Sovereignty as Erasure

Rethinking Enforced Disappearances

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Every Saturday precisely at noon, a crowd of mothers gathers in front of the gates of Lycée de Galatasaray, a prominent francophone high school situated at the center of Istanbul's bustling downtown district in close proximity to Taksim Square. These mothers, with pictures of their sons and daughters, stand in silence, with resolve but no resolution to their demand for justice. These are the mothers of the disappeared in Turkey, mothers of bodies that have vanished, or more accurately, bodies that have been made to vanish. These mothers do not know whether their sons and daughters are dead or live; their fates are uncertain. They remain unaccounted for, except on the rare occasion when their remains are found in some unmarked pit, anonymous or mass grave.

These mothers, accompanied by men and children who are the relatives of the disappeared, as well as a handful of activist lawyers and human-rights defenders, hold red carnations and often wear white headscarves that have become symbolic of their relentless search for their children. Some of them have been searching for over thirty years, since the 1980 military coup. Others joined the struggle in the mid-1990s, when the number of disappearances surged, especially in the southeast of Turkey, in the midst of the conflict between the Turkish armed forces and the Kurdistan

Workers' Party (PKK). The Saturday Mothers, as they have come to be known, began to convene in their current location in 1995 as part of the struggle to find the disappeared and to bring the perpetrators of enforced disappearance to justice. The weekly protests were called off in 1999 due to the intensity of police repression, after many occasions of "ridicule and insults, ill-treatment, or even detention and imprisonment."[1] But they recommenced a decade later, gaining impetus with several high-profile public trials, such as "Ergenekon," "Temizöz and Others," and the "September 12" trial of the surviving generals who organized the 1980 military coup. That some of the alleged perpetrators in the Ergenekon and related cases were among those accused of conspiring to create a criminal network within the state apparatus and plotting a coup raised hopes that decades of impunity for the perpetrators of serious human-rights violations against civilians since the early 1980s might finally come to an end. The prosecution of Temizöz—a former colonel in gendarmerie who was accused of conspiring with informants and local paramilitary forces for the extrajudicial killing and enforced disappearance of twenty civilians in Turkey's southeast province of Şırnak between 1993 and 1995—was a watershed moment for families, however inconclusive and insufficient, rekindling the hope for justice.[2]

The reenergized campaign of the Saturday Mothers, after having recurrently occupied the small square in front of the high school to hold vigil, thereby transforming it into a silent space of resistance (for 474 weeks at the time of writing), now involves issuing a different call each week that highlights a different person's story.[3] This is a tactic that serves to counteract the erasing effect of enforced disappearance, which renders individuals not only invisible but also anonymous. The Saturday Mothers' call tries to remind the public that the disappeared are not just numbers but singular individuals who were subjected to a particularly heinous form of violence. It also draws attention to the fact that although each disappearance is singular, the script of disappearances is strikingly uniform.

Take, for example, the story of Nurettin Yedigöl, known for his leftist politics, who was taken into custody by the police in Istanbul on April 21, 1981. Despite multiple witness testimonies that

place him at the police headquarters, with visible signs that he was subjected to severe torture, he never returned home and the police denied that he was ever taken into custody. His remains have not been found, and those responsible for his disappearance have not been prosecuted. Another example is the relatively better known case of Hasan Ocak, who was recently commemorated on the anniversary of his disappearance. Ocak, a teacher by training and a leftist, was last seen leaving work to go home on March 21, 1995. On his way, he was intercepted by the police and taken into custody. Despite witness testimonies that place Ocak at the Istanbul headquarters of the antiterrorism police, his custody was never officially acknowledged. After a two-month search for his body, he was found in an anonymous grave with marks of torture all over his body. Those responsible for his death were not found.[4] More than a decade separates these disappearances; one occurred under military rule, the other long after the democratic regime was reestablished (after three years of military rule, the first elections took place in November 1983, transferring the government to civilian hands).[5] Despite this difference, the leftist political identity of the individuals who were targeted for the practice of enforced disappearance and the official denial and concealment of their fate were remarkably alike.

The fact that both these disappearances took place in Istanbul should not be taken as representative of the geographical distribution of enforced disappearances in Turkey. The areas where most enforced disappearances have been recorded are the eastern and southeastern regions where the Kurdish population is concentrated, especially in those provinces that have been ruled by a regional "state of emergency."[6] This legislation, which basically enabled the continuation of martial law under a democratic regime during the two decades of armed conflict with the PKK, gave governing officials extraordinary provisions to override constitutional rights and liberties and enabled them to enjoy discretionary powers with impunity.[7] The script of the disappearances in this region is, once again, similar. Take the cases of Kemal Birlik and Zeki Alabalık, who were recently commemorated by the Saturday Mothers. These individuals were imprisoned for "aiding and abetting terrorism"

for three years and nine months. On March 29, 1995—the date of their discharge—their relatives Abdulbaki Birlik and Zübeyir Birlik went to Mardin Prison to pick them up. Neither the prisoners nor the relatives were ever seen again. The prison authorities declared that the prisoners had already been discharged, thus washing their hands of any responsibility. The remains of these individuals were not found until June 13, 2013, eighteen years after their disappearance, when an official excavation into an unused well was conducted after the long-standing struggle of the Human Rights Association (IHD). Similarly, a recent discovery in another well in Mardin revealed the remains of Abdurrahman Coşkun, who was taken into custody by the gendarmerie from his home in Mardin on October 29, 1995. His family did not hear from him again. Neither were the six others taken into custody with him ever found. When asked, the gendarmerie informed the family that Coşkun had been released and that he probably joined the guerrillas. His remains were identified and properly buried only on March 14, 2014. These examples, which come from the same province under "state of emergency" rule, suggest that the recurrent targets of enforced disappearance in this region were marked by their Kurdish identity and often suspected of having ties to the PKK.

Unfortunately, there are plenty of other stories that are in dire need of dissemination, discussion, and remembrance so that more bodies can be retrieved, the search of distraught families can be put to rest, and the perpetrators of enforced disappearance can be brought to justice. The recent report by the Truth, Justice, Memory Center in Istanbul, as one of the pioneering efforts to analyze disappearances in Turkey, cites at least 1,353 cases of enforced disappearance that have occurred in the last three decades of Turkey's turbulent history (*UT*, 25).[8] The authors of the report note that the figure is far from definitive; indeed, the actual numbers may be much higher.[9] However, even a provisional analysis reveals certain distinguishable patterns regarding the distribution of disappearances over time and space, namely, that while enforced disappearances were utilized as a tactic since the 1980 military coup, they became most intense in the mid-1990s, and that they occurred mostly in the provinces ruled by the "state of emergency," but also

in big cities such as Istanbul and Adana. Diyarbakır—the city that is also notorious for the brutal practices of torture perpetrated in the military prison that bore its name—ranks first in the number of disappearances (followed by Şırnak and Mardin).[10] The report also calls attention to the most frequent targets of enforced disappearance, "the politicians, notables and local leaders of the Kurdish community," and, especially in the areas outside the emergency region, "university students with links to leftwing politics, militants in connection with diverse leftwing politics, various figures that formed local democratic public opinion, or to summarize, people from all dimensions of political opposition were forcibly disappeared throughout the 90s" (*UT*, 25). The authors conclude that "enforced disappearance is a strategy that was *systematically implemented* throughout the 90s" (*UT*, 24–25, emphasis added). They suggest that enforced disappearance should therefore be understood as part of "state terrorism" and placed in close kinship with similar experiences in South American countries (*UT*, 81).

Indeed, disappearances in Turkey, though relatively little known, reveal many similarities with the disappearances that have occurred in Latin America since the mid-1960s, in relation to which the term "disappearance" was originally coined.[11] However, even though enforced disappearances are most commonly associated with countries such as Guatemala, Chile, and Argentina, recent political and legal activism and scholarship have begun to show just how widespread this practice has been. According to the 2012 Report of the United Nations Working Group on Enforced or Involuntary Disappearances (WGEID), the number of cases that remain "under active consideration" is 42,889, in a total of eighty-four states (out of 53,986 cases transmitted to different governments since the founding of the WGEID in 1980).[12] Such figures do not include mass disappearances attributed to the first half of the twentieth century, associated with the Spanish Civil War and the Nazi practices during World War II. The 1941 German Night and Fog (Nacht und Nebel) Decree, which ordered the secret transportation of thousands suspected for endangering German security, is often cited as one of the first official documents that inscribes disappearance as a state tactic. If one could compile a worldwide archive of

the disappeared in the twentieth century—which would undoubtedly be an immensely difficult task, if only because the absence of the record inheres in the violence of enforced disappearance—the overall figure would be in the hundreds of thousands.

If we were to focus solely on the present, the figures are still alarming. According to the International Coalition against Enforced Disappearances (ICAED)—a network of organizations of the families of the disappeared and nongovernmental organizations—countries where widespread disappearances are *currently* taking place include Bangladesh, India, Mali, Pakistan, Mexico, Colombia, Sri Lanka, Sudan, Lebanon, Iraq, and Syria.[13] Furthermore, if the practice of "extraordinary rendition" is considered to be a form of enforced disappearance, the United States and its allies in the "war on terror" will have to be included in the list of countries implicated in this practice.[14] ICAED argues that the reluctance to resolve many cases of enforced disappearance emanating from the Philippines, Indonesia, Timor-Leste, Nepal, El Salvador, Guatemala, Peru, Algeria, Egypt, and Morocco continues to be of grave concern. Russia has already been convicted at the European Court of Human Rights for the enforced disappearances that it has perpetrated in Chechnya since 1999, whose numbers are estimated to be as high as five thousand by Amnesty International.[15] According to the report of the Independent People's Tribunal of India (organized by the Human Rights Law Network), the number of people who have been forcibly disappeared by the Indian armed forces in Kashmir is around ten thousand, but no court case has yet been able to pierce the shield of impunity of the perpetrators.[16]

In the face of mounting evidence that enforced disappearance is a prevalent practice that states across the globe resort to (or have resorted to), it is difficult to sustain the argument that enforced disappearance is an exceptional phenomenon. Rather, it appears as one among the many tactics that are deployed by state apparatuses and their paramilitary affiliates against civilians, especially those considered to be in the political opposition. These tactics, generally studied under the controversial concept of "state terrorism,"[17] are utilized in order to create a general climate of fear and intimidation to ensure the submission of the population at large.[18] This ensemble of violent practices tends to involve one or more of

the following: stop and search, beatings, arbitrary and indefinite detainment, torture under custody, sham trials, systematic deprivations (of food, drinking water, housing, health care), house demolitions, forced displacement, and extrajudicial executions, among others. Enforced disappearance, though it may not be as widespread as torture, for example, is far from a rarity.

However, enforced disappearance can be interpreted as an "exceptional" phenomenon if this term is taken to indicate the conditions in which emergency legislation is utilized to suspend constitutional protections or the rule of law is temporarily or altogether abrogated while sovereign violence is unleashed in the service of securing the existing order or pursuing related security objectives.[19] In a "state of exception," either declared or assumed, the state uses extralegal sovereign violence against its own people (but not only), justifying this practice in reference to the dictates of necessity in order to combat an emergent threat—a threat that must be eliminated without abiding by the constraints that a system of rights imposes on power. It will be remembered that for theorists of modern sovereignty such as Carl Schmitt, for example, the ability to decide on the exception was hailed as the very hallmark of sovereignty, even as it remained a transgression (if a necessary transgression) from the norms of government.[20] By contrast, theorists of contemporary sovereignty, such as Giorgio Agamben, go even further and diagnose our present in a more harrowing way. Accordingly, in the state of exception—where neither law and fact nor the juridical and the political can be distinguished from one another—anomie reigns and violence is boundless.[21] Agamben's description of this state as a topological "no-man's land" uncannily resonates with the image of a terrain defined by the practice of enforced disappearance. Agamben argues that the state of exception, which should be understood not as a special kind of law (i.e., emergency legislation, martial law, etc.) but the suspension of the juridical order itself, or the purposeful production of a juridical void, has become the "dominant paradigm of government" (*SE*, 2). In other words, in the hegemonic governmental paradigm of security, instances of extralegal sovereign violence have become as routinized as the prominence of executive government.[22]

Following this thread, many political theorists have persuasively

shown that the state of exception should be understood not as simply an aberration and abuse of sovereign power but rather as a constitutive and structural feature of modern state sovereignty. In contemplating enforced disappearance, the growing body of scholarship on the "exception" helps steer us away from the public discourse of a few "rotten apples" in the state security apparatus who might be deemed responsible for the violent excesses of states (if anyone is blamed at all). It directs us instead toward a more theoretical register, that of sovereign power, in its relation to violence and law, the body and history. It is on this register that I would also like to proceed. While I begin from the premise that enforced disappearance is a form of violence most commonly observed in situations that correspond to "states of exception," I would eventually like to problematize this exceptionality, which, as I hope to show, is intimately connected with a predominantly juridical conception of sovereignty. My main goal, however, is to examine the specificity of enforced disappearance in the arsenal of terror tactics utilized by state apparatuses in order to delineate its role as an invisible form of violent punishment, and, further, to interpret its invisibility as a sign in itself—one that leads us to look for the theoretical conditions of possibility of sovereignty's relationship with those subjects it selectively designates as the targets of its violence.

Invisible Punishment

What distinguishes enforced disappearance from other forms of sovereign violence utilized as tactics of terror? The International Convention for the Protection of All Persons against Enforced Disappearance provides a legal definition. Accordingly, enforced disappearance is

> the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.[23]

Building upon this definition, I would like to highlight several important characteristics of enforced disappearance. First, enforced disappearance is not a simple but an *agglutinative* human-rights violation; it violates different rights both simultaneously and serially. According to Amnesty International, among the rights that enforced disappearance violates are the right to security and dignity of person; the right not to be subjected to torture or other cruel, inhuman, or degrading treatment or punishment; the right to humane conditions of detention; the right to a legal personality; the right to a fair trial; the right to a family life; and, when the disappeared person is killed, the right to life.[24] Second, enforced disappearance can also be envisioned as a *concentric* human-rights violation; in other words, it targets not only the disappeared but also others, beginning most intensely with the immediate family members of the disappeared and pervading the public at large in concentric circles of effectivity. It intimidates, demobilizes, depoliticizes, and ultimately reduces individuals to passivity with the threat of disappearance.

Third, although enforced disappearance may, and often does, involve arbitrary and indefinite detainment, torture, and killing, it is not reducible to any of these violations. As Avery Gordon has stated, "while torture always accompanies disappearance, and death almost always is its consequence, disappearance is not just a euphemism for torture and death"; it is a "thing in itself."[25] Its distinguishing features are the individual's forcible and often secret removal, clandestine detention, and the subsequent uncertainty associated with the fate of the individual. Given the secrecy and uncertainty, enforced disappearance works as a violation that has no temporal end, except for the production of a body, dead or alive. The fourth characteristic of enforced disappearance is the specific form of violence it deploys. This is a kind of violence that seeks not only to eradicate the person who is the target of enforced disappearance but also to erase the fact that the person ever existed. In that sense, it is not only about the destruction of the individual but also the elimination of the individual's prior presence. Writing on the mothers of Plaza del Mayo, Margarite Bouvard argues that the "terrible intent of disappearances [is] to annihilate the memory

as well as the person."[26] As Gordon aptly put it, "a key aspect of state-sponsored disappearance is precisely the elaborate suppression and elimination of what conventionally constitutes the proof of someone's whereabouts. The disappeared have lost all social and political identity: no bureaucratic records, no funerals, no memorials, no bodies, nobody" (*GM*, 80). As such, enforced disappearance involves an *erasing* violence. Finally, the terrorizing effect of enforced disappearance is thus generated through a dialectic of visibility and invisibility, of public knowledge and unknowability (*GM*, 116, 70, 74–75). That people are being "disappeared" is common knowledge, yet no one knows exactly when, how, or how many (*GM*, 110). If the secrecy of detainment provides the grounds for manufacturing this invisibility, the lack of information, the absence of proof, the official denials, and disinformation contribute to and compound this quality.

Perhaps it is possible to understand the invisibility surrounding this violent practice as a symptom of the transformation of power relations, a new modulation of the tendency that Michel Foucault had identified in the transition from punishment as a corporeal public spectacle to punishment as confinement in a prison, hidden away from sight. Let us recall the contrast that Foucault theoretically develops when he juxtaposes the gruesome torture and execution of Damiens the regicide with Fauscher's timetable for prisoners in the modern prison. In the painful, bloody, brutal death of Damiens, orchestrated by the French king, sovereign violence produces a terrifying spectacle that is supposed not only to dissuade the people from repeating the regicide but also to affirm, by performing itself upon the body of its enemy, its own power.[27] The body of the condemned thus becomes a surface upon which sovereignty is inscribed through a ceremonial performance. As Foucault argues, this is the restoration of a wounded sovereignty—wounded because a personal assault on the sovereign is, at the same time, a breach of sovereignty at large. Such an offense invites the sovereign to avenge the crime as an "affront to his very person" in grandeur and visibility, publicity and excess (*DP*, 48). The personalistic, absolutist nature of power enacts punishment as the "sovereign's personal vendetta," in an intimately and extremely individuated form,

but through dissymmetry and vengeance.[28] The spectacular torture entails the re-production of sovereignty through the visible and visceral elimination of its adversaries. The body of the condemned becomes a visible target as well as a canvas of sovereignty.

By contrast, the subsequent de-corporealization of punishment and its disappearance from view through the invention of the modern prison are both results of the transformation of the "criminal" qua the personal adversary of the sovereign into a "social enemy," or the "common enemy" of society, constituted through the advent of popular sovereignty (*DP*, 90, 101, 129). This transformation enables the totality of the social body to punish, but it also imposes restraint and "humanization" through the institutionalization of the power to punish (*DP*, 129–30). The convicted body, instead of being publicly and brutally executed, is either executed in increasingly "humane" ways—far away from public sight—or locked up in a prison cell—where it is mastered, utilized, and dominated, compelled to conform to norms, and, ultimately, pushed to interiorize its own subjection (*DP*, 26–27, 138, 170, 203).

Today we need to follow through the transformation in forms of punishment and plot out how the corporeal and public form of sovereign violence is being further displaced and reconfigured. Building on Foucault's observations, we must ask how the wounded sovereignty that the French king sought to heal by wounding the body of the condemned through a public spectacle is now being supplanted, not (only) by the high-security prison, which hides its inhabitants away from the public gaze, but, as importantly, by the prison that is itself hidden from sight. We must attend not only to the secret prison but also to the more informal and flexible, even temporary and mobile detention centers and captivity sites that are impervious to public knowledge, whose surreptitious existence is officially denied, and whose inhabitants, often covertly abducted into indefinite captivity, are also undisclosed. They constitute what Derek Gregory has evocatively called "vanishing points."[29] Together they present us with the *invisible penal architecture* of the present.

This tendency of invisibilization, characteristic of enforced disappearance as a state tactic, has been particularly accentuated with the war on terror. The secret network of "black sites," as they have

come to be known, operated by security agencies and connected with one another through transport networks that help transfer detainees from one country to another, render enforced disappearance even more difficult to detect due to the transborder nature of this network. The dialectic between public knowledge and unknowability that Gordon has suggested continues through those "ghost" prisoners caught in this network. We can only surmise what is happening to them, but never know for sure. As Gordon has insightfully remarked, "everyone must know just enough to be terrified, but not enough either to have a clear sense of what is going on or to acquire the proof that is usually required by legal tribunals or other governments for sanction" (*GM*, 110).

The contradiction between the invisibility of the new penal landscape and the increased visibility of subjects of government is all the more glaring in light of modern surveillance technologies that are put in place to govern uncertainty. On the one hand, the panoptic restructuration of everyday life continues apace, increasing the legibility of society to the governing eye; on the other hand, the invisibility of punitive practices is compounded with the emergence of the secret prison. These seemingly contradictory tendencies are united by a "new dispositif of risk that has a precautionary rationality at its core."[30] Whereas Foucault had drawn attention to the role of probabilistic thinking in modern governmentality and the development of insurance, today the management of contingency has led to the proliferation of a plethora of "risk technologies" that "do not calculate probability on the basis of past evidence, but rather on the horizon of what may happen in the future."[31] Central to the new modulation of governmentality is the desire to tame uncertainty into a manageable risk. In the face of radical uncertainty, the management of risk transmogrifies into preemptive intervention into reality in order to enact, if not the elimination, then at least the controlled structuration of contingency. In the war on terror, Claudia Aradau and Rens van Munster have argued, we see the manifestation of this kind of risk management in the proliferation of preemptive strikes, practices of extraordinary rendition, indefinite detention, and a host of everyday technologies based on extensive surveillance and profiling ("GTR," 102–7).

But whereas with the modern prison the public invisibility of disciplinary punishment was counteracted by the publicity of the trial through which individuals were convicted, what we see today is the increasing disappearance of the trial itself. Next to individuals publicly convicted and destined as suitable objects of the invisible torture of solitary confinement—deemed more "humane" and certainly more efficient than visible, corporeal torture—we now have individuals whose destiny to become the objects of extralegal sovereign violence is decided by administrative fiat. Intelligence information is substituted for the legal process, which recedes and gives way to decisions made by those responsible for security enforcement, leading to a new prominence of violent punishment and secret confinement, without the public ascertainment of its necessity and measure. Further, as Oliver Kessler and Wouter Werner have suggested, where a semblance of legality is sought, the language being utilized to justify measures such as targeted killings of those deemed "unlawful combatants" on the basis of alleged guilt or future threat incorporates legal categories that have already been permeated and transfigured by the logic of risk management.[32]

Finally, these processes work in tandem to manufacture a new conception of the enemy as the justified target of violence. In the context of enforced disappearance, the most frequent targets are those individuals considered by those in power to be political opponents, insurgents, subversives, and rebels.[33] As the relatively well-studied case of *desaparecidos* in Latin America has made clear, most of those who have been subject to the practice of enforced disappearance have been politically active individuals, dissidents, journalists, writers, and community leaders—in short, those who are deemed "subversives" and thus singled out for the terrorizing violence of the state.[34] The record on disappearances in Turkey, Peru, India, and many other countries attests to a similar situation. The markers of the identity that qualify individuals as targets change; sometimes it is simply about belonging to a minority group—whether ethnic, racial, or religious—while at other times it is about having attachments to or playing a role in an ongoing political struggle that is threatening to the state, for a variety of causes. Despite these differences, the commonality is the subsump-

tion of these individuals into the category of the *enemy*. Whether it is called the "subversive," the "insurgent," the "terrorist," or the "unlawful combatant," this category is invoked as the grounding principle of the decision to deploy violence, which in turn reaffirms both the status of the target as the enemy and the necessity of vigilant punishment. Insofar as the circularity of securitized decisionism, buttressed by the preventive/preemptive model of risk management, attempts to render the enemy a legal category, it injects the juridical discourse of rights with the logic of vengeance that once again targets the body in a highly individuated form with an excess of violence.

How, then, should we interpret this invisibilization of punishment? If we learn from Foucault, the emergence of the secret prison, though it is not currently the dominant form of punishment, may still very well be a telling symptom of an underlying transformation of the dominant power regime. Foucault's interpretation of the movement from torture to the prison points to a three-fold transformation in power relations. First, there is the shift internal to sovereignty: a transition from monarchy to popular modality as the predominant form, which entails sovereignty's democratization and the ascendance of rule of law. Second, there is sovereignty's decline relative to emergent forms of disciplinary power that emerge out of and penetrate into the domains where the sovereignty of the state is unable to reach as a juridical form of power.[35] Third, weakening sovereignty is also transformed by its interaction and conjunction with disciplinary power, resulting in a coexistence in which one affirms, co-opts, and utilizes the other, and vice versa. With "the old power of death that symbolized sovereign power . . . now carefully supplanted by the administration of bodies and the calculated management of life," Foucault contends, the violation of the criminal's body loses its significance as the object of raw extraction—as a public site for the production of sovereignty—and becomes the vehicle of its disciplinary reproduction, by being deprived of its liberty under surveillance and tamed more as a soul than as a body (*HS*, 138–39). The "humble modalities, minor procedures" of disciplinary power (such as surveillance, normalizing judgment, and examination) penetrate and colonize law from

within, transforming it and rendering imprisonment the general modality of punishment (*DP*, 170, 232). This is not to say that the prison, whose disciplinary function works in tandem with the secrecy of punishment, completely eliminates physical violence (*DP*, 129–31). Torture, insofar as it remains, is the recalcitrant trace of archaic, absolutist sovereignty and gets "enveloped, increasingly, by the non-corporeal nature of the penal system" (*DP*, 16). However, it does mark a tendency in which the substitution of imprisonment for corporeal torture points to a qualitative transformation in the nature of power relations writ large.

What are the theoretical consequences of this compelling account? Foucault puts forth a stark contrast between disciplinary power and sovereignty.[36] Sovereignty, with its prohibitive character, becomes a predominantly juridical form of power for Foucault, characterized almost as if it were an epiphenomenon. In terms suggestive of the base-superstructure model in Marxist theory of social formations, Foucault argues that disciplinary power functions within society through norms upon which the laws of sovereign power are "superimposed," where the pervasiveness of discipline exists as "the other, dark side" of sovereign power, rendered invisible by its egalitarian formalism, and finally, where the legal subject of sovereignty, with rights and liberties, becomes an ideological representation of the embodied subjectivity of the individual produced as an effect of disciplinary power (*DP*, 194, 222; *HS*, 144; *SMD*, 37, 56; *PP*, 64). Consequently, Foucault insists, we must look "outside, below, and alongside the State apparatuses" for social mechanisms of domination in order to understand the workings of power in modern societies.[37] In other words, we must move from the epiphenomenon to the phenomenon itself, from the juridical to the social, to locate the "hidden abode" of power.

However, the widespread problem of enforced disappearance and the development of the secret punitive complex in which torture, among other forms of sovereign violence, has gained a new prominence suggest that perhaps Foucault was too hasty to relegate sovereignty to a shadow play, even as he revolutionized the way we analyze power. Powerful as his account of the emergence of the modern prison may be, in order to continue this line of inter-

pretation and bring it to bear on the present we must pay attention to how its theoretical consequences might counterpoise its insights. From a Foucauldian perspective, the explanation for these practices as a recalcitrant remnant of old times or as something that has been reactivated (especially via the deployment of racism) within what has evolved into a primarily biopolitical power regime remains perfunctory and inadequate.[38] In fact, Foucault's statement that the coexistence of the machinery of death and the political concern for life constitutes "one of the *central antinomies* of our political reason" is indicative, in my view, of the way in which he himself admits the inadequacy of his own theoretical position concerning sovereignty.[39]

The problem is not Foucault's prioritization of those biopolitical forms of power whose emergence and operation he so effectively chronicles at the expense of sovereignty (a move that is understandable as both a rhetorical strategy and a political-theoretical imperative that guides his work), but rather his misreading of sovereignty as a purely juridical discourse of rights and prohibitions and his elision of the specific relationship that sovereign power establishes with bodies that it especially deems a threat. On one hand, the equivalence between sovereignty and the juridical leads Foucault to endorse a strict separation between the legal realm of the state and the corporeal realm of society. On the other hand, the loss of distinction among individuals subjected to power relations implies that Foucault is unable to specify the differential techniques that are regularly deployed by the state toward different categories of individuals, classified according to how they threaten sovereignty.

Theorizing enforced disappearances requires us to insist on the significance of both the state and those bodies that are swallowed into the arcana of the state, never to resurface again. In order to account for the secret prison as well as practices of torture and extrajudicial killing, it is clear that we need a more complex understanding of sovereignty than that available in Foucault's thought. As a modest step toward this goal, we must question the purely juridical conception of sovereignty that tends to diminish its actual complexity and trace the theoretical sources of its differential relationship with those subjects it selectively designates as targets of its

legally bound punishment as well as those it chooses for unbounded violence. We must also consider how sovereignty comes to be presented as a juridical discourse that erases its own violence from view. Pursuing this path, I argue, will bring us closer to recognizing the conceptual grounding for the erasing violence of enforced disappearance.

Juridical Sovereignty

As the first theorist of modern sovereignty, Hobbes is also the author who occasions the juridical interpretation of sovereignty that achieves dominance among competing forms.[40] Hobbes's move toward the depersonalization of sovereignty, accomplished by detaching the constitution and exercise of power from the personal qualities of the prince and by grafting supreme power upon a "seat," paves the way for the construction of a legal public order. The sovereign's command is transformed into law, which becomes not only the force that binds together the citizens to the sovereign as subjects to his will, which they have authorized, but also the bulwark against the threat of the condition of war, which always already presupposes and continues to haunt the commonwealth as the constant threat of dissolution. Hobbes lends credence to a legalistic interpretation also because he expresses the moment of foundation of the commonwealth in the form of a contractual, hence legal, relationship (though sovereignty by acquisition, he argues, is equally legitimate and based on consent). With the contractual form, obedience to the law becomes an advantageous transaction, which also allows the transcription of political conflict into a problem of rights—the rights of the sovereign versus the rights of the subjects.

However, while Hobbes's formulation constructs sovereignty as a juridical concept, the juridical sphere is in turn enabled and sustained by the nonjuridical—violence or the disciplining threat of violence upon the bodies of citizens—which constitutes its conditions of possibility and reproduction. Violence is necessary to sustain the legal order, but more importantly, this violence is differentially regulated and customized according to its targets. In fact, when we

read Hobbes closely, we find clues of a two-tier power regime that is defined with reference to its targets rather than the legality of its operations. Through the classification of subjects, certain bodies are coded as appropriate targets of unbounded sovereign hostility and others as within the purview of limited, legal punishment.

How is this possible? After all, it is Hobbes who, by recognizing the nontransferable, inalienable right to self-preservation, grants certain liberties to subjects under sovereign rule, thereby inaugurating the liberal tradition. These liberties involve "the liberty to buy, and sell, and otherwise contract with one another; to chose their own abode, their own diet, their own trade of life, and institute their children as they themselves think fit; and the like."[41] Hobbes also acknowledges that there are certain limitations to the obligation to obey, which stem from the right of self-preservation (e.g., self-defense in danger or captivity, not to execute any orders that involve hurting or killing oneself, not to self-incriminate, even to avoid fighting on the battlefield and killing others). Most importantly, the subject cannot be physically punished for a breach of the law, and his liberties cannot be rescinded without proving, in a court of law, that he is guilty. One must be "judged by public authority" in order to establish that he has committed a crime and that he not be subjected to harm "before his cause be heard, over and above that which is necessary to assure his custody" (*L*, 206, 209). Once the criminality of the subject is *publicly* established, the punishment that the sovereign deems commensurate to the crime can be delivered. Hobbes underlines the importance of the equivalence between the crime and the punishment so that the latter fulfills a disciplining function, "disposing men to obey the law" (*L*, 207). Just as he warns against light punishments that may encourage more crime, he also cautions against punishments more excessive than what is set forth in the law: "seeing the aim of punishment is *not a revenge, but terror*; and the terror of a great punishment unknown, is taken away by the declaration of a less, the unexpected addition is no part of the punishment" (*L*, 207, emphasis added).

At the same time, however, Hobbes also goes to great lengths to show that the liberty of subjects is consistent with the unlimited power of the sovereign. Their liberty is not only defined by

what the sovereign allows (or, at least does not prohibit), but it also has no bearing on sovereign power, especially as a limiting force.[42] Logically, the sovereign right of punishment cannot be limited by subjects, because it does not originate from their act of covenant; rather, it derives from the right of war (the sovereign's right of war is merely enhanced by the individuals' renunciation of their own right).[43] The essence of sovereignty lies in the sword; therefore, "it may, and doth often happen in commonwealths, that a subject may be put to death, by the command of the sovereign power; and yet neither do the other wrong" (*L*, 141–42). What is at stake for Hobbes is first that the sovereign has already been authorized by the subjects and thus reflects nothing other than their own will, and second that once the commonwealth is formed the object of protection is no longer particular subjects but always the liberty of the commonwealth, or the subjects in their totality. Even if Hobbes's sovereign were to punish an innocent subject, it would not be wrong, only inequitable, even though it is against natural law (*L*, 141, 209–10). This is because the point of punishment, akin to the Athenian practice of banishing the illustrious citizens, is not necessarily "what crime he had done; but what hurt he would do" (*L*, 142). The sovereign right to kill is therefore predicated on the calculation of *potential*, not actual, hurt, which is directed at the commonwealth as a whole. The possibility of being subject to punishment is therefore ever present—certainly in the case that the subject disobeys or breaches the law, but also in the event that the sovereign considers the subject to present a *potential* harm to the commonwealth. Similarly, any room for disobedience that Hobbes seems to have granted based on the inalienable right of self-preservation is shown to have no effectivity in limiting the sovereign right to punish these acts of disobedience (whether or not they are injurious), on grounds that they may bring actual or potential hurt to the commonwealth and that such rights, where they do exist, may be rescinded if necessary: "When our refusal to obey, frustrates the end for which the sovereignty was ordained; then there is no liberty to refuse" (*L*, 145).

Nonetheless, scholars have argued that Hobbes (and the ensuing liberal tradition) maintains a sharp distinction between crime and

war, which is exemplified by the dramatic difference between the subject and the enemy.[44] While the subject has some rights, albeit without any constraining power on the sovereign, the enemy has none (except for the natural right of self-preservation). The right of war does not need to be bound by any limit except that of reason. The sovereign acts according to the right of war when he fights a declared enemy. Hobbes maintains, "in declared hostility, all infliction of evil is lawful" (*L*, 207). This is the case even if the enemy is innocent, "if it be for the benefit of the Commonwealth" (*L*, 210).

However, the neat contrast between war and crime, between unlimited and vengeful violence and lawful but terrorizing punishment, quickly breaks down. Not only does punishment on preventive grounds (potential harm) look a lot like the extralegal violence of "acts of hostility," but the precarity of existing liberties, where the rights of the sovereign always trump the rights of the subjects, undermines the legal edifice. More important, Hobbes subsumes the liberty of subjects to the needs of sovereign power, whose end, defined as the survival of the commonwealth, becomes the justificatory grounds for its self-perpetuation. This leads him to distinguish "fundamental" laws from those that are not fundamental: the former are the laws "without which the commonwealth cannot stand," whereas the latter are those "concerning controversies between subject and subject" (*L*, 191–92). In line with this distinction, he posits that not all crimes are "equally unjust" (*L*, 199). The crimes based on the infringement of fundamental laws require special treatment.

The emblematic case that shows the continuity between the right of war and the right of punishment is the case of the rebel or the insurgent. Hobbes argues as follows:

> If a subject shall by fact, or word, wittingly, and deliberately deny the authority of the representative of the commonwealth, (whatsoever penalty hath been formerly ordained for treason,) he may lawfully be made to suffer whatsoever the representative will: for in denying subjection, he denies such punishment as by the law hath been ordained; and therefore suffers as an enemy of the commonwealth; that is according to the will of the representative. (*L*, 207–8)

In other words, those who rebel against the authority of government are equivalent to the enemies of the commonwealth. Their "acts of hostility against the Commonwealth" are greater crimes than those infringements that might be directed against other subjects. Examples include the

> betraying of the strengths or revealing of the secrets of the Commonwealth to an enemy; also all attempts upon the representative of the Commonwealth, be it a monarch or an assembly; and all endeavours by word or deed to diminish the authority of the same, either in the present time or in succession: which crimes the Latins understand by *crimina laesae majestatis*, and consist in design, or act, contrary to a fundamental law. (*L*, 203)

In the punishment of rebels qua enemies, sovereignty does not discriminate between the innocent and the guilty, and it knows no temporal limit. It punishes not with terror, but with vengeance; in fact, Hobbes contends, "the vengeance is lawfully extended, not only to the fathers, but also to the third and fourth generation not yet in being, and consequently innocent of the fact, for which they are afflicted" (*L*, 210). The judgment and violent treatment of the external enemy requires no due process, and neither does that of the rebel. Tarnishing the authority of government "by word or deed," or worse, refusing submission, attracts the wrath of the sovereign, which recognizes no bounds.

The implication we can draw from this discussion is not simply that the juridical sphere of rights and obligations is underwritten and sustained by violence. By examining sovereignty's relationship to the enemy (entities that threaten the commonwealth from without) and the rebel (entities that threaten the commonwealth from within), we can now observe how the juridical discourse of sovereignty is always already penetrated by the logic of war, which endorses the destruction of those who threaten the commonwealth by sovereign violence *lawfully*, and yet, without due process, discrimination, or limit. The discursive category "insurgent-rebel-traitor"—which undermines the binaries between the criminal and the enemy, punishment and warfare, and hence the inside and outside of the commonwealth—informs the transformation of in-

dividuals who are subjects of rights into threats to the commonwealth, threats that must be eliminated, preemptively if necessary. The confluence of the criminal and the enemy in the rebel works as a justification for the deployment of unregulated, indiscriminate, and boundless violence in the name of security. The juridical face of sovereignty seems to be reserved, then, for those law-abiding subjects (who are not deemed a potential threat) and delinquent subjects (whose breaches do not threaten fundamental laws). Here we have the conceptual foundations of a two-tier power regime, one punitive, the other vengeful, each defined with reference to its targets rather than the strict legality of its operations. Both are lawful, according to Hobbes, but insofar as the vengeful tier is not bound by any limits, it might be more appropriate to call it "extralegal" rather than "illegal." Hobbes teaches us that extralegal violence, far from being an aberration, is a constitutive feature of modern state sovereignty, inscribed into its conceptual edifice.

In his analysis of the sovereign spectacle of punishment, Foucault is astute to recognize the continuity between punishment and warfare; he argues, the "sword that punished the guilty was also the sword that destroyed the enemies" (*DP*, 48, 50). In terms highly reminiscent of Hobbes, Foucault interprets the sovereign's spectacular, corporeal response to Damiens the regicide as similar to an act of war, since "disobedience was an act of hostility, the first sign of rebellion, which is not in principle different from civil war" (*DP*, 57). He thereby invites us to observe the convergence between the criminal and the enemy in the figure of the regicide. However, he fails to register this convergence with theoretical clarity. This is because he derives this unbounded violence from the similitude of the sword rather than the particular identity of its target: the status of the condemned as regicide (which squarely fits into the figure of the insurgent-rebel-traitor in Hobbes). Without paying attention to the *political* nature of Damiens's crime, Foucault concludes that, in effect, there is an element of hostility in every punishment: "every crime constituted as it were a rebellion against the law and that the criminal was the enemy of the prince" (*DP*, 50).

This conclusion leads him to neglect the internally differentiated power regime, especially the relationship of sovereign power

to bodies that are considered to be *fundamental* threats. Because of this reading, Hobbes comes to represent the paradigmatic case of the theory of sovereignty for Foucault, one that he vehemently criticizes and sets his own work against. It is sufficient to recall here Foucault's programmatic pronunciations such as the need to "eschew the model of Leviathan in the study of power" and to "cut off the King's head" in political theory (*PK*, 102, 121). The reduction of sovereignty to a juridical form of power is reinforced when Foucault turns to the prison as the punitive site of popular sovereignty. In the prison, since the personalistic dimension of punishment is increasingly supplanted by the more anonymous stipulations of the laws and, of course, the diffuse mechanisms of disciplinary power, we move further away from registering the continuing relevance of the conflictual relationship between sovereignty and its contestants. Instead, we are left with a strict separation between the legal realm of the state and the corporeal realm of society, between political rule and domination, between contract and conflict.

Politics of Erasure

As other scholars have argued, Foucault's reading of Hobbes is "too restricted," if not "misleading," as it makes the contract central to Hobbes's thought without due attention to the logic of war that permeates his peaceful order.[45] At the same time, while Foucault's "genealogical method of historicizing the ahistorical forms of political theory and pluralizing 'universal' forms of history is devastating to those models," it does not do away with the problem of sovereignty.[46] In my opinion, while the limitations that color Foucault's interpretation of sovereignty are valid, the main insights of Foucault's reading of Hobbes lie elsewhere.

In *"Society Must Be Defended,"* Foucault's contention is to unsettle the dominant interpretation of Hobbes as one of the "theorists of the war in civil society" (the other is Machiavelli). Instead, he argues, Hobbes has "nothing to do with it" (*SMD*, 18, 59). Stated differently, Hobbes is not the theorist of war, but instead the theorist that definitively severs domination from sovereignty, or the logic of conflict from that of law in the analysis of power. Fou-

cault's attempt to contend with Hobbesian sovereignty enables him to provide a highly suggestive reading that illuminates how Hobbes presents sovereignty as a juridical form of power, which is the panacea of conflict, and how he achieves this equivalence by concealing sovereign violence from view. This reading supplies important clues for grasping not only how violence is erased but also how the erasing violence of sovereignty, exemplified with great clarity in the practice of enforced disappearance, is discursively grounded.

In his critical engagement with Hobbes's *Leviathan*, Foucault makes three related arguments that comprise what I will call a *politics of erasure*. First is the argument that Hobbes, like other jurists, abstracts from the materiality of human bodies, transforming the relations of force between bodies into a formal discourse of rights and obligations. Rather than attend to the "material agency of subjugation insofar as it constitutes subjects," Hobbes's concern is to delineate how the multiplicity of individual bodies can be unified into one—a singular will and artificial body (*SMD*, 28). Foucault writes:

> In this schema, the Leviathan, being an artificial man, is no more than the coagulation of a certain number of distinct individualities that find themselves united by a certain number of the State's constituent elements. But at the heart, or rather the head, of the State, there is something that constitutes it as such, and that something is sovereignty, which Hobbes specifically describes as the soul of the Leviathan. (*SMD*, 29)

The disembodiment, or the move from bodies to legal persons, is accompanied by the constitution of a unified, public person, through the mechanism of authorization by which individuals enable the sovereign to bear their person. The construction of the sovereign political entity thus involves two moves, decorporealization and incorporation, through which the bodies of individuals are erased, and individuals are transcribed as abstract, right-bearing juridical subjects as they are included in the composite entity.

Foucault's second argument concerns Hobbes's famous state of nature as a state of war. Foucault underlines how the state of nature not only enables the constitution of sovereignty but continues "even when the State has been constituted . . . as a threat that wells

up in the State's interstices, at its limits and on its frontiers" (*SMD*, 90). However, he contends that the state of nature refers not to an actual war or confrontation but rather to a "theater" of representations, intimidations, and displays of a conflictual readiness, "a sort of unending diplomacy between rivals who are naturally equal" (*SMD*, 92). Foucault maintains: "There are no battles in Hobbes's primitive war, there is no blood and there are no corpses. There are presentations, manifestations, signs, emphatic expressions, wiles, and deceitful expressions; there are traps, intentions disguised as their opposite, and worries disguised as certainties" (*SMD*, 92). Thus, in Foucault's reading, Hobbes's solution to the problem of avoiding war is the regulation of the potential of conflict by the juridical—more precisely, by way of the erasure of actual conflict that lies at the foundations of sovereignty. While this is transparent in the arguments Hobbes provides for the commonwealth by institution (i.e., the social covenant), Foucault argues that it is even the case for commonwealth by acquisition, whose really violent foundations Hobbes erases by locating consent in the submission of the vanquished to their victors due to "the will to prefer life to death" (*SMD*, 95–96). Hence Foucault's verdict on Hobbes: "it is as though, far from being the theorist of the relationship between war and political power, Hobbes wanted to eliminate the historical reality of war, as though he wanted to eliminate the genesis of sovereignty" (*SMD*, 97).

Third, Foucault contends that Hobbes renders invisible the actual bloody history of conquest and civil war, of the Norman Conquest and the rebellion of Puritan revolutionaries, which constitute the unspoken historical context that frames his theory. Even further than eliminating the memory of conflict, Hobbes's point is to eradicate the very possibility of conflict. He therefore argues against the popular discourse of conflict, of "permanent civil war," contemporaneous with him. This is a discourse that utilizes the memory of conquest and domination in order to assert and justify the necessity of struggle and rebellion.[47] Pace Hobbes, this discourse approaches power as domination with the claim that

> any law, whatever it may be, every form of sovereignty, whatever it may be, and any type of power, whatever it may be, has to

> be analyzed not in terms of natural right and the establishment of sovereignty, but in terms of the unending movement—which has no historical end—of the shifting relations that make some dominant over others. (*SMD*, 109)

If we follow Foucault's reading, we observe in Hobbes three theoretical moves, three different erasures: of the body, of the conflictual actuality of the political, and of history. The body becomes the subject of rights, conflict becomes covenant, and the historical knowledge of conquest becomes an ahistorical peace secured by sovereignty. This reading allows Foucault not only to construe Hobbes as the advocate of the neutralization of the political by way of equating it with the juridical and by characterizing the juridical with the absence of violent conflict. It also gives ammunition to Foucault's own interpretation of sovereignty as a juridical form of power. However, Foucault's otherwise highly illuminating account remains inattentive to the implications of the politics of erasure he thereby identifies in Hobbes's discourse.

For, as we have already seen, it is precisely in the continuity that Hobbes establishes between the right of war and the right to punish, as he undermines the distinction between the enemy and the criminal through the category of the rebel-insurgent-traitor (which in turn Foucault ignores), that Hobbes recognizes the antagonistic reality of the political and counteracts the consequences of the erasures he undertakes. What Foucault overlooks is that conflictuality in the relation between the insurgent and the Hobbesian sovereign is preserved in the realm of civil society. This antagonism, far from being severed or neutralized by law, is rather inscribed as the core—the fundamental law—that requires continuous and vigilant enactment. Even as Hobbes speaks of the rights of subjects, seemingly dramatically separated from their corporeality by the power of abstraction, the bodies come to haunt the sovereign at every refusal to obey, every infringement of the law, every desertion from the battlefield, and, most certainly, every act of revolt. The precarity of the covenant is such that it must be preserved, not only with utmost force against actual transgressors but also with a proactive and preemptive calculation of potential harm. Finally, the memo-

ry of past injuries, conquest, and domination—which shapes the judgment of men to decide for themselves what is good and what is evil—and the potential of historical knowledge to reactivate conflict are so hard to eradicate that the sovereign must constantly guard against "the poison of seditious doctrines" that can enflame disobedience (*L*, 214).

Why, then, all the trouble with the discursive erasures which, even as they operate, produce effects that are incomplete, or at least, not without the presence of countervailing effects? The answer, I think, lies in the *performative* nature of these erasures, through which Hobbes shows that sovereignty is not the absence of violence, discipline, or domination but the ability to assert their *erasability* as the ultimate proof of power. The politics of erasure is not an obliteration, an "elimination," which is the word Foucault uses; rather, it is an *invisibilization*. It renders bodies, violence, and history invisible; it conceals them behind the facade of law. The politics of erasure that is operative in Hobbes's discourse does not imply that Hobbes bifurcates domination from sovereignty; to the contrary, it is proof that he equates sovereignty and domination precisely by erasing their difference. This elision allows Hobbes to conceal the bifurcation within sovereignty; the two-tier, differentially targeted power regime is presented as a unitary and noncontradictory whole. Sovereign power is not the equivalent of law just because it assumes and appropriates the language of law; rather, it appropriates that language insofar as it is powerful enough to render invisible, if not irrelevant, the constantly threatening reality of conflict through a legally sanctioned eradication of that conflict. Sovereignty performs the erasure of embodiment not because bodies no longer exist but because their representation in abstract legal form is an index of the consolidation of power over bodies. Finally, sovereignty's construction of its own history vis-à-vis the memory of conflict is the reflection of its self-vindication, which requires the suppression of competing narratives. Hence, the profound conclusion that Foucault omits, in my opinion, is that the discourse of sovereignty involves the *performative* erasure of its own foundations, precisely in light of its accurate recognition of those foundations. If this erasure is constantly being undermined

by those foundations, bringing into light the bodies, the violence, and the sedimented histories of conflict, it is also being reproduced by the reenactment of sovereignty on the body of the insurgent, which acts as a remainder and reminder of the imperfect juridicalization of sovereignty.

Conclusion

I want to draw two main conclusions from the above discussion. First, the politics of erasure that Foucault helps us locate in Hobbes as the neutralization of conflict, while broadly correct and insightful, does not reflect the countervailing tendencies in Hobbes's thought, which come to the fore in the performativity of his discourse. Second, Foucault's inattentiveness to the convergence between the enemy and the criminal in the figure of the insurgent in Hobbes leads Foucault to lose sight of both the ways in which disobedient subjects uphold the conflictuality of politics and how specific bodies become the primary targets of extralegal sovereign violence. These two strands converge in suggesting the necessity of a deeper reflection on the multifarious ways in which sovereignty and domination, law and war, contract and conflict are intertwined—a dimension that Foucault's work and its legacy tend to sever.

Thinking these two conclusions together helps us explore both Hobbesian sovereignty and Foucault's conception of sovereignty in a new light. What are the theoretical ramifications of this reading? First, and most noticeably, it suggests that there is a politics of erasure at work in the discursive foundations of modern sovereignty. Sovereign power continues to reproduce and enact itself by subjugating, punishing, and eliminating bodies, while sustaining a juridical form in which these acts are legitimated by reference to the liberty of the commonwealth and rendered invisible by the discourse of rights and obligations. In addition to helping conceal the relations of force in civil society, this erasure makes it difficult to detect the differential relations that sovereignty establishes to the subjects that it categorizes and selects as targets of special treatment.

Second, if we are to concede that erasure is a feature of

sovereignty—as an objective, desire, and performance—we must consider its immanent repercussions for the insurgent's body. To the violability, torture, and destruction of this body, we must now add its *erasability* from existence, as the ultimate practical proof (and fantasy) of power. As it constructs the category of the rebel as a subject without rights and worthy to be destroyed as an enemy, Hobbesian sovereignty arrogates to itself the power not just to torture and kill in the form of a terrifying public spectacle but also to abduct and arbitrarily detain bodies, to torture and kill them in secrecy, and to hide or get rid of the remains, thus practically erasing them out of existence. The specifically erasing form of violence involved in the practice of enforced disappearance can thus be better understood as an extension of the sovereign politics of erasure.

Third, the problem of enforced disappearance, from the perspective that grants sovereignty a politics of erasure, appears not as an extreme form of "exception" but rather as the logical consequence of the theoretical parameters that sanction the deployment of violence as a right of war which knows no limit and which is indistinguishable from the right to punish. Insofar as sovereignty's ability to erase its own foundations is a constitutive performative gesture crucial for its self-presentation as a juridical form of power, the phenomenon of enforced disappearance appears less as an aberration than as the integral dark side of the kind of power Hobbes so cogently envisioned. As a result, the insurgent's body becomes the surface upon which sovereignty imprints its mark—a mark written with an ink that erases itself as well as the surface out of existence. The impunity with which sovereign power acts is inseparable from the performative and actual erasures through which it (recurrently) brings itself to being.

If this discussion allows us to situate the problem of enforced disappearance within a problematic of sovereignty, it also directs our attention to the practices of sovereign violence that have their own historicity. Foucault has already persuasively shown us how punishment takes increasingly hidden forms, as manifest in the transition from the public spectacle of torture to the panoptic prison. Today we can interpret the emergence of the global war prison whose location is difficult to know, whose prisoners are ghosts, and

whose practices of violence leave marks more difficult to observe as an intensified continuation of this tendency of invisibilization. However, what characterizes the present is also much more complicated than what a linear trajectory toward greater invisibility in punitive practices would tend to suggest. This is because the invisibility of punishment is now accompanied by a novel logic of preventive risk management whose arbitrariness is based less on the sovereign's arbitrary decision than on the specialized judgment of those responsible for security enforcement. The resort to a "state of exception" and the claims to historical exceptionalism have thus reinforced the absolutism inherent to modern sovereignty—however democratic—whose roots can be sought in Hobbes. However, whereas the absolutism of Hobbesian sovereignty resorted to corporeal, individuated violence as the transparent function of a logic of war, the absolutism of contemporary governmentality, which entails a contradictory amalgamation of sovereignty and biopolitics, resorts to corporeal, individuated violence as the function of security. It utilizes the traditional prerogatives of sovereign power but fertilizes them with new technologies—the alterization of populations, their partitioning and hierarchization, their selective targeting and specialized management—which are grounded on predictions regarding a radically uncertain future that they thereby seek to bring under control. As a result, the invisibilization of traditional sovereignty, which could involve the selection of targets based on potential as well as actual hurt, is not only accentuated, but it is also transformed into a function of preemptive targeting based on algorithms of surveillance technologies, which now increasingly replace or permeate legal mechanisms. Here we have a biopoliticized sovereignty whose absolutism is based on the desire not to govern contingency but to eliminate risk proactively through technologically ever more sophisticated forms of erasure.

Today the attempt to regulate the extralegal violence of sovereign power generally, and enforced disappearance specifically, by means of international law is a venerable effort; however, it faces a tough struggle. The contradiction is that this effort implies placing faith in the voluntary self-limitation of sovereignty; sovereignty is in effect asked to concede to a law that challenges the very un-

boundedness and plenitude of power. While the Declaration on the Protection of All Persons from Enforced Disappearance, adopted by the UN General Assembly in 1992, has been helpful in defining enforced disappearance as a violation of basic human rights, its practical influence has been limited precisely due to its lack of enforcement power. Nonetheless, it has served the important goal of increasing public awareness as well as adding visibility and international legitimacy to the struggles of the families of the disappeared. By contrast, the International Convention for the Protection of All Persons from Enforced Disappearance has entered into force in December 2010, upon the completion of twenty ratifications.[48] However, with ninety-three signatories to date, the convention only has forty-two signatories that have ratified it and, still less, only seventeen signatories that have agreed to recognize the competence of the Committee on Enforced Disappearance (CED), the international body stipulated by the convention to monitor states and receive individual and interstate complaints.[49] Perhaps not surprisingly, states have shown no enthusiasm for this convention. Moreover, the reluctance to sign is exhibited not only by states that have a well-established and prominent record of human-rights violations but by those very states that define themselves as champions of liberty and human rights.

For example, when asked about the government's intention to sign in 2007, Under Secretary Lord Triesman remarked: "The UK did not sign the convention at the signing ceremony in Paris on 6 February [2007] because the UK does not sign international treaties unless it has a firm intention to ratify within a reasonable time frame."[50] When asked again in 2013, Under Secretary Merron gave an ambiguous answer, citing the complexity of legal issues involved in ratifying the convention and the government's ongoing examination of these issues.[51] Explaining why the US government had not signed the convention in 2007, State Department spokesman Sean McCormack remarked that the treaty "did not meet our expectations."[52] According to Human Rights Watch, "Prior to the adoption of the convention, the Bush administration actively sought to undermine its protective provisions, including those on the disclosure of detainees and by weakening the protection mechanisms en-

shrined in the treaty."[53] Even though signing and ratifying the convention would not have had a retroactive impact on the practices of extraordinary rendition and the "ghost detainees" kept in secret prisons infamously affiliated with the Bush administration, the United States has continued to abstain from signing the convention (*USR*, 7–8). On the other hand, other European countries initially reluctant to sign, such as Italy, Germany, Spain, Finland, and the Netherlands, have since then changed their position and become signatories. The revelation of secret detention centers on European soil and evidence regarding extraordinary renditions, supported by the formal report of the Parliamentary Assembly of the Council of Europe, might have played an important role in eventually shifting the overarching sentiment.[54]

If the lack of enthusiasm among states for the convention points to the perennial difficulty of regulating sovereignty, especially its practices of violence, by means of international law, it also cautions against a naïve faith in the power of international law. While it is true that international law has some role in guiding the behavior of states by the establishment of norms and customary practices, it is far from an effective deterrent when it collides with sovereign will. The "war on terror"—and the sheer speed with which liberal states glided toward illiberalism, either by the promulgation of emergency laws or by the adoption of infra-legal and illegal practices of surveillance that undermine existing rights—has not only reinforced a culture of impunity but also further eroded the hard-won achievements of international law.[55] Instead, a constant condition of insecurity has become a regular instrument of political rule.

At the same time, however, it would be wrong to conclude from the ineffectiveness of international law or the strategic reluctance of states that sovereignty entails an unbounded plenitude of power. While the politics of erasure tends to give the impression of a self-reproducing plenitude, erasure is never complete; it leaves traces behind. The struggles of the families of the disappeared to make the disappeared visible, to keep alive the memory of those who have been subjected to the erasing violence of the state, are crucial in this regard.[56] It is through their agency that the disappeared insistently establish their presence and point to the profound impossibility of sovereignty's ultimate closure into a totality. The moth-

ers, who stage protests in which they publicly reassert the bodies of the disappeared, at times by wearing the pictures of their disappeared children, put forth a "subject who refuses to die, a subject who has been reembodied and now cannot be killed."[57] Due to the mothers' political refusal to forget, the bodies of the disappeared, the violence that was done to them, and their memory regain visibility, or at least resist being rendered completely invisible.[58] The politics of erasure, which clashes with the incessant demand for justice voiced by the mothers of the disappeared, thus ricochets into a negation of the plenitude of sovereignty, if not also of sovereignty itself.

The Saturday Mothers, who continue their weekly protest in Turkey, may not have yet been able to destroy the shield of impunity that protects those individuals responsible for ordering, carrying out, and covering up the enforced disappearance of thousands, nor to pressure Turkey into signing the international convention; however, they have cultivated a live public archive of erasing violence, a knowledge from below that counteracts the official denials. Their resolve in showing up week after week at the same location has kept the experience of the disappeared alive and prevented it from succumbing to the oblivion of time. Their struggle has helped rescue individuals back from the fold of power in which they have been transformed into embodiments of the enemy, who are therefore worthy of destruction. The Saturday Mothers have recuperated the disappeared into the collective memory of the peoples of Turkey and their ongoing struggle for democracy and justice. With other mothers around the world, they have shown us that it is possible to interrupt the politics of erasure, which is not only a practical tactic of sovereignty but also its discursive condition of possibility.

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Notes

1. Amnesty International, *Turkey: Families of the "Disappeared" Subjected to Brutal Treatment*, Report, EUR 44/080/1995, August 31, 1995.
2. Human Rights Watch, *Time for Justice: Ending Impunity for Killings and Disappearances in 1990s Turkey*, Report, September 3, 2012, http://www.hrw.org.
3. See, e.g., the calls issued on social media by Saturday Mothers during March and April 2014, https://www.facebook.com/ICumartesi AnneleriI/events and https://twitter.com/CmrtesiAnneleri.
4. The European Court of Human Rights ordered Turkey to pay reparations to Ocak's family for not conducting a proper investigation into the circumstances of his death.
5. The so-called Provisional Article 15 of the 1982 Constitution, which guaranteed the impunity of military commanders from any allegation of criminal, financial, or legal responsibility for their use of sovereign authority in this interim period, was finally rescinded with the referendum of September 12, 2010.
6. Özgür Sevgi Göral, Ayhan Işık, and Özlem Kaya, *The Unspoken Truth: Enforced Disappearance* (Istanbul: Truth Justice Memory Center, 2013), 25, http://www.hakikatadalethafiza.org/kaynak.aspx?GResourceId=85&LngId=5. Hereafter cited as *UT*. See also Amnesty International, *Turkey: More People "Disappear" Following Detention*, Report, No: EUR 44/015/1994, March 1, 1994.
7. The regional "state of emergency" was only gradually phased out throughout the 1990s, and it was lifted completely only at the end of 2002. Batman, Bingöl, Bitlis, Diyarbakır, Hakkari, Mardin, Siirt, Şırnak, Tunceli, and Van were the ten provinces kept longest under emergency rule. Hakkari and Tunceli were taken out on July 30, 2002. Diyarbakır and Şırnak were the last ones to return to normalcy, on November 30, 2002.
8. On Turkey's enforced disappearances, see also Amnesty International, *Turkey: Torture, Extrajudicial Executions, "Disappearances,"* Report, No: EUR 44/039/1992, April 30, 1992; Amnesty International, *Turkey: A Time for Action*, Report, No: EUR 44/013/1994, February 1, 1994; and Gökçen Alpkaya, "'Kayıp'lar Sorunu ve Türkiye" [The problem of disappearances and Turkey], *Ankara Üniversitesi SBF Dergisi* 50, nos. 3–4 (1995): 31–63.

9. The overall difficulty of collecting reliable information on enforced disappearances based on consistent criteria is further compounded in the Turkish context by the dispersed nature of available data, lack of coordination among different civil society organizations, and the many interruptions and losses in the archives due to police raids and confiscations.
10. For accounts of the brutal torture and forced Turkification in Diyarbakır Military Prison, see Mehdi Zana, *Prison No. 5: Eleven Years in Turkish Jails* (Watertown MA: Blue Crane Books, 1997); and Welat Zeydanlıoğlu, "The Period of Barbarity: Turkification, State Violence and Torture in Modern Turkey," in *State Power and the Legal Regulation of Evil*, ed. Francesca Dominello (Oxford: Inter-Disciplinary Press, 2010), 67–78.
11. The work of Amnesty International has been crucial in documenting and conceptualizing this tactic, as well as raising awareness about it in the rest of the world. See, especially, Amnesty International, *"Disappearances": A Workbook* (New York: Amnesty International Publications, 1981). See also CONADEP, *Nunca Más: The Report of the Argentine National Commission of the Disappeared* (New York: Farrar, Straus and Giroux, 1986).
12. WGEID, "Report of the Working Group on Enforced or Involuntary Disappearances," UN General Assembly, A/HRC/22/45, January 28, 2013, http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A.hrc.22.45_English.pdf.
13. ICAED, "ICAED Statement on the International Day of the Disappeared," August 30, 2012, http://www.icaed.org/home.
14. On the relationship between "extraordinary renditions" and "enforced disappearances," see Patricio Galella and Carlos Espósito, "Extraordinary Renditions in the Fight against Terrorism–Forced Disappearances?" *SUR: International Journal on Human Rights* 9, no. 16 (2012): 7–31; and Nikolas Kyriakou, "The *International Convention for the Protection of All Persons from Enforced Disappearance* and Its Contributions to International Human Rights Law, with Specific Reference to Extraordinary Rendition," *Melbourne Journal of International Law* 13 (2012): 424–569.
15. Amnesty International, *Russian Federation: What Justice for Chechnya's Disappeared?* AI Index EUR 46/020/2007, May 2007, http://www.amnesty.org/en/library/info/EUR46/020/2007.
16. Grace Pelly, ed., *State Terrorism: Torture, Extra-judicial Killings, and Forced Disappearances in India*, Report of the Independent People's

Tribunal, February 9–10, 2008 (New Delhi: Socio Legal Information Centre, 2009), 132–44.

17. See, e.g., Alexander George, ed., *Western State Terrorism* (New York: Routledge, 1991); Juan E. Corradi, Patricia Weiss Fagen, and Manuel Antonio Garreton, eds., *Fear at the Edge: State Terror and Resistance in Latin America* (Berkeley: University of California Press, 1992); Jeffrey A. Sluka, ed., *Death Squad: The Anthropology of State Terror* (Philadelphia: University of Pennsylvania Press, 2000), hereafter cited as *DS*; Thomas C. Wright, *State Terrorism in Latin America: Chile, Argentina, and International Human Rights* (Lanham MD: Rowman and Littlefield, 2007); and Richard Jackson, Eamon Murphy, and Scott Poynting, eds., *Contemporary State Terrorism: Theory and Practice* (Oxon: Routledge, 2010).
18. According to Sluka, state terrorism is "the use or threat of violence by the state or its agents or supporters, particularly against civilian individuals and populations, as a means of political intimidation and control (i.e., as a means of repression)." Jeffrey A. Sluka, "Introduction: State Terror and Anthropology," *DS*, 2.
19. For the distinction between the exception, meaning a situation that is considered new or rare, and exceptionalism, implying those practices that are justified with reference to their divergence from the norm, see Andrew W. Neal, "Foucault in Guantanamo: Towards an Archaeology of the Exception," *Security Dialogue* 37, no. 1 (2006): 31–46.
20. Carl Schmitt, *Political Theology: Four Concepts of the Concept of Sovereignty*, trans. George Schwab, intro. Tracy B. Strong (Chicago: University of Chicago Press, 2005), 5.
21. Giorgio Agamben, *State of Exception*, trans. Kevin Attell (Chicago: University of Chicago Press, 2005), 1, 23. Hereafter cited as *SE*.
22. On exceptionalism and the war on terror, see Rens van Munster, "The War on Terrorism: When the Exception Becomes the Rule," *International Journal for the Semiotics of Law* 17 (2004): 141–53; and Jef Huysmans, "Minding Exceptions: Politics of Insecurity and Liberal Democracy," *Contemporary Political Theory* 3, no. 3 (2004): 321–41.
23. International Convention for the Protection of All Persons from Enforced Disappearance, New York, December 20, 2006, Article 2, https://treaties.un.org/Pages/ViewDetails.aspx?src=treaty&mtdsg_no=iv-16&chapter=4&lang=en.
24. Amnesty International, "Enforced Disappearances," http://www.amnesty.org/en/enforced-disappearances.

25. Avery F. Gordon, "The Other Door, It's Floods of Tears with Consolation Enclosed," in *Ghostly Matters: Haunting and the Sociological Imagination,* new ed. (Minneapolis: University of Minnesota Press, 2008), 80, 112. Hereafter cited as *GM.*
26. Margarite Guzmán Bouvard, *Revolutionizing Motherhood: The Mothers of the Plaza De Mayo* (Lanham MD: Rowman and Littlefield, 1994), 12. Hereafter cited as *RM.*
27. Michel Foucault, *Discipline and & Punish: The Birth of the Prison,* trans. Alan Sheridan (New York: Vintage, 1977), 50, 58. Hereafter cited as *DP.*
28. Michel Foucault, *Abnormal: Lectures at the Collège de France, 1974–1975*, ed. Valerio Marchetti and Antonella Salomoni, trans. Graham Burchell (New York: Picador, 2003), 82–83; *DP*, 3–6, 33–35, 47; Michel Foucault, *History of Sexuality,* vol. 1, trans. Robert Hurley (New York: Vintage Books, 1990), 135–36, hereafter cited as *HS.*
29. Derek Gregory, "Vanishing Points," in *Violent Geographies: Fear, Terror and Political Violence,* ed. Derek Gregory and Allan Pred (New York: Routledge, 2007), 205–36.
30. Claudia Aradau and Rens van Muster, "Governing Terrorism through Risk: Taking Precautions, (Un)Knowing the Future," *European Journal of International Relations* 13, no. 1 (2007): 89–115. Hereafter cited as "GTR."
31. Louise Amoore, "Risk before Justice: When the Law Contests Its Own Suspension," *Leiden Journal of International Law* 21, no. 4 (2008): 850.
32. Oliver Kessler and Wouter Werner, "Extrajudicial Killing as Risk Management," *Security Dialogue* 39, nos. 2–3 (2008): 289–308, esp. 300–305.
33. Jerome J. Shestack, "The Case of the Disappeared," *Human Rights* 8, no. 4 (Winter 1980): 24–27, 51–53, 55.
34. There is a broad literature on disappearances in Latin America. See, e.g., Patricia Marchak, *God's Assassins: State Terrorism in Argentina in the 1970s* (Montreal: McGill-Queen's University Press, 1999); Thomas C. Wright, *State Terrorism in Latin America: Chile, Argentina, and International Human Rights* (Lanham MD: Rowman and Littlefield, 2007); and Diana Taylor, *Disappearing Acts: Spectacles of Gender and Nationalism in Argentina's "Dirty War"* (Durham: Duke University Press, 1997).
35. Michel Foucault, *Psychiatric Power: Lectures at the Collège de France, 1973–1974*, ed. Jacques Lagrange, trans. Graham Burchell (Hampshire: Palgrave Macmillan, 2006), 73–79. Hereafter cited as *PP.*

36. For a cogent summary of the contrast between two models of power, see Michel Foucault, *"Society Must Be Defended": Lectures at the Collège de France, 1975–1976*, ed. Mauro Bertani and Alessandro Fontana, trans. David Macey (New York: Picador, 2003), 34–39. Hereafter cited as *SMD*.
37. Michel Foucault, *Power/Knowledge: Selected Interviews and Other Writings, 1972–1977*, ed. Colin Gordon (New York: Pantheon, 1980), 60. Hereafter cited as *PK*.
38. Let us recall that racism for Foucault is the method of distinguishing between "what must live and what must die," and it functions as the "basic mechanism of power, as it is exercised in modern States"—the mechanism that transforms the ability of states to produce death and destruction at hitherto unprecedented levels without letting go of their hold on life, both individually and at the aggregate level. Racism activates and rejuvenates sovereignty, as it were, directing its exercise toward the elimination of those considered to be a threat to the "species" in order to augment the improvement of one's own race. Nonetheless, the reasons for this transformation are unclear, as is the generality of this claim as a theoretical solution to the question of the recalcitrance or resurgence of an otherwise receding sovereignty (*SMD*, 254–58).
39. Michel Foucault, "The Political Technology of Individuals," in *Essential Works of Foucault (1954–1984),* vol. 3, *Power*, ed. James D. Faubion, trans. Robert Hurley et al. (New York: The New Press, 2001), 405, emphasis added.
40. For a reconstruction of an alternative tradition of sovereignty as constituent power, see Andreas Kalyvas, "Popular Sovereignty, the Constituent Power, and Democracy," *Constellations* 12, no. 2 (2005): 223–44.
41. Thomas Hobbes, *Leviathan*, ed. J. C. A. Gaskin (Oxford: Oxford University Press, 1996), 141. Hereafter cited as *L*.
42. Hobbes argues: "As for other liberties, they depend on the silence of the law" (*L*, 146).
43. Hobbes explains: "before the institution of the commonwealth, every man had a right to every thing, and to do whatsoever he thought necessary to his own preservation; subduing, hurting, or killing any man in order thereunto. And this is the foundation of that right of punishing which is exercised in every commonwealth. For the subjects did not give the sovereign that right; but only in laying down theirs, strengthened him to use his own, as he should think fit, for the pres-

ervation of them all: so that it was not given, but left to him, and to him only: and (excepting the limits set him by natural law) as entire, as in the condition of mere nature, and of war of every one against his neighbor" (*L*, 206).

44. See, e.g., Stephen Holmes, "Does Hobbes Have a Concept of the Enemy?" *Critical Review of International Social and Political Philosophy* 13, nos. 2–3 (2010): 371–89. Despite his awareness of the nuanced status of the category of the rebel, Holmes interprets it in support of the presence of a sharp distinction between subject and enemy in Hobbes. Holmes fails to register how this distinction is thereby undermined with the exceptional status of the rebel.
45. See, e.g., Leonie Ansems De Vries and Jorg Spieker, "Hobbes, War, Movement," *Global Society* 23, no. 9 (2009): 453–74; and Jörg Spieker, "Foucault and Hobbes on Politics, Security, and War," *Alternatives: Global, Local, Political* 36, no. 3 (2011): 187–99.
46. Andrew W. Neal, "Cutting off the King's Head: Foucault's *Society Must Be Defended* and the Problem of Sovereignty," *Alternatives: Global, Local, Political* 29, no. 4 (2004): 380.
47. According to Stoler, "if any single theme informs the seminar [1976 Lectures], it is not a quest for political theory, but an appreciation of historiography as a political force, of history writing as a political act, of historical narrative as a tool of the state and as a subversive weapon against it." Ann Laura Stoler, *Race and the Education of Desire: Foucault's* History of Sexuality *and the Colonial Order of Things* (Durham: Duke University Press, 1995), 62.
48. For a legal analysis, see Susan McCrory, "The International Convention for the Protection of all Persons from Enforced Disappearance," *Human Rights Law Review* 7, no. 3 (2007): 545–66; Lisa Ott, *Enforced Disappearance in International Law* (Cambridge: Intersentia, 2011); Brian Finucane, "Enforced Disappearance as a Crime under International Law: A Neglected Origin in the Laws of War," *Yale Journal of International Law* 35 (2006): 171–97; and Marthe Lot Vermeulen, *Enforced Disappearance: Determining State Responsibility under the International Convention for the Protection of All Persons from Enforced Disappearance* (Cambridge: Intersentia, 2012).
49. Committee on Enforced Disappearances, "Recent Signatures and Ratifications," http://www.ohchr.org/en/HRBodies/ced/Pages/RecentSignaturesRatifications.aspx. For a list of signatories, see United Nations Human Rights, "Ratification Status for CED—Convention for the Protection of All Persons from Enforced Disappearance,"

http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?Treaty=ced&Lang=en.

50. "Enforced Disappearance: Answer of The Parliamentary Under-Secretary of State, Foreign and Commonwealth Office (Lord Triesman)," International Coalition against Enforced Disappearances: Background Information, June 26, 2007, http://www.icaed.org/the-campaign/united-kingdom.
51. "Answer of Under Secretary Merron to Questions of MP Lidington and of Minister of State Lord Mallboch on Questions of Lord Avebury," International Coalition against Enforced Disappearances: Background Information, March 23, 2013, http://www.icaed.org/fileadmin/user_upload/uk_answers_to_questions_mp_01.pdf.
52. US Department of State, Daily Press Briefing, February 6, 2007, http://www.state.gov/r/pa/prs/dpb.
53. Human Rights Watch, *United States Ratification of International Human Rights Treaties*, Report, July 7, 2009, http://www.hrw.org/sites/default/files/related_material/Treaty%20ratification%20advocacy%20document%20-%20final%20-%20aug%202009.pdf. Hereafter cited as *USR*.
54. According to Rapporteur Dick Marty, "it is clear that an unspecified number of persons, deemed to be members or accomplices of terrorist movements, were arbitrarily and unlawfully arrested and/or detained and transported under the supervision of services acting in the name, or on behalf, of the American authorities. These incidents took place in airports and in European airspace, and were made possible either by seriously negligent monitoring or by the more or less active participation of one or more government departments of Council of Europe member states." Dick Marty, "Alleged Secret Detentions and Unlawful Inter-state Transfers Involving Council of Europe Member States," Draft Report—Part II (Explanatory Memorandum), June 7, 2006, http://assembly.coe.int/Main.asp?Link=/CommitteeDocs/2006/20060606_Ejdoc162006partII-final.htm.
55. Didier Bigo and Anastassia Tsoukala, eds., *Terror, Insecurity, and Liberty: Illiberal Practices of Liberal Regimes after 9/11* (London: Routledge, 2008).
56. See, e.g., *RM*; and Jean Bethke Elshtain, "The Mothers of the Disappeared: Passion and Protest in Maternal Action," in *Representations of Motherhood*, ed. Donna Bassin, Margaret Honey, and Meryle Mahrer Kaplan (New Haven: Yale University Press, 1994), 75–91; Sheila R. Tully, "A Painful Purgatory: Grief and the Nicara-

guan Mothers of the Disappeared," *Social Science and Medicine* 40, no. 12 (1995): 1597–1610; and Rita Arditti, *Searching for Life: The Grandmothers of the Plaza de Mayo and the Disappeared Children of Argentina* (Berkeley: University of California Press, 1999).

57. Jennifer Schirmer, "The Claiming of Space and the Body Politic within National-Security States: The Plaza de Mayo Madres and the Greenham Common Women," in *Remapping Memory: The Politics of TimeSpace*, ed. Jonathan Boyarin (Minneapolis: University of Minnesota Press, 1994), 198.
58. Diana Taylor, "Making a Spectacle: The Mothers of the Plaza de Mayo," *Journal of the Association for Research on Mothering* 3, no. 2 (2001): 97–109.