing the nation as an “imagined community,” Anderson sought to denaturalize the idea of the nation and emphasize the processes of deliberate construction that were involved in making a nation. Implicit in Anderson’s definition (and useful for Ahmed’s purposes) is the fact that the “limited and sovereign” nation must always be defined in contrast to other people, places, and nations which must be excluded. See: Anderson, Benedict. *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (New York, Verso: 1983).

⁸⁰ On movement and circulation in particular, see Ahmed, *Strange Encounters*, 33.

are co-constitutive. My task, then, is to analyze the specific processes that characterize this relationship, and in particular the ways that this relationship is inscribed onto material bodies.

Sovereignty

The questions of what sovereignty is and how precisely sovereignty operates are among the major issues this analysis aims to empirically illuminate. In the following chapter, I will offer a more extensively genealogy of the concept. For the moment, I want to provide just a very brief definition to forestall misunderstandings and, hopefully, defer some anticipated objections.

In *Discipline & Punish*, Michel Foucault famously identified a shift in the nature of power. He argued that the overtly violent sovereign impulse to punish had faded into the background, replaced by a kind of power that he defined as “disciplinary.”⁸¹ Whereas the older mode of power was spectacular by definition and fundamentally characterized by the right to kill, disciplinary power worked quietly and constantly. Discipline was self-naturalizing and made itself almost invisible. At times in the text, it seems as though the right to punish – which Foucault sometimes refers to a sovereignty – disappears in modernity. Indeed, analysts of the text sometimes take Foucault to mean that in our contemporary moment, sovereignty is merely a relic of an older, less refined form of political power. And yet, closer reading suggests that sovereignty does not cease to

⁸¹ Foucault, Michel. *Discipline & Punish: the birth of the prison* [Surveiller et punir]. (New York: Vintage Books, 1977)

operate. Instead, punishment-driven sovereignty and disciplinary power came to coexist and cooperate, representing two poles on an unfixed continuum. Although one form or the other may be more prevalent at different times, the two are quite capable of operating in tandem. In his analysis of sovereignty and biopolitics, Roberto Esposito argues against those who had “rashly forecast” the decline of sovereignty, insisting that “sovereignty seems to have extended and intensified its range of action...sovereignty [now] finds itself directly engaged with questions of life and death that no longer have to do with single areas, but with the world in all of its extensions.”⁸² In other words, the advent of disciplinary power constitutes an expansion – perhaps a limitless expansion – on sovereign power. We should not look for spaces from which sovereignty has withdrawn in modernity, but rather for new forms it has appropriated.

In *Society Must be Defended*, Foucault clarified his theory of sovereignty. He argues that sovereignty is the force behind the “subject-to-subject cycle,” the process by which:

a subject – understood as meaning an individual who is naturally endowed (or endowed by nature) with rights, capabilities, and so on – can and must become a subject, this time in the sense of an element that is subjectified in a power relationship.”⁸³

Based on this definition, it is clear that sovereignty never goes away. Indeed, in the absence of sovereignty politics would be impossible. However, sovereignty can be

⁸² Esposito, Roberto. *Bíos: Biopolitics and Philosophy* [Bíos.]. Vol. 4. (Minneapolis: University of Minnesota Press, 2008): 54

⁸³ Foucault, *Society Must be Defended*, 43.

differentiated. It can take on different forms and work through different means. Understanding sovereignty in this way clarifies Foucault's meaning in *Discipline & Punish*: the end of spectacular punishment was not the end of sovereignty at all, but rather a shift in the techniques that sovereignty used to propel the subject-to-subject cycle.⁸⁴ Indeed, it is precisely these techniques that interest me here: the specific ways in which sovereignty is enacted and consolidated. I argue (as Foucault himself does, at times) that the object of these techniques is the body. Thus, the "subject-to-subject cycle" that Foucault identifies as sovereignty might also be described as a subject-to-object cycle: by taking the body as its site of operation, sovereignty transforms the subject-as-individual into an object on whom force is exercised. It is therefore through examining bodies, I contend, that we can best understand the workings of sovereignty and its resistances.

Biopolitics

As a study of bodies, this project is inherently working within the domain of biopolitics. Although much of the work on biopolitics looks for the subtle and unseen ways that the body is implicated in politics, here I aim to do something different: I focus on forms of political control and contestation that are obviously and unmistakably bodily. But to invoke biopolitics is not only to talk about the relationship between politics and the body. Instead, it evokes a quite specific relationship between individual bodies,

⁸⁴ Put another way, Esposito argues that "sovereignty isn't before or after biopolitics, but cuts across the entire horizon, furnishing the most powerful response to the modern problem of the self-preservation of life." Esposito, *Bios*, 97.

bodies *en masse*, and the state. Although there are many theorists of biopolitics whose work I will engage throughout this project, for the moment I will focus on two of the most foundational accounts: Foucault's discussion of biopolitics in the *Society Must Be Defended* lectures (especially lectures four and eleven), and Roberto Esposito's in *Bios: Biopolitics and Philosophy*. The two texts have certain touchstones in common: both see Nietzsche as an originator of biopolitical philosophy, and Nazism as a kind of zenith in biopolitical practice. There is also a direct relationship between them, in that Esposito frames his text partially in response to Foucault's lectures. I will read these two texts together, using Foucault to outline the theory of biopolitics as it evolves from earlier modes of sovereignty and through the paradigm of racism. From Esposito, on the other hand, I elaborate the idea of immunization and the immunitary paradigm.

As Foucault describes it, biopolitics emerges out of the discourse of race war. He argues that as early as the seventeenth century, an idea emerges "which is absolutely new and which will make the discourse [of war] function very differently" by identifying the primary enemy as an internal threat:

It is no longer "We have to defend ourselves against society," but "We have to defend society against all the biological threats posed by the other race, the subrace, the counterrace that we are, despite ourselves, bringing into existence."⁸⁵

Although Foucault describes this conflict in terms of race, he is also quite clear that it refers to a different kind of conflict than the one implied by the conventional usage of

⁸⁵ Foucault, *Society Must be Defended*, 61-62

racial politics. As he describes it, “it is quite obvious that the word ‘race’ itself is not pinned to a stable biological meaning [...] Ultimately, it designates a certain historico-political divide.”⁸⁶ The race war is a bodily issue, but not because race itself inheres in the body. Rather race war is the subject of biopolitics because the “historico-political divide” has been mapped onto bodies, and it is therefore on bodies that the “war” itself is fought.

Esposito makes a similar point, invoking Rudolph Hess’s intensely biopolitical claim that “National Socialism is nothing but applied biology.”⁸⁷ Esposito argues that Nazi biopolitical ideology made this statement possible by blurring and warping the distinctions between “biological norm” and “juridical-political norm.” In this process of blurring and warping, certain elisions become possible: “what appears as the social result of a determinate biological configuration is in reality the biological representation of a *prior political decision*.”⁸⁸ The body becomes the ground of certain kinds of political contests under the sign of biopolitics because of these prior political decisions.

While Foucault identifies the occurrence of the race war discourse as early as the seventeenth century, it takes on a different form in the nineteenth century which tracks with the intensification of state control over the biological. Indeed, Foucault argues that “power’s hold over life” is the fundamental occurrence of the nineteenth century, a shift which produces “one of the greatest transformations political right underwent in the

⁸⁶ Foucault, *Society Must be Defended*, 77.

⁸⁷ Esposito, *Bios*, 152

⁸⁸ Esposito, *Bios*, 160 (emphasis mine)

nineteenth century.”⁸⁹ This shift brings about a correspondingly great step in the expansion of sovereignty: the complementation of the ancient sovereign right to kill with “a new right which does not erase the old right but which does penetrate it, permeate it [...] the right to make live and to let die.”⁹⁰ This pithy formulation, “the right to make live and to let die,” is the one most commonly associated with Foucauldian biopolitics. However, there are a few crucial points regarding this formulation which are generally neglected.

First, as noted above, Foucault is quite insistent that this new right does *not* replace the old. It is rather an extension or an intensification of pre-existing sovereign power. Secondly, Foucault identifies two quite different ways that this power is enacted onto subjects. The first is disciplinary power, which he describes as “an anatomo-politics of the human body.” This kind of power is individualizing, and addresses man-as-body. The second kind, which is what Foucault himself terms biopolitics, is exercised on populations and addresses man-as-species.⁹¹ Although these kinds of power are exercised in different ways, they are also not mutually exclusive. By way of example, Foucault

⁸⁹ Foucault, *Society Must be Defended*, 239.

⁹⁰ *Ibid.*, 241

⁹¹ *Ibid.*, 242-243. Most theorists of biopolitics who cite and build on Foucault do not seem particularly troubled by this distinction and use the term “biopolitics” equally to refer to these two kinds of power despite Foucault’s insistence that biopolitics specifically an issue of populations. The terminology has rather gotten away from Foucault and escaped the framework within which he situated it. I take up the conversation at the point where we find it today, accepting the deviation from the Foucauldian usage as already accomplished. However, regardless of whether or not we call both forms biopolitics, I think it is important to note that Foucault identifies the emergence of two separate techniques of power that are related to modern sovereign power.

describes how both these modes operate in the realm of sexuality: first, because sexuality is “an eminently corporeal mode of behavior” it is subject to “individualizing disciplinary controls that take the form of permanent surveillance.” But sexuality is also related to population management through its role in procreation. To use Foucault’s language, sexuality therefore “exists at the point where body and population meet.”⁹² With respect to sexuality, therefore, biopolitics aims to produce health on two fronts: first, the health of the individual sexual subject (i.e., conformity to the acceptable norms of sexual desire and behavior) and the reproduction of the population at the desired rate.

At face value, these may not seem like violent goals. However, Esposito argues that biopolitical goals are achieved through an immunitary process that is inherently violent in that it seeks to destroy community and reinforce the singularity of the individual. Immunization is to make some live by exposing the other to death. Esposito illustrates this relationship by analyzing the etymological roots of term *immunitas*:

[I]mmunitas is revealed as the negative or lacking form of *communitas*. If *communitas* is that relation which, in binding its members to an obligation of reciprocal donation, jeopardizes individual identity, *immunitas* is the condition of dispensation from such an obligation. [Immunitas] restores its own borders that were jeopardized by the common.⁹³

In other words, immunization – which is the core process of biopolitics – is the death of the common. It is the purification of life through the instantiation of boundaries and the destruction of anything which might threaten them.

⁹² Foucault, *Society Must be Defended*, 251-252

⁹³ Esposito, *Bios*, 101

Thus, the immunitary paradigm is deeply implicated in the sovereign function I referenced above: the function which reinforces boundaries without ever effectively eliminating the need for them.⁹⁴ The threat of the communal remains ever at the boundary, negated and rejected continuously through immunization. Indeed, Esposito concludes that “sovereignty, in the final analysis, is nothing other than the artificial vacuum created around every individual – the negative of the relation or the negative relation that exists between unrelated entities.”⁹⁵ The work of biopolitics is to constantly replicate this vacuum, tearing the individual away from the relations which threaten to bind it.

Based on these two accounts, we might sum up biopolitics as a regime which drives obsessively towards purity. Managing both the individualized body and the population, biopolitics blurs the boundaries between medicine and politics and commands the body politic to live – to become pure – by stamping out what threatens to infect it. The goal of biopolitics, ultimately, is life for the chosen population. However, as both Foucault and Esposito make quite clear, this goal can only be achieved through the death of the other, which has now been constructed as a race. Identifying this other is the second key piece of understanding biopolitical power. As we have seen above, although this other is described as a racial other, this is not race in the conventional identity-based

⁹⁴ Esposito identifies three modes by which the immunitary paradigm plays out in modernity: sovereignty, property, and liberty. Although these three principles are quite different, he argues that they in fact operate from the same principle: they are methods of differentiation, ways of creating a negative or negated relationship between the self and the others.

⁹⁵ Esposito, *Bios*, 101

mode. Rather, this racial other emerges from a political decision. Racism of this kind is therefore not anchored in biology, but rather a *political* technique which biopolitics deploys. Foucault writes:

It is indeed the emergence of biopower that inscribes [racism] in the mechanisms of the State... What in fact is racism? It is primarily a way of introducing a break into the domain of life that is under power's control: the break between what must live and what must die... It is, in short, a way of establishing a biological-type caesura within a population that appears to be a biological domain.⁹⁶

Before biopolitics, the death of the other was beneficial, in that eliminating the other meant safety. Death was a means to a desirable end. In the biopolitical regime, however, the death of the other becomes an end: their death is itself a desirable good. Now, the death of the other “is something that will make life in general healthier: healthier and purer.”⁹⁷ Health itself depends on identifying and eliminating this other. And importantly, killing the other can take on a myriad of forms, including both the overtly violent and forms like slow violence and social death which are described above.⁹⁸

Despite these myriad potential forms, Esposito argues that there is a single locus where the work (and the dangers) of contemporary biopolitics is most intensely visible: in the “idea – and the practice – of preventative war [which is] an absolute identification of

⁹⁶ Foucault, *Society Must be Defended*, 254-255

⁹⁷ *Ibid.*, 255

⁹⁸ Foucault specifies that killing the other includes “every form of indirect murder: the fact of exposing someone to death, increasing the risk of death for some people, or, quite simply, political death, expulsion, rejection, and so on.” Foucault, *Society Must be Defended*, 256.

opposites: between peace and war, defense and attack, and life and death.”⁹⁹ The idea of preventative war will return repeatedly throughout this analysis. It is the rallying cry of contemporary torturers and their defenders, as well as the overall justification for the so-called “War on Terror.” Preventative war resonates closely with the “pacification” or “stability work” in conflicts that produce (and attempt to quell) suicide bombers and self-immolators. In making this observation about the primary role that preventative war plays in contemporary biopolitics, Esposito anticipates what this study will demonstrate: that in the era of preventative war, the ultimate threat to sovereign power is a different kind of biological attack. As he describes it, “it is no longer only death that lies in wait for life, but life itself that constitutes the most lethal instrument of death.”¹⁰⁰

Thus, even within this discussion of biopolitics we can see the seeds of necropolitics; of a politics whose primary object is explicitly and overtly death. In fact, Esposito argues that because of the tangled relationship between sovereignty and biopolitics, necropolitics (or thanatopolitics, in his terms) is always lurking nearby.¹⁰¹ Therefore (and as I have noted above) the goal of differentiating between biopolitical and necropolitical regimes is rather beside the point. Each is productive of the other; and the two in fact necessarily coexist within the same political space. Keeping these porous distinctions in mind, I will proceed to a discussion of necropolitics with an eye towards understanding how these two kinds of force work in tandem, and what thinking through

⁹⁹ Esposito, *Bios*, 187

¹⁰⁰ *Ibid.*, 188

¹⁰¹ *Ibid.*, 79

the paradigm of necropolitics allows us to understand about violence and political community more generally.

Necropolitics

In his foundational theorization of necropolitics, Achille Mbembe argued that we must interrogate the political status of damaged body in a way for which the biopolitical framework does not provide adequate tools. He asks: “What place is given to life, death, and the human body (in particular the wounded or slain body)? How are they inscribed in the order of power?” He suggests that the framework of necropolitics – a politics which recognizes the making of death-worlds as an actively pursued political goal – provides a way to attend to these necessary questions. Mbembe sees sovereignty as closely related to necropolitics, suggesting that sovereign violence might be interrogated as a necropolitical mode. The three forms of violence in which I am interested here – torture, self-immolation, and suicide bombing – might all be characterized as belonging to the necropolitical world since they are forms of political action which are characterized, in different ways, by their relationship to death.¹⁰² Indeed, it is precisely these questions above which I argue we must ask (and answer) in order to understand these three kinds of political activity.

Mbembe cites the plantation, the frontier, and the colony as key sites for understanding the production and operation of sovereignty in its purest and most brutal

¹⁰² Mbembe, Achille. “Necropolitics.” *Public Culture*, Vol 15 (2003): 11-40. This essay also includes Mbembe's theory of the suicide bomber, which is both productive and fraught. I will discuss that aspect of the essay in more detail in the relevant chapter.

modes, wherein sovereignty serves as an ordering principle that separates populations into humans and Others, where Others are vulnerable to violence without regulation or limitation. He concludes that necropolitics names:

[the] various ways in which, in our contemporary world, weapons are deployed in the interest of maximum destruction of persons and the creation of death-worlds, new and unique forms of social existence in which vast populations are subjected to conditions of life conferring upon them the status of living dead.¹⁰³

Although Mbembe focused his theorization on exceptional spaces and spectacular violence, successive thinkers of necropolitics have argued that it is a far more pervasive mode than Mbembe originally outlined. They suggest that death-worlds are, in fact, all around us. Rather than being exceptional, necropolitics can describe the quite ordinary ways that the state interacts with certain populations, especially those who are preemptively marked out for death. If necropolitics is indeed as pervasive as it begins to appear, the question of resistance is an intensely urgent one. What resources for resistance remain under a regime in which death-making is so utterly common and foundational? It is to this question that I now turn, describing briefly the operations and potentialities of necroresistance.

¹⁰³ While this definition, and indeed the piece more generally, is predominantly concerned with forms of necropower deployed by the sovereign, it is also clear that necropolitics contains and calls forth a recognizable modality of resistance. As Mbembe describes it, “under conditions of necropower, the lines between resistance and suicide, sacrifice and redemption, martyrdom and freedom are blurred.” I will discuss necroresistance more specifically below.

Necroresistance

In *Starve and Immolate* (2015), Banu Bargu examined the tactics, rhetorics, and effects of Turkish political prisoners who undertook death fasts and self-immolations.¹⁰⁴ Based on her reading of these accounts, she theorizes a form of power which she specifically names as *necroresistance*. Where the necropolitical state enacts violence onto the bodies of others, in this mode of political contestation the resister harnesses the destruction of their own body to undermine, challenge, and threaten the state. In Bargu's formulation, on which I will build throughout this analysis, the necroresister derives their power from a refusal or reversal of the sovereign prerogative. I will describe the specific ways that the necroresistor rejects and negates sovereign power in the chapter "On Resistance," but want to dwell briefly on the importance of self-killing in this kind of political resistance. Most accounts of political self-killing treat the death of person who undertook the act as secondary – a kind of side effect to some other, more desirable goal. Analysts of suicide bombing, for example, regularly describe the bomber's goal as killing other people. In this reading, the bomber dies only because their death was expedient for this larger goal. Analysts of self-immolation and hunger striking, on the other hand, tend to frame these modes of protest as an act of sacrifice. The death of the hunger striker is necessary fodder for this sacrifice, and not an end unto itself. In contrast to these kinds of reading, I argue that the political work of self-killing is focused precisely on the self-destroyed body. In making this argument, I build on thinkers like international relations

¹⁰⁴ Bargu, Banu. *Starve and Immolate: the politics of human weapons*. (New York: Columbia University Press, 2015)

theorist Nicholas Michelsen, who suggests that we analyze the work of self-killing through the rubric of violence offered in Walter Benjamin's "Critique of Violence." Michelsen argues that political self-killing meets Benjamin's criteria for divine violence: a form of violence which is truly revolutionary, since it negates and rejects sovereign authority.¹⁰⁵

As I alluded above, necroresistance is also a form of politics which continues after death. The corpse – especially the self-made corpse – can continue the political work of the body after death. In *Unburied Bodies: Subversive Corpses and the Authority of the Dead* (2018), James Martel argues that corpses can present a real threat to the state even in cases where the state itself created the corpse.¹⁰⁶ Starting with the case of Michael Brown's body lying in the street in Ferguson, Missouri, he argues that the unburied body – the body displayed – materially defies the fiction of total state authority. As a result, he argues that the dead body itself can be a resource for resistance. My account extends and intensifies his analysis by focusing primarily on the power of corpses that are self-made. I argue that because the material status of these corpses is a deliberate choice, we must be attentive to the different kinds of political work signaled by the choices the necroresister has made.

¹⁰⁵ Michelsen, Nicholas. "The Political Subject of Self-Immolation." *Globalizations* 12, no. 1 (2015): 83-100. doi:10.1080/14747731.2014.971540. I will discuss Michelsen's work at more length in the chapter "On Resistance."

¹⁰⁶ Martel, James R. *Unburied Bodies: Subversive Corpses and the Authority of the Dead* (Amherst, MA: Amherst College Press, 2018)

Structure of the Project

In the chapters that follow, I examine the relationships between these modes of power and the body by focusing on three different kinds of violence in turn: torture, self-immolation, and suicide bombing. Throughout these chapters, I will draw on the concepts I have outlined above and examine their workings more closely. Where these concepts are often theorized in the abstract, I will examine them as they are enacted onto individual material bodies. I will read closely the ways that bodies are made to bruise, bleed, and burst. Likewise, I will explore the different corpses that these diverse forms of violence produce through their specific material conditions. Below, I provide a brief overview of these arguments and describe the cases and archives that animate my inquiry.

The substantive portion of this project begins with a short chapter titled “On Sovereignty,” in which I expand on the arguments presented in this Introduction. I then move to a close reading of torture, which I will argue is a representative act of sovereign violence. Torture, a practice that seems as widespread as politics itself, is an act of domination. It requires a kind of authority to undertake, and it extracts (or at least tries to extract) submission from the body itself. My discussion of torture is structured in two parts. First, I turn to the relationship between torture and the law. Theories of law and theories of sovereignty can be difficult to square: the two sometimes seem to exist in fundamentally different understandings of politics. But examining the tortured body shows a different relationship between sovereignty and law: a relation of supplement rather than exclusion. I show how torture – the sovereign act *par excellence* – does not

take place “outside” the law. Rather, I argue that torture is extrajudicial. It is both an intensification of the law, and simultaneously its negation. Thus, the body produced by torture is both experientially outside the law and subject to its greatest excesses. I illustrate these conditions by examining life under torture – the conditions of the tortured when they are not being actively “interrogated.” In particular, this chapter focuses on the episodic relationship of the tortured body to space and time. Reading closely the bodily life of the tortured, I trace the contours of their complex relationship to the law, and thereby the relationship between law and sovereign authority.

In the next chapter, I examine the kinds of extreme bodily harm applied during “interrogation sessions.”¹⁰⁷ I show how the stated purpose of torture has changed overtime, and the uneven ways in which those changes map onto its political usage. In particular, I focus on the many and diverse methods used during the torture session in order to examine the kind of body they produce. I argue that the function of this kind of torture is to remake the political subject as a political object, something outside of the rights, obligations, and protections of political community. I further describe the multiple audiences towards whom this sovereign address is directed, discussing the role that communities can play in healing, managing, or exacerbating the damage that torture enacts on the body and, by extension, on the body politic itself.

¹⁰⁷ As I describe in the chapter, the term “interrogation session” is something of a false signifier, since the “interrogation” does not and is not intended to collect information as the term would suggest. I use it here to designate, however, what it more accurately means: torture sessions, characterized by the active infliction of pain on the tortured by the torturers.

Together, these three chapters describe the violent operations of sovereignty. They show how the destruction of the body becomes the language in which sovereign power is articulated, and how the body itself becomes the site where this contest is played out. Thus far, however, this “contest” has been one-sided. In the section that follows, I detail the stakes and workings of the opposition: I discuss how the destruction of the body operates as a form of resistance. First, I describe the theoretical underpinnings of necroresistance in more detail in a short chapter entitled “On Resistance.” I show how necroresistance takes up the sovereign language of violence and, by appropriating it, undermines the sovereigns claims to legitimacy. It is precisely because sovereign authority is so implicated with the destruction of the body that necroresistance presents it with such a powerful challenge: necroresistance is able to challenge the very grounds on which sovereignty is premised.

Following this overview, I turn to discuss two specific forms of necroresistance: self-immolation and suicide bombing. These two methods have important commonalities, only one of which I want to draw attention to here: the parallelism of their grammatical or linguistic construction. Both terms append two concepts into a single recognizable cipher. In both cases, the first term is referential, it emphasizes the death of the actor who undertakes it. The second term emphasizes method, a particular way of killing and dying. Thus, each of these terms contains a paradox: the annihilation of the agent, combined with an act of agency. The force of necroresistance, I will argue, is partially contained in

this paradox.¹⁰⁸ They invoke what Michelsen described as the “blinding spectacle of the negative” within their very grammar.¹⁰⁹

However, these two methods also have significant material and strategic differences. For example, each method’s lethality relates quite differently to time: we imagine suicide bombing as killing in an instant, whereas the likelihood of death in self-immolation increases along with the duration of burn time. And perhaps most importantly for my purposes, these methods produce drastically different corpses. Accordingly, in each of these chapters I analyze the form of necroresistance as spanning from preliminary preparations to the management of the different corpses they produce. I highlight the political work that these corpses undertake, focusing on what they produce, what they demand, and what they enable.

The chapter on self-immolation is slightly different than the others, in that I focus my analysis on a particular group of self-immolators: migrants and asylum seekers. Since I have defined sovereignty as the practice of boundary-making and policing, the body of the migrant is a crucial site for thinking about challenges to sovereignty. In this chapter, I examine the violence of the border in relation to the politics of materiality and visibility. I then turn towards close readings of migrant self-immolations, in order to illustrate the

¹⁰⁸ Of course, both of these terms are themselves the subject of debate and contestation, which I discuss at more length in their respective chapter. I have used these particular terms, “self-immolation” and “suicide bombing” because they have sedimented as the terms of use within the contexts from which I write. Additionally, I find their parallel constructions to be both useful and illuminating. However, as I discuss in each chapter, it is also valuable to be critical about these terms and the normative assumptions they might import.

¹⁰⁹ Michelsen, “The Political Subject of Self-Immolation,” 96

ways that self-immolation specifically and materially challenges diverse forms of border violence. I argue that we must be attentive to the method that self-immolators deploy; that death by fire is not interchangeable with other methods of self-killing. Accordingly, throughout this analysis, I emphasize the material characteristics that give self-immolation its specificity: the length and spectacularism of the burn time, the familiarity of fire, and the totality of the destruction it enacts on the body.

Likewise, my analysis of suicide bombing emphasizes the unique effect of blast injuries on affected bodies, reading closely the differential impacts of differently designed bombs and strategies of attack. I break the suicide bombing event into four phases of analysis: preparation, impact, and two stages of corpse management on different time horizons. In discussing the material effects of suicide bombing, I emphasize the ways that this method unmakes and redefines boundaries. I read the comingled and interpenetrating corpses suicide bombing produces as a crucial site for understanding this method's work, since this effect produces one of the most blatant threats to the sovereign investment in boundary control. I further examine the other interactions which characterize the suicide bombing event, including the important interaction between the bomber and the built environment, the geography of sovereign territory, and the bodies of survivors. I show how these different aspects of the suicide bombing event mobilize fears of contamination and invoke discourses of purification.

Before beginning to lay out this analysis in detail, I want to dwell for a moment on method. The body of this work contains two distinct kinds of chapters. The chapters "On Sovereignty" and "On Resistance" are theoretical in a more "traditional" way. They

lay out my assumptions and definitions, emphasizing the theoretical traditions and thinkers which comprise their lineage. The bulk of my evidence – and therefore also my arguments – are not contained in these brief chapters, but rather concentrated in the others. The other four chapters – two dealing with different aspects of torture, and two dealing with suicide bombing and self-immolation – are grounded in empirical research. I read these empirical sources closely, working across cases and genres, to build my own theoretical analysis. Although these chapters are case-driven, I do not overly emphasize any single “case” in the sense of a discrete occurrence, or a particular country. My goal instead is to read the broad universe of occurrences together as a “case” to draw out the patterns and commonalities that show what is distinctive about each of these forms of violence. As a result, each case-based chapter has a large and unique archive of primary sources. The chapters on torture, for example, draw on leaked and declassified government documents, survivor testimony, and the work of anti-torture activists. Given the ubiquity of torture, I draw on cases from every populated continent. Of course, the activities of some torturers are better documented than others, and my archive reflects this reality of research: examples from countries like the United States, Argentina, Brazil, Israel, India, and Iran feature prominently, given the substantial primary source available on certain regimes in these states.

The chapter on self-immolation focuses on specific geographic clusters, since migrant self-immolations are more common in migration “hot spots.” This geographic focus pushes back against the common misconception that self-immolation is an exclusively Asian activity. This misconception stems from the higher prevalence of self-

burning (political and otherwise) in Asia relative to North America and Western Europe, as well as the cultural impact of particular self-immolations in Tibet and Vietnam. In fact, I argue that the use of self-immolation by multiple migrant groups in different states illustrates the ways in which the material content of self-immolation responds *specifically* to the violence of borders. My primary source archive for this case includes photographs and footage of self-immolation in progress, statements of intent from self-immolators, and witness descriptions and accounts. Given the public nature of most self-immolations as well as their duration, sometimes there is material depicting self-immolations in progress. This leads to a slightly different kind of close reading than the other cases, which generally produce before-and-after images rather than visuals of the act-in-progress.

Finally, my research on suicide bombing emphasizes an archive that most political science work on the subject studiously ignores: forensic and medical reports on injuries, casualties, and damage. I read these texts alongside witness accounts and media statements from bombers and their sending organizations. Of course, as in the case of torture, there is more information available on some suicide bombings than others, especially since the kind of forensic and medical evidence I prioritize requires large amounts of time, money, and professionalized expertise. As a result, my account draws heavily on cases from the United States, Spain, England, Afghanistan, Iraq, Israel, and Indonesia which have been investigated and published about by well-resourced institutions capable of this kind of work. Unfortunately, there is a real shortage of available forensic and medical accounts of suicide bombings in Nigeria, which has

become one of the epicenters of suicide bombings worldwide since the first Boko Haram-orchestrated bombing in 2011. This shortage is a reminder of the overall disinterest that many of the world's wealthiest countries have displayed towards this conflict. I have leveraged whatever information I could to account for this case but remain wary of the limitations produced by uneven archives.¹¹⁰

While the specific types of sources used varies from case to case, the fundamental focus of these resources remains the same: I have sought out the materials that enabled me to reinstate the body to its primary position in my analyses of these acts. As I noted above in my discussion of suicide bombing, the result of this decision is that I am – very deliberately – using different kinds of sources than most of the secondary literature on these topics. Although I engage with these literatures, I also approach them from a critical position: with very few exceptions (which I will flag throughout) they analyze the body *out* of these acts. In doing so, they miss the point of these kinds of violence in at least two crucial ways: first, they fail to recognize the overall centrality of bodily vulnerability to politics. And second, as I will show on a chapter-by-chapter basis, they ignore the fact that these are intensely, inherently, and *intentionally* bodily acts. In doing so, they substitute effects for content. This oversight is akin to studying elections while disregarding voters: one might learn something, certainly, but an important part of the substance of the thing is obviously missed. My goal, in approaching these forms of bodily

¹¹⁰ On the relationship between power, memory, and death in archives see: Mbembe, Achille. “The Power of the Archive & its Limits.” In *Refiguring the Archive* edited by Hamilton, Carolyn, Verne Harris, Jane Taylor, Michele Pickover, Graeme Reid, and Razia Saleh, 19-26 (Boston, MA: Kluwer Academic, 2002).

destruction as material acts, is to recover this missing substance. I have therefore prioritized the sources that allow me to do so. The resulting argument analyzes these three acts on their own terms, and in doing so illustrates what can be learned by recognizing the centrality of the body in politics.

On Sovereignty

In the previous chapter I offered a brief discussion of sovereignty that focused on the slippery relationship between sovereignty and modernity, drawing primarily on the work of Michel Foucault. In this chapter, I offer a broader discussion of how sovereignty operates in this project. I begin with the theory of sovereignty outlined by Carl Schmitt in his decisionist model and further elaborated, with some crucial modifications, by Giorgio Agamben.¹¹¹ Through these analyses, I present my basic thesis on sovereignty: sovereignty is the mode of power that marks and maintains boundaries. In doing so, the sovereign decides what (and who) belongs, and what (and who) will be rejected. In this process, sovereignty affirms and expands its own power. While this understanding of sovereignty is indebted to Schmitt and Agamben (along with the thinkers discussed in the previous chapter), it is not reducible to any of their claims. Instead, I read across multiple sources, while also working to winnow these theories down to a kind of single core.

¹¹¹ Schmitt's political theory has gone through phases of censure and neglect, owing at least in part to his enthusiastic participation in the Nazi regime. However, his theory of sovereignty has become a major touchstone for contemporary work on sovereignty. The contemporary prevalence of Schmitt's theory likely owes a great deal to Giorgio Agamben. Agamben had the good fortune (if we might call it that) of elaborating his theory of sovereignty in two texts (*Homo Sacer: Sovereign Power and Bare Life* (1995) and *State of Exception* (2005)) that bookended the September 11th, 2001 attacks and the revelation of conditions in the "War on Terror" detention centers. Indeed, in *State of Exception* Agamben took on the relationship between the "War on Terror," sovereign power, and the state of emergency directly, making his work one of the dominant paradigms for thinking about the invasions, the "war-time" contraction of rights in the United States, and the use of torture in American-operated detention centers.

In *Divine Violence: Walter Benjamin and the Eschatology of Sovereignty* (2012), James Martel reviews, contrasts, and complicates some of the articulations of sovereignty that he argues have monopolized “not only over the practice, but also over our conceptions of politics in the world,” taking a particular interest in the theories of Hannah Arendt, Jacques Derrida, and especially Walter Benjamin.¹¹² While a broader literature review is beyond the scope of my aims here, Martel’s review provides a helpful starting point for thinking about what definitions of sovereignty have in common. He identifies three common features: “a sense of command and authority, a concentration of decision-making, a sense of delineation and boundaries that exclude as much as they include.”¹¹³ By focusing my reading on delineation and boundary-making I do not mean to imply that authority and decision-making are not elements of sovereignty. On the contrary, my analysis undoubtedly bears out these aspects of sovereign power, albeit in different ways. However, I identify these features as closely related to and emerging from sovereignty’s boundary-making character. In particular, I show how sovereignty and its border-making function is expressed specifically on and through bodies, rendering the body as the primary locus where sovereignty should be examined. I will also clarify the relationship between my usage of sovereignty and the concept of law. Understanding this relationship is key for thinking about when, where, and how sovereignty operates in practice.

¹¹² Martel, James R. *Divine Violence: Walter Benjamin and the Eschatology of Sovereignty*. (Abingdon, UK: Routledge, 2012): 12.

¹¹³ Martel, *Divine Violence*, 12

In the latter half of the chapter, I turn towards the fundamental relationship between torture and sovereignty. I briefly discuss three iterations of sovereign power, examining some of the moments of sovereignty that produce the examples of torture I will discuss in the following two chapters. Applying my general theory of sovereignty (and its relation to law) to these examples both clarifies the concepts and demonstrates the inner logics of sovereignty. These examples encapsulate the entanglement between sovereignty, security, and violence, and torture, and set up the empirically based analysis in the following chapters.

Exception as Border-Making

The very first sentence of the main text of Carl Schmitt's *Political Theology* declares: "Sovereign is he who decides on the exception."¹¹⁴ This is the core concept which he elaborates throughout the text, which is heavily focused on trying to resolve the strange relationship between sovereignty and law, understanding law as both an expression of and the condition of possibility for what Schmitt refers to as "norm." Schmitt largely frames his text as a response to the many scholars before him who he believes have gotten sovereignty wrong, particularly by failing to understand the relationship between sovereignty and law. What makes the relationship between the sovereign and the law complicated, although Schmitt does not specifically describe it as such, is precisely an issue of borders and bordering. Schmitt argues that although the

¹¹⁴ Schmitt, Carl. *Political Theology: Four Chapters on the Concept of Sovereignty*. (Second edition) Translated by George Schwab. (Cambridge, MA: MIT Press, 1985): 1.

sovereign “stands outside the normally valid legal system, he nevertheless belongs to it.”¹¹⁵ We might think of this position as precisely that of the border: the sovereign is neither fully outside nor fully incorporable. Thus, sovereignty is that which cannot be cleanly incorporated into the norm and yet is an inseparable part of it. Without the sovereign, the norm does not exist, so the boundary between the two is only created by and through sovereign prerogative. This leaves the sovereign itself in a kind of liminal position. Agamben summarizes this characteristic as “the paradox of sovereignty...the fact that the sovereign is, at the same time, outside and inside the juridical order.”¹¹⁶ Thus, the relationship between sovereignty and law is based on a kind of unresolvable conflict. The same is true of the relationship between law and exception.

Though Schmitt is often read as drawing a bright line between norm and exception, recognizing the link between sovereignty and bordering illustrates that the relationship is somewhat more complicated. On one hand, Schmitt asserts that in the moment of exception, “law recedes.”¹¹⁷ On the other hand, the very existence of legal norm is based on the sovereign who “definitively decides whether this normal situation actually exists.”¹¹⁸ In other words, there is no quality inherent to a situation that makes it part of the norm. On the contrary, the normal emerges only from the sovereign decision to create exceptions: exception is not a break from the norm, but rather generates the

¹¹⁵ Schmitt, *Political Theology*, 7

¹¹⁶ Agamben, Giorgio. *Homo Sacer: Sovereign Power and Bare Life*. Translated by Daniel Heller-Roazen. (Stanford, CA: Stanford University Press, 1995): 15.

¹¹⁷ Schmitt, *Political Theology*, 12

¹¹⁸ *Ibid.*, 13

norm by circumscribing it. This distinction has no source beyond the sovereign decision itself. As Schmitt concludes: “Looked at normatively, the decision emanates from nothingness.”¹¹⁹ This point is essential for understanding the relationship between sovereignty and boundary-making: sovereignty draws borders that have no inherent meaning or validity. These distinctions are meaningful only through the auspices of sovereign power. Thus far I have identified two ways in which border-making is the core of Schmitt’s theory of sovereignty: the relation of sovereignty to law, and of norm to exception. Both meet at thresholds which require management and intervention from the sovereign to maintain them. In his re-envisioning of Schmitt, Agamben takes particular interest in the importance of these thresholds.¹²⁰

Giorgio Agamben picked up and expanded on Schmitt’s theory of sovereignty, anchoring it to the Roman legal category of *homo sacer*.¹²¹ Agamben develops Schmitt’s idea of sovereignty on three essential fronts: first, he argues explicitly that sovereign violence stems directly from the decisional feature of sovereignty which Schmitt postulated. Second, he identifies, names, and theorizes the object of sovereign violence and its relation to political power – the aforementioned *homo sacer*. Third, Agamben uses

¹¹⁹ Schmitt, *Political Theology*, 31-32

¹²⁰ The formal structure of *Homo Sacer* emphasizes this interest – the main chapters are intermixed with chapters called “Threshold.” Mirroring the work of the thresholds he theorizes; these chapters simultaneously divide *and* connect the other sections.

¹²¹ While Agamben is indebted to the Schmittian theory of sovereignty, he also rejects Schmitt’s theory of the political in favor of a theory that places bare life at the center. Contra Schmitt’s claims in *The Concept of the Political*, he argues: “The fundamental categorical pair of Western politics is not that of friend/enemy but that of bare life/political existence, *zoē/bios*, exclusion/inclusion.” See: Agamben, *Homo Sacer*, 8.

the figure of the *homo sacer* to establish the fundamental and enduring link between sovereignty and the body. The link between sovereignty and bordering features in all three of these areas.

First, on the relationship between violence and decision: Agamben adds to the language of the sovereign “decision” or “exception” the idea of the ban. He defines exception, in its most basic terms, as “the extreme form of relation by which something is included solely through its exclusion.”¹²² In elaborating the structure of the ban, Agamben also identifies the content of the sovereign decision – what it means in practice to create exceptions from the norm which the sovereign itself has established. He writes:

The relation of exception is a relation of ban. He who has been banned is not, in fact, simply set outside the law and made indifferent to it but rather abandoned by it, that is, exposed and threatened on the threshold in which life and law, outside and inside, become indistinguishable.¹²³

In explaining the relation of the ban as not “outside the law” but rather “on the threshold,” Agamben elaborates the theory but essential link between sovereignty, ban, and bordering. “He who has been banned” is situated on the threshold, which is a place of indistinguishability: the very site that demands that a boundary be created. Thus, the sovereign ban creates a border in the very moment that it decides an exception. Agamben elaborates on this idea of the threshold, describing it as “a zone of indifference, where

¹²² Agamben, *Homo Sacer*, 18

¹²³ *Ibid.*, 28

inside and outside do not exclude each other but rather blur with each other.”¹²⁴ The exception is thus the counterpart or supplement to the sovereign paradox: both exist as limit concepts, and serve as kinds of mirror images. As a result, sovereignty and bare life do not only constitute each other.¹²⁵ They also demarcate, and by extension substantiate, the norm. To summarize briefly what I have argued thus far about the status of the border: the boundary is both the site of bare life and the product of bare life, insofar as the sovereign ban itself produces this boundary through the designation of *homo sacer*. Of course, the sovereign also exists at a kind of threshold or limit, and this is why I have described the sovereign and the *homo sacer* as a mirrored pair. But where this liminal position is one of power for the sovereign, for the object of the ban liminality is a position

¹²⁴ Agamben, Giorgio. *State of Exception*. Translated by Kevin Attell. (Chicago, IL: University of Chicago Press, 2003): 23

¹²⁵ We might think about this relationship in terms of the “constitutive outside” or “constitutive other,” as theorized by Chantal Mouffe and Ernest Laclau in their reading of Jacques Derrida as well as postcolonial and feminist theorists. The subject and the constitutive Other are a linked pair, figured as opposites but instead creating and substantiating one another. The relationship between the two – the logic that makes them appear as necessarily linked – is itself a mode of power. Judith Butler provides a succinct articulation of the relationship between Subject and Other (and its problems) with respect to gender:

The radical dependency of the masculine subject on the female “Other” suddenly exposes his autonomy as illusory...Power seemed to be more than an exchange between subjects or a relation of constant inversion between a subject and an Other; indeed, power appeared to operate in the production of that very binary frame for thinking about gender. I asked, what configuration of power constructs the subject and the Other, that binary relation between “men” and “women,” and the internal stability of those terms?

See: Butler, Judith. *Gender Trouble: Feminism and the Subversion of Identity*. (New York: Routledge, 2002): xxviii.

of intense vulnerability. We might think of sovereign power as generated by the dialectic between sovereignty and bare life. The locus or manifestation of this power, as I have suggested, is the border or boundary.

What takes place at the border, and what does it mean for bare life to exist there? Agamben offers an answer to these questions by clarifying the link between sovereignty and violence. He argues that the principle of sovereignty – which is, after all, the power of the ban – is ultimately “the principle that, joining law and violence, threatens them with indistinction.”¹²⁶ Thus, the sovereign and the exception are mirror images with respect to violence as well: sovereignty is the principle that both brings together law and violence and (by demarcating norm and exception) holds them apart. Although law and violence are separated, they are only separable insofar as they remain tied. There must always be a zone of contact, of indistinction, that tethers them together. The exception, on the other hand, is the site where this indistinction between law and violence materially manifests; the site where the law is established and affirmed through violence. By giving site and scope to this zone of indistinction, the object of the ban offers a site for this blurring of law and violence to be expressed, thereby containing its threat.

Who, then, is object of the ban? As alluded above, Agamben terms this figure (drawing on Ancient Roman legal tradition) as *homo sacer* – literally “sacred man.” Agamben provides an oft-cited shorthand definition for *homo sacer* as the life “captured

¹²⁶ Agamben, *Homo Sacer*, 31. Emphasis in original text.

in the sphere” within which “it is permitted to kill without committing homicide and without celebrating a sacrifice.”¹²⁷ The *homo sacer* is the one whose death – and by extension, whose life – does not count. It is existence which has been voided of both moral value and political potentiality.¹²⁸ In Roman law, the *homo sacer* was a singular figure – an exception in the commonplace sense in addition to the Schmittian one. But Agamben also elaborates the *homo sacer* as “bare life” in English or as the Greek *zoē*. The movement between the singular and rare legal character of *homo sacer* and the Greek *zoē* – the life possessed by all vital entities – is telling and sets up Agamben’s ultimate conclusion on modern politics: that far from being rare, bare life is situated in every member of the *polis*. As Agamben summarizes this perspective, “Bare life is no longer confined to a particular place or definite category. It now dwells in the biologic body of every living being.”¹²⁹ It is worth dwelling on what this conclusion entails: what does it mean for bare life to “dwell in the biologic body of every living being?” On its face, this claim is difficult to square with the idea of bare life as an exception in contradistinction to norm. Agamben’s point is not that the norm has ceased to exist. Rather, no one is assured in advance of permanently belonging to the norm: every body contains the capacity to be excepted. Bare life is ever present, even if it only exists as an unrealized possibility. The vulnerability to exception, like the vulnerability to other modes of violence, dwells in the body. And much like these other modes of violence, it does not follow from the

¹²⁷ Agamben, *Homo Sacer*, 83

¹²⁸ In any case, this is what Agamben sometimes argues about *homo sacer*. However, in the latter half of this project I will problematize this assumption.

¹²⁹ Agamben, *Homo Sacer*, 140

universality of vulnerability that violence will affect everyone to the same degree or in the same way. This brings me to the third element of Agamben's theory that bears emphasis: the relationship between sovereignty and the body.

The body and bare life are closely linked, but they are not precisely coterminous: the body is often more than bare life alone. This is exactly the point that Agamben makes by distinguishing between *bios*, which he describes as "political life" and *zoē*, bare life. Although I focus in this project on the material body, this material body is only one piece of what we invoked in discussing "the body." Sara Ahmed's definition of the body in *Strange Encounters* offers one way of drawing this distinction. She writes:

[T]here is no body as such that is given in the world: bodies materialize in a complex set of temporal and spatial relations to other bodies, including bodies that are recognized as familiar, familial, and friendly, and those that are considered strange.¹³⁰

While I do not fully accept Ahmed's claim here that there is "no body as such," her argument usefully elucidates the difference between the body and bare life. According to Ahmed's description, bare life (stripped as it is of "temporal and spatial relations" by its indeterminate status, and removed from "familiar, familial, and friendly" relationships by the act of abandonment), is not a body at all. Bare life is perhaps more akin to flesh, as theorized by Hortense Spillers. Spillers argues that "before the 'body' there is the 'flesh,'

¹³⁰ Ahmed, Sara. *Strange Encounters: Embodied Others in Post-Coloniality*. (London, UK: Routledge, 2000): 40.

that zero degree of social conceptualization.”¹³¹ Though Spillers theorizes flesh with particular reference to the transatlantic slave trade and its afterlives, her lens offers insights into all modes of bare life: flesh is the site of vulnerability, of violence, that is stripped of meaning and identity. At the same time, Spillers argues, flesh, its destruction, and its value provide the starting point for meaning-making more broadly. Likewise, in the same gesture by which bare life is violently rendered as meaningless and deficient (i.e., the moment of the ban) it also becomes the source of norm and thereby of power.

Put another way, we might read bare life in line with Foucault’s idea of population as a kind of set of biological needs and capacities to be managed. Agamben himself lands on a similar argument, concluding that examining the centrality of bare life to sovereignty reveals that biopolitics is inseparable from sovereignty. Indeed, Agamben argues that “It can even be said that the production of a biopolitical body is the *original activity of sovereign power*.”¹³² In making this assertion, Agamben not only rejects a distinction between biopolitics and sovereignty but specifically argues that these modes of power meet *at* and *on* the body: the production, management, and control of bodies is the work of biopolitics, but biopolitics is fused with the violence and the decision of sovereignty.

¹³¹ Spillers, Hortense J. "Mama's Baby, Papa's Maybe: An American Grammar Book." *Diacritics* 17, no. 2 (1987): 65-81.

¹³² Agamben, *Homo Sacer*, 6. Italics in original.

In the two sections that follow, I elaborate two relationships I have already named: that between sovereignty and law, and that between sovereignty and the specific violence of torture. In doing so, I shift my discussion from a general reading of sovereignty, drawing heavily on Schmitt and Agamben, towards a lens for analyzing sovereignty in practice. These two sections loosely correspond to the chapters that follow, which examine torture's relation to the law and the violence of "interrogation," respectively.

Sovereignty and Law

I alluded above to a presumed conflict between law and sovereignty. This assumption characterizes a significant portion of work on sovereignty and law, particularly in work that is focused on constitutional and/or democratic states. For example, Franz Neumann's *The Rule of Law: Political Theory and Legal System in Modern Society* is structured around a presumed antagonism between law and sovereignty. He writes:

Both sovereignty and the Rule of Law are constitutive elements of the modern state. Both, however, are irreconcilable with each other, for highest might and highest right cannot be at one and the same time realized in a common sphere. So far as sovereignty of the state extends there is no place for the Rule of Law.¹³³

¹³³ Neumann, Franz. *The Rule of Law: Political Theory and Legal System in Modern Society*. (Leamington Spa, U.K.: Berg, 1986): 4.

A similar opposition is expressed in H.L.A Hart's *The Concept of Law*, wherein Hart argues that the rules and procedures of modern electoral democracy disallow the persistence of sovereignty. He argues that rules and procedures cannot be read as something like sovereign prerogative, because the rules themselves emerge only from members of society following the rules of acting like an electorate.¹³⁴ Thus, Hart reasons, where there are rules and procedures there cannot be sovereignty.

As I argued above, neither Schmitt nor Agamben accepts this clear-cut dichotomy between law and sovereignty. Instead, they implicitly present the two as intertwined and even interdependent. Agamben offers specific legal mechanisms that highlight this relationship. For example, in *State of Exception*, Agamben describes the legal mechanism by which a Roman citizen could be rendered as bare life through the declaration of *hostis*. The example is instructive:

In exceptional situations where a Roman citizen threatened the security of the Republic by conspiracy or treason, he could be declared *hostis*, 'public enemy,' by the Senate. The *hostis iudicatus*... [he was] radically deprived of any legal status and could therefore be stripped of his belongings and put to the death at any moment. What *auctoritas* suspends here is not simply the juridical order, but the *ius civis*, the very status of the Roman citizen.¹³⁵

¹³⁴ Hart, H.L.A. *The Concept of Law*. (Oxford: Clarendon Press, 1961): 74-57. For further discussion of both Neumann and Hart's arguments, see Hussain, Nasser: *The Jurisprudence of Emergency: Colonialism and the Rule of Law* (Ann Arbor, MI: University of Michigan Press, 2003): 7-13.

¹³⁵ Agamben, *State of Exception*, 80

Several elements of the *hostis iudicatus* bear critically on my approach to sovereignty. The first, as I have suggested, is the evident merging of law and other kinds of violence in a single gesture. The violence of the legal declaration of *hostis* status is inextricable from the stripping of property and exposure to death. The second point, to which I will return at more length below, is the specific kind of enemy invoked in the *hostis* decision: the citizen suspected of conspiracy or treason. The idea of the “public enemy” exemplifies the threshold characteristic of the *homo sacer* – they come from within, and even in being declared non-citizens they maintain a constitutive relationship to the “public.” Lastly, and this is the point I will explore in more detail in this section, the naming of the *hostis iudicatus* suspends the status of a Roman citizen, not the legal order. The exception of the public enemy does not violate legal norm but rather upholds and defends it against the “real” threat of treason or conspiracy. The exception is therefore aligned with law and norm, albeit in somewhat circuitous fashion.

Sara Ahmed’s work on the stranger helps clarify this linkage. Ahmed’s “stranger” inhabits a particular mode of Otherness that usefully clarifies Agamben’s *homo sacer*. The stranger, like bare life, exists at the point where inclusion and exclusion meet. As Ahmed summarizes this paradox, “we recognize somebody as a stranger, rather than simply failing to recognize them.”¹³⁶ The stranger, therefore, exists at the threshold: they are recognizable but not incorporable. They define the polity and therefore cannot rightly be said to be outside it, and yet they define the polity specifically because they cannot be

¹³⁶ Ahmed, *Strange Encounters*, 21

included within it. Through this liminal relationship, the stranger becomes the condition of possibility for the law: in Ahmed's words, "the stranger hence allows Law to mark out its terrain."¹³⁷ Thus, the figure of the stranger is precisely what links Law with its domain. Following this mode, we can read the *homo sacer* as a kind of principle of jurisdiction. The modern English word jurisdiction, meaning "domain over which a legal or judicial authority extends," emerges from Old French in the late fourteenth century. It is an iteration of the Latin *iurisdiction*, which combines *ius* (law; right) with *dictio*, a form of *dicere* (to speak; to say; to tell).¹³⁸ The contemporary "jurisdiction" therefore combines a sense of boundaries, of spatially demarcated domain, with the declaration of law and right. Thus, while we might think of sovereignty as having jurisdiction, we must also think of *homo sacer* as *being* jurisdiction – being the site where right is marked, and the "extent of authority" is inscribed. Within this jurisdiction, and only within this jurisdiction, the law is able to operate.

To elaborate the relationship between sovereignty, law, and violence we can read the sovereign exception through the lens of Walter Benjamin's "Critique of Violence."¹³⁹ In the "Critique of Violence," Benjamin takes up the task of creating a kind of typology

¹³⁷ Ahmed, *Strange Encounters*, 23

¹³⁸ "jurisdiction, n." *OED Online*. June 2004. *Oxford University Press*.

¹³⁹ Benjamin, Walter. *Reflections: essays, aphorisms, autobiographical writing*. Translated by Edmund Jephcott. (New York: Schocken Books, 1986). Elsewhere, however, Benjamin presents arguments that seem to resist a Schmittian conception of sovereignty. In "Trauerspiele and Tragedy," for example, Benjamin presents a sovereign who – far from being characterized by the fundamental power of decision – is unable to decide anything. For further discussion of sovereignty in "Trauerspiele and Tragedy" see Martel, *Divine Violence*, 63-68.

of violence, and relating these different kinds of violence to law. He identifies three primary forms of violence: violence that is law-making, violence that is law-preserving, and violence that is law-destroying. I will return to this third kind, which Benjamin names “divine violence,” in my discussion of resistance.¹⁴⁰ What interests me here, however, is what Benjamin terms “mythical violence.” This is the form of violence that both precedes and establishes legal order. In other words, it is the form of violence that aligns with Schmitt’s “decision” – it marks the moment in which legal order is founded. There is one other feature of mythical violence that speaks directly to the heart of sovereignty: Benjamin describes lawmaking violence as the violence that “sets boundaries.”¹⁴¹ While this is a brief remark for Benjamin, it reiterates the link between

¹⁴⁰ Interestingly, Benjamin himself states that divine violence (which is law destroying) “may be called sovereign violence.” In doing so, he names the destruction of law as the primary sovereign function. However, this reading of sovereignty does not exactly square with the Schmittian construction of sovereignty, wherein sovereignty is simultaneously law-creating, law-suspending, and law-destroying. Therefore, I read divine violence and its specifically destructive function as a possibility for challenging or abrogating sovereign power, rather than as sovereignty *per se*. It is also important to note that Benjamin does not find sovereignty to be absolute: he offers methods that are both general (i.e., divine violence) and specific (i.e. the general strike) for meaningfully challenging mythical violence. Agamben interprets Benjamin slightly differently. He argues that sovereign violence is neither divine violence nor mythic violence, nor is it precisely either law-making or law-preserving. Instead, Agamben argues that sovereignty is “simply the medium in which the passage from the one to the other [law and violence] takes place.” In this sense, he argues that divine violence is “situated in a zone in which it is no longer possible to distinguish between exception and rule,” supporting the argument I will present later on regarding divine violence as *opposed* to sovereignty. See, for further elaboration of Agamben’s interpretation of “Critique of Violence:” Agamben, *Bare Life*, 65.

¹⁴¹ Benjamin, *Reflections*, 295

sovereignty and borders that I have highlighted. Benjamin explains mythical violence as follows:

For the function of violence in lawmaking is twofold, in the sense that lawmaking pursues as its end, with violence as the means, what is to be established as law, but at the moment of instatement does not dismiss violence; rather, at this very moment of lawmaking, it specifically establishes as law not an end unalloyed by violence, but one necessarily and intimately bound to it, under the title of power. Lawmaking is power making, and, to that extent, an immediate manifestation of violence.¹⁴²

Associating mythical violence with the decision illuminates three crucial characteristics of sovereignty: first, Benjamin insists that violence is both a means and an end in mythical violence. Violence is required for creating law – determining “what is to be established as law” – but in this moment of founding violence also becomes inseparable from the operation of law. Thus, violence is bound to sovereignty in both moments of norm and of exception. The decision binds law and violence together, joining them “under the title of power.” This brings us to the second point: that sovereignty does not disappear in the presence of law, nor does sovereignty exclude law. Sovereignty and law are not opposite forms of power, with one vanishing when the other appears. Instead, sovereignty and law are always coexistent.

In his reading of the state of emergency in *The Jurisprudence of Emergency: Colonialism and the Rule of Law* (2003), Nasser Hussain develops this line of argument

¹⁴² Benjamin, *Reflections*, 295

through the history of colonial and postcolonial law. Dismissing out of hand the idea that sovereignty recedes before the law, he argues instead that sovereignty manifests through law.¹⁴³ Focusing on British India, Hussain examines “the ways in which law enables the extension of colonial power and the consolidation of the colonial state.”¹⁴⁴ This relationship is especially evident in moments when the sovereign decision concerns whole populations (as in “states of emergency,” which Hussain identifies as a common feature of colonial law), but Hussain argues that this link holds true in non-colonial states as well. He concludes that “the concept of emergency cannot be separated from the logic of a rule of law.”¹⁴⁵

Indeed, although the two are not always visible, Benjamin argues that there are moments when the work of the sovereign decision is visible in the functioning of the everyday legal system. For example, he argues that since violence is “the origin of law,” questions of life and death (such as the use of the death penalty) mark moments when “the origins of law jut manifestly and fearsomely into existence.”¹⁴⁶ But even outside of these moments, law-making violence remains present and active: the validity of law, and its application or non-application, are questions for sovereignty, and must be “decided”

¹⁴³ I will take up parts of Hussain’s argument in more detail in next chapter: a closer examination of torture and law thoroughly supports his historical claim.

¹⁴⁴ Hussain, *The Jurisprudence of Emergency*, 5

¹⁴⁵ *Ibid.*, 142

¹⁴⁶ Benjamin, *Reflections*, 286

on an ongoing basis. As anthropologist Talal Asad argued, on the relationship between violence and law:

the complexity of the language of law, the indeterminateness of its meanings, makes it possible to extend coercive—even destructive—behavior legally. It is law that defines the momentous distinction between humane and inhumane suffering. It is law that extends the scope of punishment.”¹⁴⁷

Asad offers a somewhat more procedural reading of law than the one engaged by Benjamin and further emphasizes the interpenetration of law and violence. After all, it is precisely these procedural aspects – the small scale, seemingly bloodless decisions that characterize everyday contracts with the law – that are usually considered as definitionally opposed to violence. But Asad suggests that even these elements of the law are characterized by violence: sovereignty, being expressed rather than contained by the law, thus expands through the law.¹⁴⁸ This is the very phenomenon that Robert Cover identified in “Violence and the Word” when he argued that “the relationship between legal interpretation and the infliction of pain remains operative in even the most routine

¹⁴⁷ Asad, Talal. “Reflections on Violence, Law, and Humanitarianism.” *Critical Inquiry* 41.2 (2015): 411.

¹⁴⁸ A striking example of this blurring comes from the unlikely source of the Shepard-Byrd Hate Crimes Act, which claimed to uphold minority rights by promising to bring the full violence of the law down on those who harmed them. This is already a complicated dynamic, but this summary only scratches the surface: the Act was passed as an amendment to the 2010 National Defense Authorization Act, a \$680 billion package for the United States military, which included \$130 billion for “War on Terror” military operations in Afghanistan and Iraq. For further discussion of how this Act manifests the relationship between sovereignty, law, and violence, see: Haritaworn, Jinthana, Adi Kuntsman, and Silvia Posocco. *Queer Necropolitics*. (Abingdon, UK: Routledge, 2014): 155.

legal acts.”¹⁴⁹ Thus, it is evident from Benjamin’s reading of law-making violence that law is not a bulwark against violence or against sovereignty. Instead, law emerges from and exists in a constant relationship of debt to sovereign authority. Although the link between violence and law is not entirely settled, it is nevertheless permanent.

Torture and the Ban

Instability is implicit in this rendering of sovereignty, since it is both a cause and an effect of the way that sovereignty operates. There is something cyclical about this process: the function of sovereignty is to manage instability by drawing borders – creating exceptions – but the nature of the ban renders these decisions permanently unstable since the ban can only create zones of indistinction and blurring. If *homo sacer* was fully expelled from the *polis*, they would no longer serve the necessary function of marking the boundaries of the political community. But conversely, as long as they remain at the threshold the *polis* cannot rightly be said to have been cleansed of their presence. The sovereign must therefore reconstitute its dominion continually by redrawing and reinforcing its boundaries. For the sovereign to maintain its sanctity, the production of bare life must be ongoing: the *homo sacer* must be constantly designated as such. In the chapters that follow, I propose that torture is a paradigmatic mechanism by which sovereignty designates, inscribes, and preserves bare life.

¹⁴⁹ Cover, Robert. “Violence and the Word.” *Yale Law Journal* Vol. 95 (1986): 1607.

An important corollary to this argument is that sovereignty is invested in the state.¹⁵⁰ Thus, though not all torture is committed by the state, the kind of torture I describe is committed by the state or – perhaps most tellingly – by entities trying to claim the mantle of the sovereign state. For example, in his discussion of torture in Sri Lanka E. Valentine Daniel recounts the story of a young man named Shanmugam who was captured and held first by the Sri Lankan army, then Indian army, then the Liberation Tigers of Tamil Eelam, then the Eelam Peoples’ Revolutionary Front (who were, by this point, cooperating with the Indian army). As each of these groups acquired a foothold in the political scene, they attempted to assert themselves as invested with the power of the sovereign. Part of this process, it turned out, was to torture a young man with no particular political dispositions and thereby inscribe their authority “over” that of the previous torturing entity.¹⁵¹ The more established a group became, the more their need to torture seemed to increase.

Feminist theorist Kate Millett expanded this on this connection, drawing a direct line between the seemingly all-powerful nature of the sovereign and the cruelty of torture:

The state, assuming paternal, sometimes even divine, power, administers torture as its final prerogative, the last and most awesome of its powers. [...] The state has grown

¹⁵⁰ I do not mean that every kind of sovereignty is ultimately about the state. Rather, I simply mean to emphasize that this project is focused on state sovereignty in particular.

¹⁵¹ Daniel, E. Valentine. “Suffering Nation and Alienation.” In *Social Suffering*, edited by Arthur Kleinman, Veena Das, and Margaret Lock. (Berkeley, CA: University of California Press, 1997): 309-358.

into a total force, surpassing or deposing religion,
becoming its own religion. Dogmatic, pitiless, cruel. A
hideous god, the last and worst of all.¹⁵²

For Millett, the torturing modern state proves to be the pinnacle of sovereignty. There is something unearthly or un-human about the sovereign in her reading: something god-like in its cruelty. But it is not force alone that makes the sovereign a “hideous god.” Rather, it is the power to decide. The decision is, after all, a creative act: recall Schmitt’s assertion that the decision emanates from nothing. When the decision is made manifest on the body, it is both an act of creation and of transformation, both of which are performed through violence. Thus, torture becomes the ultimate manifestation of Benjamin’s mythic violence. Torture survivor Jean Améry indicated exactly this relation in describing his own experience of torture:

I also have not forgotten that there were moments when I felt a kind of wretched admiration for the agonizing sovereignty they exercised over me. For is not the one who can reduce a person so entirely to a body and a whimpering prey of death a god or, at least, a demigod?¹⁵³

Thus, reading the tortured body as bare life elucidates the relationship between torture and sovereignty. It is this status as bare life that renders these bodies available for state torture. And yet, it is simultaneously also the work of torture to render these bodies as bare life. This circularity is, unsurprisingly, reminiscent of the relationship between

¹⁵² Millett, Kate. *The Politics of Cruelty: an essay on the literature of imprisonment*. (New York: Norton, 1994): 106.

¹⁵³ Améry, Jean. *At the Mind’s Limits: contemplations by a survivor on Auschwitz and its realities*. (Bloomington, IN: Indiana University Press, 1980): 35-36.

sovereignty and bare life in general. A focus on torture more specifically, however, offers two important clarifications: first, we must remember that bodies are remarkably similar in their vulnerability to destruction. Therefore, from the material perspective torture displays what bodies have in common far more clearly than what differentiates them. In this respect, torture is a gesture of inclusion or incomplete incorporation: it observes the material link between the tortured body and its humanness. Torture techniques, as I will demonstrate in the following chapters, are designed and refined with a profound awareness of the humanness of their intended objects. From this perspective, the boundary or threshold status of the tortured body which is both included and marked for exclusion becomes clearer. Secondly, we must recall Foucault's caution against naturalizing racism, which he uses as a shorthand for the state's logic of Othering. Although Foucault theorizes racism as closely connected to the logics of biopolitics, racism does not inhere in bodies. Rather, it is the process by which prior political decisions are made manifest in and on bodies. It is useful to recall the Foucauldian definition of racism that I cited above: racism is "primarily a way of introducing a break into the domain of life that is under power's control: the break between what must live and what must die."¹⁵⁴ These prior political decisions concern the purity of the body politic: they call for management of the threat within, "the elimination of the biological threat to and the improvement of the species."¹⁵⁵ This threat within is a greater menace,

¹⁵⁴ Foucault, Michel. "*Society Must be Defended:*" *Lectures at the Collège de France, 1975-76*. Translated by David Macey. (New York: Picador, 1997): 254.

¹⁵⁵ *Ibid.*, 256

from the perspective of the sovereign body, than any external threat, precisely because it cannot be excluded. Foucault's insight here elucidates two crucial ties between sovereignty and torture: first, that the objects of sovereign torture are identified with the position of the Other who – neither includable nor excludable – stands as a permanent threat to the consolidation of sovereign power. Second, that this status is both the basis of identification for appropriate objects for torture *and* a status which is inscribed through torture. As I have noted, this project is never really complete. The *homo sacer* and the sovereign remain mirror images, both required to mark the boundaries of the political community in an ongoing process. Thus, torture contributes to the cycle of sovereignty: torture works on the bodies of those who are already determined to be bare life and uses the body to make this prior political decision an experiential, bodily reality. These bodies, now marked as bare life, are eligible for torture – and in need of sovereign management – anew.¹⁵⁶

Across the cases I describe in the following chapters, the language of infiltration and the enemy within is repeatedly used to describe those who are always already the objects of torture. This discourse signals the necessity of the torture cycle by emphasizing the embeddedness of the “enemy” to be managed: an ongoing kind of violence is called forth by an enemy which has been defined in advance as impossible to fully eliminate.

¹⁵⁶ In some cases, the same body – the same person – goes through this cycle many times. This was the situation in the Sri Lankan example to which I alluded earlier. But in other cases, these categories are more expansive: tortured bodies represent and mark the threshold status of communities or even ideological groups that have been named collectively as Other.

This discourse operates at multiple levels, including both the broader level of security policy and within the torture center itself. In both cases, agents of sovereignty marshal the same tropes and work towards the same purpose: to designate certain bodies as threats, and to make these bodies available for forms of marking and exploitation which “neutralize” the threat. In this gesture, the Roman legal category of public enemy is reanimated by the logics of biopolitics. “Neutralizing” the threat entails actualizing the prior judgment of these bodies as *hostis* – as public enemies who are rightly objects of the ban.

While the work of torture on individual bodies is my focus in the following chapters, here I touch briefly on the elaboration of the macro-level discourses that both enable and demand torture. I name these discourses collectively as security discourses, but in Foucauldian terms they might equally well be termed as discourses of racial hygiene or, indeed, of biopolitics writ large. While the security doctrines that call forth and enable torture are diverse, I argued above that they invoke a similar threat: the threat of infiltration or the “enemy within.” Of the many potential cases to examine, I will briefly describe three which appear prominently in the following chapters: two which might not appear as issues of internal threat at first glance, and one that depicts a paradigmatic example of securitizing against the “enemy within.” The first is the American “War on Terror.” This “war” has some of the hallmarks of external conflict: it is waged primarily off American soil, and most of the detained, tortured, and dead are not American citizens. Despite this (and as I will discuss at greater length in the chapter on suicide bombing), the threat to be neutralized in the “War on Terror” is largely

constructed as an internal one: this threat is characterized by the fear that “they” got inside once and could be inside now. Indeed, the horror of the “terrorist” is not that they will wage a frontal assault on the border, but rather that they are already circulating within. Thus, the goal of the “War on Terror” is internal purity: it takes external targets based on the logic that these targets can or perhaps already have infiltrated and are circulating within the national body.

The second case is that of French torture in Algeria during Algeria’s War of Independence. This case is especially important for its influence on future torturers: Gillo Pontecorvo’s film *The Battle of Algiers* (1966) has been screened as training material in cases as diverse as the Uruguayan security forces planning to pursue the Tupamaros and American troops preparing for the invasion of Afghanistan. This “battle” was, of course, waged primarily in Algeria itself. It therefore may not seem like a case of internal threat. On the contrary, however, the rallying cry of hardline French politicians and officers was precisely (as Francois Mitterrand succinctly and infamously put it), “*l’Algerie, c’est la France.*” The threat of Algerian independence was therefore an internal threat of the highest order: the threat of splintering the body politic, of amputating an appendage that was integral to the unity of the whole. In both these cases, therefore, torture was turned against threats which were *politically constructed* as internal: forms of contamination or disintegration which threatened the integrity and purity of the body politic.

The third case, which I will lay out in slightly more detail, is that of the Brazilian military *ditadura*. In the Brazilian case, the shift in the security apparatus’s focus from

external to internal threat is easily measured in the years leading up to the repression. The dictatorship was characterized by the ascendance of the so-called “National Security Doctrine.” This doctrine, most famously promulgated in Brazil by Golbery do Couto e Silva, linked military and economic interests. The resulting doctrine provided unlimited scope to the military’s actions in the name of “*Ordem e Progresso*” (Order and Progress) – the regime’s official motto. In 1956, before the National Security Doctrine pervaded military discourse, the Escola de Comando e Estado-Maior do Exército (ECEME, the Brazilian Army Command and General Staff School which trained the Brazilian army’s high command) curriculum did not include even one lecture on counterinsurgency or internal security. By the zenith of the National Security Doctrine in 1968, the priorities had reversed: over 350 class hours were focused on internal security and non-traditional forms of warfare, with a meager 21 hours left to traditional topics like territorial defense.¹⁵⁷ By merging security with development, the doctrine created a new primary public enemy: Communists, who could be anyone and anywhere, threatening the state’s development program and thereby its survival. Accordingly, activities which threatened “security” included union organizing and campaigns for higher wages. The doctrine also gave rise to the National Intelligence Service (SNI) in 1964, which the Brazilian press largely referred to simply as “the System.”¹⁵⁸ The specific mandate of the SNI was to

¹⁵⁷ Weschler, Lawrence. *A Miracle, A Universe: Settling Accounts with Torturers*. (New York: Pantheon Books, 1990): 59.

¹⁵⁸ The creation of the SNI provides a striking parallel to the establishment of the United States’ Department of Homeland Security in the aftermath of September 11th. The language used to describe this organization and its mission displays the same tendency to configure security threats as an internal matter. The language of *homeland* security in

“oversee and coordinate intelligence activities through national territory, in particular those that pertained to National Security.”¹⁵⁹ By defining security maintenance as an activity focused on “national territory,” the SNI’s emergence concretized the idea of internal enemies as the predominant threat to national security. The SNI maintained security through extrajudicial killings, forced “disappearances” and – most of all – the widespread use of torture.

Thus, all three of these doctrines posit the same basic enemy: the internal threat, the being who is within but does not – cannot – belong. At the same time, the presence of this “threat” is the very basis for expanding and expressing sovereign power. If these threats were not constructed as liminal – not marked as somehow at the threshold – they would not serve as sites for the strengthening and reinscription of sovereignty. In all three cases, torture served as the mechanism for this marking process. Torture, as the ultimate act of sovereign power, marks boundaries onto bodies in a way that is material and enduring. In doing so, it uses these bodies – now rendered as bare life – to mark the borders of political community and, by extension, stabilize and restabilize its own authority. In the chapters that follow, I delve more deeply into the relationship between

particular suggests a certain conflation between the territory of the state and those who belong to it. In this rendering, securitization is focused on maintaining the “proper” alignment between *home* (i.e., the space of proper membership) and *land* (i.e. the space circumscribed by borders).

¹⁵⁹ Wechsler, *A Miracle, A Universe*, 64

torture and the body. In doing so, I illustrate both the extent and the modalities of sovereignty-as-border-making.

Life Under Torture: Space, Time, and the Law

Introduction

Imaginings of torture often focus on its most openly brutal forms, which seem like the purest distillation of torture's violence. These forms of torture are loosely associated with the image (if not the reality) of the interrogation session. While I do not contest the importance of these tactics, which I will discuss in the following chapter, in this chapter I call attention to what happens before and in between interrogation sessions. Although my focus on these moments may seem unusual, they are crucial: they constitute what I call *life under torture*.¹⁶⁰ As survivor accounts quite clearly show, the experience of torture does not take place only in bounded incidents of beating or electrocution sessions. It includes the entire process of detention, during which one is living both outside the realm of ordinary law and yet, paradoxically, at the site of the law's ultimate intensity. Both torturers and torture survivors describe torture regimens as having several parts which are qualitatively different. Across a vast array of contexts, torturers refer to initial phase or "softening up" period to which a victim is subjected before the "main event" of torture and interrogation. Of course, this initial phase looks different in different cases. It may include dramatic and violent methods of capture, periods of starvation and isolation, "light" beatings, or sensory deprivation. This stage establishes the background conditions

¹⁶⁰ I am indebted to Katie Rader for pointing out the importance of examining these conditions *as they are lived*, rather than as abstract political categories.

for interrogation, but it is also a part of the regimen and therefore not separable from torture.

While some accounts describe these tactics as just slightly milder forms of what happens during interrogation sessions, I want to highlight the elements of this process that are doing something slightly different. Although all the methods I describe here certainly cause pain, they are primarily *techniques of disorientation*. It is in this disorientation, I argue, that the relationship between torture and law is mostly clearly illustrated. While these techniques certainly evoke fear and vulnerability, they also establish the conditions that create a specific kind of subject in law.

In discussing the law, I want to emphasize the formal requirements needed for the law to operate. By this I do not mean the authors and executors of the law, but that which precedes them: I argue that the law is first and foremost a function of space and time. Like most things, the law needs a “where” and “when” in order to exist; it operates within specific circumscribed geographic boundaries and is subject to the fluctuation or even reversals over time. In determining the application of law to a given event, we must first know when and where the event took place. Even when the law has remained consistent over time, its applicability to any particular instance is determined by time. For example, criminal laws functionally cease to apply to an act when the time demarcated by the statute of limitations runs out. Similarly, the role of witnesses in criminal trials is often to establish that the accused was at the specific location at the relevant time. Thus, time and space give the law its jurisdiction, without which it has no form and no effect. Keeping

these formal elements in mind provides a baseline for imagining what it means for torture to be *extralegal* by hinting at how being outside ordinary law might work in terms of corporeal, sensory experience. The absence of ordinary law, however, is not the same as the absence of law altogether.¹⁶¹ The term “extralegal” denotes something which is quite different and quite specific. The prefix “extra” denotes two important relations between torture and ordinary law. First, torture is extralegal in that it is outside of or beyond the confines of ordinary law. It is not prescribed by any decision or statute. Indeed, as I will discuss below, in the cases I consider here torture was expressly forbidden by state constitutions, law, and international consensus. Second, torture is extralegal in that it is a manifestation of law in excess; an intensification of law that exceeds the ordinary.

The three processes on which I focus here are the disruption of food, sleep, and sense of location. In the terms that torturers use to describe their methods, we might call these “dietary manipulation,” “sleep deprivation,” and “spatial disorientation.” In developing these descriptions, I draw primarily from leaked or declassified U.S. government documents (mostly related to the so-called “War on Terror”) and testimonies from Argentine torture survivors collected by the Inter-American Commission on Human

¹⁶¹ In fact, Nasser Hussain – whose work I build on below – argues that equating exception with “a space of nonlaw” presents very real political dangers, “for once such an idea of a space of nonlaw becomes commonplace the seemingly logical conclusion is to advocate the insertion of law, of more rules, regulations, conventions, and court cases.” The misapprehension of the state of emergency as a legal void helps to both occlude and intensify what is already taking place. Hussain, Nasser. “Beyond Norm and Exception: Guantánamo.” *Critical Inquiry* 33, no. 4 (2007): 734-753. doi:10.1086/521567: 751-752

Rights (published in their 1980 country report) and the *Comisión Nacional sobre la Desaparición de Personas* (National Commission on the Disappearance of Persons, or CONADEP for short)'s *Nunca Más* report. Some of these testimonies actually appear in recently declassified State Department documents as well.¹⁶² However, these tactics are not unique to these two situations. On the contrary, they are immensely widespread. To underscore these parallels, I will also incorporate evidence from other cases which echoes and reiterates these examples. A close reading of these documents and testimonies illustrates sensory disruption at work in the conditions of life under torture and describes its relationship to the law.

¹⁶² The Argentine Dirty War, spanning from approximately 1974 to 1984, was a period of political turmoil in Argentina during which the military seized control of the state and began to hunt down, torture, kill, and “disappear” those they considered political dissidents or possible socialists. In the immediate aftermath of the Dirty War, the democratically elected president created the National Commission on the Disappearance of Persons to investigate the crimes committed by the junta. As a result of this Commission’s findings, many high-ranking military leaders were charged and sentenced to prison terms. However, a significant majority of those involved were protected by amnesty laws. In 2003, these “Pardon Laws” were revoked, and the government began to investigate, prosecute, and convict Dirty War-era crimes anew. Following this re-opening on behalf of the Argentine government, the U.S. Department of State moved to declassify and make available many of their records related to the Dirty War. As a result, the issues surrounding torture during the Dirty War are still relatively fresh, and there is a surfeit of available records to examine and analyze. The United States’ “War on Terror,” the other hand, is still ongoing (indeed, it is remarkably difficult to say what it would require for this “war” to end). The records from this effort have gone through repeated cycles of leaks (followed by declassifications). As a result, even though the “war” is going, it provides an archive of torture which is remarkably up to date. Although every torture regime has its particularities, I find that these two cases give a reasonably well-rounded accounting of the conditions, strategies, and maneuvers of modern torture that are found in different situations.

In both the Dirty War and the War on Terror cases people are able to be tortured because they have been placed outside of ordinary law, and they are rendered further outside of ordinary law in the process of being tortured. The production of extralegal order is cyclical, self-justifying, and self-entrenching. We might also think of this kind of extralegality as a kind of “interlegality:” a paradoxical situation that occurs when a proliferation of laws and regulations produce a different kind of exceptional space. Nasser Hussain identifies this status with typically colonial arrangements, which he describes as ordaining “a space [that] is between laws, in the interstices of multiple legal orders [...] a mixture of laws and legal orders that both ties the space to the metropole and yet demands that it be free of some legal constraints.” In the colony, these tangled legal orders enable the existence – despite its logical impossibility – of something like a permanent state of emergency. In this legal paradox, Hussain explains, law expands indefinitely: “the juridification and bureaucratization of modern governance means that not only are there no empty spaces in law but that the invocation of multiple legal orders is itself a particular form of disciplinary rule.”¹⁶³ In this respect, the tortured are not outside the law so much as they are tangled in it: snagging on the sharp edges of the multiple and thorny legal orders that bind them. The circulated instructions on the treatment of War on Terror prisoners are a clear manifestation of this intensification of law at the interstices. These documents move back and forth between military legal codes, international law, and allusions (if not outright references) to American

¹⁶³ Hussain, “Beyond Norm & Exception,” 738

Constitutional law.¹⁶⁴ At the same time, they articulate a set of hyper-specific rules of their own, governing the bodies and behaviors of interrogators down to the finest points of motion.¹⁶⁵ While the particularities of certain overtly legal elements of this process (such as the Bush administration's maneuvers to create the legal fictions necessary to support an indefinite detention-based torture regime) have been studied extensively by others, my focus on bodies leads in a slightly different direction.¹⁶⁶

We see a similar profusion of rules and regulations in records of the Brazilian repression which, unusually, survived past the fall of regime.¹⁶⁷ Jaime Wright, a

¹⁶⁴ In fact, when President Bush was repeatedly challenged at a press conference for his administrations abusive legal maneuvering, he countered that "The instructions went out to our people to adhere to the law. That ought to comfort you. We're a nation of laws. We adhere to laws. We have laws on the books. You might look at those laws, and that might provide comfort for you." Quoted in Abel, Richard L. *Law's Wars: The Fate of the Rule of Law in the US "War on Terror."* (Cambridge, UK; New York, NY: Cambridge University Press, 2018): 655

¹⁶⁵ In their detail and specificity these rules rather bluntly evoke Foucauldian discipline. They regulate and manage not the body of the tortured (or at least, not directly) but rather the bodies of the torturers. For example, in the Memorandum from the U.S. Department of Justice Office of Legal Counsel to John A. Rizzo of July 20, 2007, the OLC describes a tactic called "abdominal slap" as follows: "The interrogator must have no rings or other jewelry on his hand or wrist. The interrogator is positioned directly in front of the detainee, no more than 18 inches from the detainee. With his fingers held tightly together and fully extended, and with his palm toward his own body, using his elbow as a fixed pivot point, the interrogator slaps the detainee in the detainee's abdomen. The interrogator may not use a fist, and the slap must be delivered above the navel and below the sternum." The other methods are described in similarly precise detail.

¹⁶⁶ See, for example: Abel, Richard L. *Law's Trials: The Performance of Legal Institutions in the US "War on Terror."* (Cambridge, UK; New York, NY: Cambridge University Press, 2018)

¹⁶⁷ The Brazilian military dictatorship ruled Brazil from April 1964-March 1985. The coup, which deposed President João Goulart, joined the interests of high-ranking members of the military with other conservative elements, and was supported by the U.S. State Department in their anti-communist efforts. The goals of this regime, as described

Presbyterian minister who was heavily involved in the compilation and publication of the Brazilian torture report, *Brasil: Nunca Mais*, explained the incredible trove of documents recording the tortures and abuses:

The Brazilian generals, you see, were technocrats. They were intent on doing things by the book, on following the forms, even if the results were often cruel and perverse. For example, they were obsessed with keeping complete records as they went along [...] the forms, the technicalities, required complete and well-ordered records, so they kept them.¹⁶⁸

While the survival of these records is surprising, Hussain's theory of exception suggests that their creation should not surprise us: these documents are the relics of the "intensification of an administrative and bureaucratic legality" that he argues proliferates in the "internal operations in a supposed space of exception."¹⁶⁹ They are part of the infrastructure which, although hidden and paradoxical, undergirds the mechanisms of the torturing state.

For prisoners held in these spaces, the tangle of rules and regulations is not an abstraction, but a very real element of their torment. At *Libertad*, perhaps the most infamous of the Uruguayan torture centers in the 1970s, a sign declared "*Aquí Se Viene a*

in the previous chapter's discussion of the Brazilian National Security Law, combined nationalism (*i.e.*, strict political obedience) with economic development. Despite its now well-known record of human rights abuses and political repression, the dictatorship is also credited with the economic expansion of the so-called "Brazilian Miracle."

¹⁶⁸ Lawrence Weschler, *A Miracle, a Universe: Settling Accounts with Torturers* (New York: Pantheon Books, 1990): 15.

¹⁶⁹ Hussain, "Beyond Norm and Exception," 744

Cumplir” – “Here One Comes to Obey.” Yet while obedience was absolutely and violently mandated, it was also deliberately impossible. Elsa Leone de Gil, a Uruguayan psychologist who specialized in rehabilitating torture survivors, described the torments created by the very existence of rules and regulations within the prison:

The environment was totally unstable and unpredictable. The prisoner inhabited a crazy world filled with perils. Orders were there to be followed absolutely, but they changed diametrically, arbitrarily, and without any notice, from one day to the next: Always keep this door open – always keep this door shut. Take a bath right now – at a moment when the water has been shut off – or else! Violations were recorded with mock-scientific thoroughness, so that you were made to see that – on paper, anyways – you had indeed now committed three violations, which had such-and-such a consequence. But it was all double binds piled on more double binds.¹⁷⁰

Thus, even within the prison itself, there was something akin to law in operation. There were rules: orders were handed down, infractions were measured and recorded, punishments were determined by a systematic review. Of course, these rules did not protect prisoners. They were not fair, rational, or just. But nevertheless, there was a system of rules. The rules inside *Libertad* are a microcosm of the much broader work of extralegal torture: a concrete manifestation, at the most individualized level, of how legal power operates to trap and twist the body.

Drawing on statements from both torturers and their victims establishes both the intent and the effect of these policies. Torturers are quite open, in many respects, about

¹⁷⁰ Weschler, *A Miracle, a Universe*, 133

their hope that their prisoners will be spatially and temporally disoriented, as well as their specific motivations for imposing these disruptions. The survivor testimony is revealing in two different ways: in some cases, survivors lament their torturers' success at destroying their connections to the markers of everyday life, which signals the ways in which they have been disconnected from ordinary law. In other instances, they celebrate their defiance, and recall the ways in which they clutched at a sense of time and place despite their tormentors' best attempts. In many survivor accounts, the two coexist – moments of terror, deprivation, and loss are interspersed with the small victories of peeking out the blinds or hearing a site name despite constantly blaring music. Using these close readings and references to other accounts and analyses, I will show how spatial and temporal dislocation is central to life under torture and, as a result, to the kind of political subject that torture produces. In making this argument, I bring together a series of observations: first, that the law is always situated, and always operates within a defined space and time. Second, that contemporary torture is defined by its dualistic relationship to law. Third, that closely reading both survivor accounts and perpetrator strategies suggests that this relationship is not merely abstract or technical but an embodied and sensory imposition onto tortured bodies.

Extralegal Torture

The extralegal nature of contemporary torture has emerged out of the long history of interrogatory or judicial torture in the “Western world.” Throughout this history, the relationship between torture and law has shifted with different regimes and different understandings of human behavior and right. A brief overview of this history is therefore

indispensable for situating contemporary torture in relation to the law, so it is with this history that I begin: analyzing the long and robust history of interrogatory torture illuminates both the obfuscations which surround torture and the physical, political, and semiotic ways that torture marks the body.¹⁷¹ I will track these markings, the signs of torture, throughout, since they elucidate the relationship between the body and law.

Ancient Athenian law, which can be read as one point of origin for contemporary “Western” law, is particularly illuminating in this regard. Beginning with Athenian law, this brief history will then trace the rise of trial by ordeal under early Christian rule, the re-emergence of the confession as a key element of trial, and the shifting evaluation of torture in the lead up to what we might call modernity. It will then examine the contemporary debate surrounding the use of torture in relationship to intelligence and information-gathering. This history is, by necessity, sketched in extremely broad strokes:

¹⁷¹ As I have noted, this is a history of torture in the “Western” world (*i.e.*, North America and Europe, particularly Western Europe). Therefore, the *historical specifics* I describe here do not apply equally to every case of contemporary torture I discuss. Other regions have evolved along different pathways and have their own histories of contemporary torture. (For a detailed account of one such history, see Darius Rejali’s *Torture and Modernity*, which focuses on the evolution of torture in Iran). However, the emergence of an *international* human rights regime, to which all nations are – albeit quite unevenly – subject produced a kind of convergence. The international human rights regime has a specifically Western flavor. Indeed, it has been extensively critiqued for this bias, and for foisting a single vision of human flourishing onto the world at large. This regime evolves from the history I discuss here and now attempts to govern torture at a *global level*. This convergence has been further advanced by torturers’ themselves: in the following chapter, I will describe the multidirectional flow of torture techniques, training, and expertise around the world during the twentieth and twenty-first century. Thus, while different histories of torture are important, I argue that this particular history can help us understand the mindset – and ongoing torture practices – that currently work to govern and enable torture worldwide.

I focus on only the biggest shifts and most obvious trends. As a history of torture, this account is necessarily unsatisfying. However, this very rough account nevertheless draws out a few very important touchstones in the evolving relationship between torture and law.

Law in ancient Athens explicitly codified the use of interrogatory torture. In fact, somewhat more specifically, the Athenians practiced judicial torture, which is to say that torture was a formally recognized element of their judicial process. However, there were important and telling limitations on the use of torture: free Athenian citizens could not be tortured within the letter of the law. Only slaves were legally eligible for torture. Throughout these chapters, I will demonstrate that this distinction is the first sign of torture: torture marked the boundary between the law's *subject* (free Athenian citizen, endowed by the law with rights and responsibilities, regarded as an actor whose integrity must be preserved) and the law's *object* (the slave, bound by the law in every sense of the word, but denied the status of an agent within it). The logic behind the torture of slaves reinforces the salience of this sign: as Page DuBois explains in her study of torture in the Classical world, to torture an Athenian citizen would not only be an infringement of their rights as a citizen, but a waste of time and effort.¹⁷² The citizen has a mind. They have the intellectual capacity needed to lie, to deceive even when their body is subjected to pain, because their body is ruled by their intellect. To torture a citizen about their own crimes would be an inevitably fruitless endeavor. The inquiry which seeks truth by penetrating

¹⁷² Dubois, Page. *Torture and Truth*. (New York: Routledge, 1991)

the body of the citizen cannot penetrate their mind: the truth remains inaccessible.

Fortunately for the Athenian magistrate, the citizen has other, more penetrable bodies.

Drawing from Aristotle, DuBois notes that the relationship between slave and master was understood as a concretized manifestation of the relationship between body and mind. Because the slave is all body, they benefit from the rule of their master, which essentially provides the slave with the benefits of the intellect which they otherwise lack. They are animated, in effect, by the mind of the master. The slave is thus not only all body, but an extension of the master's body. In the absence of the guidance provided by the master, then, the slave is *only* the master's body, stripped of intellect and defenseless. It is this kind of logic which undergirded the Athenian practice of torturing the slave to learn about the master's crime. As Dubois describes it, "the torturer reaches through the master to the slave's body, and extracts the truth from it." Here we find the second sign of torture: torture is a practice enacted on the body. This is not to suggest that torture does not have mental and emotional aspects. Indeed, these elements are often essential to the experience of torture. But the Classical example suggests that the body is, in law, the proper object of torture. The law did not recognize the possibility of the slave's emotional or intellectual capacities.¹⁷³ It was as body that the slave was available for interrogatory

¹⁷³ Obviously, the Athenians were incorrect in this regard, and undoubtedly the slave's psychological state – as well as their mental calculations about the costs and benefits of revealing their master's crimes – would have played a significant role in determine the information they provided. But the Athenians' refusal to recognize the humanity of their slaves, except as an extension of their master's humanness, is instructive.

torture. This sign reminds us, then, that whatever the intricacies of torture in a given case – politically, technically, mechanically – the body must be kept in view.

The transition from antiquity to the Middle Ages in the Western world was also marked by the advent of Christian (or at least Christian-influenced) law. With this change, there was a shift in the location of truth. Whereas the Greeks of the ancient world sought truth in the body, for the Church truth came from God. It could not, therefore, be wrung out from the body using pain. Rather, truth must be indicated by divine sign. But this change in perspective did not eliminate pain from the judicial process. Instead, the judicial system shifted partially towards what we might call “trial by ordeal.” The spectacular infliction of pain remained central to this process, but the nature of evidence changed dramatically. The goal of the ordeal was not to produce confessions: the evidence an individual could give was not considered to be valuable compared to the results of the ordeal, which were held as evidence from God. As John H. Langbein summarized this system in his survey of the relationship between torture and proof, “The ordeals were means of provoking the judgment of God. God revealed the innocence of an accused whose hand withstood infection from the hot iron; God pronounced the guilt of one who floated when subjected to the water ordeal.”¹⁷⁴

Of course, the ordeal presents some problems for the rule of law, perhaps most infamously the likelihood that in the process of being found innocent the accused would

¹⁷⁴ Langbein, John H. *Torture and the Law of Proof: Europe and England in the Ancien Régime* (Chicago, IL: University of Chicago Press, 2012).

also be killed. God's evidence, no matter how reliable, did not seem particularly conducive to the administration of justice. Despite the intense pain often involved in the ordeal, which certainly arose to a torture-like level, it did not constitute interrogatory torture *per se*, since it did not attempt to procure evidence from the individual being tortured. Rather, it represents an interesting digression in the history of judicial torture: even though the ordeal was premised on the deceitful nature of the sinful body, and on totally non-corporeal authority, the body remains the focus of the truth-seeker's ministrations. In this vision of justice, the body must be tormented, whether it contains the truth or not. The logic of this system is less akin to that of judicial torture than that of Christian martyrdom, which understands righteousness as revealed through the endurance of pain. Of course, this does not mean that the early Christian martyrs were not tortured. Rather, it shows the way that Christianity resignified, or reread the significations, of the torture its adherents underwent. When the Roman emperor Diocletian ordered Sebastian bound to a tree and shot with arrows, he no doubt intended to both punish Sebastian and intimidate other Christians and potential converts (two functions for which torture continues to be marshalled). However, the Romans lost control over the signification of this event, and the Church reinscribed it as a story about the power of faith, the endurance of Christians, and the miracles of which God is capable. It is this re-signification, rather than Diocletian's intent, which contains the progenitors of the trial by ordeal.

In time, the Church was forced to confront the inherent problems with the trial by ordeal. A different kind of evidence was needed, but one that still accorded with the

tenets of Christian dogma.¹⁷⁵ It is at this moment, around the thirteenth century, that we arrive at the concept which – though its meaning has changed – remains at the core of judicial torture to this day: the confession. The confession, of course, sat quite comfortably with Christian-inflected law, since it already occupied a place of pride in Christian religious practice. In matters of faith, confession operated as a mode of expiation (or at least a step towards it). It formed the cornerstone of the relationship between man and God, wherein man supplied an accounting of his sins and God supplied (with some additional steps, perhaps) the forgiveness, and with it reintegration into the community of the faithful. Importantly, this kind of confession was not about the unearthing of evidence or the unmasking of truth. God knew your sins, confessed or otherwise. What was important, then, was the act: it was essential that you, yourself, presented both body and soul before God.

Unsurprisingly, in a judicial system based on this model the act of confession served at least two functions: the first, in keeping with religious conviction, was that confession benefitted the person who confessed. It is good to confess. In this sense, the person who extracts a confession from an accused person does them a great service, helping to purify their otherwise endangered soul. But paradoxically, confession also

¹⁷⁵ Langbein ascribes this transition to the Fourth Lateran Council of 1215, who abolished the ordeal system and with it “an entire system of proof.” However, he also notes that the new system – that of judicial torture – was suggested and legitimated by the ordeals, since both “were physically discomfoting modes of procedure ordered by the court upon a preliminary showing of cogent incriminating evidence, usually circumstantial evidence.”

came to be the primary and most highly valued form of evidence in the judicial process. Perhaps borrowing some weight from its religious formulation, confession became essential to the functioning of the law. But unsurprisingly, not every accused person wished to confess. Perhaps they were innocent. Perhaps they did not believe that the salubrious effects of confession negated the punishment which it would also incur. But in a system where confession is absolutely necessary for determining guilt and assigning punishment, these obstacles must be overcome. Thus, judicial torture emerges in a form not too dissimilar from its modern manifestation: torture was used to wring from the accused a confession which the torturer believed their body ultimately contained. It is worth emphasizing how this instantiation differed from the Athenian form. The assumed division between the body and the mind disappeared, displaced perhaps by the advent of the soul as the site of guilt and innocence. The truth of guilt rested within the soul, but unlike in the Athenian system these pre-Enlightenment Christians *did* believe that bodily pain could reveal truths concealed by higher functions. Given the dogmatic duality between the body and soul, at first glance this assumed link may seem peculiar. However, recalling the tradition of martyrdom helps bridge this gap: the body can and does reveal the nature of the soul. The rightly authorized reader and interpreter can reveal what the body tries to conceal. Here we encounter yet another sign of torture: the body is violable. As I described in the previous chapters, the body exposes because it is through the body that we exist in the world. The body is not a mediator between the subject and the world, but rather the body manifests the fact that our interaction with the external world is enveloping. Bodies exist, directly and immediately, in contact with other bodies. Putting

the truth and falsity of the soul aside, the body has its own truth, and that truth is the reality of exposure. The codification of judicial torture during this era leveraged this truth and made it exploitable in service of law.

What has become of judicial torture? In the modern context, it seems transformed. To take the United States as example, judicial torture has – formally – disappeared, banned by the courts in increasingly broad ways.¹⁷⁶ On the other hand, judicial torture continues to loom large in the national imaginary, glorified in popular media exactly because it forbidden. The television hero who tortures does so because he will do “whatever it takes” to get justice, to save the innocent victim, *etc.*¹⁷⁷ And less glamorously – but even more importantly – there can be no doubt that judicial torture is still being practiced in the United States, albeit off the books. This represents a paradox which requires further examination, but first it is essential to understand how this paradox emerged: how did torture shift from the cornerstone of a confession-centric legal system

¹⁷⁶ Of course, this process has not been steady, even, or unidirectional. There have been moments of backsliding, as well as significant regional variation. However, the overall trend has been towards categorizing – and prohibiting – increasingly diverse practices as forms of torture.

¹⁷⁷ Indeed, this trope has spawned an entire cottage industry in media studies dedicated to the ways that the “War on Terror” era television show *24* has impacted American perceptions of torture. See, for examples: Danzig, David. “Countering the Jack Bauer Effect”. In *Screening Torture: Media Representations of State Terror and Political Domination* eds. Fabiola Fernandez Salek and Michael Flynn. (New York: Columbia University Press, 2012); Minter, Richard and Leah Wilson, eds. *Jack Bauer for President: Terrorism and Politics in 24* (Dallas, TX: BenBella Books, 2008); Neroni, Hilary. “24, Jack Bauer, and the Torture Fantasy.” In *The Subject of Torture: Psychoanalysis and Biopolitics in Television and Film* (New York, NY: Columbia University Press, 2015)

to occupying only the dark corners of the law, formally forbidden and maligned? The change takes place according to most historians, with the Enlightenment era and the dawn of the Rights of Man.¹⁷⁸

Two major works are largely credited with spreading reformist sentiments through the European sphere of influence: Cesare Beccaria's *On Crimes and Punishments* (1764), and Voltaire's *Treatise on Tolerance* (1763). Beccaria and Voltaire condemned judicial torture in the harshest terms, both for its barbarism and for its attendant miscarriage of justice. Read, shared, and cited with regularity, these tracts remain frequent points of reference for anti-torture advocates. However, the timing of these works deserves further consideration. After all, it seems rather implausible that it truly took until the late 1700s for someone to notice that people in pain would say anything to make the pain stop. After all, this was exactly the logic by which the Romans tortured early Christians: the Romans seem to have been confident that some people would abandon their commitments if subjected to enough pain. Likewise, there is no

¹⁷⁸ In their historical account of torture in *Preventing Torture*, Malcolm D. Evans and Rod Morgan describe this transition as a shift from “classical” to contemporary torture. They summarize this transition: “until the Enlightenment, despite widespread doubts about its reliability, judicial torture was a generally approved method for eliciting information from persons against whom there were well-founded suspicions... This is no longer the case. Today torture is nowhere regarded, officially at least, as a legitimate judicial procedure for eliciting the truth... Just beneath the surface, however, there is clearly a view, prevalent in many jurisdictions among security and police personnel, that torture, or means of physical or psychological pressure that we may term *near-torture*, may have to be resorted to in certain circumstances.” See: Evans, Malcolm D. and Rod Morgan. *Preventing Torture: A Study of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment Or Punishment*. (Oxford, UK: Clarendon, 1999)

doubt that many powerful entities knew that torture was cruel. For example, although the Church made frequent use of torture, it had no trouble identifying as cruel the torments to which its own righteous believers had been subjected. But the advent of the Rights of Man gave new context to these critiques, creating new opportunities for the elimination of torture from the law that were based on a new understanding of man himself.

The Age of Enlightenment has been credited with a wide swath of social advances, including democracy, equality, and liberalism. Unsurprisingly, different thinkers privilege different ideas, and it is impossible to give any single and unified description without reducing and neglecting the distinctions between the different ideologies and schools of thought. Nevertheless, some generalizations must be made, and it does certainly seem possible to identify a kind of “spirit” of the era. In effect, this spirit is most iconically expressed in the American Declaration of Independence and the French Declaration of Rights of Man and Citizen, both of which argued that men had rights on which their governments could not infringe, and of which their governments were not the source. In other words: governments do not possess an unlimited right to deal with their subjects as they see fit. With regard to torture, this philosophical development meant that the state’s ultimate interest in obtaining confessions, no matter how valid, did not supersede the rights of the individual. For perhaps the first time in the Western philosophical (and by extension, legal) tradition the concept of a right not to be tortured became intelligible *as a right*. In this context, a campaign against judicial torture had anchors in the prevailing ideology of the moment. Indeed, in this fertile ground anti-torture activists were immensely successful, and torture was rapidly decodified. This shift

was accompanied by a new change in attitudes towards confession which is best exemplified in the protection against self-incrimination, a right girded by an ethics which directly contravenes the emphasis on confession only a hundred years earlier.¹⁷⁹ Although confessions remained a valid form of evidence, no longer were they to be the lynchpin of the judicial system. The “moral benefits” of confession no longer justified the unrestricted use of force used to obtain them.

According to the anti-torture advocates, this post-torture world better respected both the inherent dignity of man and his right to be free of certain impositions from the state. It was also argued to be more humane, although this point is a debatable one. As mentioned above, in his famous discussion on the history and origins of modern criminal punishment, Foucault argued that while the shift from spectacular punishment to disciplinary punishment was often *represented* as a transition to more humane methods, this representation elided a more insidious transformation that was actually taking place. I will return to this point at length in my discussion of torture’s effects on its object.

Finally, we arrive at the state of modern torture, or what I have termed call extralegal torture. Max Weber famously argued in 1919 that the modern world is characterized by disenchantment; that science has dethroned religion, and reason has

¹⁷⁹ Juan E. Méndez, President of the International Center for Transitional Justice and Special Advisor to the United Nations on the Prevention of Genocide, describes the transformative potential of this particular legal innovation on torture regimes. However, he also describes the many practices that have limited its effects. See: Méndez, Juan E., “Foreword” in *The Phenomenon of Torture: Readings and Commentary* edited by William F. Schulz (Philadelphia, PA: University of Pennsylvania Press, 2007), xiii-xvii

replaced faith in a kind of magic. Perhaps it is unsurprising, in this spirit, that the confession has been dethroned by *information*. The goal of torture is no longer to extract a confession but to acquire intelligence. With this new goal, new kinds of justifications are also needed.¹⁸⁰ Torture for confession, after all, was self-justifying: a person was tortured for their own good, for the benefit of their soul. In later judicial torture, torture was undertaken for the good of the community: to bring a criminal to justice, to let the law do its work. These rationales became illegible under an order which outwardly prioritizes protecting the individual from this kind of “interference” from the state. It may seem like a paradox that an ideology which ostensibly protects the vulnerable from the powerful could produce the incredible tool of the state that is extrajudicial torture, which in many ways is state violence in its purest, harshest, and least mediated form. And yet, extralegal torture is unhampered by this contradiction.¹⁸¹ On the contrary, modern

¹⁸⁰ Lisa Hajjar characterizes this aspect of contemporary torture as defined by the pursuit of “actionable intelligence”...a euphemism for information that has use-value for the protection of national security interests.” The single-minded emphasis on “actionable intelligence,” she argues, is one of the many tools used by the state to disguise the use of methods which could be straightforwardly referred to as torture. Hajjar, Lisa. “An Assault on Truth: A Chronology of Torture, Deception, and Denial” in *Speaking About Torture*, edited by Julia A. Carlson & Elisabeth Weber (New York: Fordham University Press, 2013), 19-36

¹⁸¹ Faisal Devji describe how this focus on *information* has further occluded the relationship between torture and law: “Although such truth [as obtained through torture] has lost its metaphysical character and been reduced to information, the fact that it is still seen as taking refuge in the bodies of individuals means that this information does not yet belong to the rationality of institutions – for which knowledge is only possible in the abstract form of data...For now the infliction of pain can only be justified by reference to knowledge of a more abstract or disembodied kind. Indeed, the obsessive attention paid to information in [justifications of torture like those raised by Alan Dershowitz and John Yoo] serves to shift our face from the body of the would-be terrorist to the threat he or she poses those citizens whose lives are managed by the generalized rationality of

political order has fed and fostered the development of extralegal torture. Modern torture claims to have evolved, in many respects, beyond its older forms. This is particularly true with regards to claims that modern torture is “scientific.” However, these claims are largely unsubstantiated. For example, in his sweeping survey of torture methods, Darius Rejali concluded that while torturers often invoke their own scientific credentials, there is no meaningful way in which torture can be perfected by science.¹⁸² Contemporary biology and neuroscience do not actually understand pain well enough to provide helpful direction to torturers, and any torturer who claims to have their work “down to science” is lying, delusional, or perhaps both. These claims to scientific integrity reflect far less the methods of torture (which, in extralegal torture, are anyways effaced from view) and far more its stated intents. Whereas judicial torture openly claimed to torture to extract confessions, this goal is no longer an adequate justification from the perspective of the modern state.

The modern state resolves this contradiction by inverting the relationship of threat and vulnerability. For example, Lauren Berlant argues in *The Queen of America Goes to Washington City* that the great achievement of contemporary American conservatism is to cast the state, and not the individual, as the vulnerable entity in need of protection.¹⁸³

institutions.” Devji, Faisal. “Torture at the Limit of Politics” in *Screening Torture: Media Representation of State Terror and Political Domination*, edited by Michael Flynn & Fabiola F. Saleh. (New York: Columbia University Press, 2012): 240-241

¹⁸² Rejali, Darius M. *Torture and Democracy*. (Princeton: Princeton University Press, 2007)

¹⁸³ Berlant, Lauren Gail. *The Queen of America Goes to Washington City: Essays on Sex and Citizenship*. (Durham, NC: Duke University Press, 1997).

This is achieved in part by treating the state as though it is a human; more human, in fact, than many of the actual humans with whom it interacts. In a slightly different vein, Talal Asad argues that the modern state has effectively coopted the reverence which is (supposedly) reserved for human life.¹⁸⁴ Instead of being a vulnerable subject in need of protection, the individual is cast as the source of threat.¹⁸⁵ The future of the state, and the reverence it is due, becomes something which must be fought for; defended at all costs against threats both lurking and unseen.¹⁸⁶ The so-called “ticking time bomb” hypothetical provides one of the most forceful examples of this mentality with respect to torture. Paul Kahn describes this theme in his exploration of the relationship between torture, “terrorism,” and sovereign power:

The torture prohibition emerged in a context in which the normative issue was that of protecting the individual from the power of the state. The worry behind the ticking time bomb hypothetical is that the state needs protection from the individual terrorist. [...] The state appears no longer as

¹⁸⁴ Asad, Talal. “Reflections on Violence, Law, and Humanitarianism.” *Critical Inquiry* 41.2, (2015): 415. Berlant notes that the state also confers this reverence-worthy human status on other non-human entities, such as corporations and fetuses – all to the detriment of real live human beings.

¹⁸⁵ Of course, not all individuals are perceived as equally threatening to the vulnerable state – some are aligned with it, while others are relegated to the status of mere threat. I will return to this crucial point at the end of the chapter.

¹⁸⁶ “Some vulnerable spots on the national terrain should be flagged from the very outset. The first is the national future. Because the only thing the nation form is able to assure for itself is its past, its archive of official memory, it must develop in the present ways of establishing its dominion over the future [...] The anxieties surrounding the process of making people into national subjects confirm that the hegemonic form of national culture is fragile and always in the process of being defined, even when it appears as a thing with an essential character that can be taken prisoner like the soul in fierce battles between rival gangs of angels and devils.” Berlant, *Queen of Washington*, 56

the Leviathan but rather as a slow-moving, anachronistic target of prey.¹⁸⁷

The “ticking time bomb” hypothetical, in which the timely use of torture extracts the information needed to save thousands of innocent lives from a terrorist attack, is an incredibly common justification for torture which dates back at least fifty years.¹⁸⁸ It is conjured up, again and again, by those seeking to defend and even demand the use of torture.¹⁸⁹ As Kahn describes, this hypothetical works precisely by imagining the state as slow, weak, and lacking in resources: torture is necessary specifically because the state is, itself, vulnerable before lethal and vicious predation.

These analyses align well with the dire warnings made by torturers themselves.

Paul Aussaresses,¹⁹⁰ the counterintelligence officer who oversaw torture and extrajudicial

¹⁸⁷ Kahn, Paul W. *Sacred Violence: Torture, Terror, and Sovereignty*. (Ann Arbor, MI: University of Michigan Press, 2008): 75

¹⁸⁸ Indeed, this hypothetical has become so common that it has become almost naturalized. For example, Peter Singer uses the hypothetical in *The Life You Can Save* to illustrate the potential divergence between what one ought to do and “the best moral rule.” He writes: “if I find myself in the highly improbable scenario where only torturing a terrorist will enable me to stop a nuclear bomb from going off in the middle of New York City, I ought to torture the terrorist.” The fact that he uses this hypothetical – even though he begins by noting the unlikelihood of the scenario – aptly illustrates its prevalence. See: Singer, Peter. *The Life You Can Save: How to Do Your Part to End World Poverty*. (New York: Random House, 2009): 152.

¹⁸⁹ In fact, although the ticking time bomb scenario is always presented as an issue of new and unique threats by those who use it, Amnesty International identified (and condemned) the use of the ticking time bomb scenario as early as 1973. See: Amnesty International, *Amnesty International Report on Torture* (London: Duckworth, 1973): 19-20

¹⁹⁰ Aussaresses was a mid-rank intelligence officer under General Jacques Massu during the war in Algeria. He ascended to the rank of Brigadier General later in his career and his memoir, *Battle of the Casbah*, is therefore published under the title “General Paul

executions in Algiers during the height of anti-FLN repression, claimed that his actions were designed to *protect the judicial system*.¹⁹¹ Specifically, he argued that torture and summary execution were necessary because it “was impossible to send them [the already-tortured] back to the court system, there were too many of them and the machine of justice would have become clogged with cases and stopped working altogether.”¹⁹² To illustrate the severity of this threat to justice, he notes that approximately three percent of the entire population of Algiers had been through the main camp at Beni-Messous. Interestingly, it does not appear to enter his mind that torturing 20,000 people might constitute a breakdown in the “machine of justice.” His vision of this machine has a mechanical element that recalls torture itself, as though suspects had to be pushed and squeezed through the cogs. The profusion of broken bodies – of sticky blood, of fragmentary bones – would clog the wheels. In his vision, torture and summary executions are the only way to protect the justice system and its delicate mechanisms from total failure. The broken bodies of his torture victims present an existential threat, in other words, to the institutions of the state.

Despite these conceptions of the state as weak and needing protection via torture, the fact remains that many states have taken steps to formally outlaw torture. For

Aussaresses.” He was stripped of his rank by then-President Jacques Chirac for revealing and defending the use of torture in Algeria, as well as arguing that this torture was known, sanctioned, and defended by political leadership.

¹⁹¹ I will discuss Aussaresses’s memoir, *The Battle of the Casbah*, at length in the following chapter.

¹⁹² Aussaresses, *The Battle of the Casbah*, 126

example, the Inter-American Commission on Human Rights begins their discussion of torture in 1970s Argentina by noting that according to the Constitution of Argentina “all kinds of torture and beating are forever abolished.” The report goes on to describe the codified legal penalties for torture, unlawful detention, and brutality, noting that “the penalty imposed on those responsible for such acts is raised to the maximum whenever the victim is a political prisoner and dies as a result of the torture inflicted.” This context is an important reminder, both for the IACHR and for my purposes, because it establishes that all the accounts of torture collected in the report took place *officially* outside the law’s permissions. In fact, the torture survivors whose stories the report chronicles were – legally speaking – victims of a crime that the state was responsible for prosecuting and which the state could not, according to its own laws, sanction. Of course, in 1980 when the report was presented these prosecutions were conspicuously absent. Since the state was both breaking and refusing to enforce its own laws, these laws were functionally suspended with reference to victims of state torture. The laws remained on the books, but the IACHR’s attempts to bring them to bear was – unsurprisingly – unsuccessful. Interestingly, in their responses to the IACHR’s resolutions, the Government of Argentina frequently invoked space and time as evidence that their agents had acted within the law. For example, the government’s official response to the IACHR’s resolution on the case of Reverend Patrick Rice (whose case I discuss at more length below) was that “the principals were not ‘illegally detained’ or ‘tortured’ by agents of this government, as may be deduced from the type of circumstances, time, and place in which these terrorists were arrested.” This claim is both mysterious and revealing. On one hand,

what can the “circumstances, time, and place” of arrest possibly tell us about whether those arrested were tortured during their detention? The two matters seem wholly unrelated, since the time and place of arrest have no bearing on the nearly two months that Reverend Rice subsequently spent in detention facilities. The ruling, on its face, is incoherent. On the other hand, this claim reveals that tight linkages between time, place, and law as they are deployed by the state. In effect, the state used its control over the definitions of “circumstances, time, and place” to defend itself from having to implement its own laws. The implicit argument of this ruling is that circumstances alone are sufficient to exonerate the state. If the state says, quite literally, that the time was right, then the truth or falsity of Reverend Rice’s accusations are rendered irrelevant.

What are the effects of making torture extralegal? On one hand, it seems possible that formally outlawing torture has made the most egregious and brutal forms of torture less common. This reduction is a positive change in its own right. On the other hand, extralegal torture comes with its own hazards. Torture abolitionists hoped and believed that torture would cease entirely when the state ceased to openly condone it. What happened instead, as these cases demonstrate, is that torture *disappears*. It does not cease to occur, but rather ceases to present itself in the visible realm of formal politics and officially recognized law. Torturers turn to methods which are designed not to leave easily visible traces on the body.¹⁹³ As a consequence, the state is able to disavow torture

¹⁹³ I will describe both methods and consequences of stealth torture in more detail in the chapter that follows.

in a way which is quite difficult to refute. Now invisible, torture is more difficult than ever to identify and oppose.

It is not only the act of torture that disappears in modernity, but tortured people more generally. With the rise of extrajudicial torture, torture is not primarily unleashed against those who will be formally charged with a crime. It is often enacted against those who simply vanish without a trace, picked up on the streets or in their homes without any warning. No one is notified that they have been taken, and many never return. The paradigmatic example of this comes from “*los desaparecidos*” of the Argentinian Dirty War: tens of thousands of political or semi-political prisoners who have been taken, tortured, and “disappeared.”¹⁹⁴ The disappeared are (probably rightly, as I discuss below), presumed to be dead, and yet there is something about their disappearances that is both more and less than political executions. When the mothers of the disappeared (formally collected, in Argentina, as the group *Asociación Madres de Plaza de Mayo*) demand their return, it is quite clear that they do not expect to ever be reunited with their living children. Rather, they demand that the state present the bodies.¹⁹⁵ These disappearances have a powerful impact on the collective: forced disappearances highlight how the extra-

¹⁹⁴ Although the Argentine case is perhaps the most famous example, forced disappearances have taken place all over the world. In fact, recognizing how frequent forced disappearances have become, in December of 2006 the United Nations adopted the International Convention for the Protection of All Persons from Enforced Disappearance. It remains unclear whether the Convention has had any effect.

¹⁹⁵ This demand, of course, invokes the complicated baggage of the *habeas corpus* doctrine, which has been invoked with varying degrees of success by those wishing to contest practices of arrest and detention. The failure of habeas corpus to protect “War on Terror” prisoners is an important reminder of these limitations. See *Rasul v. Bush*.

temporal and extra-spatial elements of torture allow the torture of individuals to create and emphasize a situation of enforced vulnerability for the community at large. Forced disappearances signify a breach in the space of the community that, absent a body, cannot be effectively repaired. Furthermore, the families, friends, and communities of the disappeared experience their disappearances as a kind of torment of uncertainty; their absences, paradoxically, manifest as an ever-present threat, a spectral menace that haunts the lives of the survivors and constantly reminds them that they are only survivors for now. Jenny Edkins describes *los desaparecidos* as “between two deaths,” a permanent reminder of the relationship between sovereign power and the bodies on which it works. From the perspective of the sovereign, she argues, “there is no difference between the missing and the rest of us. Except that the missing reveal the status of the rest of us.”¹⁹⁶ The passage of time itself becomes threatening: with every moment there is the risk that another community member will be “disappeared.” On the other hand, there is the possibility – both desired and feared – that the corpse of a disappeared person will be found. As a result, the communities of the disappeared experience a version of life under torture even if they are not personally detained. The broader community’s relationship to space and time is also warped and redefined by the presence of a torture regime in their midst: for some, time “stops” when their loved ones vanish. For others, it races on, painfully leaving the vanished behind. And in other cases, it drags, each passing second

¹⁹⁶ Edkins, Jenny: *Missing: persons and politics* (Ithaca, NY: Cornell University Press, 2011): 9

weighted down by the horrifying threat of being the next to disappear. These timelines all coexist within the tortured community, creating a society that is “out of sync” with time and with itself. Thus, disappearances are a powerful tactic for imposing disorientation onto the entire population. In what follows, I argue that this relationship between the state and the body works through the conditions of life under torture, and detail the ways that torturers manipulate space and time to enact this relationship.

Spatial Disorientation

While spatial disorientation takes many forms, there are three in which I am mainly interested here: the use of “black sites,” the resignification of everyday objects, and the deliberate fomenting of confusion and uncertainty. In considering the implications of spatial dislocation, it is useful to recall the paradox of stateless people and the “rights of man” invoked by Hannah Arendt in *The Origins of Totalitarianism*. Arendt describes how the “rights of man” discourse (which, as I described above, propelled the opposition to judicial torture) purports that every human has certain inalienable rights by simple virtue of their existence as human.¹⁹⁷ In their contemporary formulation, these rights are slightly reconfigured to remove the earlier reliance on God as the provider and guarantor. But, Arendt asks, who actually supplies these rights and protections? The responsibility and prerogative falls to the individual states. Therefore, the very rights which are configured as protecting the stateless are denied to them precisely by their

¹⁹⁷ Arendt, Hannah. *The Origins of Totalitarianism*. (New York: Harcourt, 1968)

membership in that category. Whether or not they should have rights, as a normative issue, is beside the point: they have no state, therefore no law, and therefore no rights. Statelessness produced, in Arendt's words, "more and more groups of people to whom suddenly the rules of the world around them had ceased apply."¹⁹⁸ To be outside the law, she explains, is therefore a terrible fate. Indeed, if we take human rights discourse seriously, then to be outside the law's protections is to have our humanity itself denied. As Arendt points out, with some distress, under these conditions the phrase "human rights" itself becomes "the evidence of hopeless idealism or fumbling feeble-minded hypocrisy."¹⁹⁹ There are no real human rights: only the protection granted by the state to its chosen members. The disorientation techniques used of torture enacts exactly this dynamic: it remakes its victim as belonging nowhere – as stateless. Torture enforces the loss of political community – and political rights – not only by removing its victims from the community but also by dissolving the very grounds of the law around them. Thus, the "nowhere" of torture is not only an abstract legal phenomenon – the process of torture and detention makes this dislocation felt.

In one sense, the spatial disorientation of torture comes from the way torture sites are talked about and codified by their users and supporters. Some states will refer to their torture sites euphemistically, using terms like "guesthouses." These euphemisms efface the nature of these sites, allowing them to hide in plain sight and to undermining the

¹⁹⁸ Arendt, *Origins of Totalitarianism*, 267

¹⁹⁹ Arendt, *Origins of Totalitarianism*, 269

experiences of people tortured at these locations. But some torture centers have more sinister names: the brutal prison and torture center outside Montevideo, Uruguay for example, was named *Libertad* (liberty), a cruel irony that further demoralized and tormented the detained. Other torture survivors report the informal (but equally telling) names that their captors gave to the prisons. For example, Gil Fernandes de Sá described arriving at a torture center in Brazil that the police literally referred to as the “house of horrors.”²⁰⁰ José Elpídio Cavalcante, on the other hand, testified that on arriving at the torture center a policeman told him “this is not the Army, the Navy or the Air Force; this is where Hell is.”²⁰¹

Equally telling, although in a different respect, are names like those employed by American military and paramilitary torturers to describe the sites where people are warehoused in connection (albeit sometimes quite loose connections) with terrorism: these sites are referred to, in a remarkably honest euphemism, as “black sites” or “ghost sites.” It is at these pseudo-prisons that ghost detainees find themselves subject to indefinite detention, an issue to which I will turn momentarily. These sites are described as voids, for indeed that is what they are.²⁰² They are legally designated nowheres, a space defined not by where it is but where it is *not*, i.e., within the protection of the law

²⁰⁰ *Brasil: Nunca Mais*, 173

²⁰¹ *Ibid.*, 174

²⁰² Similarly, during the Uruguayan repression, some of torture centers of worst repute were actually located in neighboring Argentina (perhaps a forerunner of the use of extraordinary rendition in the “War on Terror.”) These Argentine torture centers came to be known as *chupaderos* – literally translated, “places that suck people up.” Weschler, *A Miracle, A Universe*, 193.

and the confines of the human. US Army 15-5 Report of Abuse of Prisoners in Iraq,²⁰³ which investigated the conditions at Abu Ghraib after they leaked to the media, found that the “ghost site” was in some cases being used to quite literally hide detainees from the law. The Report describes that “ghost detainees” were “moved around within the facility to hide them from a visiting International Committee of the Red Cross (ICRC) survey team.” The simple physicality of this process is both revealing and alarming; when oversight drew near, the detainees were literally moved away from it. This strategy, the report excoriates, was “deceptive, contrary to Army Doctrine, and in violation of international law.” And yet, it happened. In the globalized world of international human rights law, multinational corporations, and the constant flow of information, regulation is – or at least seems like it should be – everywhere. The black site is thus a no-place, and by extension the torture which occurs therein is happening nowhere. The legal implications of the black site are to produce the detainee as a subject who does not belong anywhere, who is not situated anywhere, who can simply be “moved around” to avoid the constraints of international law. This effect heightens their vulnerability and empowers the state to act without constraint.²⁰⁴

²⁰³ Colloquially known as the “Taguba Report,” after its principal author, Major General Antonio Taguba.

²⁰⁴ This tactic also had forerunners. For example, Paul Aussaresses described the “legal” procedure he enacted when he first arrived in Algiers, charged with “breaking” the FLN’s resistance via torture and summary execution. The people he arrested at the beginning of this process were either executed on the spot or transferred to a camp called Beni-Messous in a suburb outside Algiers for detention and torture. Legally, however, these individuals were “placed under house arrest using a departmental order issued by the Prefecture that Teitgen [Paul Teitgen, the general secretary of the Prefecture who had

In addition to the invocation of spatial disorientation through the formal categorization of torture sites, the tortured experience their own imprisonment and torture as taking place in a nowhere in other ways as well. I argue that this experience takes two primary forms: first, torturers will try to prevent their prisoners from knowing exactly where they are being detained. Even if the prisoner knows or can guess the location by reputation, their torturers will do everything possible to prevent them from being secure in this knowledge. Secondly, torturers will deploy everyday objects in the process of torture. Torture re-signifies these objects, which might have originally been sources of comfort, to create an enduring sense of being out of place.

In the first respect, the sensory side of this spatial disorientation is remarkably literal. Torturers simply work hard to prevent their victims from knowing there they are being held. *Brasil: Nunca Mais*, for example, summarizes the experience of arriving at the “*aparelhos*” (the generic term for torture center used by the Brazilian repression) like this: “Those who did survive their passage through the ‘*aparelhos*’ found it very difficult to identify them later, since hoods were placed over their heads during their stay...fewer still were able to commit to memory details such as access roads or time elapsed between geographical points *en route* that would have allowed them to identify precisely the

been in charge of the Algiers police for the preceding four months] would sign and would legitimize our initiatives.” In other words, while these individuals were being tortured and detained – or perhaps were even dead – the administrative record showed that they were at home. Gisele Halimi encountered a version of this administrative practice when she undertook her defense of Djamila Boupacha: the police had records of Boupacha’s arrest but had extensively documented her interment at a camp in which she had never set foot rather than the location where she had actually been tortured.

aparelhos of the repressive system.”²⁰⁵ Survivor accounts describe the impression that they were being driven in along circuitous routes, or even quite simply in circles. Despite these attempts, all of the survivors report striving – and oftentimes succeeding – to glean more information about where they are. It is worth noting the similarities between some of the varied accounts:

From IAHRC Case 4674, Mr. Sergio Hugo Schilman, a student of Economics at the National University of Rosario: “I calculate that we drove around for approximately fifteen to twenty minutes, it seemed as though they made several turns; when we got to our destination, with the hood still over my head, [...] it was an office in the eight block of Torrero and San Lorenzo street at the police headquarters; I managed to see this the following day, that is the street, through one of the slits, because the police headquarters takes up an entire block.”

From IAHRC Case 2450, Reverend Patrick Rice, a Catholic priest of Irish nationality: “I could hear a lot of traffic, so much so that it seemed that the house was in the middle of a highway. But the traffic was going very fast. The lights were always on [...] From conversations with other prisoners, it seemed to me that the place where I had been kidnapped and tortured might have been the Güemes Brigade, which is on the Camino de Cintura at the Riccheri Highway, and in fact, when I went past it, I thought that that could be it, because of the location of the windows, the fact that the highway was very close, the interior garages, etc.”

From the *Nunca Más* Report file No. 6956, the case of Oscar Alberto Paillalef:

“At night when it was quieter I could hear lorries passing fairly close by, which led me to suppose that we were very

²⁰⁵ *Brasil: Nunca Mais*, 173

near Highway 22 and, in my opinion, we were in the Battalion barracks.”

From the Nunca Más Report file No. 7397, the case of Dr. Norberto Liwsky: “Also the sound of movements (together with my previous idea about the route I was sure we had taken) gradually led me to believe that the detention centre must be police premises. Piecing together the clues (there was also a police station close by, and a school - I heard girls singing - and a church, from the sound of the bells) it appeared that the place was the detective squad headquarters in San Justo.”

These four accounts – and many of the other testimonies – evince a kind of desperation to be believed. They carefully lay out the evidence which the survivor used to deduce their location. When possible, they provide other kinds of verification, such as visual confirmation or consensus among the prisoners.²⁰⁶ This information may serve an instrumental purpose: these testimonies comprise a body of legal evidence, and their cases are strengthened by detail. In particular, torture survivors and their legal representatives’ cases gain credence if they can establish that they were tortured in a known state facility. On the other hand, based on the Government of Argentina’s responses to the IACHR resolutions (which they document in the final report), it is clear

²⁰⁶ Sympathizers outside the detention center also try to help the prisoners locate themselves. Darius Rejali discusses how, recognizing the role of disorientation in torture, sympathizers will try to help prisoners locate themselves. For example, he describes how women with family members presumed interred in Tehran’s Evin Prison will wait by the gates and shout “Evin Prison!” at vehicles entering the compound, in hopes that the new prisoners coming in will at least know precisely where they are. Rejali, Darius M. *Torture & Modernity: Self, Society, and State in Modern Iran*. (Boulder, CO: Westview Press, 1993).

that this information is not a guarantee of redress or recognition: the victims' claims on the state for apologies, reparations, or information do not seem significantly bolstered by presenting evidence of where one was tortured. Indeed, even though many torture sites are specifically and repeatedly named, the state largely continued to deny their existence altogether. Despite this shortcoming, it seems equally clear that the survivors consider this information important to reproduce and to enter, in whatever way they can, into an official record. Perhaps this effort was equally important given that in 1980 when the report was published, the Government of Argentina was actively denying any wrongdoing. This lack of acknowledgement, as I will discuss at some length below, perpetuated the feeling of being lost. Naming and mapping these sites – where survivors knew they had been held and tortured despite state denials – is one way of combatting the lasting effects of spatial disorientation: it is to insist, contra the state's occlusions, that torture took place somewhere, and that the place can be named, seen, and known. It is unclear, however, whether this tactic can truly resolve the lingering pain of disorientation and uncertainty.

The second way that torture embodies being nowhere is through its resignification of everyday objects. In *The Body in Pain*, Elaine Scarry describes how torturers will use everyday objects as instruments of torture, turning the quotidian comforts of home into the source of pain.²⁰⁷ In his accounting of torture methods, Rejali argues that these

²⁰⁷ “Made to participate in the annihilation of the prisoners, made to demonstrate that everything is a weapon, the objects themselves, and with them the fact of civilization, are annihilated: there is no wall, no window, no door, no bathtub, no refrigerator, no chair, no

methods catch on in part for logistical reasons: field telephones, bathtubs, sinks, and car batteries are easy to find. They are either easy to transport or, being readily available in any location, do not require transportation. They are also easily excused, in the case of any unexpected oversight. How can a humanitarian group or UN commission declare a building to be a torture site on the basis that the site houses a bathtub? The use of everyday objects thus protects the anonymity of torture units. But Scarry argues, as I have argued above, that there is far more than convenience at stake in the use of seemingly innocent household items for inflicting pain. This kind of torture is transformative. The tortured person discovers that the very objects they associate with normalcy are complicit in their destruction; that the trappings they associate with comfort will henceforth remind them only of agony. For example, survivors of Chilean torture and repression in the 1970s and 80s commonly reported the use of *la parilla*, a metal bed frame to which they were bound in order to magnify and extend the reach of electric shocks.²⁰⁸ These are not only everyday objects, but specifically objects of comfort. One might easily imagine that after a long period of detention in cramped and filthy conditions, sinking into a comfortable bed or a warm bath would be the ultimate salve. And yet, for these survivors, these comforts were likely foreclosed by the methods which had been used to torture them. The tortured person learns that they have been permanently betrayed by their

bed...the de-objectifying of the objects, the unmaking of the made, is a process externalizing the way in which the person's pain causes his world to disintegrate; and, at the same time, the disintegration of the world is here, in the most literal way possible, made painful, made the direct cause of the pain." Scarry, Elaine. *The Body in Pain: The Making and Unmaking of the World*. (New York: Oxford University Press, 1985): 49.

²⁰⁸ *Torture in Chile*, 1

surroundings.²⁰⁹ Not only are they nowhere while they are tortured and imprisoned, but perhaps they will be nowhere forever, since the simple things which characterize a place – any place – are now complicit in the destruction of their world. Even after they have escaped or been released, torture survivors find themselves incapable of returning the world that they once knew.

“A home,” a Holocaust survivor told Lawrence Langer, recounting the destruction of his family, “is something you lose.”²¹⁰ The attempts one makes to replace it are never fully successfully; can never really undo the damage that has been done. Jean Améry detailed this process in his discussion of his own experiences at the hands of the Nazis.²¹¹ He describes how the tortured person discovers himself to be lost to the world he knew: the relationships, the human obligations, the home on which he once depended are all lost to him now. “Trust in the world” is shattered and will not be repaired. He will never find a world he can truly occupy again: he is nowhere. Everything which defined the world he used to inhabit is now merely another source of pain. He carries the spatial dislocation of

²⁰⁹ Jamie Mayerfeld makes a similar observation: “In torture, the victims are immersed in betrayal – not only from their own bodies, which become the vehicle of their agony, but also from the human presence that would ordinarily be counted on to assist in their rescue, and from the very human artifacts – a table, a bathtub, a telephone – that were originally intended for human comfort and protection but have become in the hands of their captors the instrument of their torment.” See: Mayerfeld, Jamie. *Suffering and Moral Responsibility*. (New York: Oxford University Press, 1999): 25-26

²¹⁰ Kleinman, Arthur, Veena Das, and Margaret M. Lock. *Social Suffering*. (Berkeley: University of California Press, 1997): 60

²¹¹ Améry, Jean. *At the Mind's Limits: Contemplations by a Survivor on Auschwitz and its Realities* [Jenseits von Schuld und Sühne. English]. (Bloomington: Indiana University Press, 1980)

his torture site with him wherever he goes. As a result, the spatial dislocation of torture itself has a temporal component: not being able to situate oneself, combined with the loss of connection to objects that once had meaning, creates a detachment from the world that defies the healing potential of time. Mauricio Rosencof, a Tupamaro captured and detained by Uruguayan security forces for nearly fifteen years, described how the experience of torture left him frozen and stunned when confronted with ordinary, quotidian objects:

‘Once we got out, we were suddenly confronted with all these problems,’ Mauricio Rosencof commented, ‘Ridiculous problems – doorknobs, for instance, I had no reflex any longer to reach for the knobs of doors. I hadn’t had to – hadn’t been allowed to – for over thirteen years. I’d come to a closed door and find myself momentarily stymied – I couldn’t remember what to do next. Or how to make a dark room light. [...] walking down the block I’m in a perpetual cringe. I’m constantly stopping to let whoever is behind me pass: my body keeps expecting a blow from every side.’²¹²

Life under torture, it seems, can continue long after detention has ceased. Rosencof’s pre-detention reflexes – to open a door, to turn on a light – have been replaced by the reflexes of fear and pain. Years in confinement erased the automatic reflexes used in free movement; years in darkness forbade the muscle memories of flipping a light switch. These habits and impressions persist in his body, which “keeps expecting a blow from

²¹² Weschler, *A Miracle, A Universe*, 162

every side” but no longer remembers how to manage the most basic building blocks of ordinary life.

The Time of Torture

I have described torture as having two different temporal “modes” – the sessions of what we conventionally think of as torture, and the conditions of living in detention before, after, and between these sessions. In the following chapter, I will attend to the ways that torture sessions themselves warp, manipulate, and disarray time. Here, however, I focus on the forms of temporal disorientations that shape the conditions of living. Once again, the world of the “War on Terror” black site is illustrative. The Bush government’s outspoken embrace of indefinite detention for those detained in relation to this alleged war shed light on a key formal element of torture. Indefinite detention is, conceptually, an obvious violation of American legal principles. There must always be limits on detention i.e., a person can be held for interrogation for x number of hours without being charged with a crime, a person must be imprisoned for y number of years based on the acts of which they have been convicted. The law is always concerned with measuring detention, regardless of whether it does so to protect the rights of the

potentially innocent or to punish its violators.²¹³ This is not a matter of cruelty or mercy, but of precision. For the law can hand down very cruel sentences, even sentences of nearly comical length. Think, for example, of when the law prescribes multiple consecutive life sentences, or a prison term of several hundred years. Obviously, these are not only sentences which the convicted will experience as harsh but also logical impossibilities. These sentences are not legible from the perspective of the sentenced (who, after all, only has one life to give), but rather from the perspective of the law's mandates: juridical time must be measured, because time must be brought within the control of the law. The concept of "indefinite detention," which emerges from extralegal order, is fundamentally incompatible with this kind of logic. Indefinite detention is not the same phenomenon as a life sentence, although the effects may be the same, because indefinite detention lacks any correspondence to juridical time. It is a detention which suspends or defies time, rather than being defined by it.

The time of extralegality seems to be circular. It is not only indefinite in the sense that it stretches forward endlessly, but rather because the endpoints are indistinct. Where one looks for the "end" of indefinite detention – and the end of torture – they are equally likely to find the beginning. We can see this logic at work in two very different legal mechanisms: Article 73 of the Brazilian National Security law, and the August 1, 2002

²¹³ Of course, the "war on terror" presents an additional problem for this model, since there are frequently problems of classification and uncertainty that make it impossible to fit these detainees under criminal rubrics. Without a clear suspected "crime," the law cannot supply an appropriate punishment.

memo from the U.S. Office of Legal Counsel to the Attorney General about the Convention Against Torture and Other Cruel, Inhuman, and Degrading Treatment or Punishment. I choose these two documents not for their similarities, but rather for their differences: they not only come from different countries and different time periods, but also are different kinds of legal mechanisms (one being a formal and codified law, the other being a legal tool but not law as such). They also deal with different aspects of torture: Brazilian Article 73 addresses the prosecution of detainees (who have been subject to indefinite detention and torture), while the American August 1, 2002 memo addresses the status of interrogators who have committed acts of torture. Thus, these two documents show two quite different ways that the profusion of law places torture in a kind of temporal loop.

Article 73 of the Brazilian National Security Law held that:

The prosecutor [of a suspected subversive] is obliged to appeal to the Supreme Military Court if 1) a judge rejects, entirely or in part, an indictment; and 2) a sentence absolving the defendant is handed down.

For those who had been detained and tortured through the repressive system, the possibility of trial represented a potential beacon of hope: the opportunity to emerge from the black sites of torture into the public world, to testify to the abuses they had experienced, and to be either released or formally condemned. Trial represented the possibility of clarity, a passageway into the realm of ordinary law. Article 73, however, unmade this possibility. Under this Article, trial was merely another entry point into the same zone of indeterminacy: there is no way out of the system, which means that there is

no way out of detention. Rather than being innocent until proven guilty, under Article 73 defendants are guilty until proven guilty. The authors of the *Nunca Mais* report describe, with anger and dismay, the effects of this policy: “This meant that although the prosecutor could argue for acquittal of the accused, if it were conceded, the same prosecutor was obliged to appeal the decision!”²¹⁴ In other words, indefinite detention – and the torture that inevitably came with it – operated with an inescapable, extralegal temporal circle: innocence is equivalent to guilt, and being absolved is equivalent to being condemned.

The August 1, 2002 OLC memo attempted to negotiate the federal statute which implemented the Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment.²¹⁵ Thus, this memo represents a third intervention into a space where two different forms of law are already layered: international law and federal law. The law under discussion criminalizes:

any act committed by a person acting under the color of the law specifically intended to inflict severe physical or mental pain or suffering (other than pain and suffering incidental to lawful sanctions) upon another person within his custody or physical control.

²¹⁴ *Brasil: Nunca Mais*, 151

²¹⁵ Jack Jackson usefully unpacks the implications of this memo in his discussion of Executive Power in *Law Without Future*. In addition to the issues of intent I discuss here, Jackson also describes the ways this memo focuses on the definition of pain and suffering. Jackson, Jack. *Law Without Future: Anti-Constitutional Politics and the American Right*. (Philadelphia, PA: University of Pennsylvania Press, 2019): 48-49.

In interpreting this law (i.e., generating the precedent that declares it inapplicable to “War on Terror” torturers), the OLC memo focuses on the idea of intent – that the person must have “specifically intended” to inflict this pain. The memo argues that to meet the threshold of specific intent, causing pain must be the *only* intention: “even if a defendant knows that severe pain will result from his actions, if causing such harm is not his objective, he lacks the requisite specific intent.” In other words, it does not matter how much pain the interrogator causes, so long as this pain can be framed as a byproduct or pathway to some other goal.

This, in and of itself, creates an almost unlimited pathway for enabling torture without sanction. But what I am primarily interested in is the other defense the memo raises. The memo goes on to insist that the threshold of specific intent cannot be met if “an individual acted with a good faith belief that his conduct would not produce the result that the law prohibits.” In sharp contrast to Article 73 – where guilt was the only allowable outcome for the detainee – this interpretation of federal statute creates the conditions within which the interrogator *cannot be guilty*. This innocence is the result of yet another temporal loop: so long as the torturer can imagine a future in which they are deemed innocent of wrongdoing, they are, in the present, instantly and effectively innocent. This warped timeline is absolutely crucial to this process. It does not matter what the interrogator has done; only what futures they can imagine. The imagined future determines the past, making “what will happen” operate prior to “what has happened.”

In the following section, I argue that torture techniques like dietary manipulation and sleep deprivation make the legal concept of indefinite detention into a sensory experience, producing a subject who feels them self to be existing outside of time and who is therefore outside the bounds of ordinary law.

Temporal Dislocation

In the CIA's now-infamous KUBARK Counterintelligence Interrogation manual, a 1963 handbook laying out coercive interrogation methods, strategies of temporal dislocation are one of the fundamental tactics recommended for dealing with noncooperative interrogees.²¹⁶ The manual encourages interrogators to take advantage of the underlying conditions of detention, noting that "Control of the source's environment permits the interrogator to determine his diet, sleep pattern, and other fundamentals. Manipulating these into irregularities so that the subject becomes disoriented is very likely to create feelings of fear and helplessness."²¹⁷ Ostensibly, the purpose of causing

²¹⁶ The KUBARK manual, despite its infamy, is not particularly unique. For example, it is prefigured by the Wuillame Report, a March 1955 report filed by a French senior civil servant presenting his findings from Algeria. He argued – along lines which sound familiar in a post-9/11 world – that torture should be institutionalized by the French government because of its prevalence. He went on to outline specific methods that his research determined to be prevalent and effective. In particular, he argued for the "water and electricity methods" which "produce a shock which is more psychological than physical and therefore do not constitute excessive cruelty." This language has strong parallels in the KUBARK manual and other similar documents – and is a powerful reminder of the total lack of agreement about what does and does not constitute "excessive cruelty." Quoted in Horne, Alistair: *A Savage War of Peace: Algeria 1954-1962*. (New York: Viking Press, 1977): 197.

²¹⁷ The KUBARK manual quite optimistically refers to interrogees as "sources," operating from the assumption that after the application of these coercive techniques these subjects will become cooperative founts of useful information.

these “feelings of fear and helplessness” is to induce the detainee to cooperate and provide vital intelligence. Of course, both history and continuous scientific studies have suggested that these tactics are premised on questionable grounds, and often do not produce the desired results. And of course, many scholars of torture have argued that information is, in fact, rather beside the point.²¹⁸ Nevertheless, recent CIA memos related to the War on Terror outlined a program that very clearly follows the patterns set out by KUBARK, which suggests that this method does something interrogators find desirable, even if that outcome is not the provision of consistent and reliable information.

When one thinks of food in relationship to torture, most likely they think of starvation. Likewise, one might expect that torturers would endorse imposing total exhaustion on their victims. This impression is not by any means incorrect – there is certainly a time-honored tradition of starving and exhausting captives to humiliate, debase, and weaken them. Sometimes hunger is used as a form of slow interrogatory torture, under the assumption that a hungry enough person will talk in exchange for the promise of food. Similarly, sometimes prisoners are kept awake until they become delusional and hallucinatory, under the assumption that in this compromised state they

²¹⁸ See, for examples: Bell, Jeannine. "Behind this Mortal Bone: The (in)Effectiveness of Torture." *Indiana Law Journal* no. 1 (2008): 339-362; Hajjar, Lisa. "Does Torture Work? A Socio-Legal Assessment of the Practice in Historical and Global Perspective." *Annual Review of Law and Social Sciences* 5 (2009): 311-345.

will not be able to resist their interrogator. Sometimes, these tactics are used in combination. For example, one Argentine torture survivor reported:

In prison I had a bed on which I could not lie unless I was told to do so, and if I lay down earlier they would take us to an icy room called “the pigs” (*chanchos*). The “pigs” (*chanchos*) is a very small, cement room; at 5 am, you are made to get up and you can’t sit down, you have to walk or to stand; I stayed there for five days. I lost 52 kilos while I was in detention.

The logic behind this tactic is that this combination of isolation, starvation, sleep deprivation, and discomfort will lower a person’s resistance to the breaking point. However, it also has risks. First, with such tactics there is always the risk that the interrogee will die. Of course, this is not always a problem from the perspective of the torturer. However, insofar as the torturer wants to keep the detainee alive and under their power, death poses a problem. Furthermore, as the biological processes of starvation and sleep deprivation progress (the pain, lightheadedness, and confusion), they can produce intractable objects instead of compliant ones. The starving detainee, confident in her impending death, may find new resources for resistance. Or, as the KUBARK manual notes, the predictable and steady denial of food and sleep can become a routine in its own right. As the manual puts it, “little is gained if confinement merely replaces one routine with another.” Total starvation or exhaustion can become – paradoxically – a source of comfort to the detainee living under torture.

The point, the manual insists, is therefore not to starve or exhaust the prisoner to the point of total debility. Instead, the point is to use the interrogator's control over the environment to disrupt the prisoner's conditions of living as much as possible:

The interrogator should use his power over the resistant subject's physical environment to disrupt patterns of response, not to create them. Meals and sleep granted irregularly, in more than abundance or less than adequacy, the shifts occurring on no discernible time pattern, will normally disorient an interogatee and sap his will to resist more effectively than a sustained deprivation leading to debility.

The effect of this tactic is not to merely cause the prisoner to suffer, but to completely obliterate their sense of time and their position within it.²¹⁹ Towards this end, the manual advises feeding prisoners unpredictably – sometimes too much and sometimes too little, sometimes thrice a day and sometimes only once. Prisoners should be kept in constant light or constant darkness to disrupt their sleep schedule, and never allowed to develop a pattern. Sometimes these tactics can be combined, and prisoners can be woken up in the middle of (what they believe to be) night and compelled to eat. The logic behind this

²¹⁹ Of course, torturers have a number of strategies for doing this. One of them, which is likely the most common, is simply lying to prisoners about how long they have been detained. For the most part, this tactic is difficult to trace in the archive, since the survivors often had no way of knowing they were deceived. Occasionally, however, a survivor testimony will call this out. For example, in his testimony to the IACHR, Rev. Patrick Rice wrote “Then they came to get me. [...] One of them told me that he was a military officer and that it had been 8 hours since I had been detained (this was Thursday)” at the beginning of his testimony, Reverend Rice is quite specific to say that he was captured on a Monday. Although he does not analyze the military officer's claim, he clearly knows – and wants the record to show – that the military officer attempted to lie to him.

maneuver is that what we might think of as “internal clocks” are not solely or even primarily the products of reason. Rather, one’s internal clock calibrates based on bodily processes, and the routinization of the body’s basic needs like food, water, and sleep.²²⁰ The KUBARK manual quotes a study from the National Institute of Mental Health on sensory deprivation, in which researchers note that in their experiments “after immersion [in a sensory deprivation tank] the day is apparently started over [...] the subject finds he is out of step with the clock for the rest of the day.” The processes of eating and sleeping helps the body maintain this clock, keeping track of the time of day and how many days have passed. Studies on blindness and circadian rhythm disorders also usefully illuminate this relationship. These studies argue that humans do not only sleep because they are tired, but at least in part because the body recognizes a particular time as “night” – the time for sleeping.²²¹ This is not an intellectual recognition, but a sensory one: the turn from light to darkness that we experience everyday calibrates one’s internal clock and allows us to identify the appropriate time for sleep. Deprived of this sensory information, the body does not “know” when to sleep, even if it is tired. Indeed, when the feeling of tiredness cannot be confirmed by – or even conflicts with – the feeling that it is the right time to sleep, the body is thrown into chaos. Even predictable fluctuations in these cycles, such as those caused by the transitions between day and night shifts, are incredibly

²²⁰ Sophie M. T. Wehrens et al., “Meal Timing Regulates the Human Circadian System,” *Current Biology* 27, no. 12 (June 19, 2017), 1768-1775. doi: 10.1016/j.cub.2017.04.059

²²¹ S. Aubin et al., “Altered Sleep–wake Patterns in Blindness: A Combined Actigraphy and Psychometric Study,” *Sleep Medicine* 24 (August 2016), 100-108. doi:10.1016/j.sleep.2016.07.021.

disruptive to the body.²²² Thus, making the provision of food and sleep unpredictable causes this internal clock to breakdown and cease its operation. As a result, it is not simply that torture victims might have the time *wrong* – rather, they simply do not have it. Their detention is not only legally codified as indefinite: they are quite materially experiencing it as such. The length of their detention literally cannot be defined, since time itself – the metric which gives detention its parameters – is intangible and, by extension, meaningless.

As I have noted above, more recent documents from the “War on Terror” suggest that the basic principles of the KUBARK manual are still the bedrock of the CIA’s interrogation program. American officials carefully detailed their intended torture procedures for certain “high value” War on Terror detainees along the same lines as KUBARK in the files which later came to be known collectively as the “torture memos.”²²³ In a memo from the Office of Legal Counsel to the CIA on the “alternative set of procedures” for interrogating these “high value” intelligence targets (and on how to dodge the demands of international law), the CIA’s intended tactics are clearly outlined. The memo details:

The specific conditioning techniques at issue here are dietary manipulation and extended sleep deprivation. Dietary manipulation would involve substituting a bland,

²²² Gloria Kuhn, “Circadian Rhythm, Shift Work, and Emergency Medicine,” *Annals of Emergency Medicine* 37, no. 1 (January 2001), 88-98. doi:10.1067/mem.2001.111571.

²²³ It is worth flagging that some of these documents were written after the pornographic abuses of Abu Ghraib had already come to light and take great pains to distinguish their “scientific” and “legal” methods from those practiced in the Iraqi prison camp.

commercial liquid meal for a detainee’s normal diet [...] Extended sleep deprivation would involve keeping the detainee awake continuously for up to 96 hours.²²⁴

In the following sections, I examine what these two tactics actually look like in operation, and how they affect detainees. After reviewing this evidence, I will return to the larger question of how these procedures both designate the tortured as extralegal and make this status felt on the body.

Sleep Deprivation

Sleep deprivation, proponents claim, is an excellent interrogation tool, and not torture at all. It is administered in a way which is scientific, or even medical. They claim it does not cause pain but rather “discomfort” or “mental distress.” Indeed, the OLC-CIA memo referenced above describes – in an almost cheerful tone – the vast benefits of sleep deprivation as an interrogation method. It extols “that one of the techniques—sleep deprivation—has proven to be the most indispensable to the effectiveness of the interrogation program.” They go on to caution that sleep deprivation is absolutely essential to interrogation, since “its absence would, in all likelihood, render the remaining techniques of little value.” In this case, I take torturers at their word: whatever sleep deprivation does, it is key to their self-understood goals. To understand torture, then, we

²²⁴ Although this memo claims that prisoners would be sleep deprived for a maximum of 96 hours, or four days, another memo from the OLC to the CIA which discussed the interrogation of a specific prisoner, Abu Zubaydah, records “You have orally informed us that you would not deprive Zubaydah of sleep for *more than eleven days* [264 hours] at a time” (emphasis mine). Indeed, leaks from Guantanamo Bay would later reveal that eleven-day sleep deprivation courses were not uncommon.

must account for what sleep deprivation achieves and what makes it such a special weapon in the torturer's arsenal. Despite the KUBARK manual's claims about intelligence gathering, both research and common sense suggest that the "information" gathered from a sleep-deprived person is unlikely to be reliable.²²⁵ To determine what this technique achieves, we must then examine the method more closely.

Advocates of sleep deprivation call it a psychological technique: they claim that it is mental rather than physical and has no lasting effects. In other words, it is not bodily, not torture, and not forbidden by international law or agreement. A very cursory examination proves these claims to be false. First of all, to successfully administer a "course" of sleep deprivation, the prisoner must be prevented from sleeping. How can this be accomplished? Torturers have learned a myriad of methods: forced standing, unbearably cold cells, blaringly bright light, painfully loud noises at unpredictable intervals. The list goes on. The CIA's officially sanctioned method, as described in the OLC-CIA memos, relies on forced standing. The description of this method, sandwiched

²²⁵ Taking a slightly different approach, the Israeli government has generally argued that sleep deprivation is necessary because the information they seek is urgent: there is no time for sleep, because the interrogee has information that must be extracted as quickly as possible. However, human rights organizations have pointed out that time sensitivity does not seem to justify the General Security Service's use of sleep deprivation, since detainees are generally permitted to sleep on the weekends – when GSS personnel have time off. See: Ginbar, Yuval. *Legitimizing Torture: The Israeli High Court of Justice Rulings in the Bibleisi, Hamdan, and Mubarak Cases – An Annotated Sourcebook*. (Jerusalem: B'Tselem – the Israeli Information Center for Human Rights in the Occupied Territories, 1997)

between claims that this tactic is not harmful, not designed to cause pain, and is entirely psychological in effect and operation, is as follows:

The CIA uses physical restraints to prevent the detainee from falling asleep. The detainee is shackled in a standing position with his hands in front of his body, which prevents him from falling asleep but allows him to move around within a two- to three-foot diameter area. [...] We are told, and we understand that medical studies confirm, that clinically significant edema (an excessive swelling of the legs and feet due to the building up of excess fluid) may occur after an extended period of standing.

It is not difficult to imagine how painful this experience would be: to stand, able to move only far enough to shuffle from one side to the other, for several days on end while one's legs and feet begin to painfully swell.²²⁶ In short, these methods keep the prisoner awake by causing them pain. The pain may not be, in any given moment, unbearably acute, but it is pain nevertheless, and it is pain that grows steadily worse as time (unmarked and unmeasured, for the detainee) goes on. And pain is not only the cause of sleep deprivation, but also the effect. Anyone who has pulled an all-nighter can begin to imagine the pain of several consecutive days of being forcibly kept awake – the ache in

²²⁶ There is a more plausibly psychological element of this torment. The memo goes on to state: "Because releasing a detainee from the shackles to utilize toilet facilities would present a significant security risk and would interfere with the effectiveness of the technique, a detainee undergoing extended sleep deprivation frequently wears a disposable undergarment designed for adults with incontinence or enuresis." The memo insists that this is merely practical and not punitive, and that every measure is taken to maintain the comfort and dignity of the victim. However, in operation this tactic recalls more maligned methods – if the sole object is to keep the detainee awake, there is no reason why letting them utilize toilet facilities would interfere. On the other hand, releasing them from their shackles would temporarily relieve the stress of their bodies caused by forced standing.

the eyes, the mounting pressure in the skull, the heaviness in every limb. It makes little difference whether scientists or psychologists design and administer the program of sleep deprivation; whether it has been optimized for efficiency or the convenient allocation of resources. Calling sleep deprivation a form of “psychological pressure” does not change the fact that it hurts. Prolonged sleep deprivation produces a body in pain, and outside of time.

Perhaps the most powerful meditation on this tactic comes from the abuses at Abu Ghraib. There is a hint of desperation in the ways the later OLC-CIA memos repeatedly decry the scandal at Abu Ghraib and try to distance themselves from those tactics. Not, I think, because the authors feared any concrete consequences for their actions, but rather because they were likely aware how closely their program replicated certain practices from Abu Ghraib which had been explicitly condemned. The Taguba Report specifically calls out the abuses inherent in Abu Ghraib’s sleep deprivation program. Most strikingly, the report condemns SPC Sabrina Harman of the 372nd MP Company. SPC Harman was responsible for one of the most infamous (and perhaps the most iconic) abuses that was included in the leaked photographs: the hooded prisoner standing on a box with wires attached to his fingers, toes, and penis. Apparently, the prisoner believed these wires would deliver an electric shock if he moved. According to the report, when SPC Harman was asked about this horrific display, she responded “that her job was to keep the detainees awake.”

Dietary Manipulation

Given the overt severity and brutality of some of the other torture techniques I have catalogued, dietary manipulation may seem relatively mild, and therefore unimportant. However, it is a frequent and important theme in survivor accounts. Considering the centrality of food to both the physical and social aspects of human life under ordinary circumstances, it makes sense how much survivors discuss it: food is even more important in life under torture, when both physical and social vulnerability are their maximal point of exposure. One of the survivor accounts included in the IACHR's 1980 report on Argentina is the testimony of Reverend Patrick Rice (mentioned briefly above). Reverend Rice was an Irish Catholic priest who was seized off the streets, held for almost two months, and tortured extensively. He was repeatedly subjected to the *picana*, a six-pronged cattle prod popular in Argentine torture at the time, and other forms of excruciating electrocution. On top of his own pain, he felt responsible for the torture of a young woman picked up along with him, who he reports was also starved, electrocuted, and beaten. He suggests, but does not say outright, that she may have also been raped in captivity. It seems that his release was secured only by the intervention of the Irish government through their ambassador. There can be no doubt that his time in detention was characterized by excruciating physical and psychological abuse.

His testimony details this abuse at length, describing all its excesses and the lingering effects of the brutality to which he was subjected. And yet, in the midst of all this, he takes the time in his testimony to describe in detail the deficiencies of the food his captors provided at each site. By this I do not mean simply noting when and where he

was starved, although he certainly does this too. What is even more striking, however, is how troubled he seems by the food he did receive:

The food in Coordinación Federal consisted of mate tea without milk or sugar, and a little bread in the morning, boiled pasta, sometimes without salt, and bread at mid-day, and polenta (also without salt), and bread at night. Sometimes, they added salt and sauce, but very rarely [...]
The food in Devoto was very bad and very greasy. In La Plata, it was much better and was adequate.

In fact, his report was far from unusual. CONADEP included an entire section on food in their report on the abuses, pointing out that “All those released coincide in mentioning the appalling food.” The report goes on to explain that much as Reverend Rice described, “There was no meat and the food had no flavour at all; sometimes it might be very salty, other times without any salt.” The commentary on salt (or more accurately, on its absences) stands out in these accounts for its specificity and the frequency with which it occurs. As a critique of food in general, this critique is uncontroversial: under- or over-salting is, arguably, the fastest and most reliable way to ruin a dish. But as Pierre Laszlo reminds us in his sweeping and multidisciplinary account of the chemical/seasoning in *Salt: Grain of Life*, salt is not just a flavoring agent. Living organisms have a biological need for a certain amount of salt. Although we may not recognize it as such, the craving for salt is not merely a matter of preference.²²⁷ But there is more to it than biological

²²⁷ Recipe writer and chef Samin Nosrat makes the same point in her highly influential (although not strictly speaking academic) cookbook *Salt, Fat, Heat, Acid*: “[Salt] is one of several dozen essential nutrients without which we cannot survive. The human body can’t store much salt, so we need to consume it regularly in order to be able to carry out basic biological processes, such as maintaining proper blood pressure and water

need, too. Examining proverbs and traditions across cultures and contexts, Laszlo concludes that salt is a social object; a sign and site of human connectivity: “salt being given and received is an indicator of the rich social relations by which outsiders integrate themselves into a gathering or, at the very least, are able to strike up an acquaintance.”²²⁸ Salt, he concludes, “symbolizes social harmony.”²²⁹ The disruption, absence, or misuse of salt therefore has broader reaching consequences than flavor alone: it signifies a disruption in the possibility of connection and sociality.²³⁰

While the OLC-CIA memos do not quite outline recipes for the detainees’ food, they do describe in detail their plans to provide “appalling” and flavorless food: one of the tactics the memos prescribe for dietary manipulation involves replacing a prisoner’s food with a (calorically equivalent, of course) diet of technically edible grey sludge that keeps their predetermined target weights while totally depriving them of the material experience of eating. It supplies nutrition without ritual, calories without context.

distribution in the body, delivering nutrients to and from cells, nerve transmission, and muscle movement. In fact, we’re hardwired to crave salt to ensure we get enough of it. The lucky consequence of this is that salt makes almost everything taste better to us, so it’s hardly a chore to add it to our food. In fact, by enhancing flavor, salt increases the pleasure we experience as we eat.” Nosrat, Samin. *Salt, Fat, Heat Acid: the four elements of good cooking*. (New York: Simon & Schuster, 2017): 20.

²²⁸ Laszlo, Pierre. *Salt: Grain of Life* trans. Mary Beth Mader. (New York: Columbia University Press, 2001): 1

²²⁹ Laszlo, *Salt*, 2

²³⁰ Salt has other uses in torture, as well. Torture survivors from around the world report that their torturers doused them in salty water (supposedly to increase their bodies’ conductivity before electric torture), rubbed salt into their wounds to heighten the pain and stinging, or force fed them salty water in an attempt to drive them mad with thirst.

On its face, this may not sound like torture. After all, a staggering proportion of people lack access to the recommended daily minimum number of calories. These detainees, according to the memos and the studies they cite, are getting enough to live. Similarly, Rev. Rice and the other Argentine prisoners who received bad food seem to have been in relatively better situations than those who were starved outright. This may be true. However, meals and calories are not interchangeable equivalents: the provision of bad food echoes the misuse of everyday objects in torture. Prisoners had no choice but to eat the food they were given, if they wished to survive. As a result, this tasteless and appalling food turned yet another would-be source of comfort against them.

This diet forcefully recalls the contentious case of nutraloaf, the vile (but supposedly nutritionally dense) edible brick served to prisoners in U.S. prisons held in solitary confinement or deemed guilty of violating prison rules. Much like the CIA sludge diet, nutraloaf has an ostensible purpose: it is supposed to protect prison staff from the dangers implicit in giving prisoners food (whatever those may be). However, it became increasingly clear that in many prisons, nutraloaf was functionally being used as a punishment: a form of food that was deliberately weaponized to inflict suffering. In 2012, Terrance Prude filed suit against personnel in Milwaukee County Jail regarding the provision of nutraloaf. Prude alleged that the nutraloaf had caused him pain and vomiting so severe that he was eventually admitted to the infirmary, and which caused him to lose 8.3% of his body weight. It is a curious case. The decision handed down by the Seventh Circuit tells us rather more about jurisdictional squabbles between the federal court system and county jails than about Prude's case. However, the decision does explicitly

state the possibility that, under certain circumstances, the use of nutraloaf might constitute a violation of the Eighth Amendment prohibition on cruel and unusual treatment.²³¹

Clearly, the American prison system – which has many points of contact and collaboration with the “War on Terror” detentions – has a history of using food as punishment. The CIA’s sludge diet is a member of this lineage, or perhaps even a refinement of it, since there is at least one respect in which nutraloaf is superior to its liquid equivalent: you can chew it. Although this may not seem like much, the act of chewing is part of the ritual of eating. Like watching daytime darken into night, chewing food is a way that the body marks the passage of time. This liquid diet is, therefore, even more disruptive to bodily rhythms than nutraloaf. Although the specific biological effects of this liquid diet are difficult to ascertain, many prisoners report dramatic declines in their health, including weight loss far beyond the parameters the memo defines as acceptable.

The potential power of food to comfort is most clearly illustrated on those few occasions when a prisoner describes actually receiving access to good food. For example, Sergio Hugo Schilman relates in his testimony an instance when he “received something from home; a plate of food.” Despite his incredibly bleak situation overall, he writes that

²³¹ For a defense of this practice which insists nutraloaf – or forms of otherwise bad food – cannot constitute an Eighth Amendment violation, see: Spanos, Alexander J. “The Eighth Amendment and Nutraloaf: A Recipe for Disaster.” *Journal of Contemporary Health Law and Policy* 30(1), 2014.

“this calmed me down a bit because then I knew that both my family and friends were doing something.” The plate of food not only nourishes him but revives his connection to the outside world and his sense of identity. It is a reminder that the whole world is not characterized by pain, and that comfort and succor are possible.

Furthermore – and as the KUBARK manual itself notes – food is directly related to one’s bodily regulation and sense of time. Calories may provide the body with the energy to undertake its basic functions, but meals are part of the infrastructure that directs the body to recognize what those tasks are and when to perform them. The diet of sludge prescribed by the CIA’s torture regimen does not adequately fulfill this role. Thus, dietary manipulation is one of the tactics that torturers use to disorient their captives, destroying their internal clocks and creating a persistent and uncomfortable feeling of being outside biological time in a way that both mirrors and enacts their position outside of legal time.

Detainees also describe some of the more external or rationalized ways they tried to use food to keep track of and anchor themselves within time. For example, Estela Maria Cornalea de Falicoff described how early in her detention she used the guards’ mealtimes to try and track how long she had been detained. She reported:

During the entire time I was there, I heard the same sound; the loud record player, screams of pain, running water. The guards wore rubber boots. I suppose I spent an entire day and night there because the music was interrupted twice when they brought food to the guards and their superiors.

The underlying assumption of this calculation, of course, is the reliability and routinization of mealtimes. Despite the constant horrors of the “screams of pain, running water” that indicated someone (at times, her own husband) was being tortured and the music played to mask their screams, she understands these meal breaks as a reliable indicator of time’s passage. The steady and dependable cycle of mealtimes gives her something to hold on to, and to remind her of the possibility of a world outside. Meals not only break the monotony of horror, but they also provide invaluable information. However, this assumption began to betray her as her detention dragged on and she was moved to a long-term cell. Describing her living conditions in her long-term cell – where she was held for over a year – she reports that “[m]eals were always the same: in the morning, a cup of stew, at noon a meat sandwich and sometimes a cup of broth, and at night the same. On some days, one or two meals were omitted.” By correlating these meals to specific times, she has – she thinks – found a way to make the days clear, distinct, and trackable: a cup of stew means morning. The second sandwich means night.²³² But as she notes, this method was not reliable. By depriving the prisoners of foods, the guards were able to not only inflict misery via hunger, but to disrupt their methods of tracking the time. For prisoners held blindfolded or in constant light or

²³² The strategy of using meals to try and measure the passage of time occurs is described by many torture survivors. For example, a prisoner of the Israeli GSS who had also been deprived of sleep and kept hooded for most of his imprisonment bluntly explained: “You know it is morning when they give you the egg.” Ginbar, Yuval. *Routine Torture: Interrogation Methods of the General Security Service*. (Jerusalem: B’Tselem – the Israeli Information Center for Human Rights in the Occupied Territories, 1998) “Testimony of Ghaneimat.” 44.

darkness, subjected to unchanging noise, food may have been the only sensory method of marking time. As a result, the disorientation caused by disrupting mealtimes is profound.

Time, Trauma, Disorientation

The damage that sleep deprivation and dietary manipulation cause to the body is lasting: they manifest among the many scars that torture leaves on its survivors. Account after account from torture survivors tell of catastrophic weight loss; the kind that inevitably damages the body's other processes. For example, Luiz Lott de Moraes, tortured in Rio in 1971, began his testimony regarding the profound "psycho-manic-depressive" behavior induced by his torture experiences by noting that "within approximately one month [in detention], he lost about 20 kilos."²³³ These forms of torture (even if described as "psychological") thus remake the body in significant and lasting ways. But sleep deprivation has even more severe and lasting effects, stemming precisely from the ways in which sleep deprivation distorts the tortured person's relationship to space and time: sleep deprivation as a method of torture is not confined by the space and time of torture. It stays with the torture survivor; a torture that persists in the absence of a torturer to inflict it.

The experience of living under torture lingers, making it difficult to reestablish a secure, reliable relationship to the ordinary world. Indeed, it is in these aftereffects that the collaboration and mutual intensification between these two stages of the torture

²³³ *Brasil: Nunca Mais*, 186

system (i.e., life under torture and the session) are most clear. Unsure of exactly when and when they are, the torture survivor is never confident that they have survived; that the torture is truly over. And this uncertainty is self-perpetuating: the memories – and the pain – of torture maintain the torturer’s regimen of sleep deprivation, deferring any return to normal relations with space, time, and the orderly political existence these coordinates enable.

These circular and lasting effects of torture are clearly exemplified by survivor testimony and medical reports. For example, a post-release medical report on a woman who survived long-term detention and torture in Brazil noted that she presented:

an acute confused state, temporal disorientation, loss of sense of reality, and ideas of self-extermination. She had the impression, during the night, that the interrogation to which she had been subjected continued without ceasing; she was unable to distinguish the real from the imaginary, and could not say precisely for how long she remained in that state.²³⁴

This record makes these connections explicit. Her “acute confused state, temporal disorientation, loss of sense of reality, and ideas of self-extermination” blur together into a singular kind of torment: that when the sense of time and reality are lost, life itself becomes torturous and untenable. Indeed, medical testimony describes an extremely high incidence of suicidal thoughts, fantasies, and tendencies among these survivors, who are trying to live fundamentally unlivable lives: they are trying to be subjects after their

²³⁴ *Brasil: Nunca Mais*, 186

subjectivity has been violently destroyed. The testimony above records how when the survivor attempts to sleep, she finds herself returned to the torture chambers, and that her torture has “continued without ceasing.” The problem these survivors confront, however, is that the inability “to distinguish the real from the imaginary” is not a psychic or mental failing. Rather, it reflects their existence at precisely the margin between the real and the imagined. Torture blurs this boundary in many ways, not least of which is through sleep deprivation, which unmoors the body from those anchors that stabilize it within the framework of reality. Indeed, this problem is precisely what her diagnosis identifies when it indicates that she “could not say precisely how long she remained in that state,” subjected to tortures that were, in truth, both real and imagined.

Many torture survivors report a kind of dual recall of torture in their lives after detention. The first is what we might think of as trauma in the classical sense: the wound that returns, the memory that both must and cannot be repressed. The character of trauma is exactly its demand to return and to repeat, and survivors of torture certainly testify to these cycles. The second kind, however, is more fundamentally bodily in experience (and perhaps in cause as well, although the science on this point is not only inconclusive but highly contested). It is the experience of bodily pain, pain that echoes or restates the methods of torture inflicted on the body in the first place. For example, the testimony of Leovi Antonio Pinto Carísio describes his experiences of torture and its aftereffects:

There, in a room especially reserved for torture, they tied my wrists and ankles with separate ropes, and put me on the small table; the ropes were then passed under the crosspieces that united the two legs of the table at each end;

they forced my torso with sudden jerks, in the opposite direction of my spine movement. The pain was atrocious, and I still feel it, once in a while, along my spine.²³⁵

His testimony is quite clear that the pain he feels is not a generalizable discomfort; not some dispersed bodily experience that resulted from his ill-treatment. He singles out this specific method of torture, separately from the beatings and other forms he suffered. And he singles out a specific form and location where this pain repeats: the “sudden jerks” he “still feel[s], once in a while, along [his] spine.” The specificity of this pain is a torment of its own, separate from the physical agony it entails, because it is a pain that twists space and time. It violates the integrity of the survivor as such: when the pain twists and jerks along his spine he is returned – however momentarily – to that small table, and the “room especially reserved for torture.”

Sleep deprivation in captivity morphs into the post-release “sleep disturbance.” Despite the absence of flashing lights, blaring noises, and stress positions, torture survivors testify that they are simply unable to sleep. Some say they are so disoriented, so unsure of their relationship to time, that they cannot reset their internal clocks. Others are plagued by nightmares, visions, and flashback of their time in detention. And still others report the converse: that after their release they find themselves crushed by a lethargy that does not break. No matter how much they sleep, they find that they wake exhausted, and can hope for nothing more in their waking hours than to return back to sleep as soon as

²³⁵ *Brasil: Nunca Mais*, 182

possible. Of course, both sleeplessness and lethargy can be symptomatic of depression, and psychologists who work with torture survivors describe how torture, by severing all sense of trust and security in the world, easily induces long-term depression. Despite this, there is no denying that these symptoms been a peculiar relationship to life under torture itself, and specifically to the techniques of spatial and temporal disorientation which are so heavily favored by practitioners of torture.

In the preceding sections, I have shown how torturers conceptualize and implement techniques of disorientation, focusing on spatial disorientation, sleep deprivation, and dietary manipulation. I have shown that through these techniques, torturers seek to make their victims feel themselves to be outside of space and time. The purpose of these techniques is not only to inflict pain and heighten vulnerability, although these are both undoubtedly important elements of all three of the tactics. Rather, I have suggested that these techniques of disorientation enact – through the body – a relationship between the victim and the law which produces the victim as an extralegal subject. This relationship, I have further argued, is a lasting one that transcends the immediate experience of the torture chamber. In the concluding sections, I will work through these connections to illustrate how spatial and temporal dislocation produce a subject who is outside of ordinary law.

The Death of the Subject

I have suggested above that because the law is premised on the specificity of space and time, to be outside of measurable and ordinary space and time is also to be in a

condition of extralegality. Thus, when torture victims are forcibly disoriented, they come to feel or understand themselves to be outside the confines of what can be described or managed in ordinary law. How exactly is this accomplished? To answer this question, we must examine more broadly what is lost when techniques of disorientation exploit and lay waste to the body. I have alluded to these losses throughout: the disorientation of the body is the loss of position within space and time, but also much more. It also spells the loss of home and stable community; of human connections and of something we might call futurity. In other words, these techniques modify their object's relationship to ordinary law because disorientation strips the victim of their identity or – more precisely – of their subjecthood.²³⁶

In the preceding chapter, I described the ways that different security doctrines which promoted torture focused their sights on an internal threat: a kind of pollution and contamination which threatened to destroy the body politic from within. This language takes on a far more literal manifestation inside the torture chamber. Detainees are constantly referred to as vermin or parasites, concretizing the relationship between their

²³⁶ In fact, Lone Jacobsen and Edith Montgomery of the Rehabilitation and Research Centre for Torture Victims in Copenhagen argued that loss of identity is perhaps the primary aftereffect of torture: “The victims describe the mental reactions after torture as the most disabling by giving them a feeling of having changed their personality. Before the torture, many of the victims were extrovert and active persons, but afterwards they prefer to isolate themselves from their surroundings. They have lost their self-respect and confidence in other people, and they avoid contact. *The feeling of having a changed identity* is one of the most characteristic effects of torture.” Jacobsen, Lone & Edith Montgomery, “Treatment of Victims of Torture” in *The Phenomenon of Torture: Readings and Commentary* edited by William F. Schulz (Philadelphia: University of Pennsylvania Press, 2007): 296.

bodies and the “problem” torture must resolve. They are not political subjects, but objects on which power must be exercised for the good of the state. For example, psychologist Elsa Leone de Gil recounts the experiences of her patients who survived *Libertad*:

They [were] being called ‘insect’ or ‘cockroach’ or ‘rat.’ ‘*Apestoso*’ – ‘diseased one’ – was a frequent slur. The guards were trained to show revulsion at all times; they were never to touch an inmate’s clothing or dishes, and were to act as if these really were infected.²³⁷

Thus, the rhetorical concerns about infiltration and infestation expressed by security doctrine became real and material inside the torture chamber. Detainees’ bodies are constructed as parasitic and contagious, even though the political contagion they supposedly represent has been neutralized – the supposed-Communist agitator, kept blindfolded at the bottom of a well, is unlikely to do much union organizing. Likewise, Esposito describes how the Nazi’s elaborate descriptions of their enemies (and Jews especially) as bacilli, bacteria, parasites, viruses, and microbes extended to a level beyond the “usual” usage in anti-Semitic vocabulary. As he explains, “the Jews didn’t resemble parasites; they didn’t behave as bacteria – they were bacteria who were to be treated as such.”²³⁸ The threat of infection is not ideological, but material: it is the body which must be subject to securitization and effectively removed from the political community.

²³⁷ Weschler, *A Miracle, A Universe*, 134.

²³⁸ Esposito, Roberto. *Bíos: Biopolitics and Philosophy* [Bíos. English.], Vol. 4 (Minneapolis: University of Minnesota Press, 2008): 117.

The conditions created by life under torture play an important role in this project. In fact, the KUBARK manual was quite casual in admitting the intention behind creating these conditions. The manual explains that “the circumstances of detention are arranged to enhance within the subject the feelings of being cut off from the known and the reassuring, of being plunged into the strange. [...] The point is that man’s sense of identity depends upon a continuity in his surroundings, habit, appearance, actions, and relations with others.” While the manual uses the language of identity, what it describes is realistically the entirety of a subject: a person’s community and relationships, dispositions, behaviors. The “circumstances of detention” strip away everything that defines the detainee and enables them to act.

It is this subject, according to Ñacuñán Sáez, that contemporary torture reaches through the body: “Pain, the pain inflicted by contemporary torture, does not break down a pre-existing subject. It does something more and something less than that: paradoxically, it produces the subject as already (or still) absent.”²³⁹ Thus, torture renders the subject as a kind of caesura. Torture survivors describe this loss of subjecthood as a kind of living death; a state in which they feel so outside of space, time, and community that they feel outside of life itself. Dr Norberto Liwsky described this state to CONADEP like this: “I began to feel that I was living alongside death. When I wasn’t being tortured I had hallucinations about death – sometimes when I was awake, at other times while

²³⁹ Sáez, Ñacuñán “Torture: A Discourse on Practice,” quoted in Norris, Andrew. *Politics, Metaphysics, and Death: Essays on Giorgio Agamben’s Homo Sacer*. (Durham, NC: Duke University Press, 2005): 34

sleeping.” This description emphasizes the liminality of the subject who is “already (or still) absent.” He is neither wholly living nor wholly dead, but rather “living alongside death.” His recurring hallucinations about death suggest a seeping slippage between reality and delusion, which echoes the blurring between sleeping and being awake. Dr Liwsky is living, it seems, within precisely one of the “death-worlds” that Achille Mbembe associated with the objects of necropower: “new and unique forms of social existence in which vast populations are subjected to conditions of life conferring upon them the status of living dead.”²⁴⁰

Tracing the history of what we might call “racial hygiene,” Esposito notes that the lexicon used to describe the targets for extermination (“half men,” “damaged beings,” “empty human husks,” “human ballast,” etc.) placed these bodies quite explicitly in the category of what Agamben termed “bare life.” These lives already contain the seeds of death:

in their case death does not come from the outside, because from the beginning it is part of those lives – or more precisely, of these existences because that is the term that follows from the subtraction of life from itself. A life inhabited by death is simply flesh, an existence without life. This is the exact title of the film that will later be made in order to instruct personnel working on T4, the Nazi euthanasia program: *Dasein ohne Leben* (Existence without life).²⁴¹

²⁴⁰ Mbembe, J.A., “Necropolitics” *Public Culture* 15, no. 1 (Winter 2003): 40

²⁴¹ Esposito, *Bios*, 134

The conditions of life under torture situate the tortured body at the central nexus of these terms – *apestoso*, living dead, *zōē*, *Dasein ohne Leben*. Techniques of disorientation both produce a body that is available for torture and simultaneously produce the mandate that these bodies – parasitic, damaged, contaminated – must be destroyed.²⁴² Completing the cyclical relationship between the body and the law for which I have argued, state authorities have largely codified and confirmed this feeling of liminality after the fact for both the survivors and the presumed-dead. In both the Argentine Dirty War and the American “War on Terror,” it appears that many victims remain trapped outside of space and time. In a public speech after the Dirty War was deemed officially over, then-President of Argentina General Roberto Eduardo Viola infamously referred to the disappeared as “those who will be absent forever.” The ambivalence of this phrase is not an apology or a form of reparation, but rather a reiteration of this spatial and temporal dislocation that makes the disappeared remain extralegal subjects. Absence, after all, implies the possibility of presence. To be “absent forever” is therefore quite different from being “dead” or “gone.” It is an empty space, a break which cannot heal: permanent suspension in the mode that Sáez described as “already (or still) absent.”

²⁴² Jeremy Wisnewski gives another useful accounting of this process: “torture systematically removes the layers of meaning that make human life what it is; it destroys the trust we have in each other – a trust that makes possible our loving relationships and our care for both those close to us and those we’ve never met. In this respect, torture makes the human inhuman” See: Wisnewski, Jeremy. *Understanding Torture*. (Edinburgh, UK: Edinburgh University Press, 2010): 72

The OLC-CIA memo on the interrogation of “War on Terror” prisoners makes a similar gesture of erasing these detainees from view. After explaining at length why the detainees – somehow – do not fall into any of the potentially relevant legal statuses, it notes:

The CIA does not intend for this program to involve long-term detention [...] they will be detained only so long as is necessary to obtain the vital intelligence they may possess. Once that end is accomplished, the CIA intends to transfer the detainee to the custody of other entities.

This comment obfuscates rather than clarifies the state of the detainees: while it claims detention will not be “long-term” it provides no clear limits, either. There is no way of knowing how long it will take to “obtain the vital intelligence they may possess,” especially considering that this phrasing itself admits that these detainees may not have any “vital intelligence” to give, and even more so because the longer a person is detained the less likely they are to have current (i.e. vital) information.²⁴³ Additionally, the memo is quite unconcerned with what the “custody of other entities” will entail. Although it suggests the Department of Defense as one possible custodian, it does not say how or why detainees will be sent to different authorities, or what their status will be once they get there. Like the “absent forever,” these detainees are suspended in a liminal condition. They will not be detained long-term, but they will not be released. They will leave the

²⁴³ Hussain cites the offhand comment made by an interrogator to CBS news, which claimed that detainees were “being kept as a kind of al Qaida database to be mined indefinitely.” He points out the irrationality of such a claim – how can detainees who have been in isolation for months, if not years, provide current information about al Qaida’s activities? See: Hussain, “Beyond Norm and Exception,” 750

CIA's custody, but they will not enter the custody of any other named entity. They are outside of measurable space and time but bound tightly within the confines of inter- and extralegal order.

The epigraph for the torture section of the Argentine Nunca Más report is a quote from a torture survivor named Miguel D'Agostino. It frames the rest of the chapter with these words:

If when I was set free someone had asked me: did they
torture you a lot?
I would have replied: Yes, for the whole of the three
months...
If I were asked that same question today, I would say that
I've now lived through seven years of torture.

Torture enacts a lingering relationship between the body and the law. This may seem like a paradoxical claim, given that I have argued that most modern torture takes place outside the auspices of ordinary law. However, as I have argued in this chapter, the extralegal character of modern torture and its tactics and techniques are intimately related. By this I do not only mean that modern torture must be hidden, but rather that the methods themselves must constantly produce and reproduce this extralegal status. I argue that the extralegal character of torture is not only produced by the words of the law, but of the way it works on bodies and creates what I refer to as the conditions of life under torture. Torture victims experience being outside of ordinary law as a bodily and sensory reality because of the way the conditions of life under torture affect victims' perception of space and time. Without the anchors of space and time, the tortured become vulnerable to the

stripping of identity, personhood, and subjectivity that their torturers enact on their bodies.

In the chapter that follows, I turn to the other component of the torture regimen – the session. Set against the background of the conditions of life under torture, the session details the most brutal and spectacular forms of violence that torture enacts onto the body. In analyzing these forms, I argue that the session both reiterates and expands the forms of power described here. While life under torture exposes bodies to sovereign power, it is during the session that the effects of this power are most concentrated and thereby most visible.

The Session

Introduction

In the previous chapter, I described the conditions of life under torture, arguing that these conditions comprised one distinct element of the torture process. The other element – which is perhaps the part we generally imagine when we think of torture – is what I have named as “the session.” Torturers use two qualitatively different modes of torture during the session, which I will categorize as “techniques of intimacy” and “techniques of stealth.” I will describe the differences between these two families of tactics in detail below, but it is important to note that both kinds of tactic are, in theory, used for the similar purpose: extracting information from uncooperative sources. Since the primary stated goal of modern torture is the pursuit of information or “actionable intelligence,” the session is ostensibly what makes torture “worth it” – what makes it meaningful.²⁴⁴ If the task of torture is to gather information, it is the interrogation

²⁴⁴ There are two other reasons for torture which are related and which, in moments of candor, states will admit to: punishing an individual or group and intimidating an individual or group. In all cases, the person tortured need not necessarily be the one being punished, intimidated or interrogated. For example, sexual torture is often inflicted on women to “punish” their male relatives. Often times, a particular instance of torture falls into more than one category. For example, French torture of Algerians during the Battle of Algiers sometimes related to all three categories. Algerians were tortured for information about the FLN’s activities (which, statistically speaking, they were unlikely to have), to intimidate FLN members and sympathizers to try and limit their activities, and to punish Algerians generally for their disobedience. This case also provides ample examples of a special variant of the first rationale for torture: French torturers also hoped to “turn” Algerians, making them spies and informers who would collect and report new information, as well as play a role in terrorizing new interrogees. See: Horne, *Savage War of Peace*, 199. However, using torture for punishment has been widely condemned. There is still debate about the ethics of torture for information. The pro-torture (“enhanced interrogation”) camp is championed, in the U.S., by conservative legal

element of the torture system that fulfills this purpose. However, as I have noted, this justification is more rhetorical than actual: although advocates of torture describe it as an intelligence gathering technique, this claim does not hold up to empirical scrutiny. The evidence largely concurs that torture is not an effective means for extracting information.²⁴⁵ And perhaps even more strikingly, analysts and even members of intelligence services have argued that the use of torture corrodes other, more reliable intelligence gathering skills. As a result, intelligence gathering units that habitually utilize torture are less – not more – effective than those that use other skills, including those that rely on non-coercive interrogation techniques (i.e., asking questions without recourse to torture). Calling the application of torture an “interrogation session” is therefore somewhat misleading, since this description implies that the goal of the session is to obtain specific information in response to specific questions. Indeed, torture survivors describe (sometimes with shock and dismay), the moment when they realized that information was not really at issue in their torture and, as a result, cooperation could not save them from their torturers. For example, an engineer from Brazil reported entering his interrogation during the military regime with the intention to give them whatever information he could, in order to avoid torture. However, he never received the opportunity:

scholars like Alan Dershowitz and John Yoo, who have actively argued in favor of interrogatory torture. This “live debate” shows the ongoing importance of thinking about the session, which is semantically central to this debate.

²⁴⁵ See, for example, Bell, Jeannine. "Behind this Mortal Bone: The (in)Effectiveness of Torture." *Indiana Law Journal* no. 1 (2008): 339-362

[S]ince he had heard that torture was applied to those who did not confess at least something, he prepared to tell in detail everything about himself that could be interpreted in any way as opposition to the military regime. (...) Yet, after taking down his personal data, the interrogators made him sit down – immediately – in the ‘dragon’s chair.’ From that moment, he said, ‘everything got mixed up. I no longer knew what I had done, nor what I had wanted to tell or even elaborate upon, for it was no longer I who was speaking...’²⁴⁶

His “mistake,” then, was believing the fiction that information is the torturers’ priority.

He tried to harness the logic of the session to save himself from torture but misunderstood the very principles he sought to use. In other cases, those who have already been subjected to torture agree to cooperate fully in the hope of ending their torment. If the goal of torture is capitulation – wringing information from the bodies of the tortured against their will – we might consider these interrogations a “success.” Their work is done. And yet, in many of these cases the torture continues despite the promise of full cooperation. For example, this is the testimony of a torture survivor from the Pinochet-era Chile whose torturers threatened to torture and kill his wife and child:

He broke down and promised to do whatever they wanted provided they did nothing to his wife and child. Even so he was tortured again: made to sit on a chair with wires round his left wrist and left ankle and given severe electric shocks for about half an hour.²⁴⁷

²⁴⁶ *Brasil: Nunca Mais*, xxvi-xxvii

²⁴⁷ Amnesty International, *Chile, Evidence of Torture: An Amnesty International Report*. (London: Amnesty International Publications, 1983): 55

Many others report being asked questions that were meaningless, or that they were asked nothing at all. Dr. Líber Mandressi, a plastic surgeon who spent over eight years in the *Libertad* prison center outside Montevideo reported both of these situations in his experiences in detention:

All of us were tortured for days on end, without even being interrogated at first...Eventually, they'd take us in for their interrogations – beatings, shocks, submarino immersions. They weren't really after any information – they already knew everything, had everybody's name. It was all just part of the process.²⁴⁸

In still other cases, the methods of torture seem themselves entirely contrary to the goal of inducing the tortured person to speak. For example, in his book describing his torture at the hands of the French *paras*, Henri Alleg reported meeting a man named Mohamed Sefta, a Registrar of the Mahakma of Algiers, who was also being detained and tortured. When Alleg speaks to Sefta, he struggles through the words: “Forty-three days with the *Paras*. Excuse me, but I still have trouble in speaking. They burnt my tongue.” He then shows Alleg his tongue, which Alleg describes as “slashed.”²⁴⁹ He does not specify exactly what the *paras* have done, but the combination of “burnt” and “slashed” suggests that they cut his tongue with a heated metal knife, or perhaps applied intense electric shocks to a metal rod that was forced into his mouth. Regardless, it is clear that after such treatment Sefta would have been unable to speak, and therefore unable to answer questions even if questions were – technically – being asked. Torture also has less direct

²⁴⁸ Weschler, *A Miracle, A Universe*, 125

²⁴⁹ Alleg, *The Question*, 35

(albeit equally effective) ways of disabling the capacity for speech. For example, during the first “torture trial” after the fall of the Greek Colonels regime, the wife of Major Spyros Moustaklis gave evidence regarding his torture in detention. She reported visiting her husband in a psychiatric ward, where he had been transferred after a torture-induced medical crisis. She testified that when she was finally permitted to see her husband, she “did not see a man but a ghost, a human vegetable with the dreadful mask of a stroke case.” Through a combination of her husband’s signaling and further examinations (she herself was medically trained), she concluded that when her husband refused to answer his interrogator’s questions, they beat him with such ferocity that the physical trauma triggered a “cerebral stroke” which left him permanently unable to speak.²⁵⁰ Her husband, now unable to answer any questions at all, seems to her to have been emptied out of part of his humanity by torture. The process which left him not “a man but a ghost” is obviously antithetical to the gathering of information but, as I will demonstrate, ties directly to the logic which actually underlies the session.

Life under torture and the session are both part of the same torture system, and accordingly have the same broad goal: the unmaking of certain modes of political subjectivity. In this chapter, I will also briefly address summary executions and corpse exposures; two other elements of the torture system which contribute to this goal. While

²⁵⁰ Amnesty International, *Torture in Greece: The First Torturers’ Trial 1975*, 46

life under torture focuses on unmaking the conditions under which political subjectivity is possible, the session tears apart the subject in more direct and immediate fashion.

The session generally combines two elements: a verbal act and a physical one. There is, of course, some variation in this combination, as the examples above demonstrate. Accordingly, it is crucial not to conflate the verbal act with the pursuit of information. While the verbal act seems to play a role in torture, it seems equally clear from what I have described above that its function is not information gathering. Instead, the act of questioning plays a role in this unmaking and undoing of subjectivity. In the preceding chapter, I described the ways in which subjectivity is constructed relationally: what we might describe as “the subject” is the nexus of ties to the larger world of friends, family, history, and ideas. To destroy this subject – this entity who is capable of political life and political action – the torturer must sever these ties. Indeed, torture survivors recount this possibility as their greatest fear. Of course, they fear pain, and some fear death, but above all else descriptions of the session are characterized by the fear of betrayal; the fear that the linked acts of pain and questioning will force them to become complicit in their own undoing. In their report, “Situation in Greece” from January 1968, Amnesty International described the way that the threat of betrayal was, itself, operationalized as a form of torment:

Signing declarations is considered by many to be the most inhuman technique of the regime. Compulsion to sign a paper denouncing parents, wife or political beliefs particularly affects a person of highly developed consciences and ideals...The Delegation interviewed

people who had signed under this pressure, and all were in some sense broken.²⁵¹

Torture thus illustrates the “world unmaking” function that Elaine Scarry attributed to pain at its absolute worst. The world, after all, is not an objective fact, but something that is produced through interaction with it. The same is true of the subject: the subject is always discursive, constituted by and through the world. In fact, Ñacuñán Sáez argued that the questions of the torturer elicit a kind of self-betrayal even if the tortured person lies to their interrogator. And importantly, Sáez argues that the subject is compromised regardless of whether the questions have any specific political or strategic import – the risk emerges from the asking of questions itself. Telling the torturer even basic truths about oneself is dangerous, since in doing so the tortured “surrender their past into the hands of the interrogator for manipulation.”²⁵² Answering questions – any questions – increases one’s vulnerability to the torturer by allowing them even more intimate contact. While lying may seem like an effective mode of self-protection in the face of this problem, it too comes with risks. Sáez’s warning that “if they [the tortured] lie, they distort their memories at the subconscious level” echoes Nietzsche’s injunction that pain is the greatest aid to memory: this effect remains, even if the “memories” are false or fabricated. As a result, many torture survivors report emerging from the torture chamber

²⁵¹ Amnesty International, *Torture in Greece: The First Torturers’ Trial 1975*, Appendix C “Excerpt on Torture from Amnesty International’s Report ‘Situation in Greece,’ January 1968,” 81-82

²⁵² Sáez, Ñacuñán. “Torture: A Discourse on Practice” in *Tattoo, Torture, Mutilation, and Adornment: The Denaturalization of the Body in Culture and Text* edited by Frances E. Mascia-Lees and Patricia Sharpe. (New York: SUNY Press, 1992)

overwhelmed with uncertainty about not only their futures, but also their previous lives and histories.²⁵³

Although torture involves both verbal and physical acts, it is important not to decouple these acts while analyzing them. It is distinctly not the case that physical torture is addressed to “the body” and the verbal act addressed to “the subject.” Scarry argues, in her analysis of torture, that the verbal and physical acts of torture are not only paired together but closely interlinked. She surmises that the “work” of torture occurs in the connection between the asking of questions (however meaningless) and the infliction of pain.²⁵⁴ These two acts meet on the body. Scarry argues, as I will discuss below, that even the verbal element of torture is addressed towards the body of the tortured, which cannot be separated from their subjectivity.

Thus, the body is the true object of focus during the session. Survivor accounts repeatedly reaffirm the tortured person’s impression, during the session, of the primacy of their bodies. Jean Améry, for example, indicates this condition in describing his own experience of torture:

²⁵³ See, for example, the testimony of Helena Miranda de Figueiredo, *Brasil: Nunca Mais*, 185

²⁵⁴ “Torture consists of a primary physical act, the infliction of pain, and a primary verbal act, the interrogation. The first rarely occurs without the second.” Scarry, *The Body in Pain*, 26

Frail in the face of violence, yelling out in pain, awaiting no help, capable of no resistance, the tortured person is only a body, and nothing else besides that.²⁵⁵

Torture compels its victims to feel trapped in their bodies rather than at home in them, thereby forcing them to experience their existence as all body – “and nothing else besides that.” At this, it seems to be quite successful. Eric Lomax, describing a session of torture he survived, similarly described the feeling that his “whole trunk was brutally defined for me, like having my skeleton etched out in pain.”²⁵⁶ This visceral description shows how torture rewrites or remakes the body. As Lomax describes, torture rearranged his experience of his body so that its most basic structure, his skeleton, was rendered in and as pain. While the methods used to produce this pain take many forms, they clearly drive towards the same goal. In other words, the basic content of torture remains the same. It is during the session that the most overtly painful elements of torture take place. The inscription of power on the body of the other through pain is therefore at the core of the session.

²⁵⁵ Améry, Jean. *At the Mind's Limits: Contemplations by a Survivor on Auschwitz and Its Realities* (Bloomington, IN: Indiana University Press, 2009): 33. Emphasis mine. Of course, as I have argued elsewhere, the body is also site and source of resistance. Améry himself, when he strikes back against his torturers, also experiences the body in this way: “I had grasped well that there are situations in life in which our body is our entire self and our entire fare. I was in my body in nothing else: in hunger, in the blow that I suffered, in the blow that I dealt. My body, debilitated and crusted with filth, was my calamity. My body, when it tensed to strike, was my physical and metaphysical dignity.” Améry, *At the Mind's Limits*, 91.

²⁵⁶ Lomax, Eric. “The Railway Man,” In *The Phenomenon of Torture: Readings and Commentary*, edited by William Schulz: 51.

As discussed in the Introduction, talking about pain is necessarily complicated because it is difficult to describe in any uniform and unified way. Because of this difficulty, Elaine Scarry argued that to discuss pain – to deal with it secondhand, without feeling it – is the very model of what it means to have doubt. She argues that we do not and cannot really know what we are talking about. As she writes, “‘having pain’ may come to be thought of as the most vibrant example of what it is to ‘have certainty,’ while for the other person it is so elusive that ‘hearing about pain’ may exist as the primary model of what it is ‘to have doubt.’” Pain, while utterly concrete and relatable in one respect, is too elusive, too relative, and too difficult to talk about in another. However, the fact that we cannot describe pain with precision, or experience another person’s pain directly, does not mean that pain is invisible or even insubstantial to a person who is not experiencing it. Indeed, when Wittgenstein described pain as a “private language,” he also made clear that pain was still legible to others.²⁵⁷

This problem can be illustrated with truly the most banal example: the response of many people when they discover that I am researching torture is quite often to ask what, in my now-professional opinion, is the “worst” form of torture. Which torture is the most painful? I tell them that for some reason, it is fingernail pulling that gets the biggest shudder from me, although I cannot be sure it is not objectively the *worst*. Most people will then proceed to tell me what *they* think the most painful form of torture would be. These are people who have never been tortured and quite likely never been in a situation

²⁵⁷ See, for example: Wittgenstein, *Philosophical Investigations*, 108^e

where they seriously reckoned with the possibility of being tortured. There is no common thread to their answers: their imaginings of pain, their fears, and their sensitivities are all different. Of course, these people are casually comparing possibilities, not evaluating their experiences, but even this banal exercise clearly demonstrates that there is no uniform way that people think about pain. Given this disjuncture, it is unsurprising that there is also no uniform way to talk about pain. The failure does seem to be something endemic to pain itself. As I have noted elsewhere, for all the advances of contemporary science, it has failed thus far to really understand pain. Pain cannot be truly measured, calculated, or manipulated in the ways that scientific “mastery” would promise.

Nevertheless, the fact remains that pain is in important ways thinkable – and by extension speakable – across human divides. This too is clear from the bar talk I have described above: people are clearly capable of trying to imagine the pain of others and of attempting to empathize, even when the information they have is extremely limited. I know that thinking about the wrenching of fingernails makes me squirm, causes me to feel a tingling in my fingers which inspires both fear and disgust. And I know this despite having ten fully intact fingernails.

The torturer knows this too, of course. If we could not imagine the pain of another person upon seeing or hearing about their wounds, then torturers would not have much to gain by “making an example” of their victims. Likewise, they would not be able to torment their victims by showing them torture implements or describing the techniques they were about to inflict. If people were not affected by their imaginings of pain, many

of the threats and tools in the torturer's arsenal would be ineffectual. Thus, for all its elusiveness, it is equally clear the pain is loud. The body in pain does not just speak: it screams. Torturers clearly know this as well, since they frequently weaponize the bodies of the tortured to torment others by forcing them to see or hear the pain of their fellow prisoners.²⁵⁸ This tactic appears to be a favorite of torturers worldwide, as well as a special horror for the tortured. One survivor of the Greek junta's detention centers, reporting to Amnesty International, said that listening to his fellow prisoners scream was "worse than undergoing the torture, one wanted to run in and be beaten rather than listen to the sufferings of another."²⁵⁹ This reaction illustrates two important aspects of pain: first, that it is possible to imagine the pain of others, in detail, with even limited or vague evidence. Second, this imagining can provoke a reaction: the imagined pain of another

²⁵⁸ A variation on this tactic involves compelling prisoners to torture or even kill one another. See, for examples, the reports on Togo and Uganda in Amnesty International, *First Report on Torture*, 131-136. See also "Collaboration of prisoners" from CONADEP, *Nunca Más*. Testimony collected by CONADEP described how collaborators who took part in torture were housed in special rooms called "broken persons" rooms and were "exhibition to their [the torturers'] superiors as trophies. Roberto Omar Ramirez (file No. 3524) described the process of inducing cooperation from prisoners as a "gradual loss of ideological reference. When cooperation turned into willingness to carry out the role of interrogating and even torturing other prisoners, the repressor would have had their victory..."

²⁵⁹ In their investigation into the Greek military junta, Amnesty International found this to be a common tactic. In their summary of forms of torture that were commonly used in Greece, they wrote: "Certain prisoners are intentionally moved to cells within ear-shot of other prisoners who are being violently interrogated. This has caused a number of nervous break-downs. [...] It is reported that Mikis Theodorakis, the composer, who was never physically tortured, suffered a nervous collapse under this method." Amnesty International, *Torture in Greece: The First Torturers' Trial 1975*, 81

person is effectual, it has power. These aspects of torture have key ramifications for the relationship between torture and spectacle, which is discussed below.

The Torturing State

In the section above, I have described the two acts – verbal and physical – which characterize the session, focusing on the importance of the body. In doing so, however, I have focused on the vast array of possible methods rather than any specific methods by which pain is inflicted during the session. These methods, after all, are numerous, diverse, and ever evolving. However, the patterns evident in tracking these techniques are a powerful reminder that torture is a state-sponsored activity, and not an individual undertaking. Amnesty International summarized this fact, in their first systematic global review of torture:

Torture today is essentially a state activity. While the state hardly has a monopoly on violence in today's world, and the increase in criminal violence and political terrorism bears witness to this, the preconditions for torture make it the almost exclusive province of the state.²⁶⁰

State-sponsorship is also evident in role of inter-country torture training and information sharing. For example, the use of electric shock torture was extensively practiced and refined by the French *paras* in Algiers. Nearly identical methods surface throughout Latin America twenty years later. This commonality is not a coincidence: French officers directly involved in directing and utilizing torture in Algiers brought their preferred

²⁶⁰ Amnesty International, *Amnesty International Report on Torture*, 18

torture techniques with them when they trained the “counterinsurgency” forces that would commit the most intense torture during the military dictatorships in the Southern cone. Others, like Paul Aussaresses (whose memoir I discuss in detail below), were sent to train the trainers: after Algiers, Aussaresses spent years at Fort Bragg and Fort Benning, training Americans on the tactics of torture and summary execution that he had favored in Algeria. These American officers, trained directly from the “lessons” of the Casbah, were then dispatched to train the Latin American security officers. Aussaresses’s American students also designed the Phoenix Program, the brutal program of torture and summary execution that attempted to break the Viet-Cong organization.²⁶¹ Less directly, and as I noted above, counterinsurgency forces ranging from Uruguay to Americans preparing for the invasion of Afghanistan watched Gillo Pontecorvo’s 1966 film *The Battle of Algiers* as a training exercise.

The French, for their part, attributed their expertise in torture towards two different sources, depending on disposition.²⁶² The pro-torture factions describe their

²⁶¹ Robin, Marie-Monique. *Escadrons de la mort - l'école française (Death Squads – The French School)*. Idéale Audience International, 2003.

²⁶² It was not until 2018 that the French government officially admitted to their use of torture during the colonial war in Algeria. While many observers of French politics and history lauded this admission as landmark, as of this writing the confession has not been followed up by a formal apology, reparations, or significant prosecutions of those who authorized, conducted, and covered up torture. See: Yasmeeen Serhan, “Emmanuel Macron Tries – Slowly – To Reckon with France’s Past.” *The Atlantic*. (September 14, 2018) <https://www.theatlantic.com/international/archive/2018/09/emmanuel-macron-acknowledges-torture-algeria/570283/>; Nabila Ramdani, “Algeria needs an apology and reparations from France – not a history lesson.” *The Guardian*. (July 31, 2020) <https://www.theguardian.com/commentisfree/2020/jul/31/algeria-apology-reparations-france-history-emmanuel-macron>

practices in Algeria as refinements of the tactics of their prior colonial war in Indochina. Indeed, they seem to believe that this heritage is the reason the United States government was so keen to acquire French training – for their own ill-fated excursion in Vietnam. Those who were embarrassed by torture, on the other hand, pointed uniformly in another direction. In these accounts, torture itself a contagion; “a canker,” according to former Minister of Justice Edmond Michelet, introduced into France by the Nazis.²⁶³ These opponents are less interested in the specific techniques used by torturers and more with a kind of generic moral failing: an evil that snuck into French society when it was infiltrated by the perverse influence of Nazi tactics and ideology. Ironically, General Aussaresses begins his memoir detailing his use of torture in Algeria by describing the tactics of torture-resistance he discussed with friends who had fought in the French Resistance.²⁶⁴ But in fact, there were more literal correspondences between the French experience under Nazi occupation and their tactics in Algeria. Russian biologist Sergei Chakhotin studied Nazi psychological tactics and, in his book *The Rape of the Masses*, attempted to demonstrate how the techniques that fascists movements used to create compliance might be scientifically replicated and repurposed for more desirable ends.

²⁶³ “The Nazis are responsible for this canker in our midst. It spreads everywhere, and it corrupts all it touches. You can’t eradicate it.” Conversation quoted in: Beauvoir and Halimi, *Djamila Boupacha*, 14

²⁶⁴ “In the Resistance and then inside the Service my friends told me that it was impossible to withstand torture and that a moment comes when you could talk, but were expected to hold out for at least 48 hours by screaming at the top of your lungs...As a last resort you could use your poison capsule to end it all...I imagined being burned, my fingernails and teeth being torn out, like they had done to one of my buddies.” Aussaresses, *The Battle of the Casbah*, 16.

Based on his study of Nazi methods, he argued for the effectiveness of tactics such as pain, shocking the nervous system, and induced fatigue in producing compliance.

Chakhotin's work was taught at the *Centre d'Instruction Pacification et Contre-Guérilla* and consequently became a touchstone in the design of the French counterinsurgency strategy in Algeria.²⁶⁵ In other words, French torture tactics were indeed learned and adapted from the Nazi playbook, although mediated by Chakhotin's experimental analysis.²⁶⁶

This lineage also bears a striking resemblance to American torture techniques. CIA documents revealed that psychologists and trainers involved in the development and implementation of the American SERE program – Survival, Evasion, Resistance, Escape – had attempted to reverse engineer their tactics and teach them to interrogators for use in Guantánamo Bay, Afghanistan, and Iraq. The SERE program was developed after World War II with an emphasis on avoiding capture and surviving while trapped behind enemy lines (i.e., teaching airmen who had to eject at sea to swim to land; making fires that would not smoke and reveal your position to enemy soldiers). However, in response to the torture of prisoners of war during the Korean War, the military altered the training to prioritize resisting interrogation under torture. In other words, the military first analyzed

²⁶⁵ See, for further discussion: Lazreg, *Torture and the Twilight of Empire*, 64.

²⁶⁶ It warrants noting that Chakhotin himself was not, by any means, a Nazi. Both his political and his academic work were dedicated to opposing Nazism. However, as I will discuss in more detail below with the American example of the SERE program, this phenomenon of torturers “reverse engineering” anti-torture projects to develop torture programs is not uncommon.

the torture techniques used against American military personnel to develop techniques of resistance for the SERE program. In developing their own torture program, they then analyzed those very techniques of resistance to create a torture program that would “break” resistors. They turned this program into a curriculum that could be taught broadly to American interrogators.²⁶⁷

Although these histories are not my focus here, it is worth keeping them in view: they remind us that torture is systematic, that the techniques used in the session are not the results of random sadistic fantasy but rather objects of deliberation, training, and expertise. These histories make it very clear that torture is authorized and directed from above. The state invests in training its torturers. There are handbooks. There are professionals. Practical demonstrations are commissioned.²⁶⁸ Records of these international flows of training, techniques, and tools abound in official records, survivor

²⁶⁷ See: Mark Benjamin. “The CIA’s torture teachers.” *Salon*. (June 21, 2007): https://www.salon.com/2007/06/21/cia_sere/; Associated Press. “Officer: Military Demanded Torture Lessons.” *CBS News*. (September 25, 2008): <https://www.cbsnews.com/news/officer-military-demanded-torture-lessons/>

²⁶⁸ Perhaps the most infamous example of this practice comes from the “work” of Dan Mitrione, who trained torturers in Brazil and Uruguay before being kidnapped and killed by the Tupamaros. The *Brasil: Nunca Mais* report describes Mitrione’s influence: “One of the first officials to introduce this practice [of holding practical demonstrations to teach torture] was Dan Mitrione, an American police officer. As a policer instructor in Belo Horizonte during the early years of the Brazilian military regime, Mitrione took beggars off the streets and tortured them in classrooms, so that the local police would learn the various ways of creating, in the prisoner, the supreme contradiction between the body and the mind by striking blows to the vulnerable points of the body. Although Mitrione was subsequently transferred to Uruguay and killed by local guerrillas, the practice of using live victims in torture classes continued in Brazil. *Brasil: Nunca Mais*, 14.

testimony, and investigative journalism. Some of these, such as the American run “schools” in Latin America, have been discussed quite extensively. Others have not been systematically investigated. To list only a few examples:

The Regime of the Colonels (or the Junta), which ruled in Greece from 1967-1974 was a client state of the United States, based on the pre-existing and direct link between the American and Greek militaries through the U.S. Military Mission (in other words, a relationship which bypassed both the American Embassy and the Greek government). Some officers who participated in torture claimed to have personally studied interrogation in the United States.²⁶⁹

Torture survivors in Zanzibar alleged that their torturers had been trained by police from the German Democratic Republic.²⁷⁰

In the afterword to his book *The Question*, which details his own experiences with torture at the ends of the French state, Henri Alleg stated that South Africa had sought the assistance of French torturers to maintain the apartheid system.²⁷¹

In July of 1972, *The Times of London* published findings that the Pakistani government was purchasing “instruments of torture” from the United States, including equipment supposedly used in brainwashing, lie detection, and torture. Detainees in Karachi verified that they had seen machinery used for electric torture inside the prisons.²⁷²

²⁶⁹ For example, from the testimony of Evangelos Tsekouras, a student arrested on May 8, 1973: “Mr Tsekouras was taken to EAT/ESA [the primary military detention and torture center], where he was beaten, he said, not only by the guards, but also by an officer, Major Kouloumvakis who on one occasion told him that he had studied the psychology of interrogation in the United States for two years.” Amnesty International, *Torture in Greece*, 46

²⁷⁰ Amnesty International, *Amnesty International Report on Torture*, 130

²⁷¹ Alleg, *The Question*, 101

²⁷² Reproduced in: Amnesty International, *Amnesty International Report on Torture*, 149

Domestic experts also play a role in this process. For example, the United Nations Special Committee on Apartheid concluded, in their 1972 report on *Maltreatment and Torture of Prisoners in South Africa*, that because survivor accounts were so similar, and because of evidence that certain interrogators traveled from Pretoria to other areas of the country, security officers were being trained in specific techniques of torture.²⁷³ The state also *invests* in making torturers: in selecting the appropriate trainees, in ensuring their obedience, in maintaining strict control over what happens in the torture chamber. This process involves several methods, some of which seem to conflict with each other. The state creates provisions to elevate the torturer and give them special status within the larger apparatuses to which they belong. During the Junta in Greece, for example, ESA soldiers were subject to special privileges: they did not have to wear uniforms, were granted free admission to all forms of public entertainment and promised the use of a car.²⁷⁴ Similarly, Aussaresses simply gloated, in his account of his participation in the “Battle of the Casbah,” over the special leopard camouflage uniforms the *paras* wore:

The leopard uniforms that had been specially designed for the paratroopers in Algeria were rather becoming. We had the tailor tighten the pants, because they were cut too wide, to make them look fashionable and every soldier in other military units in Algeria was envious of our uniforms.²⁷⁵

²⁷³ United Nations Special Committee on Apartheid. *Maltreatment and Torture of prisoners in South Africa: Report of the Special Committee on Apartheid*. (New York: United Nations, 1973)

²⁷⁴ Amnesty International, *Torture in Greece*, 37.

²⁷⁵ Aussaresses, *The Battle of the Casbah*, 95

These uniforms do not serve a military purpose, in that the tight-fitting camouflage does not seem like a particularly useful defense for men conducting night-time raids in an urban setting. On the other hand, Aussaresses insists that their uniforms “had to be flamboyant to better demoralize the FLN and reassure the civilian population.”²⁷⁶ While one might expect torturers to seek anonymity, he argues to the contrary that visibility – flamboyance, even – is crucial to their mission. The state is not attempting to hide these torturers, nor does it seem to be ashamed of them. On the contrary, their clothing and privileges alike single these torturers out as valuable representatives of the state’s authority. Torturers should stand out from the crowd, even from other members of the military.

The issue of torturer training is a bit more complicated. Those who have studied the “making” of torturers emphasize the use of violence and dehumanization in the process. In their study of torture systems across multiple countries, Françoise Sironi and Raphaëlle Branche concluded that torture training takes the form of “traumatic initiation,” a process “aimed at inducting the torturer into an affinity group with a strong sense of belonging” using trauma-inducing techniques.²⁷⁷ ESA recruits, despite the special privileges they were granted, were also subjected to torture-like conditions during training, including severe beatings from their comrades and superiors. Indeed, during the torture trials some torture survivors went so far as to argue that they did not hold the men

²⁷⁶ Aussaresses, *The Battle of the Casbah*, 95

²⁷⁷ Sironi, Françoise and Raphaëlle Branche. “Torture and the Borders of Humanity.” *International Social Science Journal*. Vol. 54(174). December 2002. 539-548.

who had tortured them to be culpable for their actions, since the everyday ESA soldiers “had been deprived of their personalities” through their training.²⁷⁸ Whether they were truly treated “worse” than the prisoners (as some defendants contended during their trials) is difficult to adjudge – no matter the level of brutality to which the recruits were subjected, they were likely secure in the knowledge that they could gain politically, socially, and financially from enduring this treatment, regardless of whether they were conscripts or willing volunteers. Furthermore, even if their torture training was violent, it is unlikely that this violence ever threatened lasting physical damage. Long-term damage would have been contrary to the goal of “making” torturers, who after all need to be physically capable of enacting beatings of their own later on. More importantly, this kind of violent transformation does not always seem to take place during torture training. For example, the French *paras* in charge of torture in Algeria do not seem to have received any particular training-via-brutality (excepting, perhaps, the past experiences some of them had during the prior colonial war in Indochina and at the hands of the Nazis).

After the evidence of torture at Abu Ghraib was leaked to the public, there was much debate about whether the soldiers’ basic *military* training played, in essence, the same role as the torture training of the ESA: that their training to obey, to see themselves

²⁷⁸ From the testimony of Navy Captain Alexandros Papadongonas: “I was dealing with people – I mean the guards and the other soldiers – who had been deprived of their personalities, and I do not know how far they were responsible...” The report also describes the testimony of Wing-Commander Anastasios Minis, who asked for clemency for the men who tortured him on the grounds that they had been so dehumanized that they could not possibly understand their actions and therefore should not be held culpable for them. Amnesty International, *Torture in Greece*, 39.

as united against an external enemy, and to be impervious to the pain of “enemies” was sufficient to create torturers. In other words, observers questioned whether *all* military training contained the seeds of torture training. Sironi & Branche argued that during active military conflicts, torturers could indeed be “determined by the combat situation, a product of wartime, manufactured during a conflict.”²⁷⁹ This theory would explain the ease with which torture centers are established and staffed by militaries when they wish to do so. However, it does not explain the cases where aggressive torture training *is* used. This includes not only the Greek case, but also some examples from places like Uruguay where torturers were strenuously conditioned to see detainees as inhuman. This conditioning was constantly reinforced by the protocols on speaking to and otherwise handling detainees. Although this puzzle is somewhat outside the scope of my arguments here, this analysis suggests one tentative explanation related to how much “work” is required to render the intended torture victims as inhuman Others. If part of the work of torture is create Others who are eligible for political non-existence, then it matters how easily these *homines sacri* are differentiated from proper subjects. In both the Uruguayan and Greek cases, the individuals being tortured were by and large members of the dominant ethnic, racial, and religious group. In the Uruguayan case a few were perhaps genuine Tupamaro guerillas, but the majority were, mostly likely, “average” Uruguayan citizens. A certain amount of psychic effort is therefore required to turn them into outsiders; Others who are eligible for torture. This problem is even more pronounced in

²⁷⁹ Sironi and Branche, “Torture and the Borders of Humanity,” 539-548.

the Greek case, where many of the people tortured by the ESA were not only fellow Greeks, but fellow Greek soldiers. In fact, the “original” targets for torture were high-ranking officers, which meant that soldiers were often torturing people who were, officially, their own superior officers. This paradox is well-expressed in torture trials: although the operative Greek constitution contained a general prohibition against torture, there were no laws in the Greek Penal Code which could be used to prosecute torturers. Those who were tried at the first torture trial were, therefore, tried for crimes such as “violence against a superior officer” and “repeated insults to a superior.”²⁸⁰ In other words, in this case torturers had to act in way which was *contrary* to their military training. It is understandable that in such a situation, “making” torturers would require more active intervention. In the cases of the “War on Terror” and French torture in Algeria, on the other hand, the objects of torture had been predefined by colonialism, Orientalism, and military conflict as the Other – it is therefore perhaps unsurprising that so many torturers were available “ready-made.”

Regardless of whether torturers are available or must be made, they still require training in their “trade.” And as I have shown, the state makes ample provisions for this training to take place, whether it is administered by contract psychologists,²⁸¹ as a form of foreign military aid, or simply handed down from well-practiced torturers to new recruits.

²⁸⁰ Amnesty International, *Torture in Greece*, 12

²⁸¹ See, for example: James Risen. “American Psychological Association Bolstered C.I.A Torture Program, Report Says.” *New York Times*. April 30, 2015. <https://www.nytimes.com/2015/05/01/us/report-says-american-psychological-association-collaborated-on-torture-justification.html>

These training efforts must be planned, financed, and supplied. Experts must be provisioned, audiences must be assembled, equipment must be requisitioned, and practice subjects must be selected. I emphasize these many processes because it is essential to recognize that the session is enabled, supported, and reproduced by a large-scale infrastructure, operating at both the domestic and international level. This is crucial because it is the session, far more than the general conditions of life under torture, which the modern state seeks to disavow when asserting its compliance with human rights laws and norms. The state's emphasis on making torturers and "perfecting" torture techniques illustrates the limitation of these disavowals. Indeed, in some respects the disavowal of torture *produces* the demand for more training and institutional support. After all, because pain is imaginable and thinkable anyone can intuit ways to cause pain. But to cause pain without leaving any marks requires technical expertise and perhaps even medical knowledge – resources that the average torturer may not possess. In describing the history of torture, I discussed the many ways in which torture "disappear" in the modern world. This tactical change is one of them: the use of stealth torture aims to render torture invisible. In the following sections, I discuss the use of different kinds of torture tactics during the session and their political consequences for the tortured subject.

The Marks of Torture

Although one might classify torture techniques by the tools used to inflict pain – water, electricity, knives, ropes, and tubing – here I classify instead by *effect*. In other words, I group techniques by their object of focus rather than their technical mechanisms. This is especially important because the tools of torture often serve more than one

purpose: the same rod that is used to beat a prisoner in one instance might be used to suspend them by their wrists in another, or to submerge their heads into a bathtub full of water. Likewise, the same torture unit that uses stress positions at one moment might extract teeth or fingernails in another. Stealth tactics often coexist quite comfortably with “old fashioned” brutality. It is therefore important to differentiate between tactics along more specific lines, if the distinctions are to be meaningful. For this reason, I refer to non-stealth techniques as *techniques of intimacy*: techniques that require a kind of contact between the torturer and the body of the tortured, techniques that work on and under the skin. This terminology is more precise than calling these tactics “old-fashioned” (since they remain very popular) or “more violent” (since forms of violence cannot be adequately taxonomized). Although techniques of intimacy include methods we usually associate with “intimate violence” like (i.e., rape and other forms of sexual assault), this category also includes many other forms. I will argue that these other forms of torture-via-contact are also productive of intimacy and, by extension, of violation.²⁸²

Different forms of torture mark the body in different ways: these changes also manifest in the awkward uncoordinated walk of the person who was repeatedly subjected to the *falanga* method,²⁸³ or the limited reach of the person repeatedly hung by their arms

²⁸² I will also describe in detail one technique of intimacy which is unlike the others: the use of physicians and other medical personnel in torture. Although those aspect of torture is dissimilar from other methods in that these doctors are sometimes reducing pain (or at least repairing physical damage), I will argue that using the lens of intimacy allows us to see the participation of doctors as part of this larger group of torture tactics.

²⁸³ “The standard initial torture reported from every *Asfaleia* station is the so-called *falanga*. The prisoner is tied to a bench and the soles of his feet are beaten with a stick or

until their shoulders were dislocated and the muscles tore.²⁸⁴ I propose to treat these changes as part of the deliberate work of torture, not as incidental side effects. Torture is designed to mark the body, to produce changes on it that last (in different ways and to different degrees). This is the phenomenon that Améry identified when, contemplating his own experiences of torture, he wrote: “Whoever was tortured, stays tortured. Torture is ineradicably burned into him, even when no clinically objective traces can be detected.”²⁸⁵ His use of the word “burned” is remarkable here: although Améry himself was not burned, the use of burning during torture is not uncommon. In particular, the almost-casual practice of stubbing out cigarettes on the flesh of prisoners is described in torture reports from all around the world. To burn torture “into” the survivor is to transform their bodies in an instant: to mark them in one agonizing burst as tortured. And importantly, severe burns never heal back to the same pre-burn condition. Like losing a limb, the damage caused by severe burns manifests as a permanent change to the body which resists repair and attempts to return the body to wholeness.²⁸⁶

pipe. Between beatings the prisoner is usually made to run around the bench under a heavy rain of blows. We examined the feet of a person who suffered this treatment four months before and his sole was covered with thick scar tissue. One prisoner now in Averoff prison had his foot broken under this torture. As he went without medical attention, the bones have not set properly and he is crippled.” Amnesty International, *Torture in Greece*, 44

²⁸⁴ This is the form of torture to which Jean Améry was subjected, which he described as producing a “cracking and splintering in the shoulder joints.” Améry, *At the Mind’s Limits*, 40

²⁸⁵ Améry, *At the Mind’s Limits*, 34

²⁸⁶ It may be possible to “undo” severe burns through intense surgical intervention, but this process is painful itself and not always successful. I discuss these possibilities, and their applications, more extensively in the chapter “Self-Immolation.”

In my discussion of sovereignty above, I argued that sovereignty both depended upon and expressed itself through the creation of boundaries. I further argued that one of the primary sites on which these boundaries are marked is the body. Torture – the deliberate process of marking sovereign power on the body – is perhaps the ultimate manifestation of this process. It is the most intensely focused and visceral version of sovereign boundary making on the body.

I have also suggested that there is a cyclical relationship between eligibility for torture and actually being tortured. Although the individuals selected for torture are categorized in advance by political decisions, the marks of torture *inscribe* this status – of otherness, of vulnerability, of political exclusion – onto their bodies. As such, one major “project” of the torturer is to produce guilty bodies: bodies which “deserve” to be tortured for their deviant, criminal, or subversive behavior. This process is best encapsulated by a popular catchphrase used by police torturers in Saigon in the 1970s: “*Khong, danh cho co*” – “If they are not guilty, beat them until they are.”²⁸⁷ This “slogan” is quite different from saying, for example, “if they say they are innocent, beat them until they confess.” The explicit function of this torture, as the torturers themselves understood it, was not to elicit confessions but to produce guilt; to beat the detainees’ bodies into being guilty bodies.

²⁸⁷ Sydney H. Schanberg, “Saigon Torture in Jails Reported.” *New York Times*. August 13, 1972. Web reprint. <https://www.nytimes.com/1972/08/13/archives/saigon-torture-in-jails-reported-documents-and-interviews-indicate.html>

The impression that torture is meant to create the crimes it ostensibly opposes is echoed by survivors of torture. Survivor accounts describe the many ways that torture rendered them as inhuman, but even more specifically the ways in which their torturers created crimes or acts of subversion through torture. One torture survivor from Tunisia described his impression that “the aim of all this [i.e., the torture] was not to make [him] give them any real information or confess any special crime. The idea seemed to be just to have somebody tell them something that showed a political crime had been committed.”²⁸⁸ This suggests a somewhat different meaning for the session than what Scarry described as the joined infliction of pain and the asking of questions (meaningful or otherwise). Instead, the two acts which come together in the session are the infliction of pain and the creation of *criminality* (or otherness, or political subversion). The tie that binds these two acts together is the creation of the marks of torture, which are produced by the infliction of pain and are productive of liminal political status. This perspective clarifies what is at stake in situations where the torturers do not ask any questions of their victims. Even in the absence of this speech, torture continues to work on marking out this political status on the bodies of its victims.

This process is important because although all bodies are inherently susceptible to harm, not all bodies are susceptible to torture. Bodies must be marked out as eligible for torture and separated from the general human mass. The bodies must carry the “reason” for torture within them, which is to say that they must present themselves as torture-able

²⁸⁸ Amnesty International, *Amnesty International Report on Torture*, 133

to the reader who has the training and authority to interpret them. As I have noted, in practice the marks of torture can vary substantially: the marks on the body caused by burning with hot iron rods or pulling fingernails are materially different from the marks caused by repeated near-drownings. But these marks are not straightforward indicators of severity either. “Worse” scars do not inherently mean “worse” torture. It is, as I have noted, impossible to neatly rank and order pain. For example, Henri Alleg reported a feeling of relief when he thought he saw a device his torturers would use to tear out his fingernails. Even though this practice would leave his fingers scarred and mangled, he wrote that he felt “little fear and even reassured [himself] with the thought that [his] hands only had ten nails.”²⁸⁹ Since he only had ten fingernails to lose, this form of torture seemed finite and manageable in comparison to the seemingly endless torment of listening to the other prisoners screaming in the night – a torment which leaves no visible scars at all.

I argue that the act of marking the body in torture has multiple purposes, related to the different kinds of techniques used. In the following sections, I discuss the markings that result from two different kinds of torture techniques: techniques of intimacy and techniques of stealth. Techniques of intimacy leave visible, gruesome marks on the body. As a result, these techniques are particularly well-suited to using the bodies of the tortured to send messages to those outside the torture chamber. In this reading, the scars, burns, and shattered bones of the torture contain a coded threat. The broken bodies of the

²⁸⁹ Alleg, *The Question*, 64

tortured remind their communities that they are vulnerable: at risk from a threat before which there is neither defense nor escape, an enemy who sees all and shows no mercy. Torturers figure this effect as a kind of deterrent: potential dissidents will think twice when they see the violence of the sovereign is capable.

These marks are meant to intimidate families, friends, and comrades. Like the absence of the disappeared, they provide a material reminder to the community of being at risk. This is undoubtedly one of the primary effects of the marks of torture. Indeed, in their first systematic worldwide review of torture published in 1973, Amnesty International argued that this feature increasingly defined modern torture against the more interrogatory torture of the early twentieth century.²⁹⁰ While I do not entirely agree with the chronology, the way the report links the spread of torture with non-interrogative purposes is instructive. Implicitly, they argue that torture has become so widespread and diffuse that it cannot possibly be focused on interrogation. Torture has increased to the extent that that the report's authors think it impossible that the torturers could really be seeking information from the tortured about any particular movement, group, or act. While I think they are optimistic to assume that torture ever serves a legitimate

²⁹⁰ “And yet the use of torture has by all indications increased over the last few years...Its function is not only to generate confessions and information from citizens believed to oppose the government; it is used to deter others from expressing opposition. For those who govern without the consent of the governed this has proved to be an effective method of maintaining power. To set torture as the price of dissent is to be assured that only a small minority will act.” Amnesty International, *Amnesty International Report on Torture*, 17-18.

information-gathering function, this observation about the expanding vulnerability to torture is a useful one, because it raises questions about who is eligible for torture.²⁹¹

Stealth torture, on the other hand, is designed not to leave the obvious scars that techniques of intimacy leave. Despite this, these techniques still mark the body in important ways: stealth techniques still inflict pain in ways that can break and reshape the body. These marks are harder to perceive – especially for the unpracticed eye. This invisibility (or at least, reduced visibility) has significant consequences for the tortured person after they leave the torture chamber and return to the community. Although they remain permanently haunted by the effects of the torture inflicted upon them, their pain is not seen or negotiated by the whole community in the ways that torture's obvious scars can be. As a result, as I will show, the person marked by stealth torture remains out of joint with their community in ways that are both painful and politically consequential.

The marks of torture intensify and reiterate the relationship between the tortured and the torturer inside the detention center. Scarry figures the relationship between

²⁹¹ In the report, Amnesty International makes a brief attempt to describe the logic behind who is selected for torture: "It seems to be a pre-condition for torture that the torturer have a world view, no matter how crude, that divides man into the torturable and the non-torturable. The distinction can be based on any of the manifold ways of distinguishing one man from another: it can be race, colour, nationality, class, or differing beliefs, usually political or religious. The torturer represents, and by the act of torture is defending, the 'good' values. The victim is not 'chosen,' he is not human." This approach has some resonances with my own findings, although it does not tell us *which* of these groups will become eligible for torture, nor why eligibility was expanding in the period they examine. Amnesty International, *First Report on Torture*, 27.

torturer and tortured as a relationship between voice and body. Given how influential and pervasive Scarry's account has become in the literature on pain in general and torture more specifically, it is worth dwelling on the mechanics of her argument. In this reading, the voice of the tortured person recedes as torture alters their body. Their pain does not speak – or if it does, then it does so without an audience. On the other hand, she argues that torture “is itself a language, an objectification, an acting out” that displaces controllable and desirable methods of communication.²⁹² The language that torture “speaks” onto the body (i.e., the marks of torture) drowns out the voice of the tortured. Eventually, torture takes the form of “ultimate domination,” which is characterized by a kind of bodily exchange between the torturer and the tortured:

ultimate domination requires that the prisoner's ground become increasingly physical and the torturer's increasingly verbal, that the prisoner become a colossal body with no voice and the torturer a colossal voice (a voice composed of two voices) with no body, that eventually the prisoner experience himself exclusively in terms of sentience and the torturer exclusively in terms of self-extension.²⁹³

Importantly, in this reading the prisoner does not simply “lose” their voice: their voice is annexed to the torturer. The tie that torture creates between the torturer and the tortured is not only a tie of action (i.e., of the torturer acting upon the body of the tortured) but of exchange: an act of intimate closeness and sharing, regardless of the fact that this exchange is involuntary. It is for this reason that Scarry centers her account of torture on

²⁹² Scarry, *The Body in Pain*, 35

²⁹³ *Ibid.*, 65

the relationship between torturer and prisoner, who she interprets as a linked pair. For Scarry, this relationship is, fundamentally, what binds together the infliction of pain with the asking of questions: “Pain and interrogation inevitably occur together in part because the torturer and the prisoner each experience them as opposites.” The minimizing and eventual disappearance of the prisoner’s voice is not only caused by pain; it is partially a result of the ever-expanding voice (and power) of the torturer. The relationship between the torturer and the tortured is therefore an extremely intimate one, mirroring (and perverting) the relationship between voice and body within any one individual. This relationship is the most intense and immediate manifestation of the relationship between sovereign power (which enables, authorizes, and speaks through the torturer) and the bodies which sovereignty produces as marginal. These bodies are violently stripped of their subjectivity through the infliction of pain.

The marks of torture must be read in this context I have just described. Torturers do not work alone: they are, as I have shown, supported by an infrastructure of teaching, learning, and training.²⁹⁴ They are also, as I described in the previous chapter, supported by a *legal* infrastructure – the complex machine of laws, decrees, orders, and rules that establish the realm of extralegality. And they are also supported by other torturers.

²⁹⁴ Of course, there are exceptions to this rule. For example, there are plenty of known cases of serial killers who kidnap and torture their victims before killing them. In this case, we could argue that the torturer is acting alone, and that it is their power – and only their power – which they seek to inscribe on the body of their victims. But these cases (however sensational and gripping on the popular imagination) make up a tiny proportion of instances of torture. They are outliers relative to the realm of political torture, which – as I have shown – is far more common and is supported by a massive infrastructure.

Torturers have departments, they are embedded in hierarchies. They often work in teams, sometimes with specialized roles and sometimes serving multiple roles in the production of torture. In other words, the power of the torturer is secondary to that which creates, enables, and instructs the torturer: the sovereign, who creates and commands the world in which torture takes place. To take the most literal example, torture relies on the existence of the torture chamber: a place to detain the tortured from which they cannot escape, and where the “work” of torture can proceed without interference. Control over this space is key for torture, since the torture chamber is essential to maintaining control over the bodies of the tortured.²⁹⁵ Any given individual torturer likely has very little to do with the establishment of this space, which must be selected, designed, outfitted, and guarded. Thus, the torture chamber only reflects the power of the torturer insofar as the torturer is a representative – and extension – of sovereign authority: the authority that commanded (directly or indirectly) that the torture chamber or detention center be established. The torturer “works” in the detention center, guards it, and perhaps even helps populate it – but they do not bring it into existence. To understand the marks that the torturer inflicts on the body of the tortured, we must read them in relation to the sovereign power that demands them. As an extension of this power, therefore, the markings that the torturer

²⁹⁵ Amnesty International made a similar observation in their first torture report: “Torture requires that the victim be kept under the physical control of the torturer. The criminal or the insurgent does not have the same facilities for detention as the state, and he uses other means of violence, not because he is less violent necessarily, but because the techniques of torture are normally not available to him.” Amnesty International, *Amnesty International Report on Torture*, 18

makes on the body of the tortured becomes legible. We can examine these marks to understand the different messages that the sovereign conveys through torture.

Through the damaged body, torture also fundamentally changes the kinds of language to which the tortured person has access. Their linguistic self-understanding is marked by torture. Jean Améry described his experiences with language and torture after he was tortured by the Nazis for joining the Resistance in Belgium:

We [the survivors of the concentration camp system] emerged from the camp stripped, robbed, emptied out, disoriented – and it was a long time before we were able even to learn the ordinary language of freedom. Still today, incidentally, we speak it with discomfort and without real trust in its validity.²⁹⁶

Améry's experience thus provides a modification, or even a corrective, to Scarry's famous claim that pain is "language destroying." According to Améry, certain kinds of language are destroyed by pain: he did not lose the capacity to speak in general, but more specifically he (and his fellow survivors of torture in the concentration camps) struggle to access "the ordinary language of freedom." The loss of those modes of language elucidates a loss of certain possibilities. To lose the language of freedom is to lose access to a way of being, a way of inhabiting the world. His inability to speak of freedom with "real trust in its validity" and without "discomfort" signals an inability to truly imagine the existence of this freedom. The language of freedom has been hollowed out, stripped of its meaning. The words feel wrong in his mouth when he tries to speak them. This, it

²⁹⁶ Améry, *At the Mind's Limits*, 20

seems, is one concrete way in which torture changes the body via language: by restricting access to certain kinds of language, torture fundamentally alters the body's possibilities, the ways in which it can relate to both objects and other bodies.

While Améry describes this change as linguistic, it also has more specifically bodily manifestations. Améry's inability to speak of freedom is mirrored – in more visceral format – by the “ridiculous problems” of Mauricio Rosencof which I discussed in the previous chapter: his permanent habit of “walking down the block [in] a perpetual cringe” because his “body keeps expecting a blow from every side.”²⁹⁷ This habitual cringe is partly reactive; the lasting effect of thirteen years' worth of justified fear that he might be beaten at any moment. But it also signals a loss of possibility – the unimaginability of certain worlds. Rosencof's body forbids imagining a world in which he might walk down the street unmolested. In fact, at the time of this interview Rosencof lives in such a world. He is free to walk down the street as he pleases. This freedom to go where he will is an embodied version of Améry's “ordinary language of freedom.” It signals access to the most basic version of freedom; the Hobbesian liberty to move without fetters. Walking down the street as one pleases is the rough equivalent, therefore, of speaking the simplest, uncomplicated language of freedom. This world is unable to penetrate Rosencof's body: although this freedom is real (i.e., this language functionally available to him), it remains – for his body – impossible.

²⁹⁷ Weschler, *A Miracle, A Universe*, 162

Spectacle & Sensation

As I described in the previous chapter, the nature of torture has transformed in the last two hundred years, partly in response to the demands of humanistic thinking. Although these changes have not ended torture, or made it more humane, they have altered the relationship that torture has to spectacle and sensation. First, the role of spectacle in torture changes, especially with the advent of stealth torture. Given the hidden and disavowed status of the contemporary detention center, only those in the detention center experience the full spectacle of torture. Thus, the spectacle of torture is now addressed to the objects of torture themselves, rather than to a larger public or audience.²⁹⁸ This does not mean that torture ceased to be spectacular: spectacle is certainly part of the process of torture. As I described above, the tortured person must be made to confront the instruments of torture, to see or imagine its effects. This kind of visuality has remained from the earliest forms of torture. For example, in Foucault's famous description of the torture and public execution of Damiens the regicide, he describes not the gaze of the public but rather that of Damiens himself, who examines his body anew after each successive torment is inflicted.²⁹⁹ Thus, the tortured body is both

²⁹⁸ By this I mean the act (or acts) of torture itself. The post-torture body remains a public spectacle.

²⁹⁹ During the tearings and burnings: "After these tearings with the pincers, Damiens, who cried out profusely, though without swearing, *raised his head and looked at himself...* Despite all this pain, *he raised his head from time to time and looked at himself boldly...*" And again, during the process of drawing and quartering: "After a quarter of an hour, the same ceremony was repeated and finally, after several attempts, the direction of the horses had to be changed, thus: those at the arms were made to pull towards the head, those at the thighs towards the arms, which broke the arms at the joints. This was repeated several times without success. *He raised his head and looked at himself.*"

the subject and the object of spectacle, regardless of whether or not it is publicly exhibited.

Furthermore, the spectacle of torture is weaponized within the torture center itself. As I have described above, prisoners are made to see and hear the torture of their fellow detainees. This spectacle serves as an intense torment of its own. Henri Alleg described hearing other prisoners being tortured during his first night of captivity with the *paras*:

The cries of suffering were part of the familiar noises of the 'Centre de Tri.' None of the *paras* paid any attention to it, but I don't believe that there was a single prisoner who did not, like myself, cry from hatred and humiliation on hearing the screams of the tortured for the first time.³⁰⁰

To hear the screams of pain that surround him and not be able to ease their suffering is a different mode of helplessness than the one that comes from not being able to protect oneself – it is a helplessness that impedes the exercise of one's full humanity. Alleg knows other people are being tortured nearby, he is intimately familiar with the suffering to which they are being subjected, and he is doing nothing to help them. The hatred from which he cried, on hearing the screams of his fellow prisoners, is not only hatred for the *paras* but also, I think, hatred for himself: witnessing the spectacle of suffering makes him complicit in the torture of others.

Michel Foucault. *Discipline and Punish: The Birth of the Prison*. Translated by Alan Sheridan. (New York: Vintage, 1977): 3-8, emphases mine.

³⁰⁰ Alleg, *The Question*, 68

The second change in torture deals with the auspices under which each is enacted and, by extension, the sensation of torture. Of course, torture is painful. Torture has always been painful – that is partly what defines an act as torture. But pain comes in many varieties and is shaped and nuanced by the conditions that enable it. In this case, the location and temporality of pain in torture have changed. I alluded to this phenomenon in the previous chapter: the location of torture is nowhere, and the temporality of torture is never, or perhaps more accurately, it exists outside of time. I showed how life under torture worked to create a body that was outside of time and space, thereby shaping the specific sensations of pain to which the tortured person was subject. The torture techniques used during the session also contribute to this effect.

Torture survivors describe the many ways that torture warps or voids the meaning of time during the session. “How does one measure such time? Blows had replaced the normal empty seconds of time passing,” Eric Lomax lamented, describing the experience of watching a fellow prisoner being tortured as he waited for his turn.³⁰¹ Different accounts give diametrically opposed descriptions of the temporality of torture: some survivors say that time stood still, that they remember every blow, that every moment felt as long as a lifetime. Others describe a blur; that the time flew by in a burst of agony, that their entire lifetime seemed to pass in what was actually just a moment – one blow, one shock, one drill puncturing a nerve. But these seemingly opposite accounts are not as dissimilar as they first appear. Both are manifestations of the fact that among its many

³⁰¹ Lomax, “The Railway Man” in *The Phenomenon of Torture* (ed. William Schulz), 50
209

effects, pain distorts time. The steady and measurable progression of time ceases for the person in pain. Instead, time becomes cruel and variable. This effect is only heightened for the person who is subject to intentionally inflicted pain because one tends to orient their understanding of pain's temporality with regard to when the pain will stop. The headache is comprehended by when you will get the aspirin to end it; the toothache is understood in terms of when the dentist will be available to cure it. But in torture, there is no realistic expectation for the cessation of pain. The tortured person cannot predict an end to their pain. They can hope to pass out, or perhaps to die, but (as I will discuss below) even these hopes are beyond their ability to foresee or control. They experience time, but only in a convoluted and irregular fashion. Time dominates their entire existence, and yet it simultaneously seems ephemeral; less than real. Of his own torture, Lomax wrote:

It went on and on. I could not measure the time it took.
There are some things you cannot measure in time, and this
is one of them [...] it compresses time strangely, and at the
end you cannot tell whether it has lasted five minutes or an
hour.³⁰²

This lament contains two slightly different claims. The first is that Lomax could not accurately report the duration of his torture session. He himself “could not measure the time it took” while he was being beaten. The second, however, is that torture in general cannot be measured in time: like pain itself, it defies the very possibility of measurement.

³⁰² Lomax, “The Railway Man” in *The Phenomenon of Torture* (ed. William Schulz), 52

Améry gave an illuminating account of his own experience of time in torture, saying that the “first blow brings home to the prisoner that he is helpless, and thus it already contains the bud of everything that is to come.”³⁰³ The emphasis on the “first blow” clarifies how torture can be felt as simultaneously instantaneous and eternal: an important reminder that while duration and intensity are certainly elements of the horror of torture, much of the psychic damage comes from being tortured at all. In fact, Améry repeatedly insists that the torture he suffered was physically relatively mild; that it was nothing compared to what others endure and “in no way probed the entire range of possibilities.”³⁰⁴ Nevertheless, even a single blow contained within it the world of possibilities of pain, degradation, and death. Once the torture began, no formal measurement of duration (minutes, hours, days) could accurately capture the length of the experience and its lasting effects.

The spectacular and the time-warping effects of torture pervade the entire torture system. This is perhaps especially clear in the area to which I now turn: the relationship between torture and the corpse. The corpse, unburied and exposed, is itself a spectacular object. It draws the eye, shocking and captivating, all the while also repelling the gaze. The use of corpses in torture also serves as a kind of perverse reanimation. The dead body is not supposed to act. When the corpse is made to act, to perform, biological time is also violated. Biological time should separate the dead from the living: the dead are

³⁰³ Améry, *At the Mind's Limits*, 27

³⁰⁴ *Ibid.*, 22

permanently removed from the exigencies of the biological clock (or perhaps rendered into a different phase of it, when external microorganisms foster decomposition), while the living are bound to it. Removing this distance is inherently disruptive. The use of corpses in the torture system, as I discuss below, makes these distinctions porous, uncertain, and painful.

Death, Dismemberment, Disintegration: the Necropolitics of Torture

Torture sometimes produces corpses. Sometimes the interrogator goes “too far” or the detainee, having an underlying medical condition, cannot survive “the usual” treatment. In torture, as in all things, sometimes things go wrong. Of course, this is not to say that death under torture is always (or even mostly) accidental: the torture system is sustained by extrajudicial, summary executions. Furthermore, these forms of killing sometimes target bodies which have also been tortured. But there are important differences between the summary execution and death during torture, even though they belong to the same broader system. The difference is clearest from the ways torturers themselves describe the two occurrences. For example, Paul Aussaresses quite ostentatiously describes his use of both torture and summary executions on suspected FLN collaborators and members in Algeria. He describes these executions repeatedly in his memoirs, with blunt detail. Consider only one of his many descriptions of this process:

Most of the time my men traveled about twenty kilometers outside Algiers to some “remote location” where the suspects were shot with submachine guns and then buried. Executions were never held in the same spot twice. I asked

my deputy, Garcet, to pick the men for the job. I was also handed additional unwanted prisoners who had been questioned by other units and had talked.³⁰⁵

This, it seems, was an essentially nightly occurrence, and at the end of each night Aussaresses would count up the number of people his unit had arrested, shot during arrest, and summarily executed and record this information in his notes. His lists of the dead, killed in this manner, must have gone on for pages and pages. In contrast, he discusses only a few occasions on which he killed an interrogee during a torture session and describes only one of these in detail. According to Aussaresses, the man was a suspected bombmaker who had a confirmed pulmonary disease. He died abruptly when subjected to water torture that was (in Aussaresses's highly subjective opinion) relatively brief and mild. Aussaresses then summoned a doctor into the torture chamber to "help" the dead man. The doctor, who happened to be an old school friend from France, was not pleased to be called when there was clearly nothing for him to do. Aussaresses described the conversation:

'And so? You want me to say that I killed him? Would that make you feel better? Do you think I enjoy this?'
'No, but then why did you come to get me if he's dead?'
I didn't answer. The doctor finally understood. I had called him so he would send the body to the hospital and get it out of my sight once and for all.³⁰⁶

The difference between his account of death-by-torture and summary execution is astounding, especially considering the sheer number of people executed on his orders or

³⁰⁵ Aussaresses, *Battle of the Casbah*, 121

³⁰⁶ *Ibid.*, 131

by his own hand. Aussaresses specifically notes that “[o]nly rarely were the prisoners we had questioned during the night still alive the next morning. Whether they had talked or not they generally had been neutralized.”³⁰⁷ In other words, regardless of the “results” of the interrogation, his unit killed almost all their captives. Indeed, in the case described above he specifically says that he already “knew enough to have him [the prospective bombmaker] executed” even before the torture begins.³⁰⁸ Thus, it seems that his death under water torture means only that he died a few hours earlier, and that Aussaresses’s team saved themselves a bullet. But the difference between his descriptions of this “accidental” death during torture and the many summary executions his team committed show that the two are entirely different. Aussaresses describes two possible fates for the bodies of those who are summarily executed: their bodies are left in the street as a warning (a possibility I discuss at more length below), or they are buried in ditches that are dispersed across the countryside as described above. These bodies, in other words, can be useful to him – they are props within his control that can be used to signal threats of different kinds.³⁰⁹ If he chooses not to display them, he simply disposes of them wherever convenient. But the prospective bombmaker’s body is treated very differently:

³⁰⁷ Aussaresses, *Battle of the Casbah*, 126

³⁰⁸ Aussaresses, *Battle of the Casbah*, 130

³⁰⁹ Interestingly, Lazreg argues that the language intelligence officers used to describe summary execution and torture “relinked with France’s past in an unbroken chain of memory harking back to medieval times” and thereby invoked the medieval model of ultimate and personified sovereignty. In particular, she notes that those marked for execution after torture were sent for “wood detail” (*corvée de bois*), a reference to the medieval requirement that serfs collect wood for their lord. See: Lazreg, *Torture and the Twilight of Empire*, 115.

it must be effaced in a different way. He demanded that it is dispatched a hospital and gotten “out of [his] sight once and for all.” The sight of this corpse, unlike so many other corpses he has made, *offended* Aussaresses. He could not bear to look at it. I argue that this body – the unintended dead of torture – marks a limit of both sovereign authority and of Aussaresses himself as its agent. Corpses produced, unintentionally, during torture prefigure the relationship of the sovereign to the corpses produced by necroresistance: a problem that must be solved, a situation that must be managed. As Aussaresses’s reaction plainly tells, the supposed-bombmakers death under interrogation marks a failure. The state demanded that the man speak, and instead he fell permanently and irrevocably silent. This does not mean that he wished to die; he may well have preferred to speak and to live (although Aussaresses suspects the man would not have talked, claiming that the supposed-bombmaker had “imagined that we would execute him anyway so he decided not to betray anyone”).³¹⁰ Regardless of his preferences, the fact remains that his death during interrogation marks a fracture in the sovereign fantasy of total authority.

Aussaresses and his team wanted a living man whose body they could manipulate – who they could force to respond. Instead, they are confronted with a corpse: silent and unresponsive. Indeed, it is easy to imagine that Aussaresses’s memory of this man smirking at him (when alive) is colored by the later failure – by his knowledge that this man will, effectively, escape him.³¹¹ It is for this reason that Aussaresses – who casually

³¹⁰ Aussaresses, *Battle of the Casbah*, 130

³¹¹ “The man was sitting on a chair and I was sitting in front of him. He looked at me with a defiant little smile. Once it became clear that he wouldn’t talk I decided to use

and nightly sends men to their deaths – cannot bear to be confronted with this corpse, much less the responsibility for making it. The premature death of this interrogatee is a failure of sovereign power, whereas the summary execution is an expression of this power.

Importantly, the intentionally created corpses of the torture system and the expression of power they represent can be weaponized through spectacle outside the torture chamber. In *Torture and the Twilight of Empire*, Marnia Lazreg collects documentation of corpse exposures from around Algeria. She draws on both private letters and news reports and asserts that “many such acts were reported to the daily *Le Monde* by eyewitnesses.” For example, she describes the exposure of the corpse of Maarouf Addi in Tiaret in February 1959, recounting the way an Algerian crowd was shepherded past the body whose “crimes” were reported in French and Arabic on a sign that had been affixed to his body. In another case she describes, three corpses were paraded through Miliana and Affreville, dripping in blood, hung upside down from military vehicles.³¹² In her analysis of these events, Lazreg concludes that “the French military used the bodies as mnemonic devices to remind the population that the power of life and death lay with France,” while the exposures also “signified France’s assault on and contempt for the culture of the native populations.”³¹³ In fact, this analysis accords

water and I signaled my men, who tied his hands behind his back and stuck the hose into his mouth. The man choked and strugle. He still refused to talk.” Aussaresses, *Battle of the Casbah*, 130

³¹² Lazreg, *Torture and the Twilight of Empire*, 53

³¹³ *Ibid.*, 53

quite closely with how Aussaresses described his decision to expose corpses in Algiers. He described his arrival in Algiers to implement General Jacques Massu's curfew in these terms:

The patrols [enforcing the curfew] followed orders and started shooting at anything that moved. They left the dead in the streets where they had been shot: there was no time to take care of the bodies and *the population had to see them*. To acquire credibility the paratroopers had to be even more extreme than the FLN. This kind of summary execution in the streets of Algiers would prove that the government was fully determined to prevail and that we were its enforcers.³¹⁴

In other words, the display of these corpses was not only strategic but – in the minds of the French *paras* – necessary. Killing curfew-violators was insufficient: “the population had to see them.” And not only did the population need to see these bodies, but they needed to see them lying in the streets, frozen in the act of violence that killed them. Leaving the dead “in the streets where they had been shot” crystalizes a powerful image of force and authority. All that is missing from the scene is the aggressor, the agents of the state who committed the execution. But there was no need to make these agents visible: the image implied the omnipresence of sovereign authority, and more specifically of a sovereign “fully determined to prevail.” These corpses conjure up the scene of sovereign violence: a reminder that sovereign violence is everywhere, its evidence potentially waiting around every corner and down every alley.

³¹⁴ Aussaresses, *Battle of the Casbah*, 87. Emphases mine.

In previous chapters, I have argued that the torture is part of the necropolitical system, engaged in the creation of what Mbembe referred to as “death worlds.” But the torture system is also necropolitical in another way: with respect to its use of corpses to punish, intimidate, and cause pain. The public display of bodies who have been summarily executed is one manifestation of this quality. As Banu Bargu describes, in her discussion of the necropolitical manipulation of Kurdish militants’ corpses by surrogates of the Turkish state, the display and degradation of corpses functions as an act of violence against the community those bodies represent. For example, Bargu recounts the spread of images of two corpses in 2015: first, a photograph of the naked and bloody corpse of Kevser Eltürk, a militant affiliated with the PKK (Workers’ Party of Kurdistan) lying face down in the street at the feet of three men dressed in civilian clothes. Second, she describes a video of another militant, Hacı Lokman Birlik, recorded as his corpse was dragged through the streets behind a military truck. According to Bargu’s analysis, this kind of necropolitical violence is an extension of what I have called the marks of torture: “The production of some bodies as violable after death renders necropolitical violence as a means of the exclusionary construction of citizenship and its ‘others.’”³¹⁵ These bodies are produced “as violable after death” precisely by the processes which violate them. In violating these bodies, agents of the sovereign not only reinforce the “otherness” of the dead individual, but also signal the ongoing vulnerability and violability of the larger

³¹⁵ Bargu, Banu. "Another Necropolitics." *Theory & Event* 19, no. 1 (2016) muse.jhu.edu/article/610222.

community. Thus, the public display of corpses participates in the creation of tortured society, a community that is continually haunted and marked by torture.

This threat is diffuse: it is meant to spread throughout the society, bringing the threat of pain and death to those outside the torture chambers. However, corpses are also used as an instrument of torture *within* the torture chamber and its outposts. In 1994, for example, Amnesty International received reports that the Mujahedeen in Afghanistan had come up with a rather efficient new torture method: tying up live prisoners out in the sun, face-to-face with newly dead corpses. This method, as William Schulz (then the new executive director of Amnesty International U.S.A) described it, was “simple, economical....Low-tech but terrifying.”³¹⁶ The prosecution against General (and ex-President) Augusto Pinochet of Chile alleged that, among countless other tortures, his regime had forced prisoners to eat the human remains those who had died in captivity.³¹⁷ The use of corpses in torture, it seems, takes many forms. In some ways, these tactics mirror the use of “everyday objects” in torture: like bathtubs and car batteries, corpses are readily at hand. Using these bodies for torture is, therefore, convenient – “economical,” to use Schulz’s term. However, the use of corpses in torture also has a unique impact on the living who are tortured. This effect is best understood by closely examining a case of this kind of torture. Here is one such case, from Chile in the early-1980s:

³¹⁶ Schulz, William. *The Phenomenon of Torture: Readings and Commentary*. (Philadelphia, PA: University of Pennsylvania Press, 2007): 1

³¹⁷ Case of Irma del Carmen Parada Gonzalez, cited in Robertson, Geoffrey. *Crimes Against Humanity: The Struggle for Global Justice*. (London: Allen Lane, 1999): 362

Case #4:

She was told the man she had been living with had been killed. She was then taken into a room where a corpse lay with its face covered and told it was this man. She knew it was not however, as the body's height and build were different from his. The corpse had been split open down the middle and there were wounds on the abdomen. It was beginning to decompose, and she was forced to lie down right by it facing it.³¹⁸

As an instrument of torture, this corpse is being put to multiple uses. First, the false threat of the dead lover threatens the loss of relationships and community: the ones you love are already gone, already ours. Outside these walls, this tactic threatens, you have no one. This survivor account makes clear that she was able to reason herself out of this belief, recognizing that the height and build of this body did not match her lover. But this reasoned conclusion can only partly allay the first waves of fear – and loneliness – she would have felt when confronted with the corpse. Reason cannot totally mitigate the initial shock of loss, especially because the individual familiarity of the corpse is not the only way it is deployed by the torturers. The physicality of this torment is important and specific: she is not only made to see the corpse (which would in itself be an experience of violent spectacle) but to lie down next to it, to be near it. Especially because her torturers named this corpse as her lover, the intimacy of this positioning cannot be missed: this positioning situates her as near to death; touched by death. It intimates that she herself is already, more or less, dead. She is quite literally positioned as the living dead: her body may breathe but it dwells among the corpses. In this way, the use of corpses in torture is a

³¹⁸ *Torture in Chile*, 35

material instantiation of the conditions of life under torture which I described in the previous chapter: the material experience of the half-dead, of “being without existence.”

The third function of the corpse in this torment most closely mirrors the display of the summarily executed, while also prefiguring the deployment of corpses in necroresistance that I discuss in the following chapters: the mangled corpse is an object of horror and abjection. In this way, the use of corpses in the torture chamber is an intensification of other practices designed to evoke this particular combination of fear, disgust, and discomfort. For example, numerous torture survivors from Brazil recounted the time they spent in captivity sharing their small cell with “Miriam,” a two-meter-long boa constrictor.³¹⁹ Survivor reports from around the world are rife with accounts of rat and cockroach infested cells, as well as cells filled with human excrement.³²⁰ The threat of these conditions, much like the threat presented by the corpse is multivalent. Arguably the threat represented by Miriam the snake has somewhat literal component, given the possibility that she may decide to bite, throttle, or eat her co-captive. But in fact, none of these survivor accounts describe Miriam as an overtly violent companion: the torture is her presence more than any specific behavior.

³¹⁹ *Brasil: Nunca Mais*, 21. See, for examples, the testimonies of: Leonardo Valentini; Dalton Godinho Pires; Miriam de Almeida Leitão; and Janete de Oliveira Carvalho.

³²⁰ To give only a few examples from the torture chambers of the Greek Colonels’ regime: “The cells at Dionysos, which are cut into the side of Mount Pendeli, have 10 centimetres of water in them all the time. There is an iron bench in the cell. As prisoners held here are not allowed to go out of the cells, the water is filled with their own excrement. The cells in the basement of Bouboulinas used for solitary confinement are full of vermin.” Amnesty International, *Torture in Greece*, 81

Instead, like the corpse (or cockroaches in Brazil, or the dogs of Abu Ghraib) is an object of *horror*: a bodily experience that combines fear and a kind of disgust. The fear implicit in horror is a kind of fear of contagion, a fear that the status of liminality or brokenness which characterizes the horrifying object will come to characterize the self as well. The mangled corpse to whose companionship the woman of Case #4 was subjected is the most absolute manifestation of such an object. It provokes not only a rationalized threat (they have killed him, they have cut him open, they might therefore do the same to me) but an *embodied* response – the fear that if she touches the decomposing body, her flesh too will begin to rot away. This is a physical revulsion, the body’s rejection of being confronted so brutally with its own disintegration.

In her analysis of modern violence, Adriana Cavarero concluded that “the body is revulsed above all by its own dismemberment, the violence that undoes and disfigures it.”³²¹ This revulsion, she argues, is at the core of *horrorism*, the unique quality of contemporary violence which is characterized by a “state of paralysis” – a state of being transfixed by the spectacular quality of violence. She describes torture as a “special form of horrorism” because in torture, disfigurement and dismemberment are enacted on the living body rather than viewed, after the fact, on the bodies of the dead. The corpses created by torture are, in her words, “only a residue of the scene of torture,” with the primary violence of torture being expressed instead on the living body. The use of

³²¹ Cavarero, Adriana. *Horrorism: Naming Contemporary Violence*. Translated by William McCuaig. (Columbia University Press: New York, 2009): 8.

corpses in torture gives this analysis another valence: if Cavarero is correct that torture is a uniquely concentrated form of horrorism, and likewise that the disfigured corpse is what repulses the body above all else, then torture-via-corpse is the absolute pinnacle of horror since it merges two particularly extreme types of horror into one violent act.

Importantly, horror is an experience that is located in the body. In Cavarero's description cited above, it is "the body" that is revulsed by "its own" destruction. Horror is a distinctly physical experience. Thus, the torturer's deliberate efforts to provoke horror by deploying corpses is one of the many ways that they manipulate the body of the tortured and make the tortured themselves physically complicit in their own pain and destruction. Returning to Case #4, one can easily imagine her condition as she lay next to this mangled corpse: every muscle tensed, lightheaded with the effort not to breathe in the stench of rotting flesh, unable to relax for even a moment because of the risk of touching the corpse's gaping wound and becoming "infected" with its abject quality of decomposition. Lying face to face with the corpse would likely have affected her body in the same way as, for example, being forced to maintain a stress position. It keeps the body in a state of constant tension that becomes increasingly painful over time, all the while maintaining the fiction that this pain is self-inflicted. Her torturers are not forcing her to hold her breath, after all. Proximity to the corpse (or perhaps the corpse itself) compels her to cause herself pain.

Thus, the necropolitical quality of torture taken many forms: torture creates corpses and weaponizes them. It hides some bodies and displays others. It treats the

living as dead and manipulates the dead as though they were alive. These many manifestations, despite their diversity, drive towards a similar conclusion: the designation of certain bodies as both tortured and torturable and, by extension, devoid of political life. The use of corpses in torture is among the most blatant manifestations of the sovereign's efforts to blur the boundary between life and death, and to materially render certain bodies as bare life. In the following section, I turn to another way in which torture specifically targets boundaries, unmaking the boundaries which stabilize the body's integrity while marking out other kinds of borders.

Violation & Intimacy

While methods like torture-via-corpse do not require direct contact between the torturer and the body of the tortured, most torture methods impose on the body in far more direct ways, penetrating and puncturing the body, pulling apart its pieces, and exposing its permeability. These are the kinds of torture I have termed “techniques of intimacy.” Intimacy is, by definition, relational. Thinking about torture techniques as techniques of intimacy necessarily draws our attention to the relationship between the torturer and the tortured body. This relationship, as I have argued, is primarily constituted through pain, and specifically through the dual nature of pain as both loud and obtrusive yet difficult to measure or describe with precision.

In recounting Palestinians' experiences of torture in Gaza, Adi Ophir argues that we must conceptualize the relationship between torturer and tortured as a kind of

perverse intimacy that torture both produces and relies upon.³²² Torture demands the very closest kind of contact between the torturer and the tortured, and it demands that this contact be sustained over time. As a result, the torture survivor knows their torturer, “the smell of their body or breath, the feeling of a sweating hand on one’s skin, the way a face changes expressions from irony to rage or from concern to indifference.”³²³ And the torturer, of course, knows much more: it is the torturer’s prerogative to touch the body of the tortured and study it closely, to (as Ophir describes it) “care for details.”³²⁴ The torturer’s touch changes and moves the body of the tortured: the torturer wants a response from the body that is in their grasp, and they know how to evoke it. This attention to the body of the tortured is so intense that Ophir argues it becomes a form of care, despite the fact that the goal of this care is to produce pain. The torturer must care for the tortured so they can know what hurts the most. This is an intimacy that both comes from and breeds violence. Intimacy, in other words, is the constitutive trait of the relationship between the

³²² Ophir, Adi. “There Are No Tortures in Gaza.” *South Central Review* 24.1 (Spring 2007): pg. 27-36. Ophir’s main focus in this article is to describe the ways that torture has changed in Gaza, from intensely personal forms to passive and impersonal forms of torture (such as the checkpoints throughout the West Bank) and systematic but distant forms of killing ranging from sniper fire to chronic food and medicine shortages. He concludes that although torture persists in this new economy of violence it “remains external to this new form of state power; torture functions on the margins of this power or characterizes its relatively rare moments of excess.” Although I dispute his conclusion that torture occurs in “relatively rare moments of excess,” his discussion of care and intimacy in torture is fruitful.

³²³ Ophir, “There Are No Tortures in Gaza,” 27

³²⁴ *Ibid.*, 27

torturer and the tortured, as well the forms of pain that define this relationship.

Summarizing the relationship of the torturer to the body of their victim, he writes:

The torturer comes very close, scraping or penetrating the surface of the victim's body, peering through the halls of his or her soul. Sometimes he is all over, sometimes he is inside, in-forming and de-forming, and even when he leaves something of him refuses to go away. His is a very special way of being with an other, which has its own conditions.³²⁵

As this description illustrates, the intimate quality of the torturer's relationship with their object is directly productive of certain kinds of marks or remnants. It is precisely because the torturer is "all over" and "inside" that his traces persist and "something of him refuses to go away."

To understand this contact between bodies, it is helpful to think about what Ophir described as "the surface of the victim's body:" the skin. The skin itself, as the physical and affective boundary between self and other, is the site where bodies meet. As a result, it plays an essential role in both conducting and understanding techniques of intimacy. As Sara Ahmed explains, in describing the role of the body in differentiation, the skin is "a border or boundary, supposedly holding or containing the subject within a certain contour, keeping the subject inside."³²⁶ Although we may not conceptualize subjectivity as a physical substance, we nevertheless often describe it as something inside our bodies,

³²⁵ Ophir, "There Are No Tortures in Gaza," 27

³²⁶ Ahmed, Sara. *Strange Encounters: Embodied Others in Post-Coloniality*. (London; New York: Routledge 2000): 44-45

and therefore contained by the skin, which gives it physical shape and materiality. As a boundary, skin allows us to interact and interface with the world. As the necessary site of intimacy, the skin can be a site of nurturing and of passion. However, as the “first line” of defense against the imposition of the outside world, skin is also the point of our greatest vulnerability. Thus, intimacy and vulnerability are effectively inscribed on the skin the same moment. Améry makes this connection explicit in his account of his own torture experience:

The boundaries of my body are also the boundaries of my self. My skin surface shields me against the external world. If I am to have trust, I must feel on it only what I *want* to feel. [...] The other person, *opposite* whom I exist physically in the world and *with* whom I can exist only as long as he does not touch my skin surface as border, forces his own corporeality on me with the first blow. He is on me and thereby destroys me.³²⁷

By recognizing the close tie between skin and subjectivity, Améry illuminates the forms of vulnerability to which skin necessarily leaves us open. The destruction of this boundary between self and other (i.e., unwanted contact with his “skin surface as border”), both mirrors and manifests the destruction of subjectivity. But Améry also highlights the relationship between skin, trust, and desire when he asserts that trust is based on “feeling on it only what [he] want[s] to feel.” This close connection between skin, trust, and desire is precisely what enables intimacy to exist. In “Carved in skin: Bearing witness to self-harm,” Jane Kilby analyzes the relationship between skin and desire in the work of Simone de Beauvoir and Jean Sartre, both of whom express desire

³²⁷ Améry, *At the Mind's Limits*, 27-28. Emphases in original text.

as a fundamentally bodily experience, although in different ways. She concludes that for both thinkers:

[T]he touch of the skin does not remain on the surface. It is the locus of a subjective project of relation to the world, and illustrates how physiological and psychological domains cannot be separated. For both [Beauvoir and Sartre], the touch occurs as part of a subject making itself body.³²⁸

Touch, in this reading, is always more than skin deep. On the contrary, the touch of the skin, as the site of desire and intimacy, is central to the constant process of embodiment. The unwanted touch – intimacy perverted into violation – disrupts this process precisely because the “physiological and psychological domains cannot be separated.” The touch that mars the surface – that breaks the body – also interrupts the integrity of the subject. In other words, while touch may occur “as part of the subject making itself a body,” the opposite is also true: the touch that *violates* occurs as part of the body being *unmade*, which is also always the unmaking of the subject.

Améry too refers to this kind of intimacy when he describes torture as laying bare the penetrability of the body. All torture, he suggests, “is like a rape” (regardless of whether rape is specifically a part of the torture regimen, which it may well be). This intimacy acts on torture’s object in several ways: first, intimacy conveys its own self-contained threat, the threat of total physical vulnerability. This is what Améry describes

³²⁸ Kilby, Jane. “Carved in skin: Bearing witness to self-harm” in *Thinking Through the Skin* edited by Sara Ahmed and Jackie Stacey (London; New York: Routledge, 2001): 161.

when he says that the torturer “is on me and thereby destroys me.” The torturer’s ability to touch him, to penetrate the boundaries of himself, contains within it the threat of total bodily annihilation. If his body’s *boundary* lacks integrity, there is nothing to prevent the torturer from destroying his bodily integrity entirely. Secondly, unwanted intimacy reveals the utter fragility of the constructed political subject. The liberal subject, for example, is defined by the opposition between the private and the public, with the underlying presumption that the private sphere is one defined by non-interference.³²⁹ The private sphere is the area where the counterbalanced goals of liberalism – liberty and security – actually work in concert. The state defends the boundaries of the private sphere, within which one is free (or so the argument goes). In this realm of safety and freedom, the liberal subject thrives. But torture reveals that the subject is neither safe nor free – the torturer’s intimacy with the body of the tortured reveals that the privacy on which the liberal subject is predicated lacks force. The integrity of the liberal subject disintegrates when faced with the intimacy of the torture relationship: nothing can be kept “private” from the torturer, whose access to the body is unlimited. As a result, the foundations of both freedom and security disintegrate completely.

³²⁹ This example is particularly relevant given the growing literature on the relationship between torture and liberalism that has developed in the aftermath of the “War on Terror.” See, for examples: Lukes, Steven. “Liberal Democratic Torture.” *British Journal of Political Science* 36.1 (2006); Luban, David. “Liberalism, Torture, and the Ticking Time Bomb.” *Virginia Law Review* 91.6. (October 2005); Korstanje, Maximiliano E. *The Challenges of Democracy in the War on Terror: The Liberal State Before the Advance of Terrorism*. (Abingdon; New York: Routledge 2019).

Améry's comparison to rape, as well as the general connection between touch, desire, and subjectivity both invoke the relationship between torture, sex, and sexuality. Like rape in general, there is good reason to believe that sexual torture takes place far more often than it is reported. Medical and psychological professionals note that men in particular will often deny having undergone sexual methods of torture even if the physical evidence suggests otherwise. In studying the Indian Army's use of torture against suspected Khalistani militants, which is often sexual in nature, Brian Keith Axel argues that torture is not only related to rape but more generally to the technologies and disciplinary mechanisms of sex. In doing so, he takes up Foucault's claim that sexuality "exists at the point where body and population meet," making sexuality "a field of vital strategic importance."³³⁰ Building on this dictum, Axel argues that sex and sexuality "mediate between both the relations of body and nation, on the one hand, and the relations of kinship and territoriality, on the other."³³¹ Sexuality is an expression of boundaries and boundary-transgression: it regulates the ways that bounded-bodies transverse their bounds to form kinship relations, as well as the ways that abstract nations become defined and concretized by through association with bounded territory. In this reading, the function of torture is not only to produce "otherness" or "criminality" in general, but specifically a sexual mode of deviance that transgresses against both the

³³⁰ Foucault, *Society Must be Defended*, 251-252

³³¹ Axel, Brian Keith. *The Nation's Tortured Body: Violence, Representation, and the Formation of a Sikh "Diaspora."* (Durham, NC: Duke University Press, 2001): 137

norms of kinship and the norms of national belonging. Axel describes the relationship between torture, nation, and sexuality as follows:

Torture constitutes national-normative sexuality as a fundamental modality of citizen production in relation to an antinational perversity that postulates sex as a cause, not only of sexual experience, but also of subversive behavior and extraterritorial desire. [...] The point here is that the subject comes into being not merely through subjection but through a subjection to norms of sex and sexuality and through historically specific forms of disciplinary practice, discursivity, and substitution that reiterate and reconstitute that normativity.³³²

In other words, the manipulation of sex and sexuality in torture figures the tortured person as the locus of “antinational perversity” that combines aberrant sexual desire (i.e., desire that is non-national, or “extraterritorial” in Axel’s terms) with politically subversive behavior. This deviance always exists in contrast with a “national-normative sexuality” which, paradoxically, is expressed in part through the sexualized behaviors of the torturer. Rather than treating sexual torture as, itself, a deviant behavior, sexual torture techniques become disciplinary mechanisms for both producing and “correcting” the subversive sexuality of the tortured body. Kate Millett argues that the relationship between torture, sex, and sexuality also operates in the other direction. Torture draws on prior experiences of sexualization and gender socialization, especially for women who she argues have been socialized to expect emotional, psychological, and physical domination. The helpless position of the torture victim, she argues, is not unique but

³³² Axel, *The Nation’s Tortured Body*, 137

rather horrifyingly familiar for those who have experienced this kind of socialization: “One has been taught to despair before this, to feel one’s impotence and futility further increase to paralyze one. This is a learned response; it is also taught.”³³³ The point is not that torture is inherently gendered, but rather that torture draws upon and reinforces existing forms of social vulnerability. This is one of the many ways that torture marks certain people or groups as eligible for torture: by deploying pre-existing tropes of victimization. To use Millett’s example, torture techniques that gender (and by extension sexualize) the tortured body as feminine invoke and reinforce existing ideas about feminized bodies as vulnerable and eligible for specific modes of suffering.

As I have noted, techniques of intimacy leave scars that are often easy to see. These marks are so closely related to the specific techniques used that I argue we must treat them as deliberate. The torturer uses these methods *because* they are scarring in distinctive and particular ways. The question is, then, what do these marks do? What does the torturer achieve by making them? The first answer, which is described by Scarry and other analysts, is the deliberate inscription of pain as a message. The torturer can seize the body of their prisoner as the medium for a message to the community the prisoner represents. For this purpose, the legibility of torture is essential: the body must tell the tale of its own abuse, in terms the audience will clearly understand. For this kind of torture (what we might think of as “torture as threat”), scarring is a language that replaces the speech of the tortured person. It is not enough for the tortured person to speak in

³³³ Millett, *The Politics of Cruelty*, 162

words and to retell their own pain. Indeed, Scarry suggests that the voice of the tortured has been so minimized by their experience of pain that it no longer has the authority to recount the threat. But their body, bearing the torturer's message, can be made to enunciate its own unbecoming. The threat is carried through the display of the vulnerability and penetrability of the body. The audience must be able to see clearly that the tortured body has been dismantled in a way that cannot be put back together. A body that will never be made whole again: that is the torturer's explicit threat.

In this case, the "message" of sovereign power is inscribed onto the body, which is then returned into political society. This message does not require uniform methods – there is plenty of room for variation across time, location, and even individual preferences (which torturers do seem to have, after all). Cutting, burning, severing, and extracting can all take many forms, but all may leave adequate signs of torture to communicate with an audience. However, there is also a paradoxical kind of benefit to the victim of this kind of torture. When the torture is addressed to the community and made clearly legible to them, the torture survivor's suffering is intelligible to them as well. The body of the victim, although now inscribed with the signs of torture, can possibly be reintegrated into the communal whole. No matter how broken or partial the tortured body is, it may have a place in the body politic of the community. This is exactly the case for Khalistani militants (actual or suspected) in Punjab who were tortured by functionaries of the Indian state. Axel explained at length how the tortured body of the Amritdhari Sikh has been re-assimilated into Sikh culture, especially in the diaspora. This

body is not a sign of the all-consuming might of the Indian state but rather of the righteousness and resilience of the community itself:

Sikhs around the world have formed a specific modality of identification and pedagogy around such remnants of torture and particularly around gendered images of tortured bodies and corpses. And, in doing so, many Sikhs have established a set of practices that remake the private scene of national torture into a transnational spectacle of subjectification.³³⁴

In other words, the community has developed quite specific antidotes to certain effects of torture. These strategies may not mitigate the pain of torture, but they counteract the torturers' attempts to undermine the political subjectivity of the tortured. Transforming the scene of torture into a "spectacle of subjectification" changes the significance of the marks of torture.³³⁵ Instead of these marks signifying the loss of political identity, they come to signify a renewed and reinforced sense of shared politics. Making these marks the center of a "specific modality of identification and pedagogy" interprets torture as *creating* a political identity. After all, no matter how complete the torturer's power may be during the torture, like anyone else they lose control over how their message is read

³³⁴ Axel, *The Nation's Tortured Body*, 139

³³⁵ The situation Axel describes seems somewhat unusual. Even if the tortured body *can* be reinterpreted in this way, rarely does it become so thoroughly resignified as in the Khalistani case. I believe this is explained in part by the prominent role played in the Khalistan movement by Sikhs in diaspora: it is easier to reinterpret the marks of torture when one is already outside the ordinary reach of the Indian government. Sikhs living in the diaspora (largely concentrated in the United Kingdom, Canada, and the United States) are relatively safe from the abuses of the Indian army, and therefore the threat that is written on the tortured bodies of suspected Khalistani militants is much more remote than it would be if they lived within the borders of India. Perhaps it is this distance which allows the reinterpretation of these tortured bodies.

and interpreted once they have delivered it.³³⁶ Even if the “message” of the tortured body is directed to a particular audience, nothing prevents other audiences from reading, reinterpreting, and redeploying that body for their own purposes. When the tortured body is accepted and valorized by the community, it can become a source of strength and an image of resilience. This potentiality, however, is disrupted when the marks of torture are hidden or disguised. This is the political problem created by the methods of torture I discuss below: techniques of stealth.

Stealth Torture

Thus far I have largely focused on modes of torture that work from the outside of the body, but there are also many kinds of torture that mark the body from the inside out. Stealth torture, I argue, induces breaks and breakdowns in both the body and the body politic. Like techniques of intimacy, the specific forms of these techniques vary based on the situation, preferences, and training of the torturers. For example, survivor testimonies from Brazil recount the use of a position called “Christ the Redeemer” or simply “Jesus Christ” which used a combination of forced standing, stretching the arms, and prolonged

³³⁶ A similar (and perhaps more common) version of this situation occurs when the tortured body is interpreted as irrefutable proof of the brutalities and excesses of a torturing state by a watchdog organization or another state. This is a common feature of discourses on barbarianism and civilization, used to justify colonial domination and “humanitarian intervention” alike. The threat of torture is read by humanitarians as a threat not against a group or community, but against some set of values like humanity, decency, and civility. Thus, a message which was designed to shore up power can have the opposite effect, drawing out the power of other states or organizations against the torturer and the sovereign they represent.

application of heavy weights to stress the body and dislocate the kidneys.³³⁷ In the Occupied Territories, on the other hand, the Israeli General Security Services favored a technique called the “Shabeh combination,” during which interrogees were shackled tightly in a chair which was constructed to slant forward. One survivor of this technique Falah Abu Rameileh, described the results of this technique to B’tselem, a human rights organization headquartered in Jerusalem:

Shabeh succeeds in doing what it was designed for...The body hurts all the time, the muscles and flesh hurt. Intense pain develops in the lower part of the body, which is constantly sliding and rubbing against the chair. The hands and legs swell up, and the whole body hurts. The pain is especially felt in the back because of the prolonged sitting in an abnormal position, and I still suffer from those pains...³³⁸

In these cases, the marks on the body are created by the internal processes torture imposes. Stealth torture, although generally defined by its lack of obvious physical marks, nevertheless alters the body in two significant ways, both of which produce forms of pain which continue long after the torture session has concluded. Professor Alfredo Bravo, whose testimony is included in the IACHR report on Argentina, describes some of the stealth methods of torture to which he was subjected in detail:

During those days, I received various torture treatments, the main one being the “bucket,” where they place your feet in

³³⁷ See, for examples, the testimonies of Renato Oliveira de Motta and Fernando Reis Salles Ferreira: *Brasil: Nunca Mais*, 23-24.

³³⁸ Ginbar, Yuval. *Routine Torture: Interrogation Methods of the General Security Service*. (Jerusalem, B’tselem – The Israeli Information Center for Human Rights in the Occupied Territories, 1998): 21.

ice-cold water, when they begin to burn they take them out of the icy water and put them in hot water. As a result of this, I am still uncoordinated when I walk; the burns leave no marks. Aside from the “bucket,” there is the “crucifixion,” where they suspend you by the arms; you are not mistreated constantly, but rather, they beat you and then they leave and let you hang. Your wrists are tied with pieces of cloth so that there will be no marks, and the weight of your body makes you sag.³³⁹

This description reveals two key elements of stealth torture. First, that they are designed to cause pain without leaving visible evidence. As Professor Bravo repeatedly notes, there will be “no marks.” Second, despite the lack of visible remnants, this kind of torture nevertheless has lingering effects and marks the body in meaningful – and painful – ways. The hidden nature of this pain, which manifests in Professor Bravo’s “still uncoordinated” gait, is itself a kind of torment: he knows there will be no recognition of this pain, and that the lack of obviously visible physical evidence further reduces his (already extremely limited) opportunities for redress. Those subjected to this kind of torture are therefore *legally* vulnerable (even if there is a change in regime), in addition to their physical vulnerability. This vulnerability is not only known: it is felt. It is therefore important to understand what it *feels like* to survive this kind of torture.

The testimony of ‘Omar ‘Abd al-Rahman Ahmad Ghaneimat, subjected to the *Shabeh* combination described above, illustrates the many ways that stealth torture can wreak significant changes on the body. Following his forty-nine days of interrogation,

³³⁹ Inter-American Commission on Human Rights, *Report on the Situation of Human Rights in Argentina* (1980)

Ghaneimat was examined by several doctors representing different specialties. His complaints – verified by the examining doctors – included:

- long-term chest pains, even after being released³⁴⁰
- “limitation of movement of the two shoulders, accompanied by pain at the termination of the range of movement.”³⁴¹
- “limitation of movement flexion of spine, particularly upon forward flexion. Limitation of straight-leg rise of left leg, causing pain in lower back.”³⁴²
- damage to the meniscus caused by forced kneeling which “may lead to development of degenerative changes to the knee in the future.”³⁴³
- “decreased sensation in Mr. Ghaneimat’s distal forearms and hands [which, at the time of examination] has persisted for over six months. I [Dr. Lee D. Cranberg, the neurologist who examined Ghaneimat], suspect that the damage he has in the superficial branch of the radial nerve in each of his arms is permanent.”³⁴⁴

As with Professor Bravo above, the torture techniques to which Ghaneimat was subjected produced both long-term pain and specific kinds of debility (i.e., the limited movement of his arms, spine, and left leg). But his extensive medical examinations also reveal two other important ways that stealth torture methods can mark the body. First, even though he has escaped from the torture chambers, it is possible that his injuries will become worse rather than better. Long-term forced kneeling tore into the joints of his knees, requiring surgical intervention to reduce the pain and return some of the functionality to

³⁴⁰ Ginbar, *Routine Torture*, 52. “Protocol of the High Court Hearing, 29 May 1997.”

³⁴¹ Ginbar, *Routine Torture*, 55. “Medical Opinion – Dr. Salah Jabber, Orthopedist.”

³⁴² Ginbar, *Routine Torture*, 55. “Medical Opinion – Dr. Salah Jabber, Orthopedist.”

³⁴³ Ginbar, *Routine Torture*, 56. “Medical Opinion – Dr. Salah Jabber, Orthopedist.”

³⁴⁴ Ginbar, *Routine Torture*, 59. “Medical Opinion – Dr. Lee Cranberg, Neurologist.”

his legs. But despite this attempt at repair, the possibility of future degeneration remains. Unlike with externally inflicted injuries, scarring does not necessarily indicate healing: the damage to his muscles and joints from within may worsen at any time. Scar tissue can be the source of new pain, and new debilitations. Additionally, the prolonged periods of time he spent tightly shackled and contorted into stress positions produced a “decreased sensation” in his arms that is likely to be permanent. In other words, torture was the last thing he fully felt. Ghaneimet is physically incapable of experiencing any sensation as clearly or acutely as he felt his torture – ever. No amount of time can heal this damage to his nervous system. As his lawyer argued before the High Court of Justice during his hearing, “The problem is internal, not external.”³⁴⁵ The changes that stealth torture has worked on his body, from the inside out, are enduring and impossible to heal.

Despite the ways in which the medical experts cited above were able to discern the marks of torture on Ghaneimet’s body, the fact remains that these forms of torture can be difficult to detect for the untrained eye. Indeed, it is precisely *because* these forms of torture are difficult to detect that medical experts were needed for his legal case. In *Torture and Democracy*, Darius Rejali argues that torturing regimes are cognizant of the potential problem that reinterpreted or translated tortured bodies can pose and have actively adjusted their methods. In the era of oversight from international watchdogs and intervention-inclined superpowers, torturers have necessarily learned to be discrete and to inflict maximum pain while leaving minimal visible evidence. As medical technology

³⁴⁵ Ginbar, *Routine Torture*, 51. Protocol of the High Court Hearing, 29 May 1997.

and those with access to it become increasingly engaged in the search for torturers to condemn, torture techniques must evolve to be more and more stealthy in turn. While this explanation makes sense, there is also something unsatisfactory about it: states that are “caught” torturing do not seem to face many consequences for their actions, which makes it unlikely that they are motivated by a fear of discovery. The international community has proven much more willing to condemn torture in the abstract than to actually intervene in its practice. Torturers seem to be well-aware of this fact. In fact, survivors of the Greek junta recounted occasions when their torturers mocked them with comments like “The Human Rights Commission can’t help you know... The Red Cross can do nothing for you... Tell them all, it will do no good, you are helpless.”³⁴⁶ Although torturers may well *prefer* not to be chastised by the United Nations, it also seems unlikely that they would bother to significantly change their tactics on this account if those tactical changes truly hindered their goals. I argue, therefore, that to understand the development of stealth techniques we must see them as more than a defense or precaution: stealth techniques must do something that torturers find to be desirable. This impression is reinforced by the torturing state’s response when should-be stealth techniques leave visible marks. In 1998, B’tselem (an Israeli Human Rights organization focused on abuses in the Occupied Territories) collected testimonies from Palestinians subjected to Israeli stealth torture techniques, including those cited above. The report concludes with the detailed case of ‘Omar Ghaneimet, whose injuries I listed above. The report also includes the findings of

³⁴⁶ Amnesty International, *Amnesty International Report on Torture*, 96

the Department for the Investigation of Police regarding his allegations of torture and mistreatment at the hands of the GSS. The investigation denies any wrongdoing on the part of the investigators, flatly rejecting the medical evidence presented by his examiners. However, the investigator is extremely concerned that Ghaneimet was shackled, during the *shabeh* and *qambaz*³⁴⁷ techniques, in ways that left obvious (albeit short-term) marks on his body. The investigator, Eren Shendar, discussed these marks at length:

It is worth noting that the matter of prolonged shackling had been raised in previous discussions...It was decided, inter alia, to use sweat bands whenever marks or bruises appeared on the wrist as a result of shackling.

The interrogators were also directed to use wide leg shackles to cuff hands of large-bodied detainees or of detainees in instances where the regular handcuffs caused marks or injury to their wrist.

In cases of special sensitivity, the handcuffs are filed to blunt their edges in order to prevent injury to the wrist...In this case, we became aware that the solutions proposed and instituted are not yet totally satisfactory. Therefore, I contacted the State Attorney to ensure it takes the necessary measures vis-à-vis the relevant GSS officials to prevent the possibility of similar incidents occurring in the future.³⁴⁸

The suffering of the tortured is – unsurprisingly – not of interest. The use of sweat bands and blunted shackles would not reduce the pain of the position or the damage of losing circulation. In fact, the lasting injuries that Ghaneimet’s doctors described would not be

³⁴⁷ Also called the “Frog Position.” A position used during interrogation during which the interrogee is compelled to kneel while balancing on his toes, with his arms tied tightly behind him. If the interrogee loses balance or falls over, the interrogator forcibly returns him to his kneeling position. Detainees are sometimes beaten while forced to maintain this position. See: Ginbar, *Routine Torture*, 28.

³⁴⁸ Ginbar, *Routine Torture*, 63. “Findings of the Examination by the Department for the Investigation of Police.

mitigated at all by these techniques. Rather, these preventative measures address the issue that is of concern to the state: the improper implementation of techniques that are not meant to leave marks, especially marks that are as legible as the ligatures from overly tight shackles. Obviously, the presence of these marks on Ghaneimet's body did not produce any adverse consequences for the interrogators who caused them. But they interfered with the benefit that the state derives from using stealth torture techniques. This "benefit" appears in the relationship between the tortured body and their community.

Stealth torture methods are designed to have consequences for all readers of the tortured body: it is not only the international community that lacks the literacy needed to read the body tortured by stealth. Describing the early implementation of covert torture on Palestinians, Rejali explains:

It took hard work for people to learn how to read the bodies that were subjected to the *shabeh* technique, to question state power and accord respect to its victims. [...] When torturers turn to covert torture, they deliberately induce a breakdown in one's ability to show one's pain to others, stripping their words of the marks that give the speaker credibility.³⁴⁹

In this case, torture renders the body illegible, a kind of torment which will afflict the victim long after the torture itself ceases. Stealth torture, then, begins to dismember the body politic, painfully severing and extracting pieces of it. "How horrible," Rejali

³⁴⁹ Rejali, *Torture and Democracy*, 30

observes, “to be unable to use words in ways that elicit acknowledgement, to be unable to explain, to be uncertain, as in the case of some victims, even about what one has experienced.”³⁵⁰ The marks of torture which are unseen on the individual tortured body are thus displaced, and the scars show instead on the body politic in the form of poorly healed breaks, and scar tissue where the body has tried to reassimilate what was forcibly removed from or forcibly introduced into its flesh.

In these cases, the international instruments which encourage the state to deny torture become an additional force tormenting the tortured. The very safeguards and prohibitions meant to prevent torture become instruments of pain: they create a contradiction which traps torture victims between the absolute reality of their own experiences and a legal infrastructure which insists that their experiences are impossible. Analyzing the process of pursuing justice for her client Djamilia Boupacha, a young Algerian woman tortured by the *paras*, Gisele Halimi concluded that within the torture system “nothing lies further from reality than the self-evident.”³⁵¹ This comment, which referred to the exigencies of the military “justice system” in particular, seems to describe the condition of survivors of stealth torture as well.

Amnesty International reported on the effects of this paradox in the Greek case, where the state simultaneously wants citizens to know about torture (to prevent dissent) but also publicly denies its use. “Strangely enough,” the report concludes, “this seeming

³⁵⁰ Rejali, *Torture and Democracy*, 30

³⁵¹ Beauvoir and Halimi, *Djamila Boupacha*, 91

paradox functions well at the practical level. Released prisoners have been shocked at the refusal of even life-long friends to believe their stories.”³⁵² The torture survivor’s reality has been fundamentally altered. They will, in Améry’s words, stay tortured forever. Making their reality unlivable (i.e., creating a situation in which even close friends cannot see the truth of the torture survivor’s pain) breaks the survivor’s relationship with both other people and with the framework of their world. Stealth torture compels the survivor to inhabit a world in conflict with reality. To paraphrase Gisele Halimi, reality is set in conflict with the self-evident.

Tortured Society

In describing each of these forms of torture, I have shown how the marks of torture alter the relationship between the tortured body and their community. In doing so I have largely maintained a focus on the bodies and experiences of the tortured: whether they are reintegrated into society or not, whether they return to their communities as damaged-but-living bodies or as corpses. However, as these examples have made clear, torture also affects those outside the torture chamber. Those who have never themselves been tortured are also marked by torture in important ways: although the object of torture is the individual body, the object of the *torture system* is society more broadly. Thus, in

³⁵² Amnesty International, *Amnesty International Report on Torture*, 97. In fact, the Greek Junta relied heavily on techniques of intimacy in their torture – not stealth techniques. This shows how powerful state denial and disavowal can be, since these survivors likely bore obvious marks of their ordeal.

addition to tortured bodies the torture system also produces what I have described above as tortured society.

While researching torture under the military dictatorship in Uruguay, Lawrence Weschler found himself at a dinner with a group of psychoanalysts in Montevideo who had successfully avoided the torture chamber. He recounted his conversation with a married couple, Ricardo and Beatriz, who had managed to survive the dictatorship without being imprisoned or exiled at any point. Their recollections bring together many of the observations about tortured society I have described thus far: Beatriz described the moment, a few years after their wedding, when she surveyed their wedding photographs only to realize that most of the people picture were now imprisoned, disappeared, exiled, or dead. Despite the fact that they, themselves, had avoided the counterinsurgency forces, the torture system had nevertheless made a profound impact on their lives. Even within their individual circle of close friends, they knew of disappearances, deaths, and indefinite detentions. Their wedding photographs – meant to be celebratory – became ghostly, haunted objects of within the span of only a few years. The threat of death and torture lived on every page, taking the guise of the bodies of their former friends.

Her husband Ricardo described the effect of this realization, and of living in tortured society more generally:

[O]ur own lives became increasingly constricted. The process of self-censorship was incredibly insidious: it wasn't just that you stopped talking about certain things with other people – you stopped thinking them yourself. [...] The suspicions of everyone else, the sense that they

were monitoring everything – or else just that reflex of self-protection, how it was perhaps better not to extend one’s affections to people who might at any moment be picked up and taken away...³⁵³

I have argued that the work of torture is to destroy the subject and unmake the very possibility of subjectivity. From Ricardo’s recollections, it is clear that this effect extends beyond the torture chambers. First, their relationships – which, as I have shown, are constituent parts of the subject – have literally vanished. The *dictadura* has severed their relational ties by eliminating (or exiling, or disappearing) the objects of those ties. They are unable to replace these broken bonds with new relationships, since suspicion and self-protection prevent forming new relationships. These suspicions of strangers and fears that new friends “might at any moment be picked up and taken away” are direct effects of the torture system. But tortured society also unmakes its subjects in other ways. As Ricardo described, under tortured society “it wasn’t just that you stopped talking about certain things with other people – you stopped thinking them yourself.” Thus, it seems that tortured society produces a similar effect to that which Jean Améry described as the result of his time in the concentration camp: certain ideas become not only unsayable, but unthinkable. The subject is constrained from within. There are ideas that they cannot form, possibilities that they cannot consider.

Living in tortured society also changes the way each subject relates to time.

Ricardo concluded his reminiscences by saying “that was then and this is now – and the

³⁵³ Weschler, *A Miracle, A Universe*, 88-89

two seem utterly divided one from the other. Today I cannot even remember what it was like then. Then I could not even dare to fantasize what it might be like now.”³⁵⁴ In some ways, this remark reflects the unimaginability of “normal” life in tortured society: it is impossible, under torture, to imagine a future without that threat. But it also speaks of a temporal break; a division between “then” and “now” in their own lives which cannot be healed. Living in a tortured society has irreparably disrupted their ability to imagine the past, present, and future as one continuous and connected event. Now, he “cannot even remember what it was like then” – he cannot situate himself temporally relative to this past, even though the events of this past have so thoroughly altered the trajectory of his life. This temporal break has important ramifications if, as I argued in the previous chapter, the application of “normal” law is dependent upon the existence of predictable and structured time. If time is permanently damaged in a tortured society, then so too is the possibility of law. The very institution of law loses some of its grounding. In the section below, I turn to a final institution that is altered and contorted by tortured society: the institution of medicine.

Torture, Medicine, Humanity

To best understand how the many aspects of the torture system work together, structured through the events of the session, we can focus on one aspect of the system that is common across many cases of torture: the role played by doctors and medical institutions. The participation of doctors in torture is, as I will show, a special case of a

³⁵⁴ Weschler, *A Miracle, A Universe*, 89

technique of intimacy. However, it also relates closely to the conditions of life under torture, to the use of summary executions, and to disappearances. As such, the participation of doctors in torture provides a useful site for examining these different aspects of the torture system in action and understanding how they fit together to produce both tortured bodies and tortured society.

The participation of doctors in torture spans across countries, regimes, and methodological preferences. In fact, Scarry argues that it is “in the nature of torture that the two ubiquitously present [institutions] should be medicine and law, health and justice, for they are the institutional elaborations of body and state.”³⁵⁵ Since torture is the most violent iteration of the conflict between the state and the body, it makes sense that these two institutions are necessarily present. However, Scarry’s description seems to align the institution of the medicine with the tortured, since torture primarily concerns the bodies of its victims. In reality, doctors play a different role. The specific work of these doctors varies by situation, as I will describe below, but overall their participation in torture is another facet of intimacy’s role in torture. Not unlike the torturer, the physician can work on and through the body: stitching up a bleeding gash is no less a manipulation of the body than the beating which inflicted it. Furthermore, the violation of torture is not only of bodily boundaries, but also of a kind of trust: a faith that those entrusted with intimate knowledge of the body will nurture it rather than destroy it. Although we do not usually refer to it as such, the relationship between doctor and patient is an inherently intimate

³⁵⁵ Scarry, *The Body in Pain*, 50

bond, especially as it is experienced by the patient. The doctor has the right to touch the body, to know it, and to seek closely guarded information from it. Indeed, it is the doctor more than anyone else who has the prerogative to know the body from the inside: to know every layer of the body separately. In this respect, the doctor possesses more intimate knowledge of the body than a lover, or even than one has of oneself. This relationship is fundamentally based in trust. Even if one lacks a personal relationship with a doctor outside the walls of a clinic, the medical setting is premised on the assumption of faith between doctor and patient: faith that the doctor will do no harm, and that they have the knowledge and expertise needed to help.³⁵⁶ Of course, this is not always the case – the relationship I describe here is an ideal that does not align with many people’s experiences, particularly in communities that are historically oppressed or surveilled and where doctors may be viewed with profound suspicion.³⁵⁷ Despite these failings, it also

³⁵⁶ This modern ideal of medicine is, perhaps, somewhat ahistorical. For example, Michel Foucault argued that development of the clinic (which made medicine both more empiricist and more hierarchized) was inherently linked with other structures of power. In this reading, the modern institution of medicine has been interested in offering up the body as a site for manipulation by power since its very inception. See: Foucault, Michel. *The Birth of the Clinic*. Translated by Alan Sheridan. (New York: Pantheon Books, 1973).

³⁵⁷ For example, the CIA’s history of using vaccination programs to cover spy operations has been criticized for the damage these programs have caused to public trust in health workers, making it increasingly difficult to provide medical care in difficult to reach communities. See, for example: Chappell, Bill. “CIA Says It Will No Longer Use Vaccine Programs as Cover.” *NPR*. May 20, 2014. <https://www.npr.org/sections/thetwo-way/2014/05/20/314231260/cia-says-it-will-no-longer-use-vaccine-programs-as-cover>. The COVID-19 pandemic has also exposed the ongoing effects of medical institutions’ historical abuse and neglect for Black communities in the United States, which produced ongoing mistrust and hesitation regarding medical innovations like the COVID-19 vaccines. See Huang, Pien, “‘You Can’t Treat if You Can’t Empathize’: Black Doctors Tackle Vaccine Hesitancy.” *NPR*. January 19, 2021. <https://www.npr.org/sections/health->

appears to be true that those who do not trust doctors nevertheless recognize the paradigmatic ideal of doctors as trustworthy.

Indeed, it is for this reason that medical organizations have struggled so intensely to reckon with doctors' participation in torture. In 1982, the United Nations adopted a resolution of support for a set of Principles of Medical Ethics, drafted at the UN's urging by the World Health Organization.³⁵⁸ This document put forth a series of six principles, each addressing a different way that doctors have been reported to participate in torture. The main thrust of the document, however, is contained in Principles 2 and 6:

Principle 2

It is a gross contravention of medical ethics, as well as an offence under applicable international instruments, for health personnel, particularly physicians, to engage, actively or passively, in acts which constitute participation in, complicity in, incitement to or attempted to commit torture or other cruel, inhuman or degrading treatment or punishment.

Principle 6

There may be no derogation from the foregoing principles on any ground whatsoever, including public emergency.³⁵⁹

In sum: doctors may not participate in torture in any way – no exceptions. However, given the general prohibitions on participating in torture which exist in, for example, the

<https://www.washingtonpost.com/news/health/wp/2021/01/19/956015308/you-cant-treat-if-you-cant-empathize-black-doctors-tackle-vaccine-hesitancy>

³⁵⁸ The full title of this document is “Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment.”

³⁵⁹ United Nations General Assembly – Thirty Seventh Session, 1982-1983. “Principles of Medical Ethics.” <https://digitallibrary.un.org/record/43638?ln=en>

United Nation's Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, it is curious that the Assembly perceived a need to adopt a separate resolution which specifically addressed medical personnel. On the other hand, this resolution reflects a seemingly widely held sentiment: that for a doctor to assist with torture is special – worse – compared to the participation of a laymen (which is, after all, difficult to reckon with already). Indeed, analysts of torture seem to agree with health organizations on this account. Kate Millett, for example, argued in her study of cruelty that “the presence of a physician during torture generally represents a desecration of values in Western contexts.”³⁶⁰ The logic behind this particular feeling, as international medical organizations describe it, is that when a doctor participates in torture they are not only transgressing against the individual being tortured but rather against humanity more generally: when doctors torture, nothing is sacred, and no one is safe.

The participation of doctors in torture is therefore part of the process of dehumanization in torture. This act of violation fulfills a necessary requisite to the destruction of political subjectivity. It is one of the many ways that torture uses the body to try and render its victims outside the bounds of the human community and the protections it supposedly entails. Security officers, members of the military, police – none of these groups are defined by universal obligation. They are, by definition, agents

³⁶⁰ Millett, *The Politics of Cruelty*, 282. Although Millett includes the specifier “in Western contexts,” I do not think there is really anything Western-specific about this point.

of the state, and inherit certain agendas as a result. It is entirely within the realm of possibility that one might transgress against these agendas. Putting aside the question of whether most tortured people belong in this category, the fact remains that the category “enemy of the state” exists. It is considered a legitimate prerogative of the state to have enemies.³⁶¹ It is possible to transgress against the state and become an appropriate member of this category and, by extension, an enemy of those agents ostensibly tasked with protecting the state. But according to their codes of ethics and obligation, the same cannot be said of doctors. Doctors are defined by universalism, at least in the abstract. Their obligations are to people as such. As the World Medical Association’s Declaration of Tokyo described it, “It is the privilege of the physician to practise medicine *in the service of humanity*, to preserve and restore bodily and mental health *without distinction as to persons*, and to comfort and ease the sufferings of his or her patients.”³⁶² This short preamble therefore notes twice the universal character of the medical professions, and the obligation to treat any and all sufferers as equal patients by virtue of their humanity alone. To emphasize this point explicitly, article 7 of the Declaration asserts that:

A physician must have complete clinical independence in deciding upon the care of a person for whom he or she is medically responsible. The physician’s fundamental role is to alleviate the distress of his or her fellow human beings,

³⁶¹ Indeed, Carl Schmitt and his inheritors argued that enemies of the state were not only possible but desirable – necessary even – for the unity and successful functioning of the state. See, Schmitt, Carl. *The Concept of the Political* (expanded edition). Translated by George Schwab. (Chicago: University of Chicago Press, 2007).

³⁶² World Medical Association, *Declaration of Tokyo*. Preamble. Adopted by the World Medical Association, Tokyo, Japan. October 1975. Emphases mine.

*and no motive, whether personal, collective or political, shall prevail against this higher purpose.*³⁶³

This article is a reminder that the physician does not serve the state: their ethical responsibility is to humans as humans, and nothing less. The state's motivation to mistreat, torture, and kill for its own ends (legitimate or otherwise) should have no bearing on the physician's conduct. The physician must care for the suffering, whoever they are, because they belong to the community of "fellow human beings."

When doctors participate in torture, then, they withdraw the protections of human society from the tortured. Rather than using their intimate relationship with the body to heal its wounds, doctors who assist with torture use this intimate connection to, paradoxically, obliterate the body's relational ties. Every touch of the doctor's hands is a further rejection of the tortured body's membership in the human community. With every injection of sodium pentothal, every salve to reduce bruising, every pill to bring the heartrate down to a "safe" range for the administration of electric shocks, the doctor expels the torture victim from the bounds of shared humanity.

As noted above, the evidence from around the world suggests that despite the lofty ideals espoused in these ethical codes, doctors are regularly involved in torture. Their roles vary: some participate directly in torture, as by administering injections or

³⁶³ World Medical Association, *Declaration of Tokyo*. Article 5. Adopted by the World Medical Association, Tokyo, Japan. October 1975. Emphasis mine.

supervising a torture session in progress. This is the form of participation described in

Torture in Chile report:

The majority of former detainees alleged that they had been in contact with someone they took to be a doctor while held in a torture centre and that they had been medically examined just before torture and against afterwards. Six said that while in such a centre they were given non-therapeutic medicine – medicine given for a purpose other than to treat illness; five said the medicine had been injected intravenously. Four said that a man they had taken to be a doctor had assisted during their interrogations [...] Threats to inject lethal pathogenic organisms into the detainees were also made – followed by actual injections, although of other substances.³⁶⁴

Others participate by reviving unconscious prisoners or patching up the tortured person to ensure that they survive to be tortured again. This is a frequent occurrence in testimony, among other places, from Brazil:

Testimony of Ottoni Guimarães Fernandes Júnior:
[A]mong the police officers there was a doctor whose function was to revive those who were being tortured so that the torture process would not be interrupted...on those occasions [when he fainted] injections were applied in his veins by the same doctor.

Testimony of Luiz Carlos de Souza Santos:
Dr Coutinho, doctor at Flores Island, was in charge of applying stimulants whenever those who were being tortured fainted...³⁶⁵

³⁶⁴ Amnesty International, *Torture in Chile*, 1-6

³⁶⁵ *Brasil: Nunca Mais*, 34

If one goal of torture is to sever the connections that produce subjectivity by compelling the tortured to betray their commitments, the participation of doctors plays an essential role. As the testimony above suggests, doctors' intervention in torture induces a kind of self-betrayal. Torture survivors describe, with horror, the feeling of being unable to escape from their suffering bodies.³⁶⁶ This particular torment is at least partly the result of medical intervention: the tortured person who longs to die from their wounds is healed enough to survive. The one who hopes to pass out and end the day's torture session is revived. The one who plans to commit suicide and thereby escape their captors is prevented.

Still other doctors participate less directly (although in some ways performing a more essential function) by writing false medical reports and signing fraudulent death certificates that disclaim the existence of torture and render the bodies of the tortured as legally invisible. The authors of the *Brasil: Nunca Mais* report were able to compile a list of medical examiners whose signatures appeared on falsified death certificates and medical reports. They found that medical examiners had participated in "concealing corpses" that bore obvious signs of torture, as well as producing death certificates alleging causes of death that suggested either suicide or escape attempts for those who had been executed in captivity.³⁶⁷ Effectively, these doctors' forgeries and falsifications permanently trapped the dead in what I described in the previous chapter as the

³⁶⁶ See, for example, the testimonies describing suicide attempts and suicidal ideation collected in *Brasil: Nunca Mais*, 190-191.

³⁶⁷ *Brasil: Nunca Mais*, 37

“nowhere” of torture: even if the bodies are materially present, covered in the marks of torture, the complicity of medical examiners’ renders them just as invisible before the law as if the bodies had been disappeared.

Perhaps the most lasting evidence of doctors’ participation in the torture system comes from a corollary to the system of forced disappearances in Argentina. The National Commission on the Disappearance of Persons (CONADEP) collected multiple near-identical accounts of pregnant women who had been captured and detained in special units of the Campo de Mayo Military Hospital. Doctors at the hospital either induced labor or performed Caesarean sections on these women, who were “disappeared” soon after. Some personnel from the hospital reported that these women were among those whose bodies were dropped into the sea from helicopters, although this testimony is extremely difficult to corroborate through physical evidence.³⁶⁸ The children, on the other hand, were given up for adoption. The testimony CONADEP has collected suggests that many of these children were handed over to regime loyalist or military officers’ families. The Grandmothers of the Plaza de Mayo, an organization of women whose expecting children had been disappeared, formed in Argentina over forty years ago to protest

³⁶⁸ “The witness C.C. also tells of the condition in which he saw the pregnant prisoners. They were always blindfolded, and indirectly he heard that after giving birth they were taken to the hangars of the Campo de Mayo... These daily flights, which only exceptionally ceased to be heard or seen, were commented on at the hospital. It was said that they transported prisoners who were dropped into the sea. And as regards the forty to fifty people that C.C. saw one morning in the Epidemiological Unit, what most struck him was their complete silence and immobility, even though it was clear that they were still alive because their bodies were not rigid.” CONADEP, *Nunca Más* (1984), “The Campo de Mayo Hospital.”

against and investigate the disappearance of their grandchildren. In July 2012, former Argentina dictators Jorge Rafael Videla and Reynaldo Bignone were among the regime members convicted of crimes against humanity for the theft of these babies. The verdict officially declared it to have been a “systematic practice.”³⁶⁹

This process, while not strictly speaking torture, was therefore part of the overall torture system in Argentina, which relied heavily on forced disappearances. It also required participation and complicity from medical personnel at multiple levels: doctors and nurses assisted with the births (often early, and against the will of the mothers). They tended the newborns in the hospital, who had to be stabilized without any interaction with their mothers, since the mothers were either dead or marked for death. And they had to falsify the birth records, erasing the identities of the mothers, and replacing them with the initials “N.N.” (the equivalent of “Jane Doe”) or simply destroying records of the births altogether to support the fiction that the children has simply appeared at the hospital out of nowhere. Medical institutions’ participation was required to render the children as motherless: as bodies devoid of connections to others. It was only after medical

³⁶⁹ As of summer 2019, their efforts have led to the identification of 130 disappeared and “adopted” children. See: Juan Forero, “At Last, A Verdict on Argentina’s ‘Stolen Children.’” *NPR* (July 6, 2012). <https://www.npr.org/2012/07/06/155047379/at-last-a-verdict-on-argentinias-stolen-children>. Accessed July 2020; “Grandmothers of Plaza de Mayo identify the 130th child of disappeared parents.” *MercoPress*. (June 15, 2019). <https://en.mercopress.com/2019/06/15/grandmothers-of-plaza-de-mayo-identify-the-130th-child-of-disappeared-parents>. Accessed July 2020.

institutions did their part that these children became, effectively, the legal “property” of the state.

This phenomenon – and the medical personnel who enabled it – created an even more intense effect of torturing society than disappearances alone. As I discussed in the previous chapter, forced disappearances scarred society by creating haunting absences: the hollowed lives of the missing are a wound that the community cannot heal. In this case, however, the community is tormented by a doubled wound: a haunting absence and a haunting presence. While the missing mothers are presumed to be dead, the missing children are presumed to be alive. The missing children are ghostly; known to be there, somewhere, but impossible to see or to grasp unaided. Indeed, the ongoing efforts of the Grandmothers of the Plaza de Mayo to find their missing grandchildren – a massive forensic and legal effort driven by a combination of investigative research and DNA testing – testify to the sway that the missing children hold over Argentine society, over forty years later. Although the torture system has officially been dismantled in Argentina, its effects linger: tortured society, much like tortured bodies, does not fully heal. The Grandmothers’ demands are predicated in part on the claim that their grandchildren are an extension of their own bodies, through their familial connection. The damage done to the family by removing these children is thereby analogized to the destruction of body parts in the torture chamber: losing their grandchildren (not to mention their dead children, the parents of the grandchildren) is itself a kind of torture.

Nevertheless, the situation of the Grandmothers of the Plaza de Mayo is rather different from the person inside the torture chamber. The torture system which stole away their grandchildren and killed their children has been dismantled, although vestiges of it remain. Domestic law (in addition to international opinion) is on their side. While some figures from the Argentine repression remain in positions of power, the government is not entirely dominated by them. As a result, the Grandmothers can also seek the assistance of powerful people who are not connected to or implicated in the crimes of the military regime. In other words, they have resources. In the early days of the Plaza de Mayo protests, the protestors entered into public space with only their bodies to make demands of the state. This is no longer the case. The work of their bodies is now supplemented by law (as demonstrated by the successful prosecutions of top Argentina military leaders), money (as shown by the funds they have marshalled to finance their forensic investigations), and power. The tortured person, on the other hand, has only their body. As a result, as Kate Millett describes it, the torturer always wins: “a battle of wills between absolute power and absolute powerlessness is a foregone conclusion.”³⁷⁰ In making this claim, she assumes that because the tortured person is a body, and only a body, they are utterly powerless before the torturer. But as the example of the prospective bombmaker who died under Paul Aussaresses’s water torture shows, this body still has resources for resistance. The body can act: it can live and die, it can scream or refuse to speak. Of course, it is likely true that the tortured person cannot “defeat” their torturer in

³⁷⁰ Millett, *The Politics of Cruelty*, 33

a physical sense. The torturer does have power over the body of the tortured, as I have shown, in a number of important ways. But even though the battle between the torturer and the tortured as individuals may be a “foregone conclusion,” I have shown that the torturer operates only as an extension or agent of sovereign power. This larger “battle of wills” between the tortured (and tortured society) and the sovereign does not have a predetermined outcome: the body can still provide avenues for resistance. In the following chapters, I turn towards these possibilities to show how the tactics of pain, death, and bodily disintegration established by the language of torture can be repurposed by those who resist sovereign violence.

On Resistance

In the preceding section, I analyzed sovereignty by examining its relationship to the material body. I argued that the fundamental project of sovereignty was the making and marking of borders and building on the paradoxical link between sovereignty and bare life, I argued that this mode of sovereign violence is expressed most clearly and most importantly through the destruction of the body. By focusing my analysis of sovereignty on torture, I highlighted modes of sovereign violence that are more specific and more complex than death-making alone, accounting for the diverse effects of different kinds of violence as they interact with the body.

The torturing state is a brutal expression of sovereign power: a form of violence that may appear to be total and totalizing. Indeed, this is a problem with theories of sovereignty in general. For example, we can return to Carl Schmitt's definition of the sovereign as "he who decides the exception." This definition does not provide any meaningful possibilities for opposing the sovereign – an absence which likely did not trouble Schmitt himself. Schmitt's sovereign decides without constraint; because he is the source of both norm and exception, neither mode offers obvious resources for opposing him. What can it mean to resist the power of the decision? What resources for resistance are imaginable, possible, and perhaps necessary to confront this kind of violence? It is towards these questions that I now turn. In doing so, I return to the question of the border or the threshold, which I identified as both the work and the limit of sovereignty.

The discussion of resistance in the following chapters is animated by two provocations: one offered by Michel Foucault and the other by Giorgio Agamben. Reading these two provocations (which I discuss below) in line with my analysis of torture and sovereignty, I argue for taking a politics of self-destruction seriously as a mode of resistance that sovereign violence itself calls forth: if sovereignty is enacted through and on the body, then resistance to sovereignty occurs (at least in part) on the same terrain. Put another way, if borders are marked onto bodies through violence, it is also through bodily destruction that these borders might be defied. In *The History of Sexuality, Volume 1*, Foucault offered a series of propositions on power and resistance. He wrote:

Where there is power, there is resistance, and yet, or rather consequently, this resistance is never in a position of exteriority in relation to power...[Resistances] are the odd term in relations of power; they are inscribed in the latter as an irreducible opposite.³⁷¹

In these propositions, I read the importance of recognizing a relationship of mutuality between power and resistance: imbricated as they both are in relations of power, power and resistance constitute both one another and the field of power more broadly. In practice, this relationship tells us that one way to identify modes of resistance is to look closely at the specific forms that power takes. Form of resistance necessarily take shapes that are in conversation with these forms of power, since resistance is “never in a position

³⁷¹ Foucault, Michel. *The History of Sexuality Volume I: An Introduction*. Translated by Robert Hurley. (New York: Vintage Books, 1990): 95-96.

of exteriority in relation to power.” It is important to note that power does not “create” resistance, but rather that power and resistance structure, define, and defy one another. Resistance is an “irreducible opposite.” As Foucault is careful to note later in the text, it does not follow from the observation that resistance is inscribed within power that resistance is therefore futile. However, it does mean that resistance is often fragmentary and diffuse. As Foucault puts it, there is no “single locus of great Refusal, no soul of revolt, source of all rebellions.”³⁷² Methods of resistance are diverse, and do not necessarily cohere with one another. There is no tactic that is inherently a tactic of resistance across every field of power. However, when fields of power are similarly constituted – as in the case of the torturing sovereign state – we might expect family resemblances between the forms of resistance that emerge.

The second provocation I want to highlight comes from Agamben: a complexity in his discussion of the relationship between sovereignty and *homo sacer*. In theorizing *homo sacer*, Agamben suggests that the goal of the sovereign ban is to render certain bodies as non-political or outside of politics. The sovereign ban works to strip its object of political life. This was the project I tracked in the preceding chapters. But this is an aspiration of sovereignty – not a foregone conclusion. And like so many elements of sovereign power, this goal is implicated in a cycle or a zone of indistinction: Agamben describes the sovereign ban as the originary political activity, the foundation on which all

³⁷² Foucault, *History of Sexuality*, 96

other political life depends.³⁷³ From this perspective, bare life is – in the same moment that it is expelled from the political – the zenith of politics. In this light, there is nothing more political than bare life. Drawing attention to this paradox, Agamben asks: “does *zoē* really need to be politicized, or is politics not already contained in *zoē* as its most precious center?”³⁷⁴

Reading this question alongside Foucault's proposition on power and resistance suggests an answer: that bare life – bodily life – is indeed political all along. Furthermore, this political quality comes directly from the body of itself: the body's inherent susceptibility to destruction contains within it the seeds of the political. This is the case when sovereign power works on and through the body, but this potential can also be mobilized in the service of resistance. Indeed, the sovereign's destruction of the body exists – following Foucault – only in relation to modes of resistance that operate through the same sites. We might think of the destruction of the body (and the pain and sometimes death that go with it) as a kind of “political language.” Because sovereignty and resistance to sovereign domination both “speak” this language, they are mutually intelligible even though they oppose one another.

³⁷³ “...in this sense, the production of bare life is the originary activity of sovereignty. The sacredness of life, which is invoked today as an absolutely fundamental right in opposition to sovereign power, in fact originally expresses precisely both life's subjection to a power over death and life's irreparable exposure to the relation of abandonment.” Agamben, Giorgio. *Homo Sacer: Sovereign Power and Bare Life*. Translated by Daniel Heller-Roazen. (Stanford, CA: Stanford University Press, 1998): 83.

³⁷⁴ Agamben, *Homo Sacer*, 11

In the chapters that follow, I examine two specific methods of self-destruction that resist sovereign domination on its own terms: self-immolation and suicide bombing. Before engaging in that specific analysis, however, I want to dwell on what it means to understand self-destruction as an act of resistance. I touched on this question briefly in the Introduction, when I described the category of necroresistance. Drawing on the work of Banu Bargu, I described necroresistance as deriving its power from the refusal or reversal of the sovereign prerogative. In doing so, I emphasized the centrality of self-killing to necroresistance. In the sections that follow, I flesh out my description of necroresistance through comparison to other ways of interpreting political self-killing. While I draw some important lessons from these other lenses, I also maintain that they miss something about political self-destruction that necroresistance is able to capture. I end by discussing how necroresistance responds specifically to the border-making function of sovereignty.

The Politics of Self-Killing

Before analyzing the politics of self-killing more closely, I want to respond to a common but hollow objection: the idea that acts of violence (especially self-killing acts) are “senseless” or “meaningless.” This rhetoric is deployed by politicians, media venues, and casual observers alike. But despite its prevalence, this rhetoric is not particularly meaningful. It does not tell us anything about an act of violence. On the contrary, it denies that there is anything to tell. As a result, this characterization is more normative than it is descriptive: it ascribes futility to certain political causes or claims that one does not support. Refusing to recognize that a political claim animates an act of violence

implicitly denies the force behind that claim. For example, describing a self-immolation undertaken in the name of Tibetan liberation from Chinese domination as “senseless” denies that Tibetan liberation is itself a meaningful political project. Clearly, by describing these acts as political violence, I reject this characterization: many acts of violence are meaningful, regardless of whether or not I endorse their claims. In the process of analyzing these acts through the lens of their material content, the value of this analysis – of recognizing these acts as politically meaningful – will become clear. For the moment, however I therefore begin this analysis with the assumption that the acts of violence I examine here are meaningful and therefore worthy subjects of analysis. The approaches to self-destructive violence that I examine below share this assumption. In particular, I discuss self-killing as self-sacrifice, protest suicide, and as negation.

Perhaps the most common approach to analyzing political self-killing is as a kind of sacrifice.³⁷⁵ Individuals preparing to undertake political self-destruction and sympathizers describing them after the fact often use language that invokes the idea of sacrifice, making this theoretical approach particularly tempting.³⁷⁶ However, this body of literature tends to think about sacrifice in a way that is quite different from the

³⁷⁵ See, for a paradigmatic example, K. M. Fierke, *Political Self-Sacrifice: Agency, Body and Emotion in International Relations*. (Cambridge: Cambridge University Press, 2013).

³⁷⁶ To provide just one of the many possible examples, Sopa Rinpoche, the senior-most Tibetan lama known to have self-immolated, declared in his final statement: “All the other self-immolators are also like me, sacrificed their lives for truth and justice...I too am willing to offer my body.” See: Lixiong, Wang. “Last-Words Analysis – Why Tibetans Self-Immolate?” *Phayul.Com*. December 27, 2012. <http://www.phayul.com/news/article.aspx?id=32726&t=1>.

common parlance: it interprets the willful destruction of one's own body and the forfeiture of one's own life as sacrifice on the model advanced by sociologists Henri Hubert and Marcel Mauss.³⁷⁷ Hubert and Mauss theorize sacrifice from an intensely religious perspective, analyzing sacrificial rites from multiple religions and focusing on the process of sacralization. Based on this methodology, they define sacrifice as arbitrating a connection between the profane and the divine. In their reading, the sacrificial object is both what allows man to approach the divine and what, by maintaining distance between the two, protects man from obliteration. It is a useful and popular argument for analyzing social phenomena, but also one that requires significant modification to apply to self-killing: Hubert & Mauss's theory interprets the sacrificial object as a necessary source of distance between the giver and receiver of sacrifice. This is difficult to square with a case in which the giver, them self, is the sacrifice. The Hubert & Mauss model of sacrifice only works if the self-killing individual is split into a "subject" (the giver of the sacrifice) and a body (the sacrificial object) as though the two were only coincidentally related. The destruction of the body is read as a kind of substitution or stand-in, as any other sacrificial object would be. In this model, killing oneself is not so different from killing a chicken – any difference results from the magnitude of the sacrifice, rather than the mechanism behind it. As a result, this perspective cannot accommodate the centrality of self-killing to this kind of political

³⁷⁷ Hubert, Henri and Marcel Mauss. *Sacrifice: Its Nature and Function*. (Chicago, IL: University of Chicago Press, 1964 [1898]).

activity. Furthermore, it reinstates a kind of mind/body divide that sits uneasily with these intensely bodily acts, rendering the body as a fungible object separate from the self.

Other theorists of political self-destruction categorize these acts as “protest suicide.”³⁷⁸ For example, anthropologist Karin Andriolo offers a concise definition of protest suicide: “Protest suicide is dying with a message, for a message, and of a message. [...] Protest suicide is, perhaps, the most radical form of embodied minding.”³⁷⁹ The language of “protest suicide” is a productive description of the genre for two primary reasons: first, it usefully foregrounds the political nature of self-killing. Naming these acts as “protest” correctly identifies the politics of self-killing as rejecting, refusing, or pushing back against domination. As protest, self-killing opposes an existing order and proposes a new one. Secondly, linking this act of protest with suicide emphasizes the centrality of death to the political quality of these actions. However, this approach also has some important shortcomings. One of these shortcomings is linguistic: while the language of “protest suicide” usefully emphasizes the centrality of death, the term “suicide” is difficult to divorce from its commonplace usage as a personal, psychological

³⁷⁸ See, for examples: Karin Andriolo, “The Twice-Killed: Imagining Protest Suicide.” *American Anthropologist* 108, no. 1 (2006): 100-113.; Michael Biggs, “Dying for a Cause -- Alone?” *Contexts* 7, no. 1 (2008): 22-27. Note that some theorists of protest suicide also describe protest suicide as a kind of self-sacrifice; these approaches are not mutually exclusive. There is at least one example of a self-immolator referring to their own act as protest suicide. Prominent gay and trans rights advocate David Buckel who self-immolated to draw attention to environmental degradation wrote, in the opening of his hand-written note to the media, “I am David Buckel and I just killed myself by fire as a protest suicide.” Helmore, Edward. “David Buckel: friends mourn LGBT lawyer who self-immolated.” *The Guardian*. April 20, 2018.

³⁷⁹ Andriolo, “The Twice-Killed,” 102.

phenomenon. As a result, the idea of “protest suicide” contains a kind of implicit paradox – describing these deaths as “suicide” seems to undermine their political nature even as “protest” tries to insist on it. This presents a real political problem for those who undertake political self-killing, as the state often attempts to pathologize them in order to deny the political content of their actions.³⁸⁰

The second and more substantial problem is with the relationship that theorists of protest suicide draw between politics and the body. The body is cast as symbolic; it is a stand-in for meaning rather than meaning itself. Andriolo’s conclusion that protest suicide is a form of “embodied minding” highlights this problem. In this definition, the value of protest suicide is that it gives substance to this “minding,” which contains the real thrust of the protest. This problem is forcefully reiterated in the description of protest suicide as dying “with,” “for,” and “of” a message. Notably absent from this definition is the possibility of dying *as* a message: death is a means to communication, not a form of communication itself. Thus, even though theorists of self-killing as protest suicide recognize the centrality of death, they also displace the body from their analysis: “subjects” die, but bodies just happen to be there. They therefore falter at the same point

³⁸⁰ For a critique of this tendency see: Sims, Brandon. "Constituting Self-Violent Resistance: Materiality, Embodiment, and Speech Acts," *The Journal of Resistance Studies* 4, no. 2 (2018). For examples of political analysts who themselves deploy this tactic, see: Lankford, Adam. "Could Suicide Terrorists Actually be Suicidal?" *Studies in Conflict & Terrorism* 34, no. 4 (2011): 337-366; Lankford, Adam. *The Myth of Martyrdom: What really Drives Suicide Bombers, Rampage Shooters, and Other Self-Destructive Killers*. (New York: Palgrave Macmillan, 2013); Lester, David. "Suicidal Protests: Self-Immolation, Hunger Strikes, Or Suicide Bombing." *Behavioral and Brain Sciences* 37, no. 4 (2014).

as did theorists of sacrifice: given the intensely bodily nature of these acts, the logic of protest suicide cannot fully capture their meaning.

A third approach to political self-killing – and one which I find particularly instructive – interprets political self-killing as a mode of negation. International relations theorist Nicholas Michelsen refers to political self-killing as an act of “non-sovereign politicality” which “momentarily breaks with, and so negates, the cycle of myth that underpins any and all claims to sovereignty.”³⁸¹ Although negation includes refusing or rejecting the law, it also contains a more forceful or dynamic element. Michelsen builds his argument from Walter Benjamin’s “Critique of Violence,” which I discussed when describing sovereignty. In particular, he associates self-killing with divine violence, which Benjamin describes as follows:

If mythical violence [which I identified with sovereignty above] is lawmaking, divine violence is law-destroying; if the former sets boundaries, the latter boundlessly destroyed them; if mythical violence brings at once guilt and retribution, divine power only expiates; if the former threatens, the latter strikes; if the former is bloody, the latter is lethal without spelling blood.³⁸²

³⁸¹ Nicholas Michelsen, “The Political Subject of Self-Immolation.” *Globalizations* 12, no. 1 (2015): 84

³⁸² Benjamin, Walter. *Reflections: Essays, Aphorisms, Autobiographical Writing*. Translated by Edmund Jephcott. (New York: Schocken Books, 1986): 297. I will return to the idea of self-destructive violence “boundlessly destroy[ing]” boundaries at the end of this chapter.

Michelsen argues that political self-killing fits this description: it is “violence as a pure means.”³⁸³ As a result, he asserts that political self-killing unmasks the vulnerability of the sovereign. It is a mode of violence that sovereignty cannot accommodate or incorporate and is therefore truly revolutionary in a way that other, more seemingly direct attacks on the sovereign are not. According to Michelsen, political self-killing is unique: it is a mode of violence that “institutes a rupture with the law as such.”³⁸⁴ Given the seemingly total nature of sovereignty – the fact that the sovereign decides both norm and exception – it seems that only a total rupture can envision a world beyond sovereignty.

What makes this approach particularly useful is the extent to which it recognizes self-destruction as the site and source of political meaning. “All authorities,” Michelsen summarizes “are put on hold by the blinding spectacle of the negative.”³⁸⁵ The destruction of the body is itself the contents of the act of resistance – not merely a conduit or a kind of medium: the “blinding spectacle of the negative” is what subverts and challenges sovereign might.

However, this approach also has an important shortcoming: although Michelsen insists on the centrality of death to the politics of self-destruction, he does so in a way that is inattentive to the materiality of self-killing. Political self-destruction takes many forms, and the differences between these forms are meaningful. His reading of self-

³⁸³ Michelsen, “The Political Subject of Self-Immolation,” 95

³⁸⁴ *Ibid.*, 96

³⁸⁵ *Ibid.*, 96

killing does not offer a way to interpret these differences. These distinctions are stark when we are attentive to the material body: some methods are practically instant, whereas others produce a prolonged, painful death. Some are spectacular, while others involve a quiet wasting away. Some methods offer opportunities for reversal or recovery, where others are absolutely definite. Political self-killing is therefore always more than death: it involves specific and deliberate choices about the body and its destruction. In the chapters that follow, I am particularly interested in reading these choices, which I argue are an important source of meaning-making.

Necroresistance, revisited

Passing through the frameworks I described above, I land on necroresistance as the most illuminating theoretical lens for analyzing acts of political self-killing. In the Introduction, I described necroresistance as a specific mode of resistance to sovereign domination that operated through death. I suggested that thinking through the lens of necropolitics enabled us to see the work of the body in acts of political self-killing: where the necropolitical state established power through destroying the bodies of others, the necroresistor's power comes largely from the destruction of their own body. Through the lens of necroresistance, the suffering body is not only an object of power. Instead, we can theorize the suffering body – the dying body, the body in pain, the body in the process of losing its integrity – as an agent engaged in a specific mode of political action.³⁸⁶ In her

³⁸⁶ In the Introduction I identified this approach with Banu Bargu's work in particular, but several other scholars have also engaged in theorizing the suffering body as a political actor. See, for examples: Lauren Wilcox, "Explosive Bodies and Bounded States."

account of Turkish political prisoners who undertook death fasts and self-immolations, Banu Bargu summarized these acts as “the weaponization of life.” Her theory of agency draws on Frantz Fanon’s discussion of the generative role that violence can play in anti-colonial movements. In *The Wretched of the Earth*, Fanon argues that anti-colonial violence has a different character than colonial violence.³⁸⁷ Where colonial violence is focused on domination and can only reproduce violence, anti-colonial violence restructures the relationship between colonizer and the colonized. As a result, Fanon suggested that for those engaged in anti-colonial struggle, violence did not only serve an instrumental effect: it was also transformative. In *Fanon: The Postcolonial Imagination* (2003), Nigel Gibson summarizes Fanon’s perspective as:

[S]elf-consciousness begins in anticolonial violence... This is why [Fanon] credits the act of violence as an act of emancipation, because it aims at removing the existing structure of violence.³⁸⁸

International Feminist Journal of Politics. 16, no. 1 (2014): 66-85.; Lauren Wilcox, *Bodies of Violence: Theorizing Embodied Subjects in International Relations*. (Oxford Studies in Gender and International Relations. New York, NY: Oxford University Press, 2015); Kraidy, Marwan. *The Naked Blogger of Cairo: Creative Insurgency in the Arab World* (Cambridge, Massachusetts: Harvard University Press, 2016); Talal Asad, "Agency and Pain: An Exploration." *Culture and Religion* 1, no. 1 (2000): 29-60.; Talal Asad, "Thinking about the Secular Body, Pain, and Liberal Politics," *Cultural Anthropology* 26, no. 4 (Nov, 2011), 657-675.; Sims, "Constituting Self-Violent Resistance"

³⁸⁷ Fanon, Frantz. *The Wretched of the Earth*. Translated by Constance Farrington. (New York: Grove Press, 1963).

³⁸⁸ Gibson, Nigel C. *Fanon: The Postcolonial Imagination*. (Cambridge, UK: Polity Press, 2003): 115. For further discussion, see the chapter “Violent Concerns” in the same text.

Thus, anticolonial violence both established the basis for self-recognition (which is a precondition for political subjectivity) and challenged the structures which prevented the colonized from claiming their political subjectivity (i.e., the existing structures of violence). In other words, Fanon argued that violence was the first step in enabling colonized subjects to become political agents who could transform not only the world around them but also their relationship to that world.

In necroresistance, these transformative effects are intensified because necroresistance speaks even more directly to the relationship between political subjectivity and bare life that I described above. Where the anti-colonial freedom fighter might be willing to risk death in order to claim their political subjectivity, the necroresistor actively embraces it. Elaborating on this relationship, Bargu asserts that necroresistance enables “an assertion of subjectivity (that may or may not have been denied previously) in which one’s humanity is constitutively entwined with a politicized interpretation of life itself.”³⁸⁹ In other words, the weaponization of life allows the dying subject to assert their political subjectivity and, by extension, their full humanity – to assert that they are “political life.” The premise of necroresistance is that this move is a transformational one for those whose humanity and political potential were previously denied – even if they die in the process. We might therefore think of necroresistance as mobilizing the space between *bios* and *zoē*. The necroresistor subverts the distinction

³⁸⁹ Bargu, Banu. *Starve and Immolate: The Politics of Human Weapons* (New York: Columbia University Press, 2015): 17.

between these two “kinds” of life, but they also mobilize the presumed gulf between them in service of resistance. The necroresistor does not so much seek to escape the assignation of bare life as refuse the kinds of deficits attached to this position: they implicitly argue that bare life is not so bare as the sovereign attempts to insist. In dying, they insist that they are truly alive.

Thus, Bargu theorizes the idea of necroresistance as a method “based not on the affirmation of life but on its willful destruction.”³⁹⁰ This quality makes necroresistance closely related to the link between sovereignty and bare life. Necroresistance recognizes that the body – as a site where biopolitical power is constantly being exercised, produced, and contested – is already political in the way that Agamben suggested. It therefore responds to both the Foucauldian reading of sovereignty as the power to kill and his reading of biopolitics as the power to make life. Self-killing both denies the state the opportunity to exercise its violence and usurps the state’s presumed monopoly on violence. In these dual senses, necroresistance directly confronts the overt violence of sovereignty. But necroresistance also rejects the management of biopolitics: the body of the necroresistor refuses the state’s command to live (and, in living, to submit to be managed). The voluntary embrace of death is therefore able to “turn biopolitics against itself.”³⁹¹ Necroresistance tears the body out of the slow and steady disciplinary management of the state and uses its imbrication in networks of power to contest these

³⁹⁰ Bargu, *Starve and Immolate*, 27

³⁹¹ *Ibid.*, 69

very relations. Accordingly, Bargu describes necroresistance as a response to “biosovereignty,” in recognition of the ways in which sovereignty and biopolitics suffuse (rather than exclude) one another. As she argues, “Since biosovereignty is distinguished by its paradoxical combination of the power of life with the power over life, this emergent conjunction also produces lines of flight that respond to its paradoxes [...] Death, as we shall see, becomes its new line of flight.”³⁹²

Above, I alluded to necroresistance having a kind of dynamic or creative impulse: it is not only about destruction, but about the naming (however provisional) of alternatives. I will explore these alternatives in more detail in the following chapters, since I argue that they are linked to the specific forms and contexts of necroresistance. However, I want to offer one mechanism through which all forms of necroresistance begin to offer alternatives to violent state sovereignty: through the idea of sacrifice. This is not the Hubert and Mauss version of sacrifice I rejected above, but rather aligns with the more quotidian usage of sacrifice – giving up something as valuable as one’s own life in the name of something one deems even more valuable. In her discussion of necroresistance as sacrifice, Bargu argues that the state seeks a *monopsony* on sacrifice.³⁹³ She explains monopsony as follows:

Monopsony, derived from Ancient Greek *monos* (single) and *opsonia* (purchase), refers to a situation that is the

³⁹² Bargu, *Starve and Immolate*, 54

³⁹³ She offers this as a corollary to Max Weber’s famous pronouncement in “Politics as a Vocation” (1919) that a monopoly on the legitimate use of force is one of the key characteristics that defines a state.

inverse of monopoly, derived from *monos* (single) and *polein* (to sell) [...] monopsony refers to the opposite situation in which there is only one buyer or receiver... the modern state is not only the sole provider of legitimate force; it is also the sole receiver of political self-sacrifice.³⁹⁴

In effect, the state positions itself as the only political value worth dying for. Other kinds of sacrifice, the state asserts, are invalid or misdirected: their recipients are unworthy. Necroresistance forcibly refuses the state's hegemony in this respect. The necroresistor insists that there are other political values – other political ways of being – that are worthy of sacrifice. Giving up one's life in the name of this alternative gives it force and weight: sacrifice renders this alternative, in some limited way, as real.

Self-destructive violence, then, is both the refusal and negation of the state's power of exception. Necroresistance not only mobilizes the body in service of resistance but does so over and against the sovereign's attempt to render the body apolitical. These acts do not merely mimic or make visible state violence, but rather – like acts of anticolonial violence – they undo the very structures that undergird state violence by refusing the state's assignation of certain bodies as outside politics. At the same time, they begin to propose alternatives. Thus far, I have primarily discussed necroresistance as a response to the overt violence of sovereignty, while saying relatively less about the border-making function which I argued was the core of sovereignty (although I alluded to this quality in describing necroresistance as mobilizing the space between *bios* and *zoē*). The distinction between life and bare life – between the *polis* and *homo sacer* – is the

³⁹⁴ Bargu, *Starve and Immolate*, 123-124

first boundary that the sovereign draws, as well as the foundation of every border that follows. As I argued in the preceding section, this boundary is never stable: it requires constant reinscription. It is for precisely this reason that the bodies of the Other become so potentially useful for the sovereign as a site for marking power.

But the necroresistor refuses and subverts this boundary – and the power that inscribes it – in multiple ways. First, the necroresistor refuses to present their body as an object on which the sovereign can mark borders. We might think of self-destruction as a project of recovering or reclaiming the body from the sovereign’s management. This is especially true of the forms of necroresistance I discuss in the following chapters, which materially obliterate the body. Secondly, as I have suggested, we can read necroresistance against the grain of the threshold status of *homo sacer*: sovereign power itself banishes bare life to the threshold or boundary of the political community, thereby designating bare life as the site where sovereignty is worked out. The necroresistor effectively harnesses this liminal status. They refuse to be the boundary, and in undertaking self-destruction make this boundary incoherent. Finally – and this is the issue which concerns me most in the following chapters – necroresistance *materially* subverts boundaries. The necroresistor harnesses their body, in its most fundamental material quality, to undermine sovereign power. Necroresistance demonstrates that in practice, there is no such thing as a body outside politics. The body itself – the flesh and blood, material body – is always a possible source of resistance. This possibility inheres in the body because it comes not from bodily strength but rather from bodily vulnerability: a quality from which the body

cannot be divested. So long as the body is capable of experiencing destruction, that body holds some potential for resistance.

In the following chapters on self-immolation and suicide bombing, I unpack the specific material qualities of these kinds of necroresistance to illustrate how they challenge, undermine, and reconfigure sovereign boundary-making. In doing so, I also suggest the ways in which these forms of self-destruction (perhaps paradoxically) gesture towards alternative futures that are not circumscribed by sovereign violence.

Self-Immolation

Self-immolation is a paradigmatic example of the kind of resistance that I described in the previous section. It is a mode of political action wherein the weight of the protest – the primary act of resistance – is the destruction of one’s own body. It is a mode self-destruction that is total, spectacular, and yet paradoxically characterized as non-violent, since the self-immolator only targets their own body for destruction. In this chapter, I examine the politics of self-immolation through its material effects: how it transforms bodies, landscapes, and relationships.

Most analysts of self-immolation focus on cases that one might loosely refer to as “nationalist” self-immolation – self-immolations undertaken by those who are experiencing conditions of occupation or internal state repression. These self-immolators call for freedom from the occupying power (whether they understand that power to be a foreign invader or a domestic-but-deemed-illegitimate government). These self-immolators focus their resistance on specific sites or nodes within the system of sovereign power. In doing so, they challenge the sovereign prerogative of a given state to police their boundaries from within and to set limitations on membership. Analyzing these cases is valuable and for the study of self-immolation. In particular, these cases tend to generate more material for study, since they are sometimes (although this is not uniformly the case) more clearly attached to broader-based movements or struggles who

can capture, document, or archive these acts. The relative abundance³⁹⁵ of these materials makes these cases particularly useful for establishing important patterns in self-immolation: how they work, what they communicate, and to whom they are addressed. I will begin this chapter with these self-immolation cases, including both my analysis of these cases as well as literature that examines them.

However, my main focus in this chapter lies elsewhere. I want to draw attention to a category of self-immolation that does not seem to have been identified as a set or series, much less subjected to any rigorous analysis: self-immolations committed by the stateless.³⁹⁶ While the self-immolators described above focus their act on individual regimes, I argue that the stateless self-immolator targets the very system that makes the inside/outside logic of sovereignty legible. As such, this category of self-immolation

³⁹⁵ I admit that I am using the term “abundance” quite generously here – there are two major reasons why documentation about *any* self-immolation is sparse. First, self-immolations are extreme acts which generally occur in situations of conflict. The state therefore has high incentives to censor content related to self-immolations, and to make it as difficult as possible for information to circulate. Second, a high proportion of self-immolators die (as they intended) in the act. As a result, they are not available after the fact to clarify their intentions or fight to make their stories known.

³⁹⁶ In this respect, it is important to distinguish between self-immolation and other forms of death by fire. Fires in the Moria refugee camp on Lesbos, off mainland Greece, claimed three lives from September 2019-March 2020, before the camp was entirely destroyed by a series of catastrophic fires in September 2020 that left 12,000 migrants without shelter or medical assistance. While this fire certainly drew attention to overcrowding and poor conditions in the camp, it also exposed migrants to increased precarity and, in many cases, destroyed the very documents that camp-residences were relying on to prove their asylum cases. Six Afghani migrants were eventually charged with arson for the fires. See, for further description: Godin, Mélissa. “Blaze That Destroyed Greece’s Moria Refugee Camp Symbolizes Breakdown in E.U. Over Future of Migrants.” *Time*. (September 10, 2020). <https://time.com/5887085/greece-moria-refugee-camp-blaze/>

presents a particularly distilled version of the kind of resistance that interests me here: it is a bodily practice that challenges the very idea of sovereignty. Early in this project, I argued that beneath the many diverse uses of the term “sovereignty” in political science, there were important connections and similarities. The many definitions of sovereignty, I argued, coalesce around borders and bodies. Specifically, they all refer to practice which mark certain bodies for inclusion and others for exclusion. Even the idea of a “sovereign subject” turns on connecting a specific body with a specific agent, implicitly arguing that this agent – and only this agent – has the right to move and manipulate the body in question. For the most part, however, this is not the kind of sovereignty I have discussed. I have focused on the sovereign state: a kind of political authority that is inherently invested in identifying, maintaining, and policing the boundaries of its territory and of its membership. Migrant self-immolation reminds us that no individual state creates this situation on its own: sovereign states exist only as part of the larger sovereign state system. It is this system, and its rigorously maintained borders, that enable individual sovereign states to reify their boundaries and the consequent capacity to determine what belongs inside (and outside) of those boundaries. Put another way, it is the sovereign state system that creates both sovereign states and, in the same gesture, individuals and groups who are stateless. Therefore, in analyzing migrant self-immolations we must attend to the ways in which these acts are addressed to the sovereign state *as such*. They challenge not the individual state, but rather the entire system of boundary-making that enables these states to exist.

In 2010, Wendy Brown argued that the profusion of border walls internationally were not expressions of sovereign power but rather “icons of its erosion.” She took these fortifications to index the decline of a particular mode of sovereignty, rather than to be a simple display of sovereign strength. But the violent retrenchment of national sovereignty over the next ten years defied elements of her predictions, and by 2017 she revised her assessment of border walls to argue that borders fortifications were “part of an intricate ad hoc network of spatial and governing technologies diverting, channeling, and policing migrant flows.”³⁹⁷ She argues that these walls are both a reaction to and a component of the broader system of multistate cooperation around migration. For example, she described the growing role of the European Union in managing and policing migration flows. As she notes, this system also enables the EU to punish states which are deemed insufficiently vigilant in checking migration (for example, through denying aid or exclusion from the Schengen zone). Brown identifies these arrangements with “postnational” power; a mode of power which partially emerges from the decline of traditional state sovereignty. However, there is another way of reading these arrangements: this kind of postnational power is a systemic level protection for state sovereignty. It reminds states of their obligations to defend the sovereign state system and punishes those whose vigilance lapses. In this reading, techniques like the EU system of

³⁹⁷ Brown, Wendy. “Border barriers as sovereign swords: rethinking *Walled States* in light of the EU migrant and fiscal crises.” In “Interventions on the state of sovereignty at the border” by Reece Jones, Corey Johnson, Wendy Brown, Gabriel Popescu, Polly Pallister-Wilkins, Alison Mountz & Emily Gilbert. *Political Geography* 59 (2007): 3

designating migration-related “hotspots” represent a system-wide agreement to protect the system of state sovereignty.

This reading fits well with another peculiarity of border walls that Brown identified: “even as [these new barriers] limn or attempt to define nation-state boundaries, they are not built as defenses against potential attacks by other sovereigns...Rather, while the particular danger may vary, these walls target nonstate transnational actors.”³⁹⁸

Although some borders are certainly disputed between states, the existence of borders and the right of states to maintain and police them is not. Border-crossing may threaten the sovereignty of the individual state whose borders are breached, but more importantly it undermines the system which sovereignty both requires and generates. The primary threat to borders is not other states and other sovereigns, but actors who cannot or will not conform to the demands of any one state or sovereign. Anti-migrant rhetoric tends to have an intensely nationalist flavor – indeed, rhetoric like “Australia for Australians” and “Keep America Great” places national interest and national identity at the forefront of anti-migrant platforms. This kind of rhetoric implies that border security is a solitary concern: a matter of preserving the individual nation against all others. But as Brown notes, border securitization rarely operates in this way. In practice, border securitization is an intensely international project, involving multi-state cooperation and coercion (as with the contentious U.S.-Mexico agreement during the Trump presidency to block

³⁹⁸ Brown, Wendy. *Walled States, Waning Sovereignty*. (Princeton, NJ: Princeton University Press, 2010): 21.

migration from Central America under the misleadingly named “Migrant Protection Program”),³⁹⁹ supra-state governmental authorities (as with the European Union’s ongoing attempts to create “Fortress Europe”),⁴⁰⁰ and international organizations (as with the efforts of the United Nations, whose work I discuss at length below, to help militaries in the Global South intercept potential migrants at sea).⁴⁰¹ In other words, the program of border securitization reinforces the system which enables and requires borders: the sovereign state system. And although the logic of the border is exemplified in walls and other fortifications at the fault lines where states meet, it is not confined there. Borders are everywhere; the work of sovereignty is quite literally displayed all over the map. National borders, in general, are a prime site for the exercise of sovereign power, even if their violence is diffuse.

As a result, the unauthorized border crosser is the inherent, and in some ways the ultimate, enemy of the sovereign: they embody a total rejection of the sovereign’s prerogative by refusing to accept that borders are real, inviolable, and static. This is what Giorgio Agamben suggested (albeit in a roundabout way) in “Beyond Human Rights,”

³⁹⁹ See, for example: Sieff, Kevin. “What is Mexico doing – and not doing – to keep migrants from crossing into the U.S.?” *The Washington Post*. May 31, 2019.

⁴⁰⁰ See, for example: Foster, Peter and James Crisp. “EU leaders agree to take tougher line on migration; victory was ‘Fortress Europe’ beefs up border force and considers ‘hotspot camps.’” *The Daily Telegraph* (London, England). June 29, 2018.

⁴⁰¹ See, for example: “IOM, UNHCR Build Capacity of Libyan Partners to Save Lives of Migrants at Sea.” *African Press Organization*. November 13, 2015. These trainings are also related to the interests of Fortress Europe, as most migrants departing from Libya seek landing in Italy. The trainings discussed in this article are, in fact, funded by the European Commission Humanitarian Aid and Civil Protection Department.

when he argued that the figure of the refugee “brings the originary fiction of sovereignty to crisis.”⁴⁰² The premise of state sovereignty requires the capacity to designate inside from outside and is predicated upon the existence of a world in which everybody belongs somewhere. The refugee not only fails to meet these standards by belonging nowhere, but they further threaten the sovereign system by trying to make demands on the state *based* on this lack of belonging. This combination of failure to belong and the insistence, nevertheless, on existing, makes the refugee an affront to the very idea of sovereignty. It is to this broader idea of sovereignty, rather than an individual state, that Agamben referred when he called the refugee a source of “radical crisis.” It is this same idea that Zygmunt Bauman invoked when he described refugees (paraphrasing Michel Agier) as “outside law; not this or that law of this or that country, but law as such.”⁴⁰³ Keeping these central players in mind – the sovereign state system on one hand, and this system’s exceptions on the other – we can begin to read migrant self-immolations as a category.

Because migrant self-immolations take place in different countries and are committed by individuals of diverse nationalities, these events are treated, for the most part, as discrete: conflicts between specific refugee groups and the states which deny

⁴⁰² Agamben, Giorgio. *Means Without End: Notes on Politics*. Trans. Vincenzo Binetti and Cesare Casarino. (Minneapolis: University of Minnesota Press, 2000): 20.1 He goes on to explain: “The refugee should be considered for what it is, namely, nothing less than a limit-concept that at once brings a radical crisis to the principles of the nation-state and clears the way for a renewal of categories that can no longer be delayed.” Agamben, *Means Without End*, 22.3

⁴⁰³ Bauman, Zygmunt. *Wasted Lives: Modernity and its Outcasts*. (Cambridge, UK: Polity Press, 2004): 76.

them. However, thinking about self-immolation as a challenge to sovereignty makes it possible to understand these events in relation to one another and to push back against the portrayals of these acts which delink them. I suggest that this delinking presents a political problem for migrants because it limits possibilities for unified action. However, it also presents a problem of analysis: while scholarship on migration, migrant death, and even migrant bodies proliferates, it does not account for migrant self-immolation in particular. Therefore, in this chapter I will sketch out the connections between theories of migration and border violence and migrant self-immolation. I argue that this literature lays out the conditions which enable, produce, and even demand self-immolation as a mode of political self-killing. In doing so, I also argue that the adoption of this tactic across diverse cases illustrates the extent to which self-immolation responds to the sovereign violence of the border.

My analysis in this chapter proceeds in three parts: first, I will discuss what I have described as anti-state or nationalist self-immolations. Examining both primary sources and the literature which analyzes these cases, I will sketch out some of the key features of self-immolation and lay out a framework for understanding these acts. Then, I will turn towards the bulk of the chapter, which is focused on self-immolations undertaken by migrants, refugees, and asylum-seekers. I will briefly describe the “clusters” or “sets” of acts and actors that comprise this category. Using the framework described in the first part of the chapter, I will demonstrate what a politics of the body – especially a spectacularly violent politics like that offered by self-immolation – offers to migrants. Then – using the limited available information – I will offer close readings of some of the

self-immolations in these sets. These close readings will show how migrant self-immolations exemplify, modify, and expand the key features of self-immolation which I described in the first section. These last two pieces – thinking through the conditions of migration and closely reading the scenes of self-immolations – are intertwined rather than sequential. Placing these pieces in close conversation is essential for making sense of self-immolation as called forth by the very conditions of migration and the specific forms of violence that the sovereign state system enacts on migrant bodies.

It is worth noting that there are elements of this analysis which are necessarily speculative. As I described above, information about these self-immolations is rare. This is, in part, because there is very little infrastructure to support and document these events.⁴⁰⁴ Refugee self-immolators' statements are not stored in repositories or, so far as I have been able to find, collected by human rights NGOs. Where self-immolations have triggered inquests into detention center conditions, some records are available. However, in these cases state censorship presents additional barriers. In other cases, all that remains is the immediate record of the event itself: photographs, video, and interviews with witnesses. Partly as a result of these conditions, I am certain that the universe of cases I construct here is not exhaustive. I regularly encounter passing references – without

⁴⁰⁴ In contrast, for example, human rights organizations like the International Campaign for Tibet maintains records (including photographs and footage) of self-immolators in Tibet.

names, dates, or other identifying information – to additional migrant self-immolations. It is troubling but inevitable that I am unable to give a good accounting of these deaths.

If we were to wait for “good data” about these self-immolations in order to examine them, we may never be able to examine them. Even the immediate records I referred to above are partial and fraught. News stories allude to video footage that is no longer available. The media outlets that report the incidence of a self-immolation never follow up to report whether the self-immolator lived or died, or what became of their body. Numbers – sometimes staggering numbers – of self-immolation attempts are reported in official but largely suppressed government documents, but the stories behind them are never collected. And since many of these self-immolations take place in sites that are inaccessible to independent researchers, fieldwork provides few opportunities to uncover systematic information. Despite these limitations, I argue that these cases are essential for understanding self-immolation, because they demonstrate the most direct and absolute conflict between bodies and the sovereign prerogative of boundary making. Even if we must approach these cases tangentially – by drawing out the parallels and divergences between other self-immolation cases and the many forms of border violence – I find this approach to be both productive and necessary.

Self-Immolation: A Framework for Analysis

As I argued above, I call for reading self-immolation through its material content. As such, I am interested in self-immolation as a practice which centers on the body, and which simultaneously unmakes a living and coherent body and produces a burnt and

destroyed one. Thinking in this way allows us to approach self-immolation on its own terms: as a materially specific act which, by mobilizing the body, maintains the possibility of a politics of resistance. Prioritizing this kind of reading also enables analyses of self-immolation to “travel” across contexts: although the specific political contexts of different self-immolators are important for analyzing their acts, the material content is largely shared across cases. To the extent that these bodily processes create self-immolation’s political meaning – as I argue that they do – this meaning is therefore shared across different cases and contexts. Of course, although my analysis focuses primarily on the body of the self-immolator as the site where the primary political work of self-immolation takes place, this body does not exist in a vacuum. Self-immolation achieves its power from the interaction between the body of the self-immolator, its audiences, and the spaces in which the protests are staged. This analysis will draw out the discursive interaction between the body, space, and audience, as it is communicated through spectacular pain and material degradation. Although self-immolation may seem like a highly individualistic mode of protest, I find that the body of the self-immolator is extremely relational. Their act relies upon the ability to interpellate a kind of audience-community. A self-immolator without this audience-community will not be heard, seen, or interpreted in a way that enables their act to be meaningful.⁴⁰⁵

⁴⁰⁵The self-immolation of David Buckel in 2018 aptly – and tragically – shows the shortcomings of a self-immolation without an audience. Buckel self-immolated in Prospect Park in New York City in the middle of the night, when the park was completely empty. Rather than making it publicly available, he sent a final testament to a number of major news outlets, effectively ceding control over his message. They chose

It is also worth noting that self-immolation, across contexts, is high stakes. In Chinese-occupied Tibet, for example, self-immolators who do not die risk being detained and tortured in “re-education” centers. Likewise, detained migrants who survive attempted self-harm may well find themselves facing even more brutal conditions in detention. For example, in his study of Swedish migrant detention centers, Shahram Khosravi (himself an exile from Iran, in addition to a trained social anthropologist) notes that non-fatal suicide attempts are incredibly high-risk for migrant detainees. If they survive the attempt, they may be transferred to police custody and subjected to measures like solitary confinement. He argues that this punitive response to self-harm “reflects a general attitude among Swedish authorities that attempted suicides are faked, self-destructive actions intended to manipulate the deportation process and increase the likelihood of being granted asylum.”⁴⁰⁶ Foregrounding these stakes is important for analyzing acts of political self-destruction, because they remind us to resist state-sponsored analyses of these acts as cowardly or “an easy way out.” Self-immolation is not only intensely painful (an issue to which I return below), but also intensely risky. The

not to disseminate it, and his death received remarkably little public response. See: Nathan Englander, "A Man Set Himself on Fire. We Barely Noticed." *The New York Times*. April 22, 2018. <https://www.nytimes.com/2018/04/20/opinion/david-buckel-fire-prospect-park.html>.

⁴⁰⁶ Khosravi, Shahram. “Sweden: detention and deportation of asylum seekers.” *Race & Class* Vol. 50(4) (2009): 43. This attitude is not unlike that of the U.S. military officials who described suicide attempts by “War on Terror” detainees as acts of “asymmetric warfare.” See: Savage, Charlie. “The Guantanamo Files: As Acts of War or Despair, Suicides Rattle a Prison.” *New York Times*. April 24, 2011. <https://www.nytimes.com/2011/04/25/world/guantanamo-files-suicide-as-act-of-war-or-despair.html>

possibility of survival (however narrow) is itself a danger that self-immolators must consider.

In analyzing self-immolation, I want to prioritize attending to its spectacular nature. Self-immolation is an especially spectacular form of self-destruction. Witnesses describe not only the fixating sight of the human body ablaze but also the smell of gasoline, burning skin and hair; the sounds of flesh sizzling and onlookers screaming. Spectacles are captivating and forceful; they hold sway over their audience. In the case of self-immolation, this spectacle works partially through the forceful joining of two seemingly incompatible temporalities. The flames are sudden: accelerant catches in a single flare. Observers describe the split-second appearance of roaring, towering flames where there was stillness a moment before. The fire seems sudden and voracious; it provokes an intense sense of urgency in the viewer. If you are going to respond to fire, you must respond *now*. This temporality clashes jarringly with the temporality of the burning body. The body is, after all, mostly water. Accelerant-soaked garments, outer layers of skin, and hair all burn quickly, but most of the body's mass is slow to burn. Indeed, fire of this kind will never burn hot enough to fully reduce a body to ash. And for self-immolators who are extinguished, this timeline is even more protracted. It can take days, or even weeks, for their burns to cause death. Thus, self-immolation is an intense and disorienting sensory experience for the observer. It is a spectacle that demands – not asks – to be seen, and in doing so it forces the viewer to reckon with the conditions of its production. And perhaps the most important of these conditions is pain: the protracted, spectacular agony of the burning body. In *The Body in Pain*, Elaine Scarry argued that

pain often goes underrecognized and underattended is because it is “so flatly invisible [that] almost any other phenomenon occupying the same environment will distract attention from it.”⁴⁰⁷ Self-immolation offers a brutal solution to this problem: make pain more visible and more captivating. Make it impossible to ignore. In this case, what Scarry says of the pain of torture – that “the physical pain is so incontestably real that it seems to confer its quality of ‘incontestable reality’ on that power that has brought it into being” – seems equally true of self-immolation, albeit in a quite different sense.⁴⁰⁸ Self-immolation mobilizes this capacity of pain to confer “incontestable reality” as a kind of mirror; to give proof to the modes of suffering to which self-immolators attest. For example, a cellphone video of Tibetan monk Tsewang Norbu’s self-immolation emerged several months after his death. The crowd had driven away the police who would have put out the flames, allowing the body to smolder until the fire burned itself out. The video is a study in prolonged, blatant agony. The viewer sees Tsewang Norbu lying on his back while flames eat away at his head and shoulders. Every so often, his muscles spasm.⁴⁰⁹ The video is both captivating and repulsive; his pain is nearly unbearable to watch. It provides an unmistakable answer to another problem Scarry identifies with pain: in a corollary to the argument cited above, Scarry argued that pain cannot be truly shared – it is an inherently individual experience that cannot be adequately communicated through

⁴⁰⁷ Elaine Scarry, *The Body in Pain: The Making and Unmaking of the World* (New York: Oxford University Press, 1985): 20.

⁴⁰⁸ *Ibid.*, 35

⁴⁰⁹ “Tsewang Norbu of Tawu Nyitso Monastery Self-Immolated to Protest Against Chinese Rule in Tibet,” Radio Free Asia, 2011b)

language (which it defies) or through observation (because every experience of pain is too unique and too personal). Based on these claims, she argues that pain has the potential to be divisive, in that it is “the most vibrant example of what it is to ‘have certainty’” for the person experiencing it, while for the person hearing about pain or observing pain it may be “the primary model of what it is ‘to have doubt.’”⁴¹⁰ Self-immolation refuses this argument entirely: the pain compels witnesses. It cannot be refuted or ignored.

In his analysis of Mohamed Bouazizi’s self-immolation in Tunisia, Marwan Kraidy describes the power this pain holds over the imagination of the viewer.⁴¹¹ He quotes a medical specialist, who explains that when talking about self-immolation “you’re talking about the most excruciating pain you could ever experience.”⁴¹² This hold on the viewer is related to the specific method of self-immolation: because this pain takes the particular form of burning, it produces impressions and images which are especially potent. Kraidy notes that witnessing a self-immolation:

stokes primal feelings about fire. Life-consuming flames are on show; crackling can be heard; scalding flesh can be smelled. [...] Even if most of us only hear the story and see a stock photo, as humans living in bodies we cannot help

⁴¹⁰ Scarry, *The Body in Pain*, 12.

⁴¹¹ He writes that “it is no strain to imagine how painful and destructive intentional self-burning is. Self-immolators typically douse their bodies with a combustible liquid, raising the temperature of the fire and making the burn deeper,” Marwan M. Kraidy, *The Naked Blogger of Cairo: Creative Insurgency in the Arab World* (Cambridge, Massachusetts: Harvard University Press, 2016): 24

⁴¹² Kraidy, *The Naked Blogger of Cairo*, 24.

but imagine the sights, smells, and sounds of sizzling human matter.⁴¹³

Fire is a familiar thing, and it offers (or threatens) a familiar pain to us “as humans living in bodies.” Burning is a common and well-known sort of pain; a kind of pain that threatens us regularly in our daily lives. Humans learn early and often not to play with fire, or to keep their hands clear of a hot stove. The familiarity of fire means that even someone who has never been burned “knows” the pain of the self-immolator with visceral certainty. Unlike other methods of spectacular self-killing, death by fire incites a kind of bodily identification with the self-immolator. Video footage of the self-immolation of Omid Massoumali, which I discussed at length below, shows onlookers physically unable to bear the sight of his suffering. The video shows witnesses vomiting and looking near collapse at the sight of his pain.⁴¹⁴

Witnesses’ accounts of self-immolations emphasize how clearly they understand its incredible pain. As a result, this pain operates as a communicative act. The sight of pain “speaks” to people, even if they cannot exactly feel another person’s pain, and in speaking this pain can communicate certain demands. Journalist David Halberstam’s oft-quoted account of his experiencing witnessing the self-immolation of Vietnamese monk Thich Quang Duc illustrates exactly how potent – and challenging – these demands can be. Halberstam recalls being horrified and overwhelmed by the sight, even though Thich

⁴¹³ *Ibid.*, 30. Emphasis mine.

⁴¹⁴ Doherty, Ben & Helen Davidson. “Self-immolation: desperate protests against Australia’s detention regime.” *The Guardian*. May 3, 2016

Quang Duc sat in peaceful, perfectly still, silence the entire time he burned.⁴¹⁵ In photographs, even his expression is relatively neutral; his stillness a jarring contrast to the towering column of flame that engulfs him. Although the monk makes no outward signs of pain, the sight of him burning is nearly too much for Halberstam – a seasoned journalist of military conflict – to bear.

Halberstam's dilemma was that Thich Quang Duc's obvious, visible pain called for a response. Halberstam explains that he "had never felt such conflicting emotions: one part of me wanted to extinguish the fire, another warned that I had no right to interfere, another told me that it was too late, another asked whether I was a reporter or a human being." This response recalls the spectacular clash of temporalities which I earlier described as characterizing self-immolation: Halberstam is simultaneously struck by a frantic sense of urgent responsibility (to diminish Thich Quang Duc's suffering) and a broader, almost historical sense of responsibility (not to interfere with a protest which would, though Halberstam could not have known at the time, become a watershed event). The monk's pain thus made conflicting demands on the viewer. Importantly, as Halberstam's distress reveals, this demand spoke to the viewer *as human*. To witness a self-immolation is therefore also to be called as a witness in other ways: to bear witness to the power relations and injustices in one's world, and to one's own complicity in these dynamics. As Banu Bargu described it, in her discussion of Turkish self-immolators,

⁴¹⁵ David Halberstam, *The Making of a Quagmire* (New York: Random House, 1965): 128.

these necroresistors “ask us to become cognizant of the nature of the power relations in which we live and die, the asymmetries and injustices they entail, and our own investment and complicity in them.”⁴¹⁶ This kind of pain – pain that is loud, pain that is self-evident – is a powerful resource for displaying and calling attention to the forms of pain that are unseen (either because of their own character, or because they are rendered as such). For example, in their final statements Tibetan self-immolators regularly name their pain of watching their language be stamped out by Chinese rule as a motivation for self-immolating. This kind of pain is difficult to see, which makes it difficult to present before others as real and dire. The death of a language leaves no corpses behind. The self-immolator, on the other hand, materially manifests these abstract kinds of pain. As painful as they may be, concepts like the loss of language can hardly compete for recognition with the sight of melting skin, the smell of burning gasoline, and the sound of popping bits of flesh.

The intensely destructive nature of self-immolation also contributes to this spectacular quality. The fires of self-immolation do not merely end a life, they completely and irreversibly remake the body. Unlike suicide by knives or hanging,⁴¹⁷ which causes limited visible external damage, self-immolation visibly devastates the body. Fire disorders and destroys bodies. What remains is certainly not recognizable as any individual, since extremities like facial features burn and melt away quickly. And yet,

⁴¹⁶ Bargu, Banu. *Starve and Immolate: The Politics of Human Weapons* (New York: Columbia University Press, 2015): 350.

⁴¹⁷ I will discuss the use – and the problems – of both these tactics below.

the charred corpses left behind are unmistakably and undeniably human-shaped, since the fire cannot burn hot enough to unmake the skeletal structure. The bodies produced by self-immolation, therefore, strain and unsettle our understanding of what it means to be human. They confront their audiences with the slow and agonizing degradation of the human into the non-human, evoking Sigmund Freud's *Unheimliche*.⁴¹⁸ The *unheimliche*, or the uncanny, is that which is both too familiar to be denied and yet not quite right, quite whole, or quite real. Freud argued in a 1919 essay that one feels a compulsion to identify with the uncanny object, but this identification is never fully possible.⁴¹⁹ It is always a thwarted desire. On the other hand, the uncanny is too close to human to be simply rejected and efforts at identification wholly abandoned. This encounter challenges one's own sense of stability and coherence as a human. The burnt remains of a self-immolation confront us with what was human – what was us – and was transformed into that which is unrecognizable and is yet, impossibly but necessarily, still human.⁴²⁰ The

⁴¹⁸ Sigmund Freud, David McLintock and Hugh Haughton, *The Uncanny* [Essays.] (New York: Penguin Books, 2003). While Freud is arguably the most famous theorist of the uncanny, the concept had already been articulated by Ernst Jentsch in 1906 (thirteen years prior to Freud's writing). Jentsch's crucial example of the uncanny was "doubt as to whether an apparently living being is animated and, conversely, doubt as to whether a lifeless object may not in fact be animate." See: Jentsch, Ernst. "On the Psychology of the Uncanny" (1906) trans. Roy Sellars, *Angelaki* 2(1) 1995:11.

⁴¹⁹ John Fletcher summarized Freud's central argument as: "the uncanny is that species of the frightening and alien that leads back to what was once known of old and long familiar but has been alienated by repression, [implying] that the uncanny is characterized by the return of the repressed." See, Fletcher, John. *Freud and the Scene of Trauma*. (New York: Fordham University Press, 2013): 319.

⁴²⁰ We might contrast this kind of burning with, for example, modern crematoriums, which can reduce a body to a milk-carton's worth of ashes in less than an hour. See, for further discussion: Laqueur, Thomas W. *The work of the dead: a cultural history of mortal remains* (Princeton, NJ: Princeton University Press, 2015).

connection between the corpse and its former humanity lingers, demanding that audiences grapple with the meaning of humanity – with what it means to be human. It calls for an identification that, being visceral and bodily, does not require external legitimation: it is a demand that one body makes on another. For political subjects whose humanity has been systematically denied, this provocation to reconsider the human is, itself, a powerful demand.⁴²¹

Although as the corpses of self-immolation may trouble the abstract concept of human community, they are nevertheless communal objects in politically important ways: these bodies speak to and constitute a community. The instantiation of communities or solidarities is essential to an effective politics of self-immolation, since a successful (i.e., dead) self-immolator is never the beneficiary of their own protest. But even in looking forward and towards community, the material body of the self-immolator remains a key political agent. Judith Butler found in her study of bodies that “not only did bodies tend to indicate a world beyond themselves, but this movement beyond their own boundaries, a movement of boundaries itself, appeared to be quite central to what bodies ‘are.’”⁴²² Bodies are always engaged in constituting and being constituted by this “world beyond themselves.” The willful destruction of one’s own body, therefore, quite radically changes the bodies and boundaries to which the now-destroyed body existed in relation.

⁴²¹ I will expand on the relationship between disordered corpses and the meaning of humanity in my discussion of suicide bombing in the following chapter.

⁴²² Judith P. Butler, *Bodies that Matter: On the Discursive Limits of "Sex"* (New York: Routledge, 1993).

Self-immolators actively invoke this community, both through their statements and through their actions. The outcome of these shifting relations are evident from the cases of Tibetan self-immolators, when bystanders regularly place their own bodies in danger to protect self-immolators' corpses and gather to mourn them despite the intense threat of state violence.⁴²³ In her study of pain, Scarry ultimately concluded that "what is quite literally at stake in the body in pain is the making and unmaking of the world."⁴²⁴ In the case of self-immolation, the body in pain is involved in both these activities simultaneously: it is the unmaking of the body by fire, but also the creation of a community which exists without sovereign authorization. It is the brutal tearing down of the veneer that renders sovereign violence invisible, and simultaneously the creation of a new "language" that can express this pain and make demands from it. Because pain is implicated in both making and unmaking, voluntarily undertaking this pain provides a way to participate in these acts of politics which are otherwise foreclosed. And importantly, it does so in a way that allows the self-immolator to transform their body into a site of invulnerability.

This invulnerability is important, because the state's response to self-immolation offers multiple forms of violence. First, as I noted above, the self-immolator who survives will likely be subject to intensifying forms of state violence, including torture

⁴²³ I have explored this particular issue at more length elsewhere. See: Kaku, Archana B. "Burning the Body: The Bodily Politics of Tibetan Self-Immolation." *Theory & Event* 23(3): 573-606.

⁴²⁴ Scarry, *The Body in Pain*, 31

and detention in solitary confinement. But the state introduces violence into self-immolations in other ways as well. I argued in the previous section that necroresistors, by demonstrating independent mastery over life and death, present a meaningful threat to the sovereign's projection of power. If violence is the primary means by which the state – particularly one seen as illegitimate by those it dominates – is able to exercise its power and assert its sovereignty, then part of the threat that self-immolations present to the state stems from their nonviolence. The impact of this threat is most readily visible in the sovereign's attempts to reintroduce violence into the scene of self-immolation, either by literally engaging in violence or by reinterpreting self-immolation and those who undertake it as inherently violent. In these instances, the state seeks to portray the self-immolator as the aggressor – not as a manifestation of sovereign violence, but an independently violent agent. The extremity of these responses discloses the impact of self-immolation. For example, the Tibetan Centre for Human Rights and Democracy leaked a on psychiatric health that was issued to Chinese security forces working in Tibet. The manual, following the general practice of the government, refers to this work exclusively as “stability maintenance,” implying that Tibet is a space of lawlessness that must be pacified, rather than a space into which the security forces themselves are introducing violence. “Our opponent in Tibet stability maintenance work is special,” the handbook states blandly, noting that this opponent is guilty of “beating, smashing, looting and burning.” Oblique references to self-immolation describe it as a “merciless response”

which has triggered posttraumatic stress disorders among security officers.⁴²⁵ While it is undoubtedly true that witnessing a self-immolation could be profoundly psychologically disturbing, what is striking about these descriptions is the way state violence is effaced. Tibetans in general, and Tibetan self-immolators more specifically, are figured as cruel provocateurs. Self-immolation is rendered as the primary act of violence in Tibet, placing the responsibility for violence on Tibetan civilians rather than the Chinese state.

The other way to “defuse” a self-immolation, as I alluded above, is to reintroduce violence into the event. This is exactly what Chinese security officers in Tibet are trained to do in response to a self-immolation: security personnel set upon the self-immolator and the crowd with batons and guns, sometimes firing repeatedly at the already burning – and possibly already dead – body of the self-immolator. Reinserting violence into the otherwise peaceful (despite its inherent destruction of the body) protest is an attempt to bring the self-immolator back under sovereign control: if violence belongs to the state, then the enactment of violence is also paradoxically a claim of ownership. The capacity to introduce violence allows the sovereign to try and assert authority not only over the life and death of the self-immolator, but over the entire scene.

But of course, self-immolation exceeds what one conventionally thinks of as nonviolent protest: not only does the self-immolator refuse to do violence to others, but they intentionally wreak destruction on themselves. In doing so, self-immolation

⁴²⁵ "Tibetan Centre for Human Rights and Democracy," accessed Mar 4, 2019, <http://tchrd.org/>.

inherently refutes the premise that bodily vulnerable is equivalent to political weakness – it reframes bodily vulnerability as a source of potential power. Analyzing Thomas Hobbes’ discussion of the foundations of sovereignty, Foucault argues that sovereignty emerges not from war or from covenants but from the vanquished or oppressed groups *desire to live*. This, Foucault ties all modes of sovereignty together in a single maxim – “The will to prefer life to death: this is what founds sovereignty.”⁴²⁶ In other words, the state’s capacity to kill transforms into sovereign power only insofar as those subjected to the state wish to live. Acts of necroresistance therefore threaten to unmake sovereignty from its very foundation, by refusing the logic that insists that the sovereign’s capacities to give life and deal death gives it supremacy.

Thus, the performance of nonviolent protest is disrupted by the sovereign’s attempted reimposition of violence. However, this disruption is not entirely successful because the self-immolator has specifically set out to resignify this violence: in the self-immolator’s implicit argument, the state is not exactly creating violence in response to a self-immolation, but rather manifesting the violence which was already present. In other words, the self-immolator does not only embody sovereign violence, but they also seek to call forth the state’s violence into the visible realm. This violence can be resignified, as I described above, as the spectacular and concrete manifestation of forms of pain that are

⁴²⁶ Foucault, *Society Must be Defended*, 95.

otherwise difficult to see. Thus, the meaning of this violence is contested between the audience-community which the self-immolator calls forth and the will of the sovereign.

Before turning my analysis to examine specific self-immolations, I want to reiterate the importance of self-immolation as a category of analysis. Self-immolation is an extreme – and frankly unusual – tactic. The attributes I have described above contribute to self-immolation’s spectacular quality, but they also emphasize the importance of reading self-immolations as occurring in clusters or sets. For example, many – but certainly not all – self-immolators come from societies whose histories and politics are inflected by Buddhism. This does not make self-immolation as “Buddhist act,” and in fact I think it is important to resist such a reading. However, shared cultural images can provide larger framing narratives that connect self-immolations within this set. For example, self-immolations in Tibet that are undertaken to oppose Chinese occupation and dominance belong to several larger narratives, including the broader history of resistance to Chinese occupation in Tibet, the Buddhist tradition of self-sacrifice, and the numerous international cases of self-immolation which lack these contexts. Each of these sequences invokes a set of associations, which populate the full set of referential content for any given self-immolation. Analyzing the Tibetan case in particular, John Whalen-Bridge argued that the series of self-immolations is constituted through “the performative repetition of the action, including the self-discipline of not

harming others in the act of self-ignition.”⁴²⁷ The repetition, however, is not only performative: repetition (or the possibility of repetition) is an important aspect of self-immolation. The specific material qualities of the act make it reproducible in multiple senses.

First, self-immolation is an easily replicated act (assuming one has the commitment and willingness). The materials needed – accelerant, perhaps pins and wire to hold the accelerant-soaked cloth onto the body, a method of fire-starter – are all easily accessible, even in a repressed and regulated society where access to technology or conventional weapons is highly restricted. For example, in a case I describe in more detail below, destitute asylum seekers in Egypt pooled their money together to purchase a can of petrol in order to self-immolate. Their intense poverty made self-immolation more difficult to achieve but could not make it impossible. Likewise, because the materials required for self-immolation are so common and so embedded into the fabric of ordinary life, totally restricting access to these materials is virtually impossible. For example, even though the Chinese occupation forces in Tibet have been very successful at disarming the population of any conventional weapons, banning all accelerants is virtually impossible when the same substances are needed to power stoves and vehicles.

Second, the images of self-immolation are easily reproduced. Especially in the era of social media and ubiquitous camera phones, these images circulate rapidly despite the

⁴²⁷ Whalen-Bridge, John. *Tibet on Fire: Buddhism, protest, and the rhetoric of self-immolation*. (Houndmills, UK; Palgrave Macmillan, 2015): 38

attempts to censor and prohibit them. While these images lack the power and immediacy of witnessing a self-immolation first-hand, the fact that self-immolation lends itself to the creation of these representations means that it has greater power in circulation than many forms of protest, including other self-destructive methods. As Whalen-Bridge aptly describes this effect in the Tibet case, the self-immolator is “doing more than registering a complaint in a given locality; she is also creating an image that will travel around the world.”⁴²⁸ Indeed, even before the era of high-speed digital circulation, self-immolation images travelled the world, making powerful impressions along the way. Malcolm Browne received a Pulitzer Prize for his photograph of Thich Quang Duc’s self-immolation. The photographs were reproduced, reprinted, and redistributed in newspapers, postcards, and propaganda media around the world. President John F. Kennedy is reported to have said, of the photograph, that “[n]o news picture in history has generated so much emotion around the world as that one.”⁴²⁹ Indeed, the picture of Thich Quang Duc and other Vietnamese self-immolators did not only generate emotion: in March of 1965, a woman named Alice Herz (herself a German refugee resettled in America) self-immolated in Detroit, explicitly citing these images as her inspiration.⁴³⁰

In the section that follows, I set the stage for analyzing migrant self-immolations by outlining the basic conditions of migrant life – and death. In doing so, I will clarify the

⁴²⁸ Whalen-Bridge, *Tibet on Fire*, 38

⁴²⁹ Quoted in Smith, Ian K. “South Vietnam, 11 June 1963: Malcolm Browne” *New Statesman*. (April 1, 2010).

⁴³⁰ Coburn, Jon. “I Have Chosen the Flaming Death”: The Forgotten Self-Immolation of Alice Herz.” *Peace & Change*. Vol. 43, No. 1 (January 2018)

relationship between the migrant and the sovereign and explain how this relationship is fundamentally characterized by violence. I further argue that, in the context of these conditions, self-immolation becomes a particularly legible tactic for migrants. It is a tactic whose characteristics (which I have described above) respond directly to the forms of violence that migrants face. In particular, I will describe the marginalization or excepting of the migrant by sovereign prerogative; the broader implications of the concept of “the border;” and the different modes of bodily politics to which migrants resort. I will argue that reading these factors enables us to think through migrant self-immolation despite the dearth of resources which document and reflect these acts.

Crossing the Border: Sovereignty, Violence, and Migration

To examine migrant self-immolation as a form of resistance, it is first essential to clarify the relationship between migrant bodies and modes of violence that are specifically related to sovereign power. I argued in the preceding section that sovereignty is fundamentally a power of boundary-marking and border making. In this respect, the relationship between the sovereign as border-maker and the migrant as border-defiant produces a self-evident conflict. But the migrant also faces more specific and more nuanced forms of sovereign violence: the border is not a simple line but rather a diffuse and multivalent series of zones, sites, and processes. Closely examining the contemporary relationship between sovereignty and the border, Reece Jones and Corey Johnson argue that “while borderlands and borderlines remain significant, a new series of locations – what we term corridors, camps, and spaces of confinement – have emerged as key sites to

understand the practice of sovereignty through borderwork.”⁴³¹ Indeed, migrant self-immolations appear to take place primarily in sites that are implicated in these corridors: at migrant holdings camps, and offshore or internal secluded detention centers. In her discussion of this shifting conception of borders and sovereignty, political geographer Alison Mountz described this transformation through a change in metaphor:

If transnational migration ever involved the spatial metaphor of crossing – as in crossing the line – this metaphor has now been replaced by a proliferating series of spaces of confinement experiencing along circuitous and precarious transnational routes.⁴³²

While some of these “spaces of confinement” are formal ones (like camps and detention centers), others are less obvious. These are spaces like the hulls of ships, networks of tunnels, and hiding places from which to study militarized border outposts. These proliferating and overlapping networks of spaces are matched by an equally profuse patchwork of legal orders and regimes.

One of the complexities of sovereign violence, as I noted in my discussion of torture, is that the sovereign exception need not be an absence of law: it can also be a profusion of law. In this case, sovereign violence operates through the militarization of

⁴³¹ Jones, Reece and Corey Johnson. “Corridors, camps, and spaces of confinement” in “Interventions on the state of sovereignty at the border” by Reece Jones, Corey Johnson, Wendy Brown, Gabriel Popescu, Polly Pallister-Wilkins, Alison Mountz, and Emily Gilbert. *Political Geography* 59 (2017): 1.

⁴³² Mountz, Alison. “Reconceptualizing borders as islands” in “Interventions on the state of sovereignty at the border” by Reece Jones, Corey Johnson, Wendy Brown, Gabriel Popescu, Polly Pallister-Wilkins, Alison Mountz, and Emily Gilbert. *Political Geography* 59 (2017): 7.

what I have called extralegality. In my discussion of sovereignty and torture, I further argued that indefinite detention was both a sign and a symptom of extralegality. Having no place in ordinary law, it is part of the extralegal regime that unfolds when sovereign power supersedes or overlays ordinary law. “Spaces of confinement” like the detention center, therefore, manifest as a kind of distillation of sovereign power: a microcosm for examining the ways that sovereignty operates and the ways that it is contested. The *migrant* detention center is a further refinement of this principle. It is a place where sovereignty's border-making function is most clearly on display and the violence of the law is marked most clearly onto bodies. As I described in the previous chapter, the regular operation of both space and time are deliberately suspended in the detention center, making it impossible for “ordinary” law to operate. This suspension of ordinary law both enables and is enabled by the liminality of the detention center, whose occupants are literally trapped in a kind of in-between space. Perhaps one of the clearest indications that the detention center is a liminal space and not cleanly included in national territory is the lapse of principle of *jus soli*: while those born in Australian territory are generally granted citizenship, for example, this principle was withdrawn from those who are born in detention centers.⁴³³ To be born in the detention center is to be born in no-state – to be born stateless – and preemptively in the liminal condition of the borderland.

⁴³³ Mountz, Alison, Kate Coddington, R. Tina Catania, & Jenna M. Loyd. “Conceptualizing detention: Mobility, containment, bordering, exclusion.” *Progress in Human Geography* 37(4): 533.

Likewise, the detention center is the space of indefinite detention – an impossibility under ordinary law that can only operate under the auspices of sovereign power. Indefinite detention marks life as outside or in-between measurable, ordinary time. Thus, the detention center operates both spatially and temporally at and as the border. From the perspective of the detainees, they are not only located at a kind of border but develop a deeper, more ingrained relationship with it. In describing his own experience of unauthorized migration, Khosravi described this experience as the feeling that he had become the border.⁴³⁴ The extralegal processes at work in the detention center marks this onto bodies directly. In fact, even the functionaries of ordinary law have, at times, actively endorsed the use of indefinite detention against migrants. For example, in 2004 the High Court of Australia ruled in support of the indefinite detention for a migrant named Ahmed al-Kateb. A Palestinian man born in Kuwait, where his parents were refugees from Gaza, al-Kateb’s complex journey to Australia ended in a foundered fishing boat off Ashmore Reef in 2000, when the Navy picked him up along with approximately 200 fellow voyagers. When he was denied refugee status, he asked to be sent back to Gaza or Kuwait. It was in this moment that his story diverged from the usual pattern of attempted migration and deportation: when his protection visa was denied, al-Kateb was officially rendered an “unlawful non-citizen,” which meant that he was legally subject to detention until he could be removed under the Migration Act of 1958. But although he formally applied to be “removed,” Kuwait had refused to accept him, and

⁴³⁴ Khosravi, Shahram. *‘Illegal’ Traveler: An Auto-Ethnography of Borders*. (Palgrave Macmillan; 2010)

Israel would not grant him entrance into Gaza. He was legally and materially stateless.⁴³⁵ He had been denied permission to remain in Australia, but he also had nowhere else to go. Al-Kateb petitioned the court, arguing that since he could not be removed to another state (as the Migration Act of 1958 demanded), his continued detention could not be sustained. But the Court disagreed: they deemed mandatory, indefinite detention an acceptable course of action in his case, thus turning his liminal legal status into the defining characteristic of his living situation in practice.⁴³⁶ He was placed in an indefinite spatial, temporal, and legal limbo. He had left his home but was not secure in the permanence of that parting. Likewise, he had arrived somewhere, but not where he ultimately intended: would he go forward or be sent back? Or would he simply remain in this zone of indeterminacy?

Of course, many unauthorized border crossers seek legitimacy and authorization from the state. The relationship between migrants and the state is therefore more complicated than a pure antagonism or clash of interests: although migrants may transgress in the act of crossing, they may yet seek to legalize – or at least regularize – their status. This is what formal refugee status offers: an escape from the liminal status of

⁴³⁵ For further discussion of the shifting meanings of “statelessness,” particularly as they pertain to Al-Kateb v. Godwin, see Macklin, Audrey. “Who is the Citizen’s Other? Considering the Heft of Citizneship” in *Theoretical Inquiries in Law* 8(2) July 2007: 333-266.

⁴³⁶ In fact, al-Kateb did not spend the rest of his life in indefinite detention. His case drew a torrent of sympathy, media attention, and – eventually – high-level legal assistance. As a result, he was granted permanent legal residence in Australia in 2007. See: “Escape from a life in limbo.” *The Sydney Morning Herald*. October 27, 2007

the border crosser into the realm of sovereign recognition and acceptance.⁴³⁷ However, the temporality of the asylum-seeking process is itself described as a source of anxiety and limbo. While the temporality of detention is undefined, the asylum process is defined, temporally, through deferral – the temporality of waiting, of later. It is the temporality of pursuing a hope that is constantly receding from view.

The administrative processes that define the pursuit of asylum reiterate rather than resolve the violence of the border. Because the operational definition of “refugee” reflects an administrative classification rather than a set of practices, the only way to appear (in the eyes of the sovereign) as a refugee is to complete the associated procedures. These procedures, as I will discuss below, present real challenges: few migrants who begin the process are successfully able to claim refugee status. But in fact, the problems begin much earlier in the process. Migrants must overcome the spatial liminality of the border before they can even begin to pursue refugee status. Experientially, one becomes a refugee by leaving. The act of becoming a refugee is characterized by this moment of forced departure from one’s natal state. But the administrative process of becoming a refugee begins with arrival. Even though the refugee is ostensibly the responsibility of the international community, a migrant applies

⁴³⁷ Of course, achieving this governmental recognition has its own hazards. Drawing on Michel Foucault and Judith Butler, Miriam Ticktin identifies French *sans-papiers*’ pursuit of government authorization with the paradox of “subjectivation” – “the process of becoming subordinate by power as well as the process of becoming a subject.” In these cases, she writes “one does become a legal subject, yet always at a cost...subjectivation means a form of second-class citizenship, and a form of subjectivity where one cannot admit to desires or actions.” Ticktin, *Casualties of Care*, 188

for refugee status from and within a specific state. The individual state (with its vested interest in insisting upon the sanctity of borders) is the only grantor of this status. In practice, this means that only a migrant who gains passage into a state – i.e., who completes the border-crossing – can even begin to pursue refugee status. Because of the prevalence of biosovereign violence at the border which I discuss below, many unauthorized border crossers never have the opportunity to pursue this potentially protected status: they do not live long enough to plead their case. This combination renders refugee deaths doubly invisible: dying in transit preempts the possibility of being formally classified as refugee, no matter whether a border crosser fits the international standards for refugee status.

This administrative mechanism is one of the many forces that converge to render migrant deaths as invisible, which I will discuss at length below. These forces are exerted at the nexus of the physical and the administrative, providing a powerful reminder of the importance of reading these two factors in relation: although I focus on the material body here, it is important to bear in mind that the material body is also read and interpreted through law and regulation. Immigration law and procedures are therefore an example of what Lisa Marie Cacho describes as the “violence of value” in her evaluation of racialization in American law. As she explains:

Because the law is presumed to be both ethical and irreproachable, the act of law-breaking reflects poorly on a person’s moral character. If following the law (legitimate or not) determines whether a person is moral or immoral, it is all but impossible for people assigned to certain status

categories [such as “illegal alien”] to represent themselves are moral and deserving.⁴³⁸

This tactic of determining who possesses moral and ethical value inherently disadvantages migrants’ pursuit of authorization: their very presence, since it is assumed to be evidence of law-breaking, is read to imply immorality.⁴³⁹ In turn, this presumed immorality undermines their ability to make claims – on the state, on fellow humans – that are based on moral or ethical grounds. This limitation presents a real problem for asylum-seekers, whose claims to refugee status must rely on a kind of moral imperative.⁴⁴⁰ The violence of this valuation, then, is that it demands proofs of purity from migrants that are nearly impossible: how can migrants demand a moral response when their very existence is read as immorality? The law, in this sense, is a trap not unlike the extralegal traps of indefinite or offshore detention. It predetermines migrants to

⁴³⁸ Cacho, *Social Death*, 4

⁴³⁹ The conflation of “legal” with “moral” is particularly thorny when it comes to immigration and refugee law. On one hand, the historical origins of refugee law emerge from a moral imperative: prevent the recurrence of the atrocities which the international community permitted during World War II. On the other hand, those seeking refugee status generally find themselves first subject to the larger category of immigration law, whose history is far more related to absolute and arbitrary power than international moral imperatives. See, for example: Grey, Colin. “Refugee Law and Its Corruptions” *Canadian Journal of Law & Jurisprudence* No.2 (August 2017): 339-362.

⁴⁴⁰ For example, writing from the perspective of legal history, Colin Grey emphasizes the close and somewhat unique relationship between morality and refugee law. He writes: “Though the relationship of morality to law as a whole is controversial, I take the historical record to establish the distinctive salience of morality to refugee law. It seems accurate to say that contemporary refugee law was created precisely to ensure states’ immigration laws and policies do not reproduce the gross injustice or inhumanity of the mass rejection of Jewish refugees during the Second World War. The origins of refugee law demand therefore that legal competence track moral competence...” Grey, “Refugee Law and its Corruptions, 343-344

be criminal and attaches those determinations to the body, while simultaneously demanding that migrants prove their innocence – proofs that their criminalized bodies inherently forbid.

Cacho emphasizes the role of the body in this trap of criminalization. Laws that create statuses – like “illegal immigrant” – forbid the possibility of compliance because, as Cacho describes it, “law targets their being and their bodies, not their behavior.”⁴⁴¹ Writing from both his own experience as a refugee and his fieldwork in Swedish detention centers, Khosravi explains this process as “effectively creat[ing] criminals in order to be able to punish them.”⁴⁴² This process is well-documented in the workings of the state as well. For example, in intragovernmental communications regarding Operation Sovereign Borders in Australia, staff of the newly-renamed Department of Immigration and Border Protection (previously the Department of Immigration and Citizenship) were exhorted to refer to asylum seekers as “illegal arrivals” or “illegal maritime arrivals.”⁴⁴³ This linguistic shift enacts the kind of violence Cacho describes: it delinked migrants from their human rights claim – asylum – and permanently linked their presence and personhood to illegality. Referring to migrants as “arrivals” exacerbates this effect by freezing them, temporally, at the moment of transgression. This nomenclature renders migrants as always arriving – always in the act of crossing the border. Furthermore, it

⁴⁴¹ Cacho, *Social Death*, 6

⁴⁴² Khosravi, “Sweden,” 40.

⁴⁴³ For further discussion, see Hodge, Paul. “A grievable life? The criminalisation and securing of asylum seeker bodies in the ‘violent frames’ of Australia’s *Operation Sovereign Borders*.” *Geoforum* Vol. 58 (May 2014).

forecloses the possibility that migrants are simply “here,” and that their transgression has been successfully completed. “Arrival” suggests that migrants are always at the threshold from which they could be rebuffed. The state disavows their presence, rejecting the idea that the location of migrant bodies (i.e., as already in Australia) carries meaning or status.

Thus far, I have argued that unauthorized border crossers are an inherent threat to the sovereign state system, and therefore are illegalized and subject to violence proportionate to this threat. Given this threat, it is unsurprising that migrants are subject to particularly intense forms of sovereign violence. The structures of the border are designed to be self-reinforcing: the liminality of the border brings violence and death. This violence and death do not operate through ordinary law, but rather through the very structures of sovereignty. The border itself operates as a space of sovereign violence. Indeed, in his work on the U.S.-Mexico border Joseph Nevins defined the borderlands as a “space of death.”⁴⁴⁴ To understand the border as a space of sovereign violence, it is instructive to recall the Foucauldian formulation of biosovereignty as the power “to make live and to let die.”⁴⁴⁵ I argue that both these imperatives are at in border securitization, working through the medium of the “Border Spectacle.”

In the preceding section, I established the intensely spectacular character of self-immolation. I argue that this spectacular quality is essential for understanding the

⁴⁴⁴ Nevins, Joseph. *Operation Gatekeeper: The Rise of the “Illegal Alien” and the Remaking of the U.S. – Mexico Boundary*. (Routledge: 2001)

⁴⁴⁵ See, for example: Foucault, Michel. *Society Must be Defended: Lectures at the Collège de France, 1975-1976*. (New York; Picador, 2003): 255.

operation of migrant self-immolation, since border violence is mired in a complex politics of visibility. Self-immolation intervenes uniquely in this politics of visibility, inflected by the politics of migration and the specific violence of the border. The politics of visibility operates in two quite different ways with respect to migration which, while contradictory on their faces, are actually supplementary. The first form is the concept of forced invisibility. I alluded to this quality above in reference to the “double invisibility” inherent in the process of seeking refugee status. But in fact, this is only one facet of a much broader phenomenon: the politics and processes of border management deliberately render migrant lives – and perhaps most importantly, migrant deaths – as invisible. Border management strategies make it impossible to see, count, and account for the pain and death that result from sovereign violence at the border. Secondly, those involved with migration (both those attempting to cross and those working to prevent crossing) are engaged with what has been theorized as the “Border Spectacle.”⁴⁴⁶ The Border Spectacle is the site where “illegality” is attached to the body of the migrant (as Cacho noted) and, simultaneously, naturalized as a quality inherent to that body. While I will return to the question of illegality and the body below, I want to dwell first on the idea of the “Border Spectacle” and the work it performs as spectacle. This spectacle has multiple parts. One part, certainly, is the design of border walls and fortifications to appear imposing, dangerous, and impassable. Watchtowers, razor-wire, and double- and

⁴⁴⁶ See, for examples, De Genova, Nicholas. “Spectacles of migrant ‘illegality’: The scene of exclusion, the obscene of inclusion.” *Ethnic and Racial Studies*. 36(7) July 2013; De Genova, Nicholas. “Migrant ‘Illegality’ and Deportability in Everyday Life.” *Annual Review of Anthropology*. No. 31. (2002)

triple-layered fencing are all elements of this spectacle. But as Ruben Andersson points out in his ethnography of sea and land migration into Spain, this spectacle of overt sovereign power, while undoubtedly violent, produces another kind of border spectacle: the spectacle of humanitarianism. These two spectacles are two sides of the same coin: the militarization of otherwise safe crossing sites drives migration towards increasingly dangerous routes. In these dangerous routes – through sea or desert – many migrants are “let die” (to use the Foucauldian formulation) unseen. But others (still following Foucault) are made to live, especially through the form of interception at sea. In this spectacle of rescue, detaining migrants and saving migrants are collapsed into each other. Acts of violence are made to appear as acts of bravery and kindness, and the work of sovereignty is camouflaged. Andersson describes how this process works on the micro-level, in the offices of functionaries who oversee migration. For example, one of his informants from the Spanish Guardia Civil had created a video literally titled “The Drama of Immigration.” The film concludes with scrolling text which declares (in the included English translation) that since 2006, the Guardia Civil has “rescued more than twenty thousand people, preventing them from putting in danger their lives embarking in small and dangerous canoas towards Europe.”⁴⁴⁷ This self-congratulatory statement contains a multiplicity of paradoxes: what does it mean to count those “prevent[ed] from putting in danger their lives” as “rescued?” From what danger have they been rescued in advance? And how can those who never embark on the journey be counted as rescued

⁴⁴⁷ Andersson, Ruben. *Illegality, Inc.: Clandestine migration and the business of bordering Europe*. (Oakland: University of California Press, 2014), electronic edition.

migrants (in “The Drama of Immigration”) in the first place? What essential quality gives them their migrant-ness, if not embarking towards Europe? While there is certainly something self-aggrandizing about this rhetoric, I argue that it also contains an element of truth: that from the perspective of the Guardia Civil and other border patrols, their mandate is to turn migrants and prospective migrants into non-migrants. Deterrence, detention, and death all play roles in this project.

Anderrson refers to this phenomenon as “spectacle in two acts: sea and land, rescues and repulsion, huddle and horde.”⁴⁴⁸ Some of the deaths caused during migration overland – the horde which must be repulsed – are caused by visible forms of sovereign violence in transit (i.e., being ripped apart by razor-wire while attempting to scale a border fence). But many more deaths are not seen at all. This invisibility is not coincidental but produced: the sovereign state system deliberately implements policies and practices which render migrant deaths invisible.

Perhaps the prime example of the policies that create these spaces is the militarization of (relatively) safe crossings. For example, in the United States, the “Prevention through Deterrence” program has worked hard to make urban crossings on the U.S.-Mexico border dangerous or otherwise unviable. These efforts have not stopped migration, but they have funneled migrants towards more hazardous routes, especially seeking passages through deserts with rugged terrain and extreme temperatures. The

⁴⁴⁸ *Ibid.*

hazards implicit in this terrain make migration more and more deadly. The creation of this risk is calculated and tactical; part of how these programs are supposed to “deter” migrants. Likewise, the increased militarization of sea routes to Europe and Australia have compelled migrants to attempt increasingly dangerous routes. This, too, is an intentionally designed policy. The homepage of the website for Australia’s sea migration deterrence program, literally called “Operation Sovereign Borders,” is dominated by a single image: a photograph of stormy seas and sky, superimposed with an illustration of a boat being turned around and sent back into a storm.⁴⁴⁹ The implication of this emblem is clear: Australia will do whatever it can to ensure that migrants do not make the crossing, including compelling migrants into the depths of dangerous seas. As a result of these policies, thousands of migrants have drowned when their crafts – generally unseaworthy and manned by unexpert crews – foundered on rocky coasts or capsized trying to navigate around patrols. The supposedly humanitarian aspect of the Border Spectacle – “rescue” patrols – only exacerbate this risk by adding to the hazards that migrant-bearing crafts must circumnavigate. IOM’s Missing Migrants Project estimates that over 40,000 people died attempting to cross a border between 2014 and 2020, primarily from causes like drowning, dehydration, starvation, exhaustion, and hypothermia.⁴⁵⁰ These particular kinds of deaths are the hallmarks of these “deterrence” policies – deaths in which

⁴⁴⁹ Australian Government, “Operation Sovereign Borders,” <https://osb.homeaffairs.gov.au/>. Accessed February 2021.

⁴⁵⁰ International Organization for Migration, “Missing Migrants Project: Tracking Deaths Along Migratory Routes.” <https://missingmigrants.iom.int/>

seemingly “natural” hazards like sun and ocean water occlude the policies that deliberately exposed migrants to those dangers.

The locations of these deaths – the depths of the deserts or the seas – are important: they produce corpses who can and will not be seen. In the desert, environmental conditions and animal scavengers – combined with the lack of organized efforts to recover corpses – make it almost impossible to find, identify, and record migrant deaths. The Undocumented Migration Project (UMP) found that within three weeks, corpses in the Sonoran Desert were likely to decompose and be scavenged by coyotes, vultures, and even domestic dogs. These corpses were stripped down to skeleton, disarticulated, and their clothing and personal effects dispersed.⁴⁵¹ In these cases, some skeletal fragments or personal effects end up in areas where people (like hikers) might find them. Indeed, these incidental discoveries are the source of most information about migrants who die in transit. However, it is likely that many more migrants die crossing ravines or other water features, and that traces of these corpses are never recovered.

⁴⁵¹ In an attempt to systematically study these destruction and dispersal patterns, UMP set up an experiment using the corpses of pigs, dressed in human clothing. The “Control Pig” was placed in a metal cage, in order to study decomposition in the desert climate separately from the effects of scavengers. Despite the cage, within a month scavengers had extracted, consumed, and dispersed almost the entire carcass. The failure of this “control” powerfully illustrates the difficulty of accurate recapturing migrant deaths in the desert: even a metal cage was unable to prevent the dispersal of the body. See: Beck, Jess, Ian Ostericher, Gregory Sollish, and Jason De León. 2015. "Animal Scavenging and Scattering and the Implications for Documenting the Deaths of Undocumented Border Crossers in the Sonoran Desert." *Journal of Forensic Sciences* 60 (s1): S11-S20. “After a month, only the legs (which were encased in the pants) and the mandible remained inside the cage. The rest of the carcass had been skeletonized and dispersed around the cage.” Beck et al., “Animal Scavenging and Scattering,” S15

Although US Border Patrol maintains some counts of migrant deaths, they only count those corpses which are found close to the border. They also exclude any skeletal remains which cannot be dated – a common problem, given the conditions in the desert.⁴⁵² Thus, the interplay between the location of the border and the policies used to administer it plays a powerful and deliberate role in rendering migrants' deaths invisible. The same is true of migrants who die during sea crossings. For example, Weber and Pickering estimate that for every drowned migrant whose corpse washes up on a Mediterranean beach, three bodies are never recovered.⁴⁵³ But in some respects, the higher burden of invisibility falls on migrants who are intercepted at sea and turned back – often at gunpoint – towards the very places from which they fled for their lives. This kind of invisibility is clearly modeled in the UNHCR's nomenclature for this practice, which they refer to in reports as “rescued/intercepted.” This language is used uniformly across all cases of interception, reiterating what I argued above: that every time an aspiring migrant is prevented from migrating, they have been “rescued.” This description suggests

⁴⁵² Weber, Leanne and Sharon Pickering. *Globalization and Borders: Death at the Global Frontier*. (New York: Palgrave Macmillan, 2011): 48. Weber and Pickering also note that Border Patrol discounts any remains they believe belong to people smugglers, which raises additional questions about how migrants are categorized, criminalized, and rendered invisible after death. It is unclear how Border Patrol would determine that, for example, a few bleached bone fragments and a belt buckle, belong to a smuggler as opposed to anyone else.

⁴⁵³ Even the bodies that do arrive onshore seem to be practically invisible to those who do not wish to see them. For example, Spanish photographer Javier Bauluz infamously captured a photograph titled “The Indifference” which depicted a young couple sunning on a Mediterranean beach while a drowned migrants' corpse rotted further up the beach. Later photographs depicted the couple playing tennis as the corpse was carried away in its coffin. See: Weber & Pickering, *Globalization and Borders*, 72.

that the primary threat to migrants is the sea – an ostensibly apolitical, uncontrollable, natural feature – as opposed to the failed states, economic crises, or political violence from which they are seeking refuge by migrating. By collapsing “intercepted” with “rescued,” the UNHCR is able to describe situations in which migrants are quite literally sent to their deaths as a form of rescue. Those who die because they were intercepted on the heavily policed sea borders and (effectively) *refouled* are not counted among border deaths. The state shifts the spectacle towards “daring rescue at sea” and away from the conditions of migrants after “rescue:” detained, starved, and tortured in migration camps. Importantly, these “rescue” operations also provide a crucial justification for expanding sovereign power at sea. As Polly Pallister-Wilkins described it in her study of search and rescue operations at sea, in these operations “the humanitarian imperative to rescue and the Safety of Life at Sea directive expands the space of operations and intervention into international waters, meaning that boats can now be intercepted in international waters whereas before purely border-policing operations could only take place in territorial waters.”⁴⁵⁴ The effect of this “humanitarian” approach is not to move the border so much as to expand the border – i.e. the space governed directly by sovereign prerogative – to include areas which were previously outside sovereign power. Thus, border-policing

⁴⁵⁴ Pallister-Wilkins, Polly. “Humanitarian borderwork: actors, spaces, categories” in “Interventions on the state of sovereignty at the border,” by R. Jones *et al.* *Political Geography* 59 (2017): 6.

efforts (as these “rescue” efforts could be more accurately termed) serve as cyclical justifications for the expansion of sovereign power.

Thus, a large majority of migrant deaths (and the resulting corpses) never appear: they are effaced by the conditions of the crossing. The same processes that rendered them vulnerable – the border securitization efforts that compel them to attempt the dangerous sea crossing in adequate boats and cramped cargo holds – render their bodies invisible in death. And this invisibility is reinforced, after death, by some state’s complete refusal to maintain any count of the dead. Australia, for example, explicitly does not maintain any record of those who die in migration. This is a striking administrative decision, considering the Australian government’s aggressive insistence that migration attempts will fail. For example, one prominently featured video on the Operation Sovereign Borders website is titled “Zero Chance of Success” and depicts Minister for Home Affairs Peter Dutton staring directly into the camera as he declares: “Make no mistake, you will not settle in Australia if you attempt to come illegally by boat – you will be returned. You have zero chance of success.”⁴⁵⁵ Migrant deaths – in the sanitized forms of casualty counts – could be enlisted for Australia’s “deterrence” project. But the state chooses to efface these deaths instead. As a result, the lives of the dead are not merely hidden but rendered unseeable, unthinkable, and ungrievable.⁴⁵⁶

⁴⁵⁵ Australian Government, “Zero Chance of Success.” *Operation Sovereign Borders*. Accessed February 12, 2021. <https://youtu.be/bCB9MT3BnIU>

⁴⁵⁶ Here I am following, in part, on Judith Butler’s notion of grievability as the quality which determines (and overdetermines) which lives are valued as sanctified human lives

The violence of the border – which I have argued is the distillation of sovereign violence – thus works on and through the body in multiple ways. Sovereign violence reads – and thereby renders – migrant bodies as presumptively illegal and therefore disposable. Sovereign violence further renders migrant lives and deaths invisible through policies that combine overt violence, covert violence, and a kind of spectacle of humanitarianism. At the core of all these modes of violence is the body and, more specifically, the sovereign’s capacity to control how bodies can and shall be read. Self-immolation responds directly to both these problems of visibility. First, these self-immolations bring suffering bodies to the “mainland.” Self-immolators position themselves in front of audiences, demanding that their pain be witnessed and acknowledged. As I will describe below, even those migrants who self-immolated in hidden-away detention centers positioned their acts in ways that demanded that they be seen. Second, self-immolation manifests the violence of the border. Thus, self-immolations intervene in both elements of the Border Spectacle: they both refuse the sovereign’s attempts to define migrants’ bodies as illegal and therefore disposable and create compelling, coherent images which can compete with state-circulated images like those of border patrol as rescue. These images are able to participate in the economy of

and which lives are ultimately expendable: “Some lives are grievable, and others are not; the differential allocation of grievability that decides what kind of subject is and must be grieved, and which kind of subject most not, operates to produce and maintain certain exclusionary conceptions of who is normatively human: what counts as a livable life and a grievable death?” Butler, Judith. *Precarious Life: The Powers of Mourning and Violence* (London; New York: Verso, 2004): 12-13.

visuality surrounding migration which is used to shore up the state's claim to "rescue" migrants.

With this in mind, I want to recall what I argued about necropolitical resistance in the preceding section: that it is a form of resistance which not only insists upon a kind of bodily autonomy, but which is also productive of a kind of agency which was previously foreclosed. Scholars like Miriam Ticktin have described a pattern of self-destructive acts used (or at least considered) by migrants and asylum seekers. For example, based on her fieldwork with sans-papiers-serving organizations in France, Ticktin concludes that illness became "a primary means to attain papers and rights for those on the margins" because French law grants permits to those with life-threatening pathologies under certain conditions.⁴⁵⁷ The way illness works on the body of the migrant, as she explains it, is a kind of mirror image for acts of self-destructive protest: where intentionally self-destructive acts of protest insist on the political capacity of bare life, illness evokes a politics of care – an affirmation that the suffering body is body and nothing more. But it does not follow that illness is actually apolitical, since migrants have attempted to deliberately gain access to this "politics of care" by intentionally (and sometimes misleadingly) presenting their bodies as sick and injured. For example, Ticktin describes cases of refugees and other migrants without recognized status declining or abandoning medical treatment in hopes of gaining legal status in states like France where medical

⁴⁵⁷ Ticktin, *Casualties of Care: Immigration and the Politics of Humanitarianism in France*. (Berkeley, CA: University of California Press, 2011): 90.

necessity is grounds for a visa. She recounts an anecdote from a former president of Act Up Paris, who told stories about receiving phone calls from migrants “inquiring how they could infect themselves with HIV in order to obtain legal status in France.”⁴⁵⁸ In these cases, the body serves an instrumental purpose: migrants are able to display their dying (or potentially dying) bodies in a way that makes demands on the state. The ailing body demands care in a way that is forceful and immediate. These forms of self-harm provide direct access to forms of biopolitical care: they work to transform the damaged body from a body the sovereign “lets die” into a body the sovereign “makes live” by providing life-sustaining resources. But these tactics work only in certain circumstances: they are based on a relatively unusual combination of specific immigration and social welfare policies. They are also dependent upon gaining some kind of semi-legitimated access to the state’s administrative procedures. Migrants without formal status are not uniformly in such circumstances. And of course, this possibility is foreclosed to migrants who never fully arrive.

Thus, while these kinds of bodily tactics provide one entry point into understanding migrant self-destructive resistance, they do not account for the majority of tactics. Most self-destructive tactics marshaled by migrants do not have these kinds of immediate instrumental effects (e.g., receiving a medical certificate that will hasten the

⁴⁵⁸ *Ibid.*, 192. Ticktin explains: “Although this particular account of HIV self-infection is anecdotal, the rhetoric of willed self-infection can be located in the larger reality I observed during the course of my research: I increasingly saw undocumented immigrants turn to physical injury or infection to claim basic rights supposedly granted to all human beings.”

visa process). This category includes long-term tactics like hunger striking as well as more immediately destructive tactics like lip-sewing. Although these tactics differ in both purpose and mechanics (i.e., the kind of destruction that is enacted on the body), they are also revealing in their commonalities. They are a reminder of the limited political resources – besides the body – available to migrants in their conflicts with the behemoth that is the international state system. Even those with modest, institutionalized goals (i.e., those seeking personal access to certain documents, as opposed to those seeking broad change in a status refugee resettlement policy) may find that the body is the only tool available to them. Their bodies (as sick bodies, damaged bodies, diagnosable bodies) may interest the state in ways that their personhood does not. But the politics of migration also highlight the ways in which bodily legibility is complicated: not all forms of bodily evidence are valued in the same ways, and not every form of pain will be deemed meaningful.

If the counts of those who die in the crossing are tenuous and obfuscated, the counts of migrants who take their own lives are even more so. Migrants' deaths in state custody are frequently recorded as accidents or the results of unknown causes rather than as intentional acts of self-killing. For example, U.S. Immigrations and Customs Enforcement's database lists more deaths in custody from "asphyxiation" than self-killing, but some analysts have questioned this classification system, arguing that the category of asphyxiation is likely obfuscating suicides by hanging.⁴⁵⁹ The Australian

⁴⁵⁹ Weber & Pickering, *Globalization and Borders*, 151

government has a history of even more directly effacing migrant self-killing: in one briefly infamous case from the Maribyrnong Immigration Detention Center in Melbourne in December 2000, a Tongan asylum seeker named Viliami Tanginoa climbed to the top of a basketball hoop when he discovered that his appeal for asylum had been denied. Footage from the center shows Tanginoa threatening to jump when Australasian Correctional Management (ACM, the organization that ran the center) officers attempt to confront him, and one officer who witnessed his death testified that there was “not one chance in a thousand” that he simply fell off, as opposed to deliberately jumping. Another detainee at Maribyrnong testified that Tanginoa told him, the morning before his death, that he “wanted to make a sacrifice for all refugees as Jesus had sacrificed for all men.”⁴⁶⁰

Despite this evidence, an inquest into his death refused to rule it a suicide. The inquest’s findings insisted that he may have simply intended to maim himself in order to hinder his impending deportation procedure. From this perspective, they concluded that his death could be considered an accident rather than an intentional act. ACM announced in a media release following his death, “We note that the coroner was not satisfied that Mr Tanginoa intended to kill himself. This supports the view taken by ACM staff at the time, that he was not at risk of self-harm.”⁴⁶¹ Arriving at this conclusion requires

⁴⁶⁰ Mares, Peter. “A death in the rain.” *Inside Story*. September 24, 2010. <https://insidestory.org.au/a-death-in-the-rain/>. Mares also describes the similar case of Josefa Rauluni, a Fijian fruit picker who killed himself at the Villawood detention center in Sydney in September 2010.

⁴⁶¹ Cited in Weber & Pickering, *Globalization and Borders*, 149

dismissing a great deal of evidence. It discards the bodily evidence presented by Tanginoa's corpse, and his careful head-first dive from the pole. It also effaces his verbal testimony, including both the explicit threats to jump and the earlier statement of intent to become a martyr for all refugees.

The tendency to write off these self-killings is particularly striking given the well-known and recorded high incident rates of trauma and self-harm among detained migrants. These acts of self-destruction are themselves forced into a realm of indeterminacy through the sovereign's biopolitical classificatory systems, which render even explicitly volitional deaths as accidental. In doing so, these inquests and reports seem to insist that migrants do not possess the agency to end their own lives: self-killing is only an attempt – a failed attempt, at that – to influence the procedures laid down by the state. These deaths are rendered as a byproduct, rather than an indictment, of sovereign violence through the state's simple refusal to acknowledge their intentionality. These acts are refigured in alignment with the "status crime" of the migrant: because these bodies have been pre-coded as immoral and untrustworthy, these deaths are read as lies or tricks – merely attempts to cheat the system.

With this context in mind, we can turn towards migrant self-immolations. Part of the unique character of self-immolation, as I noted above, is that it invokes a kind of material undeniability. Self-immolation deaths resist ambiguity. The cause of death in these cases is practically unmistakable – although fire's damage to flesh may hide other injuries, nothing can mask the damage caused by flames. And when the self-immolator is

recorded alive and physically well before ignition (self-immolators in this set have been recorded on cellphone footage, security cameras, and video conferencing platforms), there is no denying that the fire produced their death.⁴⁶² I begin with this most basic claim because it suggests an explanation for the recent turn to self-immolation in contexts where it lacks a long history, as well as the use of self-immolation across migration contexts despite the lack of connection and communication between them. Pakistani asylum seekers detained in Nauru (off the coast of Australia) and Ethiopian asylum seekers held in Libyan migrant detention camps do not need to share a cultural history or have an explicit exchange of tactics to have both selected self-immolation as their mode of protest. They need only face the same adversary, and the same limiting conditions: the international sovereign system that forbids boundary crossing and renders invisible the bodies destroyed by the violence implicit in the border. Thus, self-immolation is a strategic tactical response to the many forms of invisibility that this system imposes on asylum seekers. It resists questions about intent, such as those that plagued the deaths of

⁴⁶² The issue of self-evidence comes up in other areas of the migration process as well. For example, Ticktin describes the difficulties faced by migrants seeking asylum in France in demonstrating their experiences of violence in their countries of origin. Even if they have documented injuries, immigration authorities rarely consider these to be self-evident signs of the need for asylum. Applicants must narrativize their injuries into a legible claim. On the other hand, if their story is *too* legible, that too could constitute grounds for rejection. One of her informants, who served on the Refugee Appeals Board, explained that “only when he feels he does not know enough about a country or a situation does he turn to the law,” but on the other hand he rejected stories that were too familiar: “He said that the appeals board had heard too many stories of torture from Sri Lankans in the LTTE. There were too many Algerians, too many from the Congo with the same story... ‘What if they are similar precisely because they *are* true?’ I asked. He was doubtful.” Ticktin, *Casualties of Care*, 136-137.

Viliami Tanginoa or Josefa Rauluni. It is so painful, so dangerous, and so decisive that when an individual takes the steps required to fully ignite it seems impossible to argue that they did not mean to die. In my study of self-immolation, I have not seen such an argument gain traction anywhere.⁴⁶³ Furthermore, migrant self-immolators are explicit about their participation in this politics of visibility. For example, in 2015, a Hazara Afghan asylum seeker named Khodayar Amini self-immolated in Australia during a video call with the organization Refugee Right Action. The night before his self-immolation, Amini sent a message to RRA in which he expressed the hope that his story would push people to “stand up for the rights of refugees and stop people being killed just because they have become refugees.” But importantly, he did not understand his self-immolation as only or primarily a call for attention to refugee rights. It was also explicitly an attempt to make state violence against refugees visible. Before setting himself alight, Amini repeatedly told RRA staff that the uncertainty of his legal status was “killing him.” He implicated immigration authorities in his death, saying that they “treated [him] in the most cruel and inhumane way, they violated [his] basic human right and took away [his]

⁴⁶³ I have, however, frequently encountered the inverse argument – that self-immolators and other self-killing actors are *merely* suicidal and therefore apolitical. See, for examples: Adam Lankford, "Could Suicide Terrorists Actually be Suicidal?" *Studies in Conflict & Terrorism* 34, no. 4 (2011): 337-366.; Adam Lankford, *The Myth of Martyrdom: What really Drives Suicide Bombers, Rampage Shooters, and Other Self-Destructive Killers*. (New York: Palgrave Macmillan, 2013); David Lester, "Suicidal Protests: Self-Immolation, Hunger Strikes, Or Suicide Bombing." *Behavioral and Brain Sciences* 37, no. 4 (2014).

human dignity.” He further implied that Australian immigration policy had, effectively, executed him: “My crime,” he told RRA staff, “was that I was a refugee.”

Through these statements, Amini made clear that his self-immolation was meant to manifest or embody the violence of the state. The violence of his uncertain legal status, which he argued was “killing him,” could not be seen. This kind of administrative violence leaves no scars: the pain he felt could not be displayed through his body. By self-immolating before an audience, Amini demanded that the “cruel and inhumane” treatment he had experienced be seen. Even more specifically, he named three of his friends and fellow asylum-seekers whose deaths he attributed to the migration system, and whose deaths had been rendered invisible: Nasim Najafi, Reza Rezayee and Ahmad Ali Jaffari. Najafi and Jaffari both died in Australian detention centers after center staff were slow or unwilling to respond to their chest pains. While Reza Rezayee’s death was apparently not reported by Australian authorities, RRA staff reported that he died after jumping in front of a train three months before Amini self-immolated.⁴⁶⁴

While Amini’s self-immolation was unusual in some respects, his case helps identify the features that will be key for analyzing migrant self-immolations, especially as they intervene in the politics of visibility I described above. Amini’s self-immolation highlighted the intentionality of staging that characterizes these acts. At the time of his

⁴⁶⁴ Eleftheriou-Smith, Loulla-Mae. “Asylum seeker Khodayak Amini feared dead in Australia after ‘setting himself alight’ during video call.” *Independent*. October 19, 2015.

self-immolation, Amini was in hiding, fearful that the state would deny him papers or deport him without warning or an appeal process. A burnt body (which is assumed to be Amini's) was later recovered from bushland in Dandenong by police responding to reports of a grassfire. Despite the fact that he was seeking invisibility in hiding from migration authorities, he staged his self-immolation in a way that maximized his potential for visibility. Thus, his self-immolation was not only an act of spectacle but a deliberation act of revelation – of making seen what has been hidden from the sovereign gaze. Amini intentionally broadcast his self-immolation, producing a kind of public spectacle. And in doing so, he deliberately invoked two kinds of audience-communities. First, he summoned the memory of the unseen refugee dead by naming his friends who he explicitly deemed invisible victims of the migration system's violence. Second, he quite literally summoned an audience of sympathetic observers by placing his video call to RRA. These refugee rights advocates were called as witnesses in the most literal sense. Amini situated his burning body at the nexus of these communities, offering sympathetic audiences a unified image of migrant suffering that was explicitly meant to embody the violence that the state hides away. Combining this image with his statements of blame – that the state was “killing him” – Amini used his self-immolation to register not only a condemnation but a demand through his body: a demand that the audience see and reckon with sovereign violence and its dead. With this case in mind, I turn now to the broader universe of migrant self-immolation cases.

Reading the Bodies of Migrant Self-Immolation

I argued above that one can read the “staging” of a self-immolation to understand the specific audiences and grievances that self-immolators address. This is true across all kinds of self-immolations: although self-immolations worldwide occur in public spaces (like city streets), some are staged to address specific political institutions and authorities. Perhaps the most famous example of this kind of staging was Norman Morrison’s 1965 self-immolation outside the Pentagon. This choice of location clearly “addressed” his death to Secretary of Defense Robert McNamara. Migrant self-immolators have also used staging to “address” their actions, through self-immolating outside the offices international refugee-management organizations and state apparatuses that process migrants’ paperwork and assistance. While the latter locations aim their critiques at state institutions that foreclose or defer migrants’ full participation in social and political life, the protests addressed directly to international institutions level a much broader charge: a charge against the system of international politics that continually creates migrants but fails to provide for their survival. Based on these patterns of staging, I identify two “clusters” of recent migrant self-immolations that are worth identifying as sets: the first was a series of self-immolation in Australia and the small Pacific Island nations which Australia contracts to detain migrants, specifically on Nauru. These protests extended to mainland Australia as well, with self-immolations outside the Department of Immigration and Border Protection office in Sydney and a Commonwealth Bank outside of Melbourne. I describe this series of self-immolations in more detail below.

The second cluster includes recent self-immolations in different countries and involving migrants from different states which were addressed to the United Nations

High Commission on Refugees.⁴⁶⁵ The UNHCR is the most visible symbol of this system: an agency ostensibly entrusted with the care of asylum-seekers but without the power or prerogative to interfere in the sovereign state system. Indeed, as I will discuss below, migrant-serving organizations on the ground frequently identify the UNHCR and its partners as key cogs in the broader systemic problem. The functional mandate of the UNHCR is to end the “refugee problem” – without impeding state sovereignty. While helping the stateless achieve new state memberships is certainly one way to “solve” refugees, it is not the method most sovereign states appear to prefer. This leaves the UNHCR to address the “refugee problem” in other ways, including by restricting the movement of people across borders. In this respect, migrants come to perceive the UNHCR as the international policing force of the sovereign state system, rather than as an ally or protector. For example, self-immolation has been part of the multi-faceted protests undertaken by refugees detained in Libya, including at least one young man fleeing from Somalia in July of 2019. Multiple Ethiopian asylum seekers, particularly from the Oromo ethnic group, self-immolated outside the UNHCR offices in Egypt in

⁴⁶⁵ Other United Nations offices have “hosted” self-immolations as well. The United Nations complex has a longer history as a site for self-immolations. In 2009, a 26-year-old Tamil immigrant from Sri Lanka, Murugathasan Varnakulasingham, self-immolated outside the United Nations complex to bring attention to the Sri Lankan government’s most recent offensive against the Liberation Tigers of Tamil Eelam (LTTE) and its extremely high costs of civilian life. He brought a note in English and Tamil with him to the UN complex, which explained that Tamils had “asked for help before [the] international community in your own language for three decades. But nothing has happened...So I decided to sacrifice my life...The Flames over my body will be a torch to guide you through the liberation path.” Jones, Sam. “Tamil killed himself ‘to guide others to liberation.’ *The Guardian*. February 18, 2009.

2016 after camping outside the office for several months. In 2019, a Syrian Kurdish man self-immolated outside the agency's headquarters in Geneva. When a Syrian refugee self-immolated in Lebanon's Beqaa Governorate in April of 2020, fellow refugees argued that he was responding specifically to the failure of UNHCR aid. It is with these cases that I will begin.

Violence & International Responsibility

In July of 2019, a Somali man (whose name was not publicly released) in Triq al-Sikka Detention Centre in Tripoli doused himself in petrol and set himself on fire when he and his wife were omitted from the UN's list of refugees to be evacuated after two years of journeying and waiting.⁴⁶⁶ UNHCR staff insisted that the UN had no real affiliation with the detention center, which was a known site of human rights abuses and miserable conditions, including torture, sexual abuse, and intentional starvation. However, since 2015, the UNHCR and the UN's International Organization for Migration had been providing training and equipment to the Libyan coastguard – who are also backed by the European Union – in their efforts to prevent migrants from crossing the Mediterranean to reach Europe. While the UN insists that these trainings are designed to improve conditions for migrants, aid organizations working in Libya have consistently argued that the UN bears partial responsibility for the miserable conditions in detention

⁴⁶⁶ Jawad, Rana. "Migrant crisis: Self-immolation exposes UN failures in Libya." *BBC News*. July 31, 2019

centers since they provide operation and material support to the centers.⁴⁶⁷ The timing of this self-immolation certainly suggests that the self-immolator himself placed responsibility with the UN: he appears to have planned his self-immolation to coincide with a UN visit to the site, which took place the same day.

Indeed, this self-immolation seems to be part of a larger effort from the migrants detained in the Libyan detention centers to demand recourse – if not justice – from the UN. For example, photographs from a protest at the Zintan detention center in July 2019 show detainees with signs that read “FROM UNHCR WE NEED ACTION ON THE FEELD NOT WORD ON TEXT” and “WHY UNHCR HUGE NEGLIGENCE OVER ZINTAN REFUGEES.” The protesters were photographed with their hands held crossed above their heads, as though bound and shackled by the UN’s inaction.⁴⁶⁸ Importantly, the protestors do not appear to be interested in addressing the Libyan government: the UNHCR, and only the UNHCR, is the addressee of their protest. In part, this addressing likely reflects the protestors’ impression that Libyan government has nothing to offer them. But I argue that it also reflects a more complicated belief that as migrants, they are

⁴⁶⁷ Indeed, those working on the ground in migrant-sending countries have been intensely critical of the relationship between ostensibly humanitarian organizations and sovereign power, arguing that these organizations seem more concerned with preventing border crossing than with the plight of migrants that may impel them to cross. As one of Andersson’s interviewees – a Red Cross representative himself – bluntly described it “The Red Cross has become the jailer.”

⁴⁶⁸ This positioning seems to be another tactic used across refugee contexts. For example, photographs of children protesting their detention and mistreatment on Nauru show them in an identical pose.

the responsibility of the UN, and not of Libya. Indeed, they are only subject to the Libyan government insofar as the UN fails to adjudicate their refugee claims.

In October of the same year, a Syrian Kurdish man self-immolated outside the UNHCR headquarters in Geneva, which is located across the street from a collective shelter which houses asylum-seekers. After setting himself alight, the man attempted to enter the UNHCR building. The man who undertook the self-immolation was identified as a “resident in Germany,” but his legal status was never announced. In fact, I have not been able to determine whether he survived after he was flown to a specialized burns unit in Lausanne. A witness describing the huge flames that engulfed the man commented “I doubt he could survive that.”⁴⁶⁹ Local residents testified that they heard prolonged screams and “cries of distress.” In fact, first responders extinguished the flames within minutes, but the lapse in witness memories shows the effects of self-immolation’s spectacular impact – it is not uncommon for recollections of self-immolations to seem “bigger” than the event itself. For example, witness accounts in Tibet describe seeing self-immolators’ organs spilling out of their bodies, or the bodies themselves practically exploding. Later images have showed that these descriptions exceed the actual damage to the body.⁴⁷⁰

⁴⁶⁹ Nebehay, Stephanie and Emma Farge. “Syrian Kurd sets himself on fire outside U.N. refugee agency: police.” *Reuters*. October 23, 2019.

⁴⁷⁰ See, for examples: International Campaign for Tibet. *Storm in the Grasslands: Self-Immolations in Tibet and Chinese Policy*, 2013: 163; International Campaign for Tibet,

A spokesman for the Geneva police made a curious statement in reference to the event, claiming that “it was impossible to ask him about his motive, but we imagine that it was the political situation.” His self-immolation took place about two weeks into a new Turkish offensive against Kurdish forces in northern Syria, which the United Nations estimated forced 176,000 Kurds to flee their homes in the weeks leading up to the immolation. Media sources reporting the self-immolation emphasized this timeline, implying that his act was a protest against the new Turkish offensive specifically, rather than addressed to the broader system which creates and manages refugees. While the Turkish offensive likely contributed to his decision to self-immolation this narrowly-focused reading ignores the specificity of his site choice: outside – and even attempting to enter into – the UNHCR headquarters.

In April of 2020, another migrant self-immolation was addressed to the UNHCR: Syrian refugee Bassam Al-Hallaq self-immolated in Lebanon, with the video of his self-immolation circulating widely on online in the following days.⁴⁷¹ The details of Al-Hallaq’s case are muddled. As I described above, reliable information on these cases is hard to come by. Some Saudi-based news sources, however, ran an interview with Al-Hallaq’s son, Haitham. Haitham reported that their joint family had been denied aid “because [they] did not live in a tent” in a refugee camp, but instead shared a rented

"Harrowing Images and Last Message from Tibet of First Lama to Self-Immolate", February 1, 2012

⁴⁷¹ Abumaria, Dima. “Self-immolation Shows Despair of Refugees in Lebanon.” *The Media Line*. April 6, 2020

home. Haitham insisted that what drove his father to self-immolate was not poverty (as some sources had reported) but “dignity” and “honor of the soul,” which made him unwilling to voluntarily move into a refugee camp in order to receive aid.⁴⁷² To make sense of this self-immolation, we must take seriously the spatial politics of the refugee camp, and the connection between “honor of the soul” and the refusal of the camp. The refugee camp is a strong reiteration of the principles of sovereignty; the capacity to control and mobilize (or demobilize) bodies deemed to be transgressive, deviant, or unwanted. Linking basic humanitarian aid to the residence within the refugee camp is, therefore, a particularly refined act of biosovereignty: the sovereign will make you live, so long as you submit exist within the space that is defined by sovereign violence.⁴⁷³ The doubly-transgressive migrant (i.e., the migrant who has first crossed the borders of the state, and second the borders of the camp) refuses to submit the sovereign authority in both crossings. As a result, they incur that particularly biopolitical form of sovereign

⁴⁷² “Bassam, who was burned with ‘the honor of himself’ *Saudi 24 News*. April 6, 2020. It is unclear whether UN policy explicitly required refugees to live in the camps to access aid, but the policy is less important in this case than the Al-Hallaq family’s *belief* in the policy.

⁴⁷³ This logic is similar to the logic marshalled by the French state in granting visas only to migrants with severe physical illnesses: the body must submit to a particular kind of *care* in order to be legitimized. Ticktin argues that this politics of care is actually a form of *antipolitics*. She argues that “these regimes of care ultimately work to displace possibilities for larger forms of collective change, particularly for those most disenfranchised.” In other words, the choice to accept this care is not freely made – it is a coerced choice on two levels: first, this kind of care is presented as the only alternative among other options which involve exposure to various modes of violence. Thus, the implicit (and sometimes explicit) choice is between care and violence. Secondly, accepting this care requires accepting depoliticization and being stripped of political subjectivity. Ticktin, *Casualties of Care*, 20.

violence: death by exposure. It seems that Al-Hallaq had arrived at precisely this point, “sinking deeper into debt for rent and groceries.” As such, the sovereign state system appeared to present him with two impossible options: submit to the sovereign zone of the refugee camp or submit to be killed by sovereign prerogative. Both of these options are contingent upon submission to violence; both options represent forms of bare life. It is the political impossibility of these options which, I think, are represented by labeling Al-Hallaq’s self-immolation as an act of “dignity” or “honor of the soul.”⁴⁷⁴ Submission to either option required submitting to being a body disallowed political action – a body utterly subject to sovereign will. Self-immolation presents a third option, an option which chooses defiance over submission and which maintains the political potential of the body by explicitly indicting the international system of refugee management. Fellow refugees analyzed his death along these lines: they reported that Al-Hallaq was overwhelmed by debt which seemed insurmountable given the lack of opportunities available to refugees in Lebanon, but they nevertheless refused to deem his death as a personal suicide motivated by his private financial problems. Instead, they connected his death directly to the policies of the UNHCR, which provides insufficient aid to Syrian refugees in Lebanon. The combined pressures of the Lebanese financial crisis and the COVID-19 pandemic exacerbated refugees’ reliance on the UNHCR aid system, since resources are

⁴⁷⁴ Dignity and honor are both slippery political concepts, with contested definitions. However, adjudicating the precise definitions of these terms is unimportant for my purposes, particularly because these terms are offered in translation and I have not been able to find the original language. Instead, I rely on the (admittedly vague) common usages: that dignity and honor are desirable signs of strength (internal or external), and that they play some role in constituting both individual and collective humanity.

short and work in the sectors available to refugees has been disrupted or shut down by the pandemic. Thus, they argued, Al-Hallaq's death was not the outcome of despair, but rather a response to the UNHCR's failure to uphold their responsibilities to the Syrian refugees living in Lebanon. In other words, Al-Hallaq's self-immolation explicitly targeted the most violent biopolitical elements of sovereignty through its address to the UNHCR. His death was a refusal of both biopolitical and sovereign violence – a refusal to choose between two modes of bare life.

Perhaps the paradigmatic self-immolation of this cluster, however, took place several years earlier. In 2016, at least two Oromo migrants fleeing Ethiopia through Egypt self-immolated after months of camping outside the offices to protest the long wait times for refugee status determination (RSD) interviews.⁴⁷⁵ Of the forty Oromo asylum seekers who had been camping outside the Egyptian UNHCR offices, thirty-three agreed to self-immolate if they were denied refugee status. While most self-immolations are

⁴⁷⁵ I say “at least two” because I have only found news coverage documenting the joint self-immolation of two individuals. I have not been able to find any news coverage, including of the broader protest, after this date. However, given the large number of asylum seekers who had initially agreed to self-immolate, it is very possible that more self-immolations followed and simply were not covered by the media. It is worth noting that there is some recent political history of self-immolation in Ethiopia: In November of 2011, a man named Yenesew Gebre self-immolated after being ejected from a public meeting where he voiced dissent. Fellow protestors reported that before dousing himself in petrol and igniting, Gebre announced: “I want to show to all that death is preferable than a life without justice and liberty and I call upon my fellow compatriots to fear nothing and rise up to wrench their freedom and rights from the hands of the local and national tyrants.” State-backed media quickly responded that Gebre was unstable and that his death was a personal suicide, not a political act. As I have mentioned above, this is a typical state response to self-immolations. See: Berhane, Daniel. “Ethiopian ‘first’ self-immolation or mere suicide?” *Horn Affairs*. November 24, 2011.

undertaken by solitary actors, this group worked together, pooling their money to buy a container of gas to use as accelerant.⁴⁷⁶

As with the self-immolation of Al-Hallaq in Lebanon, the spatialization of sovereignty and resistance is key to analyzing this act: the 40 Oromos camped outside the UNHCR offices were the remnants of a protest nearly 300-strong. After two weeks of negotiations between UNHCR staff and Oromo community leaders led to an agreement most of the protesters dispersed, but those who remained redoubled their efforts. As one of the protestors who remained explained: “The Oromo community leaders told us to go home. But where should we go? We don’t have a home, we don’t have anywhere to go... We told the community leaders many times we don’t have a house and that we have security problems.”⁴⁷⁷ Squatting outside the UNHCR building and self-immolating at the site are related forms of a claim to space; a kind of occupation. RSD decisions for Oromos in Egypt took over a year, creating an intensely precarious situation: the asylum seekers had presented themselves before the sovereign state system, but for as long as 28 months at a time their status remained – quite literally – undetermined.

The decision to “occupy” the grounds of the UNHCR building allows these indeterminate subjects to make three parallel claims: first, they make a claim to

⁴⁷⁶ Some other self-immolations do involve organized groups, as in cases when Buddhist monastic groups organize to support a self-immolator and protect their burning body from police intervention.

⁴⁷⁷ “Oromo: Several Self-Immolations in Front of UNHCR Office in Egypt.” (September 20, 2016) via Unrepresented Nations and Peoples Organization

dispossession. The protestors embody their claim that they “don’t have a home” by squatting in public view. They insist on openly displaying their precarity, “going public” with the violence they are usually compelled to bear in silence. Second, this occupation sets the stage for self-immolation. Self-immolation is a powerful tool for precarious subjects precisely because it leverages this public quality. While different locations signal different audiences and different grievances, self-immolators do not need access to any particular space in order to make an impact. For example, self-immolations in Tibet have been staged on public streets, in the yards of monasteries, and outside of police stations and government buildings. The addressee of these acts is, given the political context, self-evident. But I think there is something more specific at work in the selection of these public sites: by enacting their political protests in public space, self-immolators reject a narrow vision of the “space of politics.” The spectacle of self-immolation implicitly argues that it is possible to undertake political action anywhere the body can go.

Thirdly, the staging of these self-immolations makes a claim of entitlement: that the Oromos belong to the international community represented by the UNHCR, and that the community likewise belongs to them. Choosing to die at the UN’s doorstep is a profound refusal to be removed. It is a complicated claim to membership: a refusal to allow the first claim of dispossession to overwhelm the claim of entitlement. It is also a claim that actively works against the state of indeterminacy, implying that despite their lack of formal status (and the high likelihood, in fact, that they will be denied refugee status) the Oromos asylum seekers still have a claim on the UNHCR. Effectively, they are refusing to cede the power of determination – of subjectification – the UNHCR.

I read these claims through the aspect of political self-destruction K.M. Fierke describes as “acting as if.” As Fierke explains it, ““Acting as if” one is free can be understood as a performance that contributes to the construction of a new set of rules and practices, capable of imitation by large numbers.”⁴⁷⁸ In other words, in taking their own lives these asylum seekers are able to *act as if* their claim to UN resource, protection, and status has been validated. The asylum seekers who self-immolate end the process of waiting for a status determination, and in fact refuse the idea that they need a status determination in order to have a claim on the international community in general and on refugee status in particular. Enacting this claim through self-immolation makes the performance – the act – a kind of reality. It not only rejects the UN’s rules of refugee status determination but creates new “rules and practices” in their stead.

These self-immolations also affect the asylum seeker’s ability to compel the UNHCR to *wait*, reversing (however briefly) the dynamic in which asylum seekers wait years for a status determination. Following the two self-immolations outside the UNHCR in Egypt, the offices were closed for three days, with an additional week-long suspension in the review of RSD decisions for Ethiopian asylum seekers. From an instrumental perspective, further delaying the RSD process may seem contrary to the asylum seekers’ goals: if they are protesting long wait times for RSD interviews, closing down the UNHCR’s offices could be self-defeating. But I think it is important to resist the urge to

⁴⁷⁸ K. M. Fierke, *Political Self-Sacrifice: Agency, Body and Emotion in International Relations*. (Cambridge, UK: Cambridge University Press, 2013): 227

reduce self-immolation to these instrumental goals. Instead, we must think more carefully about what it means to wait for an RSD interview: to be indeterminate, to be subject entirely to the international system of sovereign states not only for the basic necessities of survival (the UNHCR regional representative in Egypt at the time of these self-immolations reported that only 15-35% of refugees and asylum seekers in Egypt received financial assistance, and even those who did receive aid received a level “inadequate to sustain a basic standard of living”) but also for a *status determination*. This waiting period entails waiting for the international system to grant subjecthood. It frames this system as the sole authority that can render the asylum seeker as a subject entitled to rights and obligations from the international community. The implication of this relation is that the asylum seeker has no agency to affect the sovereign. Even when an asylum seeker gains an audience with the UNHCR in the form of a RSD interview, their scope of agency is constrained: their individual claims do not stand alone but are subject to the UNHCR’s pre-approved “country of origin information.” In this scenario, the UNHCR does not only control the asylum seeker’s status, but also the production of knowledge *about* the asylum seeker. The international system speaks with the only authority; the asylum seeker is denied the capacity to contribute to the economy of knowledge about the very political situation that impelled them to migrate. Miriam Ticktin’s ethnographic work observing a Refugee Appeals Board located outside of Paris aptly illustrates this process at work, with judges asking asylum-seekers to produce medical certificates to substantiate their claims of torture and to recite detailed records of the names and locations of centers where they had been detained that could be crosschecked against

state records. Her informant frankly informed her that he – and all the other judges on the panel – denied refugee status to applicants based on their personal impressions of the politics and histories of the countries the applicants had fled. Decisions were based on the judges’ feelings (which are considered more authoritative than the asylum seekers’ narratives), and the awareness that, as Ticktin described it, “[o]nce decisions are made, they can always be supported by the law after the fact.”⁴⁷⁹ Denying the authority of the asylum seeker is yet another mode of denying their political subjectivity. The opinions and feelings of these administrators become knowledge; they are transfigured into facts. At the same time, the lives, experiences, and needs of asylum-seekers are effaced as meaningless and insubstantial. The RSD process is, therefore, fundamentally based on denying the asylum seeker’s capacity to know and to speak. As a result, the process of state authorization becomes a process of denying migrants’ political subjectivity. Affecting the operations of the UNHCR office – even by halting them – therefore disrupts the relationship whereby the international state system controls access to subjecthood, and within which the asylum seeker can appear as an agent only insofar as they are able to conform to the system’s pre-existing knowledge. Halting these processes through self-immolation is therefore an intentional disruption of the system that manages and creates migrants. It is a claim, through death, of agency and authority.

To understand how this intervention works, a comparison to the negotiations between the UNHCR and Oromo community leaders is instructive: although prompted by

⁴⁷⁹ Ticktin, *Casualties of Care*, 136

embodied protests outside the UNHCR offices, these negotiations did not rely on a politics of the body. Instead, they took a more conventional form: “two weeks of intensive discussions.” These discussions were held between two parties considered authorities: the UNHCR staff and Oromo community leaders.⁴⁸⁰ One might think of these discussions as a kind of top-down politics. This brand of politics assumes a kind of functional equality between the parties involved, even though that equal footing is conspicuously absent in this case. As I described in the Introduction, the most marginalized and Othered members of a polity are generally denied the capacity to negotiate: they are assumed to lack traits (like reason, agency, and the capacity of articulation) that are required to be an equal party in discussion. This tendency creates a paradox in a case, like this one, when members of this group are called upon to negotiate: what does it mean to negotiate when one’s capacity to speak has already been denied? Certainly, this case suggests that these negotiations will not satisfy the needs of the group which has been preemptively deemed silent.

Indeed, the Oromos who refused to disperse after the negotiations seem to be pointedly aware of this conflict. Given that the negotiations failed to address their material concerns – and given the power asymmetry between the Oromos and the UNHCR officers – they were not convinced that the agreements reached could or would

⁴⁸⁰ Of course, the power and authority of these Oromo community leaders is significantly undercut by their asylum seeker status, as I explain below. But nevertheless, the UNHCR appears to have identified certain members of the 300-person protest as leaders who, by virtue of that status, were worthy parties for negotiation.

address their needs. Unsurprisingly, many of the asylum seekers who refused to disperse pointed out that they still had nowhere else to go: the negotiations had not done anything to change this reality. Dispersing was a dangerous proposition. Squatting outside the UNHCR did not only draw attention to the migrants' lack of security: it provided them some amount of physical protection. Although they had been subject to violence from Egyptian neighbors and smugglers when they moved through Cairo, they were able to invoke the protection (however provisional) of the UN by simply occupying their grounds. The Oromo protestors who continued to squat at the UNHCR site reiterated that they had "security problems" when moving through Cairo, and that the Egyptian state was not responsive to these concerns. Being in the same space as the UN offered a provisional solution by enabling them to be *de facto* claimants of the UN's protection – a claim that the asylum seekers were unable to make on the Egyptian state despite their presence in the country. Positioning their bodies in this space, therefore, also modeled an approach to rights for the stateless that is fundamentally different from the mode currently in use: we are here, therefore we are protected. One might read this claim against the grain of the Australian government's practice of referring to migrants as "arrivals:" these protestors resist such a designation by constantly embodying the reality that they are simply and incontestably "here."

Although this claim is powerful, it is also partial. The Oromo protestors clearly struggled to translate that spatial claim – "we are here, therefore we are protected" – into a broader claim to live – "we are here, therefore we will make lives here." As squatters in public space, without consistent access to basic necessities like food, shelter, and

healthcare, their protest allowed them to embody an incomplete version of life that was explicitly unsustainable. The protestors could not use their bodies to enact, and thereby claim, a full and sustainable life. They could only embody the uncertainty to which their lives were subject. From this perspective, their collective decision to self-immolate becomes clearer: while they could not make an embodied claim on the right to live, they could make an embodied claim on the right to die. This claim exemplifies the quality that Banu Bargu identified with necroresistance: “turn[ing] biopolitics against itself.”⁴⁸¹ The UN’s control over – and failure to supply – basic necessities is a form of biopolitical control. Asylum seekers are subject to the UNHCR in part because they are likely dependent upon the organization’s will to survive. But as the case of al-Hallaq in Lebanon showed, access to these necessities is conditional: it requires submitting to the UNHCR’s dictates and procedures, and ultimately recognizing their right to determine. The decision to die – or more specifically, to determine one’s own death – is a reversal of these biopolitical demands. More specifically, they could claim the right to die *at* the United Nations High Commission for Refugees. These deaths further extend the claim of belonging and membership that the protestors addressed to the UNHCR. Dying on the grounds of the UNHCR circumvents the RSD process by making these deaths belong to the UNHCR. It makes irrefutable the claim that the UNHCR is responsible for these bodies. Even if their responsibility is only to have the bodies removed, the UNHCR must respond – directly, immediately – when confronted with these self-immolations. In self-

⁴⁸¹ Bargu, *Starve and Immolate*, 69

immolating, therefore, the protestors claim a relationship with the UNHCR (as the arbiter of rights and material support for refugees) that defies the delays, bureaucracies, and rejections of the refugee status determination process. Simultaneously, however, they also make a claim to refugee status that transcends the UNHCR's authority: self-immolation offers these migrants a way to insist on their status without the mediation of the sovereign state system.

Operation Sovereign Borders: Migrant Self-Immolation in Australia

Since at least 2000, Australia and its migrant detention centers have been the site of multiple successive self-immolations.⁴⁸² Inconsistent record keeping and the

⁴⁸² Australia's migrant detention centers, especially those housed on Pacific islands under the jurisdiction of other states through Australia's offshore processing policy, have been the subject of intense criticism from human rights organizations. Migrants held in these detention centers have faced miserable living conditions, physical violence from staff and locals, sexual assault, and medical neglect. One of these detention centers, which I discuss at length below, is housed on the island of Nauru – an eight square mile piece of land which is mostly uncultivable. Australia has been detaining migrant detainees on Nauru since 2012, spending over \$300 million a year to do so. In 2016, Human Rights Watch and Amnesty International issued a joint report detailing serious abuses at Nauru and arguing that the failure to address well-known abuses “appears to be a deliberate policy to deter further asylum seekers from arriving in the country by boat. Anna Neistat, the Amnesty International research director who oversaw the report, summarized their study of Australia as: “Few other countries go to such lengths to deliberately inflict suffering on people seeking safety and freedom.” Australia's Manus Island detention center, technically under the jurisdiction of Papua New Guinea, has been closed and reopened because of shifting numbers of potential detainees and question about the camps legality. Australia also maintains some detention centers which, while technically on Australian, are nevertheless housed in remote areas like Christmas Island – a facility that was also closed following abuses and violent protests, and then reopened. See, for further discussion of Nauru in particular, Human Rights Watch, “Australia: Appalling Abuse, Neglect of Refugees on Nauru – Investigation on Remote Pacific Island Finds Deliberate Abuse Hidden Behind Wall of Secrecy” (August 2, 2016)

inaccessibility of the detention centers (as well state's active suppression relevant information, which I discuss in detail below) make it impossible to know exactly how many of these self-immolations took place.⁴⁸³ Public scrutiny is rigorously kept away from the offshore detention centers in particular, making it almost impossible to access reliable information about these events.⁴⁸⁴ Despite the scarcity of available detail, we can reconstruct a very bare overview of these cases: the first of these self-immolations (or at least the first that is well-recorded) took place in 2001, when a Pakistani man named Shahraz Kayani self-immolated outside Parliament House in Canberra. Kayani had a protection visa which allowed him residence in Australia, but his wife and children had been denied visas. His young daughter had cerebral palsy, so the state determined that granting her a visa might lead to care-related expenses they would rather avoid. After six years of appeals and challenges to the ruling, Kayani set himself alight and died, several weeks later, from his burns. His death drew the attention of disability advocates in addition to migrants' rights groups, since it exposed the way the Australian government considered disabled bodies to be a financial burden on the state that was not worth bearing. In 2014, two Tamil asylum seekers in Australia self-immolated. In the case of at least one of these self-immolators, Leo Seemanpillai, the Australian Immigration

⁴⁸³ Interestingly, in March of 2021 China submitted a statement to the United Nations Human Rights Council alleging human rights abuses in Australia's "third country" detention centers and urging that the detention centers be closed.

⁴⁸⁴ Doherty, Ben & Helen Davidson. "Self-immolation: desperate protests against Australia's detention regime. *The Guardian*. May 3, 2016. The Guardian described the situation as follows: "The entire nation of Nauru is essentially off-limits to foreign journalists. But information has leaked out, detailing a litany of abuses, sexual assaults, and deprivations in Australia's island camps."

Minister offered to send his body to Sri Lanka or India – but would not grant the family visas for a funeral in Australia, arguing that they were likely to overstay their visas.⁴⁸⁵ His corpse became the center of a debate over what the state owes to the disavowed dead: did Seemanpillai’s liminal status negate his right to be mourned? How far do the state’s obligations to the dead extend – do they extend across borders? But beneath these questions lay a more material issue: the state’s desire to remove this body from Australian soil and thereby preempt any claims of belonging that might be made on or through the body.⁴⁸⁶

The case of Khodayak Amini, which I described above, is also part of this set. To briefly revisit his case: Amini, a Hazara Afghani asylum seeker, self-immolated on camera in 2015 during a video call with refugee advocates. Three of Amini’s friends had died from causes related to the migration system. His death coincided with Australia’s decision to resume deporting Hazaras back to Afghanistan at a time when violence against the minority group was escalating. In 2016, a Rohingya asylum seeker from

⁴⁸⁵ For example, his brother Ezekeil Seemanpillai received a letter from the Immigration Department which stated: “You have stated that your purpose in visiting Australia is to attend your brother’s funeral...I do not doubt the sincerity of your desire to pay your last respects to your late brother, however, I consider that the assessment above – that you do not genuinely intend temporary stay in Australia [because of his poor financial situation and a previous visa breach in India] – outweighs this consideration.” Kirk, Alexandra. “Leo Seemanpillai death: Family of dead asylum seeker denied visa to attend his funeral.” *ABC News*. June 16, 2014

⁴⁸⁶ I will address the relationship between burial and membership at more length in the following chapter. For further discussion, see: Verdery, Katherine. *The Political Lives of Death Bodies: Reburial and Postsocialist Change*. (New York: Columbia University Press, 1999)

Myanmar named Noor Islam self-immolated inside a Commonwealth Bank in Springvale. Islam had reached Australia by sea at the age of 17 and spent time in a detention center before he was granted a bridging visa which did not allow him to work. This situation left him desperate for money to support himself and to send back to his family in Myanmar, but his government payments appeared to have been halted or delayed. In an unusual case, although Islam only doused his own body in petrol, the flames spread and started a major fire at the bank in which six people were seriously burned.⁴⁸⁷ Members of the Rohingya community of asylum seekers in Australia were consumed with fear that his act would be seen as deliberate violence, issuing apologies to the bank and staff members and trying hard to distance the community from Noor and his actions, which right-wing opponents of refugee resettlement attempted to brand as “terrorism.”

While migrant self-immolations in Australia had been relatively sparse until this point, 2016 was the beginning of a major wave of migration-related self-immolations addressed to the Australian state. In April of 2016, an Iranian asylum seeker eventually identified as Omid Masoumali self-immolated. Masoumali had been detained on the eight-square-mile Pacific island nation of Nauru for three years, where Australia warehouses many asylum-seekers who are detained at sea. Although he had been legally recognized as a refugee, he had not been released from detention. Masoumali appears to

⁴⁸⁷ Wahlquist, Calla. “Bank attack should not be used as a political weapon, says Daniel Andrews.” *The Guardian*. November 20, 2016.

have planned his self-immolation to coincide with a visit from UNHCR representatives, making this case a member of both sets that I have described above. Cellphone footage shows him drenched in petrol and standing alone, with UNHCR staff uniforms clearly visible in the background.⁴⁸⁸ Before igniting, he declared to witnesses: “This is how tired we are. This action will prove how exhausted we are.”⁴⁸⁹ His description of refugees as “exhausted” is a clear identification with the kinds of quiet, difficult to represent pain I described above. Exhaustion is a slow, grinding pain – a wearing down without immediately visible cause. Masoumali was explicitly responding to this problem of visibility when he declared that his death – brutal and spectacular – would “prove how exhausted we are.”

Weeks later, a second refugee on Nauru self-immolated: Somali refugee Hodan Yasin, who had found reprieve from Nauru for several months after a motorcycle injury necessitated treatment on mainland Australia. Yasin was returned to Nauru less than a

⁴⁸⁸ Doherty & Davidson, “Self-immolation.” For its part, the UNHCR has condemned Australia’s detention centers and their “border patrol” system as inhumane and unlawful on a number of occasions, including in the aftermath of the Spring 2016 self-immolations at Nauru.

⁴⁸⁹ Ramzy, Austin. “Refugee Held on Nauru Dies After Self-Immolation to Protest Australian Policy.” *New York Times*. April 29, 2016. His death also highlighted the problems with the island detention centers, as the hospital on Nauru lacked the capacity to treat his burns. Omid was eventually airlifted to Brisbane for treatment, but finally died from his injuries. His lengthy suffering – and the failure of officials on Nauru to provide adequate treatment – was extensively documented in cellphone footage. The doctor who treated Masoumali when he arrived in Brisbane testified that he would have had a 90-95% chance of survival if he had been airlifted to mainland Australia immediately. See: Zhou, Naaman. “Partner of refugee who set himself on fire on Nauru sues Australian government.” *The Guardian*. April 27, 2019.

week before she self-immolated. In between Masoumali and Yasin’s self-immolations on Nauru, at least six other detainees attempted suicide through other methods. In fact, investigations into Australia’s migrant detention centers have found a horrifyingly high rate of suicide and self-harm attempts.⁴⁹⁰ Sources on the island reported that self-hanging attempts were so frequent on Nauru that guards in the detention centers are issued special hooked knives to cut people down.⁴⁹¹ These protest suicides do garner intermittent public attention, but the level of response is not proportionate to the high levels of prevalence.⁴⁹²

In 2017, a case manager for Connect Settlement Services, a case management organization working with asylum seekers at the detention center, leaked a report regarding conditions on Nauru. The report provided information which is generally censored and withheld under Australia’s Border Force Act. Under the Border Force Act, workers in the offshore detention centers can be imprisoned for two years for disclosing

⁴⁹⁰ Self-harm and suicide attempts have a long history in the Australian detention centers, in addition to occurring at very high rates. For example, a 2004 inquiry into the detention of children in migrant detention centers authored by the Human Rights and Equal Opportunity Commission quoted a 2003 study which found that all children interviewed described “having witnessed detainees who had slashed their wrists, jumped from buildings, resulting in broken legs, and detainees attempting to strangle or hang themselves with electric cords. At times, children witnessed their parents’ suicide attempts...A number also witnessed their friends and siblings harm themselves.” See: Human Rights and Equal Opportunity Commission [HREOC]. “A last resort?: National Inquiry into Children in Immigration Detention.” April 2004.

⁴⁹¹ Doherty & Davidson, “Self-immolation”

⁴⁹² While some of these methods of self-harm and self-killing may not be immediately legible as protests, others are very clear in their methods. For example, at the Woomera detention center several detainees, including seven children, sewed their lips shut in January 2002. One of the children involved also slashed the word “freedom” down his arm with a razor blade. HREOC, “A last resort,” 306.

information about center conditions, making meaningful public scrutiny almost impossible.⁴⁹³ The report described as many as fifty threatened or attempted self-immolations on Nauru in the aftermath of Masoumali and Yasin’s deaths, including a pregnant woman and a woman who had been sexually assaulted by a staff member.⁴⁹⁴ In at least one case, a woman attempted to seal herself inside a building that she had set alight, in a kind of combination of self-immolation and self-interment.

In 2017, migrant self-immolation returned to mainland Australia once again, this time targeting the Sydney offices of the Department of Immigration and Border Protection. A protestor outside the building doused himself in kerosene and set himself alight. In a statement, the police department reported that they were “ready with a fire extinguisher,” noting that “threats of self-immolation in protest against Australia’s immigration policies are somewhat common.”⁴⁹⁵ In fact, officials from the Department noted that self-immolation threats were a regularly occurring part of their work, and that their offices are placed on lockdown several times a year as a result. This peculiar sense

⁴⁹³ This particular case worker, Sandra Bartlett, made her report a submission to a Senate inquiry. Because submissions to Senate inquiries receive parliamentary privilege, Bartlett’s report was able to circumnavigate the Border Force Act’s disclosure provisions, which she argued created a “culture of secrecy, mistrust and uncertainty.” Davidson, Helen. “Nauru self-immolation led to ‘up to 50’ similar threats and attempts.” *The Guardian*. May 2, 2017.

⁴⁹⁴ Amnesty International and Human Rights Watch’s joint inquiry into Nauru found that sexual violence and harassment was extremely prevalent. The women interviewed explained that conditions on the island made it impossible for them to travel around the island, for fear of abuse.

⁴⁹⁵ Cave, Damien and Isabelle Kwai, “Man Sets Himself on Fire in Sydney, Protesting Immigration Policy.” *The New York Times*. July 28, 2017.

of resignation – the sense that self-immolations can be planned for but not entirely prevented – are a characteristic feature of self-immolation: because self-immolation takes place in public and uses fire as its primary tool, it is virtually impossible to eliminate. This combination of preparation and resignation is shared across sites where self-immolations are common. For example, in an almost comical attempt to prevent self-immolations, sections of the Chinese security forces in “sensitive security areas” in Tibet were armed with fire extinguishers,⁴⁹⁶ and Buddhist monks were recruited as “volunteer” fire brigades.⁴⁹⁷ The need to prepare for self-immolations reveals the frank reality that these acts cannot be preempted – only smothered after they begin. Once the possibility of self-immolation is introduced into a conflict, it remains a possibility as long as there are people willing to attempt it. The accounts I have described here illustrate that borders and international migrant processing systems enact modes of sovereign violence to which self-immolation posits a direct response, making future self-immolations almost inevitable.

Dying as/for Citizenship

In *The Politics of Being Mortal*, Alfred G. Killilea reflects on the relationship between death, humanity, and community. Examining the work of mourning, Killilea concludes that death plays a key role in making both individuals and communities what

⁴⁹⁶ Max Fisher, “The Creepiest Sight in China? Tiananmen Anti-Self-Immolator Firefighters.” *Washington Post*. November 8, 2012. <https://www.washingtonpost.com/news/worldviews/wp/2012/11/08/the-creepiest-sight-in-china-tiananmen-anti-self-immolator-firefighters/>.

⁴⁹⁷ Jonathan Kaiman, “China Sets Up Firefighters at Tibetan Monasteries,” *The Guardian*. November 20, 2012. <https://www.theguardian.com/world/2012/nov/20/tibet-monasteries-fire-fighters>.

they are. “[D]eath,” he writes, “powerfully affirms our identity and connection with others.”⁴⁹⁸ Acts of necroresistance like self-immolation take this idea seriously. Migrant self-immolators who leave behind statements or who explain their act to witnesses clearly express the belief that death is a site where both identity and community can be made manifest. Migrant self-immolators explicitly describe themselves as affirming a broader connection to the shared human community: the international community that should (but does not) protect refugees. In doing so, they also make strong claims to the identity of refugee that transcend the authority of the sovereign as it manifests in processes like the Refugee Status Determination process. Death becomes, on multiple levels, an act of self-determination.

This kind of self-determination offers one answer (albeit a partial one) to the primary political problem with which migrants are faced, which Hannah Arendt identified in *The Origins of Totalitarianism*: “Once they had left their homeland they remained homeless; once they had left their state they became stateless; once they had been deprived of their human rights they were rightless, the scum of the earth.”⁴⁹⁹ In other words, to be stateless was to be denied any and all of the protections political and civil society might offer; to leave one’s natal land without finding a new home was to be condemned to the status of “scum of the earth.” While Arendt herself is primarily

⁴⁹⁸ Killilea, Alfred G. *The Politics of Being Mortal* (Louisville, KY: University Press of Kentucky, 2014): 54.

⁴⁹⁹ Arendt, Hannah. *The Origins of Totalitarianism*, (San Diego, CA; Harcourt Brace, 1976): 267

interested in the “disintegration” of order in interbellum Europe, the condition of contemporary statelessness bears all the same hallmarks that she identified, in which the mirage of stable borders made every case of statelessness seem exceptional and unusual at the same time that statelessness was proliferating. Under these conditions, she concluded, “[t]he very phrase ‘human rights’ became for all concerned – victims, persecutors, and onlookers alike – the evidence of hopeless idealism or fumbling feeble-minded hypocrisy.”⁵⁰⁰ Substantively, rights are guaranteed only by the state, and granted only to those the state recognizes as deserving. In other words, the so-called “Rights of Man” are nothing more than the rights of citizenship. The state-based definition of citizenship inevitably exposes migrants to violence; those who are in-between or outside cannot access the protections that citizenship affords. Part of the task of migrant self-immolation is to unmask this restrictive meaning of citizenship; to delink the rights of citizenship from the sovereign state system. Indeed, in Killilea’s analysis, the collective identity bolstered by death is a quite specific one: acts of self-killing like self-immolation are directly related to a revised conception of citizenship. As he puts it, “No one can die for us, and no one can act as a citizen for us.”⁵⁰¹ Dying and citizenship are, in this formulation, constructed as parallel activities. The self-immolator forcefully embraces this parallelism between death and the act of citizenship, while simultaneously refusing the system that draws borders and, by extension, inevitably creates people who are deemed, as non-citizens, rightless. By claiming a kind of citizenship *without* a state, the

⁵⁰⁰ *Ibid.*, 269

⁵⁰¹ *Ibid.*, 110

migrant self-immolator rejects the entire model: they reject the very system of state sovereignty which demands that one is either a citizen and protected, or a non-citizen and violable.

Early in this chapter, I invoked Lisa Marie Cacho's description of the "violence of value." Cacho concludes that the scope of options for unmaking – or working outside of – the system of social value is extremely constrained, since rejecting social value means embracing social death. Quoting Grace Kyungwon Hong, she concludes that "imagining a politics based on the refusal of social value is an impossible, unthinkable option, one, in truth, outside any available notion of the political."⁵⁰² Cacho argues that there is only one way out of this paradox: "we might conscientiously work against the logic of survivability."⁵⁰³ In her reading, this means thinking outside and beyond the logic of capitalism, which sees the increase and preservation of capital as the ultimate value. However, acts of political self-destruction like self-immolation offer another way to think – and act—outside this restrictive binary.⁵⁰⁴ While it may be true that rejecting the system

⁵⁰² Cacho, *Social Death*, 31. Quoting from Hong, Grace Kyungwon. *Ruptures of American Capital: Women of Color Feminism and the Culture of Immigrant Labor* (University of Minnesota Press, 2006)

⁵⁰³ Cacho, *Social Death*, 33

⁵⁰⁴ I have argued elsewhere that self-immolation is inherently in conflict with an understanding of politics that is based on the self-interested, market logic of capitalism. In short, this model of politics presumes the existence of a "rational actor," defined as an individual who is guided by self-interest. This self-interest is defined by its adherence to market logic: maximizing gain and minimizing costs. By destroying the self – and thereby embracing maximum personal costs for absolutely no personal gain – the self-immolator completely upends this vision of politics. Therefore, while self-destructive politics are perhaps a different response to the "politics of social value" than Cacho suggests, I do not think they are in conflict with her proposal.

of social value means abandoning certain protections from violence, it also offers the possibility that social death is not the inevitable end of all forms of violence. Self-immolation illuminates ongoing forms of sovereign violence, rather than allowing them to pass unseen. It makes a claim to agency and self-authorship, rather than leaving the self-immolator as the sovereign rendered them: a passive object of violence.

In 2021, a new cluster of migrant self-immolations has begun to coalesce: migrants detained in Greece are increasingly turning towards a politics of self-destruction, as Greek officials (both supported and threatened by the European Union) have ramped up their efforts to expel and turn back migrants. In February 2021, an Afghani woman held in a camp on the island of Lesbos attempted to self-immolate by setting fire to her tent. Sitting inside her burning tent, she expressed the desire to die as neighbors dragged her out of the flames. As of March 2021, the woman was facing arson charges for the attempt. A spokesman for Greek police argued, in response to criticisms that “The law has to be enforced...A message has to be sent.”⁵⁰⁵ This move to prosecute can be read as a particularly bleak sign of things to come for migrants stranded in Greece, especially in light of the harsh conditions frequently applied to migrants who attempt to “cheat the system” by choosing death over detention. But I argue that these twin claims that “the law has to be enforced” and “a message has to be sent” contain more than just a vague threat – there is something more specific at work here. The law which must be

⁵⁰⁵ Kitsantonis, Niki. “Refugee Who Set Herself on Fire in Greece is Charged with Arson.” *New York Times*. February 25, 2021.

enforced is not merely a prohibition on setting fires but the mode of law which directly governs the bodies of the stateless: what I have described as the will of the sovereign. In the prosecution of the self-immolator, the state's attempt to bring the self-immolator back under sovereign domination – to reassert its ultimate power through violence – is clearly visible.

In some respects, the case of migrant self-immolation is the most straightforward one for this analysis: the migrant's relationship to borders, and thereby to sovereignty, is self-evident. Likewise, since the self-immolator only targets their own body for destruction, their act is most clearly legible as necroresistance: the political weight of their action is necessarily contained in the material degradation of their own body. In the chapter that follows, I turn towards a more complicated case and examine the work of suicide bombing, an act which targets multiple bodies and deploys multiple forms of violence.

Suicide Bombing

Introduction

Suicide bombing has become a flashpoint for discussion in both popular and scholarly media.⁵⁰⁶ In part, this popularity is due to the steady growth in popularity of the

⁵⁰⁶ The various terms used to describe the act I discuss here are fraught. In short, I am interested in attacks, motivated by political purposes, where the limits between the body and the weapon cannot be clearly drawn, and the destruction of the “weapon” (both mechanical and human) is not only definite but absolutely necessary to the attack. This category, in my reading, includes both attacks where the device is fixed to the body (i.e., shrapnel vests and belts) and attacks where the body is *in* the device (i.e. crashing explosive-packed cars and planes into buildings). Attacks where death is likely, or even inevitable, but is a consequence rather than a component of the attack do not qualify. For example, the Boston Marathon bombing in 2013 or the takeover of Mumbai’s Taj Hotel in 2008, although they both very predictably ended in deadly shootouts, do not qualify. On the other hand, attacks like the September 11, 2001 bombings (in which airplanes and their fuel comprised the “bombs”) and the USS Cole attack (in which an explosive-laden boat, with its crew onboard, detonated against the portside of a Navy Destroyer) both fit the description. Different organizations that deployed these tactics have called them by different names: the Tamil Tigers simply called them Black Tiger missions, with reference to the elite squads which carried these attacks out. Palestinian liberation organizations like Hamas call them “*al-amaliyat al-istish’hadiya*” which translates roughly to “active martyrdom operations” (as opposed to a mission in which martyrdom might be a consequence of someone else’s action), with a specifically religious connotation. The militant group Lashkar-e-Taiba, whose primary focus is challenging the Indian government with regard to its possession and treatment of Kashmir, almost exclusively uses the term “*fidayeen*” for their operations with certain or near-certain chances of death. Palestinian organizations have also been known to use this language, but it seems less popular, at least in recent years. *Fidayeen* translates loosely to “sacrifice” or “seeking redemption” in the name of something, though not *necessarily* with a religious connotation. All of these groups completely reject the term “suicide bombing.” Recounting a conversation with a Hamas functionary (his exact position is unclear), Christoph Reuter explains that the young man explained that “there are no suicide bombers here; the very term was wrong.” The unpopularity of the term “suicide” is unsurprising: suicide itself is banned as a sin in Islam, and the LTTE rejects suicide as a selfish act. The term “suicide bombing,” is, on the other hand, propagated by state security apparatuses, particularly in the United States and Western Europe. Given its powerful proponents, it is unsurprising that it has become the dominant term of use

method itself. The advent of Boko Haram in Nigeria, the continued presence of American forces in Afghanistan and Iraq, and the vacillating fortunes of ISIS have all contributed to the growing numbers of human bombs, which has reached an all-time high in the last six years. In places like Sri Lanka (largely considered the origin point of suicide bombing tactics) human bombs returned, in 2019, after a long hiatus, now backed by totally different organizations and favoring totally different causes. To construct my reading of

among journalists, academics, and politicians alike, over the objections of those who use this tactic. For my part, I have chosen a somewhat awkward middle road: I have used the term “human bomb” to refer to the individual undertaking these acts rather than “suicide bomber.” This phrase is sometimes used as a kind of term of compromise in the academic literature. However, the verb “human bombing” is confusing to the point that it conveys very little, so when a verb form is needed, I utilize “suicide bombing.” I do not use the language of “terrorism” to describe suicide bombing, although when quoting, I have not altered the terminology used by the original authors, as the language provides useful context about the sources themselves. As C. Heike Schotten notes in her discussion of the relationship between terrorism and settler colonialism in the United States, because the language of terrorism is used primarily to deride groups or actions, it elides the specificity of different types of violence. As she describes it, “Because ‘terrorism’ is not the name of a particular form of political violence so much as the premiere ideological tool by which resistance to empire and colonization is illegitimated out of existence,” it is more of an imprecise condemnation than a meaningful descriptor for a specific set of acts. Additionally, as I will discuss below, foregrounding terror in our descriptions of suicide bombing is not necessarily accurate and may distract us from serious consideration of how bodies respond to it. While this argument attends carefully to the specificity of suicide bombing, but I do not mean to valorize or justify it in doing so. I do not to trivialize the deaths caused by suicide bombings, but rather to acknowledge the intentionality with which suicide bombing turns bodies into pieces, fragments, and rubble. I argue that it is impossible to understand suicide bombing without asking what suicide bombing creates in addition to what it negates, and without treating human bombs as political actors with projects that do not necessarily end in only nihilism. See: Christoph Reuter, *My Life is a Weapon: A Modern History of Suicide Bombing* [Mein Leben ist eine Waffe. English] (Princeton, N.J.: Princeton University Press, 2004): 86; C. Heike Schotten, *Queer Terror: Life, Death, and Desire in the U.S. Settler Colony* (New York: Columbia University Press, 2018): 129

suicide bombing, I draw from the acts and words of a cross section of organizations across several decades and multiple continents, including the Tamil Tigers, Al-Qaida, and Palestinian resistance members from various groups, among others. I draw extensively from the September 11th, 2001 attacks on the World Trade Center in Manhattan, New York, which is quite likely the most studied and written about suicide bombing in history.

Political scientists (particularly in international relations) along with anthropologists, sociologists, and psychologists have worked to explain and understand these events. They have attempted to understand why human bombs emerge in some conflicts and not others, what kinds of people might become human bombs, and whether or not suicide bombing can be considered a “rational” military or protest tactic. A number of scholars have attempted to situate suicide bombing in a larger history that includes other attacks which ended in certain death like the Assassins of the eleventh century or the Japanese kamikaze of World War Two.⁵⁰⁷ Some of these accounts, such as those that track the spread of suicide bombing as a military tactic, are useful for thinking through the act’s implications. Others, like the ever-popular attempts to describe suicide bombing as either a Muslim predilection or a symptom of psychosis, are not only misguided but obscurant.⁵⁰⁸

⁵⁰⁷ The Order of Assassins is a particularly popular starting point for discussions of suicide bombing, because it supports the misguided idea that suicide missions are an “Islamic” tactic. See, for example, Christoph Reuter, *My Life is a Weapon*

⁵⁰⁸ See, for example, Adam Lankford, “Could Suicide Terrorists Actually be Suicidal?” *Studies in Conflict & Terrorism* 34, no. 4 (2011), 337-366.

doi:10.1080/1057610X.2011.551721.; Adam Lankford, *The Myth of Martyrdom: What*

Despite their important differences, these prominent accounts of suicide bombing also have something in common: they are not particularly interested in the bodies at work.⁵⁰⁹ The reliance on casualty counts in political science research on suicide bombing are one illustration of this oversight. While it is undoubtedly useful to know how many people were killed in an attack, representing them numerically erases the incoherence of these destroyed bodies. In fact, those who maintain lists of suicide bombing casualties sometimes admit that their desire to maintain accurate body counts can be quite seriously hindered by the nature of the attack: it is impossible to accurately count bodies on the scene when the bodies are mangled, partial, or even vaporized.⁵¹⁰ Any analysis based on

really Drives Suicide Bombers, Rampage Shooters, and Other Self-Destructive Killers (New York: Palgrave Macmillan, 2013).; David Lester, "Suicidal Protests: Self-Immolation, Hunger Strikes, Or Suicide Bombing," *Behavioral and Brain Sciences* 37, no. 4 (2014). doi:10.1017/S0140525X13003439.

⁵⁰⁹ There are, of course, some exceptions to this shortcoming, including two which I will discuss at some length below. The first is international relations theorist Lauren Wilcox, whose work has been extremely useful to my own thinking. The second is Iranian Studies and comparative literature scholar Hamid Dabashi, who theorized the body of the human bomb as a post-human, post-sovereign body he calls the "corpus anarchicum." Other scholars like, Talal Asad, incorporate some discussion of the body into their analyses of suicide bombing even if it is not a dominant element. I will draw on, expand, and complicate ideas from these thinkers in crafting my own account.

⁵¹⁰ The Global Terrorism Database (GTD), for example, is a popular source for those interested in analyzing patterns in terrorist attacks, among which the database includes suicide bombings. In their discussion of data collection, the researchers behind GTD explain: "Information in the GTD is drawn entirely from publicly available, open-source materials. These include electronic news archives, existing data sets, secondary source materials such as books and journals, and legal documents. All information contained in the GTD reflects what is reported in those sources. While the database developers attempt, to the best of their abilities, to corroborate each piece of information among multiple independent open sources, they make no further claims as to the veracity of this information." In other words, in cases where there is uncertainty (i.e., where the bodies are too destroyed to allow for an accurate count, or in cases where the government's

body counts, therefore, is analyzing a situation already one important step removed from the scene of the bombing. I will argue that destroyed and disordered bodies are at the analytic core of suicide bombings, whereas political scientists generally deal with the “scene” after the bodies have already been sanitized and reordered into clean and orderly numbers.

There are plenty of ways to kill others which ensure (or at least make exceedingly likely) one’s own death. These tactics include suicide bombings, but also missions which will end in shootouts to the death with state security actors (such as the November 2008 attacks on Mumbai) or those which will necessarily end in capture and execution. All Tamil Tiger cadres were famously issued cyanide capsules along with their dog tags to avoid this latter situation. Arguably, therefore, any Tiger mission with a high likelihood of capture can be interpreted as a suicide mission. The differences between these tactics are obviously not about the survival of the operative. Nor is it primarily about the possible damage done, which can vary greatly depending on the details of the attack and is not solely determined by the kind of weapon used. The mass shootings regularly undertaken by lone gunmen armed with automatic weapons in the United States have aptly and tragically demonstrated that explosives are not inherently the most efficient way to produce a mass casualty event. What makes the use of human bombs unique then, as I briefly alluded above, is the kinds of bodies and bodily relations it creates.

official record conflicts the reports of independent media or people on the ground) the entry in GTD may be totally inaccurate.

It is fair to note that the relationship between the attack and death is different when one must pull the cord or push the button ending one's own life as opposed to walking into a situation where it is highly likely (if not inevitable) that one will be killed by someone else. This difference matters, although I suspect the psychic difference may be less than some scholars have argued – organizations that use human bombs in combination with other certain-death tactics do not seem to put much stock in this difference and treat both acts as requiring the same attitude towards life and death. Here too, the crux of the difference appears to be the role that the body plays. In a suicide bombing, the body and the weapon are as closely intertwined as killing and dying are. This is why it makes sense that human bombs say both that they are weaponizing their bodies and their lives: in suicide bombing life, death, the body, and the weapon all converge.

I here consider the effects of suicide bombing through close attention to the material transformations it entails, starting with the body of the bomber itself. In the process of exploding, the human bomb interacts with other bodies, with the built environment, and with the territory of the state in a more general sense. I describe the body of the human bomb as a hybrid body, with the potential to spread not only death but also a threat to order which I term contamination. While the interaction of destroyed and intermingled bodies is my main focus, these other interactions are also part of the process undertaken by a human bomb and deserving of attention. They also help to answer what is otherwise something of a puzzle in the suicide bombing literature: how do we understand attacks wherein the bomber is the only casualty? In general, if the literature

comments at all on this case, it treats these attacks as failures of either nerves (i.e., the bomber panicked and abandoned the mission) or of planning (i.e., the target was poorly selected by those who arranged the mission). State security forces seem to regard them as something like “lucky breaks:” they cannot be considered a complete victory for the state since the bomber was not apprehended, but at least no “innocents” were hurt. Reading these instances as nevertheless involving interactions between the body of the bomber and the site, as I argue one must, shows that these too have impact and meaning.

To make sense of the bodies produced by suicide bombings, a brief overview of blast injuries is indispensable. I do not mean to suggest that there is some specific symbolic content to every element of these injuries, but the physical, biological, and chemical processes which are triggered by the interaction between a bomb blast and a body are important in that they produce the bodies in which I am interested here. This is not a medical paper, however, so I will try to keep the overview brief and somewhat general. Explosives produce four kinds of injuries in affected human bodies, which are generally referred to in the medical literature as primary, secondary, tertiary, and quaternary injuries. Primary injuries are those caused immediately by the interaction between the body and the blast wave. In suicide bombings, these commonly include massive lacerations, traumatic amputation, and (in the case of the human bombs themselves) decapitation. Primary injuries also include bursting or disruption of hollow or gas-containing organs such as ear drums, lungs, and intestines. Any of these primary injuries, alone or in combination, can be fatal. Primary blast injuries are exacerbated when the explosion takes place in a confined space. Secondary blast injuries are generally

those caused by intermediary objects, such as trauma caused by object fragments propelled by the blast. A common example is penetrating trauma caused by splinters from furniture blown apart in the blast, or the shrapnel packaged in the bomb. Tertiary blast injuries are injuries caused when the body is propelled into other objects by the force of the blast. These might include injuries like contusions or concussions caused when a blast throws a body into a wall, or even into another body. Quaternary blast injuries (which are sometimes omitted from the list, but which are worth attending) can be thought of as “after effects,” caused not by the immediate blast but everything triggered afterwards, including infections from wounds, burns, and crush injuries from structures destroyed by the blast.⁵¹¹ Obviously, this list focuses on physical injuries, and does not attend to mental and emotional injury, although there is a growing literature on trauma and other psychological harms caused by living through or losing a loved one to a suicide bombing.⁵¹² While emotional distress is an important effect of suicide bombing, it is not my main concern here.

As this brief overview makes clear, suicide bombing is a practice that kills. In most cases, both the bomber and the bombed will die, or at least some of the bombed (and unquestionably the bomber). But as a material practice, its effects are also clearly

⁵¹¹ M. Tsokos et al., “Pathologic Features of Suicidal Deaths Caused by Explosives,” *American Journal of Forensic Medicine & Pathology* 24, no. 1 (2003), 55-63.

⁵¹² There is also a small body of literature that argues *against* pathologizing survivors of suicide bombing by labeling them as traumatized. See, for example, Ian Palmer, “Terrorism, Suicide Bombing, Fear and Mental Health,” *International Review of Psychiatry* 19, no. 3 (2007), 289-296.

more specific. Suicide bombing destroys the integrity of the bodies. It reduces the boundaries between them to nothingness – meaninglessness – and leaves behind a mess of fragmentary and intermingled bodies. A number of analysts have noted that the human bomb blurs boundaries and oppositions. For example, Israeli sociologist and anthropologist Gideon Aran describes the Palestinian human bomb (whom he calls the “suicide terrorist”) like this:

First, the suicide terrorist deconstructs the distinction between Palestinian and Israeli because he is a hybrid creature disguised as the polar opposite of what he really is. A male suicide terrorist can also disguise himself as a woman and thus challenge differences in gender. He evidently confounds the essential distinction between life and death, being a curious mix of a living-dead and dead-living. Typically he is already dead in life and also living after his death. To these we may add briefly the simultaneous embodiment of the operator of a weapon and the weapon itself, the violent person and the instrument of his violence, the man and the machine, and the living human flesh with organic limbs and the metal, plastic, and synthetic parts.⁵¹³

Clearly, the human bomb’s status as a “hybrid creature,” a “curious mix,” and the “simultaneous embodiment” of oppositions is what makes him so dangerous. I depart from Aran, however, in identifying the kind of danger this hybridization poses. Aran suggests that the human bomb’s ambiguity is a kind of “disguise.” The threat of ambiguity, as he interprets it, is that the human bomb will use this disguise to infiltrate

⁵¹³ Gideon Aran and Jeffrey Green, *The Smile of the Human Bomb: New Perspectives on Suicide Terrorism* (Ithaca, NY: Cornell University Press, 2018): 19

and cross boundaries. The very idea of boundary crossing, however, assumes the settled existence of these divisions. I will argue, instead, that the human bomb reveals that fragility of the boundaries themselves: suicide bombing shows that boundaries which appeared immutable are actually spectral and tenuous. In a parallel fashion, it reveals the porousness of national boundaries and sovereign space. The suicide bomber infects the body of the nation and – once it is inside – leaves traces that are difficult if not impossible to remove.

The language of terrorism, as it is often applied to the suicide bomber, suggests that “we” (a somewhat ambiguous we) live in fear of human bombs, who might appear at any time and attack the “innocent” (again, an ambiguously defined category).⁵¹⁴ The so-called “terror” this terminology anticipates, then, is the loss of security – the sense of physical danger and material danger. In *On Suicide Bombing*, Talal Asad argues that

⁵¹⁴ In fact, even though the supposed randomness of suicide bombing – the possibility that anyone could be killed by a human bomb – is the part of its threat, its effects are uneven: on top of the fact that suicide bombings are far more common in some countries than others, explosions and shrapnel also kill unevenly. Studies on casualties of suicide bombings in Iraq, for example, have found – unsurprisingly – that Iraqi children are more likely to die from their injuries than adults, and that unarmored civilians are more likely to die than soldiers who wear protective gear. Researchers note that the lower survival rate for suicide bombing injuries correlates with overall higher mortality rates for children in Iraq. Malnutrition, a lack of pediatric doctors and supplies, and anatomical vulnerabilities mean that children are particularly likely to die from their injuries. Soldiers (bigger, better fed, better attended to, and better attired) are unsurprisingly the least likely to die. Thus, the fatalities from suicide bombing are not entirely random, nor are they distributed equally across the affected. See: Madelyn Hsiao-Rei Hicks et al., “Casualties in Civilians and Coalition Soldiers from Suicide Bombings in Iraq, 2003–10: A Descriptive Study,” *The Lancet* 378, no. 9794 (2011), 906-914.

“terrorism” is a mistaken description of suicide bombing: what human bombers actually provoke is a particular kind of horror. The witness of a suicide bombing, be they a casualty, a spectator, or a more remote observer, is brought painfully and jarringly to face the sudden degradation of the human into the non-human; the coherent into the mangled.⁵¹⁵ While Asad does not make reference to it, the Freudian *Unheimliche* or Kristeva’s abject lurks just beneath the surface of his description: the suicide bomber is the subject who is you, yet not you. Likewise, in the aftermath of a suicide bombing what was human – what was you – is suddenly transformed into that which is nothing and yet impossibly, still human. Adriana Cavarero, in her discussion of what she calls “horrorism” explains:

The body is revulsed above all by its own dismemberment, the violence that undoes it and disfigures it [...] The human being, as an incarnated being, is here offended in the ontological dignity of its being as body, more precisely than its being as a singular body. Death may transform it into a cadaver, but it does not offend its dignity or at any rate does not do so as long as the body preserves its figural unity, that human likeness already extinguished yet still visible, watchable, for a period before incineration or inhumation.⁵¹⁶

Suicide bombing destroys this figural unity, and thus threatens the very core of what it means to be human. And it does so in a way that is particularly unsettling, since the body of the bomber is also dismembered. Two readings seem plausible: this dismemberment

⁵¹⁵ Talal Asad, *On Suicide Bombing* (New York: Columbia University Press, 2007).

⁵¹⁶ Adriana Cavarero, *Horrorism: Naming Contemporary Violence* [Orrorismo. English] (New York: Columbia University Press, 2009): 8.

seems to say either “all of us are humans or none of us are humans” or, perhaps the more unsettling reading, “to be human is not what you think it is.” As journalist Mark Danner puts it, describing the exploded bodies he witnessed in a Bosnian marketplace, the explosion turned the bodies into objects. Not only is their subjectivity denied, but their potential to have been (or more accurately, perhaps, to have “contained”) subjects becomes radically unimaginable. He writes:

Here and there I recognized, or thought I did, vendors I had chatted with the day before; some artilleryman on one of the mountainsides had made objects of them now, exhibits for us and for the evening news. I tried to tally the corpses, matching limbs to trunks, heads to limbs, counting, counting; but it was impossible.⁵¹⁷

Danner’s reaction to these bodies is clearly *not* terror. As Caverero explains, to be terrified is to take flight, to flee from an intolerably frightening sight. But by his own account, Danner is transfixed: he condemns the act, but he cannot stop looking. He is, in exactly the sense Cavarero describes it, horrified. The process of “matching limbs to trunks, heads to limbs” is slow work, requiring care and attention. And yet, for all his staring and counting, it is impossible to reckon with the “objects” and “exhibits” that were once bodies. Recovering these bodies is, in Danner’s terms, impossible.

The tangle of disarticulated limbs provokes not only the horror of the uncanny but also another kind of revulsion. The suicide bomber, in multiple registers, is a symbol of

⁵¹⁷ Danner, Mark. *Stripping Bare the Body: Politics, Violence, War* (New York: Nation Books, 2009): 204.

contagion: the ultimate threat to the sanctity of borders and boundaries. First, security-oriented discourse regarding suicide bombers takes on an immunopathological valence, describing the terrorist as a kind of virus that has “infected” the body politic, that lies hidden in secret “cells,” waiting to attack when immune resistances are low. Second, analyses of suicide bombing often treat the phenomenon itself as potentially contagious – one suicide bombing can “spread,” producing more bombers and more attacks. This contagion is partially explained by inspiration, and yet the metaphors (i.e., terrorism as a cancer) treat the suicide bomber as something more fundamentally biological than the concept of inspiration suggests. But there are also more material forms of contagion at work here.

The metaphor of contagion provides a useful lens for interpreting the threat of suicide bombing while keeping its materiality in clear view. By contagion I do not mean the potentially inspirational quality of a suicide bombing to incite copycats or sympathizers mentioned above, but rather the kind of “biohazard” the suicide bomber represents. While the War on Terror discourse is replete with fears about biological weapons, the suicide bomber is not usually literally described as such. And yet, the bomber does activate oddly literal fears about contamination. As international relations theorist Lauren Wilcox describes it, “The threat of suicide bombers as monstrous bodies, apart from the obvious ability to harm, lies in its capacity to contaminate, to spread

disorder and the disintegration of identity.”⁵¹⁸ The mixing of blood and fragments between bomber and victims can be read as performing one kind of contamination: the bomber has not only infiltrated the state’s borders, but also the individual bodies it destroys. Not only does the bomber reveal what is under their own skin, they get under the skin of the other exploded bodies. A suicide bomber makes blood brothers of their victims, creating a pact (however involuntary) that further unsettles the Self/Other division on which the sovereign state is predicated. And once inside the body politic, they cannot be completely excised. They are the abject which refuses even the semblance of separation. In Margrit Shildrick’s terms, the bomber “comes to embody those things which an ordered and limited life must try, and finally fail, to abject.”⁵¹⁹ Now inside the body, the suicide bomber’s contagion advances to infect the state itself.

Suicide bombing destroys the body of the bomber and the bodies around them. The simultaneity of their deaths creates a kind of relationship between them, which manifests materially through the destruction of the borders between them. The division which separates what is inside the body from that which is outside is destroyed. As a result, Wilcox argues, “the suicide bomber not only harms bodies, but destroys the sovereign processes that bind bodies into bounded individuals in the first place.”⁵²⁰ Thus, although the stability of the discrete body is perhaps the first target of suicide bombing,

⁵¹⁸ Lauren Wilcox, “Explosive Bodies and Bounded States,” *International Feminist Journal of Politics*. 16, no. 1 (2014), 66-85. doi:10.1080/14616742.2012.750947: 9

⁵¹⁹ Margrit Shildrick, *Embodying the Monster: Encounters with the Vulnerable Self* (London; Thousand Oaks, Calif.: Sage, 2002): 14.

⁵²⁰ Wilcox, “Explosive Bodies and Bounded States,” 73

and through those bodies it also troubles and reconfigures the body politic. The “sovereign processes” Wilcox describes are not only those which metaphysically allow for the existence of “bounded individuals,” but also form the basis for the Otherings and exclusions the state necessarily performs. Suicide bombing, in many ways, rejects this premise and reconfigures bodily relationships through destruction itself. The human bomb does not only reveal the precarity of humans’ biological life but rather, as Wilcox describes it, “[t]he public nature of a suicide bombing makes the abject bodies of the bomber and his or her victims into a spectacle that exposes not only the instability of bodily integrity but the instability of the sovereign political order as well.”⁵²¹ The destabilization of bodies mirrors, enacts, and foretells the crumbling boundaries of the political order.

The human bomb also makes this equality and community a *material* reality by rendering the multiple impacted bodies of the bombing as materially the same. Being themselves the primary site of impact, the hardest hit by the explosion, the suicide bomber refuses to leave behind a coherent body for our review. Instead, they leave something mangled, partial, and comingled. As a result, they also leave behind the literal, and sometimes quite difficult, task of sorting out the body of the bomber from the bodies of the bombed.⁵²² The illegibility, ironically, is humanizing: it forces responders to acknowledge, in the most visceral fashion, that the bomber and the bombed are made of

⁵²¹ *Ibid.*, 76

⁵²² I will discuss this process at more length below.

the same stuff – the same fragile, vulnerable, and now destroyed matter. They are flesh and bone, blood and marrow, skin and tissues. Bodies are systems of interlocking but separable parts: organs and fluids and connective strands, breakable and flush with blood. No matter how different they appear when coherent, disaggregated body parts look much the same – a sameness that becomes uncomfortably apparent in the aftermath of a suicide bombing, when the glaring indistinguishability of destroyed bodies makes it impossible to sort out proper and improper subjects. As a result, suicide bombing is not merely an effacement of individual differences but an obliteration of the *grounds* of difference itself. It can therefore present an appeal to the human constituted through a violent refusal of the boundary between self and other.⁵²³ In the absence of this boundary – or at least, when this boundary is forcibly rendered unstable – all other boundaries lose their finitude.

While the state works hard to police this border, maintaining it through acts of naming and inscription, the suicide bomber comingles the bodies of self and other until the very concept of a boundary becomes absurd, and the permeable border constituted by human skin proves incapable of governing interior and exterior. The desperate struggle to

⁵²³ Other analysts have noted that suicide bombers' explicit statements and produced media make this appeal to the human. Faisal Devji, for example, argues that one of the primary tasks of the suicide bomber is to insist upon their own humanity. See Faisal Devji, *The Terrorist in Search of Humanity: Militant Islam and Global Politics* (New York: Columbia University Press, 2008).

reimpose order on these destroyed bodies, which I will discuss below, suggests how significant this threat of illegibility and indistinguishability can be.

Illegibility, and the revelation of sameness that it calls forth, both works through and produces a strange kind of intimacy. It is “a particularly intimate form of killing that brings the bodies of victims and perpetrators together in death, injuring and killing in such a way that collapses the inside and outside of bodies.”⁵²⁴ This intimacy is so total that the bombing victims are rendered strangely (if temporarily) invisible by the power of the bomber’s action: they are, quite literally, of one flesh. In this respect, those killed by the attack are not unlike the bomb itself: crucial to the act, and yet ultimately indistinguishable from the material body of the bomber. They become part of what I will describe as the monstrous body of the human bomb: the hybrid entity which is both more or less than human.

Suicide bombing also calls for a response. Here I do not refer to the broader geopolitical scale of reprisals, counterattacks, and overwhelming force, but rather to the immediate questions of bodily repair, restoration, and ordering that take place in the aftermath of an attack. Reading the material trajectory of the human bomb through these stages produces a clearer reading of the centrality of the body and bodily interaction in suicide bombing, and the ways that this material praxis both signifies and enacts the broader stakes of suicide bombing as a political practice.

⁵²⁴ Wilcox, “Explosive Bodies and Bounded States,” 79

To show these multiple effects at work, I trace suicide bombing through four related phases which emphasize the transformation of the body. The first phase, what we might think of as the prelude to the blast, includes everything that happens before the button is pushed or the vehicle collides. It is during this moment that the merging of the body and the weapon in the person of the bomber takes place and the hybrid or monstrous body of the human bomb emerges. I argue that the human bomb is materially both more and less than human and discuss the particular kinds of bodies – and bodily threats – figured through this transformation.

The second moment is that of the bombing itself – the moment of impacts and spectacular violence. This is the moment when bodies collide and violently interpenetrate. I include, in this subsection, a discussion of the interaction between bodies and the environment, including the destruction of the built environment and the kinds of destruction the environment might cause to bombed bodies. I argue that the site of a suicide bombing is an essential element or even collaborator in the act. It is worth noting that three of the four kinds of blast-related injuries are caused not by the blast (i.e., what the human bomb brings with them) but by interaction between bodies and the environment around them (i.e., what the site itself provides). It is during this phase that the bombers' threatened contamination is unleashed.

In most accounts of suicide bombing, the suicide bomber ceases to be a political agent at this point: the story of the bombing is more or less over. My reading complicates this clear-cut assumption by including two additional moments. First, there is the stage I

refer to as “repair.” Temporally, the stage of repair can be vast and complicated, depending on the scale of the bombing. During this stage, the debris and remains of a suicide bombing are collected, cleaned, and processed by forensic and medical teams. The survivors are evacuated and the injured are treated. The living are sorted out from the dead, and the bodies of the living are remade as best they can be. This process, however, never amounts to a perfect erasure or undoing of the bombing’s effects: the repairs are always flawed. The bombing leaves traces that resist total restoration.

Repair is also a community enterprise – it draws in bodies that were not physically present at the moment of impact, and demands engagement from bodies that relate in socially, affectively, and nationally. These other participants are also parts of the event of a suicide bombing. Even though perhaps at greater physical (and temporal) distance to the impact of the bombing, their bodies are nonetheless engaged in the processes of boundary unmaking and remaking that I argue characterize a suicide bombing. The process of repairing the bodies and spaces impacted by a suicide bombing are coextensive with repairing boundaries and, by extension, the punctured sovereign order. Although the groups involved in repair are not necessarily government agents, they act as deputies of the state insofar as they participate in restoring this order.

When the impacted bodies are remade and reassembled as much as possible, the next stage begins. This moment, which I call containment, is not always readily visible. In some cases, for example, the body of the bomber is so thoroughly destroyed by the explosive force and shrapnel from the bomb that it seems to disappear: there is nothing to

collect, only matter out of place which must be washed away. However, more often than not some part of the bomber's body remains and must be dealt with or, as I have termed it, contained. The leaky, infectious, and dangerous body of the bomber must be kept away, and the impurity it threatened cleansed and managed as much as possible. The bodies of the bombed too must be laid to rest – so long as they remain, so too does the reminder of disorder. In dying, the bombed come to be pure and proper subjects, which I have loosely termed “national bodies.”⁵²⁵ The sovereign order reasserts its authority by sanctifying these bodies and holding them up as an example with which to identify. For example, the 9/11 Commission wrote in the preface to its report that “We hope that the terrible losses chronicled in this report can create something positive – an America that is safer, stronger, wiser. That September day, we came together as a nation.”⁵²⁶ This oddly triumphalist preface suggests that the mangled dead are something on which the nation can build so long as they are embraced without qualification; a source of strength and unity that makes it possible to ignore differences and discontent. In the process of containing the dead, the living are also “contained.” And the 9/11 Commission is hardly unique in this respect, but rather representative of an almost standardized international response to suicide bombings. For example, in response to the July 2005 London bombings, then-United Nations Secretary-General Kofi Annan announced that “these

⁵²⁵ Meira Weiss has termed a similar concept “the chosen body” in her study of bodily politics in Israel. See: Weiss, Meira. *The Chosen Body: The Politics of the Body in Israeli Society* (Stanford, CA: Stanford University Press, 2002)

⁵²⁶ National Commission on Terrorist Attacks upon the United States, *9-11 Commission Report: Final Report of the National Commission on Terrorist Attacks upon the United States* (New York: Norton, 2004): xvi.

vicious attacks have cut us all to the core [...] Today, the world stands shoulder to shoulder with the British people.”⁵²⁷ The prevalence of bodily imagery in this response is striking: the sheer physicality of “our” shared wound that has “cut us all to the core,” the very corporeal coming together implied by the image of standing “shoulder to shoulder.” It is clear that the bodies wounded and killed in the attack are “our” bodies, and as such it is only once these bodies are given their due that any single event of suicide bombing is really “over” (although its political ramifications may extend far beyond that moment). Containment is the only way these bodies can be laid to rest, given that the bombing may have shattered and fragmented them.

On the Corpse

Since this account of suicide bombing extends beyond the death of the bomber, the political activity and efficacy of corpses is crucial to the analysis. According to Thomas Laqueur’s history of dead bodies, the management of corpses has always and everywhere presented a challenge that is part biological and part cultural. In a rather bold claim for a historian, he ventures to suggest that this is a universal human truth, which holds up no matter what time period, geographic area, or type of community one examines. He writes that “variants on the theme of the degraded corpse are stories, echoing one another over centuries, about getting the right dead body in the right place

⁵²⁷ “UN, Annan Condemn London Terrorist Bombings as ‘Attack on Humanity itself’” *UN News*. July 7, 2005. <https://news.un.org/en/story/2005/07/144072-un-annan-condemn-london-terrorist-bombings-attack-humanity-itself>.

and excluding the wrong body from where it is not wanted.”⁵²⁸ Dealing with corpses is simply part of what humans do. But not all corpses are dealt with in the same way. There are religious considerations to take into account, as well as personal preferences. Class and other matters of status factor in. And then, of course, there is the question of the corpse’s relationship to the state: did the state itself make the corpse, or at least sanction the killing? Does the state venerate or degrade the body? Does it choose to display the body or hide it? Does the state acknowledge the corpse at all? The political implications of corpses, as I have argued, can vary greatly, being both signs of sovereign supremacy and sources of resistance.

The case of Adolf Hitler’s deputy, Rudolph Hess, shows both how dangerous dead bodies can be and how they can potentially be managed. Hess was buried in the Bavarian town of Wunsiedel in 1987, where his body quickly became a popular pilgrimage site for neo-Nazis. In 2011, the state exhumed and cremated his body and dispersed the ashes. As Laqueur describes it, “the enchantment of this most profane of bodies was shattered only by reducing it into tiny particles of its constitutive chemistry and making it impossible to localize anywhere what remained.”⁵²⁹ In other words, the

⁵²⁸ Laqueur, Thomas Walter. *The Work of the Dead: A Cultural History of Mortal Remains* (Princeton, New Jersey: Princeton University Press, 2015): 30.

⁵²⁹ *Ibid.*, 8

threat persisted as long as the body remained, even though Hess had been dead for over twenty-years. The only way to eliminate the threat was to eliminate the corpse itself.⁵³⁰

James Martel argues, in *Unburied Bodies*, that “the dead body can be said to ‘counterproject’ [instead of projecting in accordance with state will] – to dispel and displace the stories and meanings the state wants to force upon each and every one of its subjects.”⁵³¹ These bodies show, according to Martel, “that there is no ultimate sign of state power and authority that is not, at the same time, a counter sign.”⁵³² The bodies of suicide bombing do this in a particularly powerful way, in that the last living act of these bodies (i.e. before they became corpses) was to kill and thereby appropriate the state’s monopoly on violence. While Martel argues that unburied bodies in general are particularly powerful ‘counterprojecters,’ I argue that the body in *pieces* is even more so, since this body materially defies attempts to bury it.

Although the debris created by a suicide bombing is inevitably partly human bodies, it does not necessarily present what one thinks of as a corpse. The body of the bomber, as well as those nearest to them, is transfigured. They may not possess the human traits that one identifies with the corpse. Indeed, the mangled body of the bomber strikingly invokes Mary Douglas’s anthropological study of dirt and pollution: it is flesh

⁵³⁰ Laqueur also notes that the same tactic was used to manage the bodies of those convicted of treason in the late Middle Ages and early modern period “so as to enact publicly the complete eradication of the enemy of good order.” *Ibid.*, 523

⁵³¹ James R. Martel, *Unburied Bodies: Subversive Corpses and the Authority of the Dead* (Amherst, Massachusetts: The Amherst College Press, 2018): 4

⁵³² *Ibid.*, 11.

out of place, a material disorder which threatens a disorder that is vast and all-encompassing.⁵³³ In his account of the complexities surrounding the dead of September 11th, Jay Aronson quotes from NYPD inspector James Luongo:

We were trying to time the debris as it was coming down cause it was landing around us, and then we were noticing that it wasn't only debris coming down but bodies [...] When the bodies hit the ground, they were disintegrated. They were just splattered, like watermelons.⁵³⁴

Tom Haddad, a survivor from the North Tower, recounted a similar moment of revelation from his evacuation:

[O]ccasionally you'd hear these devastatingly loud thumps. At the time, I thought they came from more falling pieces of the building. It didn't register, there were hunks and piles of meat all over the ground . . . nothing I recognized as body parts. Later on, I found out they were the remains of jumpers.⁵³⁵

From these descriptions – “splattered, like watermelons,” “hunks and piles of meat,” “nothing I recognized as body parts” – it is clear that these broken bodies are out of place and perhaps profane. They have completely lost the integrity that defined them as human. To understand the extent of the threat this pollution poses, one need only consider the lengths that the state and its proxy agents go to in their efforts to reestablish order and re-

⁵³³ Douglas, Mary. *Purity and Danger* (Hoboken: Taylor and Francis, 2013).

⁵³⁴ Aronson, Jay D. *Who Owns the Dead?: The Science and Politics of Death at Ground Zero* (Cambridge, Massachusetts: Harvard University Press, 2016): 34.

⁵³⁵ *Ibid.*, 35

sanctify the dead. The work of the post-September 11th forensic teams that handled the World Trade Center debris (an effort which has cost over \$200 million dollars and is still ongoing) and that of ZAKA (the Hebrew acronym for Disaster Victim Identification) in Israel are both paradigmatic examples of this reassembly and re-sanctification process which I will discuss below, which fabricates corpses that can be buried out of the counterprojecting fragments a suicide bombing produces.

Monstrous Bodies

The body of the human bomb is a monstrous one. By this I do not mean that it is “evil,” but rather that it is both more and less than human. The human bomb combines the human and the machine, the body and the weapon, into one entity. This hybridization presents a security challenge in its own right. The human bomb can be difficult to detect, since the bomb they carry can be made invisible on their own body, as when human bombs feign pregnancy to disguise their packed explosives.⁵³⁶ Even when the bomber can be identified, they are often too closely intertwined with the bomb to be easily separated from it. As one Israeli police officer lamented, responding to on a June 2001 suicide attack on a Tel Aviv nightclub, “What are we supposed to do, then? [...] Threaten to shoot him if he blows himself up? All he does is laugh, and press his button! What are we supposed to do?”⁵³⁷ The human bomb is, therefore, rather difficult to defuse. Unless there

⁵³⁶ Bloom, Mia. "Bombshells: Women and Terror," *Gender Issues* 28, no. 1 (Jun 2011), 1-21. doi:10.1007/s12147-011-9098-z.

⁵³⁷ Reuter, *My Life is a Weapon*: 82.

is a defect in the machinery or the bomber relents, disarming a human bomb once they are forged is virtually impossible.

But this hybridization poses other threats as well. Citing Donna Haraway's "A Cyborg Manifesto," Lauren Wilcox argues that the human bomb is menacing precisely because of their hybridized body and the threat that this blurring of boundaries might spread out from the body of the bomber to contaminate its targets. She writes:

The body of the suicide bomber is not a 'natural' body, but rather an amalgam of flesh and metal, biology and technology: it is a cyborg body that refuses the distinction between nature and culture [...] The threat of suicide bombers as monstrous bodies, apart from the obvious ability to harm, lies in its capacity to contaminate, to spread disorder and the disintegration of identity.⁵³⁸

The cyborg body is, therefore, itself a source of horror. It contains the seeds of the contagion I will discuss below.

Critics of suicide bombing often use the language of aberrance or monstrosity to condemn the suicide bomber. In doing so, they attempt to reject not only the humanity of the human bomb but the existence of their body itself as a human body. This claim from a philosopher writing for *Human Rights Review* well-represents this kind of argument: "Suicide bombing seems to constitute such an outrageous infraction of natural law that one wonders how fellow humans, sharing the same nature, could possibly embrace it in

⁵³⁸ Wilcox, Lauren. "Explosive Bodies and Bounded States," *International Feminist Journal of Politics* 16, no. 1 (2014): 72-73.

all its nihilistic undertones.”⁵³⁹ This polemical demonstrates a whole series of popular critiques of suicide bombers, including that they are irrational, that they defy “natural law,” that they could not possibly be human, and that they are nihilists with no real political platform. All of these arguments combine in the idea of the suicide-bomber-as-monster: the inhuman, irrational creature who destroys for the sake of destruction alone. Aran takes a slightly different approach to the body of the bomber, imbuing it with a slew of mystical characters: “a fluid creature, formless and invisible [...] a sort of ghost, elusive and evading capture, whose uncanny presence is both frightening and repugnant, abominable. The human bomb, like a demon, is seen as illusory and deceptive.”⁵⁴⁰ This reading renders the human bomb as a whole series of monstrous creatures; a hybrid of other hybrids including ghosts and demons alike. What these various monsters have in common, as Aran describes them, is a dangerous instability and changeability. The human bomb is a “fluid creature, formless and invisible.” The human bomb defies classification, threatening to overflow its boundaries. This is what makes their body monstrous.

And yet, Shildrick suggests in her study on the monster that perhaps this categorization of insurgent as monster are both exactly right and yet exactly wrong:

So long as the monstrous remains the absolute other in its corporeal difference it poses few problems; in other words it is so distanced in its difference that it can clearly be put

⁵³⁹ Kainz, Howard. "Suicide Bombing: A Challenge to just-War Theory and Natural Law," *Human Rights Review* 5, no. 1 (2003), 72-76.

⁵⁴⁰ Aran, *Smile of the Human Bomb*, 164

into an oppositional category of not-me. Once, however, it begins to resemble those of us who lay claim to the primary term of identity, or to reflect back aspects of ourselves that are repressed, then its indeterminate status – neither wholly self nor wholly other – becomes deeply disturbing.⁵⁴¹

By revealing themselves to be made of the same human stuff, the suicide bomber exposes the final indistinguishability between the body of the Other and the national body. In other words, by revealing flesh (both their own and that of others) the bomber successfully “reflect[s] back aspects of ourselves that are repressed.” Following Shildrick’s argument to its conclusion, it seems that we might declare the human bomb to be a monster after all, but not – as is usually done – to dehumanize them. Rather, we might conclude that the human bomb is a monster precisely because they are human and “invite[] recognition.” Although the sovereign may work to inscribe Other-ness and abjection on their bodies, the human bomb articulately argues that they are “neither wholly self nor wholly other” but rather something insistently in between. Their hybrid body cannot be entirely repudiated.

Part of this monstrous quality, as I have noted above, is that the human bomb is also *less* than human. In merging the body and the bomb, the human bomb prefigures the disintegration of the body into shrapnel akin to the metal fragments that are often incorporated into suicide vests and belts. The Tamil Tigers are credited with the invention of the now-ubiquitous (in media if not in daily life) suicide vest. The vest contains small

⁵⁴¹ Shildrick, *Embodying the Monster*, 12-13

packs of explosives fixed to fabric that can be worn under the clothes, triggered by a wire that is usually fixed to some kind of handheld switch. Packets of shrapnel such as metal pellets or nails can also be incorporated into the design. Different makers have their own design preferences, which produce some variations between the vests.⁵⁴² Some have experimented, as I will discuss below, with adding poisons or other forms of harm to maximize the fatalities a human bomb can cause. The basic structure of these vests, however, is fairly uniform. While other human-bomb hybridization methods exist (the suicide belt, the explosive-stuffed backpack, etc.) the suicide vest seems to be particularly popular: it holds more explosives than a belt but is more discrete and therefore harder to detect than a backpack or suitcase.⁵⁴³

Explosive vests are designed to fit over and across the torso, with the blast radius and shrapnel meant to extend across as wide a horizontal plane as possible to maximize the numbers of deaths and injuries. The inevitable focus of the explosion, of course, is on the chest of the wearer. As a result, the chest, abdomen, and upper arms of the human bomb are completely eviscerated, leaving behind little more than a tangled mass of

⁵⁴² For example, Gideon Aran describes the vest used in the “Passover Massacre” as follows: “The vest was made of blue cloth, sewn as a blouse that covered the shoulders, chest, and upper back. In front many pockets were sewn, into which a charge of ten kilograms of nitroglycerin was placed, in containers that resembled smoke grenades. Small ball bearings were placed in every pocket, as well as iron wire, which were cut into many pieces half a centimeter long. Thus, a blast effect at a radius of a few meters was obtained, along with the effect of deadly shrapnel at a longer radius. The source of the current was a bundle of nine-volt batteries, and the trigger was a plastic on-off switch.”

⁵⁴³ This is not to suggest that these methods are not used at all. For example, the four bombers who undertook the 2005 London transit bombings all wore explosive-packed backpacks.

charred flesh, sticky viscera, and a jigsaw puzzle of bone fragments that may be scattered several buildings away from the scene of the bombing. All this chaos of bodily disintegration stands in stark contrast to the state of the human bomb's head: the force of the explosion functionally decapitates the bomber. Their head, severed from the body and propelled away from it, is thereby usually preserved. It lands, almost unscathed (other than lacking a body) away from the carnage.

This phenomenon is so typical of human bombs using explosive vests that it has become almost unremarkable. Photographs from one bombing site in Israel show a ZAKA volunteer quite casually relocating the perfectly preserved head of the bomber, wearing what appear to be gardening gloves.⁵⁴⁴ Indeed, Aran observed that ZAKA volunteers seem to orient their activity on the scene by treating the disembodied head as the center, effectively organizing themselves around its regular and expected presence.⁵⁴⁵ The handlers and recruiters of human bombs seem to anticipate this decapitation, and even popular and propagandistic media portrayals acknowledge and sometimes celebrate the severed head of the human bomb. In their commemorative martyrdom portrait, at least one Palestinian human bomb had his photo edited and collaged to depict him, armed with a Quran and a Kalashnikov, holding out his own dripping head in his hands.⁵⁴⁶

⁵⁴⁴ Wigoder, Meir. "The Story of the Head," *Third Text* 20, no. 3-4 (2006), 449-462.

⁵⁴⁵ Aran, *Smile of the Human Bomb*, 219

⁵⁴⁶ Wigoder, "The Story of the Head." This iconography was incredibly common in the Indian independence struggle. A famous poster from the 1930s depicts Indian freedom fighter Bhagat Singh kneeling on a map of India, offering his severed head to Mother India incarnate as a goddess while blood spurts from his wounds. Sikh iconography is

While the symbol of the proffered head is easy to interpret as offering up one's life, there is something more material happening here: the human bomb's severed head is not merely a stand-in for their life and the body is not merely a metaphor. If they use the popular explosive vest method, they will quite literally offer their heads in the explosion. Even before the moment of impact, it is possible to predict and respond to the ways the body and the explosion will interact.

In fact, in the moments immediately before the explosion even the smallest gestures of the human bomb can make a significant difference in the amount of damage the explosion causes: if the human bomb does not spread their arms, they will reduce the impact of the explosion and block pieces of the shrapnel. If a human bomb on a bus does not stand all the way up before detonating, the seat backs around them will absorb the worst of the blast wave. Because of the position of the explosive charges in suicide vests and belts, the direction in which the human bomb turns immediately before detonating is essential. As Aran describes it, "those in the target group whom he chooses to look at – thus creating eye contact, which always has a degree of mutuality and perhaps even a

flush with similar images, such as celebrated portraits of 18th century warrior Baba Deep Singh whose legend says that he repelled an invading Afghan army with his severed head, cut off in a swordfight with the Afghani general, in one hand and a sword in another. The image of Sikh martyrs holding up their severed, halo-adorned head is one of the most common depictions in Sikh iconography. Unsurprisingly, the same imagery made its way to Khalistani militants and their supporters. To try and track the path of this trope would be purely speculative, but it is well-established that Sikh and Tamil separatists have shared dialogue and sympathies, and that Tamil Tigers have trained and trained with Palestinian resistance fighters, so it is possible that this image traveled with them. Regardless of the connection, the similarities and staging and aesthetic are remarkable.

spark of humanity – are the ones chosen to be his certain victims.”⁵⁴⁷ A high-casualty suicide bombing can depend, therefore, on a high degree of bodily discipline. Although the death of the human bomb is certain, the question of who dies with them may be a matter of small gesture, or a slight change in the position of the body. This dependence demonstrates how totally the body and the bomb are hybridized: the body is not just a means of transportation, it is a part of the bomb. Human bombs and their handlers use quite detailed language to describe the weaponization of the bombers’ body. The body’s role as a weapon is not merely to convey the bomb, direct it, and help it avoid detection. Rather, the distinction between the body and the bomb is shifting, tenuous, and imprecise. Indeed, this is why the term “human bomb” has seemed so powerful and appropriate to those who deploy the bombers: it linguistically establishes the total interpenetration of the body and the weapon. The human is the weapon itself. Conversely, the bomb is not an exception to the body’s humanness but a constitutive element of it.

When the human bomb explodes, turning their body into something which is materially less than human, it can take on a new form of threat. An ER doctor in Paris, treating a woman who had been burned across her back when a bomber standing behind her had detonated, noted that he “couldn’t help but think as he cleaned out the burns that it might be the flesh of the terrorist seared against her skin.”⁵⁴⁸ But the body of the bomber can be more dangerous than even this painful merging would suggest. In addition

⁵⁴⁷ Aran, *The Last Smile of the Human Bomb*, 22

⁵⁴⁸ Sellers, Frances Stead. “‘I was Walking on Blood’: The Incredible Work by Doctors to Help Paris Victims,” *The Washington Post*, November 25, 2015.

to the metal shrapnel packed in with the explosives, “bony fragments converted into projectiles by the explosion” can become potentially deadly shrapnel.⁵⁴⁹ As a result, the body is dangerous and even monstrous in another way. The burgeoning field of so-called “terrorism medicine” has had to deal extensively with this problem: reports detail the medical complications of shrapnel wounds caused by bone fragments. As one study explains, “in an explosion, any object can become a secondary projectile. Bone, because of its light weight and mechanical properties, makes a highly effective projectile.”⁵⁵⁰ In this respect, even the “natural” body of the bomber is part of the bomb once it is reduced to fragments. The fact that bone – the very carbonate, biological material that gives the body its shape – is a “highly effective” component of the weapon suggests that the fusion of the body and the weapon extends deep within the body. Quite literally, they are merged all the way to the bone. The first problem in treating such an injury is the difficulty during on-site triage of assessing whether a piece of bone has been exposed – i.e., dislodged from its proper site within the patients’ body by the injury – or if the bone fragment is itself an invader that caused wound. The naked eye cannot distinguish one person’s bone from another’s. All it sees is the wound and the bone out of place.

⁵⁴⁹ Nicolas de l’Escalopier et al., “Infectious Risk for Suicide Bomber Attack Victims: Management of Penetrative Wounds in French Army Personnel,” *International Orthopaedics* 40, no. 5 (2016), 861-864: 861.

⁵⁵⁰ James Min-Leong Wong et al., “Biological Foreign Body Implantation in Victims of the London July 7th Suicide Bombings,” *The Journal of Trauma: Injury, Infection, and Critical Care* 60, no. 2 (2006), 402-404: 404, emphasis mine.

After the July 7, 2005 coordinated attack on the London public transportation systems, multiple cases were reported where patients had bone fragments from either other targets or the bombers themselves embedded in their soft tissues, including one man with a bone fragment embedded in his left eye. In most cases (excepting the eye) doctors originally assumed the patients had fractures and that the bone fragments were autogenic. But as treatment continued, scans discovered that the bone fragments had come from outside the body. Thus, the bodies of the bombed had hybridized with that of the bomber, becoming monstrous in their own right.

Thus far, I have argued that the body of the human bomb – up until the very moment of the bombing – is both more or less than human. It is a dangerous hybrid, whose abjection threatens bodies, security, and the very foundations of sovereign order. The division between the body and the weapon is flimsy and artificial. It prefigures the violent merging of the bodies of the bomber and the bombed to which I briefly alluded above. In the next section, I will examine the moment when the human bomb explodes. It is in this moment that the hybrid body of the bomber begins to interact with the other bodies and the environment, showing that what might have appeared to be “outside” the body can interpenetrate and become saturated with it.

Boundary Control

When a human bomb explodes, their body completely loses its integrity. The bomber, of course, dies. Those within the blast radius may be crushed, dismembered, or torn by shrapnel (including bone fragments from the bomber). The site of the bombing is

destroyed in some way, depending on the size of the blast and the construction of the setting. Buses can be reduced to scrap; buildings collapsed. This is not only a moment of destruction, however: it is also the forging of new and complicated relationships. Bodies which were previously separated by skin, space, and circumstance become mixed. That which was outside of the body comes to be within, while that which belongs inside the body can spill out into the world. I consider these mixings to be problems of boundary control which highlight the ways that suicide bombing problematizes and unmakes borders. Part of the threat of the human bomb is the fear that they could be anywhere. Human bombs in Israel have been known to don Israeli soldiers' uniforms to cross checkpoints. Perhaps even more strikingly, the human bomb at the Imam Zaman Mosque in Afghanistan entered the mosque and made it all the way through his ablutions with explosives strapped to his chest under his clothes, only to detonate and kill 58 people as they knelt down to pray.⁵⁵¹ Hanadi Jaradat, who detonated at Maxim's restaurant in Israel in October of 2003, ordered a meal, sent it back, got a different meal, ate, went to the restroom, and even paid for her meal before detonating her bomb.⁵⁵² In these examples, the human bomb is figured as a virus, slipping in unnoticed past the body's immune responses. Undetected, the "virus" circulates through the body politic, waiting to trigger its deadly disorder. These images of contamination and infection are often used to describe suicide bombing, but I argue that we can also interpret these metaphors more

⁵⁵¹ Faizi, Fatima. "When the Bombs Explode, There is Work to be Done," *The New York Times*. March 24, 2018.

⁵⁵² Aran, *Smile of the Human Bomb*, 152

literally. There are material issues of infection and contamination at hand. As Margaret Shildrick explains:

We understand that a contaminated object is one to be avoided or kept at a safe distance, lest we too become affected, our bodies opened up to the forces of disintegration. Our well-being, our very lives, are dependent then on the maintenance of a self-protective detachment, an interval not only between ourselves and evidently dangerous others – be they microbes, parasites, or infected human bodies – but also between ourselves and the mere potential of risk.⁵⁵³

The weaponization of bone and tissue shows that the metaphors of contagion so often used to describe suicide bombing – an epidemic, the infiltration of secret cells into the body of the nation – also have their material correlates. The human bomb does, in fact, seek to infiltrate national bodies: to present a stubborn foreign object that disorders the orderly flesh of the nation. As I will describe below in my discussion of repair, the corpses created by suicide bombing are intermingled, sometimes inextricably so. In these cases, it is the work of state agents to do whatever possible to separate these bodies out and restore order. But the threat of contamination is not confined to the dead: the first kind of contamination the human bomb threatens picks up from my discussion above of bomber's body turning into dangerous shrapnel.

Shrapnel like nails and steel balls (as would be used in ball-bearings) are popular with bombmakers for several reasons. They are easily acquired and transported, and have

⁵⁵³ Shildrick, *Embodying the Monster*, 78

proven to be effective at damaging human flesh. The force of the blast disperses this shrapnel with incredible speed, allowing it to puncture the body and leave it riddled with holes. These small bits of metal are also effective in another way: they get under the skin, and in many cases they stay there. Metal balls usually leave large entrance wounds and create wide paths of destruction through flesh, meaning that they either tear straight through the body or are relatively feasible to remove. As a result, they can wreak havoc within the body, but they do not necessarily remain inside it. The same is not true, however, of nails, which are perhaps the paradigmatic shrapnel used with and by human bombs. Arrow-like, penetrating, and with a head that can snag inside the body, nails can embed in human flesh in ways that would require new, additional incisions to remove them. Hospitals report that when faced with already lacerated and traumatized bodies – and having other more precarious patients in need of attention – they often choose to leave the shrapnel where it is: buried in the bodies of the blast survivors.⁵⁵⁴ Psychologists who write about the survivors of suicide bombings often remark on how the trauma lingers as a wound which never fully vanishes from the psyche. The medical evidence suggests that this wound may not be purely psychological in nature: for many survivors, a piece of the bombing may quite literally remain inside them. The tendency for both media outlets and politicians to treat those impacted by a suicide bombing as paradigmatic or idealized national bodies then takes on a rather different inflection. Even

⁵⁵⁴ Of course, if the shrapnel causes pain or threatens medical complications, doctors will remove it during follow up care. However, their reports suggest that this is an infrequent course of action.

the bodies of the survivors, especially those who had relatively less destructive injuries (i.e., puncture wounds as opposed to traumatic amputation) can be transformed by the human bomb.

Indeed, when we read the human bomb as a cyborg – part human, part metal machine – their hybrid status seems even more contagious than before when shrapnel wounds are considered. The weapon which was briefly part of the bombers body is now – perhaps permanently – part of the body of the bombed. This sharing of bodily elements performs a kind of inverse (or perhaps perverse) transfusion: rather than sharing the human stuff of life, the bomber transfuses the deadly and mechanical element of their body. Given the centrality of blood donation and transfusion to the process of repair, and the anxieties surrounding the idea of proper blood more generally, this symmetry is powerful. It is easy to imagine how it might haunt a survivor, even if it did not cause them unbearable physical pain, to have a fragment of the event nested permanently in their flesh. This lingering piece enables a quite different temporality than usually discussed in conjunction with suicide bombing: not the sudden unpredictable horror that moves too fast to be understood, but rather the lingering, living temporality of flesh knitting itself back together around a jagged invader, of making the violating shrapnel part of the body itself. Even if the moment of the blast is too short and too sudden to be measured, unaided, by the human body, this longer timeline of partial and fraught repair marches on as long as it is lived in and experienced.

By adopting these bombed bodies as true national bodies and holding them up as the paragons of good subjects, the state ensures that this timeline is lived by the state more broadly. Not only are the wounds of suicide bombing cast as shared, but so too are the splinters the body incorporates. The 9/11 Commission Report, with its lurking desire to turn the wounded families of the dead into “all of us,” is symptomatic of this approach.⁵⁵⁵ The wounded are reincorporated into the body politic through a kind of sublimation, sealed within the skin unless they start to cause pain.⁵⁵⁶

But the metaphor of the human bomb as a viral threat has another, even more literal correlate. Recent studies have argued that the risk of bodies turned shrapnel is far wider ranging than penetrative injuries alone: fragments from bombers with severe infectious diseases might transmit the diseases to blast survivors. The major risks, one study argued, are hepatitis B, hepatitis C, and – most threateningly of all – human immunodeficiency virus (HIV).⁵⁵⁷ Researchers argue that “any blood-borne disease with a carrier stage [...] can be passed to blast victims by penetration of biologic material from an infected SB [suicide bomber] or by contaminated metal fragments.”⁵⁵⁸ The possibility

⁵⁵⁵ National Commission on Terrorist Attacks upon the United States, “9-11 Commission Report”

⁵⁵⁶ Indeed, many of the more vocal members of 9/11 families quickly found themselves acting as a thorn in the side of the city as they battled against redevelopment plans and contested the city’s search and recovery protocols. See, for example: Senior, Jennifer. “The Memorial Warriors: One Year Later,” *New York Magazine*, September 6, 2002, http://nymag.com/nymetro/news/sept11/features/n_7691/.

⁵⁵⁷ Nicolas de l’Escalopier et al., “Infectious Risk for Suicide Bomber Attack Victims: Management of Penetrative Wounds in French Army Personnel,” *International Orthopaedics* 40, no. 5 (2016), 861-864.

⁵⁵⁸ *Ibid.*, 863.

of human bombs who are both mechanical and biological weapons presents an incredible, almost spectral form of menace. As one *BBC Health* headline described it, “Suicide bombers may not just cause carnage when they blow themselves up – they may also spread disease from beyond the grave.”⁵⁵⁹ The monstrous suicide bomber here takes on a new form: the zombie. The spread of disease from a human bomb does not actually require the penetration of the bomber’s bone or other hard tissue. As some studies point out, metal shrapnel from the bomb mingled with the bomber’s blood and tissue would be perfectly adequate to cause contamination. Not only would the hard tissues of the bomber’s body be a danger, but the entire thing: fluids, soft tissues, and all.

There were rumors (circulated primarily in American conservative media outlets) that Al-Qaida attempted to engineer explosives that contained HIV-infected blood mingled with the shrapnel, but if such a bomb ever existed it has never been used, and the provenance of these rumors remains unclear. Hamas bombmaker Abdullah Barghouti claimed that he attempted to synthesize an organic toxin – strangely enough, from potatoes – to mix into his shrapnel, but found it to be ineffective.⁵⁶⁰ In fact, considering that there are no reported cases of infection from the biologic material of suicide bombers, it is striking how much ink has been spent studying and warning about the possibility. It seems that there is only one case where the patient was actually threatened

⁵⁵⁹ “Suicide Bombers’ Lasting Legacy.” *BBC News: World Edition* July 25, 2002. <http://news.bbc.co.uk/2/hi/health/2147204.stm>. Emphasis mine.

⁵⁶⁰ Aran, *Smile of the Human Bomb*, 135. On other occasions, Hamas bombers have supposedly considered adding nerve gas, chlorine, and cyanide to their bombs. I have not found any reports to suggest that such attacks have taken place.

with infection: a person in Israel infected with hepatitis B from the bone fragment of a human bomb.⁵⁶¹ This patient was treated immediately, and does not seem to have suffered any adverse consequences from the hepatitis virus specifically (although undoubtedly they suffered quite a bit from the bombing itself, and from having a bit of human bone forcibly embedded into their body). And yet, the fear that this biologic material might contain hepatitis viruses or (worst of all) human immunodeficiency virus remains prevalent. The *National Enquirer* went so far as to publish a hoax about droves of people infected with AIDS signing up to be human bombs for Al-Qaida in Iraq.⁵⁶² The proliferation of these hoaxes – particularly given the lack of evidence that supports them – highlights the deep connection between suicide bombing and anxieties over boundary and boundary violation. Conflating the fear of the human bomb with the fear of infection sublimates this abstract fear into a material, biologic one.

However, the idea of human bombs “killing from the grave” sounds more familiar (and more scientifically-sound) in the context of September 11th, where first responders, law enforcement agents, and volunteers continue to die from cancers related to the attacks. Unlike most environmentally-influenced cancers, exposure during 9/11 was not a slow build-up of toxins over time. Instead, it was a sudden and violent intake of toxic substances. As Aronson described it, “the collapses forced the pulverized material deep

⁵⁶¹ Eshkol, Zeev and Kalman Katz, “Injuries from Biologic Material of Suicide Bombers,” *Injury* 36, no. 2 (2005), 271-274.

⁵⁶² Schollmeyer, Josh. “Blood Feuds,” *Bulletin of the Atomic Scientists* 61, no. 6 (2005), 8. In fact, it is likely impossible to transmit HIV through a human bomb: the heat of the blast would most likely destroy the virus before it could infect anyone.

into the lungs of those who were in the vicinity when the collapses occurred, and caused people to vomit up the dust while simultaneously struggling to gasp in enough oxygen to survive.”⁵⁶³ Those who were involved in the ongoing search process continued to interact with the carcinogenic dust and rubble, usually without any understanding of the risk or safety gear. FBI Agent Thomas O’Connor, inadvertently providing the headline for a number of news articles on the subject in 2018, described these belated deaths as being “like Bin Laden is still reaching out from the grave.”⁵⁶⁴ Here, the zombie is not the human bomb but the one who dispatched them. It appears that he, like the human bomb, is immune to the finality of death, continuing to present a menace which is paradoxically both spectral and material.

Finally, there is the infection of the body politic. Here I do not refer to the state as territory, but rather as a fictive body governed by a “head of state.” The frontispiece of Thomas Hobbes’ *Leviathan* is the paradigmatic image of this “body.” When human bombs attack the head of state (sometimes “decapitating” the body politic), they unleash a different kind of disorder or contamination. The Tamil Tigers were particularly successful in conducting suicide bombings that targeted high-ranking government officials. An attack in Weliveriya, Sri Lanka in 2008 (presumed to be the work of the

⁵⁶³ Aronson, *Who Owns the Dead?*, 36.

⁵⁶⁴ Del Quentin Wilber, “Sept. 11 is Still Killing FBI Agents: ‘It’s Like Bin Laden Reaching Out from the Grave’,” *Latimes.Com*. August 30, 2018. <https://www.latimes.com/nation/la-na-pol-fbi-agents-cancer-20180829-story.html>. There is some extra irony to this statement, considering that Bin Laden has no grave – his body was dumped into the sea.

LTTE), which targeted the opening ceremony of a marathon killed government minister Jeyaraj Fernandopulle, who was tasked with waving the flag to signal the start of the race, along with fourteen other people. A local journalist who was present at the blast reported that the minister's body "had been torn into pieces below the waist and there were other bodies without heads and legs."⁵⁶⁵ Video from the scene shows an enormous fireball engulfing Fernandopulle before the footage cuts off. The reduction of heads of state into "pieces" changes the shape and composition of the body politic.

Perhaps the Tigers' most notorious Black Tiger attack remains the assassination of former Indian Prime Minister Rajiv Gandhi, who was killed by a Black Tiger squad in at a campaign rally in 1991.⁵⁶⁶ While his death certainly did not destroy the state, it did disrupt it: elections were postponed among discontent, finger-pointing, and outbreaks of violence. In her analysis of political corpse as material objects, Margaret Schwartz examined the public display and preservation of the corpses of heads of state. She argued:

Corpses deployed in the field of the nation aim to make stable and hierarchical claims about which bodies count for inclusion...In a more lyrical tone, Carlos Fuentes writes that 'the fatherland is impeccable and adamantine.'

⁵⁶⁵ Bharatha Mallawarachi, "Suicide Blast Kills Sri Lanka Minister," *Toronto Star*. April 7, 2008.

⁵⁶⁶ Black Tiger missions, as I described above, were missions undertaken by the Tamil Tigers in which the chance of survival was considered extremely low. They included both suicide bombings and other kinds of high-risk missions in this category. Gandhi was assassinated by a Black Tiger named Thenmozhi Rajaratnam, who detonated an explosive belt while touching Gandhi's feet. Rajaratnam acted as part of a Black Tiger squad, which planned and facilitated the attack. There was also a "backup bomber" present at the assassination, who was also a member of the Black Tiger squad.

The corpse that figures the nation is similarly incorruptible and, by extension, eternal.⁵⁶⁷

In other words, “corpses deployed in the field of the nation” are themselves boundary-setting objects: they continue to stabilize national boundaries, and national hierarchies, even after death. Not all political assassinations are able to disrupt this process. Bombing, on the other hand, combines assassination with the unmaking of the “corpse that figures the nation.” It thereby threatens the incorruptible and eternal quality of the state itself and, by extension, the boundaries and hierarchies on which that state rests.

The remnants of Rajiv Gandhi’s clothes have been preserved and stored at the Indira Gandhi Memorial Museum in Delhi. All that is left is charred and tattered scraps, attached to what appears to be a waistband. His socks and shoes, on the other hand, are almost perfectly preserved. It seems that nothing of the upper garments could be saved. These scraps evoke the state of his destroyed body: Neena Gopal, a journalist who had been interviewing Gandhi immediately before his assassination and was an eyewitness to the attack, wrote that two Congress party leaders on the scene told her they wanted to move Gandhi’s body but couldn’t because it “simply disintegrated in their hands.”⁵⁶⁸ In fact, later accounts suggest that the body was not utterly destroyed: there was enough left of Rajiv Gandhi to recognize and to pick up. The feeling Gopal recounts – that Gandhi’s body was falling apart in the hands of the party officials who tried to move it – therefore

⁵⁶⁷ Schwartz, Margaret. *Dead Matter: The Meaning of Iconic Corpses*. (Minneapolis, MN: University of Minnesota Press, 2015) :28

⁵⁶⁸ Gopal, Neena. *The Assassination of Rajiv Gandhi* (Gurgaon, Haryana, India: Penguin/Viking, 2016).

reads a fear onto Gandhi's body that was not wholly supported by the body's material status: the fear that the sovereign order itself was degrading into nothingness before their very eyes.

Environmental hazards

Suicide bombings infringe upon the secure boundaries of all public spaces (i.e., not only the specific space which has already been the site of an attack) in two very different ways. First, they make public spaces into sites of vulnerability. The crowded market, the school, and the busy train station – places which are not only public in administration but are also constitutive of a public – become potential locations of violence. To be public, therefore, takes on a certain kind of haunting risk. To be in public, under the threat of suicide bombing, is to put oneself in the path of danger. The suicide bomber also threatens the public – not just individual victims – with intimacy through their interaction with space. The human bomb makes death as a social and public experience: they bring the extremely private act of dying into the most public places. Worse, they turn dying into a public activity, a collaboration in which their victims (although unwilling) take equal part.

Journalist Christoph Reuter notes how starting in February of 1996, there were a series of recurring suicide bombing targets in Israel: repeated bombings of Bus Route 18, then Jaffa Street, and a Tel Aviv shopping mall. All of these bombings were committed

despite intensified security patrols designed to prevent them.⁵⁶⁹ Public space thus serves as a kind of mediator and magnifier of the threat that the bomber poses. “As if to make a mockery of all Israeli defensive measures,” he writes, “Palestinian attackers persist in blowing themselves up in the same place in Jerusalem’s city center – near Sbarro Pizzeria, inside the Sbarro’s, in front of the Sbarro’s – as if to reinforce the message that no real protection or escape is possible.”⁵⁷⁰ It is the space itself, in its persistent vulnerability, that really frames this message. A Sbarro Pizzeria may not seem like a “high value” target on its own merits, but it gains meaning from this iterative process: even though the shop is a known target, nothing can be done to protect it.

While the living human bomb performs one kind of infiltration into protected space, their corpse enacts another. In *The Political Lives of Dead Bodies*, Katherine Verdery uses a combination of historical and ethnographic research to show the link between burial, soil, kinship, and nationality in post-Socialist Eastern Europe. She argues that both leaders in these states and quotidian ritual practice evince the same belief, which she says is most succinctly stated by Serbian nationalist writer and politician Vuk Drašković: “Serbia is wherever there are Serbian graves.”⁵⁷¹ Verdery argues that this linkage between the corpse and “proper” soil is far wider ranging than the cases she

⁵⁶⁹ Reuter, *My Life is a Weapon*, 104

⁵⁷⁰ *Ibid.*, 14

⁵⁷¹ Katherine Verdery, *The Political Lives of Dead Bodies: Reburial and Postsocialist Change* (New York: Columbia University Press, 1999): 118. A similar claim is – perhaps apocryphally – attributed to Napoleon Bonaparte: “the boundaries of an empire are the graves of its soldiers.” Marvin, *Blood Sacrifice and the Nation*, 99.

examines, suggesting that there is an almost uniform intercultural association between the nation and the mingling of bodies and soil, where properly national soil is that which contains, inters, and mixes with properly national bodies. While Verdery is mostly interested in the ramifications of this connection for nationalist movements, her observations hint, implicitly, at a potential threat to the nation: what happens when the wrong corpses get in, and cannot be truly cleansed from the soil in which they do not belong? Put another way, if the political community is shored up by mixing proper bodies with the soil, what happens when this sanctified soil is polluted by the abject and militant body of the Other? This is one of the many questions which the material politics of suicide bombing poses.

In transforming the body into fragments, the suicide bomber enacts a complex material relationship between their own body and the protected space of the nation-state. The bomber's body – previously a site of physical integrity – turns into bits and pieces. In the 2002 Bali bombings of two nightclubs and the United States consulate, “a dismembered head and two lower legs were found amongst various body parts at the morgue.” This was all that was left of the bomber that had not been reduced to what the forensic analysts refer to as “spatter” which, as the term suggests, was stuck and dried onto surfaces all around the site.⁵⁷² The second bomber was even harder to locate, reduced to “many tiny body parts” that were scattered across rooftops and all around the

⁵⁷² David Royds, Simon W. Lewis and Amelia M. Taylor, *A Case Study in Forensic Chemistry: The Bali Bombings*, Vol. 67, 2005), 262-268: 263.

blast site.⁵⁷³ The list of samples selected for DNA analysis by the forensic team in Jakarta illustrates how thoroughly the bombing fragmented the impacted bodies and how difficult it would be to cleanse the space of all the pieces: a fragment of left tibia (the shinbone) found a terrace, skull fragments on the fifth floor of an office building, a scalp with hair found in the street, a charred and thumb-less left hand at the underground parking gate. Some of the “samples” are nothing more than blood stains, dispersed all around the area.⁵⁷⁴ The process is not only difficult, but can be excruciatingly slow. Five years after the destruction of the World Trade Center, construction workers found human remains inside drains and manholes. These remains had gotten lodged into the circulatory system of the city itself and triggered a new wave of uncertainty about what other hidden bodily fragments might be lurking unseen.

It is difficult, if not impossible, to purify the scene of every piece of human remains, which not only scatter but bleed and seep. Some parts, depending on the size and heat of the blast, are simply vaporized: there are no distinctively human pieces to identify, merely undifferentiated ash and smoke which undoubtedly contains, at an imperceptible level, the formerly human. Hamid Dabashi speaks of this strange confrontation in *Corpus Anarchicum: Political Protest, Suicidal Violence, and the Making of the Posthuman Body* when he describes walking through the streets of

⁵⁷³ *Ibid.*, 263

⁵⁷⁴ Herawati Sudoyo et al., “DNA Analysis in Perpetrator Identification of Terrorism-Related Disaster: Suicide Bombing of the Australian Embassy in Jakarta 2004,” *Forensic Science International: Genetics* 2, no. 3 (2008), 231-237. doi:2101/10.1016/j.fsigen.2007.12.007, 232

Manhattan after the September 11th attack on the World Trade Center. He describes the discomfiting awareness that the torrent of fine ash which fell over the city undoubtedly contained the never to be found, never to be claimed, and never to be cleansed residue of human bodies. “These ashes were bones and muscles only a cup of coffee ago,” he remarks, bewildered, “How is one to understand such sudden decimation of physical existence and the restful falling down of human beings as ashes and dust?”⁵⁷⁵ He notes that, inevitably, the people in the city were breathing these bodies in – a particularly troubling thought considering that these ashes almost certainly contained the bodies of the bombers. The bombers were at the epicenter of the blast – the very front of the planes – and of the four out of ten bombers from whom any remains have been found, there are only bits and pieces. These fragments amount to hardly a few pounds per bomber.⁵⁷⁶ Most likely the rest of their bodies were in the ash that blanketed the bodies and filled the lungs of anyone nearby.

At first glance, these may seem like two very different instances: in the first, the oozing, viscous destroyed body of the suicide bomber seeps into the soil. It is sticky, messy, and bloody. In the second, there is no body at all – merely ash, that which has already had its impurities burned away.⁵⁷⁷ And indeed, these phenomenological

⁵⁷⁵ Hamid Dabashi, *Corpus Anarchicum: Political Protest, Suicidal Violence, and the Making of the Posthuman Body* (New York: Palgrave Macmillan, 2012): 3.

⁵⁷⁶ Conant, Eve. “Terror: The Remains of 9/11 Hijackers,” *Newsweek*, January 1, 2009. <https://www.newsweek.com/terror-remains-911-hijackers-78327>.

⁵⁷⁷ In his history of modern cremation, Thomas Laqueur notes that the elimination of impurities – waste, the chemicals released by bodily decomposition, disease that might

differences are important: the types of bodies and the interactions of which they are capable matters. But these are also both examples of a similar threat the body of the suicide bomber poses: the threat of pollution, corruption within the body politic. The porous body of the suicide bomber (or the “leaky” body, to use Elizabeth Grosz’s term) threatens to contaminate the sanctified space of the state itself, like poison leaching into soil. The human bomb reveals the conceptual slippage between body and territory through the dual threat they present. As Wilcox describes it, the body of the human bomb is “a body not bordered by skin but a body that is deterritorialized, not ordered by sovereignty.”⁵⁷⁸ The idea of a body “deterritorialized” by its wounds shows how seamlessly the body and the state are doubles for each other. Skin and sovereignty are figured as counterparts, fixing the order of the body and the state. Suicide bombing destroys both through the same mechanism.

The transformation of space through suicide bombing is not only the result of bodies merging with and infiltrating space, but also the material remaking of the constitutive elements of space itself. The physical force of a bomb blast always transforms space, at least temporarily. Indeed, most suicide missions have lasting and discussed impacts on the spaces they target, be it the transformation of the Manhattan World Trade Center towers into “Ground Zero” and then into a perpetual museum/memorial/mass grave, or the now permanent bullet holes in the walls of

fester in decaying bodies – through burning was often cited by those who advocated cremation on scientific and public health grounds.

⁵⁷⁸ Wilcox, *Explosive Bodies and Bounded States*, 8.

Mumbai's Leopold Cafe after the November 2008 Lashkar-e-Taiba attacks. But because of the kind of weapon involved, this is especially true of suicide bombings. Inanimate material is equally likely to be shattered, punctured, and burned as flesh and bone are. Indeed, images of bus bombings like the July 2005 attack on London bus route 30 resemble nothing so much as a mangled corpse – the twisted metal skeleton, the shattered glass skin, the organs of seats and railings spilling out.

Of course, not every attack produces monuments and memorialization; some simply provide a desire to rebuild as quickly as possible. But this impulse too speaks to the potential of the suicide bombing to transform space, since rebuilding (or perhaps more accurately, building over) evinces a kind of desperation to erase the traces of spectacular destruction, to build up structural scar tissue, and to return to a fragile and contingent sense of “normal.” The damage a suicide bomber causes to the physical location depends a great deal, unsurprisingly, on the type of bomb in question. A shrapnel-based vest will shatter glass and score concrete, but not necessarily bring down entire structures like driving an explosive-packed car into a building will. And of course, a jet fuel-packed airplane produces another level of destruction. But in the moment of a suicide bombing and the immediate aftermath, regardless of the scale of the explosion, the material transformations that take place remove the site from the realm of order and governance.

Elizabeth Grosz, in her study of the relationships between space, time, and the body, argues that space plays an essential role in creating and governing human relations and identities. She argues:

The subject's relation to space and time is not passive: space is not simply an empty receptacle [...] It is our positioning within space, both as the point of perspectival access to space, and also as an object for others in space, that gives the subject a coherent identity and an ability to manipulate things, including its own body parts, in space.⁵⁷⁹

She further argues that the city specifically (which is where most suicide bombings take place) plays a key role in organizing the human and the social. The city is required for the “coordination and integration of [the human body's] bodily functions so that not only can it undertake general social tasks, but also become a party of a social network, linked to other bodies and objects.”⁵⁸⁰ The destruction of the very elements that make up the city – the reconfiguration of space – is itself a powerful threat that suicide bombing poses to sovereign order.

Drawing on the example of environmental destruction in Bosnia, Martin Coward argues that we must “consider the destruction of the built environment as a distinct form of political violence.”⁵⁸¹ He elaborates on the kinds of relations Grosz suggested,

⁵⁷⁹ Elizabeth Grosz, *Space, Time, and Perversion: Essays on the Politics of Bodies* (New York: Routledge, 1995): 92.

⁵⁸⁰ *Ibid.*, 105

⁵⁸¹ Coward, Martin. “Against Anthropocentrism: The Destruction of the Built Environment as a Distinct Form of Political Violence,” *Review of International Studies* 32, no. 3 (2006): 422

explaining that the destruction of buildings and other built elements constitutes its own unique kind of attack on communities, and on what he specifically refers to as the conception of the public. All buildings, in his reading, are part of what shapes the public, in that “[e]ach and every element of the built environment is, prior to the establishment of disciplinary and restrictive regimes, fundamentally public insofar as it is available to all as an indicator of place, a marker of orientation.”⁵⁸² This publicness relates with humans to produce meaning through spatiality. Buildings produce spatiality, which Cowards describes as the way people “compose relational networks of meaning that orientate their experiences.”⁵⁸³ Because the relationship between people, communities, and built environments is one of mutual constitution and meaning-making, Coward argues that the destruction of built environments can (in some cases) be more devastating to our sense of community than individual deaths.⁵⁸⁴ He quotes Croatian writer Slavenka Drakulic’s *Mostar Bridge Elegy* to show the impact of destroying built environments:

‘Why do I feel more pain looking at the image of the destroyed bridge than the image of the woman [whose throat has been slit]?’ She goes on to reply:
Perhaps it is because I see my own mortality in the collapse of the bridge, not in the death of the woman. We expect people to die. We count on our own lives to end . . . The bridge [however] was built to outlive us . . . it transcended

⁵⁸² *Ibid.*, 428

⁵⁸³ *Ibid.*, 429

⁵⁸⁴ This is particularly in cases where the built element had its own cultural or symbolic significance, like in the case of Mostar Bridge that I quote below. However, it is not only these symbolic buildings whose destruction is powerful.

our individual destiny. A dead woman is one of us – but the bridge is all of us.⁵⁸⁵

Drakulic's lamentation for the bridge reveals at least two crucial ways that built environments operate as extensions of the self. First, the bridge "was built to outlive us" and "transcended our individual destiny:" the built environment is meant to project the self into the future, to guarantee the survival of a kind of self which will outlast the necessities of human mortality. The bridge serves, in her self-conception, as a gateway to partial immortality (or at least superhuman longevity). Second, in that the bridge is "all of us," it transcends the boundaries between individuals and binds them together as a community. The bridge (not unlike the exploded bodies of a suicide bombing) can be a signifier for any and all of us at the same time. Drakulic and Coward both conclude, from this understanding, that the destruction of built environments is an evil: it is an attack on specific communities, as well as on the *idea* of communities as such. As Coward describes it, the destruction of built environments is an attempt to "disavow the constitutivity of alterity." Following Jean-Luc Nancy in arguing that alterity is constitutive of community, Coward argues that the destruction of built environments is a "politics of exclusion aimed at establishing the fiction of being-without-others."⁵⁸⁶ However, I argue that the project of suicide bombers is slightly different, because they combine the destruction of the environment with the destruction of the self. Although alterity may be necessary for community, I would add that (as the experience of the *homo*

⁵⁸⁵ *Ibid.*, 420

⁵⁸⁶ *Ibid.*, 434

sacer demonstrates) alterity can also be a source of exclusion and violence. The suicide bomber's project is less the "fiction of being-without-others" than the fantasy of being-without-Others. After all, even the publics which Coward describes are not universal publics; they belong to a specific group and are therefore constituted not only by interactions of mutuality among members but also by exclusions. In destroying a small piece of the public – a part of the network that orients community relations – the suicide bomber is also staking a claim to the right to appear in that public. The bombing reopens a "space" within that network, and through altering the built environment weaves the bomber into its fabric. A new public takes shape, one that is marked by and therefore in some way includes the human bomb. As I have suggested above, this inclusion can take on a literal correlate when the body of the bomber cannot be satisfactorily excised from public space.

Finally, the human bomb can also mobilize the environment as a collaborator, turning it into a source of additional threat or violence. The most obvious examples of this phenomenon are collapsing structures and stray objects becoming dangerous projectiles in the blast. Even if the bomb itself is responsible for primary blast injuries, it is only with the help of the site that secondary, tertiary, and quaternary injuries materialize. For example, the real infectious threat of the suicide bomber may not be human-carried pathogens at all, but the ways in which the blast victims are rendered vulnerable to every aspect of their environment. After all, it is not only that the blood of the dead and wounded seeps into the environment: the environment also seeps into them. One study found that survivors of a bombing in a meat and vegetable market became

infected with candidemia, an invasive and dangerous fungal infection, from the produce they had come to buy. The blast dispersed fragments of the produce into wounds, turning it into a kind of biological weapon. The site was therefore dangerous not only in its publicness, but also because of its specific constitutive parts. The same study also warned of the possibility of unusual outbreaks of malaria in bombing survivors after an attack in areas where malaria is endemic. The fear of malaria outbreaks is particularly interesting given the historical misinterpretation of malaria as an amorphous, floating, atmospheric disease; one which is contracted from simply being in a dangerous place, a place where impure and leaky bodies (human and otherwise) proliferate.⁵⁸⁷ The bodies produced by suicide bombing are vulnerable bodies: bodies laid bare to influence and infection from the world around them. The world itself – that which otherwise enables order and structure – becomes a kind of dangerous transgressor. Rather than enabling boundaries, it crosses them. The world itself is weaponized.

The debate over the World Trade Center site and debris shows that contamination can actually run – at least emotionally – in many directions. For the residents of Lower Manhattan, the debris and ruined site of the attack was an infected wound in the middle of their neighborhood. This wound could only be healed by redevelopment, the city planning equivalent of reconstructive surgery, that would excise the last dregs of victimhood from their lives. The threat, for them, was that the site would forever remain

⁵⁸⁷ Eskhol & Katz, *Injuries from Biologic Material*

contaminated by trauma, and never return to productive, normal life.⁵⁸⁸ For many of the families of the dead, however, their loved ones had sanctified the entire site, and all its debris, with their blood and their lives. The fact that there were unquestionably bodies mixed into the debris – bodies that could never be identified as human because the pieces were too small, too burnt, and too degraded to make sense of – meant that the site was not contaminated but rather consecrated. The site itself, in the eyes of these families, now belonged to them.⁵⁸⁹ But even this mode of environmental interaction comes with threats, since it refuses to see the bombing as ever fully over. Clearly, suicide bombing represents a complex, multivalent threat. Reactions to the bombing must deal with these complexities, all the while generating puzzles of their own.

Repair

As I have argued above, suicide bombing calls for a response. Once the bomb explodes, the bodies are destroyed, and the buildings collapsed, the bombing itself *could* be said to be over. But this is not quite right – a great deal remains to be done. Afghani journalist Fatima Faizi described the situation, with apparent exhaustion at the repeated waves of suicide bombings in Afghanistan, in an article for the *New York Times*: “When the bombs explode, there is work to do.” Faizi wrote the article after narrowly surviving a bombing herself, protected by a wall that absorbed the bulk of the impact. She wrote that

⁵⁸⁸ Of course, many of the people in the pro-development camp had substantial financial incentives. It is impossible to ascertain exactly how much these incentives colored perspective on the site.

⁵⁸⁹ Aronson, *Who Owns the Dead?*

when she finally got up from the ground where the blast had thrown her, she was overwhelmed by what she saw: “the dead and dying, the dismembered victims and distraught survivors, the terrible screams of agony and suffering, and the howls of despair and rage. The blast killed 84 and wounded more than 400.”⁵⁹⁰ The bombers in this attack had used an increasingly popular trick of the trade (Faizi describes it as a “vicious trick of terrorists”), bombers deployed in pairs, with the second human bomb waiting to detonate until first responders arrive on the scene.

Despite the obvious impossibility of undoing a suicide bombing, state and state-adjacent actors attempt to reassemble the bodies of suicide bombers and their victims. Wilcox explains this process of reassembly as an attempt to make the bodies “symbolically whole again, made into human subjects by identification and burial practices.”⁵⁹¹ This is one of the major tasks of the branch of scientific inquiry which calls itself “terrorism medicine.”⁵⁹² Researchers struggle to test and measure methods of

⁵⁹⁰ Faizi, *When the Bombs Explode*

⁵⁹¹ Wilcox, “Explosive Bodies and Bounded States,” 79

⁵⁹² The process of repair does not end when the survivors of a suicide bombing are stabilized. The marks of the bombing remain. Recent medical literature notes that the “medical management of attacks” has expanded from trauma care into other areas, including plastic and reconstructive surgery. For example, a study on suicide bombing survivors from two attacks in Ankara found that 34 of 178 patients referred to the hospital under study were referred specifically to the plastic and reconstructive surgery clinic. These patients were not exclusively in need of cosmetic care. In fact, the authors of the study are perplexed by how few patients received plastic surgery, but attribute this to “accompanying life-threatening trauma [or] major limb amputations may have resulted in death.” Murat İğde and Ahmet Kaplan, “Plastic Surgery Management of Victims of Terrorist Violence in Ankara, Turkey,” *Annals of Plastic Surgery* 79, no. 6 (2017), 600-605: 605. The call to recognize the potential role for plastic and reconstructive medicine in “terrorism medicine” is a striking one.

finding and identifying the remains created by suicide bombing, which they consider an essential medical and forensic undertaking. Article after article published in scientific journals begin with declarations similar to this one, from *Forensic Science International*: “With acts of terrorism on the rise, the ability to react and appropriately handle these situations effectively is of critical importance within the field of forensic science.”⁵⁹³ One enterprising group of forensic scientists, arguing that “the ability to quickly and efficiently search for evidence fragments is a requirement of any successful search and recovery operation,” set out to test this distribution by blowing up pig carcasses tied to stakes.⁵⁹⁴ They mapped the distribution of the fragments, hoping these maps would help find the bits of future human bombs after they had detonated. But suicide bombings do not take place in an empty field – efforts to gather and reassemble the bodies impacted by a real suicide bombing are far more complicated. The unending struggles of first responders, forensic teams, families, and the City of New York to find, identify, and deal with the bodies of 9/11 illustrates the intersection between these layers of complexity.

The problems began as soon as recovery efforts commenced. Some of the body parts were effectively camouflaged, coated in such a thick layer of pulverized concrete as to be indistinguishable from the rest of the rubble.⁵⁹⁵ Although the scale of the 9/11

⁵⁹³ E. DuBois, K. Bowers and C. Rando, “An Examination of the Spatial Distribution of the Tissue Fragments Created during a Single Explosive Attack,” *Forensic Science International* 279 (2017): 122.

⁵⁹⁴ *Ibid.*, 122.

⁵⁹⁵ Amy Z. Mundorff, Eric J. Bartelink and Elaine Mar-Cash, “DNA Preservation in Skeletal Elements from the World Trade Center Disaster: Recommendations for Mass Fatality Management,” *Journal of Forensic Sciences* 54, no. 4 (2009), 739-745.

attacks was new, some of these difficulties were not. After the bombing of the U.S. Marine headquarters in southern Beirut in October of 1983, searchers spent a week digging through rubble with small tools or their bare hands, in hopes of finding survivors buried within. Eventually, the Marine rescue team was forced to recognize that the missing were not hidden beneath the rubble: they had turned to dust.⁵⁹⁶

Some 1,643 bodies of the 2,753 believed dead at the World Trade Center have been recovered, but this description is somewhat misleading.⁵⁹⁷ In fact, only 293 of these bodies – barely over 10% of the total dead – resembled complete bodies. The other 1,350 “bodies” were comprised of bits and pieces, of which rescuers found over 20,000 separate fragments that were scattered, buried in the debris, on adjacent buildings, and inside manholes. Sorting through this collected flesh, even after it was found, presented its own set of challenges. Suicide bombing does not only blur the boundaries between flesh from different human bodies, as I have argued, but can also blur the boundaries

⁵⁹⁶ Reuter, *My Life is a Weapon*, 53-54

⁵⁹⁷ Although new identifications are infrequent, the process is still ongoing. In fact, the 1,643rd identification was made on June 11, 2019 – less than a week before this writing. Because the New York City Office of the Medical Examiner has promised to continue the effort – and because bodies do indeed continue to be identified – the remains cannot be buried. For a more extensive review of the implications of this ongoing identification process, see: Aronson, Jay D. *Who Owns the Dead?: The Science and Politics of Death at Ground Zero*. (Cambridge, MA: Harvard University Press, 2016). The number of total dead also remains in question: there were an unknown number of undocumented people working in the World Trade Center complex, mostly as bike couriers. Out of fear of deportation and other reprisals, their families have been unable to come forward to register them as missing, nor to claim any found remains. Therefore, it is possible that the total number of dead is higher than ever officially counted. See: Edkins, Jenny. *Missing: persons and politics*. (Ithaca, NY: Cornell University Press, 2011).

between human and non-human flesh.⁵⁹⁸ The forensic teams tasked with sorting and identifying the flesh from the World Trade Center were powerfully confronted by this reality when they discovered that a considerable portion of the recovered flesh from the site was, in fact, beef, chicken, and hot dogs from the restaurants in the World Trade Center complex. For the firemen without forensic training, digging through the rubble with their hands or with small gardening tools, the burnt, decayed, crushed, and fragmentary flesh all looked the same. Even the forensic teams could not necessarily tell them apart by appearance alone, given that human and animal flesh alike had been subjected to the same destructive conditions.⁵⁹⁹

Although the use of DNA for identifying the corpses of mass casualty events had begun testing and implementation in the 1990s, it was not until the World Trade Center attacks that the methods were truly refined and the protocols established.⁶⁰⁰ But even collecting tissue to conduct DNA testing to parse through the corpses of a suicide bombing is a daunting task, given the difficulty of both distinguishing between the mingled fragments of different bodies and of obtaining testable tissue from the degraded, charred, and fragmentary bits of human material.⁶⁰¹ Finding remains does not necessarily

⁵⁹⁸ In fact, early in the recovery process civilian remains were placed in one of two refrigerated trucks when they arrived the Medical Examiner's facilities, one of which had been provided by a vendor from the Fulton Fish Market.

⁵⁹⁹ Toom, Victor. "Whose Body is it? Technolegal Materialization of Victims' Bodies and Remains After the World Trade Center Terrorist Attacks," *Science, Technology, & Human Values* 41, no. 4 (2016), 686-708: 694.

⁶⁰⁰ Sudoyo et al, "DNA Analysis"

⁶⁰¹ *Ibid.*, 232

equate to having a testable sample. Samples can be contaminated by one another. This intermingling most often takes the form of small fragments from one body embedded in the soft tissue of another or a pile of undifferentiated flesh; forms where the mixing may not be discernable to the untrained or unexpecting eye. But this is not always the case. For example, in the recovery efforts at the World Trade Center, the OCME found a hand and a finger – from two different people – embedded in a chest cavity that they had x-rayed. Neither the hand nor the finger matched with the chest.⁶⁰² Thus, what appeared to be one body was actually, in its fragmentary way, three. These three separate bodies had to be found, extracted, separated, and then identified before they could actually appear as corpses attachable to specific human identities.

The problem of identifying the corpses of suicide bombings and other mass casualty events is not only a forensic problem, but also a legal one. In their suit against the City of New York, the organization World Trade Center Families for Proper Burial tried to argue that they had a legally-guaranteed property right to possess the bodies of their loved ones, as well as right to bury them in accordance with religious practices. By ending the excavation of Freshkills Landfill (where the debris had been relocated) before it was absolutely certain that every piece of flesh had been recovered, they argued, the City was depriving them of their rights.

⁶⁰² Aronson, *Who Owns the Dead*, 84

It was only in 1872 that an American judge found that corpses should be considered “quasi-property” of their families. Prior to this ruling, in the United States corpses were not considered people (i.e., they could not have rights) nor property (i.e., they could not have owners). Focusing specifically on the bodies of September 11th, Victor Toom argues that the “recovery, identification, repatriation, and retention of disaster victims and their remains as well as interactions with victims’ families are situated within a complex network where inter alia forensic science, bodies and body parts, standardization, bereaved families, kinship, bureaucracy, politics, and legal decisions intersect.”⁶⁰³ The unevenness of this list, with kinship appearing next to bureaucracy and body parts alongside standardization, demonstrates exactly what a tangle of operations is involved. In Toom’s accounting, however, these various pieces cannot be pulled apart. As he puts it, “bodies and bodily remains present ‘in’ the rubble could only materialize technolegally if they were separated from the vast mass of debris.”⁶⁰⁴ As a result, not only did the bodies force these various strands into networks, but they also required those networks to persist for the bodies to exist at all.

Even in this jumble of technical and legal expertise, the sheer fleshiness of the bodies is unavoidable. The organization World Trade Center Families for Proper Burial, in their suit against the City of New York, used the presence of seagulls haunting the

⁶⁰³ Toom, “Whose Body Is it?,” 689

⁶⁰⁴ *Ibid.*, 693

debris at Freshkills Landfill to argue that there were undoubtedly human remains still present. Their representatives wrote, in the Plaintiffs Memorandum, that:

this bulldozed debris still contained, inter alia, human body parts and human remains, as evidenced by the increasing presence at the landfill of droves of seagulls attracted by the remains. Indeed, at one point, so many seagulls, attracted by human remains within, were encircling the bulldozed debris that the sifters were forced to shoot bottle rockets in order to drive them away.⁶⁰⁵

In fact, these bottle rocket launches were instituted by the Department of Agriculture after city officials asked them to devise a formal plan to keep away seagulls and turkey vultures, who began swarming by the hundreds when the debris was first relocated to Freshkills. These scavengers were drawn to the rotting meat buried within, their presence proof that the bodies hidden in the debris were not merely legal fictions but tangible, material, human flesh.

Assuming the remnants can be found at all, the question of what to do with them remains to be resolved. In Israel, the volunteer organization ZAKA – comprised entirely of Haredi Jews – steps in. ZAKA volunteers are responsible for reinstating order after an accident or disaster. Although their purview is rather expansive, they are best known for their work with suicide bombing scenes, which appears to be how the organization got its start. According to ZAKA members, their crews are often first on the scene after the

⁶⁰⁵ *WTC Families for Proper Burial, Inc., Vs. the City of New York*, 46 *WTC Families for Proper Burial, Inc., vs. The City of New York* (United States District Court, Southern District of New York 2007); Plaintiffs Memorandum p. 19

explosion takes place, and therefore finds itself responsible for some rudimentary first aid provision. But ZAKA volunteers are not really that kind of first responder – they come for the dead, not for the living. They come to sort and order the corpses created by the bombing.

ZAKA articulates its mission as primarily a religious one, merging the great service of thankless work (since by definition the dead cannot show their appreciation) with the Jewish mandate that the whole body be buried together, despite the general religious prohibition on handling a dead body. Towards these ends, ZAKA embarks on a program of reassembly. They sift through the debris at each blast site, trying to collect every human piece. Although these bodies cannot be returned to a state of unity, they can at least be made something like complete. Striving for completeness, ZAKA volunteers do not only gather bits of skin and bone, but also sop up and collect blood. How exactly they assign sopped up intermingled blood to one body over another seems unclear, but this sorting process is important because it reestablishes the boundaries between bodies. Not only are the casualties separated from each other – they are also picked apart from their mingling with the body of the bomber. I will return to ZAKA's efforts to segregate the body of the human bomb towards the end of the last stage of the bombing, which I have described as containment.

Containment

There are some processes which overlap between repair and containment, since bodies must obviously be found and collected before they can be contained. One way to

conceptualize the distinction is in terms of the temporal frame. Repair is temporary; an on-the-scene attempt to slow or stop the damage. Containment, on the other hand, is meant to be lasting; permanent. In this stage, the bodies are finally put away. This includes dealing with the body of the bombers, whose contagious and dangerous influence might otherwise continue to spread. But it also involves the sometimes-complicated problem of containing the bodies of the bombed. In this case, the problem is not that the bodies are polluting – on the contrary, they are sanctified and pure. However, they can also be elusive: they materially defy attempts to capture them and lay them to rest. This presents a problem in need of management. How do you bury the bodies when there are no bodies to bury? This problem finds remarkably clear expression in then-Mayor Rudy Giuliani’s attempt to fabricate bodies for the families of those who died in the World Trade Center attack. In the absence of bodies to bury, Giuliani made a curious attempt to substitute what can be frankly referred to as contained dirt. Rather than returning the bodies to consecrated ground through burial, he instructed the NYPD to collect and consecrate debris as a substitute.⁶⁰⁶ Aronson describes the attempted transubstantiation as follows:

Mayor Giuliani ordered the NYPD to collect debris from the site, sanctify it through careful (though arbitrary and ad

⁶⁰⁶ One cannot help but be reminded of the two stories symbolic funerals of Palestinian human bombs: the first, taking place before the bombing, when human bombs supposedly spend a night alone in their grave, wrapped in a shroud. The second, taking place after the human bomb has detonated and there is no body to bury as such, in which an empty coffin stands in for the body itself. See Aran, *Last Smile of the Human Bomb*; Laleh Khalili, *Heroes and Martyrs of Palestine: The Politics of National Commemoration* (Cambridge, UK; New York: Cambridge University Press, 2007).

hoc) rituals, and then place a small amount of it in cherry wood urns to be delivered to families. In the first step of the process, powdered debris was shoveled into three fifty-five gallon drums at Ground Zero and blessed by a chaplain on site, then draped with American flags, transported with a police escort to One Police Plaza, blessed again, then guarded by two honor guards twenty-four hours a day in a room that was freshly cleaned, repainted specifically for this purpose, and fitted with potted plants to bring life to an operation that otherwise referenced only death. In the second stage of the process, the remains were carefully spooned into plastic bags, which were sealed and placed in high-quality wooden urns by gloved members of the NYPD's ceremonial unit. This act was done with great care, in a room with low lights and soothing music. The urns were then sealed, inspected, and stored for safekeeping until they were handed over to families in late October at a special ceremony at Pier 94.⁶⁰⁷

In this peculiar ceremony, one can see the process of a dignified death being enacted in reverse: a body made from rather than consigned to dirt. The body is sanctified through last rites. Even the solemn wake in a room which – “freshly cleaned, repainted,” and “fitted with potted plants” – cannot help but recall a funeral parlor. The parceling of ashes into bags “in a room with low lights and soothing music,” as though this pulverized concrete dust would be adversely affected by bright lights and loud music, attempts to summon or replicate the peaceful death that the World Trade Center dead certainly did not have. In his expansive study of the history of the corpse, Laqueur argues that “some irresistible power of the imagination, independent of any particular religious beliefs,

⁶⁰⁷ Aronson, *Who Owns the Dead*, 49-50.

blinds us to the cold reality of what a corpse really is. [...] We care about, care for, feel with a dead body, although we know that instantly or very soon after what we call biological death it notices nothing, cares for nothing, feels nothing.”⁶⁰⁸ This ritual, however, goes quite a bit further, extending the same courtesies of care to the caesura where the body *ought* to be, even though it is not there: the debris that might *contain* bodies, cannot truly be a body. Admittedly, the urns are approximately the right size. A thorough cremation yields approximately a milk carton’s worth of ash; the urns were roughly 10 by 10 centimeters. It is unclear whether receiving these small cherry wood urns, engraved with the characters “09-11-01” where one might expect to see a name, provided the families with any comfort.⁶⁰⁹

The urns do, however, make final and material the merging of the individual bodies and the event into a singular entity, named under the sign “09-11-01.”⁶¹⁰ In laying these fictive bodies to rest, perhaps the event itself might finally be buried, but for the

⁶⁰⁸ Laqueur, *The Work of the Dead*, 28

⁶⁰⁹ Aronson does not discuss the reception these urns received, and families do not seem to have shared much about their reactions with the media. From the brief mentions, however, it is clear that at least some families did go on to bury the urns in lieu of a body. What is striking about these brief accounts, however, is how consistently reports refer to the urns using language along the lines of “the urn of ash he received from Giuliani.” In this respect, perhaps Giuliani’s gambit worked out: the official quality of the urns may be meaningful, even if the contents are not. See, for example, Senior, “Memorial Warriors”.

⁶¹⁰ Jacques Derrida argues that the pervasiveness of the numerical sign “9/11” shows the ongoing struggle to make sense of the complex events of the attacks. As he describes it, “The telegram of this metonymy – a name, a number – points out the unqualifiable by recognizing that we do not recognize or event cognize, that we do not yet know how to qualify, that we do not know what we are talking about.” Jürgen Habermas, Jacques Derrida and Giovanna Borradori, *Philosophy in a Time of Terror: Dialogues with Jürgen Habermas and Jacques Derrida* (Chicago: University of Chicago Press, 2003): 50.

fact that the 9/11 forensic teams were plagued by both too many and too few bodies. There remain unidentified fragments, now stored away (but not buried) beneath the 9/11 Memorial and Museum, bagged for easy access as new tests and new information become available. Jay Aronson suggests that the Memorial contributes to, in some respects, rather than resolves the ongoing trauma caused by these lingering corpses. He argues that it is not a monument to “collective sacrifice to the nation,” but rather the “physical embodiment of the technological dream [...] supporting an ongoing forensic investigation by a government scientific laboratory.”⁶¹¹ The containment process, therefore, can only be described as incomplete. The technological dream of total identification makes containment impossible, suspending these bodily fragments in the temporality of repair: they continue to be accessed and tested in hopes that they may yet be remade into someone.

The second issue of containment, as I mentioned above, concerns containing the dangerous bodies of the bombers and limiting the spread of their contamination. The threat these bodies present is multivalent. For example, the American government clearly feared that the bodies of the September 11th bombers would provide a rallying point or occasion for future attack and aspiring attackers. On the other hand, however, they might expose rifts in the body politic in other ways. This was the fear of Indian Muslims after the November 2008 Lashkar-i-Taiba attacks on Mumbai when over 150 people were killed and another 300 wounded. These attackers were not human bombs, but they were

⁶¹¹ Aronson, *Who Owns the Dead?*, 264.

nevertheless acting within the umbrella category of *fidayeen*, within which Lashkar-i-Taiba includes suicide bombing. Their deaths were virtually inevitable, and they had no plans for escape. More than five months after the attack, the bodies remained at the hospital morgue. Unsurprisingly, no one had claimed them. The Indian Muslim Council refused to inter these deviant corpses in Muslim cemeteries, insisting that the attackers defamed and dishonored Islam: their internment alongside good, proper Indian Muslims would threaten to contaminate the entire cemetery with disorder. And of course, thinly veiled behind these rationales is the fear of reprisals. In a city paradoxically known both for its pluralism and for its race riots, local Muslim leaders undoubtedly feared that any act seen as embracing the attackers would reveal the dangerous fractures within the national body.

Despite the dangers these bodies posed, they were in some ways less perilous to manage than the bodies of human bombs: as whole and integrated bodies, they were easy to identify and sequester. As long as their bodies lay in a hospital morgue, they were contained. The major difference between these attackers and human bombs was the state of their bodies as dead but not destroyed. All the attackers (including Ajmal Kasab, the sole gunman taken alive) were killed by the state in the reassertion of state power over the city after the attacks temporarily rendered outside of ordinary state regulation and sovereignty. The return to proper and orderly state control included collecting the bodies and containing the threat they posed. The state was quite confident that every bit of the bodies had been accounted for. Nine of the ten were killed in shootouts with the police.

The tenth attacker, Kasab, was hanged and buried at a Yerawada Central Jail in Pune.⁶¹²

This is much more difficult to manage, however, with bodies that are destroyed and intermingled.

For example, after the September 2004 car bombing of the Australian Embassy in Jakarta, five bodies were found near the blast, including two that were badly burned and dismembered.⁶¹³ None of these bodies was clearly identifiable as that of the bomber, and investigators could only assume that the body – being closest to the bomb – had been “completely shattered into small tissue fragments.”⁶¹⁴ The pattern of bodily fragments in the Jakarta bombing, with the high-powered explosive used, was counterintuitive: because the bomb was so powerful, the bodies closest to the bomb at the moment of impact were scattered farther away from the blast center than bodies which were more removed at the moment of impact. An international forensic team descended on Jakarta to try and sort through the remains, and specifically to identify the body parts (and the identities) of the bombers. However, the bodies of the bombers were not actually the key to finding their handlers and networks – it was only after resolving the identities of the

⁶¹² It is interesting that burying Kasab in the jail’s cemetery did not seem to pose a threat to order. Perhaps this is because Kasab was already thoroughly within the grasp of the reinstated sovereign order well before his death: the process of being captured, held, tried, and condemned made Kasab an orderly subject of the sovereign rather than a dangerous corpse. Alternately, perhaps the difference was in the cemetery itself. By interring Kasab in the prison’s own cemetery, he was placed among the other criminal dead – ostensibly, where he belonged. But this does not explain why the other attackers could not have been similarly interred.

⁶¹³ Sudoyo et al., “DNA Analysis in Perpetrator Identification,” 233

⁶¹⁴ *Ibid.*, 234

bombers that their remains could be identified, using the blood of known family members for DNA testing. In the case of the World Trade Center remains, many impacted families have been vocal in their insistence that the hijackers' remains be found, identified, and segregated from their loved ones. The forensic teams involved promised the families that they would do everything and anything they could to identify the bombers' remains, refusing the thought (which is, in fact, an inevitable reality) that the bombers' remains will never be fully accounted for. Indeed, some of their remains may well be in the ceremonial urns handed out to families.

If the treatment of these ambiguous bodies is revealing, then the treatment of the attackers' confirmed remains – when they can be found and collected – is even more so. There is undoubtedly a real geostrategic problem with handling the 9/11 attackers' dismembered bodies. If repatriated, there is a risk that they could become relics and pilgrimage sites not unlike the body of Rudolph Hess, who I discussed above. If they are cremated in violation of Islam's tenets (which proved to be the only solution to the problem of Hess's corpse), this mistreatment could itself become a rallying point against the American empire. But there are other options. For example, these fragmentary bodies could be dropped into the sea like the body of Osama bin Laden was. If it is a simple matter of disposing of the remains, there is no apparent reason why the attackers' bodies should be treated any differently from that of their organization's leader. Instead, "the remains of the 9/11 hijackers seem to be treated in such a way as to ensure that they remain unpurified and un-subjectified, still 'heaps of meat'. The identified remains of the hijackers are sequestered in evidence lockers in undisclosed locations in New York and

Virginia.”⁶¹⁵ It is in this comparison that the suicide bombers’ unique threat of contamination becomes clear. Like all contagions, they must be contained, and those infected must be quarantined. The threat presented by the pieces of the bombers’ bodies has not yet been neutralized: “[t]he practice of attempting to reassemble, to make ‘perfect’ is a means of attempting to cleanse the contamination of the corpse, the impure abject that can never be eliminated.”⁶¹⁶ Storing them in secrecy, in unknown and relatively unmarked locations, is as close as the state can come to destroying what has already voluntarily undertaken its own destruction. The fragments cannot be reduced much more than the bombers have already done on their own, but they also cannot be allowed to “spread.” The aura of mystery surrounding the storage of these remains demonstrates exactly how dangerous they still are: they are treated almost as though their keepers fear that the pieces could be reassembled if they were found by a sympathizer or – even worse – that they might simply knit themselves back together despite the fact that all that remains of the bombers’ bodies comprises a meager 24 pounds.⁶¹⁷

It took almost eight years for forensic teams to find, isolate, and identify the remains of the 9/11 bombers. Identifying and containing these bodies in the immediate aftermath of a bombing presents its own problems. Recognizing the impossibility of totally separating the bodies, ZAKA volunteers must inevitably deal with the bodies of human bombs in their attempts to reassemble the bodies of the bombed. The possibility

⁶¹⁵ Wilcox, “Explosive Bodies and Bounded States,” 79

⁶¹⁶ *Ibid.*, 79

⁶¹⁷ Conant, “Terror”

of doing nothing does not enter into these debates. After all, body parts cannot simply be left in the streets. There can be no recovery, no rebuilding, as long as these fragments remain on display. They insist that they do their best to return the bodies of human bombs to their families.⁶¹⁸ However, as an organization, ZAKA has struggled to decide how to deal with these remains. On one hand, many volunteers evince disgust at returning these remains to their families, insisting that these remains provide an occasion for celebration and commemoration that only leads to more bombings. Others argue that the spirit of the organization must prioritize human dignity and recognize that, whatever their crimes, the bomber remains a human and must be treated as such.⁶¹⁹ However, it may not only be respect for human dignity which inspires ZAKA volunteers to return these bombers' bodies to their families (some of their protocols, which I discuss below, certainly complicate this question). They are also motivated, at least in part, by the necessity of seeing the bodies disinterred from the bombing site. The bodies do not only need to be extricated from the living and segregated from the other dead but expunged from the soil

⁶¹⁸ Aran, in a strange and brief comment, refers to an Israeli "secret temporary cemetery" where the bodies of human bombs are dispatched. I have not been able to find much to substantiate this reference, although it is certainly plausible.

⁶¹⁹ Curiously, ZAKA volunteers interviewed by Aran compared the intermingling of the destroyed bodies of suicide bombing to "the case of a father who commits suicide while hugging his small child in his arms and leaping from the roof of a tall building." Apparently, this is another form of messy and unnatural death to which ZAKA sometimes responds. But the parallel is an unusual one, equating the Palestinian bomber to a distraught father is who "unable to cope with separation from his family." What makes the comparison so odd is that, in this metaphor, the Israelis play the role of the beloved small child from whom the father cannot bear to be separated. The bomber is half murdered and half protector, shielding his child within his arms even as he sends them both to their deaths.

itself. Aran describes ZAKA as the “forefront of the Israeli battle to preserve boundaries.”⁶²⁰ Since leaving the bomber’s remains to rot in the street is not an option, ZAKA has arrived at an unusual compromise: while each (presumed) Israeli body is placed in a separate white and blue bag as it is separated from the wreckage, these bags were deemed inappropriate for the (presumed) bodies of human bombs. To reinstate the hierarchy between these bodies – between “victims” and “terrorist,” as ZAKA volunteers describe it – the recovered fragments of bombers’ bodies are consigned to nondescript black plastic bags. The resemblance to garbage bags is unmistakable: they indicate pollution, dirt out of place, put back where it belongs. Apparently, the organization’s rabbis determined that collecting the human bomb in a white and blue bag was sacrilege. Conversely, accidentally placing a Jewish body in a black bag is an error which must be redressed immediately.⁶²¹ Indeed, this aspect of ZAKA’s work is much less about reassembly and much more about cleaning. ZAKA volunteers describe their work – finding, sorting, and extricating different bits of flesh and blood – using the language of purification.⁶²²

Containment is the last scene of a suicide bombing. When the bodies of the dead are contained (or at least, as contained as they can be) the bombing is over, though the

⁶²⁰ Aran, *Last Smile of the Human Bomb*, 175.

⁶²¹ Aran, *The Last Smile*, 176

⁶²² Aran, *The Last Smile*, 175. Arguably, this is the shared idiom of all Jewish burial customs. However, it takes on a rather different cadence in the context of the messiness of suicide bombing.

effects may never disappear entirely. Clearly, these stages are not perfectly separable – some tasks and some threats blur the distinctions I have imposed.

Of Bombing and Boundaries

Throughout all the stages of suicide bombing that I have tracked, there is a crucial and consistent factor: at every moment, the human bomb threatens the stability and coherence of boundaries. By way of conclusion, I will collect some of these border-crossings and elaborate briefly on their relation to the project of necroresistance. First, bomber blurred the line between human and machine through the proem of becoming a human bomb. In her now-canonical essay “A Cyborg Manifesto,” Donna Haraway argues that “the relation between organism and machine has been a border war.” At stake in this war, she continues, “are the territories of production, reproduction, and imagination.”⁶²³ While the human bomb may not be the kind of cyborg that Haraway had in mind, her point is still instructive: the cyborg does not “settle” or resolve the border war but rather dissolves the very grounds on which this war was staged. As a result, “production, reproduction, and imagination” – the very grounds on which order is founded – cease to be contestable. One fundamental boundary drawn by the sovereign – that between the human and the non-human – cracks.

Then, the human bomb materially destabilizes the boundaries between specific bodies. In the process of exploding, the multiple impacted bodies are mixed and mingled.

⁶²³ Haraway, Donna. *Simians, Cyborgs and Women: The Reinvention of Nature*. (New York: Routledge, 1991): 150.

We can read the effect of this mixing through the lens of the *homo sacer* designation: to designate certain bodies as banned first requires the capacity to separate these bodies from non-expected bodies. Bare life can only be rendered bare insofar as it is separable from life that has been sanctioned and permitted. Thus, the human bomb refuses the separation that is both precursor to and effect of the sovereign ban.

Something similar is at work in the process by which the human bomb penetrates space. In the preceding section, I associated the sovereign ban with a kind of principle of jurisdiction: the link between power and territory or dominion. The suicide bomber occupies the sovereign territory, implicitly undermining the link between sovereign power and the space it claims to rule. The exploded body of the human bomb takes up space – more space than a body that is whole and integrated. In refusing the borders of the body itself, the human bomb also refuses to recognize the sovereign borders of the state.

Lastly, and perhaps most usefully, the sovereign's fears about suicide bombing clearly manifest as anxieties around border control, albeit with borders of different kinds. Anxieties about boundary crossing link together viral discourses of suicide bombing, heightened border patrols, and the persistence of myths (scientific and sensational) about the suicide bomber as a biological weapon. It is this fear that animates near compulsive clean-up efforts and the sequestration of the fragmentary corpses of bombers. In each of these moments, the work of necroresistance is evident: by attacking borders at their very foundations, suicide bombing brings sovereign power to crisis. These crises may be

fragmentary and fleeting – they may not bring down any sovereign states, much less the sovereign state system I described in the previous chapter. But examining the bodily politics of suicide bombing lays bare this method’s relationship to sovereign violence and, in doing so, renders this mode of violence intelligible.

Conclusion

“The imperative to attend to corporeal materiality has thus in part been related to the need to attend to the limits of transgression, to what resists being transformed. Bodies might resist the very reading of bodies as transformable; they may return, in this way, like the repressed, with symptoms that confound our reading.”⁶²⁴

What Bodies Are

In the opening lines of the preface to *Bodies That Matter* (1993), Judith Butler wrote:

I began writing this book by trying to consider the materiality of the body only to find that the thought of materiality invariably moved me into other domains...Not only did bodies tend to indicate a world beyond themselves, but this movement beyond their own boundaries, a movement of boundary itself, appeared to be quite central to what bodies “are.”⁶²⁵

While my project here is in some respects quite different from Butler’s, since I am content to insist on the “facts of the body” that she finds dissatisfying, her conclusions resonate with my findings. First, I have found that close attention to the materiality of the body inevitably pulls us towards “other domains.” The materiality of the body permanently implicates it in political questions – questions about how power is exercised, and by whom, and on whom. Second, I found that bodies – flesh, blood, and bone – are both defined by and yet in constant tension with the very idea of boundaries. I want to

⁶²⁴ Ahmed, Sara & Jackie Stacey, “Introduction: dermographies” in *Thinking Through the Skin*. (London: Routledge, 2001): 8.

⁶²⁵ Butler, Judith. *Bodies that Matter: On the Discursive Limits of “Sex.”* (London: Routledge, 1993): ix.

conclude here by both reviewing and expanding these two crucial points. I will end with a brief discussion of areas I have not explored and question that remain unanswered, with some intuitions about how this project might help us approach them.

When Butler wrote that the materiality of the body “moved [her] into other domains,” she implied that these domains led somehow away from the body: that when she looked for the so-called material body it shifted or slipped away, revealing instead further layers of discursive construction. Perhaps paradoxically, she found the material body to be insubstantial. Here I have taken a different approach: I have argued that it is precisely the fleeting and unfixed quality of the material body that defines it. In particular, I have focused on the body’s vulnerability – its capacity to be killed, maimed, and made to suffer – as its essential trait. I argued that vulnerability is the fundamental fact of the body: a quality without which it would not and could not exist. But of course, in identifying vulnerability as the defining trait of the body, one is inevitably moved “into other domains” as well, for vulnerability inherently points to something beyond the body. Vulnerability reminds us that the body exists in relation: it is defined in part by the capacity to be acted upon.

With respect to politics, this openness is what makes the body into a scene or site of power. Indeed, in the absence of vulnerable bodies, it is unclear what political power can or would mean. Paraphrasing Thomas Hobbes, we might argue that political authority exists because bodily invulnerability does not. Thus, we might read the “world beyond themselves” which bodies always indicate as precisely the realm of the political. The

vulnerability to violence is what constitutes both bodies and political power in the same stroke.

Butler's second point is about boundaries and their relationship to bodies. She argued that boundaries are central to what bodies "are" – but these are not the fixed and stable borders that one perhaps imagines. Instead, boundaries define bodies specifically insofar as bodies are constantly engaged in contesting, defying, and renegotiating boundaries. Bodies and boundaries are mutually co-constitutive, but they are also – as I have shown in the previous chapters – mutually destructive.

Drawing on Maurice Merleau-Ponty, Sara Ahmed describes a kind of paradox that bodies and borders share:

the very experiences that make the body 'my body,' as if it were a 'sole body before a sole world' are the very same experiences that open my body to other bodies, in the simultaneous mutuality of touch and being touched, and seen and being seen.⁶²⁶

In this sense, the body – as the way in which we experience and interact with the world – is a boundary. It is necessarily both a source of division (i.e., that which "make[s] the body 'my body'") and a point of contact, of touch, and of mutuality. The body, like the border, is always a point of exchange. We experience this paradox as a kind of instability: if the border only exists insofar as it may be transgressed, then the border is never truly

⁶²⁶ Ahmed, Sara. *Strange Encounters: Embodied Others in Post-Coloniality*. (London: Routledge, 2000): 47.

settled or capable of being settled. Likewise, if my body is only “my body” insofar as it is open to contact with other bodies, then the integrity of the body is never guaranteed.

Thus, there is a kind of mimesis between bodies and boundaries: both are unruly, but also sites of power.

This project interrogated precisely this instability. I excavate the ways that sovereign power both manages and perpetuates instability by drawing boundaries and the ways in which bodies both harness and are set as a bulwark against instability. By focusing on overtly brutal and spectacular forms of political violence, I have sought the evidence of these processes in and on the material body itself. I have looked for the sites where the body is most forcefully made to perform its relationship to borders: sites where the body is made to materially substantiate or explode the border. These are crucial for theory-building: spectacular destruction leaves certain kinds of records, evidence that (while fragmentary) allows us to “reconstruct” bodies after the fact. However, these cases are not the only sites with which a bodily theory of sovereignty and resistance must be concerned. In the following section, I turn my attention to the modes of sovereign violence this argument has not explicitly engaged but for which it nevertheless offers pathways for analysis.

“Collateral Casualties”

In *Wasted Lives: Modernity and its Outcasts* (2004), Zygmunt Bauman coins a term for a specific variety of *homines sacri*: waste. He argues that human waste (or more

precisely, wasted humans) are “an inescapable side-effect of order-building.”⁶²⁷ The boundary between order and waste is arbitrary in the sense that it is non-natural; it comes into being at the same moment as the categories it presumes to divide. As Bauman described it, “it is the boundary that divines, literally conjures up, the difference between them – the difference between the admitted and the rejected, the included and the excluded.”⁶²⁸ This border is therefore (like the others I have examined) a space of violence; it both enacts violence and enables future violence by designating some lives as violable in advance. But as I have argued, this border is also fragile: those who would strengthen and deploy it are constantly confronted with its artificial quality. “No wonder,” Bauman wrote, “that the boundary oozes anxiety and strains the nerves...However hard one tries, the frontier separating the ‘useful product’ from ‘waste’ is a grey zone: a kingdom of underdefinition, uncertainty – and danger.”⁶²⁹

Bauman argues that this violence is embedded in every aspect of modernity, from the politics of migration to consumer culture to environmental degradation. In this reading, the paradigmatic form of sovereign violence is not torture but rather “wasting.” And while torture deliberately leaves certain kinds of marks, the violence of rendering bodies as waste is characterized by a kind of disavowal. Bare life appears as a byproduct, what Bauman refers to as “unintended and unplanned ‘collateral casualties’ of economic

⁶²⁷ Bauman, Zygmunt. *Wasted Lives: Modernity and its Outcasts*. (Cambridge, UK: Polity, 2004): 5.

⁶²⁸ *Ibid.*, 28

⁶²⁹ *Ibid.*, 28

progress.”⁶³⁰ This does not mean that sovereign violence is a kind of accident or that its harms are truly unintentional, but rather that its scope is broad enough that it can easily represent itself as non-strategic. A version of this kind of self-effacing sovereign violence is at work, I argued, in migration “deterrence” programs. But in linking this kind of violence to his definition of modernity, Bauman exhorts us to imagine it as ubiquitous.

What Bauman identifies is violence that is structural in the most fundamental sense: it is violence that that constitutes the very conditions of existence, of ordinary life. Here we might return to Lauren Berlant’s idea of “slow death,” which I described in the Introduction. Berlant describes slow death as “the physical wearing out of population and the deterioration of people in that population that is very nearly a defining condition of their experience and historical existence.”⁶³¹ Slow death, Berlant argues, is the opposite of spectacle in that it “prosperes not in traumatic events...but in temporal environments whose qualities and whose contours in time and space are often identified with the presentness of ordinariness itself.”⁶³² These forms of sovereign violence are quite different from those that I prioritized in this project. They are nearly invisible, blending seamlessly with the background conditions of existence. They operate in the time and space of norm (of “ordinariness itself,” in Berlant’s terms) rather than in the time and space of exception. Indeed, the ongoing COVID-19 pandemic, despite bearing many

⁶³⁰ Bauman, *Wasted Lives*, 39

⁶³¹ Berlant, Lauren. “Slow Death (Sovereignty, Obesity, Lateral Agency). *Critical Inquiry*, Vol. 33 No. 4 (Summer 2007): 754

⁶³² Berlant, “Slow Death,” 759

hallmarks of a “state of emergency,” is also a stark reminder of how frequently the state makes decisions that are ultimately matters of life and death, whether or not we recognize them as such. In particular, the conditions of the pandemic are a reminder of what Bauman identified: that “wasted” lives often appear as the collateral damage of economic prerogatives.

Despite the apparent differences between these modalities of violence and the forms of violence I have interrogated, I want to insist that they are fundamentally linked: these “slow” forms of sovereignty are also engaged in the project of inscribing and reinscribing boundaries on and through bodies. As a result, these modes of violence are no less bodily than the spectacular forms I described. The very idea of “wasting” (in Bauman’s terms) or “wearing out” (in Berlant’s) is a material process: the slow and steady disintegration of the human into something less than human, and – perhaps simultaneously – the constant and quiet blurring of the line between living and dying. In these modes of sovereign violence, the relationship I have sketched out between bodies, violence, and border-making remains constant.

Not every mode of necroresistance partakes in spectacle, either. I have mentioned some of these other modes of resistance already: for example, the use of hunger strikes and lip-sewing among asylum-seekers coexists with self-immolation. These modes of self-destructive protest are not immediately or spectacularly fatal, but instead work in a mode rather like slow death – the progressive wearing out of the body. In fact, even more common modes of resistance (like mass demonstrations) can be read productively

through the lens of bodily politics. For example, the mass demonstration is both a claim to space and a direct confrontation with (at least the possibility of) state violence. We can think of the (increasingly common, in the United States) image of protestors pushing up against a line of police clad and armed in riot gear. The heft of this scene comes at least in part from its physicality and the way that one understands the implied relationships between these bodies: the “weight” of the group pushing towards the line, the furtive motion along the shifting distance which separates police and protestors. Focusing on bodies allows us to read the tension in this scene as a tableau of shifting and uncertain bodily vulnerability: the outnumbered police in the face of a crush of protestors, versus the militarized police facing down the protestors whose bodies are bare and unprotected. This scene is too complicated to fully do justice here, but I raise it to illustrate the possibilities of this bodily analysis that I have left unexplored.

Based on these brief examples, I suggest that the analysis I undertook in this project could be fruitfully extended in at least two different directions. First, it can be productively applied to other modes of resistance which, while not necessarily bearing all the hallmarks I have associated with spectacular forms of necroresistance, nevertheless operate through the willful destruction of the material body. Second, it can be applied to forms of resistance that are not obviously self-destructive, to illuminate the role that the material body plays in these political acts as well. As the violence of sovereignty becomes slower, quieter, and more seemingly naturalized, its implications for the material body become more difficult to make visible. Indeed, I argued that it is precisely this problem that calls forth the spectacle of necroresistance: the need to make visible

hidden forms of sovereign violence. But while necroresistance remains relatively rare, sovereign violence expands and proliferates: the border between the included and the excluded is constantly being reinscribed, with increasing numbers of people being subsumed into its zone of indistinction. My hope is that this project provides some tools and strategies for identifying and examining sovereign violence at its point of impact: on the body.

In Search of Meaning

I must admit to some uncertainty – some pessimism – about the horizons for resistance against sovereign violence. Drawing on Frantz Fanon, I argued in the preceding section that necroresistance serves two linked goals: it asserts the political subjectivity of the oppressed, and it contests sovereign power. Examining the cases of necroresistance I have surveyed here raises a difficult question: what is the value of doing one of these things without the other? What is the value of asserting political subjectivity if one cannot reshape the political conditions which they face? I do not think I have answered that question here, but rather offered a crucial first step towards making the question answerable. As long as modes of violence are dismissed as “senseless” or “meaningless,” they will remain opaque and, by extension, immune to challenge. The ability to identify and name the work of sovereignty, as well as efforts to contest it, is a prerequisite to understanding these modes of violence.

Given my focus on the material body in this project, I have said relatively little about what necroresistors say, preferring instead to let their bodies speak for themselves.

However, it is important to note that necroresistors do sometimes leave final statements or testimonies. Despite their own impending deaths, in these statements necroresistors almost uniformly reject the kind of uncertainty or pessimism that I harbor. Likewise, the communities of necroresistors seem to insist that although they may experience despair, that despair is not equivalent to fatalism. Although the technologies of sovereign domination may be multiplying, they have not – and will never, based on this analysis – fully forbid resistance. Sovereign power is inherently unstable, and that instability always offers possibilities for resistance. With this possibility (however faint) in mind, I find myself returning often to the words of a mourner at the funeral of a Tibetan self-immolator: “Who can say with any certainty that there is no hope?”⁶³³

⁶³³ International Campaign for Tibet. *Storm in the Grasslands: Self-Immolations in Tibet and Chinese Policy*, 2013: 21.

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