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States of Revolution
Language Beyond the Rhetoric of International Law in Arabic and Francophone

A Dissertation submitted in partial satisfaction
of the requirements for the degree of

Doctor of Philosophy

in

Comparative Literature

by

Leen Kawas

September 2023

Dissertation Committee:

Dr. Jeffrey Sacks, Chairperson

Dr. David Lloyd

Dr. John Kim

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The Dissertation of Leen Kawas is approved:

Committee Chairperson

University of California, Riverside

Acknowledgment

It has been quite a journey to bring this work to fruition. This dissertation would not have been possible without the help, support, encouragement and faith of many people. I would first like to extend my deep appreciation to Dr. Jeffrey Sacks, head of the Comparative Literature and Foreign Languages Department. His support was not only in providing insights into my work and research, but also in restoring my faith in my ability for analytical thinking, scholarly writing and intellectual exploration. Similarly, I am indebted to Dr. David Lloyd, Distinguished Professor of English. My work was very much inspired from conversations we had about where my interests and passion lie and how to translate this passion on paper. In times of self-doubt, he was able to see in me the strength and ability to present this work to the world and to make a difference. His insightful feedback constantly steered my research in innovative directions. His writings, research, approach to reading and political views have always been an inspiration that taught me never to hesitate in telling the truth and point out injustice. As for Dr. John Kim, I owe him a profound appreciation. I never understood philosophy before he oversaw my qualifying exam philosophy list. The precise he asked me to write for each of the philosophy books helped me understand and analyze the texts critically. He took the time to start Arbeitsgespräch, a discussion forum for all his Ph.D. students where we submitted our draft chapters and discussed them with him and other colleagues. This Arbeitsgespräch was what motivated me and propelled my writing forward. He has also been supportive in all administrative problems graduate students had. I am equally

thankful to Dr. Najat Rahman, Associate Professor of Comparative Literature at the University of Montreal. Despite geographical distance, she was always readily available anytime I sent her a chapter. I am so grateful to how she thoroughly read every single page of my dissertation. She actually took the time to point out even some typographical details, showing unfailingly how dedicated she is and underscores her commitment to her students' success. Dr. Rahman is one of the rarest professors in Academia who genuinely have their students' best interest at heart.

I would like to say a special thank you to Dr. Jeffrey Sacks, Dr. David Lloyd, and Dr. John Kim for being a safety net in the time when I almost lost my work permit and was about to lose my teaching assistantship as a result. Their letters to the provost, to congressman Takano's office and to USCIS to expedite my case were an attestation to their compassion, conviction and humanity that transcend the boundaries of conventional support.

I would also like to turn my gratitude to other people in my life that made this entire journey possible from the start. A special thank you to my beloved, quirky, funny husband, Marcelino Pena for his unwavering conviction that my work is truly important, and for his faith in me as a person who has the potential to help women realize the power they have to impact the world positively. The best part about him is how he diffuses tense situations with a joke or with one of his unconventional, spur-of-the-moment, unexpected stories. Two chapters in this dissertation were the result of his direct help writing my scattered ideas on a white board, breaking them down with me for hours of discussion to help me find the connections between these ideas to develop them into chapters I thank

my uncle Ghaith Kawas and his wife, my aunt Tamara Kawas for their support when I arrived in the United States. They took me in even though they never really knew me my entire life. They provided me a home full of love, laughter and trust that I was going to achieve what I wanted. My aunt would drive me to work every day 20 miles away from where they lived and then pick me up in the afternoon because I did not know how to drive and was learning to get my license. Not once did they complain about it or made me feel uneasy about them taking care of a 30-year-old emigre from Syria. And a special thank you to their beautiful daughter, my cousin, Nadia. With her cuteness, sense of humor, adorable feisty character, intelligence, and wits, she made my life here so full of meaning and love. I would also like to show my gratitude to Shawqi el-Zatmah and his wife Patricia Shaw el-Zatmah. Shawqi, a professor at Claremont colleges who got his Ph.D. in History from UCLA, taught me how to write papers. I never wrote a single term paper during my education years in Syria. When I was in the process of applying to graduate schools in the United States, he was the first one to explain the requirements to me and to help me write my first paper ever to use in the application packet. He helped find topics to research, showed me how to do research, and would drive me at least once a week to the library at UCLA to get books for my research. He would read my writing and comment on how to make it better. It was this paper that he helped me write that got me admitted to New York University, Columbia and University of California, Riverside. His comments and remarks on writing stayed with me throughout my Ph.D. years and would always make me critique my own writing. His wife, Patty, is of such a generous heart that she did not once complain about his helping me. In fact, she was helping too by

reading my work, discussing it with me, and even suggesting that I go places with them to get me out of the depression and boredom that come with trying to acclimate to new cultural and social norms. They are my dearest friends to whom I will be forever grateful for everything they did.

My sister, Hela Kawas, and her two beautiful daughters not only deserve a thank you, but a deep, sincere apology for having to put up with my absence. My sister has been going through a lot on her own and she never complains. Her girls keep telling me “We will attack you when you come visit to teach you a lesson so you never leave us again”. They do not read on their own since they decided that it is my official job as their auntie to read them stories. My deep appreciation to my friend Marzieh Kameli, whom I call my “Khayyam”, due to her wise words, sense of humor, and logic that never fails. She puts up with me being a “bad girl”, which is an inner joke between us. She puts up with my self-doubt and lack of confidence all the time, and sometimes she gets so silently stunned at my idiosyncratic behavior that she just turns around and continues what she was doing because I literally sapped speech out of her. Bashar. Romanos (Besho), whom I met on my very first day of TA orientation on campus in 2015 was my companion throughout this journey. I remember the late nights we spent at his lab or his apartment studying till two or three in the morning and deciding to eat all the bad food in the world at one in the morning. I would also like to thank my friend Alba Curry with whom I spent hours at her house studying, laughing, discussing ideas and playing with her cats Tonka and Ajax. Everyone mentioned here made this dissertation possible, and I am eternally grateful to all of them.

ABSTRACT OF THE DISSERTATION

States of Revolution

Language Beyond the Rhetoric of International Law in Arabic and Francophone

by

Leen Kawas

Doctor in Philosophy, Comparative Literature
University of California, Riverside, September 2023
Dr. Jeffrey Sacks, Chairperson

My dissertation, *States of Revolution: Language Beyond the Rhetoric of International Law in Arabic and Francophone Literature*, describes the conditions, situations and poetics that are not spaces of identification and security, but deviance and multiplicity. It demonstrates how the law creates stories “discursive violence” to establish self-same communities. Poetics are the capacity of difference and immeasurable justice. The dissertation main questions are the relationship between international law and colonialism, the stories international law invented to justify the colonial enterprise and to create a self-determined subject and the unified community and how it conceptualized justice as based on right. The work explores the language international law uses to manufacture histories and how this language converges with Orientalist and colonial literature. Through the reading and analysis of geographically disparate literary texts, the dissertation underscores how native post-colonial texts challenge the rhetoric of

international law not by directly responding to the language of the law, but by creating subject and communities that cannot be incorporated or dominated and by framing the question of justice outside the legal codes that can always be interpreted at the convenience of individuals. To answer those questions and concerns, I examine legal philosophy texts to show the rhetoric use by international against the colonize to justify racism, exclusion and dehumanization of the natives and to clearly highlight the relationship between colonialism and international law by looking at specific colonial courts' arguments, and applications of the law in different colonial contexts like Algeria, Lebanon and Palestine. An analysis of three literary works follows to present the instability and incompleteness of individual identities, a constantly changing community, and a form of justice that demands an ethical responsibility from the other, not a justice that can be measured by legal codes only. The significance of this dissertation is that it exposes the reality of international law and its foundation in rationalizing control and authority over others and the dangers of relying on an inherently colonizing system of codes to bring freedom, justice and rights to the ex-colonized. It highlights embracing the other and recognizing that difference and diversity enrich.

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Introduction

Language “forms the occasion for an ethical and political disruption of sense, to give place to ways of being and of being with others that occurs as interrupted, interruptive events of forms.” (*Iterations of Loss*, Sacks 1). Despite this pointing of language to “another, other languages and sites, to other words and events” (Sacks 2), despite its unreadability and its gesturing to the other which cannot be defined; language can still communicate, define, categorize, fix and stabilize. This is a story of two languages. One wants to force into existence a reality and a narrative in which the colonial powers determine how the colonized are understood, characterized and classified from without. This language offers tropes with which it eclipses the violence embedded in international law for narratives of development, and preservations of the natives’ land. The other language allows the reality concealed by the rhetoric of the law to come to the fore. This reality is one that allows no determination of the subject, no coherent essence of a community, and most importantly, brings justice into a realm outside the rule of law and allows it to exist without calculations or definitive rules which can lend themselves to the oppressor. In other words, it is a language that “expresses by way of a genuinely collective socialization, the capacity for difference” (*Universal Machine*, Moten 73). *A State of Revolution: Language Beyond the Rhetoric of International Law* traces the trajectory of international law and its relation to violence and how it fabricated the

colonized subject. It also turns to (post)colonial literature to examine the de-fabrication of the subject, the challenging of forms of enclosed sociality and community and to determine their implications on the concept of justice.

By tracing the beginnings and the growth of the law to the colonial endeavors since the seventeenth century and following the discourse of sovereignty and control that spans a range of different colonial contexts, this dissertation looks at the law-making and law preserving violence of international law and what these two can tell us about the status of law in colonial context. I argue that international law and colonialism are inherent to each other, and their violence is inherent to both. Moreover, the dissertation looks at literary texts from Algeria, Lebanon and Palestine to examine the counter-discourse to the discourse of totalized subjectivity, impositions, narrativization, unified community and law-belonging justice that international law wants to instantiate and substantiate. International law establishes a history of the colonized where they occupy the space of the vulgar, the stupid, the backward, the lazy, the barbaric and the immoral, while it establishes a history of the West as the beacon of civilization, morality, development and law. In other words, it creates a history that essentializes the other and puts them in a framework of interpretation and representation that is fixed. It is a sort of rhetoric that makes of the colonized “white man’s artefact” (Fanon xxvii). The literary texts, not directly writing against the law itself, in their rhetoric, act as a case of “counter legality” and to the history that the law wants to consolidate so long the text of the law is

preserved. This language challenges the validity claims and truths put forth by international law. This is a sort of language that is considered by Bhabha as the “language of revolutionary awareness”, a language that “challenges” the western notion of “the transparency of social reality” (“The Location of Culture” Bhabha 41). This language opens more questions than give assertions or provide answers to problems of justice, freedom and the individual.

In *Toward a Global Idea of Race*, Denise Da Silva already tells us that the self-determined subject is written in the grammar of the modern text, and she does an excellent job charting this grammar from the historical subject to the scientific and modern subject, looking into texts since the seventeenth century from Kant, Herder, Descartes to Cuvier, Darwin,page Hegel to mention a few. She traces how man is represented in modern life especially in terms of race and how the scientific and historical texts she reads show how “both man and his other” (xiii) were produced. Her focus is how race is a scientific, historical construct. What Da Silva does not look into is how the modern subject and the issue of race is represented in the law. Just like western universal reason that Da Silva argues everyone was expected to follow, international law demands the same from the colonized in order to be accepted as independent people. International law in the case of this dissertation, produces a certain type of knowledge and ontology about the colonized that allows it and its practitioners to impose their ideas of legality, progress and development on the natives. Whereas Da Silva argues that the racial is what

“manufactured both man and his other as subjects” (xviii), I add that the legal plays just a similar role in creating the man and his other. The function of international law was essentializing the other by characterizing them as unreasonable, barbaric, savage, immoral, lazy and other descriptions. Through international law and its language, the colonizer “fabricated the colonized subject, or that the master fabricates the slave” (Moten 241). Man in the (post)colonized countries was located as an object and is still exploited and objectified under international law to this day as chapter two will show. There are scenes of objectification, of violence against and erasure of the colonized, attempts to stabilize to facilitate understanding and to control the ontic-ontological existence of the colonized in international law. But contrary to such scenes, there are scenes of disruptive, dissonant violence (power) that escape coherence and stability and are marked by their disobedience to the rules of law and its grammar and its fixing and fixable language. The literature I read in this dissertation marks an event, a moment that ruptures legal reason and creates a “deviant sociality” (Moten 70). This literature introduces the “capacity of difference” (Moten 73). It is a form of sociality, communicability, justice and politics that extends beyond the set limitations given and sanctioned by the law. International law is marked by exclusionary practices against the colonized. It insists, in its language, on marginalizing and dispossessing the other. In contrast the language in the literary texts I read opens the possibility of “enacting new

social forms” (Moten 95). Against linguistic juridical forms stands this language that desists from understandability, readability to establish a new order.

International law gave Western states the means to use violence against the colonized. Those states employed international law to appropriate the land of people, to deprive them of their rights, to take their resources and oppress them. As will be shown, there is a close relationship between the subject, the nation state, international law, violence, calculable and calculated justice under the garb of the law. International law allowed the European colonial powers to exercise forms of violence that demonstrate who has the control over life and death. Achille Mbembe argues that in the colonies, the state of exception finds its ultimate functionality. He says that the colonies are “the location par excellence where the controls and guarantees of judicial order can be suspended- the zone where the violence of the state of exception is deemed to operate in the service of “civilization.”” (“Necropolitics' , Mbembe 24). There is a presupposition here that the law itself is not violent, it offers guarantees, it protects under the rule of law. This assumption is contrary to the actual status of international law which does not guarantee the colonized anything under the rule of law. In other words, in the case of international law, the law is concomitant with colonial enterprise and with the state of exception. International law from its inception was built on the preservation of rights to the Europeans while depriving the native of the same rights, be them political, economic or social. In fact Walter Benjamin, as Agamben argues in *State of Exception*, rejects the

distinction between the state of exception and the rule (57-59). In this case we can say that international law and the permanent state of exception are one and the same. But as Stephen Morton in his book *States Emergency: Colonialism, Literature and Law* explains, Benjamin's "state of emergency (exception) is also a state of emergence" (Bhabha cited in Morton 15). Benjamin reminds us that the "tradition of the oppressed teaches us that the state of emergency in which we live is not the exception, but the rule" ("On the Concept of History"). However, this rule of emergency, this law, is challenged by what Bhabha calls "language of revolutionary awareness" which he identifies as a source of political inspiration" (Bhabha cited in Morton 15).

International law was created by and also created societies of people that think the same and have unified opinions. It became the "society that demands that its members act as though they were members of one enormous family which has only one opinion and one interest" (*The Human Condition*, Arendt 39). The creator of international law from Vitoria in the seventeenth century to the school of globalization in modern age can be described as what Hannah Arendt calls "homo faber", who "conducts himself as the lord and master of the whole earth." (139). In any fabrication of any matter by homo faber, "there is an element of violation and violence that is present and homo faber, the creator of human artifice has always been a destroyer of nature" (139). Even though Arendt is examining the relationship between the man who creates and nature and that it necessarily means that man is destroying nature, the analogy to the fabrication of creation

of international law is not lost on the reader. International law is the fabrication of man and one of its ways of controlling earth. It indeed violently violates the rights of other men. Fred Moten tells us that Arendt “understands that the public space of the political as well as the category of the citizen are structured by exclusion.” (111). Since international law excludes the other, it is then founding a polity, or a political that keeps the other at bay.

Against the background of such exclusion, denial of rights, preservation of the unified closed communities and governmentality stands a form of sociality that Moten introduces to us. This form is a kind of “mass ungovernability” (Moten 114). This ungovernability is a scene outside of legality and of the rhetoric and the grammar of international law. It is given us in the form of language that challenges Western history and “acknowledges the emergence of other multiple histories, which destabilize the universalizing narrative of colonial modernity” (Morton 15). Language becomes the states of emergency that stops or suspends the normal state of the law and the “antifoundational danger” (Moten 90) to which the discursive rhetoric of the law cannot respond. The rhetoric of international law offers us, just like the Enlightenment philosophical tradition, a homogenized conceptualization of the diverse and multiple existences. International law founds epistemic violence which fabricates knowledge which could alter and create representations of reality which posit subjective knowledge of the world and other people as the “true knowledge”. The language of the literary texts

accounts for the incompleteness of the I, of identity, the non-homogeneity of groups and a formation of extralegal justice.

I have spoken about the I. To demonstrate how the notion of the “I” turns into legal violence, I discuss a few points here from *The Jurisprudence of Emergency* by Nasser Hussain. Hussein shows how the law for the British was meant to endow them with moral legitimacy. The presumption that the other, in this case the Indians, had no sense of morality is ominously emerging again. As Hussein argues, the British saw that individuals should follow a set of laws, not to act based on individual whims, and the law brought the people into a community. Determinately, the word community means people who live in a particular space and share attitudes, beliefs, interests and objectives. Exclusion of what is not self-same is already established in the word and any person under the law is inhibited from thinking on its own. The laws homogenized and anything outside of this homogeneity would be considered as dissent or disobedience and would be punishable by law. Hussein writes in this regard, “the rule of law means a government bound by fixed rules applicable to all,” and “every man was subject to ordinary law administered by ordinary tribunals.” (8). Hussein, though, draws our attention to the fact that this law seems to have adopted some diverse approaches in order to administer people in the colonies (10).

Due to the resistance the authorities faced as a result of the multifarious aspects of people’s lives and their customs, the British created a new set of laws, emergency laws, in which they would deal with each individual case. The law seems to have been incapable of upholding its own unity. One conceptual framework the law operated under

in order to protect itself is justice. The appeal to justice is to justify punishment by law against anyone who breaks the law. Breaking the law constitutes an unjust act. Such a claim already, before it even speaks itself, says that whoever is living under the law must understand justice in the terms named, signified and uttered by the law. To clarify, the provisions of the law have to inscribe themselves into society. They have to become the norm by which everyone functions. More assuredly, justice under the law has to dispel any other form of justice, and it has to become the concept that unites the manifold under it, that unites in ways that pose no menace to understandability. The Indians were lacking in reason and were outside of history and it was the mission of the British to help them establish these unifying laws. They linked it with the mission to civilize, or to make the other like them, to assimilate the other. The other had to become like them, their excess had to become communicated and communicable, they had to become translatable and codified. Hussein argues that codification is another example of Orientalist approach (41).^[1] This means that the east was understood and represented under general concepts as despotic, lawless, and transgressive. The law was to come and establish common grounds for people and take complexity out of society and domesticate it for the law's own understanding.

Chapter Outline

In Chapter One I will do a reading of Walter Benjamin's essay "Critique of Violence". This essay provides a good source to consider what legal violence means and how it is manifest in the state and its apparatus. It distinguishes between legal or mythical violence which is violence that is bloody, guilt invoking, asks for retribution and calculable just and a type of violence that he calls divine or god-like power which is without blood, for the sake of the living over life itself. The reason for Benjamin's essay at the beginning of this dissertation is because the essay offers the theory for looking at legal violence in terms of international law. After an examination of what legal violence means in Benjamin, I extend his analysis to international law to show the scenes of regulation and the violence that it enacts in chapter two. Moreover, it also offers the theory for the counter-legal rhetoric. Benjamin's divine power is a vague and confusing term that no one has been able to decipher what Benjamin meant by it. I argue that one meaning could be the language of decolonizing literature. This divine violence becomes the language of revolutionary awareness mentioned above. This power is a sort of disruptive violence because it challenges the "discursive violence" (Moten 66) and the ontoepistemological modes of understanding that international law wants to limit the colonized to. Such epistemic and representational systems and colonialism has already been established in Said's *Orientalism*,

Their projects in the Orient are understandable on only the most rudimentary level as the efforts of men of vision and genius, heroes in Carlyle's sense. In fact Napoleon, de Lesseps, Cromer, and Balfour are far more regular, far less unusual,

if we recall the schemata of d'Herbelot and Dante and add to them both a modernized, efficient engine (like the nineteenth-century European empire) and a positive twist: since one cannot ontologically obliterate the Orient (as d'Herbelot and Dante perhaps realized), one does have the means to capture it, treat it, describe it, improve it, radically alter it. (*Orientalism*, Said 95)

Legal or mythical violence tries to capture, describe and treat the other in order to preserve itself, and it does the same in the context of international law. Divine power is the language that puts into question the paradigms of identity, community and justice established by international law. In short it questions the “dominant legal” (Morton 15) narratives. What I seek to do in the following chapter is show how this knowledge of description, treatment, alteration was not only the product of literary texts, but it was also the product of a legal body that would inform legal violence in the colonies.

Chapter two is about international law and it does several things. Firstly, it is a demonstration of the rhetoric of international law against the colonized and of the relationship between international law and colonialism from its inception. Secondly, it is a critique of the rhetoric of international law through presenting the arguments of legal theoreticians such as Anthony Anghie, Patrick Fitzgerald and Jennifer Pitts among many others. Thirdly, it examines how international law was put into work in the context of Algeria at the time of the liberation movement, Lebanon as a discourse for nation building and the Israeli settler occupation of Palestine. This in its turn contextualizes the three regions I focus on in the history of law and its rhetorical and physical violence. In

this chapter I show the initial foundations of international law in the justification of coloniality and colonial violence and exposes how international law is nothing but an Orientalist and Orientalizing narrative. An examination of actual case studies, rhetorical maneuvers and freedom in interpreting the law at the will of the colonizer will shed some light on the mythical structure of the law and its “legal violence”. International law justifies racism, exclusion, isolation and dehumanization under the pretense of reason and the civilizing mission. The focus on international law aims to expose the fact that international law has its origin in myth, but a myth that has been able to enforce its conditions on people to the point that they either have to assimilate, modernize and follow the model of the “developed states” or risk becoming unintelligible, unreadable, and completely marginalized. The European history that was written partly by international law has become the history of the rest of the world.

I begin the chapter with a short reading of Carl Schmitt’s *Nomos of the Earth* and especially what he says about international law. This is important because Schmitt not only shows the origin of international law in Roman law, but he also sees that the perfection of this law happened in the west.

Moreover, it [international law] was essential in the bracketing of war between just enemies. Schmitt differentiates between what the just enemy and the unjust enemy mean. The significance of this distinction lies in the fact that international law determines who is the legal and who is a non-legal subject. The legal subject has the right to the law hence the advantage of falling under the category of just war; whereas the non-legal subjects have no right under the law and any war of extermination is justified against

them. The idea of just enemy justifies the annihilation of the natives since they were considered rebels, criminals and terrorists. The chapter continues with a review of Anthony Anghie and Peter Fitzpatrick criticism of international law to expose the ontonepistemological fiction and essentializing narrative international law constructs about the natives. Fitzpatrick shows us how the law finds its origin in myth. He explains how international law's origins are to be found in the myth of the subject that wanted to create an identity for itself and to maintain it against the other. I then rely on Anthony Anghie to relate the trajectory of international law and its reiterations. Each phase was based on describing and categorizing people in ways that allow the colonial powers to seize their land and property. He starts with Francisco De Vitoria's lectures on the relationship between the native Indians and the Spaniards. He goes on to talk about the school of legal positivism, pragmatism, trusteeship and globalism, each of which is explained in detail in chapter two. What all these schools of law share is the exclusion of the other under different rhetoric such as describing the natives as barbaric, creating the distinction between the civilized/uncivilized, developed/backward. The chapter ends with actual cases in which international law was used to oppress the colonized more and that show the "damaging legacy" (Morton 28) of international law on the realization of justice for the oppressed.

Chapter Three will draw on Kateb Yacine's *Nedjma* to address the issue of incomplete identities which challenge and defy the homogenous narrative of the unified, coherent and self-determined subject and the threatens the imposition of identity on the native be it by the French colonial regime or by the political parties in Algeria. The novel

presents us with a representation of the colonized, through the gaze of Western episteme, and an anti-representation that allows the people to come to life through their own experiences. It sets the stage for an encounter between a narrated and un-narratable history of the colonized, between a fixed reading and an attentive reading of the self and other. In the first representation, the law of the colonizer is canceling out the other, limiting their movement, making them readable and translatable, domesticating them and understanding them only through the colonizer's own general laws and singularity of experience. In other words, the French comprehended the Algerian not through engaging with them, but through their own interiorized understanding. The other form of representation allows the multiplicity of experience to speak itself. I will address how *Nedjma* ruptures temporality, spatiality, legibility of the characters and any notion of origin. Nedjma becomes the "impossibility of claiming an origin of the self (or Other) within a tradition of representation that conceives of identity as the satisfaction of a totalizing, platitudinous object of vision." (Bhabha 46)

The focus in this chapter will not only be on the journeys of the characters and their rotation around the main character Nedjam, which suggests the word "star", but also on the structure of the novel itself. More specifically I will be looking at the incompleteness of language and what that tell us about an anarchistic politicality that does not submit itself to the fascism of grammar. In the first one, we see short, determined and determining statements with a completed meaning. This structure is coded, decipherable and steady. It expresses hierarchy and homogeneity. The language and what it points towards is sedentary and binding. In the latter form, allegory presides.

In the description of Nedjam and the house which receives all the other characters, language is liberated from meaning, and is heterogeneous. Words and sentences are sporadic, scattered, unpredictable. I would suggest there is an issue of translation here in that Yacine makes the characters untranslatable, creates a knot or an impasse because these individuals are not one, nor coherent or completed. It breaks with the boundaries of unity by making meaning impossible. Not only are characters in a constant movement between times and spaces, but also in language. Language, structure and characters in Yacine's Nedjma are full of contradictions, have a universe of their own in which these contradictions are in constant movement creating more complex entities that can be explainable. All of them are in a state of constant indecision, and any moment in the text, of language and in the characters' lives can be the beginning, the middle and the end. The book offers views different from the prohibition and determinism of the French sovereign law.

I will also look at how in the narrative structure in Nedjma, the backgrounding narrative, Yacine is actually destabilizing the narrative that tells the nation in French narrative.. By challenging the structure of narrative, Yacine is destabilizing the notion of homogeneous history all together. He is disrupting the novel as a national narration. The events keep going backwards and in all these examples, the future is already past, and the past is the present and the future (Yacine, 62-65). Each moment on this regressing timeline at first seems to be a focal point, the reason or the beginning around which all the events revolve. However, no sooner we find this focal point to be the cause and the

effect of another point that could also be focal. The book is like a cycle, a circle on which all the points can be the beginning and the end. The characters seem to be stuck in a cycle of law-making and law preserving violence, but at the same time, the multi-vocal, palimpsestic narrative challenges and disjoints the limited representations. Additionally, the stream of consciousness, different layers of writing and speech that some characters experience and the manifold views we get from in relation to the main character, Nedjma remarks moments of unclarity and resists one form of understanding and categorization.

I rely on Ibn Arabi's notion of self-disclosure of the divine to discuss the characters in the novel. The philosophy of Ibn Arabi is that the divine does not repeat itself and is always perpetuating different forms. To him the universe "fluctuates endlessly and perpetually from state to state." (Self-Disclosure of God, Chittick 59). Anything that emanates from the divine is a self-disclosure known only in forms. The relevance of this is that none of the characters in Nedjma disclose themselves, they are always absent, and if they disclose themselves, they do it in different forms that do not allow us to form any knowledge of who or what the characters are by themselves. They are always taking detours through others that we also do not have access to as self-knowing subjects whose inner thoughts and emotions are all unveiled. In fact, we witness the characters through their absence. They just leave traces of who they are, "they are neither here nor there, neither this or that." (Chittick xxxiii). The subject has to remain

invisible and that is the only way that they can be known, “the subject cannot be apprehended without the absence of or invisibility that constitutes it.” (Bhabha 47).

In *Sovereignities in Question*, Derrida writes, “When testimony appears guaranteed and then becomes a demonstrable theoretical truth, part of a legal proceedings or report, a substantiation of evidence or even a piece of evidence, it risks losing its value.” (68). A testimony, in other words, is not something that executes a verdict nor is it to pass judgment. This form of testimony is one which does not settle or stabilize a cohesive meaning nor a simple, determined and immutable end. This type of testimony is one that counters the narration of history for the sake of the victor. It counters it in that it reveals the barbarism of the colonial powers and deconstructs ideological belonging, association on integration.

Chapter Four will look at Etel Adnan’s work *Sitt Marie Rose*. Focusing on this writing will address the issue of political rhetoric which domesticates the other, universalized him/her under categories. I will concentrate on the rhetoric from the side of the Christian phalangists against the Palestinians, Muslims and other Christian parties during the civil war in Lebanon between 1970-1990. I will show how this rhetoric was an adopted version of the Western orientalist representative views to establish a community of sameness, of absorption into the community and losing oneself in that sameness. The closed community sought to coerce individuals into meaning, incarcerate them in a point of finitude, and subordinate them to time, space and articulation of one viewpoint and fabricated presentations. In many instances in the text, we find the four male characters using the same 19th Orientalist discourse against their own people and people from Syria.

The book even goes to show how representation in art gets created to obviate the truth about certain people. They want to make a film about Syrians in Beirut and in their own villages, and they need to write a script. They are creating a representation of them the way they see them through their own interiority. (7). Adnan, through the language of whoever the speaker is, is demonstrating how enframing, limiting and capturing the other in narrow frameworks happens. The speaker is arguing what they need to cut or change to make the movie match the vision of those who are making it, reality comes to match understanding not the other way around The Syrians have to fit what the Lebanese propose: this is exactly what the westerners that came to the east did to describe and represent it.

Moreover, this limited language is the language of a law that posits. This language is one which mirrors subjective understanding, or the lack thereof, of the world, of the other through its own consciousness, reason and the lack of the knowledge of self, of the “I” ^[2] which is already the other. Translating the other through a system of alienating and estranging language renders this other legible and subject to a sovereign discourse trying to disconnect itself from and set itself in superiority to the “other”. In one example of the legal violence which institutionalizes, encloses and absolutize, Adnan writes,

"A militia is a government without a governed. A militia is always right, in all its decisions. They say to me, Fouad, you're an anarchist, you blow up buildings and gut an entire quarter like it was watermelon. But me, I say to them, I am absolute

order. I am absolute power. I am absolute efficiency. I've reduced all truths to a formula of life and death." (Adnan, 37)

The law has a voice, and that voice is only to declare that anyone who follows this "absolute" law and its codes can live; whereas those who do not, are reduced to death.

This chapter will also demonstrate that there is another language, one that speaks itself and breaks the borders of limited representation to offer one that proliferates, of a meaning which already reaches for and to the other to create a community without a community. The language of Sitt Marie Rose puts the subject(s) it addresses at risk because it disaffirms their moral and ethical stance and disarticulates the coherence of their meaning, views, practices and history. In this book, it is language that is reading the subjects closely out loud to themselves, dismantling their delusions of superiority, presences them to themselves and faces them with their fables. Sitt Marie Rose and language become what the narrator of that book, poetry or the true political enterprise,

"The political enterprise that they do not know is similar to the poetic one. Che Guevara and Badr Shaker al Sayab have this in common, that neither of them can be imitated. It is always the next phase, the next poem or the next march in the jungle that shapes them. Our leaders live sitting. When someone like Marie-Rose leaves the normal order of things, the political body releases its antibodies in a blind, automatic process." (76)

Sitt Marie Rose disrupts, unsettles and threatens the legal order. She breaks the unity of the legal structure just like a poem breaks the grammar of language. The way she does so is not by existing outside the order, but by knowing it and breaching it from within. This

Christian Lebanese group finds itself facing a set of questions and facts which threaten to extinguish the very foundation of their socio-politico-ontological existence. Her language tries to make them question values and deeply anchored points of view, it demands a decision and estranges the oppressors from themselves,

“Do you know they yell Allahu Akbar at the moment of the assault?”

“And the crosses you wear, aren’t they also a sign of allegiance to the same God, and therefore also a sign of a battle-cry?” (Sitt, 54)

The Christian Lebanese group finds itself facing a set of questions and facts which threaten to extinguish the very foundation of their socio-politico-ontological existence. Her language tries to make them question values and deeply anchored points of view, it demands a decision and estranges the oppressors from themselves. In many places, the book is also breaking and destabilizing the Kantian subject and the transcendental I. To explain, the aesthetic choices and the number of voices in the text already put in question the unity of self, and as a result the unity of a community. There are not only so many speakers, but the narrative is playing with forms such as streams of consciousness, dialogue, a language speaking after death, a language speaking the deaf and mute. All these moments and more will be looked at in terms of how language is affirmative (divine violence) and dividing itself and its interlocutor.

“Poetry cannot reconcile itself with force because it is inhabited by the duty to create its own force, founding a vital space for the defense of rights of justice for the victim. Poetry cannot find a common ground with History except on this basis.” (*Literary Disinheritance*, Rahman, 47, citing Hadidi’s interview with Darwish). In Chapter Five, I

take the previous quote as a beginning to reading the divine violence of language in relation to justice in Mahmoud Darwish's poetry in *State of Siege*. The point of this chapter is not to claim that there is one coherent, conclusive and incontestable form of justice, but to show how poetry has moments of truths in it which complicate reading, interpreting, translating and comprehending the other. The sense of justice is one that does not assimilate under one meaning. It is a form of justice which does not require one to sacrifice oneself to meet its ideals or nor does it coerce or dominate. It is the form of justice that imparts responsibility onto the other, onto the reader and demands a reflection on what it is saying, why it is saying it and asks one to read the other and where enclosed identity as Darwish asserts, "constituents of identity will be within the rules of mixture, confrontation and cohabitation of identities." (Rahman, 48). Justice here is an invitation to join the other, take the time to reflect upon their existence, and to join in trying to read each other carefully. Indeed, Darwish is demanding of the other to stop before enacting violence to think of the possibilities of how a future where both the colonizer and the colonized can live can emanate if the colonizer would stop their violence to consider these possibilities,

"To another Killer

If you had given the embryo thirty more days

The probabilities might have changed,

The war might have ended

The infant would not recall the time of siege,

But would grow up healthy, enter school

with one of your daughters

Fall in love and have a girl

..... Jewish by birth” (State of Siege, 44)

It is a justice which demands attention, a stance against wrongdoing. The demand in Darwish’s poem is at the same time an accusation “to a killer” which points to the wrong, but a redemption in that following the accusation we have the possibilities open for coexistence if the wrongdoing stops. As David Lloyd puts it, “attentiveness is not a space of peace. It is unsettled before the disarticulation of things and rubs against all the discordance of wrong” (Nomos, 6). This justice is to keep us wondering what our role should be in creating the future of which the other dreams and deserves. The form of justice suggested in Darwish is one which strikes the phantasmagoric foundations on which the oppressor built their life, their identity and their language. It calls out the falsity. It strikes the oppressor because it does not seek revenge, nor does it want to annihilate him. On the contrary it redeems him by humanizing him offering a futurity in which both the oppressor and the oppressed can live without exterminating each other. Justice becomes an event which demands even the oppressor to be a part of, and an experience of which the latter seems incapable because of his limitations. The persecutor must leave the “They”, to engage in a conversation with their victims and have actual experience in and with the world. Conversation means listening to the other, asking questions. Conversation becomes an act of close reading. It means the oppressor must take a risk too to step outside its everydayness, the society and the expectations it has to answer to, to be at risk facing itself with all its beliefs and to question who they want to

be toward death, to face their non-identity. Once again as David Lloyd puts it, “it is a passing or crossing over, and experience deeply associated with a trial or a test, a perilous passage where meaning slips into another likeness” (Nomos, 9). It is the type of justice that lasts and never pronounces a final sentence and appears in a constellation of existence.

By way of conclusion, Al Farabi’s Attainment is explored. The choice for this was to find another path, an alternative way for the colonized to take away from the constant need to be like the west or even to try and meet the demands of the west to join the international community. Al-Farabi’s text offers us different lenses through which to look at legality. The text examines what makes an individual a lawmaker and how this person arrives at the law. There is a gesture toward anarchy in Al-Farabi since he walks us through impossible steps that the law maker needs to take before they can make law. This puts the status of law into question since the maker of the law is a precarious character. In *Precarious Sovereignities*, through a close reading of the text, I demonstrate to the reader the impossibility of the law through the impossibility of the subject (lawmaker). The lawmaker, or what Al-Farabi calls the prince, the philosopher, the king, the imam should have four virtues, the theoretical, the deliberative, the practical arts and the moral. Each of these virtues has sub virtues that the lawmaker needs to know. For instance, in theoretical virtue, he must become a mathematician, a physicist, a chemist and a doctor. In the deliberative virtue, which is the main virtue that enables him to enact laws, he must investigate the changing situations of people, cities, nations over short and long periods of time and to scrutinize the smallest of changes and differences among

people. He must have the rhetoric of persuasion and to be able to know the emotions, psyche and background of each person in order to be able to talk to them to convince them. This individual should also have a tight knowledge of the religion of the different sects of society and of other societies. He must also be a warrior and an expert in the art of war, not to mention that he must investigate different groups of people and different nations to find the best practices for morality. He should also know all the arts. Only once all things have been achieved can the law be made. The implication of this is that not one person can take the responsibility of making law since they must become the whole society to do so. In other words, the enactment of the law is the responsibility of everyone, and for everyone to be able to have a say in the law-making process, they have to at least strive to be the philosopher al-Farabi wants them to be.

[1] “As a massive interpretive project, codification provided an answer to the inevitable anxiety felt when the colonial gaze traversed India. The qualities that government officials demanded of codification- consistency, predictability and certainty- answered these anxieties. Indeed, each code was understood to be double comprehensive, encapsulating and explaining a whole set of societal relations. In this sense, legal codification matched the orientalists' will to power. Codification became another example of Orientalism.”

[2] “I” here does not mean an individual only, but any self-referential, enclosed political or religious entity and the unity which binds its members.

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A Reading of Benjamin's Critique of violence

What is violence? What is power or authority? The English word is itself ambiguous for it could mean brutality, brute force, strength, force, powerfulness, power to mention a few. Walter Benjamin makes things even more complicated in "Critique of Violence" when he uses the ambiguous term *Gewalt* in German which could mean violence, power, coercion, force and authority. Moreover, in "Toward a politics of pure means: Walter Benjamin and the question of violence" Sami Khatib argues that the word comes from "the Old High German verb *waltan*, which regularly translates into 'to be strong', to 'dominate' or 'to master'" (43). Translations of Benjamin tend to use the word violence for *Gewalt*. I am using the word violence when talking about the law and the word authority when discussing what Benjamin calls divine "violence".

Benjamin's "Critique of Violence" "Zur Kritik Der Gewalt" was published in 1921 and it came in light of the "failed German revolution of 1918-1919 and in light of communist and anarcho-syndicalist uprising in various regions in Germany" ("Towards a Politics" Sami Khatib 42). It is clear from a reading of "Critique of Violence" that Benjamin uses a lot of terms, many of which he does not define clearly. Benjamin mentions two types of law, natural law and positive law without giving definitions of what he means by each one, albeit discussing what they might and might not share and giving examples on both. He also talks about law-making and law-preserving authority

(violence). He does not go much into the former, but he gestures toward more detail for the latter. Then we have mythic and divine authority (violence), the only two terms which he defines but also in such ambiguous terms. Each of those will be discussed in the following.

Natural law is concerned with ends, “if natural law can judge all existing law only by criticizing its ends.” (237) and natural law attempts to justify the means by the justness of the ends (237). In the question of ends, justice is always the criteria by which natural violence judges law since “justice is the criterion of ends” (237). But what is this natural law, and how does violence relate to it? Benjamin provides a few examples to explain natural violence, the first one is under the French revolution where men were defending their natural rights. In such a case, violence becomes a “product of nature the use of which is in no way problematical unless force is misused for unjust ends.” (236-237). The other examples is the natural-law theory of the state, which states that people should give up their individual violence for the sake of the state (237), and finally, Darwinism which sees that “violence that is appropriate to natural ends is thereby also legal” (237). This violence, Derrida tells us, which is in “pursuit of natural ends is in fact a violence that serves to establish a new law or rights” (“Force of Law” 40). It seems that natural law or right sees no problem in using violent means and sees such violence as “justified as a man sees his right to move his body in the direction of a desired goal” (“Critique of Violence 236).

This brings us to the other type of law, which is one of the focuses of this chapter, and that is positive law. Unlike natural law, positive law is concerned more with means. Positive law is the “product of history” (Benjamin 237), setting it apart from the “naturalness” of natural law. The school of positive law pays attention to the historical development of law. In a word, to the man-made structure of the law. It also differs from natural law that it is concerned with means. Means is the force of violence that is justified and legitimized for protecting any end of the states, or as Sami Al Khatib puts it “an effective force and sanctioning violence whatever its justification or legitimization might be” (43). Positive law seeks “to guarantee the justness of the ends through the justification of the means” (237), and the criterion of the means is legality (237), meaning that the principle, the basis by which to judge means is what they perform in service of the law, or the service of anything that is determined and sanctioned by the law. Any critique of violence is linked directly with positive law, and any “criterion for [a critique of violence] in positive law can concern not its uses but its evaluation” (237). In other words, the critique does not concern itself with whether the means should be used or not nor engage with the righteousness of the means. It looks at the value of violence in positive law, *what* purpose it serves. It questions and investigates the purpose of this violence. To understand Violence in positive law requires an investigation into where this violence came from, its historical origin. What this means is that one should inquire into the conditions under which it was “declared legal and sanctioned” (238). Sami al Khatib

adequately gestures toward examples of what could be natural law versus positive law “whereas the position of natural law is often at issue when armed anti-hegemonic, anti-state or anti-colonial struggles are to be legitimized, the opposite standpoint of positive law is normally put forward by the state in order to justify state repression and institutionalized coercion.” (Khatib 44).

The problem with both types of law, natural and positive in Benjamin is that he does not indicate what he means by natural law right, natural violence, nor does he talk of the historical conditions that one should look at in relation to the exercise of violence under positive law. What he does tell us though is that the recognition of legal violence is evident in submitting to the ends this violence is directed towards, which is the state. Any form of end in which legal violence is not acknowledged or legitimized is not a legal end, but a natural end. (238). Once violence that is sanctioned by the law is normalized, violence then has achieved its end, the legal end. If any violence is not sanctioned by the law, then its end is a natural one not a legal one. So, what distinguishes natural ends from legal ends is the recognition of legal violence. Looking at the European context, the legal system denies the legal subject the natural ends which may lead the individual to pursue them by violence. The legal system wants to substitute the individual violence with legal power (Critique of Violence 238).

Both natural ends and legal ends (positive law) are exemplified in the relationship of the strike to the state. There is still a form of violence that is threatening to the state, but the state still allows it, and it is represented by the “right to strike” (239). The “right to strike constitutes, in the view of the labor, which is opposed to that of the state, the right to use force to attain certain ends.” (239). In other words, the only entity that is entitled to use violence apart from the state is the work force. The legal subject finds itself “guaranteed a right to violence, and so to share the monopoly of the state in this respect.” (Force of Law 34). Because the strike is an action of nonaction, of stoppage of work or just withdrawal from the workplace, it “made it easier for the state power to concede the right to strike” (239). One might argue that this is not violence or authority since it lacks any action. However, Benjamin reminds us that “a moment of violence is necessarily introduced, in the form of extortion” (239). Natural ends here is the right of the worker to have better working conditions, to stand in the face of the employer’s exploitation of their labor and their alienation from their own work. Legal authority (violence) of the state manifests itself in the form of law-making and law-preserving violence.

Benjamin does not only discuss the two types of law, natural and positive, but also discusses two main types of power or authority, the legal or mythical authority (violence), and “divine violence”, which in German is “göttliche Gewalt” (Zur Kritik Der Gewalt 200), and which can be translated as “God-like violence, power, force, or authority”. This authority is against guilt, violence, punishment, coercion and is non-violent or coercive in nature. Benjamin’s path to introducing this “god-like” authority

is not unproblematic, but his characterization of this authority is a significant start to the conception of a way of life, or a reading of ways of life, of beginnings that are not unifying, distinguishing, totalizing or epistemologically delimiting. God-like authority refers to subjects that are not bound by dogma, ideology and cultist affiliations. On the other hand, there is the type of violence the state exercises on the subject and requires of him/her a certain response to the legality of the state. As Judith Butler puts it, it is the “kind of violence that the state wields through instating and maintaining the binding status that the law exercise on the subjects.” (“Critiques, Coercion” 201”). It is important to note that Benjamin’s essay examines the violence the state exercises against its own subjects; however, I argue that this authority (violence) is not only what the state does to its subject, but what it does in the colonial context, how the state exercises this legal violence against the colonized subjects and how it justifies such violence. This argument will be presented in the next chapter.

Regarding legal violence, Benjamin distinguishes between different types of violence. The first one is between law-making and law preserving violence. Law making violence is the violence that ensures the establishment of the authority of the state and that the laws of the state are legitimized once the state is established, and this type of violence is “understood as fate, a declaration by a fiat” (243). It is important to stop at the word fate for a moment here. Fate can mean predestination, destiny, demise, death, end, close and finish, a disaster, a catastrophe. The word fate here does not mean destiny or something that is preordained. By connecting it to state violence, Benjamin gestures toward a use of the word that means being up against an absolute authority. What

Benjamin is saying here is that the law is what determines what happens to the individual, and by its power, it decides on what type of punishment or retribution would be wielded and puts the responsibility of this violence on the doer of the deed. Law-making violence is “power-making, assumption of power, and to that extent and immediate manifestation of violence” (248). Military is one manifestation of law-making violence, “Militarism is the compulsory, universal use of violence as means to the ends of the state. It consists in the use of violence as a means toward legal ends,” and this is the law-making function of the military (241).

The other type of legal violence is law-preserving violence. This type of violence is what ensures that the laws are kept, that the binding nature of the law on the subject has not been broken. Law-preserving violence, however, is to make sure that the “law continues to be binding on the population; it represents the daily ways in which the law is made again and again to be binding on the subject” (Critique, Coercion 202). One of the state apparatuses through which legal violence is employed is the police and the military. What distinguishes police and military violence is that “it is law making because its characteristic function is not the promulgation of laws, but the assertion of legal claims of any decree. It is law-preserving because it is at the disposal of these ends” (“Critique of Violence” 243). In other words, the military, specifically in the colonial context, are used to instate new laws handed by the state and at the same time to protect these laws from being infringed upon. Another type of law preserving violence according to Benjamin is the political general strike. The reason for that, he argues, is that this form of strike “demonstrates how the state will lose none of its strength, how power is transferred from

the privileged to the privileged, and how the mass of producers will change their masters” (246). It does not wholly transform conditions but aims at replacing the old ones with new conditions, which is why Benjamin calls it “law-making” (246). For law-making violence, revolutionary violence takes precedence in establishing new laws. In “The Force of Law” Derrida maintains that the “foundation of all states occurs in a state that we can call revolutionary. It inaugurates a new law, and it always does so in violence.” (35).

Law-making and law-preserving violence are collapsed into each other in a type of legal violence that Benjamin calls “mythic authority”. This authority ensures the control, mastery, domination and regulation of life. Mythic authority is contrasted with the god-like authority. Mythic authority, “is law-making, it sets boundaries, it brings guilt and retribution, it threatens, it is bloody, and it demands sacrifice” (249- 250). By using the story of Niobe, Benjamin shows how legal/mythic authority “is founded without justification---,” or at least through self-justification. Such authority (violence) produces “subjects who are accountable to the law, before the law, who become defined by their relation to legal accountability.” (Critique, Coercion 203). The individual is judged. Niobe issued the judging act and word which punishes and stages guilt. In the story of Niobe, the latter was punished by the gods for her pride and for defying Leto. Apollo and Artemis ended up killing her children as punishment that makes her “more guilty than before” (248). Niobe was now responsible before the law for what happened to her children. She became a legal subject by the guilt she suffers from her deed. The law, in

other words, shifts responsibility for its [the law] action to the doer of the wrong as a form of punishment. The law in the case of Niobe wasn't anterior to the subject. It was a decision made as a reaction to the subject's defiance. Of what? Of authority. And this defiance happened in language.

Butler rightly argues that the law in case of Niobe was not there before her "speech act". Rather, because the speech act defied or challenged this absolute authority, the goddess, a decision was made to mete out a punishment which was the moment of the establishment of the law. The moment of the manifestation of mythic violence, the punishment that befell Niobe is the moment a law, a right was established. This punishment, according to Butler, is what "produces the subject bound by law-accountable, punishable and punished" (*Critique, Coercion* 208), and this subject is a guilt-ridden individual. She became "the marked bearer of guilt" (251).

International law and its colonial origins is a form of law that created for itself a "discourse of its self-legitimation" (Derrida 36). Mythic authority as we have seen is built on the state legitimizing itself, which is what international law is constructed upon. In his reading of the *Critique of Violence*, Derrida tells us that international law is built on "the western concept of sovereignty" (Derrida 37), Werner Hamacher in his essay *Afformative, Strike*, argues that "All law is dependent on positing and no such positing manages without violence." (1134). International law puts in place, and what it tries to define and delimit the colonial subject. It advances a narrative based on "dehumanizing"

the other to sanction the oppression and murder of this other. The historical development of law and its relation to violence is not only present in the case of the parliaments in Germany where “vital affairs can only be those legal decrees that in their origin and outcome are attended by violence.” (244). The case extends to International Law whose historical development is not only connected to a certain narrative about the colonial subject which it sought to manage, but in the violence against those peoples that helped establish the law in the colonized spaces. I extend Benjamin’s argument of legal violence to international law and colonization. Legal violence in such contexts takes the form of militarism, policing. But more critically other forms of violence invented to enforce the control of the colonizer through international law without necessarily mobilizing armies or the police. Rather, this violence arrives through courts, foreign investments and human rights to mention a few. The following chapter demonstrates the violence of international law in detail and shows how Benjamin’s legal violence can be extensive to include areas of the law outside of Germany.

An overview of what is discussed at length in the next chapter is due. The chapter looks at the iterations of international law through different schools such as natural school, legal positivism school, pragmatism, trusteeship and globalization. The teacher of the first school, natural law, was Vittoria. Under his school, the native Indians were perceived as having reason, so they were bound by law, but because their reason was not like the Spanish, they were bound to international law as practiced by the Spanish. Giving

the Indians reason was Vittoria's way of justifying war against the Indians. Since they have reason, they should know better as to not try to use their natural right to fight the Spanish or else the sovereign Spanish state has the right to enact violence against them. In that time, the violence against the Indians was both law-making and law-preserving violence since International Law was in its nascent states. As for the school of legal positivism, it states that the sovereign state can do whatever it sees fit to control its subjects regardless of moral or ethical questions. They saw law as the West's gift to the uncivilized. The colonized were characterized as barbaric or uncivilized and the use of violence to tame those barbarians was sanctioned by the law. Examples of how colonial countries used military force to both establish and enforce the law are also discussed in detail in the following chapters. Under pragmatism, the rhetoric to characterize the natives as underdeveloped and subjugated the people through the state apparatus of education. In other words, a new form of legal violence other than militarism was used in the context of pragmatism such as education, but the type of education instituted and run by the state. Under the trusteeship, legal violence took the shape of business investment.

New ex-colonized member states of International Law were now to be held accountable before the law if they failed to follow through on their responsibilities toward foreign investors. In other words, the law-preserving violence now became foreign investment in ex-colonized countries. Finally comes globalization. The new apparatus of violence, control and subordination under this school of law was the

promotion of “good governance and human rights”. The World Bank and IMF determine which countries can have developmental projects based on their standards of human rights that should match Western definitions of what human rights should be. Put differently, the ex-colonized, just like the legal subject under the state, must conform to the standards set to them by international law or different types of legal violence that go beyond the military and the police can be practiced against them. Another important issue regarding legal violence is the issue of war. International Law makes a distinction between the just and unjust enemy. Colonial wars, under International Law, are then justified that they are undertaken against criminals. All of these issues are elaborated in the next chapter to show exactly what legal violence is and how the state practices it in a context much larger than the German model that Benjamin emphasizes.

Against legal authority, or the realm of mythic authority, Benjamin advances a theory of a violence that is pure, non-violent, and “takes aim at the very framework that establishes legal accountability” (“Critique and Coercion” 203). This is what Benjamin calls god-like authority) in other translations called Divine Violence”. This type of violence or force in Benjamin is problematic- not in how he defines it, but in how he comes at the theory. The godlike authority according to Benjamin is “law-destroying, boundlessly destroying [boundaries], it expiates, it strikes and is lethal without spilling blood, it is pure power over all life for the sake of the living. (249-250). What this violence touches or destroys are concepts such as “goods, right, life”, and it is

annihilating but “never with regard to the soul of the living” (250). Unlike mythic authority, godlike authority does not burden the soul of the living with guilt since “guilt threatens to become a soul-murderer” (Critique, Coercion 210). The god-like authority expiates when “the self-centered notion of the subject as harmful cause is tempered and opposed by the realization of a suffering that no amount of prosecution can ever abate.” (Critique and Coercion 216). This form of authority “nullifies all ideological consequences” and deposes of the state laws,

On the deposing of law with all the forces on which it depends as they depend on it, finally therefore on the abolition of state power, a new historical epoch is founded. If the rule of myth is broken occasionally in the present age. The coming age is not so unimaginably remote that an tack on law is altogether futile. But if the existence of violence outside the law, as pure immediate violence is assured this furnished proof that revolutionary violence, the highest manifestation of pure violence by man, is possible, and show by what means (252)

Calling this authority divine is not to connote its transcendental existence or that it is necessarily an exterior force. It denotes what is inaccessible, what remains outside of the law and constantly but invisibly cuts at the mythic closure of the law. More importantly, however, is that this god-like force or authority is closely entwined with justice “justice is the principle of divine end-making” (248). There is a plethora of terms to define what this authority is, but not one is explained, given meaning or a clear

trajectory. What is clear about it is its connection with justice, language, the general strike, God. But what kind of justice is that to begin with? It is a justice that gives expression to anything that is not law-binding, not imparted or posited by the law, a justice outside “the legitimacy and enforceability of the law” (Critique, Coercion 204), a justice outside legal punishment or accountability and guilt before the law., a “form of justice untainted by the interests of preserving or mandating certain ways of life, untainted by positive forms of law” (Affirmative, Strike 1133)

In addition, it is a justice that is counter to guilt and one that causes it to expiate. In fact, Benjamin stresses the importance of justice in relation to this god-like authority. When he says that “mythic life is the power over mere life, god-like force is the power over all life for the sake of the living”, he later shows what he means by mere life and the living. Mere life is life where justice is absent, the living is where existence matters only if it is based on justice, “the proposition that existence stands higher than a just existence is false and ignominious, if existence is to mean nothing other than mere life” (251). The terms set by Benjamin obviously establish that justice is the core constituent of his god-like authority. Benjamin seems to want a form of justice that is not related to the law, not bound by right, good and morality, or as Hamacher puts it, justice “as pure means ...” a. justice that is singular and “always already given to impartibility is always already an imparted and divided singularity, and always already one in which even the generality from which it demands recognition divides itself.” (1145). Put differently, it is an

inaccessible justice that is not subjugated to the calculability, determination and authority of the law. It is rather a “concept of justice that is an inaccessible category, which cannot be executed, monopolized or fulfilled by a sovereign subject.” (Khatib 53).

The precept of this godlike authority is associated with two important moments, one of which is connected to three other moments. The one the general proletarian strikes, the other is language and God. Butler says that “God has something to do with the general strike since both were considered to be destructive and non-violent at once” (“Critique, Coercion” 209), but she forgot to mention that they both also have to do with language. In the realm of politics, the general proletarian strike is differentiated from the political general strike in that the latter will preserve the power of the state while the latter will destroy all state power,

The political general strike demonstrates how the state will lose none of its strength, how power is transferred from the privileged to the privileged. In contrast to this political general strike, the proletarian general strike sets itself the sole task of destroying state power. Whereas the first form of interruption of work is violent since it causes only external modification of labor conditions, the second as pure means is pure means For it takes place not in readiness to resume work following external concessions and this or that modification to working conditions, but in the determination to resume only a wholly transformed work, no longer enforced by the state, an upheaval that this kind of strike not so much

causes as consummates. For this reason, the first of these undertakings is law-making but the second anarchistic. (Critique of Violence 246).

Whereas the first form of strike reinforces the calculability, unity, universality, and the laws of the state and deposes laws only to establish new ones. The latter form of strike questions the state and its laws. It interrupts the cycle of mythic violence which only overthrows one law in order to establish another. Unlike the political general strike, the proletarian one, “sets itself the task of destroying state power: it nullifies all the ideological consequences of every possible social policy. [Its] determination is to resume a wholly transformed work, no longer enforced by the state.” (246). The proletarian general strike is not looking to replace this or that law with a new one or to “implement this or that reform within a given social order but seeks to undo the entire legal basis of a given state” (Critique, Coercion 203). The proletarian general strike seeks to undo concepts of right, good and all other ideological forms that are posited by the state and its legal system. Therefore, the general strike and language are, according to Benjamin, the two main facets of god-like authority. If the strike is an overthrowing of laws, of the regular laws of labor, and the strike is, like language, a non-violent means, this means that language itself can be a suspension of the laws. Benjamin gives an example of that in a lie, “there is not sanction for lying.” (244). Derrida in “Force of Law” in fact underscores how language is like the general proletarian strike in its resistance to means, “It opposes the order of means and representation to the order of manifestation. Once

again, it is very much a question of the violence of language, but also of the advent of non-violence also in a certain language” (48-49).

Benjamin first introduces the relation between language and non-violence when he talks about the non-violent resolution of conflict, “that makes clear that there is a sphere of human agreement that is nonviolent to the extent that it is wholly inaccessible to violence: the proper sphere of “understanding”, language.” (245). Language is the possibility of emergence of non-violence. It is a dimension of the god-like force or divine violence, which means it is a dimension of justice, destroying boundaries, atoning for guilt and of undoing concepts such as the good, right, and others. More on this point will be discussed below. This moment of language contains two sub moments. The first one is education. Benjamin is not explicit about the relationship between the two, but he talks about education as a moment of divine violence/force. Benjamin writes, “This divine power is not only attested by religious tradition but is also found in present day life in at least one sanctioned manifestation. The educative power, which in its perfected form stands outside the law, is one of its manifestations” (250). The medium for education is language, hence the latter’s clear articulation as a form of this god-like authority. The principal aspect of this educative power is that it stands outside the law, in other words, outside the state. This implies that such educative power is not that of state schools. Its foundation is elsewhere, and this elsewhere as I argue is literature. In “Language as Such and the Language of Man” Benjamin speaks of language as pure means and this language

is the language of naming, “The name is that through which and in which language communicates itself.” (65), and language can only communicate itself in the name (65). This form of language, unlike the bourgeois conception of language which relegates the word to means of communication only or that it is a sign for things (65, 69). It is a “language deprived of all its communicating, instrumental and transmitting qualities” (“Toward a politics...” 48). This language, just like the general proletarian strikes that deposes of all laws, of the power of the state, deposes of its own laws, of all forms of information and intentions “In this pure language all information, all sense, and all intention finally encounter a stratum in which they are destined to be extinguished” (*Selected Writings*, Benjamin 261).

The other sub-moment that is connected to language is the statement “thou shall not kill” (250). The content posited here is not only the religious connotation of this god-like authority, but that one can only come to terms with that connotation through the written word. Benjamin emphasizes the importance of language in this god-like authority by dedicating a reading of “thou shall not kill” (251) in relation to god-like authority. Before continuing, a brief digression is necessary because the concept of this god-like authority in Benjamin is not unproblematic.

The problem lies in the example Benjamin gives to explain what this god-like authority is. He tells us of God's “punishment on the company of Korah as an example of” God-like force. Korah started and led a revolt against Moses. As a form of

punishment, God “caused the earth to open her mouth and swallow him and all that appertained to them” (Numbers 16:31-33). What differentiates this story from that of Niobe used to exemplify mythic violence is the fact that Korah’s children were spared, “the children of Korah died not” (Numbers 26:11). Benjamin tells us that this god-like force is “law destroying”. What the story of Korah shows us is that God’s punishment did not destroy the law, but in fact upheld the laws of Moses, which are the laws of God. Moreover, God-like force is supposed to destroy boundaries. But again, Korah’s punishment sets boundaries for the whole community to not think of defying God or his laws again. One aspect of the story really counterparts the definition of this god-like force and that is that it is lethal without spilling blood. The distinction that Benjamin makes between mythic authority being violent and god-like authority being nonviolent does not hold true since by causing earth to swallow Korah and his company, violence has been enacted. The only difference is that legal violence ends up killing by shedding blood, while God annihilates without shedding blood. Vis-à-vis mythic violence is that this god-like authority does not strike the innocent. In the story of Niobe, her children, who were innocent of their mother’s deed, ended up paying the price for her actions. In the story of Korah, the doers of the deed were punished, not an innocent soul. From this, God in the story of Korah punished, but the punishment befell the guilty directly. These inconsistencies open a lot of questions: how non-violent is this god-like force if it still punishes? How, if it is like God’s action in the story of Korah, does it account for divine

law and the punishment awaiting those that do not follow these laws? Doesn't this mean instituting laws? Are these laws then religious laws? Benjamin does not give an answer as to why he chose the story of Korah as an example of god-like authority where it clearly holds many antinomies that may undermine his promise or vision of this authority that is all about overthrowing and deposing of laws. It is difficult to establish why he would choose a story that clearly shows God's wrath, punishment and vengeance to explain his god-like authority. The only connection one might establish is to the concept of mere life where he shows that if existence in general stands higher than a just existence, this existence is mere life. Mere life is the function of mythic authority. By annihilating Korah, divine violence or punishment shows that what it cares about is justice not the preservation of existence no matter what that existence may look like. It erases guilt by wielding its punishment on the doers of the deed, not on the innocent.

Benjamin resorts to the Old Testament a lot to try and explain the god-like authority. Korah is not the only example. As mentioned earlier, he dedicates a section to the "thou shall not kill" commandment in connection with the god-like authority. Both Butler and Derrida interpret this as Benjamin's way of defending Judaism and Jewish law from misconceptions. Butler states "Benjamin's essay offers in fragmented and potential form the possibility of countering a misconception of Jewish law that associates it with revenge, punitiveness, and the induction of guilt" (Critique, Coercion 204). On his part, Derrida maintains that the commandment is the "essence of all Judaism which forbids all

murder, except in the singular cases of legitimate self-defense” (Force of Law 53). But there is more to the “thou shall not kill”. What is worthy of mentioning is that the statement does not impute punishment or judgment, then institutes a law. The statement is a deterrent since a deterrent by a Benjaminian definition “would require such certainty that contradicts the nature of a threat and is not attained by any law, since there is always hope of eluding its arm.” (242). In other words, one has to wrestle with it since the addressee in it is not the doer of an action, but a person before any agency to commit an act. One cannot seek reason for the commandment in “what the deed does to the victim, but in what it does to God and the doer.” (251). In fact, Derrida tells us that Benjamin’s “sudden reference to God is nothing other than a reference to the irreducible singularity of each situation” (The Force of Law 51). Therefore, the “thou shall not kill” is for each singular person to reflect on its law before committing the action. We have seen that one of the distinct aspects of the god-like authority is that it is against the spilling of blood. By shifting focus to “thou shall not kill”, Benjamin is telling us that killing in the god-like authority is not allowed. The way that force manifests itself is not through murder and blood, but through other means. What is also important about it is that as Benjamin tells us is that it (the commandment) precedes the deed, just as God was "preventing" the deed. But just as it may not be fear of punishment that enforces obedience, the injunction becomes inapplicable, incommensurable, once the deed is accomplished. No judgment of

the deed can be derived from the commandment. And so, neither the divine judgment nor the grounds for this judgment can be known in advance. (250)

Benjamin is not “making use of a different Jewish tradition of understanding the commandment, which strictly separates the imperative that the law articulates from the matter of its enforceability” (Critique, Coercion 204). The reason is not because the commandment does not separate the imperative from how or whether it is exacted, but because Judaism, as well as other religions, do not separate the laws from their demand and their binding nature. Butler argues that “Benjamin’s commandment entails not such punishments and lacks the power to enforce the action it requires... it neither inspires fear nor exercises a power to enforce a judgment after the fact” (Critique, Coercion 212). This is not true. In fact, all religious laws come with a warning that if the laws are not followed, there will be punishment awaiting those who disobey but the punishment is deferred. Without going into much of a religious reading, Deuteronomy itself is all about the punishments that are going to befall the people in this life if they do not follow the commandment, not only in the afterlife. Benjamin’s usage of the commandment is symbolic in that he tries to show that language precedes the deed, and in this language, there is no decision, no judgment, no closure. Unlike mythic law, which has the law-preserving violence that enforces and preserves the edicts and the laws of the state, this commandment preserves nothing. It does not impart or gesture to how or if it is going to enforce its law. In law-making violence, judgment is made in advance. It is anything that

the state perceives as a threat and the police and military are the two forces exercising the punishment of the state. In the commandment however, there is no promise of punishment or a perception of a threat against this commandment that needs to be eliminated, “the commandment delivers an imperative precisely without the capacity in any way the imperative it communicates” (Critique, Coercion 204). Whereas the state dictates and demands of its subject to be bound by its laws and metes out punishment on those that defy the state laws, this commandment “is an imperative that does not dictate, but leaves open the modes of its applicability, the possibilities of its interpretation, including the conditions under which it might be refused” (Critique, Coercion 205). Important here is the possibilities of interpretation because this brings us back to language as a moment of the god-like force, the mode of understanding which Benjamin emphasizes.

In addition, Benjamin puts personal responsibility and reflection at the heart of this commandment, which means responsibility and understanding are at the heart of the god-like force. The god-like authority, exemplified in the “thou shall not kill” means this force is going to be a guiding force for the actions of people, not a punishment for their actions. It comes before an action is taken and suspends it if a person has to reflect on it before any action is taken, because “It exists not as a criterion of judgment, but as a guideline for the actions of persons or communities who have to wrestle with it in solitude and, in exceptional cases to take on themselves the responsibility of ignoring it.”

(250). Even in the times when the person chooses not to heed the commandment, the latter does not punish, or at least no knowledge of whether it punishes nor or how it might punish is accessible to man. It is the responsibility of the individual(s) who decided not to take by the laws of these god-like forces. Once again, it is the doer of the action, no matter what action it is, that is held responsible under the god-like force. The god-like authority, if linked to the “thou shall not kill” in Benjamin, it is to tell us that this force is connected to language, and it is “performative, a perlocutionary act, which depends fundamentally on being taken up to take hold.” (Critique, Coercion 212). But what is this language then that will stand over and against mythic violence? What are its characteristics? It is not a language of meaning and of the sign, no language “as means” for that “would be bourgeois”. Then it is language that does not signify, one where a “clear convincing, determinate decision” (Force of Law 50) is impossible and a language that is not a “means with an end in view” (50). To explain what this means, we must turn to Werner Hamacher on Benjamin.

The Suture in the Law

The law represents in a system of signs, of a language that sanctions the suppression of violence. However, there is a language that does not represent, but is a “dimension beyond mediation and so beyond language as a sign in the sense of mediation, as a means with an end in view” (The Force of Law 50). Representation as Hamacher reminds us is “always a form of positing” (Affirmative, Strike 1135). In other

words, just like the law, representation seeks to put things in places, to make assumptions, to advance and dictate forms of being and understanding. There is a form of language, however, that does not posit, or that does not represent like the law. The characteristic of this language is not positing but of overthrowing all forms of representation and positing inaugurated by the law. Law is not separate from language as Hamacher demonstrates, “if one characterizes law imposition in the terminology of speech-act theory as a performative act, one which posits conventions and legal conditions, it seems reasonable to term the “deposing” of acts of positing and their dialectics as the absolute imperformative or affirmative political event” (1138). As such, one can argue that the god-like authority is a counter authority to the legal positing, it does not posit, but deposes; it does not advance legally binding conditions but does away with all conditions and formativity. My claim, therefore, is that poetic language is the form of language that deposes representations, the conditions set by the state and by the legal apparatus to define a political community, and to overturn the justice of the law for an unconditional justice whose terms are unknown and cannot be said to signify this or that form of justice. In other words, it is a non-instrumental language.

There is a certain type of language that breaks the cycle of the law because, unlike the latter, it does not establish boundaries, it does not postulate conditions for the life and power of some over and against others, it does not totalize, unify or present people and things for knowledge and understanding, but multiplies and hides. In literature, language

is offering an interpretation and a reading of the subject, the community, of morality and justice that is similar to the general strike in that it

Finds something new that remains unreadable in regard to established canons and norms of reading, that is to say the present state of reading or of what figures the State. faced with such a general strike we can in various cases speak of anarchism, ---- depoliticization, or on the contrary of subversive over politicizations. (Derrida 37).

Moreover, it does not posit a legal subject or group, but it “shatters all the determinations” (Hamacher 1140), it does not inaugurate “LAWS” but undertakes the task of destroying them. In language, “imparting happens independently of legal forms or formal obligations, and since it allows conflicts between speakers to be settled by way of an objective third entity, imparting is never exclusively or primarily the means to projected ends or the imposition of such ends” (Hamacher 1143). In this case, language is not a means to an end, more specifically not the means to a legal or political end, it is pure means. It does not make claims or set conditions; it is just there in its impartability. In this case language becomes “pre-positional, pre-performative, and in a sense affirmative” (“Affirmative, Strike 1143). Additionally, language as mediality does not presuppose truths and it is “the articulation of a mediacy prior to any distinction between “true” and “false”, and therefore not subject to that distinction” (Affirmative, Strike 1144). In the chapters discussing *Nedjma*, *Sit Marie Rose* and *A State of Siege*, language does not

impart what is true and what is not, does not make an ethical judgment, it does not postulate judgment of any kind. Rather what we find is that language and speakers are deposed in language a reading of a determinate way of living or a totalized or universalized community is suspended, and reality remains unreadable. Language in those text is nothing but mediacy, which “ is the field of affirmation. Whoever speaks is affirmed and affirms.” (Afformative, Strike 1144).

But what is affirmativity? The affirmative is somethings which cannot

be represented in the form of a rule or a law. While every presentation depends on a positing and is essentially performative in character, the "deposing" of which Benjamin speaks, the affirmative, would not lend itself to presentation of any sort. Depositing is not posited. It is not the opposite of positing and cannot be defined as the negation-determinate or indeterminate-of a position as long as the logic of negation is governed by the premises of positional or propositional logic. Accordingly, Benjamin does not simply regard depositing as a historical consequence of unsuccessful political or legal impositions, but as the event of a "pure immediate violence ... beyond the law," that is, as the manifestation of a violence independent in principle from positing. (1142)

There is a form of language that is outside the rule of law. Unlike the law whose essential nature is to offer or give someone or something to understanding and to knowledge, or that “performs” the subject the way it wants, the affirmative language does not give or

offer. It is not the opposite of what is given, but a subversion of universalized and determinate forms. It cannot be a negation or opposition because that supposes that such universalization and determinations exist. This Benjaminian force is something before positing before any representation and presentation. In the words of Hamacher, the Afformative is the “formless, to which all forms and all performative acts remain exposed.”(1141). The god-like authority is the hidden negativity from which all forms come to the fore in their multiplicity. It is the pre-existence of all forms and possibilities which does not seek realization, its essence or content cannot be identified. It cannot be “the essence of ontological difference- that is it would be the ultra-transcendental and transontological.” (Hamacher (1139-1140). This deposing, which takes the forms of both the general proletarian strike and language, is a

political event, but one that shatters all the canonical determinations of the political. Deposing requires an agent, yet this agent can neither have the constitution of a collective or individual legal subject, nor can it be conceived of as an agent at all, that is, as a subject of positings. Deposing must be an event, but not an event whose content or object could be positively determined. It is directed against some-things, but also against anything that has the character of a positing, an institution, a representation, or a program. (1140).

Laws, as we shall see in the case of international law, universalize, institutionalize, subsume the individual and turn him/her into a legal subject bound by and responsible

before the law, make every situation universalizable, and posit the other into forms of representation and understanding to license suppression, control and violence over them. God-like authority, language, pays attention to singular situations, decomposes the subject, deposes of the legal subject undoes the universalized and unified community and opens the question of justice coming from the undone subject of language, from the a-community (community without a community) and from singular unrepeatable and unrepeated situations. The content and object of this language is not something that can be decided or explained to be this or that thing or can be given this or that interpretation. However, it is always against any institutions, against structure and against any form of judgment or giving in closed totalitarian forms of knowledge.

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International Law: The Permanent Lie Western Imagination

O, what a tangled web we weave, when first we practice to deceive!

--- Sir Walter Scott

A reversed word-consciousness, because [it is] a reversed world. It is the fantastic realization of human essence because human essence has not [one] true reality.

--- Marx and Engels

In “Algeria Face to Face with French Torturers”, Frantz Fanon tells us how the French colonial practices of dehumanization of, torture of and violence against the Algerians were not due to a state of exception, but in fact the nexus of colonial laws: “In reality, the attitude of the French troops in Algeria fit into a pattern of police domination, of systemic racism, of dehumanization rationally pursued.” (74). Giorgio Agamben in *State of Exception* maintains that Walter Benjamin in his criticism of Carl Schmitt tells us that the state of exception has become the rule (57-59). This implies a distinction between the state of exception and the rule when the former takes the place of the latter. In fact, according to Agamben, the only way for the legal rule (order) to function, the only way to normalize it is by having a state of exception. The state of exception helps the legal order maintain its status as the norm people should live by when it’s suspended by the state of exception, “From Schmitt’s perspective, the functioning of the juridical order rests ultimately on the state of exception whose purpose is to make the norm applicable by temporarily suspending its efficacy” (58). International law, which is colonial/ imperial law, which is also based on nation state laws, is not the norm as many believe it to be and

like to invoke it in the fight for human rights and for rights of self-determination. Contrary to what Schmitt says, the rule and the state of exception in the case of international law (colonial in nature) is one and the same thing. The writing and invention of European expansionistic and propertied ambitious laws was based on the state of European exceptionalism and superiority over the natives of the lands they seized. This chapter is the story of international law's initial formations as the founding justification for the colonial enterprise, of international law as another orientalist and Orientalizing narrative, of the repetition of its origin narrative in order to conserve and preserve the status of the Northern Western hemisphere as superior to other parts of the world, and of its [international law] foundation in myth, and how it transforms and affects a complex reality to make it knowable and unified.

The discussion here will not be engaged in a general critique or criticism of the critical legal studies and books on international law used in this chapter, nor engaged in trying to question the contemporary functioning of international law as merely a western practice, nor engage in readings of some of the primary texts on which international law was built such as Vitoria, Vattel, Grotius, Westlake, Hart and many others, since, as we shall see below, these have been the subject of readings, re-readings, and close readings by many legal theorists and philosophers. This chapter will be doing three things. Firstly, it offers a close reading of part one and some of part two of Carl Schmitt's *Nomos of the Earth*. The reason for this is that Schmitt tries to make international law appear as if it was anterior to the evolution of mankind, the natural law of earth, and that mankind only made international law reach its final perfected state in the west and western nation state.

Secondly, it will give a summary of legal studies and theories of international law, as well as some of the first colonial enterprises for which these laws were written to justify European expansion and the use of violence against the indigenous people. This part examines the iterability of the law that tries to conserve itself, or as Derrida puts it, "a call for self-conserving repetition. Conservation in its turn refounds, so that it can conserve what it claims to found." ("Force of Law" 38). This will demonstrate, contrary to Schmitt, how there is nothing natural or naturally human about law, and particularly international law. Rather, it is a mere fiction of governmentality and power which uses different apparatuses to ingratiate itself in society and to subordinate the social realm to its arbitrary power and decisions. Thirdly, the chapter will expose the practices of international law and national law against the natives in three contexts, those of French colonialism and the Algerian liberation movements, Israeli settler colonialism in Palestine, and nation building during the civil war in Lebanon, which was the embodiment of an Orientalist discourse that justified a war between one faction, the Phalangists, and other Muslim and Christian factions in Lebanon. Case studies, legal arguments, omissions and rhetorical performances, and liberties in practicing hermeneutic interpretations of the law will shed light on the unreality and mythical structure of the law that allowed and is still allowing many to experience all forms of violence under it. The context of the Lebanese Civil War might seem like a digression from the other two. In fact, it is a demonstration of how the western juridical and ethnonational discourses became the prevalent rhetoric used to justify exclusion, racism, dehumanization, the reshaping of identity based on racial superiority, exceptionalism and

isolationism in nation building in ex-colonized lands. The main reason for writing this chapter is to provide an overview of what legal violence is and to reveal the background against which the following three literary chapters are purposefully or inadvertently written. My aim is to expose the fictional narrative of history, identity, the subject peoples, society, rights, human rights, and justice that international law rationalizes and propagates, giving a stage to the legal life which the literary chapters will reveal to be an illusion.

The Pretense of International Law

In chapter one of part one of *Nomos of the Earth* titled “Law as Unity of Order and Orientation” Carl Schmitt begins,

In mythical language, the earth became known as the mother of law. This signifies a threefold root of law and justice. First the fertile earth contains within herself, within the womb of her fecundity, an inner measure, because human toil and trouble, human planting and cultivation of the fruitful earth is rewarded justly by her with growth and harvest. Every farmer knows the inner measure of this justice. Second, soil that is cleared and worked by human hands manifests firm lines, whereby definite divisions become apparent. Through the demarcation of fields, pastures, and forests, these lines are engraved and embedded... Third and last, the solid ground of the earth is delineated by fences, enclosures, boundaries, walls, houses and other constructs. Then, the orders and orientations of human social life become apparent (42).

Even though Schmitt cites the concept of earth being the mother of law in mythical language, he does not make it clear whether this mythical is related to myths or to religion. He does not tell us if by using mythical language, he is trying to establish the natural foundation of law in general, and international law, in Greece, in other words, Europe. But what he does tell us is that by situating earth as the mother of law, then it is the mother of justice as well. That the evolution of international law is a natural process reaching its perfection in the European nation state will become the nexus of Schmitt's argument. Through the strategy of locating law in earth, he is making the divisions, the lines, the walls, the boundaries that people establish cohere with justice. It is justice because it is not humans that decided these laws, boundaries, orders, walls, and enclosures but earth as a reward to humans for cultivating it, "in this way, the earth is bound to law in three ways. She contains law within herself, as a reward for labor, she manifests law upon herself, as fixed boundaries, and she sustains law above herself, as a public sign of order" (42). After discussing the issue of sea as to why it is not a part of law, a matter too complicated to go into here, Schmitt makes a sudden movement from law to international law and relates international law to the concept of boundaries, houses and constructs and land division to international law as defined by Isidore of Seville whom Schmitt cites, "international law is land-appropriations, building cities and fortifications, wars, captivity, bondage, return from captivity, alliances and peace treaties, armistice, inviolability of envoys, and prohibition of marriage with foreigners" (44). Land-appropriation as he makes clear is a primordial act in founding law, but also the very determinant of the "autonomous and ontological judgment." (45). Law, hence, is not

only the child of earth, but it is the very question of existence, of what determines the supremacy of one group over another, what determines the right of groups to land ownership “every land-appropriation creates a kind of supreme ownership of the community as a whole----- and recognizes completely free private ownership of the individual” (45). Schmitt casts law as land-appropriation as the absolute truth, uncontested historical fact, the norm of history and source of all positive laws that came to be codified later.

In other words, for Schmitt the law that determines what is mine and what is the other’s “is not positive law in the sense of later state codification, or of the system of legality in subsequent state constitution; it is and remains the real core of a wholly concrete, historical and political event: a land-appropriation.” (48). Even though Schmitt posits the origin of land ownership laws as an intellectual thought-experiment, he considers it to be an uncontested fact that is juridically valid, and is one of the greatest events in history, “we must think of land-appropriation as a purely intellectual construct, but must consider it to be a legal fact, to be a great historical event---- the right to land arose from overflowing migrations of people and campaigns of conquest and from successful defense of a country against foreigners” (46). For Schmitt then, the law of land appropriation was not the precursor to international law. Rather, the natural movement of people, as the quote posits it, grounds their “natural” right to self-defense against conquering powers. This is a rather interesting take on law because it sanctions the rights of self-defense as one of the reasons why international law came to exist. However, this right to self-defense and to movement turns out to be a monopoly and monopsony of one

type of people, those who are western or westernized. Schmitt's natural order of division of earth was anterior to any understanding by humans that this order exists, anterior to man's awareness of this spatial ordering, "from the horizon of today, naturally [earth] was divided in some way, even if men were not aware of the division." (50). In fact, the divisions he mentions are accepted for two reasons. The first is to show how different empires considered themselves to be the whole world, the center of it all, and that other parts outside of those empires did not exist. Because each entity considered itself the cosmos, any land outside their boundaries was considered free space, in need of order, which allows for conquest and colonization of these lands: "A variety of great power complexes, the Egyptian, the Asiatic, the Hellenistic empires, the Roman Empire, perhaps Negro empires in Africa and Incan empires in America,---- considered itself to be the world, the cosmos, the house, and the world outside to be open and unoccupied space free for conquest and colonization" (51). So these empires had a sort of law since enemy territories would become friendly by means of treaties concluded between empires. In a sense, this is the primeval form of international law. What distinguishes modern international law is that it is more civilized. The distinction Schmitt makes between primeval and modern international law lies in the understanding of what war and enemy meant. The former regarded others as mere enemies, and so their wars would be to annihilate the other. The modern international law understands war and enemy in terms of an evolution from what constitutes the just war under the Christian republic to what constitutes the just enemy (51, 58, 121, 124, 143-144, 153). Modern civilized international law posits a distinction between the just and the unjust enemy. As such,

modern international law finds its civilized roots in Roman Law per Schmitt, since “ it is precisely Roman law, in its practice of international law, recognized a variety of wars, leagues, federations and foreign territories, and was able to distinguish the enemy from the thief and criminal” (51).

For Schmitt, then, the origin of international law in the civilized sense is to be found in Roman law. At this point, Schmitt will tell us the story of the evolution of international law until it found its perfection in the West, and in the bracketing of war as between just enemies. A few words on what constitutes a just enemy according to Schmitt is due because in modern-day international law, it is what determines who is a legal subject and has the rights to law, and who is an outlaw, outside the law, a “homo sacer” as Agamben tells us. In the colonial contexts I mention, then the ones I later discuss in detail, the “just enemy” would be used to justify the ethnic annihilation of the natives since they are considered rebels, criminals, and terrorists. In several places, Schmitt never fails to repeat what just enemy means, be it in the Christian/ non-Christian context or in sovereign nation states context. In the former, the non-Christian was regarded as a criminal, “a felon who no longer is treated as a *Justus hostis* [just enemy]. Consequently, war ceases to be a matter of international law, even if the killing, plundering, and annihilation continue and intensify with new, modern means of destruction.” (124). The just enemies must regard themselves as equals morally and legally or else, “war becomes a punitive action in the sense of the modern criminal law. It is no longer war waged against him, any more than against a pirate, who is an enemy in a sense completely different from that in European international law” (124). Schmitt,

however, is wrong here about one significant issue. He is making international law sound as a just juridical practice which recognizes enemies based on their equal status and morality. The truth of the matter as will be explained below is that this international law he is trying to rescue itself from being a rogue law and from being criminal law is, in fact, in its foundational nature, a punitive criminal law that is inseparable from the colonial enterprise, from control and domination. Further, international law is what narratively and fictively creates the 'Other' outside the West and western modes of life as the unjust enemy, the criminal, to justify why the legal order would never apply to these alien entities. To put it differently, the equation of international law looks something like this: international law equals colonial law equals the deliberate creation of unjust enemy in the same language of the law, equals 'homo sacer', equals the justification of killing, torture and dispossession without holding the perpetrators accountable.

Back with Schmitt, the concept of just enemy now developed when the European states now recognized one another as sovereign state, and this European form of war "signified the strongest possible rationalization and humanization of war. The enemy ceased to be someone 'who must be annihilated'" (142). But Schmitt excludes the colonized from this equation when he says that this new war form is different from "colonial wars, which are pursued against wild people" (142). This exclusion serves two purposes. The first one is to exonerate international law from the charge of being a law whose essence is criminality, murder, theft, and displacement. In other words, he inverts the order making international law the just and righteous entity, and the colonized the criminal. He elevates the concept of law, rights, and of war under this law to a contract

made between honorable people, “right (law) has become a completely institutionalized form; here, men of honor have found a satisfactory means of dealing with a matter of honor in a prescribed form and before impartial witnesses” (143). The second purpose is to justify the wars of annihilation against the colonized without any of the colonizing powers bearing responsibility for violating human rights. International law is a juridical order that binds moral sovereigns with each other. Summarizing Western philosophers from Hobbes, Leibnitz, Kant, Samuel Rachel to Johann Klüber, Schmitt proclaims, “all significant authors have claimed that in international law states live as “moral persons” in a state of nature--- confront one another as sovereign persons with equal legitimacy and equal rights.” (147). In other parts of the book, Schmitt explores many European jurists that contributed to the writing of international law and the determination of what just and unjust enemy mean in relation to war.

One of the most important moments in the text is when Schmitt interprets Francisco de Vitoria’s writing as objective. Vitoria, as we shall see later, was the jurist from whom modern international law took its code, characteristics, and reasoning. Vitoria is the one who sanctions colonial enterprise in terms of exploration, appropriating land because it was not cultivated, and the killing of the natives if they rebelled. Schmitt sounds like he wants to defend international law from any possible accusation of aggression, depravity and of connections to crimes or unjust wars. Henceforth, his reading of Vitoria just wrenches any relation Vitoria might have to international law in two ways. The first one is by portraying him as objective in treating the natives as human beings. The second one is by showing that the wars Vitoria justified against the natives

were wars of aggression, based on Medieval Christian views, or Schmitt calls *republica Christiana* (112). International law from what we have seen above sanctions only just wars between sovereigns. It cannot be accused of wars of aggression, hence the native had to be barbaric to justify why colonizing powers under international law are not held accountable for their actions.

Vitoria's views of the natives and of legal titles over land as objective because the latter gave the native Americans the status of reason, albeit describing them as barbarians. Vitoria even rejected the land titles which allow the pope and the church to exercise land dominion over all of earth (Schmitt 102). He tries to exonerate Vitoria from any relation with dehumanizing the native Americans or from sanctioning the appropriation of land on the pretext of Christianity being the superior religion. In fact, in his defense of Vitoria, Schmitt tells us that calling the natives barbarians was a practice well before Vitoria and he provides the names of two jurists, Juan de Sepúlveda, 1494, and Francis Bacon, 1561, who in their writing disparaged the natives. The former "presented the natives as savages and barbarians (with reference to Aristotle), in order to place them outside the law and to make their land free for appropriation" (102). Bacon said, "the Indians were proscribed by nature itself as cannibals. They stood outside humanity and had no right." (103). Schmitt does not negate their views but highlights the fact that such description of the natives was widespread and "often not unfounded". Schmitt settled his case. Vitoria, the father of international law is innocent of all charges of racial, religious, and ethnic discrimination when he was writing laws on Spanish colonialism in the Indies. By default, then, international law is innocent of such charges

since its source is in Vitoria's writing and in those who built on him. If Vitoria called the natives barbarian, it was only because such characterizations of the natives were pervasive during his time. Vitoria's admission of the barbarity of the natives was only to imply that they needed guidance by the west to be on the side of civilization, and now war against them was justified not on basis of religious disparities: "Vitoria obviously treated Christians and non-Christians as equals in legal terms, at least from the standpoint of international law. ----- According to Vitoria, the right to appropriate land arose only indirectly, and then only by way of arguments favoring just war" (105). This is not the case as we shall see in the second part of this chapter. The only thing Vitoria tried to do was separate the law from Christianity. But his views of the natives will prove to be the basis of an international law that promulgates racism, justifies the killing of the natives, and condones infringements on human rights in all colonial contexts. To reiterate, Schmitt is trying to salvage international law from the rogue state it really is by casting Vitoria as the most objective, most just, and most equalizing jurist.

In relation to Vitoria's bias to just wars, Schmitt divorces Vitoria from any relation to modern international law and argues that Vitoria's method of equalizing between people was based on his Christian legacy and his argument of just war was based on the papal titles to Christians to go to non-Christian land as missionaries or as crusaders against the infidels (112). This justification of war as Christians versus non-Christian was not between equal sides. It was, therefore, a war of annihilation. The non-Christian was a criminal, a felon if they challenged the Christians or if they resisted Church authority: "Crusades and missionary wars authorized by the church were just

wars, without distinction between aggression or defense [two categories that will be clearly defined in modern civilized international law]. Princes and peoples who obstinately evaded the Church's authority, such as Jews and Saracens, by definition, were *hostes perpetui* [eternal enemies]" (120). Schmitt maintains that instead of *justa causa* (which one must remember that in this context is the cause of Christianity), international law among states was based on *Justus hostis*. Any war between states, between sovereigns was legitimate" (121). Just cause and just enemy were inseparable for Vitoria because any war that was waged by Christians was regarded as real war, and the enemy considered equal. Hence the criminal, the felon regarding Vitoria's doctrine would be considered a just enemy, hence, to be treated according to international law rules. A matter which Schmitt seems to reject.

Before turning to how international law was really constructed, and the exclusionary, life-baring rhetoric that was used to justify its creation, it would be helpful to look at how Schmitt understood the same jurists that will be discussed in the following part. Reading other jurists, from Ayala to Vattel, the main issue that keeps surfacing for Schmitt is what constitutes a just enemy. Since many jurists were not able to determine what just war is, who determines what is just and what is not, and how one can distinguish an enemy from a friend (154-156), the contours of what made a just enemy had to be drawn. Ayala, followed by other jurists such as Gentili, Grotius, Vattel all agreed that war is to be conducted based on the just enemy concept rather on just war, "all international law specialists treated unjust war as real war *jure gentium* (law of nations), [which was followed in Roman Law], if it was European state war." (161). All

of the previously mentioned jurists found that war as a non-discriminatory concept in the formation of international law was only possible by ignoring completely the problematic of just cause (165) for the sake of the form of war; mainly what sides are involved in it. As we have seen earlier, war is what happens between just enemies that are equal sovereigns. Vattel argues that “war in form as regards its effect, must be regarded as just on both sides” (qtd 166). This meant that a war “that was conducted on European soil between equal sovereign territorial states, purely state war, different from war pursued against non-state, i/e, barbarian people or against pirates. As Vattel put it, a statesman who pursues a ‘formal’ war unjustly commits no crime in international law, but ‘at most a sin against his own conscience.” (167). It is clear, then, that if a sovereign decides to wage war against “barbarians”, his decisions and actions will not be questioned under international law.

Pertaining to the question of land-appropriation outside of Europe, Schmitt is obviously on the side of taking land when that land does not have a valid legal title according to International law, or if it did not belong to the European legal order, “this soil was free to be occupied, as long as it did not belong to a state in the sense of internal European interstate law.--- the land appropriation did not need to respect any rights to the soil existing within the appropriated land, unless these rights somehow were connected with private property of a member of a civilized state belonging to the order of interstate, international law.” (198-199). The significance of such a view will become apparent in the case of the Israeli seizure of Palestinian land and how they were not held accountable because they used the provisions of international law to rationalize their actions. Whether

intentionally or not, Schmitt's writing justifies colonial contexts in general, and the Israel settler-colonial project. Schmitt goes on to discuss further international law rules relating to military occupation, and the right to occupy if the sovereign power is trying to help the people of the land they occupied transition to a more democratic self-determining form of government (such laws were enacted in the Hague Convention (1899-1907). These laws were "synonymous with constitution and civilization in the European sense" (208). And so it was that all other laws, despite the different names they take, or the different forms they shape themselves, the most important essence was still preserved and conserved. It was the disenfranchisement of the natives, suspension of their rights, and permanent exclusion from legal humanity. This is not to say that they should be included in it, for inclusion in this case means assimilation and the disappearance of all the particularities that make the other different. It is just to draw attention to the fact that international law is the monopoly of the European hegemonic and homogenous order. The rest of Schmitt's argument goes into different conferences European nation states and the United States had to determine the new doctrines of international law, especially after the United State became one of the new powers in international politics. These issues are beyond the scope and argument of this chapter, so they will only be mentioned briefly in the following section.

Reiterations and Conservations of Juridical Myths

In his Essay "Questions sur Les Miracles" Voltaire writes, "Those who can make you believe absurdities can make you commit atrocities." The absurdities international law makes people believe are the essentialist narrative of the civilized and the moral

versus the savage, the permanent lie of security and the necessity of improving the savage. These absurdities have justified the atrocities committed against the colonized since the inception of international law and colonialism. This narrative is clearly expressed in *On Liberty*, where Mill claims that “despotism is a legitimate mode of government in dealing with barbarians provided the end be their improvement” (31) and Hobbes *Leviathan* tells us that “over natural fools, children of madman, there is no law, no more than over brute beasts” (166). This is the essentialist, ontological fictional narrative upon which the European legal subject, the nation state, and international law and colonialism were built. The following does not aim at historicizing international law, and where it came from, for as we saw above, Schmitt, as well as other legal critics that will be discussed here, have already done this. They have already read closely the legal writings of most jurists whose works were the foundation for international law. What this part aims to show, however, is that the law creates a mythical reality that became the framework by which nations and people’s function. It will also discuss how this law attempts to unify reality in terms of the subject, community and justice using orientalist tropes. And finally, it will show how this same law needs to morph into anything it can in order to preserve the stories and practices it created. In *The Mythology of Modern Law*, 1992, Peter Fitzpatrick sets out to tell us what myth is and how it relates to modern state laws and international law. He demonstrates how even though Enlightenment wanted to cut itself off from myth, it ended up creating its own myths of modernity, legal subject, and laws.

Fitzpatrick begins by defining the function of myth in relation to the law in several contexts, and how myth is the mediator between a law that wants to be autonomous and the challenges this law faces when it is brought into the social dimension (4). Accordingly, myth becomes “the mute ground which helps us have a unified law and which brings together law’s contradictory existences into a patterned coherence” (2). Myth, according to Fitzpatrick, “becomes exemplary, and consequently *repeatable*,” (18). Myth relates humans to the world by making it less formless, less chaotic, less uncontrollable, and allows them to “exert control in here and” (21-21). It creates an epistemological process that confines reality to its own ‘understanding’ and tries to give it essence based on that knowledge (23-24). The modern subject that tried to break from myth, to become the liberated subject himself becomes the myth he was trying to break from as shall momentarily be clear. By rejecting myths, “what modernity is doing is inventing “man” in the place of myth as the center of knowledge and the source for totality” (38-39).

The irony is that this subject and the laws he created, including international law, will repeat the same exclusions of what they consider to be their ‘Other’. The subject and law share an identity that must create and sustain itself in its opposition to the other. In doing so, both the legal subject and law now take the place of what the archaic man repeats repeatedly. The Western subject had to invent an identity for itself, a story to believe that sets him apart from archaic man. He had to separate himself from his past and had to set himself against it. So, modern man decided that the other was the archaic man, and that he was the disciplined, moral, cultured, and developed person. In other

words, for the myth of Western superiority to exist, it had to invent a myth about non-western people. The myth the modern man invented for himself was universalized and endowed with the property of the ultimate truth so that no one can question it (30). Fitzpatrick shows that the only difference between ancient myths and modern-man myth is that the latter now perfects itself as the end of history rather than its origin (36). Each of these myths though, Fitzpatrick emphasizes, reduced the world from its chaotic, formless, and diverse reality to something that has to be known as one and identical (40). Modernity did not only create the modern subject but also a space, Europe, which was the haven of enlightenment, morality and perfection. And so was law replaced by laws that emerged from what Grotius, one of the fathers of international law, called social beings (51-53). Modern law and modern legal subjects are not separate entities. The former also established itself in terms of alterity, in complete opposition to the “Other” outside of [Europe]. Law was nothing if not similar to the development of the social unit, the family, from its primitive state to the modern nation states that practice self-determination (102-106). The subject becomes the law in that it also possesses the identity of the law as a modern and civilized individual that is opposed to savagery and barbarism (58-63). Being the knowing subject that modern man is, being able to understand the world, he was able to ‘name’ himself an identity different from the other. This knowledge came to man from a field, none-other than science, which provided a lot of proof to support their arguments on how the faculty of reason developed in the west, how the west transitioned from the savage to a non-savage state, and deemed the savage as lawless by nature, having no idea how to live in societies and cultivate land. (65-72).

We find similar arguments in Denise Da Silva's *Toward a Global Idea of Race*, except that her work provides more comprehensive accounts on where the racializing narratives in the west came from including fields such as history, philosophy, anthropology and science. Of course, this savage man has no capacity to create laws because of its inability to understand the notion of society since the latter requires rules and legal rights and duties (79). So, the ability to have a social life, be a social subject was equated with legality.

The confirmation of the law (international law) came from none other than the colonial enterprise of European nation states. Armed with the rhetoric of freedom, civility and equality, Western laws justified colonialism and imperialism under the pretext of the civilizing mission in order to raise the status of the colonized and bring them into the sphere of civilization (107). It is in this context now that law justified despotism, which in its turn justified slaughter, violence and dispossession as the means to keep peace and order (108). In many contexts, the colonial powers denied the capacity of the indigenous people to abolitionism under the pretext that they had not discovered that they are humans to begin with. Of course, this self is the self of the western legal subject, not the self of the natives as it existed outside the realm of western culture. The natives were portrayed as nonpersons, and the methods to control them were sanctioned by rule of law. International law excludes the other only to include it in the forms of violence, torture, and genocide under the title "outlaws". International law created the myth of the savage, the myth of just and unjust enemy, the myth of the other to repeatedly control others under a manifold of claims and rationale.

Fitzpatrick in the book mentioned above, and another titled, *Modernism and the Grounds of Law*, Anthony Anghie in *Imperialism, Sovereignty and the Making of International Law*, Jeniffer Pitts in *Boundaries of the International- Law and Empire* argue that the founding texts of international law are Francisco de Vitoria's lectures on the relationship between the Spanish and the Native Indians in the Americas. All three books examine the iterations of international law despite approaching it from different angles. Anghie just lays out the schools which led to international law being what it is today, which are naturalism, positivism, pragmatism, globalization and good governance. Fitzpatrick, however, approaches it through a philosophical lens first, reading Freud's myth in *Totem and Taboo* to show the origins of law in negation of savagery and how the law is both determined by society, yet becomes determining of it. He also looks at Rousseau, Derrida, Mill, Hobbes and others work on the law. He goes on to discuss how the myth of international law begins in the subject, the completed, self-possessing man who sets himself against the other. He demonstrates how the nation state is the agglomeration of these self-possessing subjects who are bound by legality to one another, hence becoming legal subjects as well. Nation states could not build themselves in any positive models like language, race, ethnicity, and the like, so law fulfilled that lack in the nation state. On the other hand, the nation completes the law by making it a unified whole. Fitzpatrick then read International Law the same way he reads the nation state, the amalgamation of all the nation states' best laws and practices that are organized in a unified code. In all his analysis, a similar argument to the one he made in *The Mythology*

of *Modern Law* emerges, and that is all these subjects, nation states, laws were established in opposition to the other which they had to define in order not to be it.

In the following, I will be relying heavily on Anthony Anghie not because there are no other authors that wrote on the subject. But it is because some echo the same arguments Anghie makes in different contexts, or they discuss decolonization of international law and its relation to the third-world resistance movement.¹ The space here

¹ *The Battle of International Law: South-North Perspective on the Decolonization Era*, 2019, is a book looking at a collection of essays that attempts to show how, despite the attempts of third world countries and their lawyers to decolonize international law, a “new form of US-led Western hegemony” emerged. What the new debates led to was just from European imperialism to a more hegemonic western order led by the United State. Most of the western arguments were based on other countries being “developing, dysfunctional, debtors or socialist states”. Western countries were able to add new meaning to the legal concepts, which allowed them to justify military, political and economic interventions in other third world countries (1-31). Brenna Bhandar in *Colonial Lives of Property*, 2018, examines court cases of settler colonial policies and applications of so-called international law in British Columbia, Australia, Palestine. She contextualizes property laws and the savage racializing narrative colonial powers used in the colonies to justify their land acquisitions. John Reynolds Empire, *Emergency and International Law*, 2017, discusses accounts of emergency and at the same time connects all of the emergencies together from so-called colonial emergency, emergencies of creating international laws, emergencies of settler colonialism and more. He approaches the law from a third world perspective and how international law evokes resistance from below. But he also shows how imperialism and racism are not separable from all the previously mentioned emergencies. Irene Watson’s *Indigenous Peoples as Subjects of International Law*, 2017, mirrors the same issues discussed in all the volumes here, and that is how international law creates and maintains itself through the exclusion of the natives and how it still perpetuates injustices around the world by looking at a variety of philosophical and legal texts. She also looks at how laws of aboriginal peoples are the way to decolonize international law and to find alternatives to justice and co-existence. *Aboriginal Peoples, Colonialism and International Law* by Irene Watson, 2014, takes a different approach to legality in that she tries to decenter the dominant Western legal order by looking at the raw laws of Australian indigenous culture. However, it still demonstrates the colonial myths of taking empty lands, and how colonial laws (international law itself) were created on the account of deeming lawless the indigenous peoples. *Juridical Humanity* by Samera Esmeir, 2012, discusses the particular colonizing lens, and that is the British in Egypt. She examines how modern law functions in the colonial context by looking at the context of what it meant to be human in the eyes of the law and how ‘juridical humanity’ was the justification of colonial rule, force, oppression, and subjugation. Sundhya Pahuja’s *Decolonizing international law: Development, Economic Growth and the Politics of universality*, 2011, mirror the works of both Fitzpatrick and Anghie. It questions the failure of international law in third world countries. She shows how international law became another mode of power by looking at the ruling reasoning of economic growth and development. She shows how the law transformed from the promise of decolonization to the benefits of universality of development. She also shows how the problem is not only that international law reproduces itself, but that new nation states redefined themselves by internalizing the modes of knowledge and development of western self-definition. Balakrishnan Rajagopal’s *International Law from Below*, 2003, criticizes the hegemony of international law by looking at third world engagement by looking at resistance movements and examining how these movements could affect the development of

does not allow to mention or examine all of them, and Anghie lays out the transformations of international clearly for the purpose of this chapter. Back to Vitoria, we find that the establishment of international law was based on describing and classifying the people discovered in ways that would allow the colonial powers to take their land. The newness of Vitoria was his attempt to move away from the notion of a Pope exercising universal sovereignty over the whole world. This move was to find its home in what jurists call natural law. This is because Vitoria starts from the question, not of the religion of the natives, but of their legal status. He notes that they share similar things and one of them is because they had order to how they do things, and their own system of land ownership and so on. To Vitoria, such forms of mutual existence were naturally developed among people.² (Anghie 17-20, Fitzpatrick 151-153). Vitoria binds the Indians to international law by their reason, only to exclude them from it by using this inclusion to justify taking away their land and killing them. He argues that they have reason, but it is not as developed as and their systems are still deficient and need to be rectified (Anghie 21, Fitzpatrick 154). They did not understand the law of property, which the Spanish did, their race was inferior because they did not have laws and had inferior capabilities which limited their understanding, not to mention their practices of

international law. He also begins by doing a philosophical reading of Foucault, Fanon, Gramsci, and Chatterjee. Finally, one more legal study among the many out there is Nasser Hussain's *Jurisprudence of Emergency*, 2003, which also examines how the law was used by colonizing powers (the British in this case) to justify conquest and use of emergency laws in India by using courts cases, historical events, and practices of violence that were inherent in the development of Western laws. This list does not exhaust all the works examining international law in relation to colonialism, capitalist development and growth and permanent subjugations of the other.

² Fitzpatrick argues that Vitoria did not really separate natural law from religion. To Vitoria, reason comes from the deity, and so natural law(s) which is based on reason has to come from the deity by associative property (153)

cannibalism in eating raw food, for instance (Fitzpatrick 154). Vitoria's writing and reasoning become more schizophrenic. The Indians belong to international law because they have reason, but because they have reason like the Spaniards, then the Indians are bound to international law under the practices of the Spaniards, not the Indians (Anghie (22). The Indian has to be proselytized to the ways of the Spaniards, since some nations have perfected themselves, while others did not. It just so happened that the nations that perfected themselves were all Christian. This argument helps Vitoria justify war against the Indians. Since they have reason, they should not rebel against the Christians for taking land (Anghie 23-24). The Spaniards were the sovereign because they were a state, whereas the Indians were not. For Vitoria, the sovereign has the right to wage war if the Indians revolted (Anghie 25-26). Moreover, the Indians did not have the right to revolt not only because the Spaniards were superior, but because the Spaniards were explorers, and had the right to keep the land if it was deserted, which has to do with the native proving legal title, an issue Brenna Bhandar examines thoroughly (Fitzpatrick 163-164). The crux of this argument then is that Indians have no right to their land, they are still barbaric and savages and have deficient reason, which is why the Spaniards can take the land and can wage war if the Indians thought of defending their land and their lives.

The second iteration of law's origin narrative defining itself in the negation of the savage, its other possibility to adapt to new situations, was through the school of legal positivism which developed during colonial endeavors in the 19th century. This school argues that the states (sovereign) can do what they want regardless of any moral or ethical questions to their actions. Vitoria tried to argue the justice of the actions as we

saw above, positivism ignores the justice of the means or the end (Anghie 32-35).

Positivism actually subordinates the subject to a set of rules given to a subject (Anghie 44) and so it established the legal framework and the vocabulary which mirrored, shaped and were shaped by the sovereign will (Anghie 41-42).In the colonial/ imperial context, law was seen as the gift of the civilized to the rest of mankind. Jurists of positivism understood that the difference between the civilized and the uncivilized was the law, so they sought to create a narrative that subordinates the natives by creating a coherent account defining and categorizing the native personality.³ The colonized-to-be were defined in two ways under positivism. The first one is that they were barbaric, have no standards for culture, have no self, and do not know how to come together as a civilized society (Angie 102-103). The other way positivism created a personality and a community for the aboriginals was by creating the binary civilized/uncivilized and defining what the civilized meant. Law was seen as exclusive to the civilized societies (Anghie 52-53), and this civilized society meant the European states in this context because those nations regulated the interactions between the members of their societies as well as their interstate relations (Anghie (44). They considered themselves all to be bound by the same rules, that they were a family, a fraternal society of sovereign states which are essential to the law (Anghie 48).

But what constitutes a sovereign state according to positivism? It is the fact that they could own land, they were settled and had a claim over territory. But since some

³ Some of these jurists were James Lorimer, W.E Hall, John Westlake, Thomas Lawrence, and Henry Wheaton, and Oppenheim, and Vattel and John Austin (Anghie 38-41).

other peoples met the requirement of settlement and land ownership to be considered among sovereign states, positivism created another set of rules for these societies and communities to meet to become part of international law. This meant they had to match the ideas and of cultural practices that the European states shared (Anghie 58). What is worse is that countries were able to join the civilized nations, thereof international law, if they were able to provide the Europeans that have work in those countries or are living there with the same standards of living those Europeans would have if they were in their own countries (85). Therefore, International law became the collection of the best legal practices and behavior among these sovereign states and the observation of rules followed by these states and classifying them in one coherent principle which fixes the uncertainty disorder and chaos of state practice (Anghie 45-47, 49-50). So, the uncivilized were still the embodiment of disorder and formlessness because they could not organize themselves as legal subjects, which would threaten the collapse of legal order and the language of sovereignty. The civilized, now, had a justification to colonize and appropriate other people's lands in terms of civilizing natives and helping them enter the framework of law (Anghie 66). Positive law considered the land of the colonized terra nullius (empty land), since the uncivilized do not have the capacity to cultivate and own land, which then justified the colonizing power seizing the native lands (Anghie 105).

When decolonization started and some ex-colonized countries started asserting themselves as states, international law jurists worried how the entry of these new states to the international community would affect the law that was essentially built on European

ideas and behaviors (Anghie 110). So, they had to find a way to maintain the unity and coherence of the law and to maintain control over the natives and resources of their lands. With the fear of the new emerging third world sovereign states, Woodrow Wilson, the United States president, introduced the mandate system – which became known as pragmatism - with the rhetoric that the people of these emerging states were still ‘backward’ (Anghie 120). Pragmatism as the new mask of international law was established by the American jurist Roscoe Pound and it worked on social psychology, economic and sociology in relation to the law; so, international law now was involved in “furthering social objectives within society” (Anghie 134). Faced with the challenge to the concept of sovereignty that was put forth by the positivist, jurists had to find a way to limit the extent of sovereignty (Anghie 126). The mandate system that came from this pragmatic doctrine was created to supposedly help the ex-colonized states to ensure their becoming independent under a system of tutelage by western countries (Anghie (116) in order to ensure the natives’ “self-governance and well-being” (Anghie 140). The language now morphed from civilized/uncivilized to backward/developed, from the mission to civilize under pragmatism to the Savior-of-the-backward-people mission under pragmatism. The recently liberated people still did not know how to run their own affairs without “being exploited” (Anghie 120) until they gained their independence, and this was done by mandate states being able to interfere in the interior-realm of the nascent state to restructure it according to their ideas of development and progress. The natives became a field where the mandate states could experiment with their social, economic, and cultural ideas in re-forming the emerging nation states (Anghie 135-136).

What on the surface looked like a mission to help sovereign-nation building was in fact ingraining the social, political and economic structures of the European nation states (Anghie 148). What this meant to international law is that it would not have to deal with the changes the nascent nation states could invoke. Instead, it ensured the assimilation of the natives to the European ways and preserved the unity of the legal order under the same practices that Michel Foucault identifies in his 1977 seminal essay “Governmentality”. Foucault states, “to govern a state will mean to apply economy, to set up economy at the level of the entire state, which means exercising toward its inhabitants, and the wealth and behavior of each and all, a form of surveillance and control”, and that to control a population meant “the management of population in its depths and its details (*Foucault Essentials* 234, 243). Governmentality means to shape, engineer and influence the behavior of people by using “institutions, procedures, analysis, reflections and calculations that allow the exercise of this very specific form of power” (*FE* 244) or what Althusser calls “ideological state apparatus”. This state apparatus is made up of the education apparatus, the religious one, the political one, the familial one, the publishing one and the cultural one (*On Reproduction of Capitalism* 75-77). Once this apparatus is running, it ingrains beliefs, ideologies, views of the nation state that become internalized in the subjects and this allows the apparatus to function all by itself.

The subject internalizes the dominant state values. European powers used the mandate system to create industrial projects which allowed them to abuse the native labor and put the latter in hazardous work environments (Anghie 159). The European powers had to educate and reshape the native to become the individual,

property-driven western subject by making the natives productive (Anghie 163). Through institutions of education, labor, industries and so on, the native will learn to distinguish good from evil, to manage their own affairs, to discover their ‘self’ by discovering their wants (commodities [my emphasis]) and that will make them “voluntarily” part of this Western system and becomes the agent of its own exploitation (Anghie 168,173). The mandate system was supposed to identify deviations then remedy them. It had to collect as much information about the native, the latter was studied in terms of birth rates, mental and physical health and productivity in order to “further economic progress” (Anghie 186-187).

The two metamorphoses the law performs subsequently take the shape of trusteeship then globalization. With the growing number of states that became part of international law, Western states needed a new language to ensure that they remain in control of resources and to prevent as many countries as possible from becoming part of the international community. This is not to say that other parts of the world should join the international community since the latter demands assimilation and acceptance of western standards. It is just to examine the discourse the west keeps inventing to subordinate and exclude others. The trusteeship system is mainly how much freedom and protection the new nation states gave foreign investors. The demand was that these investors be treated with the same privileges they would have if they were investing in their own countries. If any of the new member-states fails to fulfill the requirement, they will be held accountable (Anghie 208-209). The problem here is that the domestic laws of the new nation state are disregarded when it comes to foreign investors and are asked to

accept international standards and be held accountable if they fail to fulfill their obligations. Under the mandate system (discussed above), one of the inventions of international law was arguing the resources of the natives belonged to all of “humanity”. When the natives demanded that they have total control over their resources, the west argued that since these nations now are part of international law, they should fulfill the obligation of the predecessor state (which is the ex-colonizer) (Anghie 213). Resolution 1803 in 1962 states that people had the right to permanent sovereignty over their natural resources.....” (Anghie 216). The western nations, to deny this right, argued that these states only became sovereign ones by being bound to international law and that they possessed no history as an independent state before colonialism that would make them assert their existence before colonial powers took over their lands. Title over land “presupposes the existence of personality to exercise it” and those countries had no personality prior to colonialism, so their resources were not protected under international law, and so it is the right of the colonial state to maintain control over these resources (Anghie 219).

Globalization and the concept of good governance are now the next shape international law takes. Fitzpatrick tells us that globalization, just like the EU and international law, is made up of a collection of nation states which have western standards (Fitzpatrick 200). The apparatus of control, subordination, exploitation and fascism dressed as civilization continues under the rhetoric of promoting good governance and human rights around the world. This responsibility is taken up by the International Monetary Fund, the World Bank and Bretton Wood Institute. Both Anghie

and Fitzpatrick state that based on the human rights rhetoric, the west can intervene in non-western countries on the premise that these states are not practicing good governance and are violating human rights (Anghie 249, Fitzpatrick 201). The financial institutions mentioned above give loans to Third World Countries, and they subject these loans to several conditions. Even though these institutions were supposed to give loans based on economic criteria, the World Bank argued that any country that does not have human rights cannot sustain developmental projects. This allowed the financial institutions to interfere in intrastate relations as well as saved them from liability in case development projects failed; they can now blame it on the poor governance of the debtor country (Anghie 260, Fitzpatrick 185-190). This “legal imperialism” as Fitzpatrick calls it demands that Third World nation states follow the Western standards of human rights. If they do not aspire to or act in accordance with those rights, they must not be human. Those nations must change their cultures and policies to align themselves with demands of this legal imperialism to avoid interventions or sanctions (208-215). The narrative of exclusion, marginalization, division based on the underdevelopment and the moral inferiority and unworthiness of the other is the marker of all these transformations. One myth, as Fitzpatrick demonstrated, establishes itself in what it is not (versus the other) then takes many shapes and forms, repeats to maintain that unifying, ordered and stable myth.

The last transformation of international law to be outlined is the preemptive self-defense wars known as the Bush Doctrine. The war on ‘terror’ is the new language used today, which takes us back full circle to Vitoria’s doctrine of self-defense during the

Spaniards expeditions to the Americas. Self-defense was ratified by the UN in article 51. This war, argues Bush, was not only to deter new states from carrying acts of aggression against western states, but to promote “moderate and modern government in the Muslim World to ensure that the conditions and ideologies that promote terrorism do not find fertile ground in any nation” (Bush qtd in Anghie 277). The rise of terrorism was now connected to the absence of democracy in those nations, which is why people resort to extremism. In other words, the other is now more explicitly and racially and religiously characterized as the savage that needs to be killed on the presumption that they might attack the civilized states (Anghie 278). Such rhetoric allows the aggressor to deny imperial or colonial intentions and appears to be helping restore sovereignty and democracy in those savage nations and guiding them toward self-determination. In fact, in the US enterprise in the Philippines, the former made it abundantly clear that the independence of Third World nations would only happen if they replicated the model of US constitution and behavior (Anghie 284-285). By the logic of colonialism, which is the essence of international law, the other ceases to be a threat only if it transforms itself into “Us” (the west), the liberal democracies. The following will consider three examples of this racializing and subordinating regime called law/international law and the concepts of rights, justice and the morally good that are confined to the space of legality by looking at cases in which the natives were rendered illegible and outside the juridical body during the French colonization in Algeria, the Israeli colonial settler regime in Palestine and the Lebanese civil war.

The Ideological Apparatus and its Workings in Algeria

Upon their arrival at the coasts of Algeria in 1830, the French colonization of Algeria had already been welcomed by generals, politicians and authors alike as France's civilizing mission to the rest of the world. They justified colonization by claiming the desire to free people from servitude and savagery. The natives were portrayed as stupid, lazy, untrustworthy, and backed this narrative by scientific data. The French insisted that the Algerians were lazy, dishonest, incompetent, superstitious and childlike (Evans 32-33, Dine 179,181). This civilizing mission was, as were the French declaration of human rights principles, the child of enlightenment discourse. The French insisted that alongside freedom, security was the only way to ensure the success of their civilizing mission. The word security here is important since it is already gesturing to the justification of violence, torture and dispossession of the Algerians for the greater good of civilization. The French, and specifically the French settlers, would rationalize exercising all forms of power to protect their “civilization and civilizing mission. In fact, De Gaulle, called the civilizing mission and its benefits, beautiful, great and fruitful” (qtd in Maran, *Torture*, 64). This mission became the inviolable bond between France and its colonies.⁴

Under this mission, the Algerians were racialized as barbaric, underdeveloped, and worthless, and taking their land was permissible since they did not know how to cultivate it. In 1881, France created a set of discriminatory and punitive laws against the

⁴ This civilizing mission is discussed by the following authors Rita Maran in her book *Torture*, Stephen Morton in *State of Emergencies*, Martin Evan in *France's Undeclared War*, Philip Dine in *Images of Algerian War*, Jams McDougall in *A History of Algeria* and Ian Lustick in *Unsettled State Disputed Lands*, to mention a few.

natives in Algeria, Senegal, Cochinchina, Madagascar and other colonies which is known as the Code de l'Indigénant (the native code). It was characterized by regulations that disenfranchised the natives in general and the Muslims in particular. The law forced the native to get permission to go on pilgrimage to Mecca. they would be sent to prison if one of them was caught making remarks about the French. They were not allowed to have public meetings or open schools without permission. and any person who refused to help the colonial administration have access to transport food water fuel would be subject to severe punishment and torture (even though it was banned), house arrests, racial bias in court, being kicked out of their homes if they failed to provide a permit, forcing Algerian women who lived in French quarters to do their laundry between sunrise and 5:00pm on Saturdays only as to not inconvenience European women (Evans 22, 126-127). The codes stated that infractions against the French ranged from verbal disrespect of France, its officials, and its people to murder. The codes also allowed heavy taxation on poor laborers (Le Vine 48-51). Between 1880 and 1908, about 451 thousand hectares were purchased by Europeans, and they dispossessed the natives from those lands. This land requisition's broader banking system was working in favor of settlers. The principles introduced in the bank for those of the French laws, and the French people could do transactions based on the French system not on the Muslim law that was not comparable to them (Evans 23-24). Because of their purchase of the land the settlers in Algeria maintained that they had the right to stay there because they acquired the land by law, and that they were the ones that were able to cultivate it and improve it (this is based on Trucht land law stating that whoever cultivates the land has the right to stay in it (Evans

25). Bertrand tried to establish a historical narrative that places the French in Algeria from the time of the Roman Empire. He made it sound that the French presence in Algeria is not an invasion, but more about getting back what was rightfully theirs (Evans 29, McDougall 56).

In some places in Algeria, people were forced to camp in ravines and used by the French as a force of labor, not to mention the demolition of homes, and creating ownership codes such as the Royal Order of 1844 allowing the French to now possess the land they were 'leasing' from the Algerians. The second law, 1851, instituted the state private rights of property. The state acknowledged those titles because they were recognized under the French defining system, which was the sovereign in Algeria, while all other laws existed prior to the conquest (McDougall 77, 95-97). A French rule also attacked indigenous people and took their land by force. French kept most of the land to themselves or concentrated the Muslim population into smaller areas, which ended up leading to famine and bad living conditions for Muslims. there were European haves and Muslim have nots. families were kicked out of their land because they refused French law that solidifies private ownership of land (Evans 35). There were other laws between 1874 and 1881 that allowed the settlers to dispossess the Algerians based on arguments of Algerians not having settled on a piece of land and made it theirs, or there were no legal titles to prove ownership, or that the land was considered public property, hence it belong to the state that dispose of it the way they see fit. Algerians were put in slums or bare land and still forced the peasants of those lands to pay more tax money regardless of the returns (McDougall 98, 131).

As for violence, repression from the French against any revolt was ruthless, and was justified either under security and self-defense against the barbarians. The settlers say that their security meant the subjugation of the Algerian people and portrayed them as ‘terrorists’ and inflicted all forms of punitive measures on them (McDougall 86-89). Since the law does not apply to barbarians, the violence was permissible and was not scrutinized for any accountability. As punishment for any attempt to rise against the French, the Algerians would see their property destroyed, people taken to prison summarily and whole populations, men, women and children, like the 800 Awlad Riyah who took shelter in caves in the place of Dahra, were asphyxiated, burned to death, buried alive in their refuge. Not to mention the rape, indiscriminate looting and murder which became the norm (McDougall 58-73). In some cases, where Muslim villages were bombed, 500-600 people would be killed in one raid, some 300 people shot out of hand (Alistair Horne, *A Savage War of Peace* 74). During the month of May, 1945, the French had killed up to 4000 Algerians after the latter revolted asking for independence (McDougall), and the final polls of the Setif revolt puts the number of dead Algerians between 45000-50000 (Horne 75, 122). The bloodshed was downplayed in French media and very little was known about it (Horne 76) During the war of liberation 1954-1963, anybody that was suspected of supporting the Algerian Liberation Front (FLN) would be tortured to extract information, villages demolished and entire village populations would be moved to camps supervised by the military. This resulted in the dispossession of three million Algerians, while rendering 300,000 of them refugees across the borders (McDougall 217-218). The violent crimes against the Algerians were condoned and

rationalized as protective measures against the Algerian ‘terrorists’ and the French soldiers doing this operation or portrayed as the embodiment of the French rights of man and their liberty equality and fraternity (Evans 162-63). This is not to deny that rebels in Algeria committed heinous crimes against French civilians as we shall see, but after almost 100 years of rape, violence, murder, dispossession that was inflicted upon the Algerians. During the cycle of bloodshed between the FLN and the French settlers (OAS), the latter would carry out assassinations, carry out indiscriminate killings, open fire at cafes and would say any dead Arab would do (Evans 305).

(Regarding torture, despite the existence of laws that prohibited torture, the French, by narrativizing the Algerian as subhuman, they were able to escape accountability and punishment for it. Human rights were the monopoly of the civilized French. In *Torture: The Role of Ideology in the French Algerian War*, Rita Maran shows how torture and human rights are connected to the ideological civilizing mission, “the benevolent ideology of the civilizing mission was the mechanism by which the doctrine of the rights of man was contorted in order to encourage and justify the practice of torture.” (2). Human rights as a principle were influenced by enlightenment philosophers such as Rousseau, Locke, Voltaire, Montesquieu (4-38); but this philosophy did not mean all men, but particularly European white man (12). Because the native was not yet a self, a legal subject, he was not the subject of human rights (5). It was difficult to effectuate the protection against torture stated in article 9 of the declaration for various reasons. The first one was the French intentionally delaying the ratification of the European convention against torture so the Algerians would not be able to take their case before the

European commission of human rights. The second was that France never referred to this body of laws when dealing with the Algerians. The third reason was that most courts in Algeria, where grievances could be filed, were presided over by French or French Algerian judges. The Algerians were tried and sentenced according to the French juridical law (41-47). De Gaulle claimed that the French Army in Algeria was doing what was expected of them to do (56). The Algerians were considered a different race, one that is inferior to the French (84), and were looked upon as terrorists, which makes torture not only the only method of dealing with them, but a legal method (81). The civilizing mission of bringing the savage people to the realm of civilization was the ideological apparatus that allowed the soldiers and the French officials to sanction torture and violence. Maran reasons that ideology is what prevents the doer of the action from feeling guilty by “stressing the urgent need that the act fills to preserve the nation's culture” (19). Such sanctioning of torture and violence did not only happen through official language of a state of emergency (40) or invoking the government lack of knowledge of those practices or the fact that it was hard to determine who was responsible for those practices as the Wuillaume report suggests by saying that torture was used against those “whom there is a considerable weight of evidence of guilt and for whom there are therefore no great feelings of pity,” and that “this judgment on the guilt of the persons against whom torture was employed was entirely subjective.” (qtd in Maran 48).⁵ Violence and torture were also justified by mythologizing the soldier, the paratrooper, the official’s acts of

⁵ In *A Savage War of Peace*, Alistair Horne gives more examples of torture and discusses the moral implications as well as the thoughts of some philosophers like Sartre on the matter (see p. 477, 483, 583-573)

violence by constantly denying the colonized as a political agent, hence outside legality, as well as portraying the French executives as the ones protecting lives and forced to torture to get information that would save people (Dine, *Images of French Algeria*)⁶. The indigenous is denied existence as a person and the natives were characterized by the French as nothing but “a handful of rebels’ (Dine 181)

Violence and oppression in Algeria, however, was not only inflicted by the French, but by the Algeria liberation front during the war and then by Algerian Muslim brotherhood during the Algerian civil war. As Fanon reminds us in *Wretched of the Earth*, “the development of violence among the colonized people will be proportionate to the violence of exercised by the threatened colonial regime” (88). This is exactly what happened during the war of liberation where the FLN committed the most hideous crimes against the French and the Algerian people alike. FLN slaughtered around 123 French people and 12000 victims were killed in Philippeville in 1955 (Evans 132, Fanon 90). Another major problem during the process of decolonization is the project toward independence and nationalism. To the new established parties, nationalization does not mean invention, progress, production, educational program, but only the transferring of the powers and the privileges of the colonial period into their hands. The nationalist intellectual wants to be a part in the creation of national culture after he has assimilated

⁶ Philip Dine examines the issues mentioned here and more in his book by looking at the how texts (literary, historical, philosophical) in fact use structures of linguistic and cultural codes (11) in order to communicate ideology. In this case, it was the myth of the French soldier, colonel, official who is trying to defend France and its civilizing mission. He looks at a wide range of texts such as Gibert Cesborn, Alfred Vigny, Jean Jacques Sevrin-Schreiber, Heny Alleg, Alber Mimmi, Pierre Guyotat, Michelin Susini, Josette Sutra, Alain Vircondelet, Jean Brune, Albert Camus and many more.

the colonizer's culture. When the same intellectual tries to establish a national culture, he takes a recourse to the past of the people only to realize that he repeats the same stereotypes that the colonists used against him and his people. And what he faces in his enterprise is nothing but a national reality that does not exist and that is nationless, whose past is not the past of a nation, but of a whole people dispersed over different geographical areas (Fanon 148-248). This describes the situation in Algeria during the independence war.

There were over 15 parties competing to form the Algerian nation according to their own visions. I will discuss only a few here. There was Ben Badis, who formed the Association of the Algerian Ulema in 193. Their program mainly focused on giving Algeria an identity based on Arab values, making Arabic their main language and they tried to write national history based on this identity, and rooting out any practice in Algeria they deemed anti-Islamic, forgetting that Algeria was made up of many other ethnic groups and languages which they failed to include in their program. (Evans 51-54, McDougall 153-154, 163-165). Ferhat Abbas, who later became affiliated with the FLN, was in a group called the *élus*. They wanted assimilation and entry to the French nation after ending all sorts of discriminatory practices against Algerian Muslims. Both groups embraced education in French and in Arabic and the publication of the journals and other materials in both languages as well (158-159). And the last party to mention here was that of Messali Haj with the name *Étoile Nord Africaine*. The party was communist anti-imperialist and they mainly wanted complete independence from the French. Algeria's identity was linked more to the Arab Muslim world (Evans 63, M. Dougall 167-168). The

problem with all these parties and others before them is that they were all influenced by the French political landscape (McDougall 168). They all wanted to go to Paris to prove to the French that they can start a democratic process in their country (McDougall 177). In other words, they internalized the French stereotype about them that they felt the constant need to prove to them and the international community that they were advanced to the standards the west requires.

We are Going to Assimilate You

Discussing the Lebanese Civil War within the context of International Law and Colonialism might appear as unrelated. But despite the particularities that distinguish a discussion of a civil war from one on colonization, the Lebanese Civil war proves to be an extension of the colonial struggle in the region. It was colonized by the French and it represents the desire of some groups to be assimilated to European culture, specifically French in this case and of the making of the self-possessing, property-owning subject who creates and defines an identity for himself in opposition to the other. Moreover, it is the story of an ex-colonized people trying to find an identity in a nation that was implicated in the Palestinian/Israeli conflict, a nation factionalized and divided, and most importantly a country caught up in the web of creating alliances with superpowers to either halt the or allow the spread of Western Liberal Democratic values.

Lebanon, along Syria, became French Mandate territories on April 26, 1920 (Trabulsi 78). The events that led up to the mandate began in the partitioning of the Middle East by England and France. The borders that created Lebanon were mainly “determined by the interests of France in dividing and controlling Syria”, which gained

the approval of many Lebanese Christians since, “they had called for territorial expansion and separation from Syria, under some form or other of French protection or guarantee” (75). The Lebanese thought by doing that they would gain their independence, but Lebanon under French mandate was anything but what any Lebanese party wanted (75). France justified its mandate over Syria by the necessity of defending the minorities in the region: the Christians, Druze, ‘Alawis and Shi’a. For the French to solidify and maintain their mandate on Syria, their closest ally was the Maronite Church (the sect of the Phalangists, which was a major actor in the Lebanese civil war), under the auspices of Patriarch Elias Huwayik (76). Many Lebanese Muslims and non-Maronite Christians were against the mandate.

This led to the emergence of four currents in the battle, some of which were in support of annexation to Syria, some the Arab nation and others wanted a complete independent state (82-83). The fourth one represented by the Maronites wanted annexation by France. The French considered the Maronites as “European since time immemorial” and allies in France’s “struggle against Islam” (82). Ferdinand Tyan,⁷ “called for a return of a Christian emirate attached to France on the Algerian colonial model. Its official language would be French and the Druze would have the choice between accepting their minority status (and learning French) or simply leaving the country” (82).⁸ Some even said that Lebanon as a country is synonymous with

⁷ In 1916, he was one of the signatories on the friendly agreements signed between France and England in relation to the division of the Middle East.

⁸ Those who wanted Lebanese independence argued that French colonization in Lebanon would only serve the interests of a few capitalist (83). the relations with the French were complicated. Some Lebanese people fought alongside the French troops against the Syrian revolt against the mandate, and some of these people were appointed, by the French, as leaders of certain regions in Lebanon (93)

Christianity, and union with Syria is synonymous with Islam (99), and the Maronites made it clear that they did not want Arab nationalism (Deeb, *The Lebanese Civil War* 22) After Lebanon gained political independence from France, they kept economic, neo-colonial ties with France (119), and the Lebanese currency was connected to the French Franc (Trabulsi123), and in 1969, 40% of bank deposits in Lebanon were done through foreign banks, by 1970 third of Lebanese stock companies became branches of foreign companies, and 800 families mainly controlled the economy in Lebanon (Trabulsi156-157)

Problems were brewing in Lebanon before the civil war erupted in 1975 since parties in Lebanon were establishing alliances with socialist entities in the Arab world, represented by Egypt Abdul Nasser, while others were leaning toward the American/Saudi camp (Deeb 26). Lebanese society was going through changes and unrest with labor, immigration, poverty, economy issues, not to mention the fear of communism and the strife after having a quasi-class war in 1966 (Trabulsi142-15, 158-171), especially that the government was serving the “interests of the Christian Bourgeois” (Deeb 26-28). The PLO⁹ also found a base for itself on the Syrian Lebanese borders and were welcomed after what the Palestinians suffered in the 1967 Arab Israeli war (Trabulsi 152). The nationalists allied with the leftists and the PLO, and accused the army of being dominated by pro-phalangist (Deeb, 1-3) while the Phalangist bourgeois were more on the right and against any alliance with the PLO (Trabulsi154-155), and went as far as calling the PLO and its supporters ‘terrorists’ (Deeb 35). These groups become the two fighting parties in

⁹ Palestinian Liberation Organization

the civil war. On 26 February 1975, a group of fishermen went on a demonstration against a fishing company owned by one of the richest elites in the country (Kamil Sham'un) and were shot at by the army. One person died and so the PLO and other leftist parties organized a demonstration to protest the killing. The Maronite Phalangists organized a counter demonstration to support the army (Trabulsi 183). The following day a car shot at a group of phalangists injuring some people. The phalangists (Maronites discussed above) accused the PLO and retaliated, killing 21 Palestinians (Trabulsi 183). The phalangists during the civil war refused any path for political secular reform, and they justified the use of violence in order to bar any attempt at reform and to protect their institutions from changes (Trabulsi 191). The Phalangists, the president and the government were bourgeoisies in favor of maintaining the status quo of a capitalist system (Trabulsi 203)

The Phalangists asked for help from the American administration, the Syrian government, and the Israelis. The American administration refused intervention because they were just coming out of Vietnam (196). The Syrian government supported the Lebanese president and the army because al-Asad did not want any interruptions to his plan of forming a unity coalition made of Lebanon, Syria, Jordan and the Palestinians to balance powers with Sadat (Trabulsi 194), the president of Egypt who was willing to establish peace with Israel (205). Before asking the Syrian government for intervention, a group of phalangists led by Sham'un and Pierre Jumayil met with Ytzhak Rabin, and Israel decided to provide the phalangists with arms, ammunition, and training, took in the dissidents of the Lebanese army (Trabusli 206), and Elezier visited the siege of a

Palestinian camp in Lebanon by the Phalange but would not carry out direct intervention (Trabulsi 196). Kissinger even admitted that “we encouraged Israel to serve as arms supplier of the Christians, even while Syria was acting-temporarily as their protector” (qtd in Trabulsi 197). Of course, the United States gave their approval of Syrian intervention in Lebanon after they reassured Israel that they would not pose any threat to Israel (Trabulsi 197, Deeb 11-12). The CIA and Saudis spent so much money to ensure that the leftists in Lebanon do not run the government (Trabulsi 198). France, at this point, being an ally to the US, refused any intervention in Lebanon if the US and Syria opposed it (201). In fact, al-Asad went to Paris before intervening in Syria and got the endorsement of the French government (Deeb 11). In other words, Syria was the proxy for France and the US.

Bashir Jumayil, a phalangist, organized the resistance against the Syrian intervention in Lebanon (Trabulsi 209-211), and emerged as the leader of a faction of the Phalange, then ran for presidency. In 1982 he became president as he was backed up by the US as well as Israel's Occupation of Lebanon and the promise of Menahem Begin (215). Under Bashir, Lebanon now was finally defined “as an integral part of the ‘free world’ [Europe], which sought to become a ‘partner’ of that world instead of its victim.” (Trabulsi 217) as Bashir saw the war not as a civil one, but as Lebanon fighting forces that wanted to take it back to the time of the caliphate and that of the prophet (Trabulsi 217). Bashir presented an economic program of capitalist nature. He wanted a program ‘freedom and planning... production and equality of opportunities... participation... and... social justice and welfare’. This amalgam was the closest approximation to a fascistic

vision that mixed a profession of faith in economic *laissez-faire* with the desire to purge dependent tertiary capitalism of its ‘defects’ and ‘excesses’, (Trabulsi 217). Bashir’s relations to the West and to Israel were never clearer than in the Sabra and Shatila massacres in which he killed over a thousand Palestinians at the order of Ariel Sharon to “clean them out” (Trabulsi 218). Other than displacement and killings, the Phalange party carried out the biggest robbery of all time against a Palestinian Organization of the British Bank of the Middle East (Trabulsi (234). Between 1983-1985, most foreign troops started withdrawing from Lebanon, and Syria held talks with representatives of the Lebanese government and signed the Tirpartite Agreement declaring Lebanon as part of the Arab nation. But by 1987, troubles ensued again in Lebanon, and Syria was back on Lebanese soil at the behest of Muslim leaders. The war led to regional, as well as factional and sectarian divisions. By the end of the war “It has been estimated that the bloody fifteen-year purge in Lebanon resulted in 71,328 killed and 97,184 injured. The sectarian ‘cleansing’ of the community’s territory of ‘strangers’ (mainly Shi`i Muslims in the ‘Christian’ enclave and Christians in the ‘Druze’ Mountain) led to some 670,000 displaced among the Christians and 157,500 among the Muslims”, and it pushed people to migrate, causing about 894,717 people to leave the country (Trabulsi 238).

Israel: The Colonizers’ Outpost

Moshe Ya’alon called the Palestinians a cancer and Begin referred to them as two legged animals, Raphael Eitan says that Palestinians are “drugged roaches inside a bottle” (Uri Davis 166). Rabbi Yitshak said that the commandment of thou shall not kill applies only to a Jewish killing a Jew (Haaretz, qtd in Davis 166). Balfour, in 1917, stated that it

was not immoral or unethical if the lives of 700000 Palestinians were destroyed for the sake of Zionists goals” (Erakat, Justice for Some 26). The Balfour declaration, according to Noura Erakat, was adopted by the league of nations in 1922 and was transformed from the status of a promise to international law. By making into a law, the law itself now is the status of erasure of the existence and the rights of the Palestinian people. The Mandate did not ever “describe Palestinians as a community nor affirms their presence in Palestine as a matter of right. They do not even appear as the natives of the land” (Erakat 39). The World Zionist Organization lobbied that Palestinians not be considered as natives and to consider the Jews as the natives of the land. And just like that, the juridical status of the Palestinians for the international community became absent (39).¹⁰

By 1947, the Zionists wanted more territory and decided to take it by force and the plans that Ben Gurion set then to expel the Palestinians are still in effect in different forms till today. His plan Gimmel was to suppress any Palestinian resistance and separate the Palestinians from each other to prevent them from establishing a political community. Force was used against the insurgents as well as anyone who helped them, forcing people out of their homes. Ben Gurion envisioned the establishment of Israel a necessity even if it meant the dispossession of Palestinians by force (Erakat 49). The Irgun forced people out of their homes and lined up children and pelted them with bullets just for the fun of it “(50-51) such violence pushed people to leave their homes in fear of a similar fate, leaving homes and lands empty for Israel to claim. They displaced over 750000

¹⁰ Noura Erakat chronicles many laws and articles from the UN in relation to the Palestinian Israeli conflict that it would be impossible to reference them all here. She goes through UN resolutions from World War I up to the present day.

Palestinians and destroyed over 400 villages. When Israel was accepted as a member of the UN and the General Assembly, it had not solved the issue of the refugees yet, and now was able to argue that their return to the land was a threat to the unity Israeli state. Knowing that the exception was the essence of international law, Israel's argument was now accepted as law in the UN (54). From the beginning, Israel used the argument of security and self-defense to justify its seizure and control of the land (55). To prevent any Palestinian from laying claim to the land, they used several laws, some of which were from the Ottoman Empire laws. The first one was the absentee law in 1950 which rendered the absentee property legible for possession by the state (Erakat 55).

Brenna Bhandar in *Colonial Lives of Property* talks about an Ottoman law for land registration called Tapu. The British did not include Jerusalem in the registry, which made it impossible for the Palestinians to prove their ownership of land (110). Some Palestinians did not register their land, so they didn't have to pay taxes when the British enforced the Torrens system of registry, so Israel was able to take the unregistered lands and those whose registry was unsettled. The Israelis refused to recognize the title registers of land during the Ottoman period, and even though some of those titles still exist and are legal, they do not hold in the face of the physical dispossession enacted on the Palestinians everyday (110-113). Israel used martial law to prevent refugees from returning, killing 3000-5000 people in 1948, and those returnees that were recognized were given ID cards which were only used to give them rights for housing, movement and employment, but not a national status. Israel wanted to preserve the ethnic purity of their nation (Erakat 57-58). Moreover, when the Palestinian wanted to prove their land

ownership they were not only up against a legal system based on European agricultural laws, but also against an ideological foundation that is found in the form of nationalism. The Jews' only way to establish themselves in Palestine was to establish relations with the soil, and those who had been there for years doing that were displaced under the argument of merely being tenants (Bhandar 118). To continue taking more land, Israel needed an excuse in 1967 to annex more territory. Under international law, any occupying power is only in the natives' land on a temporary basis until the former were able to establish self-governance. Israel argued that the Palestinians were not juridical (a state) people and the land was empty, terra nullius, hence no occupation law would apply (Erakat 62). The reason the Palestinians were not a state, and why Israel was able to keep the land they took in 1967 even though UN resolution 181 stated the two-state solution, and 242 the withdrawal of the Israelis to the Greenline (1948 territories), is because upon the signing of the Oslo I, Israel took away any reference to resolutions 181 and 242, which meant Palestinians can no longer demand a state or the withdrawal of Israel (Erakat (163)).

Back to 1967, Israel refused the withdrawal of a linguistic dispute over the text of the resolution. The British English-language? version of the text excluded the article “the”¹¹ which Israel capitalized on to say that the scope of the land they need to withdraw from is not determined (78). Moreover, Israeli lawyers like Shamgar argued that even if Israel was to be considered an occupier of the territories, International Law does not state how long the occupying power can remain on native land, hence the period could be

¹¹ The original French text included the article “the” in French language (Erakat 78).

indefinite (Erakat 84, Gordon, Israel's Occupation 26). Shamgar called these territories disputed lands and insisted that previous laws be recognized (Gordon 26-28) since it allowed Israel to use a wide range of legal systems to its advantage as we shall see. Israel capitalized on resolution 242 as well to keep the land saying that if the land was ceded in a peace agreement, then Israel has the right to take it (Erakat 87). More settlements were built on Palestinian land, even though an occupying power under international law is not allowed to build them, by claiming they were outposts to protect the Israeli state from security threats (Erakat 87-88). Israel would treat the Palestinians as people with their nation state when it serves Israel's purposes and would deny them the status of statehood also for the same reason. During Oslo I and II, Israel treated the negotiations as a process between two states and would hold the Palestinian Authority to them. During war, the Palestinians do not constitute a state anymore; they are just criminals. When Israel was asked to withdraw from some land after Oslo II, suddenly the Palestinians became a military threat, and clashes broke out. Israel would not admit that they were fighting a liberation organization, because that means admission of the Palestinian statehood, and it would be accused of discrimination and of being an apartheid regime. As such, they had to cast Hamas as nothing but a terrorist organization, "If Israel recognized the conflict as an IAC¹², that would confer belligerent status on Palestinian militants, and Palestinian fighters would have the right, under an international legal regime, to use lethal force against Israeli military... the Israeli civilian casualties would be considered collateral damage. And if captured, Palestinian fighters would be treated as prisoners of war, to be

¹² International Armed Conflict

returned at the end of hostilities.” (Erakat 179-180). In fact, lawyer and ethics professor at the Tel Aviv University (Asa Kasher) argue that following the rules of conventional warfare happens in wars between two states where everyone shares the same values, but when a state is confronting a people that have totally different values then the state has to come up with new rules to fight them (Erakat 195). This means that Israel is not dealing with a state, or an enemy of the same values (this brings us full circle back to Schmitt and the bracketing of war under international law), which justifies their using of non-customary methods under International Law, since International Law regulations of war apply only to wars between sovereign states.

When Israel withdrew from some lands in the Gaza Strip, it was a tactical withdrawal. They could argue that they ended their occupation of the territory, hence any act of violence against Palestinians was considered self-defense, and they conducted several military operations in Gaza using that justification (Erakat 196). Since its withdrawal, Israel launched three massive operations, Cast Lead 2008, Operation Pillar of Cloud 2012 and Protective Edge 2014. Israel considered the values of protecting the soldiers and hence stated that a soldier is worth more than civilian lives on the side of the Palestinians (197-198). “In addition to force protection, Kasher and Yadlin’s 2005 article also proposed a radical redefinition of who is a direct participant in hostilities, the threshold analysis of when a civilian becomes a legitimate target. Under Article 51(3) of the Additional Protocol I, civilians forfeit their immunity “for such time” as they take up arms (181). Israel in fact killed civilians that were just employed by Hamas since it has control over a certain territory claiming that they did it to prevent those people from

becoming a potential threat, not to mention their targeting a UN school. Their argument was that there was a motorcyclist engaged in hostilities against Israel that went by the UN school, and by doing so, he used people as human shields (205). They would ask people to go into homes to check if they were booby trapped or inside houses so that if there were insurgents they wouldn't shoot at the soldiers since they see the Palestinians first (Gordon, *Israel's Occupation* 207).

Other mechanisms that Israel used to further dispossess and inflict violence. The first one was using the pre-existing laws in the Occupied Territories so that it does not get accused of despotic rule while having their military in the territories. The military then is portrayed as a peace and order keeping force (Gordon 28). However, the legal system would allow the military governor to issue orders and change laws and annul them anytime he wanted, and these laws could be altered either for the better or the worse depending on what served the interest of the Israeli state (30). To give a few examples, article 43 that said in the original French text states that the occupying power needs to restore public order and civil life which in English translates to public order and safety (Kretzmer, *The Occupation of Justice* 59). A judge by the name Sussman argued that the application of this law depends on the motives of the occupying power's actions (Kretzmer 59). In other words, it is totally subject to the subjective interpretation of the military commander. Article 43 requires the occupying power to respect the laws that were already in place in the occupied territory unless it was absolutely prevented from doing so (Kretzmer 57, Gordon 129-32). Judge Sussman argued that the laws that already exist in the occupied territory make the job of the military commander almost impossible

in order to protect their residents of the territory, which means the military commander can break with article 43 whenever they see fit. Another interpretation of article 43 was effected in terms of labor. Since there was no law before them in the Occupied territories, then the military commander can enact labor laws. Another example is when one commander wanted to introduce electricity to the occupied territories to provide for the Israeli residents there, the electricity company denied him the permit arguing that article 43 does not allow introducing drastic legal measures. Because the occupation is of a temporary nature, no matter how long it extends, it would not be good for the population to receive electricity on permanent basis from the occupying power, because once they leave and that's the dubious argument, then their population in the occupied territory will not have electricity anymore so we better keep them having temporary electricity from a local company so that when the occupation leaves, so population would still be able to get electricity (Kretzmer 67).

In another instance of subjective interpretation of the Geneva Convention articles, judge Sussman takes the text completely out of context. Article 49 states” “Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive.” (Kretzmer 45). Judge Sussman argues that this article is only talking about the deportation of the Jews during WWII, hence only applied to them (Kretzmer 46). A judge called Bach argued that article 49 of the Geneva Conventions applies only to protected persons and that terrorists and spies are protected persons and may not be deported. Article 78 of the same convention

limits any measures that might be taken for security reasons, but judges Landau and Shamgar argued that these laws were not part of International Customary Law, hence did not apply to the decision the state of Israel makes. They also argued in interpretations of the treaties, the one that least restricts the sovereignty of the state should apply (48-49).

Another apparatus of control was the High Court of Justice which the court legitimized the implementation of many oppressive practices. The court had a ceremonial function when it came to the inhabitants of the occupied territory. The reason for that is it gives the occupation that veneer of being anchored in law and order but in fact it would always decide in favor of the authorities (Gordon 33). In the case of Beth El, a settlement that was established by gush emunim, the petitioners argued that the Israeli defense army has no right to take private land to protect the security of the occupying power, under article 52 they can only confiscate land for the security of the occupying army. The High Court of Israel refused to make that distinction arguing that the occupying power has the responsibility not only to protect the occupied territory but to protect their territory from any danger that can come from the occupied territory. and because of that there could be no real distinction between military needs and the state needs (Kretzmer 83).¹³ In the case of La'afi, the petitioner wanted her daughter and her family to be able to come back and reside in the territory after spending four years in Kuwait. The Israeli authorities argued

¹³ Kretzmer records many other cases, one of which is In the case of Rafia Approach which involved the eviction of bedwyn who lived in the area after which the case is named, evictions were enforced after a series of attacks against civilians both Palestinians and Israelis and uh sabotage of buildings. the occupation government and it's military argued that there should be a buffer zone so that they make it harder for the attackers to carry out attacks in Gaza or Israel or to send weapons. So the area where these bedwyn lived was closed but they gave the bedouins access to enter the area to cultivate their fields. the military insisted that in this case and other cases where they evicted big ones from their land it was done for security consideration (79). For other cases see pages 63-109.

that since the petitioners established a home and another country for some years, despite having to do so for economic reasons, it means they have lost their residency status in the occupied territories. Therefore, they cannot go back to live there (Kretzmer 102). There are also cases about building roads that were specifically designed to separate the Palestinians from each other and establish more continuity between Jerusalem and other Israeli settlements in the West Bank and Gaza Strip (Kretzmer 95-97).

The permit regime became another mechanism of control and that means that the Palestinians to build houses to have hospitals to have education or even to carry on political meetings they had to get a permit from Israeli state. not only that but that permit regime was considered more of a privilege and so any violation on the Palestinian side would result in revoking the permit. Palestinian people can only obtain a permit if they don't participate in any forms of protests or speech against Israel or any form of political activities that would be considered a threat to the Israeli state. The worst of it all is that because the Israeli state has control over all water resources, any person in the Palestinian occupied territories wishing to have a water device or even be able to get water to their homes had to obtain a permit from the state (Gordon 35). The Israeli authority even issued identity cards that Palestinians over the age of 16 had to carry around all the time so that the Israelis could monitor their movement and anyone who was found in an area where he did not have a permit to go would be considered an infiltrator hence punishable by law. Even the most mundane activities like visiting a friend for instance requires submission of a permit 48 hours before the visit. Another feature of this permit regime is

that it allowed the Israelis to control what knowledge the Palestinians get and do not get.

This was based on a 1945 British emergency regulation (Gordon 36-45).

Israel not only practiced forms of physical control, but also forms of invisible occupation. One of the methods was education. Israel used the education system to suppress opposition. educational systems usually inculcate and reinforce national identity. the Israeli authority altered the Palestinian curriculum to muffle any attempt by the Palestinians to identify with their nationalism. Instead of using military force this strategy works by suppressing certain forms of knowledge (Gordon 54-55). To achieve this Israel followed three strategies the first one was to get books that were used in Jordan and Egypt before the Israeli occupation. these books, even though relevant to the Palestinian population, do not encourage national identity. They introduced new textbooks which had a Zionist historical narrative effacing all traces of the Nakbah and 1948 and to convince people that the Palestinians can live inside Israel and integrate into a more dominant Jewish society (Gordon 57). They made sure to erase any chapter sentences paragraphs start would talk about Palestinian heritage tradition customs and roots in the land (Gordon 58). Other mechanisms of control included taking hold of water resources and allowing military commanders to issue permits for getting water, allowing him to prohibit the Palestinians from getting water while providing for the needs of the Israelis (Gordon, 127). This is without mentioning sieges, controlling medical supplies, food rations and keeping registry of Palestinian birth and death rates. What is mentioned in these last pages about Palestine in only a drop of the ocean of other practices from house demolitions, killing of people praying in mosques and firing at people to prevent

them from reaching their fields (Gordon 141-142), bombing homes with entire families in them under the pretext of the house harboring ‘terrorists’ (Kretzmer 145-159). The situation of people in Gaza, Uri Davis tells us, is similar to that of the Jews in Warsaw ghetto (165).

Conclusion

Identity politics, killing, violence, displacement, and exclusion are how international law and its Western parents preserve the narrative of the historical man, the mythology of European man as the end of history. The natives suffer from a loss of political life or representation, not to mention a loss of their own land, their life, an erasure of their history, reversal of rights to be the rights only prescribed by the law, a reversal of their world and reality to match the fiction of the law, a deprivation of justice, and even their power of thinking themselves outside the western epistemological modes of identity. Dispossession, however, is not only the work of International Law as we have seen, but also of the new human rights discourse which manifests in the work of NGOs. As Neve Gordon clearly shows in *The Human Right to Dominate*, human rights have been co-opted by conservatives, by the military, by settler-colonial powers so they can not only justify their injustices, but to continue with their acts of oppression, to legitimize colonization and to moralize and rationalize violence. In Fact, he demonstrates how soldiers in different western armies take courses in human rights and ethics to justify the lethal violence they inflict and perpetuation of domination. Similarly, Fabian Klose in *Human Rights in the Shadow of Colonial Violence* explores how practices such as torture, extrajudicial executions and collective punishments were conducted by the same powers

that promoted ideas of liberty, human rights, equality. He examines the violence of the British and the French in their colonies and their violations of human rights under the name of preserving human rights which only belonged to the settlers.

This leaves us with an important question. If decolonization of International Law has failed so far, if attempts by Third World lawyers to change these laws have been blocked by the new Western powers, and if even human rights has been appropriated by the aggressor to justify their subjugating and oppressive measures and to rationalize the acts of killing, what remains for the oppressed besides the armed resistance they might mount, considering that this form of resistance could be highlighted by the West to still condemn the barbarity and terrorism of the natives? While many of the legal studies mentioned above (19) seek to decentralize the law, they are still working within the framework of the law by either inviting other native pluralities to it or by trying to change it and make it adaptable to the new Third World nation states. The following three chapters suggest an approach outside the law. This outsideness does not mean there is a discourse that transcendentally overpowers the language of law. Rather, it re-appropriates those who were excluded, dispossessed, vanquished, and killed under the rhetoric of savagery to restore an identity, a history, a right, a justice, a community that has been denied them under the law. Such re-appropriation takes place in literature.

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The Self-Disclosure of the Sign: Envisioning Otherness

---yet when the oppressed speak, they can do so only in poor, monotonous, immediate ways, which is always one and the same: that of their actions; metalanguage is a luxury to which they do not yet have access to.

--- poetry occupies a position that is the reverse of myth.

Roland Barthes

In *Mythologies*, Roland Barthes tells us that myth is “a robbery by colonization” and that it is “always a language-robbery” (131-132), and that “in myth--- two terms are perfectly manifest: one of them is not hidden behind the other, they are both given here--- myth hides nothing.” (120). The myth of the law/ colonization, as discussed in the previous chapter, transformed and is still transforming itself. It is the speech of a system of communication” that constantly needs to distort its object and reality through language, through the “myth of signification” (115). According to Barthes, French imperialism is the same as grammatical fascism,

Grammatical exemplarity, French imperialism, are the very drives behind myth; the concept reconstitutes a chain of causes and effects, motives and intentions.

Unlike the form, the concept is in no way abstract: it is filled with a situation.

Through the concept it is a whole history which is implanted into the myth (117).

Kateb Yacine, in all his work, presents the colonized/oppressed as the rich experiences that they are. His writing falls under what can be categorized as “revolutionary language”

(Bhabha 41). Whereas myth creates its subject, centralizes, is constituted by and constitutes meaning, establishes itself in origin, and is “defined by its intention” (*Mythologies* 122), Yacin’s *Nedjma* disrupts all these categories through the poetic language of the text and the characters that keep everything hidden. It releases robbed language and brings it back to its “unmotivated” being and “transforms the sign back into meaning: its ideal would be to reach not the meaning of words, but the meaning of things themselves.” (*Mythologies* 132-133). In several interviews, Kateb Yacine identifies poetry as the beginning of everything in Algeria, “chez nous, tout commence par la poésie” (Aresu 19)¹⁴. In reading Kateb Yacine, Charles Bonn and Bernard Aresu explain this very notion of the revolution. Bonn writes, “Kateb Yacine put revolution and poetry at the same level (Bonn 8)¹⁵. Revolution to Kateb Yacine seems to be connected to a poetic explosion, “Pour moi, la révolution algérienne ne saurait être qu’une tragédie avec, au centre de tout, une explosion poétique. » (Yacine, cited in Aresu 19). Indeed, a poetic explosion his revolution was, and a revolution was his poetry. *Nedjma*, with the attestation of Jacqueline Arnaud is not, “un roman français et il faut se garder de trop le rationaliser parce que c’est un roman-poème dont les chapitres peuvent être lus comme des textes poétiques autonomes” (Arnaud, 666). *Nedjma* is a poetic explosion that disorders everything.

When *Nedjma* was published, the Algerians were subject to French colonial law, violence and literature, while going through a war of independence which only

¹⁴ Kateb Yacine made this statement in an interview with *Lettres Françaises* 1964.

¹⁵ The same argument is made in *The Politics and Aesthetics of Kateb Yacine* by Kamal Salhi

consolidated the narrative of ordered, complete and controlled reality as we saw in chapter one. Algerian groups, in their struggle for independence, ended up repeating the same notion of order the French law imposed on them. The language of *Nedjma* is revolutionary in that it threatens the stability and clarity the law establishes. *Nedjma's* language disposes of itself and its characters and attempts to create irresolution and opposition rather than control them. It unsettles the subject and its self-closure and self-determinacy. More will be said about this at the beginning of the first section of this chapter.

As previously shown, law was elevated to a transcendental status and it founded for itself an origin that is used to justify the practices of the law. *Nedjma* defies the imposition of limited identities and subjects as well as any linear sequence of history and life that has its beginnings in an origin. The unknowability and uncontrollability of the native, which threatens both the colonial regime and the unity of identity the Algerian political parties were imposing on other Algerian groups, are emphasized in *Nedjma*. *Nedjma* is constituted of folds, of detours, of ahierarchy, of confusion and perplexity, of no single authority. In short, it is in a state of suspension all the time, a zone of anomie. More, it is of subjects who are also suspended, who pass through others, of subjects that are, and of subjects whose identity is always deferred through others. But, a few words on the numerous studies of *Nedjma* are due first.

Much of the scholarship that has been written about the work of Kateb Yacine- even the most heterogeneous reading- chose to read *Nedjma* as a symbol of the sought-

after but not-yet-attainable Algerian nation state.¹⁶ However, even with the discussion of a nation, most investigations admit that this nation that Yacine is writing about or striving for is not of absolute totality and of one hegemonic nationality. In “L’Actualité de Kateb Yacine”, Jacqueline Arnaud writes, « il invite le contre discours, de déplacement. Et de dis/location d’une hégémonie nationale précise. » (Arnaud 61). Kateb evokes a counter discourse, one which attests to the heterogeneity of the Algerian people. Arnaud, however, collapses Nedjma, the woman the novel is named after, with the people and that nation that have been violated and prostituted, “La fatalité de Nedjma est le destin d’un peuple. Elle n’est pas une figure allégorique de l’Algérie mais son destin personnel, vierge forcée et prostituée parce que sa pays a été forcée et prostituée » (Arnaud 423), and « Nedjma est une femme réelle qui par ses contradictions devient le symbole d’un pays déchiré, le symbolisme s’enracine dans un réalisme. » (Arnaud 721). Arnaud’s reading of Yacine’s works could be the most comprehensive and revolutionary in that she displays how Yacine is rupturing various forms of structure and enclosed representations and maintains that dislocations and the chaotic explosion of time and space in *Nedjma* represent « méditation sur l’agencement de l’espace et du temps lesquels le récit de la nation doit passer. » (Arnaud 67).¹⁷ On his part, Bernard Aresu similarly contends that Yacine brings the counter discourse to the making or the seeking of the Algerian nation

¹⁶ In an article titled “Kateb Yacine in Search of Algeria: A Study of “Nedjma” and “Le Polygone Etoilé”, maintains that Yacine’s two texts express the desire of their author, like every novelist in Algeria, was in search for identity and wanted to “reaffirm the traditions of precolonial Algeria” (274). In a similar vein, Aresu gestures toward the idea of nationalistic trace in Yacine by claiming that “Si Mokhtar is a focalizing point of the nationalistic fever.”

¹⁷ The interpretations she provides of Kateb’s heterogeneous and anarchic style abound in her study to cite all of them here. However, her work will be cited in the analysis section of this chapter.

and acknowledging the other. But still within that argument, we find embedded the notion that Yacine wrote for the nation, though this narrative of nation is constituted of a rupture in the continuous temporality (Arnaud, 62).

In other studies, affiliation between Kateb Yacine's style and those of Baudelaire, Faulkner and Rimbaud are evoked. In his book *Counter Hegemonic Discourse from the Maghreb: The Poetics of Kateb Yacine's Fiction*, Bernard Aresu maintains that there is a lot of "appropriation of Baudelairean idioms in Nedjma" from *Spleen of Paris* and *Les Fleurs du Mal* (24-25). Aresu dedicates a chapter in his book to the traces and palimpsestic elements from Faulkner which can be found in Yacine's *Nedjma*. He argues that repetition, disjunction of time, the polyphony of voices, the dichotomy between the city and the country, syntactic syncopation and other elements of style in Yacine are to be found in Faulkner's *Sanctuary* (Aresu 39-47). In the language section in this chapter titled *Undistortability and Untranslatability*, the proliferation and wandering of signs and of language will be foregrounded to demonstrate how the inverse of myth restores the signifier as it is to act by itself without being represented by grammatical forms and without stealing the particular experiences each sign and each individual have on their own. binaries disappear and lack of self-identity is privileged over a conscious self-present subject, of actualization and origin.

Undistortability, Untranslatability

Most of the colonial novels that wrote about Algeria wrote in a logical, well organized and traditionally structured language which seems to privilege one point of view, that of the all-knowing omniscient and omnipresent author, a single "I" that can

judge, form the native and establish itself. By looking at the colonial literature, which abounds, it won't be hard to see how French colonial literature mirrors the language of the law we encountered earlier. The native is uncivilized, barbaric, has no laws, lazy, uncouth, cannot self-determine, has no legal rights, punishable if decided to rise against the colonizer. Both Philip Dine in *Images of the French Algerian War* and Peter Dunwoodie in *Writing French Algeria* have comprehensively examined all forms of literature, writing and films written by the French on Algeria, and a few examples from their works would suffice to demonstrate the likeness of literary language to that of the law. Works of authors such as Tocqueville, Hanoteau, Letournaeaux, Gautier, Fromentine, Masqueray, Pomel, Jean and Jacque Tharuad, Louis Bertrand, Jean Brune, Jean Larteguy, Servin-Schreider and many more were scrutinized for their language and what it did to create the ideology and fiction of French glory and righteousness of violent acts. Dine and Dunwoodie work on language reveals how literature perpetuates mythology and tropes about the other established by the law. The battle of Algeria as Dine explains is "the battle of the written word" (Michel Courzet qtd in Dine, 7). Dine even argues that the texts he analyzes perform "systematic exploitation of complex structures of linguistic and cultural codes" (11) to perpetuate the mythology and propaganda that consolidated the French beliefs in the law and the French nation.

Dine draws on the myth of the paratrooper, the colonel, the intellectual to demonstrate how their violence was justified as a form of legality, 'self-defense' and "security of the French nation". The paratrooper and the colonel that tortures was justified not only because their actions were justified as a form of self-defense against a

cunning, barbaric enemy (*Images* 24-37), but also by highlighting the soldiers' guilt after killing someone, and that they were forced to kill by the action of the "Muslim terrorists" (73). More importantly, language in those works emphasizes the nature of the native as barbaric, dirty, dishonest and the likes (179-181-183-187). Any injustice or abuse by the French was explained as error not as the essence and very foundation of colonial law and imperialism. French authors stereotyped the Algerians and turned land and women into an object for the perception of the colonizer (Dunwoodie, 60). Such authors enforce European superiority, polarization between the self and other, the justification of the eradication of the Algerian other, and the effacement of any human reference in relation to the Algerians (Dunwoodie. 95-230). One of the worst forms of representation that were done against Algerian people was, like in Camus, denying them any existence by not saying a word about them in those texts and denying them any agency (Dine, 89-101). Language in all the detailed and comprehensive examples these two studies include is structured to ensure absolute comprehension and knowledge or complete erasure of the Algerian. Everything as Dunwoodie and Dine show is written in complete sentences, portrayals that reduce the other to understanding and closure and coherence not only of the idea, but of the person in that language. The structure is finished, and language leaves no room for it to untie itself, and the semantic structure is obsessively governed. This type of writing strives to "subdue and control language" (Almond 519-520). In other words, language is weaponized to invert reality and to de-historicize Algeria, "eradicate the indigenous population, colonize the past and seize the future" (Writing 91-91).

Language was not instrumentalized to only control the native, but also space as replacement for the other (*Dunwoodie* 52). Space became an alternative construct and a substitute for “the otherness which cannot be controlled” (*Dunwoodie* 52). Language, In *Nedjma*, reappropriates the tropes of dereliction and unproductivity to express a meeting of both modernity, despite abandoned, and the endurance of earth over man-made structures. Incompatible elements converge and exist in contiguity not separation. Also, the language of the text lacks unity, coherence and overarching themes. One of the most important examples of the disparate and incompatible elements of language presents itself is the passage that describes the villa, which is named after Nedjma,

La villa Nedjma est entourée de résidences qui barrent la route de tramway, au bas d’un ---- en pente douce, couvert d’orties : c’est un rez-de-chaussée de quatre pièces donnât sur un couloir, qui débouche d’un même côté vers un jardinet inculte et une terrasse, où l’on grimpe par un escalier vermoulu, pas plus solide qu’une échelle ; les murs écailles ont des tons d’épave dans un épais jaillissement de verdure ... émergeant de la broussaille que les bivouacs des vagabonds et des nomades ont tondu, calcinée, réduite à l’état de remblai, sans venir à bout des jujubiers et des cèdres penchés en arrière, coureurs éblouis à bout d’espace et de lumière en un sprint vertical, le tronc dégagé, les branches tendues vers le sol, en épanouissement hérissé des figes de Barbarie, (*Nedjma*, fr p.65-66)

The Villa Nedjma is surrounded by residences which cut across the streetcar tracks, at the bottom of a gentle slope covered with nettles, the ground floor has

four rooms off a corridor which turns so that it too opens onto an overgrown garden and a terrace with a worm-eaten staircase no better than a ladder.... Emerging from the brush which the tramps shanties have sheared away, burned to ashes, reduced to a cinder bank, without quite extinguishing the jujube trees and the twisted cedars, dazed runner out of space and light in their vertical sprint, trunks bare, branches stretched toward the ground that in spring is dotted with Barbary fig... the whole noon bombardment, concentrating its fire, does not exhaust the thick shade of its irresistible suction nor the conflagration's desperate thirst for air... (Nedjma, tr, 87) ”

The first few sentences in the first passage describing the villa illustrate a precise image of it, and the semantics indicate clear meaning: how the object in question appears to be. However, we find that meaning and unity are destabilized in the first place by lack of full stops. The entire passage, even the un-cited parts here, is written in one long run-on-sentence that goes on for about a page and a half. Instead of separating, we have a bricolage of aspects of modernity and of the past coming together. Inhibition of progress and progress, the sacred and the profane all exist on the same plane. Unlike the discourse obsessed with separation and negation of otherness and of controlling the threatening other, the one (modernity represented by the Villa) coexists with its other (nature) simultaneously. Moreover, we can find words such as “tramway” “residence” “barren” “tries”. The verb barren, from “barrer” unlike what the translation says “cuts”, it also means to “block”, to “cross out”. The houses are putting up resistance to colonial industrialization, barring its progress. It also signals the difficulty of effacing the

indigenous people. Then we have abandonment, “inculte: uncultivated”, “vermoulu: warm eaten” and “épais jaillissement de verdure” outcrop of moss. In a syntagmatic plane, life and death are occurring next to each other, and « e la broussaille que les bivouacs des vagabond et des nomades ont tondu, calcinée, réduite à l’état de remblai, sans venir à bout des jujubiers et des cèdres penchés en arrière » there is life in the shanties that vagabonds built, but death to the bushes that were burned. Yet this death did not reach cedar nor jujube trees. Two trees which live long, and they can always bear fruits. In this sense, in language, life and death do not happen in a linear fashion, nor in a causality chain, but all at once, killing and regenerating.

The vegetation here seems to be protecting the villa or discouraging the encroachment of the symbols of colonialism such as the tram. Equally important here is the disruption of hierarchy on the part of nature. The jujube tree has no problem stooping down to earth.¹⁸ The binaries high/low, tradition/modernity, abandonment/ life all coexist.

A telling passage that explodes with disparate elements is describes not only Nedjma the characters, but Nedjma the text and Nedjma the entity which is present/absent, doing and undoing itself at the same time, sending herself and folding back, complying and suspending herself, submitting to the sign and circling and re-circling, existing and not existing,

¹⁸ Kristine Aurbakken has give a similar reading of this passage in her book *le lecture de Nedjma de Kateb Yacine*. She maintains, “le tableaux u paysage marin qui fait suite a elui du jardine inculte” vient exaspère cette effervescence souterraine, la juxtaposition d’image puisées a deux ordres de réalité le profane et le sacre” (74)

Étoffe et chair fraîchement lavées, Nedjma est nue dans sa robe ; elle secoue son écrasante chevelure fauve, inlassablement, à chasser l'atmosphère, ou tout au moins à la faire circuler, Nedjma, s'en prend ensuite à un moustique, avec un mouchoir dont elle s'évente en même temps ; épuisée, elle s'assoit à même le carrelage ; son regard plonge dans l'ombre.... Les seins se dressent. Elle s'étend. Invivable consommation du zénith ; elle se tourne, se retourne, les jambes repliées le long du mur... (N, fr p.67)

Garment and flesh new-washed, Nedjma is naked in her dress; she shakes her stifling auburn hair, opens and closes the window; as if she were trying endlessly to drive the air away, or at least make it circulate by her movements... Nedjma attacks a mosquito with a handkerchief she fans herself with at the same time; exhausted, she sits on the tile floor, her eyes staring into the darkness, she hears the bushes rustling; "that's not the wind..." Her breasts rise. She stretches.

Unendurable consumption of the zenith; she turns, turns back, her legs stretched along the wall. (89)

Unlike colonial texts in which the subject appears to be self-determining, self-reflecting, precisely, self-knowing, precisely like the European subject of legality, the above citation, however, does not claim the capacity to represent and understand the figure, because the figure is unknowable. 147 is incoherent, hidden, unrelatable and unexplainable. Nedjma begins by veiling and unveiling, "Nedjma est nue dans sa robe" she is naked in her dress. The dress conceals, and nakedness reveals. She is both

covered/absent and revealed/present, just as she would be for the entirety of this text. She is the forbidden arrival (67) and when she says things, her words are never clear. She also appears through the discourse of others, which in itself is incoherent and impenetrable. Not to mention that she will end up taken to the Nahdor tribe and concealed there (150-199) Similar to the above passage, there is one long sentence with so many actions happening at once. A sentence would finish an action and start another chronologically. Here, nonetheless, with no stoppage, the actions are all exploded into one another as if she is doing all of them at once. The sentence is marked by absence of any time adverbials which would put action in order. The verbs in the description of Nedjma are in present tense: “ouvre”, “referme”, “cherche”, “prend”, “entend” etc. Language presences, but it presences what already is and is not. It makes time immediate. The present tense already indicates the cyclicity of the novel because the past and the present are included in its contours. The present tense is not really an action, but a concept. It tells of something at all times, past, present and future. Past and future have their presence in a linear time, but in a cyclical time they are consumed under the present. The present tense makes her actions permanent and eternally happening as it implies non-isolated events. It is a moment of self-presence that is doubling and redoubling itself from the start. Then lyricism interjects and interrupts the already ruptured chronology of time. Yet, it is a lyricism whose referentiality is not the emotional “I”, but the person described, Nedjma. Two short poetic sentences, “Les seins se dressent”, “Elle s’étend ». The two verbs “rise” and “stretch” travel across the paradigmatic and syntagmatic lines at the same time. She is everywhere and nowhere. Charles Bonn argues that the characters in

Nedjma move along two axes “axes syntagmatiques : celui de l’anecdote des 4 amis qui débute au chantier, et aux paradigmaticques de la mémoire mythique de cette anecdote des 4 amis ” (39). So, the text, language and characters travel her path, a path that marks absence and presence, the path of what is not. Nedjma, or revolution begins by being undecided, by not deciding and by making things cross over into each other, contrary to the subject of the law that is decided, nonoppositional and self-determined.

Right after those lyrical fragments, we have another fragment of a sentence, “Invivable consumption du Zenith”. The phrase discusses Nedjma again, however it does not explain what this zenith is: a highpoint, a meridian, a flower, an apex, a point directly above the observer, and since the word seems to have interrupted the logic of the sentence, without having any referentiality, the word could be all of the meanings and none of them at the same time. The sentence’s referentiality is interrupted, an anacoluthon, since it does not refer to something before it, nor anything thing following it, unlike the law-affirming colonial works that are imbued with signification and referentiality to a subject that stands in opposition to the other. The sentence does not explain who or what is consuming this Zenith, is it Nedjma? But Nedjma, star , is itself a celestial body. So, is someone being consumed by Nedjma? Or is she consuming herself? Is it the zenith that is doing the consumption? Zenith also designates that high point in the sky, but this high point does not truly exist. It rotates, changes places according to the place and time of the observer. Consequently, whoever is becoming a part of that zenith is becoming a part of a trace, of something which is never fixed and in constant withdrawal from itself. Then from consumption, eating, making a part of oneself to

turning and turning back, folding up and stretching again “tourne”/ “se tourne”, “replié”/ “le long”. Nedjma turns and turns back or returns just like the temporal structure of the novel. It is not only this back-and-forth movement, but at once she folds up and stretches. The translation uses the word “stretches” to mean “replié”, but the word could also signify turning down, folding up and withdrawing. There is always an otherness in the contiguity of signs in *Nedjma*.

In between the description of the house and that of Nedjma there is a passage describing the river and the sea in a surreal language,

À Seybouse miraculeusement engraisée s’y délivre, en averses
intempestives de fleuve à l’agonie, vomi par les rivages ingrats qu’il a
nourris ; extatique, d’un seul et vaste remous, la mer assombrie mord
insensiblement dans le fleuve, agonisant jaloux de ses sources, liquéfié
dans son lit, capable à jamais de cet ondolement désespéré qui signifie la
passion d’un pays avare d’eau, en qui la rencontre de la tient du mirage “
la Seybouse et de la Méditerranée tient du mirage, l’averse surgit en
trombe, dégénère, éternuellement avorté, les constellation se noient d’une
nuit à l’autre dans l’embrun (Nedjma, fr, 66)

The miraculously impregnated Seybouse here delivers its unseasonable
showers of a river in agony, vomited up by the ungrateful shores it has
fed; ecstatic, in a single huge swell, the darkened sea imperceptibly eats
into (bites into [my translation]) the river, *dying* [my translation] jealous of
its springs, liquefied in its bed, forever capable of that desperate

undulation which stands for the passion of a country sparing with its waters, where the meeting the Seybouse and the Mediterranean has something of a mirage about it; the shower rises in a whirlwind, degenerates into an abortive sneeze; the constellations are drowned from on night to the next in the damp, refined like flotillas in the vaporous camouflage.”(Nedjma, tr, 88)

The landscape, which was also subjected to control and distortion by colonial powers is recalcitrant to translation here. Perplexity and confusion, a flood of shocking images “le déferlement d’images choc” (Aurbakken 74) are all around this passage. It delineates lack of control and a failure of any authority in words such as “vomit,” “extatique” and “avorté”. Also, unwrapping the signs of the above passage, noticeable is the alternation between the fixed and the regenerative, the transient, the “transcendental and the daily”¹⁹, the fertile and the sickly “vomi”, “agonisant”, “ses sources” etc. Language becomes unruly, errant and chaotic. The signs which are supposed to create grammatically logical and signifying sentences point elsewhere. Sentences keep building up, subjects (the grammatical subject) are compounded, a dynamic movement characterizes the relations between subjects, only to end in becoming a string of abstractions. This passage reflects nothing but fragments of reality which overlap. Multiple terms are present together, and this defers decision. This means that one cannot determine the leading term, the leading description which leads to the leading meaning and the single, uncontested truth of the passage. In this play of words, language is a split in the notion of self-sameness. It allows

¹⁹ The terms were borrowed from Bernard Aresu’s *The Poetics of Kateb Yacine*.

for the coexistence of heterogeneous elements, whereas colonial law and colonial literature assert the homogeneity of identity, of the self that is always opposite the other, of a self-determining legal subject that cannot exist or be treated at the same level as the other. This is not to say that the “other” is something outside the legal subject. The so-called “savage, barbaric, underdeveloped other” is within the legal subject because the latter must constantly construct itself in opposition to the former. But it is to say that the legal subject denies heterogeneity for the sake of the simplicity of a decision and accessibility to understanding. Language here asserts that reality cannot be construed by simple oppositions.

This plethora and ecstasy of signs witnessed in the previous passages is not only mirrored in other passages, but also mirrored in convolutedly long sentences. The following is only an excerpt of a thought, several thoughts or perhaps only images which continues moving for three pages, and it oscillates between a description of the city to the description of a man.

Prémices de fraîcheur, cécité parcourue d’ocre et de bleu outremé
clapotant, qui endort le voyageur debout face au défile métallique et
grouillant de l’avant-port ; la voie fait coudé vers la mer, longe la
Seybouse à son embouchure, coupe la rouette fusant en jet de pavé
scintillant gain par grain, sand le terne avenir de la ville décomposée en
îles architecturales, en oubliettes de cristal, en minarets d’acier repliés au
cœur des navires, en wagonnets chargés de phosphates et d’engrais, en
vitrines royales reflétant les costumes irréalisables de quelque siècle

future, en squares sévères dont semblent absents les hommes, les faiseurs de tous et de trains, entrevus dès très loin dans l tranquille rapidité du convoi, derrière les moteurs maître de la route augmentant leur vêtisse.....le voyageur est entouré de porteurs qu'il n'entend ni ne repousse, le voyageur est surexcité, sur sa tignasse fumant et dure, le soleil soulevé un colonne de poussières, à elle seule, pareille toison, qui n'as pas est peignée de longtemps a de quoi irriter,... Sous les boucles, les sourcils en accent circonflexes, des lignes profondes, parallèles ainsi que des raille intérieurs, absorbés dans un séisme (69-70)

First fruits of coolness, sightlessness streaked with rippling ochre and ultramarine that soothes the traveler standing opposite the metallic, flickering strait of the outer harbor, the tracks turn toward the sea, follow the Seybhouse at its mouth, cut across the road, a burst of pavement shimmering grain by grain in the somber future of the city decomposing in architectural islands, in oubliettes of crystal, minarets of steel screwed into the heart of ships, in trucks loaded with phosphates and fertilizers, in regal shop windows reflecting the unrealizable costumes of some future to come, in severe squares where human being, makers of roads and trains seem to be missing, glimpsed in the distance from the train's clam speed, glimpsed too behind the wheels of cars, masters of the road.....the traveler is surrounded by porters, he neither hears no pushes away, the traveler is

overexcited, the sun raises a column of motes above his steaming mop of hair, long, uncombed, such a fleece is irritating enough.... Under thick curls the circumflex eyebrows have something of the third-rate actor about them; deep parallel lines, like inner rails, absorbed in a seism (earthquake, *my emphasis*). (Nedjma, tr., 93-94)

In this make-you-run-out-of-breath long sentence, anacoluthon is abundant and detours in phrases proliferate. The diffusion of images in the passage posits possibilities of different subjects (tracks, Seybouse, human beings, markers of roads), and postpones, if not confuses, the main point to be made about the subject. Not only is the subject delayed but multiplied. None of the subjects marginalized the other in order to sustain its own authority. No subject stands in opposition to another subject. Nor do they, like the law, negate the other to justify one's own existence. To make this point clear, in the lines developing a description of landmarks, materials and human edifices, an inversion of the structure of a sentence is taking place. The subject, the human beings "les hommes", and the verb "semblent absent" are positioned after an enumeration of possible spaces those people can be at. Yet even this subject verb relation is ruptured. Just when we think we are introduced to the subject and the verb; we realize that there is a possibility of another subject "les faiseurs de route et de train". It is hard to determine whether this phrase was a description of the people, an appositive that only adds information about the subject, or if it is the subject of the verb "semblent absent". In the language of the law, and the colonial literature, the subject should be fully disclosed. In fact, the literature that Dine and Dunwoodie examine (see above 5-7), the subject has to be absolutely knowable, of

an exclusive identity, and literature is what imparts the type of knowledge the reader receives about the French subjects regardless of their status. In the case at hand, though, the disclosure of the subject and any knowledge of him/her is delayed, turned around and never comes to completion.

To make matters more complicated, after a contiguity of ambiguous metaphors, descriptive phrases and the collision/ juxtaposition of absence and presence “et reflétant les costume irréalisable de quelque siècles futures” and secrecy and death with light, the above with the below “en oubliettes de cristal,” the subject²⁰ of the sentence is not only muddled with another, but it muddles the sentence that comes after it. The sentence begins with the passive voice, “entrevue” which could either refer to the human beings, the makers of the road, or to something that will follow later. This chaotic positioning of language is how poetry breaks with language rules. No element is given authority over others, structure divides itself and language is more compressed and is full of twists and turns. Here, grammar that creates myth is absent and is replaced by a form of language that does not perpetuate and establish narratives about the other like the law does.

Estrangement, doubling, deferral and anacoluthons in language continue. The traveler fragment from the passage above brings another form of language alongside the stream of consciousness and poetry, and that is satire. In describing the passenger, the narrator says, “sur sa tignasse fumante et dure, le soleil soulève une colonne de poussière, à elle seule,.... Sous les boucles, les sourcils en accent circonflexe, des lignes profondes,

²⁰ Subject here does not refer to the person or individual as subject, but merely the doer of the verb in a sentence.

parallèles ainsi que des rails intérieurs, absorbés dans un séisme. » First, there is the image of his hair being mop-like. The man is not an unideal model, and once again hierarchy is broken by leveling the man with the mop. Then there is the connection between his hair and the sun. as if responding to the condition of his hair, it raises a cloud of dust as if expecting the hair to mop it. The comical image continues when we are told that his eyebrows look like the accents that resemble a hat “accents circumflex” which is placed on some letters in French words to indicate a missing “s”. His body is out of his control, taken over by language and by the outside world since the lines on his forehead are like rails. The body of this traveler, nonetheless, is not only grafted by language and the outside world, but he imposes them too. This passage then ends up being like an earthquake which leaves nothing intact, and no connection unsevered. Indeed, these three pages are an earthquake of language forms in a gallimaufry.

Heaps, explosions of signs and perplexity of *langage* are happening throughout the entire books. A frenzy of shattered sequence then exploding forms are repeatedly and incessantly taking place. In another example, not only do we have two forms colliding, prose and poetry, but more anacoluthon in narrative pronouns, in verbs and most importantly in the poem which suddenly interrupts the expected sequence of events. Lakhdar who narrates also plunges into memory and interrupts his own narration with a long poem, setting him off track as if he had been possessed. Chapter III of part II begins with the narrator recounting a fragment of the happenings that led to Lakhdar going to prison. The narrative alternates between the narrator’s voice who is telling us about Lakhdar, Lakhdar suddenly interjecting, breaking the absence that the “he” of the narrator

sends him to. In other words, a polyphony of “il” and “je”, an unceasing digression between absence “he” and a chimera of presence “I”. (52-53). The shifts between pronouns gives itself to a shift between tenses, a wandering between actual time and timelessness, and an interruption of sequence making the narrator a wandering nomad among verbs and times. A few examples will illustrate. The first sentence has a past tense verb “s’est arrêtée”, then it is immediately followed by a succession of present tenses, “ile ne soufflent”, “ne peut”, “le pousse”, “se voit” and so on. As such, the frame of the events remains concealed, and his story is on the threshold between the past and the present.

This movement between past and present mirrors the ambiguity of the past and the struggle to remember it. Law and colonial literature unifying order subsumed the past, defined it and gave it representation, blocking any possibilities of how reality may or may not have been. Bringing the past and the present together not only challenges the false sense of control over events but emphasizes a link between the past and the present. Lakhdar goes into a remembering episode in which he recalls the first time he was imprisoned a year ago and what led to it. No sooner however, Lakhdar’s memory deviates to another memory or rather a wish intertwining with a memory. The poem is two pages long (53-54), and selection of which goes,

Fallait rester au collège, ou poste	I should have stayed at school, at my job
Fallait écouter le chef de district.	I should have listened to the district chief
Mais les Européens s’étaient groupés	But the Europeans had ganged up

Ils avaient déplacé les lits.	They had <i>displaced</i> .
Ils se montraient les armes de leurs papas.	They were showing each other their father's weapons
Y avait ni principal ni pions.	There was no <i>leader and no peons</i>
L'odeur des cuisines n'arrivait plus. ----	<i>The smell from the food does no longer reach</i>
Ils avaient peur de nous, de nous, de nous !	They were afraid of us, of us, of us!
---- je battraï avec du sable et de l'eau.	I'd fight with the sand and the water
De l'eau fraîche, du sable chaud. Je me battraï.	With the cold water, the hot sand. I would fight
---J'étais une puce.	I was a flea
Une puce sentimentale.... les fleurs des peupliers...	A sentimental flea... the poplar blossoms
Les fleurs des peupliers éclataient en bouffe soyeuse....	The poplar blossoms burst into silky <i>padding</i>
Je voulais qu'il oublie sa faim. Je faisais le fou. Je faisais le fou devant mon père... je bombardait la lune dans la rivière. (Nedjma, fr 53-54)	I wanted him to him to forget his hunger. I clowned. I clowned for my father I bombarded the moon in the river. (71-72)

Assuming prison is Lakhdar's reality, the flight of imagination and backtracking to a memory of tortuous images make it impossible to capture its meaning. The world of abstraction exemplified by the images toward the end of the poem does not essentialize nor absolutizes the subject or his/her memory. The prison episode, as well as several encounters with the French foreman and his daughter, fix the native in definitions such as scary, barbaric, violent and so on. This poem destabilizes such fixities by conveying the complexity of the native's past, life, and memory. Lakhdar mentions people who are in prison with him, "le gargonnetier était attaché avec moi, nous étions enfermés au centre" (52). In a prison cell, he is thinking about food, and in some of the parts that are cut out from the citation above, there is a part in which the memory strays to his father only thinking about food and about his stomach. This buffoonish image interrupts the gravity of his situation. He becomes detached from himself. The last few lines of the poem end in a cryptic image, "je faisais le fou. Je faisais le fou devant mon père le paysan. Je bombardais la lune dans la rivière, ». We are confronted with the impossibility of understanding in this last statement. How did he play the fool? When? What does playing the fool mean? What is bombarding the moon in the river? This sentence alone is made up of detached elements that posit nothing but themselves and have nothing in common except that they are compressed together in this narrow space of a sentence. The poem enters into a dialectic with itself, tears itself apart in that it encompasses the ordinary and prosaic (an in straight forward) description of a wish, and moves to an imaginative metaphorically explosive end. More to the point, the elements in that sentence are irreconcilable and incompatible, yet they could co-exist in the same space. Lastly here,

the poem marks that inversion of what actually happened to Lakhdar and the others and what might have happened, the subject is always on a threshold between possibility and actuality.

The eruption of semantics and “elements of discrepancy”²¹, and of leaving statements unfinished or non sequiturs, the dynamism between the events only underscore the inexpressibility of both reality and experience. Whereas law renders the native coherent, and their reality fixed, language here shows their lives to be more complicated, un-compartmentalizable, and their realities and experiences ineffable. Language evinces such ruptures when the foreman at the construction site is screaming at Suzi, the daughter of M. Ernest who runs the place, then a sudden jolt takes us from the violence of screaming and order to a description of the sky, sunlight, fertility. The orderable and the orderly, the determinate is colliding with the regenerative and the uncontrollable (Nedjma, 13. tr, 17). Collective voices and other ruptures (or parabasis since it seems like a chorus has taken over) in other situations unexpectedly crop up. A group of prisoners, for example, break into singing amidst a commotion after a stabbing takes place in prison. Two violent conditions, being in prison and the murder, and a song “les bagnards chantant dans la cour. *Mère le mur est haut*. Ils chantent dans la cour. *Mère e le mur est haut*. Ils chantant...”(Nedjma, 40-41) “the convicts sing in the courtyard. *Mother the wall is high*. They sing in the courtyard, *Mother the wall is high* ". The song is performative in that it interrupts violence, blocks it from exerting its totalizing nature onto them or the situation. It imposes itself onto the scene and detracts not only from the

²¹ A term borrowed from Kristine Aurbakken.

progression of the action, but from the illusion of violence as having absolute control. In fact, the entire chapter is marked by collective voices and language forms. It moves from a narration, to dialogue, to singing, and to dialogue again between unknown people. The parabasis repeats itself again in a situation of violence where the collective voice forces violence into the back scene. “*Attendre quoi ? Le village est à nous, vous les riches vous couchez dans les lits de français, et vous vous servez dans leurs docks..... Que les chefs montrent le chemin, assez dormis, attaquons... le village venait tout entier à notre rencontre, les gens avaient bien changé, ils ne fermaient plus les portes derrière eux, c’était juste le jour du ...* » (Nedjma, 56-57). The quote in the book is actually moving like a pendulum between italics and regular print. This movement between heterogeneous styles in writing mirrors the heterogeneous signs, phrases, clauses, voices and individuals coming together despite being different. It mirrors the fact that all voices, experiences, realities can and must be heard, and that different truths can exist, and the only voice that speaks for the multitude is the voice of the multitude.

Keeping with this multitudinous reading, the frenzy of form, of swinging between dream and reality, sacred and profane, immutable and constantly regenerating is found in chapter X in part II of the book. Mustapha and Mourad are talking, and the latter is telling a story. Suddenly, Mustapha stops listening and enters his own thoughts. Instead of continuing the narration despite Mustapha’s action, the stream of consciousness, in fact, shadows that narrative and moves it to another realm. Once we are in Mustapha’s head, Mourad’s discourse is not obstructed or occluded. Rather, it is taking place in the background. There is no master narrative, but that it can always be substituted by another.

And so not only language is freed from a fixed beginning and end but are the people that this language posits. Mourad's narrative, which was put under erasure here, soon tries to assert itself and picks up in a place whose chain of progression is left as a trace to us. This assertion however is soon interrupted by the movement of another character, Rachid, to allow for another chain of signs to take over (Nedjma, 72-73, tr. 97). Hence not only the authority of a single narrator is put into question, but also the authority of a sign, of a chain of signs and of discourse in general since there are boundless ways in which substitution can happen.

Nedjma constantly reminds us of the impossibility of constructing a coherent identity or subject and of the potentiality of misreading which keeps potentiality open. The breaking of boundaries continues when Rachid's memory interrupts the seriousness and structure of a grammar class. Again, the grammar class is still in the background, but its authority is undermined by the intrusion of the memory (Nedjma, 163-166, tr. 217-220). The impossibility of limitations or containment plays itself out in other fragments where metaphor, description, stream of consciousness, run-on-sentences and dialogue come together. Every form is provisional and is only there to make room for another as can be illustrated from looking at chapter viii in part IV (Nedjma, 151-159, tr. 200-211). One could see there a pastiche of images, a tapestry of complicated semantic combinations and non-sequential events. Noises conflate with quietude, the intransigent and uncompromising with fecund, the permanent with the transient, the lethargic with the staccato. And this staccato movement snatches away at the text not only in terms of sentences or just unpredicted intrusions, but we see it in whole chapters. Indeed in part

III, seven exceptionally short chapters (iii, iv, v, vi,vii,) straddle the space between more compressed ones (Nedjma , tr. 122-126). These chapters are spoken or written by Mourad and the importance of this movement will become clear in the next section., titled In Her Image.

It is the cohabitation of parabasis, destructions of order, anacoluthon, streams of consciousness, poetic passages, forms within forms take place because the entire text is constructed in this constantly simultaneous occurrence of construction-deconstruction, collapsing of heterogeneous components into each other, contiguity of unrelated irreconcilable elements, explosions of signs and semantic ruptures, interruption of narrative sequence, irony, polyphony of narratives, frenzy of forms, collective voices and staccato movements, that make up the language of *Nedjma*. Not surprisingly then that in a book with such richness that one can also find order, completed sentences and well-behaved signs which are put in chains of straight forward meaning, chronology and clock-like description. This path from one sign to another, and one narration to another is significant and suggestive because it draws attention to a limiting and authoritative language. It is to be found in chapter III part I of the book (Nedjma 15-18, tr. 20-24). It is a description of one of the French people who ran the construction site where the four main characters of the novel worked. This episode is expressed in a sentences that have connections to each other, a cause and effect, with adverbs of time and conjunctions subordinating one action to another, sequencing them to facilitate understanding and to paint a clear image of M. Ricard's life, "Avant d'ouvrir tout à fait les yeux, il se tâte les poches, caresse le briquet, les cle de son infranchissable appartement" (15), "Before his

eyes are completely open he pats his pocket, fingers the lighter, the keys to his impregnable apartment...” (tr. 21) /"Après avoir ingurgité un bol de café au lait, M. Ricard inspect ses provisions, tandis que.....” (17), “after gulping down his café au lait, Monsieur Ricard examines his provisions while the maid.....” (Nedjma, tr. 23). A subject of proper order appears, the French subject. The passage reflects the reality of a determined and constrained self whose life is calculated by law. Juxtaposing a passage that facilitates access to the French subject with another passage that confuses connections and delay disclosure of events and subjects can be seen as a refusal of the Algerians to assimilate to the modes of conduct and standards of life the French want to impose on them.

To conclude this section, it would not be wrong to claim that this poetic explosion in *Nedjma*, the name and the title of the book, is an aspect of what pure language is, the thing itself. In “The Task of the Translator”, Benjamin argues that pure language is like a circle and translations are the tangent lines that touch it but then take their own path. (Benjamin, 261). In a similar vein, Agamben in *Potentialities* argues that the thing itself is not, “something that transcends language and has nothing to do with it, rather it is something that is not confined to a language that is fixed, unchangeable. It is not the saying but the sayability, the openness in language” (Potentialities, 31-33). But what is crucial about this thing in itself is that this “itself” is already deferred, a trace and an erasure which endlessly allows signs to substitute each other. In this light, Algeria expresses itself in complexity of identities, diversity of ways of life, relentless changeability, and of multiple historical forces that cannot be stopped by the simple

fictional narrative invented by the law and the literature that consolidated it in the French imagination. *Nedjma* posits a form language which Agamben maintains is, “a hope, a writing consigned to infinite transmission” (*Potentialities*, 57). All the forms of writing, orality, musicality, poetics and so on in *Nedjma* are nothing but expressions of the unreachability of a single truth about Algeria. . The text is intoxicated, mad, wandering and multiple and only slightly gesturing toward *Nedjma*, who is in her own right is a lost presence that defers and sends out representatives, delegates who may or may not exist, and who, in return, become other deferred presences. The individuals in *Nedjma* the “subjects” are non-subjects, and the more they try to identify with themselves, the more delayed they are and more absent and veiled they are.

Created In Her Image

Law (international law specifically in this case) repeats in order to preserve its essence, which as we have seen is about confinement, definition, trapping the other in a reversed, mythologized form of knowledge in order to justify itself. In *Nedjma*, however, instead of repetition, there is fluctuation. Instead of a preserved essence, there is an essence that is absent through change and deferral. it is an essence that is absent, unseen, unknowable, veiling and unveiling. Ibn Arabi in discussing how God discloses himself says, “Self-disclosure never repeats itself” Wujud’s infinity demands that it never display itself in an identical manner in two successive moments or in two different things.” (*The Self-Disclosure of God*, Chittick 31). I am not suggesting here that *Nedjma* is a deity, but I am relying on what Ibn Arabi says of the divine essence to disclose the fluctuation and change we encounter in this novel, as well as its importance to a future of Algeria that

contains a multiplicity of 'forms'. Nedjma, the main protagonist becomes a quasi-religious figure in her absence, and the characters she brings into existence, who bring others into existence, are all absent, remain strange and undisclosed in their disclosure. Mainly, we can only know the veil in its unveiling. *Nedjma* engenders novelty of forms, or as Ibn Arabi puts it "To see [the entity: my emphasis] in His self-disclosure is to see a perpetual and never-repeated display of novel forms." (*Self-Disclosure* 57) as a rejection of the subject of legality and of legality itself. In fact, the four main characters this section will cover (Mustapha, Mourad, Si Mokhtar and Rachid) cannot be domesticated or made legible. There is nothing representational about them. They are like the main absent protagonist Nedjma- who effects the events and experiences they must go through- always splitting themselves, hiding away, depositing themselves in ways that defy any coherent reading, and always deferring (suspending) any disclosure of who they are. They all challenge the notion of origin, being imprisoned in a history created by coloniality and its laws, and by totalitarianism.

Nedjma imparts herself by dividing herself, by fragmenting her discourse and by ellipses of thoughts. She hardly appears or speaks; and when she does, the narration remains enigmatic. Instead of assuming the role of a "subject" or authority in the legal sense, she assumes the role of an unseen figure whose presence can be felt, but whose actions and thoughts are never predictable.

Remonter à la terrasse ? Trop de curieux.... Trop de connaissances dans les tramways..... Quel maladroït ! les fruits ont failli tomber.... Il avait les mains blanches, les ongles sales.... Agréable, sans cette taille de chimpanzé.... Pas d'ici,

évidemment. Chassé par sa famille ? cette façon d'économiser sa barbe...si
Kamal savait que j'ai donné cent francs à un commissionnaire ! ...Pourquoi l'ai-je
fait au juste ? Our l'éloigner... Je l'imaginai dépensant la somme dans un
mauvais lieu.... Je ne devrais pas sortir... une idée folle suffirait...un voyage...
Tout recommencer... Sans se confier à un homme, mais pas seuls comme je le
suis...Ils m'ont isolée pout mieux me vaincre, isolée en me mariant.... Puisqu'ils
m'aiment, je les garde dans ma prison.... A la longue, c'est la prisonnière qui
décide... (Nedjma 67)

Climb back up to the terrace? Too many onlookers.... Too many acquaintances in
the streetcars....how clumsy! The fruit almost fell out.. he had white hands, dirty
nails..... nice, without that chimpanzee figure.... Not from around here,
obviously. Chased away (but it could also be hunted by) by his family? That way
of cutting his beard. If Kamel knew I gave a hundred francs to a porter!.... why
did I do it, actually? To send him away..... I imagined him spending it in some
bad place.....I should not go out.... A foolish idea would be enough.... A trip....
Starting all over again.... Not entrusting myself to a man, but not alone the way I
am.... They've isolated me to defeat me, isolated me by marrying me....since
they love me, I keep them in my prison.....in the long run, it's the prisoner who
makes the decision. (*Nedjma* tr. 89-90)

There is no stillness, but a movement from one thing to another. This internal dialogue
she is having with herself is like the "universe" the divine creates which "fluctuates

endlessly and perpetually from state to state.” (*Self-Disclosure* 59). She expresses desire, perception, curiosity, regret, hope for change, authority, self-assertion and retiring. The ellipses which leave substitute the sentences or the thoughts she did not express repeat the concealment, disclosure theme. Still, behind this constant withdrawal and wandering, there is a work of domesticating and subduing her. The true Nedjma is wild, knows no barriers, but she is constrained by all the obstructions erected around her and by those who want to keep her as their captive. More strikingly is that nothing in her discourse has an originary point apart from ensuing from her. Her discourse mirrors her own non-originary origins. Nedjma was born to a French mother and a man called Si Mokhtar (the chosen or elect one) (*Nedjma*, tr. 130-133). The name of the French mother is unknown, but we are told that she was the wife of some important French official, and her father is not only a [buffoon] as we shall see, but possibly the father of Nedjma’s husband, Kamel (131). Nedjma’s origin is multiple, and imbued with stories of orgies, rivalry, and incest. Not to mention that the journey for liberation Nedjma secretly desires will subject the characters to their own journeys and wandering and will guide Rachid and Si Mokhtar to grant her her wish that she never spoke of. She is this unknown force which gives force to and pulls all those close to her.

Just as Nedjma conceals and reveals, folds and unfolds, so do the four characters that will be discussed here. Just as invisible and changing she is, so are the four men around her. Each of them repeats the whole and is a whole in their own right. But their repetition is always a new creation, “In their new creation, the things are not exactly what they were in the previous creation because “self-disclosure never repeats itself” Wujud’s

infinity demands that it never display itself in an identical manner in two successive moments or in two different things.” (Chittick 31). They go on forever having no beginning and no end, but in a state of “perpetuity” (Chittick 129) even though they “are confined to their own realities” (Chittick 70). In fact, they are all undefinable, unregulatable and are bound together. They exist in a pre/extra subjective, pre/extra legal status. This status is a gesture toward a pre-originary moment, prelaw type sociality. Nedjma is the “locus of manifestation of entities, and so they become manifest just as forms become manifest in mirrors.” (Self-Disclosure 214), and, indeed, their names, Mustapha, Mourad, Rachid and Mokhtar all indicate the chosen and wise, and every none self-disclosure about them is mirroring Nedjma. However, they remain different in their self-disclosures from her.

The discourse of Mustapha, one of the main four characters, is undertaken mostly in writing. The name Mustapha finds its equivalent in “muntaqa”/” elect”, “mukhtar”/” the chosen one”, “al-mumayyaz”/” the distinguished, and he is the only character who writes journal entries. Nonetheless, his journal entries provide no self-reflection, no commentaries or perspectives on people that they describe. Rather he suspends them behind a language that seems to be merely stating facts about them, and he himself is suspended since no determination or knowledge can be made about who he is. Mustapha is invisible, and his invisibility challenges any appropriating and regulating attempts. He is permanently suspended yet can presence other while keeping them concealed. The journal entries are in chapter xi in part II (Nedjma 79, tr. 105), chapter xi in part IV (Nedjma 185-188, tr 247-252) and chapters iii, ix and x in part VI (229-236, 240-242, tr

307-318 ,322-324). These entries write people, write violence and attempt to write Nedjma. Despite parts of the journal being imbued with images of Nedjma, the journal entries are illegible. This does not mean that they cannot be read in terms of communicative language or cannot be understood. Illegibility here means that beyond the surface level of the sentences, which just tell us that the people, events and details exist, there is nothing that we can analyze in terms of their affects, thoughts, psyche and the like. Their relationality and rationality to each other, how they fit in the context of Mustapha's life or even in any of the other protagonists lives. Nothing is made possible, no one or nothing is written in ways that would allow us to encounter them or recognize them as legal subjects or just self-knowing subjects. In all of confusion, confounded manifoldness of people and things, Mustapha is an entity of impossibility and unreadability. He rarely reveals himself in his writings, and when he does, we cannot capture him, describe him, read him or even have a short view of who he is. He is always absent, delaying himself in his journals in order to write about others. In other words, just like "the knowers of [Her] never cease being in perpetual self-disclosure, because they know that [she] is identical with each form." (Chittick 227), he manifests anew with every form or state he engenders in his writing. In the first journal entry, Mustapha tells us of this merchant whom he lives with and shows the contradiction and corruption the merchant lives in "...depuis que son visage hypocrite m'est apparu," "Son seul mal c'est de vouloir souiller la créatures, frêle fille de seize ans" "le marchand me suit, craintif comme un enfant; ne l'ai-je pas surprise dans le plus vile débauche, lui si vertueux aux dires de ses amis ? Sacré marchand » (81-82). Mustapha continues writing about the

merchant, but all we know about him is that he likes to have people around his shop at night to discuss different subjects like politics, history, science and so on. once again, access to self-knowability is denied.

One or two things are revealed about Mustapha here, which are that he notices some maladies that befall society and that others think he knows things about different subjects, “Le marchand est prêt a bien des sacrifices pour une leçon de grammaire, de sciences naturelles ; depuis que j’habite chez lui, il a installé un tableau noir, et lance des invitations a toutes ses connaissances, afin que la présence du jeune savant qui je suis, à ses yeux, soit mise a profit.” (Yacine 80, tr 107) The only things we know about Mustapha are that he notices hypocrisy, “to sully or make dirty”, girl of sixteen years old and then his ironic tone toward the merchant calling him “paragon of virtue, and “holy merchant are indicative of Mustapha’s stance on reality. The other piece of information is that one person, the merchant, thinks he knows a lot. Even the last bit of information about Mustapha reaches us through someone else’s opinion, a detour from Mustapha back to him through another. Mustapha is not reduced to comprehensibility nor to a character whose values are concrete and predetermined, specified and aimed at a specific philosophy of life. He ceases being self-sufficient and cannot coincide with himself. Being an image of Nedjma, or rather controlled by this heterogeneous entity, Mustapha is bound to be elusive, and impossible to unfold into full understandability and legibility. In the same journal entry, Mustapha sees a girl being caressed by an officer and Nedjma seizes his imagination,

Au bar s restaure une vierge impatiente, a côté d'un commandant d'infanterie qui la caresse, je fixe la vierge et je vois Nedjma, comme si c'était vraiment elle: cheveux de fer ardent fragile chaud ou le soleil converge en désordre, ... seins immense, dresse ver Dieu, immenses et petits. Bouche de glace, fondant sous les baisers du commandant. Que viennent faire ces deux cochons dans ma chimère ? (Yacine 82)

An impatient virgin at the bar drinking, next to her an infantry captain caressing her; I stare at the virgin and I see Nedjma, as if she were really there: hair of glowing steel, delicate, hot where the sun strikes, Huge breasts raised toward God, huge and tiny. Icy mouth melting under the captain's kisses! What are these two pigs doing in my fantasy? (109-110)

Mustapha's psyche and his perspective on reality are veiled. He is haunted by Nedjma, who seems to interrupt his thoughts. He is describing her. Following that is a sentence, a fragment on its own, describing breasts. Instead of giving us clues about Mustapha, this statement only opens more questions: is he fantasizing about Nedjma? Is he describing the girl he sees at the bar since it is followed by a sentence telling about the girl and the captain kissing? Or is that statement a mixture of his fantasy and the reality he is witnessing? It is impossible to tell. This impossibility to decipher Mustapha runs through the entire entry. Even when he writes about others, his writing lacks reflections, intense affectivity, a completed experience, definitions or commentaries on actions or any entryway that could lead to a decisive knowledge of his attribute.

Furthermore, Mustapha discusses individuals who are illegible and estranged from the reader. In each attempt of revealing someone or something, what is revealed is limited since to reveal is also to re-veil or to present [Nedjma: my emphasis (in Ibn Arabi the word is Real) from behind a different veil" (Chittick 110). In one instance, he describes Kamel Nedjma's husband. The only information provided is that he plays music and lives with his wife. Then he presents Mourad, Nedjma's cousin and mentions what he heard from people about his leaving the villa because Nedjma was getting married. What is interesting, though, is that there are no reflections or personal opinions about these people that could reveal what or how Mustapha thinks. The absence of writing *about* people or reducing them to representation or categories of description is a counter discourse to that of the law that represents, creates a subject and establishes binaries. Through writing, Mustapha is absent. He remains a trace. So do all the people that he writes about. Mustapha does not attempt to represent the people he writes about or to claim knowledge of who they are. He just brings them into being without signifying them. Unlike the law that communicates the subject and hides nothing, Mustapha's people are hidden. He allows the lack of meaning to remain, keeping all the potentialities of these people always in the becoming.

Even when he attempts to say something about someone, and in this particular case, Nedjma, he is incapable of saying anything about her in terms that make sense. Nedjma, the indescribable that keeps proliferating itself is that which one must remain silent about, and if ever illustrated, it has to disclose itself in gibberish-like, interrupted discourse. And if she ever delegates anyone to speak for her, that one is invisible,

retreating from view yet recounting the lives of others who also keep retreating from view. The non-actuality does not only reject the “subject”, but also takes Algeria to pre-totalitarian origins where there is no origin which can unify be it be it imposed by the French or by some Algerians. Mustapha mirrors the whole, Nedjma, when his writing about her is enigmatic,

.... Incontestablement la fatalité de Nedjma provenait de l’atmosphère dont elle fut entourée petite fille, alors que s’allumaient les jeux déjà ravageurs de la Vestale sacrifiée en ses plus rares parures : la splendeur toute brute, les armes rutilantes dont on ne croit jamais que femme puisse se servir sciemment, comme si les flatteries de Lella Fatma et les faiblesses de son époux avaient fait de la fillette un objet quasi religieux.... Nedjma... réduite à la contemplation de sa beauté captive n’ayant que se jeux taciturnes, son goût de l’ombre et de rêves jaloux, batracienne pleine de cris nocturnes, disparue au premier rayon de chaleur, grenouille au bord de l’équation, principe d’électricité fait pour allumer tous les maux. Après avoir brillé, crié, sauté à la face du monde et affolé la male armée que la femme suit comme une ombre qu’il suffirait de franchir pour atteindre au zénith.... (Yacine 185-188)

Incontestably, Nedjma’s fatality derived from the atmosphere she surrounded by as a little girl, when the already devastating games of the Vestal sacrifice lit up [my choice of word] in her rarest splendor [my translation], the splendor all brute, the gleaming weapons which we cannot believe a woman can use knowingly, as if

the flattery of Lella Fatma and her weak husband made the little girl into a quasi-religious object..... Nedjma, reduced to a contemplation of her captive beauty having only her taciturn play, her love of darkness and jealous dreams, a batrachian full of nocturnal cries that vanished at the first ray of heat... a principle of electricity igniting every ill, after having gleamed, cried, leaped in the face of the world and crazed the male army which the woman follows like a shadow that it would only be enough to reach the zenith (247-252)

The passage is mystical, its parts seem a little unmeaningl. Mustapha confounds Nedjma with nature, with non-existing yet existing entity “zenith”. She is the point at which past and present, religion and nature converge “vestal sacrifice”, “principle of electricity”. At one point Mustapha refers to her as wild. She cannot be put into words. But she is also what makes anyone who attempts to talk about her sound incoherent, for how can one talk about the unseen? But most importantly, Mustapha is not present with himself, his thoughts and himself cannot exist outside of Nedjma and being with her means a total loss of reason.

Another entry, chapter iii, part VI (229-236, tr 307-318), by Mustapha which does not go into an affective psychological contemplation is an entry that writes the violence of the colonizer [the French] against the Algerian people. He repeats the violence exposing or disinterring the truth about the oppressor. Mustapha repeats a conversation he overheard between a group of French officials and one of his classmates in which they were talking about the Algerians. The latter were dehumanized beyond the status of animals, all brought under the same representation of being stinky while both alive and

dead. These French people are shown to be approving of Hitler's practices for one of them claims that these Arabs need someone like him to teach them a lesson, an allusion to agreement with genocide. Not to mention that they are horrified at the prospect of their children going to the same school with the children of those savage Arabs. Mustapha cites it, reciting each person in that conversation. He only becomes a repetition or an echo of the French people. What is more intriguing about this is that after he overheard the conversation, he writes that he ran down the hill exalted, "J'ai quitté le talus, si exalté que je me retrouvais au beau milieu de la route." (230, tr, 309). Not connected to anything that is expected, another anacoluthon, Mustapha's reaction following the revelation of the French is completely out of order. One would think that he will comment, have a reaction to what he heard, insinuate an action in response. Instead, he is more than happy to have found himself in the middle of the road. As if the person who heard the conversation and the person who was running downhill were two different people.

In the same entry, the violence of the French is illustrated through Mustapha's writing about his own arrest and the torture he witnessed in prison. He writes a short account of his arrest and the interrogation he was subjected to (312), but immediately turns to relaying the story and the torture of others. It is as if a full presence of Mustapha is never allowed any manifestation, that "once something has [he, like Nedjma] descended from the absent domain, entered into the witnessed domain, and then disappeared, it enters into a second absent domain" (Self-Disclosure 261). Mustafa reveals himself shortly only to retreat behind other people, to absent himself again. Instead of continuing with self-disclosure, he brings others to being and describes how

people were tied up, and how the positions they were in deprived them even from the most basic human rights, movement in its basic forms sitting down or even standing. He shows a movement opposite to that of Nedjma, who folds and unfolds at the same time, allowing for a freedom in movement, Mustapha is demonstrating how under colonial rule, this freedom is inhibited. Mustapha's writing is a compulsion to keep talking about others and presenting them, because he is revealed to us only as much as the other is revealed, and the other remains hidden. He is not a self because he is newly born with each character or event only to withdraw from it after he has set it in motion.

In not so dissimilar fashion, we have Mourad who is veiled/unveiled and who unveils. Because, as we have seen the self-disclosure of Nedjma never repeats itself, then she has to disclose herself in different form, so she "transmutes herself from it (one veil) into another veil. There is nothing but transferal from veil to veil," (Chittick 217).

Mourad, whose name in *Lisan al Arab* and *Mukhtar al Sihah* is synonymous with "al marghoub fihi" "the desired", "al Maqsood" "the intended", "al ma'mul" "the hoped for", the "muta'ammad", "the intentional". But it also finds roots in " 'isyan" "disobedience" and "tamarud"/"rebellion"the "desired", speaking compulsively about others. He ends up in this movement in a *mise en abyme* of a story within a story. In fact, in most of the sections where Mourad is talking, his being revolves around Rachid and Si Mokhtar and their relationship. But instead of speaking about them, he cites and recites Rachid, he assumes the "I" of Rachid and tells the story. He becomes a storyteller within a storyteller. Mourad is twice removed from us, concealed and revealed. He folds himself to unfold the others. Mourad does not posit himself as an all-knowing narrator, "Trop de

choses que je ne sais pas, trop de choses que Rachid ne m' à pas dites ; il était arrivé dans notre ville en compagnie d'un vieillard nommé Si Mokhtar... » (Yacine 91), “ Too many things I do not know, too many things Rachid has not told me; he came here with an old man named Si Mokhtar..” (tr 119). Mourad's knowledge is not his own, but already in relation to the other, Rachid. This lack of knowledge makes Mourad himself in lack and in constant need of the other to fill it, and other who is itself bound to another and to the many. In this mise en abyme that Mourad's story takes us into illustrates that things are double from the start, and that the only way to constitutes oneself is through separating from one self and departing to what is already doubled, “on les rencontrait rarement l'un sans l'autre”, “we rarely saw one without the other,” referring to Rachid and Si Mokhtar. So Mourad is not only departing from himself, but toward what is already not one, not a unity or totality. He suspends himself and always takes a detour through the other to speak,

Lorsque Rachid et Si Mokhtar arrivèrent ensemble à Bône j'étais lycéen ; je ne pouvais sortie assez souvent pour au courant de leurs allée et venues. Impossible, cependant, de ne pas les rencontrer ou d'avoir vent de leur passage ; ils étaient de toutes les noces ; on les trouvait partout où va la foule : au stade, sur le quais.....
(Yacine 92)

When Rachid and Si Mokhtar came to Bone, I was still in school; I couldn't leave often enough to find out about their comings and goings. However, it was impossible not to meet them or hear about them since they were at every wedding;

you found them wherever there was a crowd: in the stadium, on the docks...

(Yacine, tr. 120)

Mourad wishes to escape his confinement at school to witness the adventures of Rachid and Si Mokhtar. These two men are engendered and witnessed by Mourad, whom we can only witness through them. Every entity so far has an “invisible absent dimension to their realities, so all are absent as well as witnessed” (Chittick xxviii). Indeed, Mourad is seeking, going after the other(s) that is never knowable and always moving. His desire for himself is the desire for the other who in itself is difficult to know or determine. Mourad is a lack seeking a lack, “Mais les deux amis, Si Mokhtar et Rachid, s’étaient fait connaître dans trop de milieux différents, passant les plus joyeuses soirées sans un moment d’abandon, sans un mot qui pût indiquer leurs origines ou leurs intentions ” (Yacine 93), « Si Mokhtar and Rachid have shown themselves in too many different circles, spending the wildest nights without forgetting themselves for a moment, without dropping a word to indicate their origins or their intentions” (Tr 122). The two people who are intertwined together, and neither one is a complete identity or subject on his own.

This lack is translated in other passages, or spaces between passages where Mourad speaks. In one narrative, he repeats the Mustaphian style. He starts talking about the oppressed people around the city of Bone, describing their living conditions., the difficulty the face finding jobs, the proliferation of strangers in the city and so on (Yacine, 92-92, tr. 121-122). In that moment Mourad and Mustapha are two absent entities who double each other but without exact repetition. The next few chapters in which we follow this above narration are the embodiment of Mourad’s being constantly

deferred, hidden and inaccessible. He continues to recount his encounter with Rachid and Si Mokhtar, how these two appear and disappear, the stories he heard about them from other people. In the space between these staccato chapters, silence reigns about Mourad. He is nothing but a trace of two others who are themselves a trace. He dissolves once the encounter with other characters is over. Of the trace Ibn Arabi says, “Everything that leaves traces is more excellent than that within which the trace is left” (Chittick 183). In fact, all of the four individuals, Mustapha, Mourad, Rachid and Si Mokhtar, are the highest in rank because they leave a trace, but also lower in rank is that they are all the traces of Nedjma, of each other and of the entities they create. This cycle that goes from a hidden, ineffable whole to a hidden, ineffable part and back to the whole goes on ad infinitum and keeps the potentiality of things to come always open. It is as if we are in a void, in the presence of a veiled desirous entity, and this void “never ceases to extend ad infinitum because the entities of possible things come into existence ad infinitum” (Chittick 61). The law seizes, restrains and even when it opens itself up to possibility, it does so only to reiterate and solidify its excluding, authoritative essence. The unceasing layering of traces here open up endless possibilities for these individuals to exist outside determined definitions.

Rachid, whose name comes from “yurshid” which is to lead to the right path, the wise or sage, from “rushd” which is maturity, rationality, wisdom, sagacity” also proliferates himself in a manifold of contiguous traces of selves. We know from Mourad’s story that he is always with his double, Si Mokhtar, despite the differences

between them. Two entities whose only common factor is Nedjma, who are disparate yet alike are grafted onto one another. Mourad tells,

Les deux hommes, Rachid portant des lunettes noires, Si Mokhtar s'affublant d'un fez égyptien trop haut pour sa taille et trop vif pour son âge, étaient in perpétuel sujet de curiosité ; ils plaisaient par leur distants bonhomie, leur gaieté.. Si Mokhtar, cheveux blancs, fez écarlate et tunique de soie, bon marcheur et bon parleur, au contre du mutisme outreucidant de Rachid il ne riait pas ou ne hurlait pas.... (Yacine 91-92)

The two men, Rachid wearing dark glasses, Si Mokhtar sporting and Egyptian Fez too tall for his height and too bright for his age, were a perpetual subject of curiosity; people liked them for their abstract friendliness, their gaiety, really for the mystery the younger man seemed to cultivate with his dark glasses..... Si Mokhtar- white hair, scarlet fez, and silk tunic, a good walker and a great talker, unlike Rachid's presumptuousness since he neither laughs nor talks... (My translation)

The roles of the two men are inverted. The way Si Mokhtar looks, comports himself and talks is what one would expect from a twenty-year-old. Rachid, who is twenty years old, acts as expected of an older man, like Si Mokhtar. Both pass through the other and confound the past and the future in one single moment. Mokhtar mirrors Rachid's youth and Rachid mirrors Mokhtar's old age. Rachid is deferred and far-removed from an original referent to himself, and so is Si Mokhtar.

And just as the two other characters, Mustapha and Murad, Rachid tells the story of the four protagonists' (Mustapha, Mourad, Rachid and Lakhdar) as he it was recounted to him by Si Mokhtar. However, there are three tiers of narration at least here. Mourad's "I" is Rachid's "I", and Rachid's "I" shifts between Rachid narrating, and the "I" of Si Mokhtar. In fact, a phrase is repeated word-for-word by both Rachid and Mourad, and which of them is citing the other is blurred, and the point of a beginning or end is non-existent, "Elle vint a Constantine sans que Rachid sut comment. Il ne devait jamais le savoir" "elle vint à Constantine je ne sais comment, je ne devais jamais le savoir" (Yacine 104-105). Apart from the shift in pronouns here, the sentences are identical, and the former ends a series of chapters while the latter beings another series of chapters. The language and individuals that move ad infinitum exist in an ad infinitum circularity. According to Ibn Arabi, "the end of a circle curves back to its beginning and joins with it", and because of this circle, "there is no end point that the creatures can reach, rather they keep moving for all eternity" (Chittick 225). The center of this circle is Nedjma, always removed, and the circle she creates is the "circle of the genera of all possible things" (Chittick 229). The circle creates other circles (Mustapha, Mourad, Rachid, Si Moukhtar), which in turn creates other circles and so on. Infinite becoming and possibilities are what each of these entities bring about.

The last individual discussed here is Si Mokhtar, Nedjma's father. He is another trace and unreachable other. His name is interchangeable with that of Mustapha, and it means the chosen one, also "al muntaqa"/" the selected. As the father of an entity whose language and the people she posits are in difference, it is not strange that he himself is

also in difference, always itinerant, looks and acts like a buffoon and always departing from himself. Above, we saw how Si Mokhtar is already out of expectations, not present with himself as society expects from him to be present, for he wears a fez taller than him and too bright for his age. He deviates from people's anticipation. Moreover, we do not know where he came from originally. Even though he relays the history of the tribe he came from to Rachid, the link to the tribe, to origins is broken, and the origin of the tribe itself is unknown. Si Mokhtar's self-knowledge through a continuous family history is shattered, and there is no trace of a trace for him,

Avait de venir de Moyen-Orient, passer par l'Espagne et séjourner au Maroc sous la conduite de Keblout. Quelqu'un m'a expliqué que c'était sans doute un nom turc : « corde cassée », Keblout. Prends le mot corde et traduit, tu auras Hbel en arabe. ... et l'altération de la syllabe finale qui différencie le mot turc du mot Arabe. Il n'est resté aucune trace de Keblout. (Yacine 124)

Our tribe must have come from the Middle East, passed through Spain and stayed in Spain under the leadership of a Keblout. Someone told me that it's a Turkish name without a doubt: "broken rope," Keblout. Take the word rope and translate: you get Hbel in Arabic. It's only the alliteration of the final syllable that differentiates the Turkish word from the Arabic one, supposing it is a Turkish name.... There was no more trace of the Keblout.

The passage illustrates how any connection with an origin is broken, "corde cassée", and the origin of the tribe is already lost between two languages, Arabic and Turkish since the

passage between the two is only a letter which leads to the same secret of the tribe, a broken rope. So, no matter where they come from, just like Nedjma, genealogy is lost, only a trace. Si Mokhtar keeps recounting how there are different stories about where Keblout, the leader of the Nadhor tribe, might have come from. Some say from Algeria, some say they were wandering students and poets and musicians, thinkers and artists, and some say that the Keblout's origins go all the way to the Prophet (Yacine 124-125, tr. 165). The trace of the trace disappears, making Si Mokhtar, the father and alleged essence of Nedjma himself a non-authority, a trace. But whatever the origin is or is not, one thing is for sure, it is multifarious, mixed and has no single identity, like Nedjma. Si Mokhtar is also a nomadic. He does not stay bound to one place, just like the tribe he came from, and never reaches a defined and border-confined destination. He goes to Hajj but never arrives at the pilgrimage place, (Yacine 110-122, tr.154-163), and he travels with Nedjma and Rachid to return Nedjma to the Nadhor but gets killed on the way before he reaches the tribe (Yacine 140-150, tr. 192-199). However, he, another chosen one, is suspended in order to tell the non-originary history of his tribe, suspended in order to lead Nedjma to her new beginning without men as she wanted for in the end for she was taken to live among the women of the tribe (Yacine. 150, tr. 199).

Be it in language or in individual manifestation, we do not arrive at a point; and are confronted with diversity of disclosures. "To get to the point is to bring about closure, but there is no closure, only disclosure." (Chittick xi). *Nedjma* does not embrace systematicity, structure, limits and essentialization. She rather tends toward omissions, erasures, contiguity of dissimilar elements and disclosures. She brings out the difficulty

of making a precise understandable reading. She does not allow for intelligibility and legibility and brings the most insignificant details to the fore without ever taking them to a final destination. She keeps the obscure elements obscure and not easy to read or to make any comprehensible conclusions out of it or about it. *Nedjma* leaves a lot of details unjustified, many connections unhinged, dislocated and un-sequential, many stories which have no reason to be there and many unresolved intrigues, problems, murders, and endings. It is as if everything is in a state of in-between, always between states, but never one or the other, like Ibn Arabi's Barzakh that is a place between meaning and form, reason and sensation, self and other. It is an image of the self and of the world outside the self. It is neither here nor there, neither this nor that" (Chittick xxxiii).

The upshot: for decolonization to truly happen, the ex-colonized must shed their servitude to the colonizer not only in term of military liberation, but also from their laws, from the persisting need to prove to colonizer that they [the colonized] are like them: modern, education, developed, following the human rights standard designed by the colonized. The building of their nations should not follow the model of the western nation states. What Nedjma tells us is that the oppressed reside neither, or should not reside, in the quest of finding one unifying tradition, nor in the meticulously drawn path laid down by their oppressor. Where they truly are and should be is the state of the in-between. This does not mean that the oppressed need to marry things from their past with those they acquired from their oppressor. Of course, it is one possible path that could cause more multitudinous forms of existence thought before. But bringing the two "worlds" together implies that the colonized are still confined in the possibilities

available only in these two traditions. The in-between must bear the mark of possibilities which are not merely the amalgamation of already established norms and standards, but of a change that could finally liberate them from being trapped between two choices.

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The Absence of a Community: The Community without a Community

This is a story of two communities, language and legality. The one community is mythical. It is totalizing, authoritarian, violent, stabilizing, deterministic and communicative (it imposes truths and presupposes knowledge, meaning and homogeneity). The other is the non-community. It comes to interrupt the myth, to de-sediment lies and to remove masks. It is not a catalyst for a new community, unity or law. It rather reverses without founding. In the words of Jean Luc Nancy, “moment that cannot be founded, and no foundation can therefore be reversed in it. This moment annuls communal and collective hypostases: this violent and troubling moment resists murderous violence and the turmoil of fascination and identification, and the intensity of the word revolution names it well” (*Inoperative Community* xl). Two communities and language. This language splits itself into that which actualizes a “communitarian being in the form of a subject” (*Inoperative* 15), and another which is spontaneous and improvisational, engendering potentiality. One transcendental, the other immanent. In other words, one that determines moral choice, forms of knowledge, ideology and identity over the individual and demands the individual sacrifices herself to be consumed by society. The other is relational to changing circumstances and situations. In the course of this chapter, I will use discourse to refer to the words or the discourse of the mythical community, and languageness to refer to the discourse of Sitt Marie Rose. Discourse is finite, regulatory, sedimentary and communicative. The latter is destabilizing, wandering, and non-communicative. Through the community without a community and

languageness, the possibility of a political community; one whose members are non-members and who cross over spatial, temporal, cultural, religious and linguistic territories that the law establishes, remains in motion. Sitt Marie Rose's improvisationality challenges formulated self-descriptions, ideology, self-serving interpretation of history, readily-given answers to what constitutes a community, and essentialisms.

L'aventure politique qu'ils ignorent est semblable à l'aventure poétique. Che Guevara et Badr Chaker el Sayab ont ceci de commun qu'ils ne peuvent l'un et l'autre faire école. C'est toujours l'étape suivante. Celle du poème ou celle de la marche dans la jungle qui les détermine... alors quand l'impossible mutation a lieu, quand par exemple quelqu'un comme Marie Rose sort du cours ordinaire des choses. le corps social affolé dégage ses anticorps dans un mécanisme aveugle et automatique pour résorber, tuer, et digérer la cellule dans laquelle le vouloir vivre de la liberté est parvenu à se manifester. (84)

The political enterprise that they do not know about is similar to a poetic one. Che Guevara and Badr Shakir el Sayab have this in common that neither of them can be imitated. It is always the next phase, the next poem or the next march through the jungle that shapes them... Thus when the impossible mutation takes place, when for example, someone like Sitt Marie Rose leaves the normal order of things; the political body releases its antibodies, in a blind automatic process. The cell that contains the desire for liberty is killed, digested, absorbed. (*Sitt Marie Rose* 76)

It is no coincidence that Etel Adnan puts Guevara and Shakir el Sayab in one place, that of a sentence, together. And it is no coincidence that she juxtaposes both of them and Sitt Marie Rose, the protagonist of the novel that is the subject of this chapter. Both Guevara and Shakir el Sayab lived from the twenties of the last century to the sixties, Guevara (1928-1968) and Sayab (1926-1964). Guevara and Sayab were both wanderers; they left the comfort of their hometowns, of their countries, and both were revolutionary leaders. Guevara led an actual revolution and Sayab's poetry changed the course of modern Arabic poetry. More will be said about them later, but for now, their significance lies in that Etel Adnan is gesturing toward poetry as revolution. What distinguishes her poetics is the dialogue. Rather than claiming the subjective authority or subjective view description has, hers is about movement and change, or as Guevara puts it, "a work of improvisation" (Guevara, *Episodes of the Cuban Revolutionary War* 455). Her language is new not because she is using an unheard of language, or unexplored tropes, but because it is in "constant movement" (Guevara 385). In the form of a dialogue, poetry does not presuppose a subject, a particular form of knowledge or a privileged viewpoint. Rather, it remains in deferral. Whereas destination, closure of meaning and decidability of knowledge could be characteristics of descriptive poetry or prose, dialogue keeps language, epistemology and answers in a state of anomie or "a zone of indistinction" (Agamben, *Homo Sacer* 66). Whereas her captors's community implies a product and an intention, hers implies an on-going process and not knowing of what this community intends to do. In other words, it is not laws and provisions which are determined from a

place outside people's lives but is 'phenomenological' so to speak in that it is born from and responds to the instantaneity of the elements of each situation.

Just as Guevara and Sayyab were out of the normal order, so is Sitt Marie Rose. The idea of the true political, the true community that is not decided by the law, crosses borders, temporalities and spatialities and gender; a "community without a community" to use Jean Luc Nancy's term. The community, despite trying to protect its boundaries from the transgression of Sitt Marie Rose, the cell that the body must kill- permeates into the potentiality of a revolution against a delimited form of community. This revolution, like poetry, cannot be imitated. It is a singularity which interrupts the community and unworks its imagined unity. *Sitt Marie Rose* brings a confrontation between a structural and structured political and apolitical, the legal and the affirmative. The one presumes unified subjects, unified voices, indomitable laws of brotherhood, the myth of a community, centripetal laws while the latter meanders and is centrifugal, transgressive and subversive. *Sitt Marie Rose* posits both a mythological, metaphysical language of the law which argues for beginnings, for origins and for enclosure, and a language of potentiality which moves away, travels, crosses borders, opens, subverts and threatens. Her spontaneous improvisation, as explored below, means there is not one answer, nor repeatability of an essence.

The plot involves seven characters, or voices and two times. Time one called "A Million Birds" is about the three of the four male antagonists, Mounir, Tony and Fouad, Pierre (who is absent in Time Two of the work) and a female narrator who remains anonymous. The former is asking his female friend to help them make a film about

Syrian people working in Beirut by looking at the life of three Syrian villagers. The female narrator refuses to work on the project because she comes to the realization that Mounir does not want to make a film that engages with serious issues concerning the subject but wants to make a representational film in which he portrays his own views on the subject and how he and his friends understand the situation of the Syrians. Time two “Sitt Marie Rose” which tells the events prior to and the death of a Lebanese woman at the hands of her own people for crossing community boundaries to live with a Palestinian doctor during the Lebanese civil war. Sitt Marie Rose is brought to trial by the three above-mentioned characters with the fourth male character, the priest Bouna Lias, entering the scene. Her death at the end is witnessed by the deaf-mute children that she worked with.

Sitt Marie Rose is not only telling the particularities of an event that took place during that civil war, but it tells the story of every civil war, ancient or contemporary. It is about the narratives propagated and committed in any act of war instigated by law, religion, nationalism, or any mythical society mediated by the state or not. But it is also about the subversion of such narratives, and about a revolution of poetry against language. In his article “Against Simplicity...”, Jeffrey Sacks argues that “Marie Rose is doing an act of translation by borrowing some of the words of her interrogators and sending it back to them transformed, with a new meaning that opens up rather than closes.” (1330). Sacks rightly argues that her language opens up rather than closes, however it does not transform, nor does it send. A transformation means another form of closure, from one actuality to another. The law morphs and transforms to preserve its

center which is founded on the exclusion of the other. What Marie Rose is doing is keeping potentiality open. It does not send because in sending there is a presupposition of a reply or an answer. Her languageness reveals without giving a destination to what it reveals, it keeps questions open. It gestures toward a community that keeps engendering new experiences from within rather than from a transcendental set of rules. Sitt Marie Rose is refusing the possibility of a community based on oath, appurtenance, totality and the totality of words, or a community “of the police that is involving a social ordering that is enforced – significantly by the idea of a proper social order” (*The Political Thought of Jacques Rancière* 42) by refusing the language of her captors by extending their language to the outside, by mutating it and bringing it to alterity. In the following pages, I will explore two types of communities. The one is the mythical community which is based on a politics of brotherhood, finitude, the totalizing and totalized voice of its subjects, presence and law. The other is the community without a community, one of lack and indeterminism. This community is one that does not lend itself to classification, does not have an end, nor is reducible to law. This other community is what the revolutionary will always be: always remaining in the becoming. These two communities are linguistic communities in that language is the advent of both. Hence, to explore these communities, one has to explore the language which houses them. It is not only a *lutte* of the revolutionary against the pseudo-political, but it is the *lutte* of a languageness of potentiality. against the discourse of myth, ideology, origin, primordially. This potentiality interrupts, unworks and trespasses the myth, and creates a breakage in the legal.

Sitt Marie Rose has been the subject of a few readings in relation to the multiplicity of genres, courage and self-sacrifice, feminist studies. In her article "Aux frontières de multiples genres", Mona Takkieddine Amyuni discusses the different genres which can be found in the novel from novel form, poetry, tragedy, theater, mime, dance, scenario, film and the masculine feminine ambivalence, "Roman/tragédie/poème dramatique/scénario de film/danse et mime créent un roman qui rompt toutes distinctions formelles" (161) All these genres interrupt the formal distinction between genres and styles. In other words, the narrative style from the beginning is interrupting and suturing the structure of any possibility of structure. In another article "Resistances of Literature: Strategies of Narrative Affiliation in Etel Adnan's *Sitt Marie Rose*", Olivia Harrison investigates the Saidian notion of affiliation and filiation and demonstrates how *Sitt Marie Rose* transgresses ideological codes like religion, race, class and gender, and the way she does is through a speech contest, through language, "Beyond the mere refusal of war *Sitt Marie Rose* points to ways of conceiving conflict otherwise, not a struggle of arms, but a contest of speech." (2). Harrison is right about how what she calls the "narrative representation" offers a new way of thinking the political beyond binaries. She is also right by saying that "the lyrical, descriptive, didactic and poetic genres of speech frustrate the reader who might be looking for a final message" (13). However, Harrison does not quite develop the speech contest that she wanted to demonstrate through a reading of the language of assertions and that of non-assertions.

Others like Sami Ofeish and Sabah Ghandour, in their article "Transgressive subjects: Gender, War and Colonialism", allude not only to colonialism in the novel, the

nationalist pact and sectarian identifications which allowed and corroborated the exclusion of the other, but also touched upon the issue of gender trouble and how Marie Rose defies the patriarchal order (*Critical Essays* 123). In “Marie Rose and Women at Point Zero”, Paulin Homsy Vinson brings Adnan together with Saadawi to show how female writers break the hegemonic patriarchal voices, “Both Adnan and Saadawi are writing the stories of women who were silenced by hegemonic order and paid their life for it.” (*Critical Essays* 176). But Vinson’s reading is speculative because by pointing to Guevara and Sayyab in juxtaposition with Marie Rose, Adnan is not positioning women against men, she is positioning a political community that is the product of spontaneity against a political that is hegemonic and is the product of a set ideology. In the same vein, Madeline Cassidy in “Love is a Supreme Violence, The Deconstruction of Gendered space in Sitt Marie Rose” proposes that the difference between the approach of male characters and that of Sitt Marie Rose is the result of growing up in a society that reinforces gender roles and attempts to keep outside the realm of the political, the contrasting perspectives reflect the influence of a society delineated by gendered sphere.” (283). In breaking with these gendered spaces, in crossing the border to the male side which, as Cassidy rightly argues, represents legality, Sitt Marie Rose proves that love is supreme violence, and, “she redefine violence as the crossing of the boundaries or barriers that define our individual existence, not with the force of destruction but with the force of creativity “(287). All these feminists reading accurately see the destruction of patriarchy and the oppressive society which expects certain properties of conduct and oppresses their participation in any form of what is considered “male” spheres. However,

Sitt Marie Rose is not only speaking for one subaltern group, women, to give them voice. She is, in fact, mocking the mythical community by mirroring its history in her words. She is devaluing the limitations this mythical community puts on the usage and the performance of words and concepts by her languageness that wanders among different issues such as history, sociology, morality, politics, psychology and philosophy.

In the last page of the novel, the narrator states, “An execution is always a celebration. It is the dance of Signs and their stabilization in death” (104-105). This sentence compares individuals like Marie Rose to a higher form of language indicated by the capital “S” in signs. Indeed, this is a story of an attempt to stabilize the signs, to stabilize and appropriate language and to put things in boxed definitions, themes, finished understanding, structure, single-sided truths and a form of communal and verbal fascism. To prepare the stage for this confrontation, the specters haunting the scene, or haunting Marie Rose should be identified.

As mentioned in the opening pages²² of this chapter, the narrator of the *Sitt Marie Rose* brings two historical figures, both poets and both revolutionary leaders in comparison with the protagonist Marie Rose, with poetry and with the political. In other words, definitions of poetry, the political, the stranger and the brother are obscured and move in and out of each other. These two people are Che Guevara and Badr Shakir al Sayyab. A few words are due about them and their relation to any change. The former, needing no introduction, was a leader of revolution in South America and one of the most prominent figures in the Cuban revolution against Batista between 1956-1959. Guevara, a

²² The quote from *Sitt Marie Rose* above on page 2.

native of Argentina, was constantly on the move for the sake of the other, the stranger. He joined revolutions away from his native country to work for oppressed people and for society rather than for himself or a small community. Alongside his on-the-ground revolutionary activism, Guevara lived by poems written by innovative, anti-oppression poets such as the Chilean Pablo Neruda, Cuban Nicholas Guillen and Peruvian Cesar Vallejo (“Poets Guevara Lived By” 2007).

At the same time, on the other side of the world, Iraq, a revolutionary poet was burgeoning. Badr Shakir al Sayyab was one of the foundational poets in the free verse movement that was taking place around the 1940s to modernize Arabic poetry. In fact, in his article “Badr Shakir al Sayyab and Free Verse Movement” Boullata argues that al Sayyab’s poetry was against “conventional concepts of rhyme, meter and diction and against traditional themes and imagery” (248) and was among the first poets in Iraq to write in free verse alongside Nazik al Mala’ika.²³ Al Sayyab as Boullata maintains was responding to the problems in prosody in a creative and original way, and that the free verse experimentation and development under Sayyab freed the poet from subjugation to the themes, structure, imagery and rules of Arabic poetry (250-252). The poet’s ‘revolutionary’ attitude did not enunciate itself in his venture into different forms of poetry and reading Western poets like Eliot. It was largely articulated in his political life as well. Al Sayyab was a member of the Iraqi communist party, and he was active in the demonstrations against the Israeli occupation in 1948. Moreover, in the same year, the Wathba Rebellion took place in Iraq, in which al Sayyab also participated. The rebellion

²³ A female Iraqi poet (1923-2007) who was the first to publish in free verse.

was the result of the Iraqi government signing a treaty with Britain authorizing the latter to have more control over Iraqi oil. Many people were killed by the Iraqi government during that rebellion and Sayyab had to flee to Kuwait. Noticeably, Guevara and Sayyab in this context point elsewhere. They point toward ceaseless motion.

Time one in *Sitt Marie Rose* does not so much engage in the verbal confrontation as it lays out the essentialist attributes of a community, the “universal fraternity”²⁴ between the men confronted by Marie Rose. This time also reveals the subjecthood or identity of the four men, a community of ideologies, legality, exclusivity, one-sided truth, onto-theological program, and human rights based on the conditions of the community that defines them. It exposes their relation to the other that is already determined by a set of theories they invented, and how they imaginatively produce this other. From the onset, Mounir, Fouad, Tony and a man called Pierre are portrayed as setting themselves in supremacy against others. The four men are hunting in Syria, and the violence they are doing to their surroundings, “the terrain is like Libya’s and the hunters resemble the sunburned soldiers of Afrika Korps” (1). Afrika Korps was one of Hitler’s battalions deployed in North Africa in order to display the German supremacy over North Africa and over other powers that were fighting during World War Two. It is important to note that Afrika Korps ended up losing and retreating from North Africa. The allusion that the hunters look like soldiers from that battalion gestures toward domination, supremacy, and hegemony. It is a relationship of power, structuring and law over the other. It first

²⁴ Universal fraternity is a term Derrida uses in *Politics of Friendship* to talk about the friend and the relation of the friend to democracy and the political. P. 22

exposes itself in their violation of nature, “the birds return but it is darker now. The sun set is marvelously intense. The hunters aim their rifles toward the sky like missile launchers. They laugh. They show their teeth, their vigor, their pleasure” (Sitt 2). A pattern of strength and control is showing itself in these men through their reaction to seeing the birds they are going to shoot. They all take pleasure in killing. Asserting themselves over the other, whoever or whatever that other maybe, gives them a form of strength by setting themselves against that other. In the following and other examples, theories of inferiority, of savagery, of underdevelopment becomes clear,

Mounir commente de vive voix. Par terre sont assises sa femme, ses deux belles-sœurs et l’une de leurs amies. Il a un public de femmes dans l’une des plus belles maisons de Beyrouth. Tony est d’ailleurs le cousin d’une des filles présentes et elle prend le tout avec un air plutôt dépité. Les hommes ont refusé de l’emmener avec eux à la chasse en Turquie. Ils n’avaient pas voulu s’encombrer. (9)

Mounir comments in a loud voice. His wife and two sisters-in-law and one of their friends are seated on the floor. He has an audience of women in one of Beirut's most beautiful houses. One of the girls present is Tony’s cousin and she takes it all with a spiteful air. The “men” refused to take her hunting in Turkey. They did not want to be bothered. (2).

The positional superiority of these friends, of this fraternity, asserts itself in their relationship with people from their own community, the women. The latter are clearly in an inferior position sitting on the floor watching the movie the men shot. Additionally, a

community closed to women and any outsider, a community which accepts only the men who seem to share a secret is obviously created. The men refuse to take one of the girls with them. Further, these men create an identity for themselves, one that constantly sets them against any “other”. Their language has traces of Orientalism and Europeanness in it, not to mention that they have become like the Europeans who came to the East with their fetish about the desert and their superiority and hierarchy,

Il y a une hiérarchie même dans le monde du sport. De toute façon, la chasse demeure l'occupation la plus digne. C'est plus sain... Avant, c'était les Européens qui avaient la gueule que nous voyons sur l'écran et qui allaient chasser en Syrie, en Irak ou ailleurs. Maintenant ce sont le libanais, chrétiens et modernisés qui vont avec cet attirail touristique-militaire partout où ils veulent. (10-11)

There is a hierarchy even in the world of sports. In any case hunting remains the most noble occupation. It's more wholesome... before it was the Europeans with faces like the ones we saw on the screen, who went hunting in Syria and Iraq and elsewhere. Now it is the Christian modernized Lebanese who go wherever they like with their touristo-military gear. (3)

Keeping the upper hand, treating the other as a subhuman gives these men a sense of belonging to this larger fraternity. In fact, one of the four men pompously positioned himself and those like him in the Western camp, “Yes, but when we arrived, we were the first Europeans they had ever seen. Excuse me, Lebanese”, “that is right. Before it was foreigners, now it is we who represent all that is modern” (5). These men are coming up

against the Other armed with a will not to understand the Other, in this case the Syrian worker. They, above all, come with a discourse which maintains the same division and hierarchy of western legal discourse and attempts to fit a world that is different and differentiated to their knowledge and what they represent. They categorize the Syrians, as they will later categorize the Palestinians, in dogmatic universalities. The Syrians are inferior, culturally and racially here, and so will be the Palestinians.

Their circumscribed and confining views take away from the complexity of things, from the particularities and the difficulties which destabilize understanding to render these things simple. This is how the unitary aspect of community and law establishes itself. The narrator challenges Mounir about the film he wants to make about the Syrians. Mounir wants to make a movie about Syrian workers in Beirut from his own perspective to “How happy they were in those Syrian villages, what wisdom they had there, how integrated they are with Nature.” (10). The narrator suggests that they make the movie about the suffering and the problems of the Syrian workers in Lebanon. She wants to allow the complexity of their situation to speak itself, “the film should say something, these people have problems, their own lives. There is something very important to be said” (7). The film, according to the woman, should not pre-determine what counts and does not count as an experience, and allow the incommensurability of the situation to show. In fact, the narrator summons that complexity in her conversation with Mounir twice. Once, she discusses the work conditions they are under,

un peu de ciment se mêlant à leur nourriture. Le soir, ils dorment à l'étage sur lequel ils travaillent. Par terre. Il n'y a jamais de toilettes dans ces chantiers. c'est encore par terre que tout se passe. Ainsi il n'y a pas de chantier sans puanteur. ils restent cloués sur place, dans le vent et l'humidité. Ils attendent que ça finisse. Quand un ascenseur est installé. il est bloqué. Seuls les entrepreneurs, propriétaires et clients, ont la clé. S'il faut monter une pierre dix esages, il faut la monter a pied. C'est tout. (18)

A little cement mixes with their food. At night, they sleep on the floor where they are working. There are never any toilets on these sites. So, these sites are never without their stench. They remain riveted to their places in the wind and the wet and wait for it to end. When an elevator is installed it is kept locked. Only the contractor, the owner and the clients have the keys. If a stone needs to be raised ten stories, it goes on foot. That's all. (10)

Ironically, this passage ends with "That's all", as if mocking the simplicity to which Mounir tries to reduce their lives. This "That's all" does not stop the suffering of the people at that point, nor does it mean that the difficulty of their life ends there. It is an opening to more issues beyond what was described in this passage. The second instance is when the narrator brings the issue of three Syrian workers who were found dead in their room and suggests that they put it in the film,

Tu sais, les trois ouvriers syriens qu'on a retrouvés dans leur chambre, à Dekouaneh avec des balles dans la tête. Tu ne crois pas, quand tu reprendras ton film, qu'on pourra le finir comme ça: les trois ouvriers syriens que tu ramènes du village syrien périssent dans cette chambre. Il y en a eu plus de deux cents qui sont morts ainsi. (33)

You know those three Syrian workers were found in their room in Dekouaneh with bullets in their heads...you don't think that when you make your film we could finish it like that: the three Syrian workers that you bring from their village die in this room. There have been more than two hundred killed like that. (24)

But this was too complex for Mounir, too dark compared to the beautiful happy-ending image he was trying to depict. This was too real for him, and too challenging to his point of view to allow it to be part of the movie. I want my workers to have trouble in Lebanon but not that much. Mounir wants to sidestep the difficulty of reality in order to draw and solidify his own conclusion. It's too violent. It's too political. And any way to defend my point of view, I want one of them to go back to the village" (24). At this point, we witness the birth of a fraternity based on single truth, a fraternity which, as Derrida puts it, "requires a law and names, symbols, a language, engagements, oaths and speech, family and nation." a birth of an identical and identifiable things" (*Politics of Friendship* 149). But we also witness the first act of refusal of countering their laws of simplicity and understandability when the narrator refuses to work with them on the project (Adnan 24).

Their dogma and ideological affiliations of these men and others they work with are more pronounced in the violent act they commit against the Palestinians. Their methods bring forth the “totalitarian power of terror” (Adnan 12). Their punishment is tyrannical and based on their own ideological knowledge. The total elimination of the other becomes the only way for them to assert their existence, to keep the upper hand. In one of the series of murders and assassination that happened at the beginning of the civil war in Lebanon, the phalangists, the party the four friends belong to, retaliated in a form of despotic totalizing violence in that it does not spare anyone, guilty or not, “Christians are celebrating the mass. That morning one phalangist was killed in front of that church. A laid trap or simple chance, no one knows, but militia men stop the bus and make its occupants get off and shoot them one after the other.” (Adnan 11). A genocide, and a law which justifies using violence to establish itself among people and to warn that any attempt to threaten the legitimacy of the phalangists, community will be met with the most ferocious forms of retaliation.

The same law will respond to Marie Rose abandoning her so-called “community” to go help the Palestinians, the other camp, the Other. The Stranger. But while this law will try to assert itself, its superiority and its dogma and tries to establish relations among the members of the community, it will have to face uncertainty. They have to face a potentiality that does not define, identify, generalize or simplify, but one which will create “seismic waves”²⁵. This potentiality is the seismic relation between one and the

²⁵ A term Derrida uses in *Politics of Friendship* to discuss what a political revolution in the concept of a friend is. (27)

other. Marie Rose's capture is the explosive moment in which a political mutation ceaselessly interrupts the mythical community. The dimensions of the community without a community "undo, disidentify the identification of every concept, they appeal to thinking beyond the concept." (Derrida 58). It will be a speech contest between myth which presumes an "uninterrupted world of presence or an interrupted world of truth, or else, it presupposes, nothing neither presence nor truth, not even gods sometimes, but rather a way of binding the world and attaching oneself to it a religion whose utterance would be great speech" (*Inoperative* 49), and the potential community, one in which ordinary language has no place. Marie Rose will rebel, in her language, against the language of legality, of the state, of justice and of conceptual and theoretical distortions.

In the following passage there is both the mythical language that explains itself, understands itself and is closed upon itself like a cult, Jean Luc Nancy argues "Myth is precisely the incantation that gives rise to a world that and brings forth a language, that gives rise to a world in the advent of a language. It is therefore indissociable from a rite or a cult. Mythic ritual is the communitarian articulation of mythic speech" (Nancy, *Inoperative Community* 50).

Je ne comprends pas. Elle est chreitnnes, elle est passee au camp musulman. Elle est libanaise, elle est passée au camp paletinien. Il n'y a pas de problème. Nous devons la supprimer comme tout autre ennemi. Je m'appelle Toney et ne m'appellerai jamais Mohammad. Et quoi qu'on dise, la volonté du groupe est souveraine, Nous sommes les jeunes gens du quartier chretien et notre milice est en guerre contre les Palestiniens. Ils sont musulmans. Nous sommes donc en

guerre contre l'Islam et surtout quant il se met au travers de notre chemin. ..il faut les supprimer. Cette femme, c'est une chienne. (46)

I don't understand, She's Christian and she went over to the Moslem camp. She is Lebanese and she went over to the Palestinian camp. Where's the problem? We must do away with her the way we do away with every other enemy. My name is Tony, and it will never be Mohammad. And no matter what anyone says, the will of the group rules. We are the Christian Youth and our militia is at war with the Palestinians. They are Moslems, so we are at war with Islam, especially when it crosses our path. We must suppress them. This woman is nothing but a bitch. (36)

There is the "we" and the "them". That binary which allows for establishing the other as an enemy, as a total outsider. The initiation of a community happens through naming in language, "Christians", "Moslem", "Lebanese", "Palestinians". Names divide the "we" and the "they". But they also denote an indivisible community, that of the Chebab, or the Phalangists. Tony is undoubtedly articulating that myth of the community, of mythic speech when he affirms his Christian identity through his name "Tony" setting it against all of Islam under the name of "Mohammed". He also sets Lebanon and a Christian country and anything that is not Lebanese as Moslem. Tony asserts the dichotomy, while Marie Rose will come to affirm being "lost in the other" (Antigone's *Claim*, Butler 14). She shakes the foundation of this exclusivist discourse and becomes the enemy because she puts the community in question. The name Mohammed is not a name of a person, but the fear of Tony that their community will be subsumed under and appropriated by

alterity. Through this language that totalizes, Tony is totalizing the world, Christians against Moslems, Lebanon against any outsider. His is an act of a “production of a speech that would unite, totalize and thereby put into the world the totality of words....” (Nancy 51), a speech which creates a mythical community,

The unbroken, all totalizing speech begins to take the tone of order, power and legality. It points toward domination, control, a secure subject, stripping anything outside that order of life, and most violently absolutist in its ability to decide who lives and who dies. Fouad assumes the first voice of this legality and order.

Une milice, c'est un gouvernement sans gouvernes. Une milice a toujours raison. Des toutes ses décisions. Ils m'ont dit: Fouad, tu es un anarchiste. Tu fais syster les immeubles. Tu éventre un quarter ennemi comme une pastèque. Mais moi je leur dis : je suis l'ordre absolu. Je suis pouvoir absolu. Je suis l'efficacité absolu. J'ai réduit toutes les vérités à la notion de vie et de mort. (47)

A militia is a government without a governed. A militia is always right. In all its decisions. They said to me, you Fouad, you're an anarchist. You blow up buildings, you gut an entire quarter like it was a watermelon. But me, I say to them I am absolute order. I am absolute power. I am absolute efficiency. I have reduced all truths to a formula of life and death (37)

Fouad's “I” denotes a metaphysics of presence, of “the absolute for itself” (Nancy 4).

Fouad isolates himself from the world by placing himself above it, believing he transcends it. He becomes the ultimate truth and judge. There is no relationship between

Fouad and the world. He is complete, and so is the power and the order he represents. Neither he nor that order need further explanation, nor does this language lend itself to any form of hermeneutics, of opening to interpretation or of contradiction. In his language, “Myth says nothing other than itself” (Nancy 49). Further, it speaks of its knowledge. The community is that of policing in the Rancièrian sense, “the police is thus first an order of the bodies that define the allocations of ways of doing, ways of being, ways of saying and sees that those bodies are assigned to a particular place and task” (*Disagreement* 29). Hence this community will be the decision maker on what constitutes order, and the knowledge of this community is of the power, determinism, and authority over what resides outside this community. Their knowledge is of the deed of determining who lives and who dies.

Butler, in *Antigone's Claim*, argues that Antigone is not unimplicated in the power that she opposes, “she is pointing elsewhere. Not to a political as a question of representation, but to that political possibility that emerges when the limits of representation and representability are exposed” (2). I am not trying to suggest a comparison between Antigone and Marie Rose here since such an endeavor needs its own exploration. I am only suggesting that Sitt Marie Rose as a political figure is in fact pointing elsewhere from the “policing political” to interrupt it. Sitt Marie Rose starts with this speech that sets in motion a community “of interruptions, fractures, irregular and local, through which” a new political “comes and divides police community from itself” (*Disagreements* 137), questions established truths and starts to de-sediment lies. She is not for the coherent understanding and communicability of the brotherhood the

phalangists want to limit her to. She is not one in whom the interior and the exterior stand by themselves as themselves; it is always an act of breaching coherency,

“You have gone over to the enemy.”

“What enemy?”

“The Palestinians. You are counted in the ranks of the Palestinian Resistance. You’re fighting against us.”

“Nowadays, to work for them is treason.”

“I do not consider the Palestinians an enemy. They belong to the same ancestral heritage the Christian party does. They are really our brothers.”

“Do you know they yell Allahu Akbar the moment of assault.”

“And the crosses you wear. Aren’t they a sign of allegiance to the same God and also therefore a kind of a battle-cry?” (54)

“Their presence in our country has been a constant provocation.”

“Because they were on vulnerable ground. Someone killed their poets while you were off hunting. Someone killed their political leaders in their sleep while you are driving around like mad men on mountain roads. Someone bombed their camps while you were out dancing. People bargained with their history in the halls of the UN” (54-55)²⁶

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- ²⁶Tu es passée à l’ennemi
 - Quel ennemi?
 - Le camp palestinien. Tu milites dans les rangs de la Résistance palestinienne, tu te bats contre nous.
 - Aujourd’hui travailler pour eux est une trahison
 - Je ne considère pas le Paletinien comme un ennemi. Il appartient à la même mémoire ancestrale que le parte des chrétiens, Nous sommes vraiment frères.
 - sais-tu qu’ils crient Allahu Akbar au moment de l’assaut?

So much is happening here, not only at the level of the political that Marie Rose is pointing towards, but in relation to order and to fraternity. For Mounir, he understood fraternity as a, “brotherhood to secure and domesticate the force of political and linguistic interruption, the eruption with which Marie Rose opens.” (“Against Simplicity” 1329). The judge(s) of Marie Rose have set an alterity, the other, as an enemy. The enemy outside the Christian party and country they are allied with. Their political law is one in which friendship, fraternity, and the notion of community or as Derrida argues “a primary friendship that is table because it implies decision and reflection” (*Politics of Friendship* 15) or what cannot be “with anyone on the outside, with the non-same.” (17). The political that Sitt Marie Rose is pointing to is an opening toward the other, by saying the Palestinians are our brothers. She is setting the movement for a political and a friendship which interrupts the mythical narrative of community. Evidently, however, she does not interrupt by bringing a language from without, her speech is already implicated in the authoritarian power she is countering only to go beyond it and to show that there is no real difference between the “us” and “them” the phalangists are trying to establish. When they accuse the Muslims of saying Allahu Akbar, she immediately points to the crosses they are wearing that are also a battle cry. She is showing the phalangists that they are already the other, and the alterity they are trying to fight and negate is already in them. In

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- Et les croix que vous portez, est-ce autre chose qu’un signe d’allégeance au même Dieu ou une sorte de cri?
 - Leur présence dans notre pays a été une provocation constante
 - Parce qu’ils étaient en terrain vulnérable. on venait tuer leurs poètes alors que vous alliez à la chasse, on venait tuer leurs chefs politiques alors que vous tourniez comme des forcenés sur des routes de montagne, on bombardait leurs camps alors que vous dansiez, on marchandait leur Histoire dans les couloirs de l’O.N.U.

this context, Sitt Marie Rose's Language is not one of "oppositional purity, but one of scandalously impure" (Butler 5) In other words, her language is not this transcendental entity that comes from outside to enact its laws. Rather, it is the language from the community itself, growing out of it like that plant that she discusses earlier, one which still belongs to the community but already lies beyond its affiliations and alliances.

Against this mythical community comes the *community without a community* with Marie Rose. She is pointing to the political community which "is not the realization of common essence or the essence of the common. It is the sharing of what is not being given as being-in-common: between the visible and the invisible, the near and the far, the present and the absent" (*Disagreement* 138). There is nothing absolute or finished. No definitions of concepts, but a constant movement toward the unknown. She acts in her Language, hers becomes "an act of language that cannot be communicated, it can only be performed." (Sacks, "Against Simplicity" 1330). In many instances during her pseudo-trial, Marie Rose shows that "Oneself is not the subject isolating itself from the world, but a place of communication of fusion of the subject and object" (*Nancy* 23). Marie Rose demonstrates how the other is irreducible to the definitions, categorizations, and names they are given by the phalangists. She turns the judging table against them, and their law is put into question, "she assumes the voice of the law in committing her act against the law" (Butler 11),

"I have loved these thousands of men and women who fled like rats leaving a ship like rats invaded by stronger rats. During the years that they agreed to live in the camps where we parked them, they were treated like cowards. When they finally

got themselves organized, which they had to do outside their own territory, all the Arab states were leagued to crush them, and you are going along with their decision.

“You deny their arrogance?”

“And your arrogance? However, it is true. You are only following the plans of the big powers to humiliate those who are already humiliated. That’s not so hard”

“Marie Rose, It is you who’s being judged, not us?”

“And why not? And who would prevent me from saying what I think since perhaps it is my last opportunity.”

“It is not your last chance. We’re all Christians here. It would make a difference if you would only show some regret, some doubt”

“... I am defending a common culture, a common history, theirs and ours. I do not see any difference.”

“I represent legality” (56)²⁷

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- ²⁷J’ai aimé ces milliers d’hommes et de femmes qui avaient fui comme des rats parce que d’autres plus forts envahissaient leur bateau. Pendant les années où ils ont accepté de vivre dans les camps ou on les avait parqués, on les a traités de lâches. Quand enfin ils se sont organisés pour se battre et qu’ils ont dû le faire à l’extérieur de leur territoire, tous les Etats arabes se sont ligués pour les écraser et vous faites le jeu de leurs ignoble décision
 - Tu nies leur arrogance?
 - Et votre arrogance a vous? Il est vrai que vous exécutez les desseins des grandes puissances pour humilier ceux qui sont déjà humiliés. Ce n’est pas difficile.
 - Mari-Rose, c’est toi qui es jugée, ce n’est pas nous
 - Et pourquoi pas? Et qui m’empêcherait de dire ce que je pense? C’est la peut-être ma dernière occasion
 - Ce n’est pas encore ta dernière occasion. Nous sommes entre chrétiens. Il nous importe que tu regrettes. Il nous importe que tu doute.
 - J’ai défendu une culture commune, une histoire commune, la leur et la nôtre. Je ne bois pas de différence.
 - Je represent la legalite.

A verbal confrontation is happening here. A language representing a community while the other is an event of language, an insubordinate event, which “becomes a scene for the disburdening of language and community [my emphasis] from the forms of communicative privilege” (“Against Simplicity” 1330). Mounir says at the end of this citation that he represents legality, the law, which in turn represents itself. The law cannot be on trial for it is what can try. In other words, Mounir is performing his acts in the name of the law, in Butler’s words, “It is an allegiance to the law, the desire for the law to be the indisputable law.” (*Antigone’s Claim* 21). By representing the law, Mounir is hoping that what he is saying becomes indisputable. However, he, and the others with him, are caught off guard by Marie Rose’s response that is like the “law” while at the same time infringing upon it. Moreover, in the insubordination Sitt Marie Rose is performing in her speech act, she is renouncing her autonomy not only by speaking of and about the other, but by assuming the voices of her captors, “this avowal can only happen through a sacrifice of autonomy, she assumes the others voice, the one she is opposed to, thus her autonomy is gained through the appropriation of the authoritative voice of the one she resists” (*Antigone’s Claim* 11). Her language becomes the space of heteronomy and heterogeneity. Marie Rose did not only break the “law” by leaving the Christian camp but is affirming her transgression by doubling it in language. Marie Rose’s language is not a transcendental, metaphysical entity. It has its roots in the language of the other, in the other himself. Her language recalls what the narrator said of herself,

J'ai vu une plante, elle m'a paru droite, sachant où elle allait. Je me suis laissée aller à me dire: je suis comme elle, je monte. Je m'élève. Je survole cette ville, ce pays, le continent auquel il appartient. Je ne les perds jamais de vue. Je me suis identifié à sa géologie. J'ai surveillé les courants qui traversent cette partie du monde, suivant les uns et m'opposant aux autres, démontant les mécanismes des fausses alliances.... Je connais la mafia des chabab, le clan des garçons. Ils ont besoin constant de se retrouver seuls. Ils vivent en fonction de leur vanité. Ils sont soudés entre eux par une sorte d'acier. (49).

I saw a plant and it seemed very straight to me, and knowing where it was going, I allowed myself to say: I am like that, I climb, I raise myself, I hover above the city, this country, and the continent to which they belong. I never lose sight of them. I identify with its geology. I've surveyed the currents which cross this part of the world, following some, opposing others, dismantling the mechanism of false alliances.... I know the Chabab mafia, that gang of boys. They have a constant need to find themselves alone. They live in function of their vanity. They are bound together as if with steel. (39)

Marie Rose's language is like this plant. It climbs up from inertia, the language of the law. She knows it. And just the same way the narrator knows the geology of the place she came from, just like she knows the small, closed community of these phalangists but can rise from within that soil to cross borders and break with alliances, so is Marie Rose's language. It knows the premise and the foundation of the phalangists' language; however,

it has dismantled this language from within, and broke with the false narratives and concepts it propagates. As will become more evident once more confrontations between her and the phalangists are demonstrated, she is the Sign that will rupture and destabilize the movement of the signs.

Sitt Marie Rose keeps subverting the speech, the laws and the arguments of her captors. She is moving, unceasingly, through her language to create ruptures in the law, or creating a law that “is an epistemic scandal in the real law” (Butler 33). Not once does Marie Rose stop her movement, dialectics and questioning. She questions the law(s) that they are trying to make general and public, and she destabilized all the sets of knowledge on which her captors base their arguments and their actions,

“They represent a new beginning. The Arab world is... made up of sects and subsects, ghettos, communities, worked by envy, rotten, closed back onto themselves like worms. This world must be aired. For once in the history of the Middle East, the wandering of the Palestinian is no longer that of a nomad carrying his tribe in himself. But that of a man, alone, uprooted, pursued. They’re getting their throats cut by you and your sinister allies. To liberate you!..... mixed in the blood of the Palestinians is as much Lebanese blood, Lebanese who died for them and with them. You do not represent the half of the country made up of as many Christians as Moslems, who are fighting for and with the Palestinians. You’re tearing their throats out. I repeat tearing their throats out. Their blood fills your mouths.”

“And you, what are you supposed to represent?”

“I represent love, new roads, the unknown, the untried. For thousands of years in this part of the world we’ve always been tribal, tribal, tribal. We have not had a single man who was effectively alone, who sought on his own account, to understand good and evil.... Shepherd or sheep, you always defined yourselves in terms of herds.”

“This is war, Mary Rose. You can call it civil or tribal, but our comrades are dying.... Besides, I am defending the power of the State.”

“You usurped the power of the State. You are a militia.”

“We represent the will of the people.

“Of part of the people, the other part is for the Palestinians” (57- 59)²⁸

In this exchange of speech, Mary Rose is judging the law, punishing it through words that remind the criminals of their crime, the doer of their actions. She is presenting their

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- ²⁸Ils représentent l’ouverture. Le monde arabe — est fait de sectes et de sous-sectes, de ghettos, de communautés travaillées par l’envie, moisies, repliées sur elles comme des vers. Il faut aérer ce monde, faire éclater ses courbatures. L’errance du paletsinien, pour un fois dans l’histoire de ce Moyen-Orient, n’est pas celle du nomade qui porte toujours en lui sa tribu, mais celle de l’homme seul, déraciné, traqué, contemporain de la migration des peuples. Ils sont en train de se faire égorger par les vôtres et vos sinistres alliés. Pour vous libérer!... dans le sang des Palestiniens morts il a une moitié de sang libanais mort pour eux, avec eux. Cette moitié du pays que vous ne représentez pas, qui comprend des chrétiens tout autant que des musulmans, cette moitié se bat avec eux et pour eux. Bou êtes en train de les égorger, je répète, de les égorger, et j’entends leurs râles. Leur sang vous remplit la bouche.
 - Et toi, qu’est-ce que tu humaines représenter?
 - Je représente l’amour, les voies nouvelles, l’inconnue, l’aventure. Depuis dix mille ans, dans cette partie du monde, nous sommes restés tribaux, tribaux, tribaux. Nous avons pas eu un seul homme qui soit effectivement seul, qui recherche pour son unique compte la raison du bien et du mal... que vous soyez berger ou moutons, c’est toujours en termes de troupeaux que vous vous définissez
 - Nous sommes en guerre Marie-Rose. Tu peux appeler cela guerre civile ou guerre tribale, mais nos camarades meurent... Et d’ailleurs, je défends un pouvoir d’Etat.
 - Vous avez usurpé le pouvoir d’Etat. Vous êtes une milice.
 - Nous représentons la volonté du peuple.
 - D’une partie du peuple. L’autre partie est pour les Palestiniens (67-68)

crimes before them, and this conjuration of the crime becomes a sort of punishment for the crime, “a verbal narration of the deed that becomes the violent punishment for the deed.” (Butler 63). She does not show the crime, but she levels accusations against them. These accusations stump her judges to the point that their only answer is one of self-defense and self-victimization. Her words, “strike verbally. They repeat the crime and strike where it hurts and where it will hurt again.” (Butler 63). Mary Rose puts legality and the power of the state as the militia claim into question. The kind of questioning is not stated, nor does it make a claim as to what it is, what its provisions or answers might be. Marie Rose does not portray an essentialist law which offers and posits order where, “everything is allotted a proper order” nor does she set a standard “derived from a well-positioned group or class, and then marginalizing those who cannot or will not embrace the standard.” (*The Political Thought of Jacques Rancière* 42, 64). She opens their law to a state of indecision, of contingency. She forces it to step into the unknown, to break with unity and to move towards something new. This new is ambiguous, however, for sure we know it does not establish a closed community or a tribe, and it only creates disruption to accepted narratives,

Marie-Rose Leur fait peur. Ils ont tous les moyens du monde pour l'écraser en une seconde, lui faire subir tous les opprobres, la jeter en morceaux au milieu de la chaussée, et inscrire sa mort sur leurs bulletins de victoire. Mais ils ont su dès le premier moment qu'ils n'allaient vaincre ni son cœur ni son esprit. Plus elle leur parle d'amour plus ils ont peur : que ce soit Mounir, Tony ou Fouad, ou même Bouna Lias qui a été orphelin et m'a jamais connu sa mère, une femme qui

semble être la pour les baver les terrifie : elle avance sur le terrain de leur imagination comme un océan déchainé. (76)

Marie Rose frightens them. They have all the means in the world to crush her in a second, to subject her to all forms of disgrace, to throw her, cut into pieces, on the sidewalk, and register her name on their bulletins of victory. But they have known from the beginning that they would not be able to conquer either her heart or her mind. The more she spoke to them of love, the more they were afraid. Mounir, Tony, Fouad and Bouna Lias, finding themselves before a woman who can stand up to them, are terrified. She breaks on the territory of their imagination like a tidal wave. (68)

Marie Rose makes them tremble. And they get angry because she shakes the foundation on which their community is built. She displaces their beliefs and the truths “without the truth” (Derrida 43) she tells them diminishes them and because of that, the executioners want to exact monstrous punishment on her. For them, “the decision of the group is the one thing they must defend and assert by whatever means. They train themselves to become executioners all the while believing themselves to be judged.” (Adnan 66).

Marie Rose is accused of rebellion, of daring to stand against the community. She becomes what Derrida says about writing, it “goes beyond all the physical and the psychical gestures.... It has a different rationality... its nature is of deconstruction, demolition, de-sedimentation of untruths masked as truths, of homogeneity and lies.” (*Of Grammatology* 9). She creates tremor in all that is homogeneous. In order for this Sign not to move toward its rebellious potentialities, the finite and the totalitarian have to stop

it to put an end to its possibilities, “They’ll have to see with their own eyes what is going to happen to her. They must learn so that later they won’t get any ideas about rebellion.” (Adnan 61). And the phalangists want to kill her to end the change she wants to engender, to teach others that dissent will not be tolerated. Interestingly though this rebellion scared them to the point of killing her.

Another voice that is no different from the voice of the community of myth, of untruths and lies is that of Bouna Elias. The Christian community, the state, and the law all collapsed into each other in the voices of Mounir, Fouad, Tony and Bouna Elias. Bouna Elias represents the religious aspect of this folding onto-itself fraternity, and he claims that in Christianity, there is where true justice is and he is the defender of that form of justice, “I am the guardian of justice” (Adnan 64). But once again, this closed concept of religion, of a religion-based community, of a God and a divine who seeks nothing but violence, of untruths is deconstructed and challenged by the language of Marie Rose, and once again she cites and speaks of laws from elsewhere,

“If you were a Moslem, Marie Rose, there wouldn’t have been a problem. They would have shot you at the first roadblock. But you’re a Christian and I would like it if we could still save your life?”

“Save my life!”

“Yes”

“This war is a fight between two powers, two powers and two conceptions of the world. You’ve made it into a religious war to reinforce you ranks, to cloud the issue.”

“we’re fighting for the road that leads to the Divine. The best road?”

“How can you judge a road that you have neither laid nor traveled on? How do you know that the desert roads lead to the Divine less well than the roads from your cities?”

“you say such things to these children. You indoctrinate them?”

“These children... are deaf-mute. You’ll never have to fear them. They will always be bound to obscurity.”

When everything is destroyed there is nothing left but love, and you don’t know what that means.”

“You are a Christian and you went over to the enemy. Come back to the community. You’ll inhale the aromas of baking bread and of the mountains. That’s a form of love. We’re all brothers and sisters. It’s so nice and warm.”

“Bouna Lias, it’s cold in the camp and I prefer it.”

“Aren’t you afraid of going to hell?”

“You have already turned this country into hell.” (63-64) ²⁹

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- ²⁹Si tu étais musulmane, Marie-Rose, il n’y aurait pas eu de problème. Ils l’auraient battue au premier barrage. Mais tu es chrétienne et voudrais qu’on puisse encore te sauver la vie
 - Me sauver la vie?
 - Oui
 - Cette guerre est une lutte entre deux pouvoirs. Deux pouvoirs et deux conceptions du monde. Vous en avez fait une guerre de religion pour renforcer vos rangs, pour brouiller les pistes.
 - Nous nous battons pour un chemin qui mène au divin et qui est le meilleur
 - comment voulez-vous juger d’une route que vous n’avez ni traces ni parcourue? Comment savez-vous que les routes du désert mènent moins bien au divin que celles de vos cité?
 - Vous dites ces choses à ces enfants? Vous les endoctriner?
 - Ces enfants sont sourds et muets... vous n’aurez jamais peur d’eux. Ils sont, comme les chauves-souris, voués à l’obscurité.
 - je suis le gardien de la justice
 - Quand tout est détruit il ne reste que l’amour et vous ne savez pas ce que c’est.

Indeed, Bouna Lias is the guardian of justice, the Christian community justice. The justice of a fraternity whose justice is that of equivalences. He is the guardian of a love whose sense of justice is with borders and boundaries. A possessive love that only gives itself once it has secured the abeyance and submissiveness of what it loves. A love made only for the self-same individuals of a community. A love whose law is universal only for those who belong to the community, or as Jeffrey Sacks puts it, “the love that the Christians want to impart is a love that wants to police and domesticate a social order.” (“Against Simplicity 1328) They want a community which excludes confusion and non-communicative linguistic acts. Indeed, Bouna Lias’ love is sufficient, it is a love for a mythical community. His voice is the “voice of the community, or of the community’s passion. If it must be affirmed that myth is essential to community- but only in the sense that it completes it and gives it closure and the destiny of the individual, of a completed totality...” (Nancy 62). And Bouna Lias, with the others, try to complete Marie Rose’s destiny and to secure her legibility by the community. Like they did the rest of the Christian community by limiting love and fraternity to their closure, making it self love. But then comes the speech that breaks this myth open, Marie Rose’s language. She disrupts the basis of love, of forgiveness, of generosity, of justice by interrupting the mythical speech of Bouna Lias. Instead of justice, love tolerance being a conditional and conditioned offer to some groups who perpetuate a harmonious society, she opens them

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- Tu es minoritaire et tu t’es fourvoyé chez l’ennemi. Reviens dans ta communauté, c’est une odeur de pain et de montagne, c’est une forme d’amour, tout le monde y est frère est sœur, il y faut bon et chaud.
 - Bouna Lias, il fait froid dans les camps, et je préfère
 - Tu n’as pas peur d’aller en enfer?
 - vous avez déjà fait de ce pays un enfer. (71-72)

to unstable and in-offerable possibilities. The law of which she is speaking is absent, hidden and more precarious than the divine law the Bouna Lias is relying on. Whereas Bouna Lias tries to totalize God, to limit the way to get to the divine, Mary Rose opens new paths and talks about the other, hence interrupting the truth of the Christian community. To put it in Nancy's terms, her act of talking about the other in this case is a "taking away from theology" and a way of making God "unthematizable" (Nancy 113) Her language sets in motion possibilities of love, justice and laws that "are not generalizable" (Butler 10). And when she confronts Bouna Lias of his incapacity for love, she is confronting and opposing self-love. The laws of love and justice for Bouna Lias are known, inhibitive, exclusive and habituated. They belong to the Christian community only. Marie Rose's laws lack knowledge of how to proceed and disclose the inability of a closed community to deal with changing situations. She does not define nor thematizes these laws but thinks up a process that is never finished. She poses questions that she never answers, she makes statements which do not decide a new law. Her responses are always in a state of indecision, sovereign statements because they rebel through the other, and "this rebellion is against decisionist conception of sovereignty, the opening of autonomy on itself" (Derrida 69). Her statements rupture the continuation of the mythical speech without putting in motion another determined and determining language.

Marie Rose is waging a war of words, a war of languageness against dominant discourse, against the appropriation of language and the appropriation of even the divine. Her war is not only against man-made laws, but against value judgments that the

community is deeming valid for some and invalid for other, against conclusive conclusions and the appropriated usage of language in general, or as Derrida puts it, it is an act against, “the most numerous who make language and lay down the laws of its usage... a war waged against those who forge and appropriate for themselves the dominant usages of languages” (Derrida 71). Bouna Lias is a case in point of those who appropriate the language of the bible, of the so-called “divine” for themselves. What is more disquieting still is not only assuming a sort of controlling language, but how this language serves to isolate and contain uncontainable concepts and to restructure Marie Rose according to her obligations to her society. Bouna Lias distorts ideals and concepts by determining their value according to the community. In other words, he does violence to them by reducing them to the understanding and the desires of the community. Murder means justice, hatred means love, oppression means generosity, and party affiliations become Christ. Then, he uses these sickly perversions to force Marie Rose into a love, values and acceptance whose conditions are imposed by the community. She can gain the value of these concepts, their protection and their love only if she agrees to live by their limited definitions. But the rebellious Marie Rose expresses opposing concept and she re-appropriates what was abused only to leave it ruptured,

“We were generous. We took them and then they went to those international crooks and transformed their camps into dens of thieves. The blaspheme against the name of God and even go so far to say that the Almighty does not exist”

“I am exhausted, Bouna Lias. Your words mean nothing to me. You speak mechanically, without knowing what you are saying.”

“My daughter, the Chebab are going to make you suffer and I would like to spare you from their tortures.”

“you are worried about my suffering? What about the suffering you inflicted on people for centuries? and in the name of whom?

“You don’t expect me to try and explain the divine will to you?”

“They said to you ‘Love thy neighbor’ and you eat each other. You plant bombs under Red Cross ambulances because they also treated ‘their’ wounded. And all in the name of the love of the clan?”

“You reject the nobility which binds us together, the devotion our young men show dying for their party, their final act of love for their comrades?”

“What love? More than a hundred million Arabs and not one knows how to love! I know that the only true love is the love of the Stranger.”

“If you do not care about your body then care about your soul.”

“What gives you the right to pretend you can save souls? When you sow hatred, you sow evil without redemption. No! You have also perverted Christ. “

“Stop Marie-Rose. You’re depraved and sacrilegious. You’re swimming in madness.”

“Yes lord, Thy will be done. I tried to bring back Thy own and she resisted. the cries I hear now are the sign of punishment Thou hast sent from Heaven” (95-97)³⁰

- ³⁰Nous avons été généreux, les avons reçus et ils s’allient à la pègre internationale, ils transforment leurs caps en repaires de bandits, ils blasphèment le nom de Dieu et vont jusqu’à dire que le Seigneur tout puissant n’existe pas!

Bouna Lias appropriates different usages of language, of concepts to the group. Firstly, the meaning of generosity is stabilized; it is only the deeds of the phalangists toward the other. Secondly, Divine will answer the will of the community. Then, he appropriates the meaning of love and makes it complete, defined by the group and thematized according to their ‘sacrifice’ only. And in his final act, he claims a divine authority and capacity to determine whose souls will be saved by the divine and whose will not. Every concept is hijacked and made known through definitions and interpretations forced upon them by communitarian ideology and affiliations. But Marie Rose puts all these appropriations into question. She overturns the untruths which Bouna Lias and the other men attach to them. When he speaks about suffering, she overturns it against him who, alongside others, was inflicting all sorts of suffering. When he speaks of the divine will and of saving souls, in her reclamation of language from the Scripture, of Love thy Neighbor was to liberate language from the usages they are inflicting on it, and from their

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- Je suis exténuée, Bouna Lias. Vos paroles ne m’atteignent pas. Vous dites des choses machinalement, vous ne savez pas ce que vous dites.
 - Ma fille, le chabab, vient te faire souffrir et je voudrais t’épargner leurs tortures.
 - Vous avez peur que je souffre! Et ces souffrances que depuis des siècles vous imposez au peuple?
 - Tu veux que moi, je t’explique, la volonté divine?
 - On vous dit “aimez-vous les uns les autres” et vous vous mangez. Vous mettez des bombes sous les ambulances de la Croix-Rouge parce que celle-ci aussi soigné leurs blessés... et cela au nom de l’amour du clan.
 - Tu rejettes cette noblesse qui nous lie, ce dévouement dont ont fait preuve nos jeunes gens morts pour l’existence de leur patrie, cette preuve d’amour absolu à l’égard de leurs camarades?
 - Quels amour? Plus de cent millions d’arabes et pas un qui sache aimé. Moi je sais qu’il n’y a d’amour brau que pour celui qui est Etranger.
 - Si ton corps ne te préoccupe point pense au moins a ton âme.
 - Mais de quel droit pouvez-vous prétendre sauver des âmes. Quand vous semez la haine vous semez le mal sans rédemption. Non! VOus avez aussi perverti le Christ.
 - Marie-Rose, tu es impudique et sacrilège. Tu baignes tout entière dans la folie
 - Oui Seigneur, que votre volonté soit faite. J’ai essayé de nous ramener l’une des vôtres et elle nous a résisté. Ses cris, que j’entends, sont le signs de la punition que Vous lui avez envoyé du Ciel.
- (99-103)

domination over how ideas should be defined. She reveals to them how they embezzled Christ from Christianity and Christianity from Christ. She denies Bouna Lias' usage of Christ because, "one is never right to invoke him in such circumstances, because the true Christ exists when one stands up to one's own brothers to defend the Stranger. Only then does Christ embody innocence" (*Sitt* 104). And Marie Rose not only defends the stranger, but She exposes the hypocrisy of her brother by restoring to Christ and their language the lack that their naming took away. Bouna Lias tries to assert his knowledge of what is and what will become and to categorize each of the concepts above, while Marie Rose takes away all the assertion of types without proposing any new types in their stead. Bouna Lias tells her she is swimming in madness, and madness is where the revolutionary philosophers, politicians and leaders will "seek neither to hide the possibility of [the existence of incompatible values] nor will they seek to surmount it" (Derrida 34) but they will always turn language, speech, address into, not its opposite, but its lack. By her refusal to acquiesce to classification, she is opening the future to the risk of the unknown and the unplanned. There is no possession, no legality, no single definition or practice of justice. If and when the political becomes the right of one group over another, or if offered answers, it becomes just as tyrannical.

Marie Rose never seals answers. She contravenes structure, absolute truths, essentialist narratives and understanding. She makes it impossible to take a side. One always remains in a contingent state of indecision. She undermines the notion of the enemy not by defining the enemy, but by putting the question of "who is the enemy?" in

question. She becomes the “absolute enemy of the theory of absolute enemy,” (Derrida 157), and she deconceptualizes the theological law of its concept of the enemy,

On a castré, tué à la hache et jeté à la poubelle des chrétiens qu’ils avaient enlevés à un barrage. On est venu dans des bureaux prendre des musulmans assis et on a écarté leurs membres pour qu’ils chavirent dans la mort dans un élément de douleur. Ils ne pensent qu’à une chose : grandir et se battre. Et quand je leur dis que tout cela est le mal absolu, ils me répondent : mais c’est écrit dans la Bible. Dieu déteste l’ennemi. Et quand je leur demande où est Dieu et qu’est l’ennemie, ils se jettent sur sa poitrine en m’embrassant, ne comprenant plus à partir de ce moment. (60)

We castrate them, kill them with axes and throw them in the trash cans of christians that they brought from the barricades.... people have broken into offices to take the Moslems sitting there, draw and quarter them and watch them die in a howl of pain. They think of one thing only: growing up and fighting. And when I tell them it is absolute evil; they say it is written in the Bible that God hates the enemy. And when I ask them where God is and who the enemy is, they throw themselves against my chest, kissing me and ceasing to understand. (Adnan 50)

Marie Rose does not only counter the laws these four men represent, but by refusing to be a part of prisoner exchange, of a bargain to live, she ensures that her singularity remains. She is refusing in her verbal act, once again, to admit that she is guilty, and she affirms

her own sovereignty by accepting death. She refuses being appropriated by anybody and will not allow itself to bandy with what it is rebelling against. Her death/end is her refusal to belong to anybody and it remains a pure potentiality,

Mounir, “I have done everything to find you a way out, but you’ve got to help.”

“I have nothing to say to you.”

“You have nothing to say? I’ve been getting more and more impatient with you, and yet I’m still trying to save your life.”

“You can’t exchange me. I am not an object. What makes you think I would not rather die than serves a small change in one of your transactions? Even in war you’re still nothing but rug merchants.”

“... You have your children. At least you could think of them”

“How could I tell my children I owed my life to such a deal?”

“So you’d prefer to keep your pride?”

“You’ve understood nothing in all of this. You’re fighting like blindmen. You’re cutting the throats of innocent people”

“They are and always have been foreigners....”

“And you want me to give myself to your sordid bargain?” (87-88)³¹

-
- ³¹J’ai tout fait pour te trouver une porte de sortie. Tu devrais nous faciliter la tâche.
 - Je n’ai rien à vous dire
 - Tu n’as rien à dire? Il y a longtemps que j’aurais du m’impatier et pourtant j’essaye encore de te sauver la vie
 - Vous voulez m’échanger? Je ne suis pas un objet. Comment savez-vous que je préfère mourir que de servir de pièce de monnaie à vos transactions? Faut-il que même dans la guerre vous demeuriez marchands de tapis?
 - Tu as des enfants, tu pourrais penser a eux
 - Comment pourrais-je dire à mes enfants que je dois la vie à un marchandage?
 - Tu préfères ton orgueil?

Marie Rose is going to her death; for death is her final act of rebellion against the rules of the community these four men represent. Her death is the final act of defiance to ever be a part of the laws and forms of justice they propagate. In refusing life under Mounir's conditions, she is staying outside the chain of signification. In other words, she is refusing that the meaning of her "life" is owed to the same people she has been challenging all this time. She will not allow herself to be another thing they exercised their law of life and death over. To uphold her ethical stance, in order to leave that stance outside object exchange, she had to refuse a transaction in which life is given to her at the expense of others they will kill in her stead. In accepting her death, she is ending the truth of their community, a truth of exchange, appurtenance and assemblies and is refusing the "security of dogma" (*Politics* 43). She belongs to the "inoperative community" because her world is one of "solitude, isolation, singularity and non-appurtenance." (*Politics* 42). She eludes them and everything they determine, decide or install in the name of community. More importantly, she is refusing love defined as commodity exchange in which she becomes an item of trade and a property of war in her exclamation that Mounir understood nothing in this trial. She does not do deals in which the blood of innocent people is reduced to an exchange value. Marie Rose is challenging any law that renders victims a currency of war. The fact that Marie Rose rejected being an object of exchange

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- Vous n'avez rien compris a cette histoire. Vous vous battez comme des aveugles. Vous êtes en train d'égorger des innocents
 - Ce sont, et ils le seront toujours des étrangers. (95)

set in motion a future possibility of another non-police community through the deaf-mute children she taught.

Speech turns into silence, into a written word. Ironically, these deaf and mute children who think they cannot defend or speak for Marie Rose spoke in their silence in the written word, theirs was pure communication, communication itself. They are like the “mute letter that went its way without a father to guide it. It was the letter that spoke to anybody, without knowing to whom it had to speak/ it was a letter that spoke too much and endowed anyone at all with the power of speaking” (“The Politics of Literature ” 14-15). In their resounding silence, the political is already set in motion and it is unworking the community, or a community ordering itself to the unworking of its communication, a community “consciously undergoing the experience of its sharing” (Nancy 40). They witness, “perhaps one day speech and sound will be restored to us, we’ll be able to hear and speak and say what happened. But it’s not certain. Some illnesses are incurable.” (Adnan 82). The language she speaks reaches them, “if she went away, we’d go too. Where? We don’t know, but we’d go from here” (Adnan 81). Marie Rose created a community without a community, a potential community with the deaf mute who do not have a drawn-out determined destination to follow, rather a path toward the unknown. And a path of a community is the path of the purely potential here. This potential is set by love, and as the deaf-mute say, a love that transgresses all familial and familiar types of love.

The deaf-mute come as an essential, if not one of the most expressive moments of the potentiality of a community without a community. In time two, we are spoken to by

the deaf-mute. Marie Rose in one of her responses to her captors argues that the deaf-mute children are not to be feared because they will always be in the shadows of society, silent, and obscure (Adnan 63-64). They suffer from a ban, a social ban, the “exclusion of the non-communicative” (Sacks, “Against Simplicity” 1330). They are abandoned not only by society, but by their own families and other teachers,

Personne ne nous aime. Nos parents nous battent. Ça les met en colère qu'on soit sourds-muets. Nous empêchons nos sœurs de faire de bon mariage. Alors ils nous ont mis dans cette école et seule Sitt Marie-Rose nous anime. Nous le savons parce qu'elle est très patiente. Elle ne se dépêche pas de partir à la fin de classe comme les autres professeurs. Elle ne nous a jamais battue. (54)

Nobody loves us. Our parents beat us. It makes them angry that we are deaf-mutes. They say we are worthless. We keep our sisters from making a good match. So they put us in this school and only Marie Rose loves us. We know it because she is so patient. She does not rush out at the end of class like the other teachers do... she never beats us. (44)

These kids are orphaned, hence “without any authorizing figure able to police the way nor by whom they are used and understood” (*Jacques Rancière and the Contemporary Scene* 93). They are the counterpoint of a police community characterized by pre-existing rules enactment of control. These kids can be assigned no meaning and posit the collapse of hierarchy. What is most striking about this paragraph and the rest of this chapter (43-46) and other chapters (79-82) is that it is not one deaf-mute that is speaking in writing.

There is never an “I”, but always a “we”. What marks this “we” is being in a liminal zone, in suspension. Who are those “we”? What gender they are? How many of them are there? Are all of them included in this “we” or only some? They convey a “relationship between signs and other sings” where the one cannot “impose its will on another” (“Politics of Literature” 16). And most importantly is that they never express being a part of any community, nor do they express belonging to any type of law like the four men above. The “we” of the deaf-mutes stands in stark contrast to the each of the “I”s of Mounir, Fouad, Tony and Bouna Lias. All of their “I”s expresses nothing but the totality of a community and speak the same communicative language of determinism, law, state, stability and violence. The “we” of the deaf-mutes however speaks nothing and communicates nothing but the love they felt from Marie Rose. They remain outside communication and outside stability “we dance”,

Nous sommes ici pour apprendre ces langages particuliers qui nous aident à communiquer avec les autres. Nous lisons sur de lèvres des mots dont les sons ne nous atteignent pas. Nous émettons nous-meme des sons qui font fremis. Nous ne les entendons pas. Nous utilisons nos doigts comme s’il s’agissait d’un alphabet. Mais nous pouvons surtout danser. (39)

We’re here to learn special languages that help us communicate with others. We read words on lips whose sounds don’t reach us. We utter sounds that make people shudder it seems. We can’t hear them. And use our fingers for the alphabet, but above all we dance. (29)

What binds them is love, but also witnessing, dispersal and a non-destination. In witnessing the interrogation of Marie Rose, the deaf-mutes know that something bad is going to happen, but they still do not know what. They knew one thing thought, that if Marie Rose, the person who gives them love, leaves, they will leave to, albeit the destination being obscure, “If she went away, we’d go too. Where, we do not know, but we’d go away from here” (Adnan 81). There is a “where to” that has to stay open, and they have to remain outside of domestication, identification, sedimentation and containment. Marie Rose opened the potentiality of a community without a community whose possibility moved to the deaf-mute, those who cannot communicate. The deaf-mutes have to stay outside the realm which privileges understanding, communication and an end to things, “perhaps one day speech and sound will be restored to us, we’ll be able to hear and speak and say what happened. But it’s not certain. Some sicknesses are incurable.” (Adnan 82). Saying that some sentences are incurable is expressing inability to communicate not now, but in the future, hence leaving any possibility of community not only as possibility, but a non-communicative one. In the end, the deaf-mutes “rise and moved by the rhythm of falling bombs their bodies receive from the trembling earth, they being to dance.” (Adnan 105). Dancing is symbolic here of things not remaining stable. The continuation of movement through their dancing defies the attempt of bombs to delimit, to end and to eliminate them. Their dancing “traces the Idea/Sign” (*Mute Speech* 141), which is Marie Rose who cannot be inscribed anywhere. They keep things open, and they [the deaf-mute] continue. Even under violence which terminates, their dance ensures that “then what” and the “where to” stay open and without an answer. Indeed,

their dance is symbolic of an open-endedness against a mythical community that failed, even in death, to control their movement. In the uncontrollability of their dance, the deaf-mute gesture toward a “political activity [that] is whatever shifts a body from the place assigned to it or changes a place's destination.” (*Disagreement* 30).

The politics of the legal, secure community represented by the four men creates the distinction between the dominating group and those who remain oppressed. The political which Sitt Marie Rose declares in every utterance is that which interrupts the dominant group's discourse and ideology. The ostracizing, orientalist, exclusive and disparaging discourse of the four men against the Palestinian, Muslim and “Arab” other recalls the legal discourse discussed in chapter one. The latter creates a political for the legal subject only, and that is the figure the law, rights through the law and justice by the law apply to. The other remains outside. In fact, legal discourse is what causes the other to “exist” as the other described through language. The political envisioned here is the political Rancière explores, “The supremely political destiny of man is attested by a sign” (*Disagreement* 2). Indeed, Sitt Mary Rose was the ‘Sign’ that interrupts power and its expression, draws attention to the “isness” of the other that is expelled from the community and from the rights it offers its subjects, and unmask the lies the community tells itself to secure its survival. Marie Rose embarks on a “political activity is always a mode of expression that undoes the perceptible divisions of police order by implementing a heterogeneous assumption, that of a part of those who have no part, an assumption ---- that demonstrates the sheer contingency of the order...” (*Disagreement* 30), and she passes this activity to the “mute” signs that continue on without attachment to their origin

and without a designated destination. Marie Rose and the deaf-mute become “intransitive”³², disrupting the system of meaning-making through a policing community, and open the path to brief experiences and particular situation to occur and generate their own creative questions and responses.

³² A term borrowed from Jacques Rancière in *Mute Speech* p.94

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Letters Against Domination

Writing is a small puppy biting nothingness

Writing cuts without shedding blood

Mahmoud Darwish- *Halat Hisā*

The poem *A State of Siege* was written in 2002 during the Israeli siege of Jenin. This, and other forms of repression discussed in chapter one that Palestinians have been suffering since the beginning of the Israeli occupation have rendered the Palestinians displaced spatially, mentally, culturally and physically, and robbed them of the most basic rights. For the Israelis, rights are the appropriation of one people, race, religion and are acquired through laws, manipulation of laws, self-defense rhetoric, invented right to land and the likes. As a result, justice becomes the possession of laws that are used or discarded with whenever it is useful for the oppressor, or as Derrida puts it, “justice risks being reduced once again to juridical- moral rules, norms, or representations, within an inevitable totalizing horizon” (*Specters of Marx* 34). The following chapter will explore the poem *A state of Siege* as a space of justice in the undecidability of its sentences and disjointedness of time. It is an invitation of the other to bear a responsibility that cannot be reduced to prescribed moral values and pre-established concepts. More importantly, it is an invitation to an experience of existence that does not bend or adjust itself according to the law, but one whose laws stem from the particularity, undecidability and uniqueness of each experience.

In “Force of Law” Derrida argues that “Law is not justice. Law is the element of calculation—but justice is incalculable and requires us to calculate with the incalculable; and aporetic experiences are the experiences of justice, that is to say of moments in which the decision between just and unjust is never ensured by a rule’ (16). And so it goes that by taking a closer look at how the fragments in the poem, we find that they are the place where aporias are infinitely coexisting, it is a look into a form of justice that is “infinite, rebellious to rule and foreign to symmetry” (Derrida 22). It is opposed to law which is a system of a “legitimacy or legality, stabilizable and statutory” (Derrida 22) as the law proved to be in all colonial contexts in general and in the Palestinian case in particular.

Darwish’s *A State of Siege* responds to the forms of violence and realities mentioned in the law chapter and in the first footnote above. This poem, in its undecidability, is “obliged to give itself up to the impossible decision, while taking account of law and rules” (Derrida 24). *A State of Siege* appropriates the realities of the siege that not only fragment people, but it does so to prevent the Palestinians from establishing a political community and from identifying with their roots, history and culture. The poem is constituted of over a hundred fragments, most of which stand alone and have no connection with other fragments. The poem’s appropriation of such fragments mirrors the fragmented existence of the Palestinians that is decided based on maps, roadblocks, walls, sieges and more. Moreover, the poem appropriates the language of siege, demonstrates elements of the divisions the occupation places on the besieged areas and their isolation from other parts of the land, mirrors the fragmented lands the Palestinians live in, writes the violence exercised on the Palestinians as well as the

undetermined destiny the siege and occupation impose on them. Indeed, in “Language Places”, Jeffrey Sacks explains that the “scene of address [in this poem] bears an essential relation to the ethical- to the act of bearing witness to colonizing violence and to the relation to haunting modes of alterity...” (*Exile’s Poet* 2008, 239)³³. But there is

³³ Other accounts may not have looked at this particular poem; however, most of them discuss Darwish as a nationalist, exile or resistance poet, or even as a poet who was trying to find a pure origin, an origin from which land is born. Faysal Darraj in “Transfiguration in the Image of Palestine in the Poetry of Mahmoud Darwish” writes, “the expression of the poet of the Palestinian resistance has two implications: first of an occupied land that awaits liberation, and secondly, a national ideology that celebrates the poetry of commitment to the liberation of Palestine.” (*Exile’s Poet*: 2007, 58). There is no doubt that Darwish wanted the liberation of Palestine from its occupiers. However, liberation from occupation is not the same as espousing a national ideology. The latter has implications that would have made Darwish’s poetry a tool in the quest of a national ideology, a myth that his language completely dispels as we shall see. Darraj also writes how, “the inauguration of a new poetic foundation needs to recapture the idea of the pure, ancient origin which assigns the founding poet as an origin to others, an origin from which the land emerges as pure space without inequity or imperfection” (59). Indeed, the poet always needs to look at the past, but that is not in order to find a pure origin or pure identity, but in order to witness it and to disrupt it. If Darwish goes back to the past, it is to learn from it or raise his people from the state of defeat, as Darwish himself argues, “a people without poetry is a conquered people” (Yeshurun, qtd in both Rahman, *Literary Disinheritance* 47 and : *Exile’s Poet* 3) Other studies focused on poems from Sarir Al-Ghariba “The Stranger’s Bed” to show the relationship between love and exile and to explain the changes in Darwish poetry and his creativity in expanding the “lyric Epic” (Subbi Hadidi, : *Exile’s Poet* 2008: 105). Habibi maintains, “Darwish, not wanting to lose aesthetic control of his poetry, decided to determine for himself his relationship with his public, he did not hesitate to distance himself from the public when it asked for political response.” (97, 110). Darwish’s poetry attests that it is out of control, and using the word aesthetic in this context would take us to aesthetic theory which is about the closed “I” and a colonial-racist-aesthetics theory (Da Silva.) , which is not the subject of discussion here. I am not sure if Habibi here meant the beautiful images in Darwish, “jamaliyet”. If that is the case, a different word should have been used because aesthetics is misleading. Others like Reuven Snir focused on the themes and the structural patterns and dimensions such as rhetoric, meter, rhythm, graphics, poetic and others (*Exile’s Poet* 2008: 123-166). Similarly, in *Literature and Politics of Palestinian Identity*, Muna Abu Eid argues that the concept of homeland was the most powerful thing that haunted his poetry and he even reconstructed Palestine and Palestinian identity. She write that his poetry “gives a unique and almost exclusive poetic reading of the history , sociology and political psychology of the Palestinian people” (59-60). The occupation tried to purge the memory of the people and Darwish reconstructed and preserved it. Abu Eid, however, also demonstrates how unlike Israeli poets who are the example of a poet who follows and supports national leaders and encourage national movement, Darwish did not have political allegiances, except for the people and the Intifada “revolt”. According to her, Darwish was the type of poet that Edward Said wanted, one who represents all the people and the issues that are forgotten or swept under the rug. Darwish’s political life as Abu Eid conveys it was about being involved with people’s movement regardless what ethnicity or religion they were from. Darwish was a part of the MAKI Israeli communist party in the 1960s, and he alongside Samih al Qassem were accused of being propogandists for the Zionists, while all they wanted to do was to live in peace alongside the Jews. Her book has invaluable information about Darwish’s political trajectory which will be impossible to summarize here. But the importance of her study shows clearly how even though Darwish always thought about the homeland, he never espoused any ideological conduct or practice.

another possible reading, that of *A State of Siege* as a beginning, a possibility of difference, of not being, acting, thinking as we always do. In short, a beginning of thinking about the possibility of incalculable justice.

To explain, from the examination of the besieging violence, the unjust laws and practices they enforce on the Palestinians, the narrative perpetuated by the Israelis is clearly one of violence which aims at establishing a relation to the Palestinians based on the subject/object reality, me against you. However, it is not only a mastery over the individual as a body. It is mastery over and against thought, time, identity, space, political status, action and even the end toward which people work; it is absolute domination. The siege of the Palestinians people is a true state of terror based on racial and ethnic hierarchy and the attempt at obliterating the oppressed. However, in the affirmativity of language in Darwish, language is always writing and rewriting new social, spatial, temporal and interpersonal relations. It shifts the narrative of the siege from one of separation to one of opening paths to a conversation, from one of hierarchy to one of welcoming difference and contiguity. Whereas the siege limits access to space and resources, the poem allows a free movement by way of how poems are spatially interchangeable. Instead of the siege which sets boundaries and compartmentalizes,

Najat Rahman also writes about the search for home in both “Threatened Longing and Perpetual Search: The Writing of Home in the Poetry of Mahmoud Darwish” and her book *Literary Disinheritance*. Instead of focusing on themes, rhetorical devices and metric style, Rahman actually works very closely with the language of the poems she chose. In problematizing the issue of homeland, she ends up problematizing what poetry is and how it is in Darwish. She speaks of poetry as “movement, a continuous questioning that inhabits the song poem, nashid” (*Exile’s Poet* 2008: 45). In both works, she shows how the homeland Darwish is seeking is already one in dissemination, one of wandering, journeying and errance, elements that clearly dominate his poetry. Moreover, she maintains that Darwish’s poetry testifies since poetry can be concerned with a certain beginning. Yet, the beginning she is discussing is not one that is looking for pure origin, or the pure poet. Rather, it is a beginning that is open, and open to the future.

language in *A State of Siege* breaks those boundaries and undoes power relations and the homogeneous historical subject, time and space. Language in *A State of Siege* is not self-same and is not affected by identitarian loyalties, but multiplicity that keeps multiplying, and the more one tries to understand it, the more one finds themselves lost in its infinite excess. Language alternates, moves. It is “formation and deformation, emergency and decay, birth and death can hardly be told apart” (Echolalias 74)) to the point that besieger/besieged, life/death, hope/despair, love/blame, war and peace are not separate. In such excess, language is challenging the notion of a single identity. The multiplicity of language introduces the multiplicity of people over the single identity narrative that the occupation maintains. The unceasing ambiguity and fluctuation of language posits a beginning, a history of multi-ethnic, religious and racial layers that could compose the space (the land) in Palestine. In its sentences which lack a teleological progression, in its unconnected images, language in *A State of Siege* resists subordination, subject/object relation, master/slave narrative. Language orients itself toward the other of itself just as the Israelis and Palestinians can orient themselves toward the other and allow themselves to be absorbed by the experience of the other in order to learn that they both can exist. Language in *A State of Siege* becomes what Hamacher, in his reading of Walter Benjamin’s essay “Critique of violence”, calls “a moment of pure violence”. (*Afformative, Strike* 1143-1144).

The poems refuse integration into a totality, and it “lay[ers] multiple possible domains of reference” (Lloyd, “Nomos and Lyrics” 10). The poem states, “[To poetry and prose:] fly together/ like the wings of a swallow carrying the blessed spring” (148).

The poem is de-totalized and de-totalizing because it is already made up of two genres, prose and poetry. Moreover, the swallow becomes “the allegory of the poem as flight” (Lloyd 14) from the siege that is mirrored by the brackets at the beginning of the fragment toward a future of rebirth and regeneration that does not conceptualize how this rebirth is going to take form or what it looks like. The poem sets itself against forms of completion, understanding and domination by setting itself against the critics that attempt to capture this bird of a poem and domesticate it. That is because the poem speaks to its scribe in dreams, a world of flight, ephemerality, imagination and lack of control.

[إلى ناقد: لا تفسر كلامي
بملعقة الشاي أو بفخاخ الطيور!
يحصرنني في الكلام منامي،
كلامي الذي لم أقله،
ويكتبني ثم يتركني باحثا
عن بقايا منامي

[To a critic]: Do not interpret my words
With a teaspoon or bird snares!
My words besiege me in my dream,
The words I never said,
They write me then leave me searching
For the remnants of my dream..... (The New Complete Work, *Ḥalat*
Ḥisār 193)

The obsession of trying to seek meaning, to compartmentalize poems in theoretical frameworks, to subject them to an interpretation besieges all literary critics. They want to compartmentalize the other and to make her completely exposed, while the poem is surreptitious and comes unexpected. The poem, though, through the dream, disjoins space, time, knowledge, divisions. The dream is a realm without bounds, without restrictions on movement, without borders, and where language is on a “journey without

roads, maps or addresses. A picnic beyond any destination” (Darwish, *In the Presence of Absence* 94). Such experience in language is one of freedom and love.

Before turning to the main part of this chapter, a few notes regarding translation and the existing literature on Darwish are due. I have worked with two translations of *A State of Siege*. The first one can be found in the translated version of *Butterfly’s Burden* by Fadi Joudeh, 2007, and the other is a translation of only *A State of Siege* by Munir Akash and Daniel Abdal-Hayy Moore, 2015. I will not be using either one. This is not to say that the translations are unsatisfactory, but both translations seem to have made personal choices which are unfaithful to the original text that they, at one point or another, change the movement of meaning, the form in which Darwish wrote. In some areas, where meaning in the original is open and can bear multiple interpretations, the translations limit the meaning to one possible interpretation. To illustrate, Darwish writes, “al-dababu zalamun, zalamun katheefu albayad/ tuqashiruhu al burtuqala wa al mar’a al wa’ida” (*Butterfly Burden* 2007, 132). Fadi Joudeh translates it, “The fog is darkness, thick white darkness/ peeled by an orange and a promising woman.” (*Butterfly Burden* 133). The lines could also really emphasize the contradiction and the definite nouns Darwish is expressing in the original Arabi like, “Fog is darkness/ Darkness dense with whiteness/ peeled by *the* orange and *the* promising woman.” In a similar way, Joudeh translates the words “salam” in Arabic to “Salam” in the capital in English (170-172). Another translation t would be “peace” as Munir Akash and Daniel Abdal-Hayy Moore translated it. The Akash and Moore translation has its own problems as well. For instance, in the following poem, they not only translate in a way that shifts the meaning,

but also change the vertical or horizontal position of some words, which in turn seal meaning,

هنا، عند منحدرات التلال، أمام الغروب
،وفوهة الوقت
قرب البساتين مقطوعة الظل
،نفعل ما يفعل السجناء
،ما يفعل العاطلون عن العمل
نربي الأمل

Here on a hill slope facing the sunset and the wide-gaping
gun barrel of time
near orchards of severed shadows
we as prisoner and the unemployed do:
we nurse hope.(Akash and Moore 2015, 3)

To speak of form first, in the original, the whole phrase of “and the wide gaping gun barrel of time” is on the second line, not distributed between the first and the second as they did. The same takes place with the phrase “we as prisoners and the unemployed do”. In the original Arabic, the phrase “the unemployed do” is on the following line, by itself as if it were an independent phrase. By placing it on the same line as the prisoners, they made it all in one sentence and one meaning. As for the actual translation, the “wide-gaping gun barrel of time” could just mean “the opening”. The militaristic translation of Akash and Moore denotes that this here is limited to a space where the military siege, closing the possibility of a different reading of what this “here” could mean. In a similar way, they wrote “near orchards of severed shadow” while translating it from Arabic would be, “near orchard severed of shadows”. In the first translation, it is as if the shadows are the ones severed. In the second translation the orchards are the ones suffering the severing or the deprivation of shadows. In another example, where the Arabic version has no verb to connect the elements of the sentence, leaving them all

afloat, “here, no “I”/here, Adam remembers his clay”, Akash and Moore’s translations not only adds a verb, but the location of the word “here” changes in the first line and disappears in the second one, “The “I” no longer exists here/ and Adam remembers his clay” (*Butterfly Burden* 7). They added the verb exists, the “here” which begins every line in this sentence is placed at the end of the first hemistich and is omitted from the second one. They also add the word “and” at the beginning of the second hemistich, which is not there in the original Arabic. Examples of such choices proliferate both translations, which is why I will be doing my own translation of the text in this chapter. There will be some intersections with both aforementioned texts, but that is only because the original allows them to exist.

Poetry: The Zone of the always Definitely Maybe

In the poem *A State of Siege*, written by Mahmoud Darwish during the Israeli siege of Jenin in 2002, a message is addressed to poetry, “[to poetry:] lay your siege” (225). This line can be translated in different ways: “[to poetry:] lay your siege”, “[to poetry:] Besiege your siege”, or “[to poetry:] Lay siege to your siege” or even “put your siege under siege”. In the first translation, poetry is the actant, it is what will lay siege. In the second translation, it can be both the actant and the object. “Your” in this sentence in Arabic is problematic. “Your siege” or the “accusative kaf” “hisaruka” could refer to the actant, hence the poetry will be the one doing the siege. “Your” could also mean that poetry is the object of a siege, that the siege is happening to poetry. In this case, poetry is asked to break from that siege by laying a siege to what is already besieging it. In the last translation, poetry is solely the object of the siege, being subjugated to it, but is still asked

to break from that siege with another siege. A state of siege is a state of coercion, and a coercion by means of violence held by the military or the police of the state. It is a state of subdual, appropriation and forcing people to surrender either to their state, or to the state of occupation.

The siege of poetry stays, the poem stays as long as there is violence, “This siege will extend until we teach our enemies /paradigms of our Jahili poetry” (*Ḥalat Ḥisār* 179). The recourse to Jahili poetry in the context of the siege is not arbitrary. Why does Darwish mention it, and how does it relate to his poem and to the state of siege? One possible answer comes from Adonis. In his *Muqadima lil-Shi'r al- 'Arabi*, Adonis also offers an interesting reading of the Jahili poetry. Adonis writes, “The Jahili poem had no composition, no unity among its part an no structural framework”³⁴ The Jahili poetry is the space where the aporias of experiences converge (see footnote below) and each one moves to give place to the other. Moreover, because it moves, it is fleeting, in flight, reaching beyond itself and its present moment, and is full of potential. As such, mentioning Jahili poetry is a message of a freedom that comes from the past to disjoin the present and gesture to a future in the becoming. More importantly, though, the poem is redressing a history that has been wronged. The Palestinians, history, culture and land is being appropriated, and in some cases disallowed to be mentioned as an attempt to obliterate the fact that Palestinians ever existed as a unified people. In the recourse to

³⁴ Adonis also notes that “Jahili poetry is this loving, joyous, sad and bereaved dialectics between gloomy fate (life) and transparent heroism, between necessity/absolute and freedom, spontaneous strength, and necessity and potentiality” (Muqadima 1979: 29). And more importantly that, “The Jahili poem explodes and moves in succession... it is full with ... movement and so it is lyrical ” and that “the Jahili poem does not form an independent, self-sufficient world, but it is a part of life.” (Muqadima 1979: 31,33).

Jahili poetry, the poem is bearing witness to the life, histories, realities and experiences of the oppressed that have been obviated.

It is also putting a certain obligation on the “other”, the oppressor to learn. They have to learn “lines of poetry that accompany the various meanings of the word.” (*In the Presence of Absence* 87). The poem gestures toward Jahili poetry as the beginning of learning, which is a gesture to the beginning of Arabic language, and the heritage of Arabs in the occupied territories. So, it wants the “other”, the oppressor, to go to those beginnings, but it does not prescribe an end, a set of values that should be learned. It invites the other to a journey not “preceded by any knowledge or any guarantee as such.” (Derrida, *FL* 26). The effects of this learning are unknowable because learning does not “lend itself to human determination, to any knowledge or decidable certainty” (Derrida 56). Poetry is already a space of indetermination, and an invitation to such a space is a request to relinquish control, domination and the fear of the other. The oppressor is responsible not before determined and pronounced codes of law, but before experiences of indecision. They will have to come to terms with these experiences on their own without bending to predetermined laws.

Right after addressing poetry and asking it to besiege the siege, Darwish addresses prose saying, “drag the evidence out of /the scholar’s encyclopedia to a reality destroyed/ by evidence. And explain your dust.” (*Halat Hisār* 225). Prose is asked to bring the past as a way to resist the present. Prose becomes a counter-legal and counter-present-epistemological framework that will offer “alternative conception(s)” (Lloyd 2) and views to question the Israeli legal narrative that twists reality and all their evidence

and arguments that deprive the Palestinians of their right. In short, the poem is a gift of justice not only for the Palestinians, but also the Israelis to free them of ideology in order to bear responsibility.

Undisciplining Homogeneous Time

Not only does *A State of Siege* unseat the laws which imprison, control the movement of and determine the place of poetry and prose, but it also suspends time. Time, which is suspended for the Palestinians by controlling their future, their life and death, their bodies, is itself suspended. As if the poem is a “suspension of the suspension of determination” (Lloyd 5): a double suspension of the law and its emergency. The suspension of time in *A State of Siege* is not only in the fact that the poem remains, but in how everything is written in the present tense. The past and the future coming together at once in a time which never ends,

عميقاً، عميقاً
يواصل الفعل المضارع
أشغاله اليدوية
في ما وراء الهدف

Deeply, deeply
The present tense continues
Its handicrafts,
Beyond the goal... (217)

A descent into the abyss, perhaps? Into a time that engulfs and consumes all other times? The present tense is the unfathomable, borderless and boundless abyss.. In saying “beyond the goal”, the future to come is never repeated by the present and the goal is not stated nor known, much less fixed. This moment in the poem has an “á venir [that is] the very dimension of events irreducibly to come” (Derrida, *FL* 27), which is one of the conditions of justice that “exceeds calculation, rules, programs, anticipations...” (Derrida

27). The present tense presences. It brings the events, the people, the objects, and life to reality that is in suspension. By bringing the fragments together, the poem is bringing the fragmented Palestinians existence together in the poem. It is allowing a heterogeneous Palestinian political body and society to find expression and existence in those fragments. It is also presenting a connection of mutual living between the Palestinians and the Jews despite their difference.

Whereas in earthly time the siege disciplines, attempts to control space and time, and appropriates the right to tell who can move and who cannot, who can live and who cannot, and can set conditions on what life would be like, the time of the poem turns this earthly time over on its head,

في الحصار، يصير الزمان مكاناً
تُحَجَّرُ في أبدِه
في الحصار، يصير المكان زماناً
تُخَلَّفُ عن موعدِه

In the siege, time becomes space
Calcified/concretized in its eternity
In the siege, space becomes time
That missed its appointment (242)

The verses are already multiple. The siege in both appearances could mean the actual siege and/or the siege of the poem. One can read the verses in different ways, and the sentences “establish different tracks of meaning” (Lloyd 7). The first one is contextual, where they share the siege enforced upon the Palestinians. Time becoming space and space becoming time reflect the movement (or lack thereof) of the Palestinians through checkpoints and barriers where trying to get from one place to another becomes time due to the waiting in line, to taking detours and to the decision of the guards. Things turn

topsy-turvy in the siege. Time becomes space. This space is one that has turned eternally into stone. It became immovable, hard to change, and with distinct borders, which limit movement. The siege makes time feel like eternity. The time which missed its appointment takes part in the experience of the Palestinians at the checkpoints when they arrive late and are not allowed to pass. But this reading is exactly the homogeneous reading which Darwish cautions against. The other slope is one where the poem creates its own reality, and the siege now belongs to the poem itself. The space is the poem, which is boundless, passing, changing, deferred and never arriving on time. Time and space form a continuum. Without any limits, the poem simply exists unchanging in its uncertainty as a timeless object. Lending itself to two readings at once, collapsing them into each other, the poem is already a space of undecidability refusing the binding character of a closed interpretation or of closure regimes. The present tense here and in the other verses of this poem “does not stop at the present time, but it includes everything that was and that will be” (Al Shi’iri 567).

This guessing abyss to which Darwish takes his readers involves dimensions or events of time constantly asked to secede and to withdraw. Not surprisingly, these times and what they mean or what events they might hold remain discrete, unique. They do not transmit content, which allows the time of that poem, the memory of that poem and the future of that poem to belong and not belong to any reader. The homogeneous time enforced by the Israeli siege has lost its grip in language and time now is an incalculable and indecipherable abyss. Its yesterday and tomorrow belong to the reader in their own discrete existence,

كلما جاءني الأمس، قلت له
ليس موعدنا اليوم، فلتبتعد
أوتعال غدا

Whenever yesterday came to me, I'd tell it:
'Our appointment is not today, so go away
And come back tomorrow (188)

The past is coming and being delayed, projected into the future as if it is a “missed encounter” (Nomos 16). But what is this yesterday? Why is it delayed into the future? Who or what is it coming to? Times are disjointed and the past is always the future. Moreover, time does not belong to anybody or anything. It is as if the poem is setting free the time that is also besieged and controlled by the actual Israeli siege. The vagueness of what this yesterday is makes it open to all the possibilities of yesterday that could also be the possibilities of tomorrow. In other words, there is no decision that can be made, and the fragment allows all the “possibilities it sets in motion to take flight” (Nomos 13). Once again, the poem offers so many questions with no appurtenances, and resists answers and fixed forms of knowledge inherent to the narrative and practice of law.

Destruction of Destruction: Discontinuing the Siege

“Doing the impossible, the poetic work measures the immeasurable. It names the dimension of this measurement as an opening.” (Sacks, “Language Spaces” 268). The immeasurable in those verses is the breaking away from the siege, not only the siege enforced on the victims, but the siege transgressors have placed on themselves as well. The poetic word becomes the space where control is disrupted, concepts are dislocated, and the reality of the siege and the besieged decomposes. Waiting is a waiting in and through the language of the poem instead of the waiting under siege. A waiting in

language is a waiting for something unexpected, whereas the waiting under siege is a waiting of control and coercion. A time of waiting in language does not define or identify a future as the siege attempts to subsume the future of the Palestinians.

[إلى حارس:] سأعلمك الانتظار
على باب موتي المؤجل
تمهل، تمهل
لعلك تسأم مني
وترفع ظلك عني
وتدخل ليلاً حراً

[To a guard:] I will teach you waiting
At the door of my postponed death
Wait, wait
You may get bored with me
And lift your shadow off me
And enter your night free
Without my ghost! (236)

As mentioned earlier, one way to read this fragment and the others below is by looking at them through the socio-political context of the siege. The poem shares the event of the Palestinians suffering from the siege that the occupation forces onto them. The brackets around the word guard repeat the containment and oppression that the Palestinian subjects experience under closure. While waiting, the guard is in a liminal place, just like the Palestinian at the checkpoints and those subjected to a long-lasting siege. The siege in the poem has no end in sight, just as the military sieges Israel enforces upon the Palestinians has no end in sight. The fragment above is an iteration of the experience of siege. However, in it, the besieger (the guard), in his besieging, becomes the besieger. Just like the Palestinians wait for an unforeseeable end of siege, the guard is taught the same interminable waiting by the specter of death that never arrives, the death of the “Other”. As long as the interlocutor keeps deferring his/her death, the guard will

experience the precarity of the siege. It is the persistence of life instead of imprisonment and punishment that is besieging the guard. His entire existence hinges on a death that refuses to arrive. The Other remains in the poem, and his presence “robs” the guard from any other possibility of life. At the same time, the subsistence and recalcitrance of life would make the guard walk away, free of the guilt that would haunt him if he ends up killing the “other”. The guard’s ‘being’ centers on the death of the other, and the fragment opens other possibilities of being once the guard accepts that the other will always be there.

The waiting the poem inflicts on the guards does not stop. It repeats, but each time differently. The waiting in the poem disrupts the continuity of the waiting inflicted upon the besieged,

إلى حارس آخر: [سأعلمك الانتظار]
على باب مقهى
فتسمع دقات قلبك أبطأ، أسرع
قد تعرف القشعريرة مثلي
تمهل،
لعلك مثلي تصفر لحناً بهاجر
أندلسي الأسي، فارسي المدار
فيوجعك الياسمين، وترحل

[To another guard:] I will teach you waiting
At the entrance of a coffee shop
So you would hear your heartbeats, slower, faster
You might know shudders like me
Wait,
And you might whistle like me a migrating tune
Andalusian in sorrow, Persian in orbit
And then Jasmine hurts you, and you leave (237)

Time repeats, and an action repeats with it: a besieged guard who will be taught what waiting means. But the return marks a difference. It is the gate of a coffeehouse, or at the

gates of an experience. Waiting takes the form of an invitation here to a place where the two share an indeterminate experience. The one thing that is sure to happen is the exposure of the guard to an exteriority beyond his/her coherence and subjecthood under the state and its laws. The guard will take part in an experience that has no rules and refuses identitarian connections. The coffeehouse is the gathering place of people from all walks of life: rich, poor, old, young, educated, uneducated, men, women. It is the gathering place of life. Waiting at the door, the guard will be witnessing- instead of the soul-crushing lines which hold Palestinians accountable before the imperative of the law- a life happening inside the coffeeshop and passing outside it. He/she will allow their homogeneity to be disrupted by a heterogeneous experience. Witnessing the movement of life, the guard will become aware of life and movement within him/her (which is the antithesis of his sealed and fixed identity as a guard), he/she will experience his existence, one that was taken away from him by being named a guard and doing all the “disciplinary duties” the title confers. The waiting redeems the existence of the guard that his title has annihilated. It releases him from the stone-like immobility to a realm of love, a relationship of love, of a friendship in which one enters into a relation with the unknown. It is a sort of a Blanchotian friendship, “Friendship, this relation-ship without dependence, without episode, yet into which all of the simplicity of life enters, passes by way of the recognition of common strangeness -----” (A.300/F.291) . Neither one of them is presented with intentions, or with a political ideology that exists before the two and guides them toward a predetermined effect or end. The experience itself here has no logic or reason that caused it, nor does it seem to generate universalizable concepts like

the law does. It is just there with all its aporias and enigma. Once the guard experiences the enigma of life, he will leave.

إلى حارس ثالث: [سأعلمك الانتظار]
على مقعد حجري، فقد
نتبادل أسماءنا. قد ترى
شبهاً طارئاً بيننا:
لك أم
ولي والدة
ولنا مطر واحد
ولنا قمر واحد
و غياب قصير عن المائدة

[To a third guard:] I will teach you waiting
On a stone bench, for perhaps
We would exchange names. You might see
A contingent similarity between us:
You have a mother
And I have a mother
And we have the same rain
And we have the same moon
And a brief absence from the table (238)

Another waiting is suggested, but this time to experience a relation to another and to cause a process of alterity to begin without completing it. It will be on a stone bench. The place is informal, unknown and is not tied to any institution, and the conversation is where no real dialogue is happening beyond the exchange of names. There is only the “implication with others, and with the body of others” (Sacks 263), an implication which will be the nexus of the sense of ethics of alterity to which other events in this poem profess. So, while waiting, instead of a restriction of movement, the guard will reach for the other, and will see how his “self” is not so different. In fact, he will only meet his “self”, his “identity” by going through the experience of the other, a detour that repeats

him in the other and repeats the other in him/her. Two strangers that would move toward each other, but without the “I or him”, but me and him without one exchanging or replacing the other. The encounter is one “without exchange, without circulation, without recognition or gratitude, without economic circularity (debt), without calculation and without rules, without reason and without rationality” (Derrida, *FL* 25), and as such, an encounter of a possibility of justice. The suspension of a coherent identity through waiting here is the suspension of the colonial violence and state violence which besieges its own subjects. It is a suspension of ideologies, of murder, of laws and of institutions for the sake of uncontrolled and uncontrollable results of an open-ended experience as well as an encounter not presumed or prescribed by defined morality as a systematized set of truths.

In another gesture to the colonizer, the besieger that controls the oppressor (being a coherent subject of the state) is put through an experience which puts them at risk. Their humanity that was stolen in their search for an identity can be restored by having a conversation with the other and by the disarticulation of the self by exposing themselves to an experience that goes beyond totality,

،أيها الواقفون على العتبات ادخلوا
واشربوا معنا القهوة العربية
[قد تشعرون بأنكم بشر مثلنا]
،أيها الواقفون على عتبات البيوت
اخرجوا من صباحاتنا
نطمئن إلى أننا
بشر مثلكم

You who are standing at the doorsteps, enter
And drink Arabic coffee with us
[you might feel you are humans like us]
You who are standing at the doorsteps of houses,

Get out of our mornings
We will be assured that we
Are humans like you” (186)

The fragment suggests an un-experienceable experience. “Justice” posits Derrida, is “an experience we are unable to experience, an impossible experience” (Derrida 16). The bracketed sentence indicates that any possibility of human feelings on the side of the enemy is put under siege and prohibited from expressing itself and from even being considered. But that error can be corrected through an impossible experience. The invitation to have coffee is telling of this impossibility. In *Memory for Forgetfulness*, Darwish relates the impossibility of capturing the meaning of another’s experience by just talking about one word, coffee. Coffee carries the movement and thoughts of a single person in the morning. It contains the utensils used in its making and the experiences of those that made the utensils. It is the place and time of drinking, be it under gunfire or in times of peace. It bears the hand of its maker that tells of her life (6-7). More importantly, coffee is human, because “a donkey doesn’t smoke and drink coffee” (19) and because the aroma of coffee carries tales of women’s kitchens, discussions, and social status. Coffee becomes the map of people’s houses and past (20). One word, “linked to disparate nodes in a network of multiple signification” (Lloyd 12) makes experience impossible to summarize, to represent and to contain. A word became a lifetime not of one person, but a whole people. To drink coffee with them is to allow oneself to enter this proliferation of life.

The relation which the fragment establishes with the other is a non-relation or a naked relation. It is not bound by a similarity of a political or religious community, nor is

it a relation that requires a justification through the reason of the law, nor does it move toward a clear end to the encounter. Not only does the killer have the freedom to respond to the invitation, but the process of his/her liberty begins by not stealing life away from the oppressed. The freedom of one is the freedom of the other. The expulsion of the oppressor opens a future where each side acknowledges the other's humanity. The expulsion is not an act of ex-communication, rather an act of inclusion and acceptance.

إلى قاتل: [لو تأملت وجه الضحية]
وفكرت، كنت تذكرت أمك في غرفة
الغاز، كنت تحررت من حكم البندقية
!و غيرت رأيك: ما هكذا تُستعاد الهوية

[To a killer]: if you had contemplated the face of the victim
And thought, you would have remembered your mother in the gas
Chamber, you would have been liberated from the wisdom of the rifle
And changed your mind: this is not how identity is reclaimed (197)

The poem has put the killer under siege, or the killer is stuck, chained and besieged by his obligation to the state and its legal apparatus. The fragment, nonetheless, opens a possibility for an incalculable justice away from violence. The killer's freedom depends on taking the responsibility of looking into the face of the victim and seeing her as the mother of the murder. In other words, the killer is asked to change places with the other, to judge the action from a different experience. Similar to the fragment above, the experience here is an impossible possibility. For that killer to be free, the only way is to experience the other through experiencing the self, and the self is the feeling for a mother killed in the German gas chambers. The singularities of each historical moment, of two events, collide. In the remembrance of one irreducible event, the killer encounters, "he encounters himself at the intersection of this date with itself, with itself as other, as the

date of the other.” (Derrida, *Sovereignities in Question* 12). In that fleeting moment of remembrance, the delusions of identity are broken and discrimination ends. The meeting of the past and present events does not deny the oppressor an identity, but it shatters the identity that relies on violence to assert itself. Instead of that identity, the encounter annihilates the closed identity, and only through openness to the other does the killer meet his own origin. And this encounter happens in and through the poem.

إلى قاتل آخر: [لو تركت الجنين]
ثلاثين يوماً، إذاً لتغيرت الاحتمالات
قد ينتهي الاحتلال ولا يتذكر ذاك
الرضيع زمان الحصار،
فيكبر طفلاً معافى، ويصبح شاباً
ويدرس في معهد واحد مع إحدى بناتك
تاريخ آسيا القديم
وقد يقعان معاً في شباك الغرام
وقد ينجبان ابنة [وتكون يهوديو الولادة]
ماذا فعلتَ إذاً؟
صارت ابنتك أرملة
و الحفيدة صارت يتيمة؟
فماذا فعلت بأسرتك الشاردة
وكيف أصبت ثلاث حمامات بالطلقة الواحدة؟

[To another killer:] had you left the fetus
For thirty days, the possibilities would have changed:
The occupation might end and that suckling
Might not remember the time of siege,
And he would grow up a healthy child, and become a young man
And study in the same institute with one of your daughters
The ancient history of Asia
And they might fall in love
And beget a girl [Jewish by birth]
So what have you done?
Your daughter is now a widow
And your granddaughter is an orphan?
What have you done to your displaced family?
And how did you strike three doves with one bullet? (198)

One more experience which we are unable to experience that opens the potentiality of a justice to come and of a reversible reality. It is an experience of life and love, of counter-violence and an offering of peace and union which contradicts what one would take as a normal reaction to violence. Instead, this polytropic event annihilates the oppressor only to expiate him and allow him to love. The fragment here redeems all the past possibilities by suggesting a course of history completely different from the one determined by the bullet. The killer is destabilized and shaken when the poem accuses him/her of killing a fetus. But the same killer is given a chance to examine what could have been “life” and to wrestle with their responsibility in front of such potentialities. Not only would the fetus have grown but would have fallen in love with a Jewish girl. Justice has a place here in the assertion of the other’s right to exist, to maintain their identity through love. It asserts the perpetuation of the other as him/herself without having to be consumed under self-sameness. More importantly, the last four lines of the poem turn the situation from a possibility “had you left the fetus... he would have grown, he would have fallen in love and married...” to an already terminated actuality, a futurity that ended in the past. The daughter of the soldier has already married the fetus, already had the girl, but both of them have been displaced by the violence of that soldier. A violence which destroyed the possibility of peace not only for the oppressed, but for the oppressor as well.

Nothing Can Be Made Out

Any attempt at reading *A State of Siege* is bound to thwart logic. Language becomes ungoverned and as Sacks argues in “Language Spaces, “reading involves a situation where any rules which will have governed it in advance withdraw.” (268). Indeed, this ungoverning and ungovernability of language is how poetry stands against domination and subordination. It eliminates hierarchies and disrupts the subject/object relation, and the master/slave narrative. Each fragment is a monad of destabilization and interruption. Unlike the apparatus of the siege which likes to regulate, close, obstruct and administer the future, *A State of Siege* thinks the alternatives, and its apparatus is unconstraining and escapes any teleological conceptions or explanations.

In *The Presence of Absence*, Darwish writes of “endless possibilities” that metaphor opens,

Figurative language, metonymy, metaphor, allusion/
are the shadow of speech
The object’s image is neither like the object, nor its opposite
It is poetry’s ruse in naming
And I have other aims in metaphor
such as letting the song
go at its gentle pace
turning east and west
leaping from sky to valley--- (70)

Metaphor, in other words, presents the impossibility of reading, an unknown path capable of bringing together unpronounceable experiences. The poem brings the object from the shadows and offers them in their “thingliness” and allows them to “be in their place” (Lloyd 6).

فناجين قهوتنا. والعصافير. والشجر الأخضر
الأزرق الظل. والشمس تقفز من
...حائط نحو آخر مثل الغزالة
والماء في السحب اللانهائية الشكل
،في ما تبقى لنا من سماء
وأشياء أخرى مؤجلة الذكريات
،تدل على أن هذا الصباح قوي بهي
.وأنا ضيوف على الأبدية

Our coffee cups. And the birds. And the green trees
And that of the blue shadow. And the sun jumping from
Wall to wall like a gazelle...
And the water in the clouds of endless shapes
In what is left of a sky,
And other things of deferred memories
Indicate that this morning is strong and beautiful
And that we are guests of eternity. (256)

These verses begin with free-floating daily details without an established trajectory, relation, cause or conclusion. To put it in David Lloyd's words, "Things take place in this provisional passage that is here and could be elsewhere – a u/topia – and are vibrant both with the histories that mark them and with their relation, of dependence as of displacement, with the things that are around them, near and far..." (6). They are a series of heterogeneous elements which "remain strangers infinitely," and this is what is "called the encounter. The encounter of the other" (Derrida, *Sovereignities* 10). The "things" in the fragment are in a relationship that is both metaphorical, metonymic and figurative. This is not to say that the fragment is not implicated in violence or in law. It is very much so. Derrida tells us that "All the exemplary figures of the violence of law are singular metonymies, namely, figures without limit, unfettered possibilities of transposition and figures without figures." (*FL* 44). And we have seen this relationship play out harmoniously between the High Court of Justice and the military apparatus in

Israel. Both figures open possibilities to exercise violence and justify both that violence and the one-sided truth of Israeli narrative of right to land and self-defense. In the fragment here, however, the figuration, metaphor, allusion and metonymy are resisting the law by resisting arrival at truth. Things remain “held in relation”, suspended, and arrival at any right, proof or “commitment to any program” (Lloyd 13).

Each part exists on its own which is indicated by the full stop after each phrase. They are absolute on their own in their inaccessibility. In other words, each term or phrase is a singularity which meets others in an infinite movement, without one of them seizing power or claiming sovereignty over the others. This recalls what Lloyd says about meaning, “tracks of meaning whose concurrence and condensation, whose shifts from foreground to background, dominance to reserve, dis- place any fixed perspective and defy summary” (10). The “and” which begins each phrase is a foregrounding and backgrounding of singularities that mark the unique and the unreproducible and unrepeatable. But these “ands” also mark the leveling of hierarchies and the declaration of each element that it exists and should be noted. The coffee cups, the trees, the ocean and so on do not name anything and are not linked by verbs or action which would tie all the parts together to create referentiality. Instead, their referentiality is replaced by their sheer impenetrable presence. The details exist not with the self-same and the identical, but with the absolute other. They share nothing with the other except the impossibility of readability. Their existence together is hostile to sense and to understanding as each of them defies summary. If one is to take the proliferation of meaning each sign here is pregnant with and try to interpret it in relation with all the meanings of the other signs,

we arrive at a place of aporia. The movement between them is also an unassimilable experience, one of many possibilities of meaning and non-meaning. The interaction of the signs here wrests them from the domain of value-exchange and rule. Justice is denied to the Palestinians by rule of law and legal arguments capable of bending the law to serve the ultimate end of the Israeli state. By offering a space of indeterminacy and suspending the ability to subsume meaning under usefulness, the fragment offers a possibility of justice outside the law.

The law, in its totalitarian nature, seeks not only to dominate, but also dehumanize the other. Dehumanization is a form of banning the other from the realm of law, which gives the “law” the power over life or death and to determine whose life is worth saving and whose life is not. *A State of Siege* resists the extermination policies of the Israeli state by affirming life from within death, and gives the banned rights to life the law fails to offer them.

نعزي أباً: "كرم الله وجه الشهيد
وبعد قليل، نهنئه بوليد جديد

We console a father for the death of his son: “May God honor the face of the martyr”
And a while later, we congratulate him on the newborn (211)

Death and life, sadness and happiness, anguish and hope, disaster and blessing, loss and recovery are always happening at once. Neither one of the situations is permanent, and neither state is sealed. Instead, they exist together, in a state of aporia, and “there is no justice without an experience of aporia” (*FL* 16). The state of impermanence challenges the unchangeableness, absoluteness and lastingness of death and of those who impart

death onto others. This affirmation of life is an affirmation of a right beyond the law. This life is the Law which besieges the Israeli soldier and makes him wait for the death of a people that will never arrive (see above 17). Whereas the Israelis use military force and rule by death, the poem uses the force of life that the oppressor will never be able to terminate. It becomes a moment of the Benjaminian god-like force that is “over all of life for the sake of the living” (“Critique of Violence”, Benjamin 252) . It is life in its entirety that has the painful and the pleasant. But in the particulars, the way to return life to life is this constant renewal, rebirth and regeneration,

سيولد طفل، هنا الآن
في شارع الموت... في الساعة الواحدة

A boy will be born, here now,
In the street of death... at one o'clock” (234)

Once again, if the here is that of the poem, life is given her life back by the child being born “here” in the poem. From within death, life and a new beginning are growing. A promise given by the indefinite article “a ” and the absence of referentiality to any actual place or time. As long as the poem exists, birth and beginnings will also exist. No opposition between life and death is taking place, but an abyss in which singularities exist together simultaneously. There are several events, times and spaces adjoined, and all of them end up not being juxtaposed, but inseparable. Moreover, the “one o'clock” is not only ambivalent, but it has significance in terms of time. It is the first hour after the end of the rotation of day or night, or maybe the hour after violence has stopped, which is not mentioned in the text. This indicates that a baby will be born at the end of each rotation. At the end of each cycle of violence, a cycle of life begins.

The phrase “in the street of death--- at one o’clock” also marks different events at the same time. Because of the three dots separating it from the previous phrase, “street of death”, the one o’clock could be the time in which the baby will be born, which is already the two times of a rotation. In this case, one o’clock becomes the time of perpetual regeneration of life, of bringing life back to life. But the fact that it is standing alone, away from the event before it could mean that it is the time for something else, another event which is not mentioned in the context of the poem. Additionally, the time could be the time of the following sentence that is standing alone as its own poem, “A boy will play with a kite/ of four colors” (*Ḥalat Ḥisār* 234). This event is just a future promise of a time when the siege and the violence would end. We do not know when or where the child will play with the kite. The time of this event could be the same time of a child who will be born. The events are either simultaneous, colliding and happening at once, or each event is happening separately but together. The event is eternalized, and that event is life. As such, the suspension of spatio-temporal dimension and the eternalization of the indefinite “a boy” makes life happen all the time. The kite is an inversion and suspension of the violence of the siege and its war planes. Instead of playing with death, that boy will affirm life by playing with a kite which causes no blood shed.

The Crimes of “I” and “You”

David Lloyd reminds us that, “in their capacity as shifters, [pronoun(s)] unsettle the sites and the origins of any given experience” (11). The following section will look at these pronouns in *A State of Siege*. Law finds its origins and its experience by defining itself in negation of the other, in racially and religiously characterizing the other as

barbaric, immoral, beastly, and sanctions the other's murder on the assumption that they might attack the civilized state (chapter one 27). In the Palestinians context, it was not only this experience that keeps justifying its practices, but also the fact that the other did not even exist. Any trace of the other was effaced from Israeli curriculums. Additionally, the Israelis introduce textbooks with only Zionist historical content and would erase any chapter, paragraph or sentence that referred to the heritage and roots of Palestinians in the land (Chapter One 44). The poem challenges such narrative not only by shifting pronouns, but also by allowing these shifters to be inhabited by any person and becoming a site of alterity. It breaks the me-against-you narrative and makes the experience of the banned other the experience of everybody. The poem emphasizes that the other exists, and will continue to be there even when a war is waged to eliminate him/her "I or him/ that is how the war starts. But it ends with an awkward encounter:/ 'I and him'" (232).

For one's right to exist, the other should disappear and any trace of him ever existing should be eliminated. Moving toward the other and passing through and in the other is the experience which destabilized this "right to exist by abolition". Man is defined by language, as Benveniste stresses, "We can never get back to a man separated from language, and language provides the very definition of man" (*Problem of General Linguistics* 224), so whatever is in language, whatever or whoever dwells in it cannot be removed. In the following I demonstrate how the poem complicates the relationship to the other, ruptures selfhood and complicates any possible referentiality, which puts any potentiality of unity, understanding and knowledge, all foundations of the law, in question. *A State of Siege* admits that language (the word) and poetry besiege. They take

over the interlocutor, so that the latter is both enunciating and being enunciated by poetry, “my kalam³⁵ besieges me in my dream,/ the kalam that I have not said,/ it writes me then leaves me searching/ for the traces of my dream...” (128). The text already shows how the “I”, despite being the intermediary of speech at one point, is being the subject of the enunciated. Language, or words, come before him and command him. The “I” which denotes a totality and unity of the legal subject’s self-presence has already been taken and its autonomy shattered by language. The other as an object of knowledge is subverted.

With this being said, the poem then admits that the “I” is expropriated by the inappropriate, language. This puts into question all the “I”s, the “We”s, the direct addressers as an I and the “he”s and “she”s in these “events”. Benveniste argues that “I refers to the act of individual discourse in which it is pronounced, and by this it designates the speaker. It is a term that cannot be identified except in what we have called elsewhere and instance of discourse to the readers(s) who inhabit the ‘I’ and are made to live the experience of the other.” In the space of the poem, of discourse, there is no self-referential “I”, “here, no “I”” (*Halat* 120). We are told through this “here” which begins the poem, and which repeats in other “events” within the poem, that there is no “I”. This also unsettles the “I”. First of all, any time we say or read this here, it immediately passes over to the other, and each time the “I” is enunciated, it is enunciated differently. “Here” is the space and time of the poem. Each time the poem is encountered, there is a

³⁵ I chose to leave the Arabic word because translating it would then lend itself to western-theoretical interpretations. The reason for that is that Kalam breaks with unity in already allowing itself to be translated into a plethora of meaning. It could be speech, discourse, language, parol, words, even poetry. By keeping the original Arabic, I am allowing all these meaning and none of them to exist at once

collective of different and differentiated “I”s meeting in it. In this case, the poem becomes a site in which the “I” is dislocated. There is no “subject as the psychic unity that transcends the totality of the actual experience” (Benveniste 224). The poem’s here-ness is a site of experiences which the unhinged “I” passes through, and a site of beginnings.

يقول على حافة الموت
لم يبق بي موطئ للخسارة
حر أنا قرب حريتي
...وغدي في يدي
سوف أدخل، عمل قليل، حياتي
،وأولد حراً بلا أبوين
وأختار لاسمي حروفاً من اللازورد

He says on the brink of death:
There is no foothold in me for loss,
Free I am near my freedom
And my tomorrow is in my hand...
I will enter, in a while, my life
And be born free without parents
And chose for my name letters from lapis lazuli... (182)

From a simple statement, or reporting in the third person, “he says”, the fragment here shifts and foregrounds the absent, from the non-subjective to the subjective. According to Benveniste, the “he” is an object outside of language, or the “banned” the “homo sacer”, the negated other,

“We must bear in mind that the “third person” is the form of the verbal paradigm that does not refer to a person because it refers to an object located outside direct address. But it exists and is characterized only by its opposition to the person I of the speaker, who, in uttering it, situates it as a non-person”. The form he

takes its value that it is necessarily part of the discourse uttered by “I”.

(Benveniste 227).

From a mere description and something which is external to the “I”, which the latter can assume control over, the ethical move here is that the “I” presences the absent “he”, brings the banned, the negated other into language. This “I”, is empty and designates the speaker, who in this “event” is unknown. It communicates an indefinite person and becomes “the “I” that incorporates all the *I*’s that are uttered at every moment”

(Benveniste 226). Anyone could be the person of this discourse- the poet, the reader, some unknown speaker- and can fill in the “I”. But what all these “I”s share is the experience suggested in the above fragment. It begins with death after which there is a beginning. It is a beginning because the one and the other are entering the experience without pre-established dogmas nor limitations on thought and behavior by pre-existing political, cultural, ideological and social frameworks which could turn the experience into an object of knowledge reduced to one of these frameworks. Rather, the experience is just there, without programs to direct it nor effects (ends) one must reach. There is immediacy and a new phase. After death, the end of a cycle, and at the start of a new beginning, the one and the other have nothing to lose. They start at just being free, with the hope of tomorrow and a life without ties to origin and no ties to naming that binds one to origin. The one and the other are allowed to be affected by one another and by the foreignness of the experience.

The shifting pronouns (I, he, you, we, us and so on) keep descending into the abyss of the unknown, “he tells her: wait for me at the edge of the abyss/ she says:

come...come! I am the abyss” (*Halat* 209). Without belaboring the issue of the pronominals mentioned above, it suffices to say that not only do the objects “he” and “she” become persons, but that the “I”, “me” and “you”-whether they were the unidentified enunciated subjects of the poem, or the reader- are both the ones issuing the command and the invitation and the ones receiving it. This command and invitation are to go to the edge of the abyss where one might lose the self-referential and the reflexive “self” in order to go into the unknown experience of a “self” of love of which Darwish writes that “it takes you out of yourself into the other’s orbit and the you have to fend for yourself.” (*In the Presence of Absence* 113)

إلى الحب:] يا حب، يا طائر الغيب
دعنا من الأزرق الأبدى وحمى الغياب
تعال إلى مطبخي لنعد العشاء معا
سوف أطهو، وأنت تصب النبيذ
وتختار ما شئت من أغنيات تذكرنا
بحياد المكان وفوضى العواطف: إن
إقيل إنك جنس من الجن... صدق
!وإن قيل إنك نوع من الأنفلونزا... فصدق
وحديق إليك ومزق حجابك، لكنك الآن
قربي أليف لطيف تقشر ثوماً، وبعد العشاء
ستختار لي فيلماً عاطفياً قديماً
لنشهد كيف غداً البطلان هناك
هنا شاهدين

[To love:] O love, O bird of absence!
Let us forget the eternal blue and the fever of absence.
Come to my kitchen to make dinner together.
I will cook, and you pour the wine (while you pour the wine).
And choose what you want from songs that remind us
Of the neutrality of space and the chaos of emotions: so if
It was said that you are a kind of jinn... believe it!
And if it were said that you are a type of flu... believe it!
And stare at yourself and tear your veil. But you are now
Near me, domestic and pleasant peeling garlic, and after dinner
You will choose for me a classic romantic movie

For us to witness how the two heroes over there
Are witnesses here. (230)

Love starts as being under siege only to be liberated by the immanence of the experience. The speaker- who is also the subject of enunciation, and the reader who is at the same time the “I” who is enunciating and being enunciated- and the “you” who is being addressed by the poem are the subject and object of love as well as being love. To address love is to address the feminine/ masculine, self/other. It is to address the one who can only exist through the other. In this case, the speaker who assumes the “I” does not only pass through the enunciating and the enunciated, but each of these latter ones passes through the masculine and the feminine, which makes the invitation to love an invitation to a site of multiplication and of inappropriation and inappropriability. The poem also offers the reader, masculine, feminine, or both, as the site of love. The reader is first besieged, but soon asked to join a site of lack “absence”, and the site of madness, of the unseeable, of possessiveness, of sickness which hits suddenly. But this reader is also the site of this lack. In any case, this site of lack does not just rupture the subject, but the site itself is filled with the prosaic and the daily. It is filled with an interaction that is not context-specific, but a prosaic truth of all times and which always figures a relation between two; in other words, it figures “alterity”. The speaker, the reader, love, love as both the speaker and the reader, the prosaic all become the site of lack. Lack here does not suggest that something is lacking, but that it can be filled with all the experiences, with lovers anywhere and anytime and of any ethnicity, race, religion or culture. It is a lack only because it is open to receive and engender all its particularities without having concluded or resolved them.

A Beginning

Despite the siege being inscribed in *A State of Siege*, the poem itself moves in a multiplicity of directions. As we have seen, it is not far from the truth if one reads the poem as mirroring the siege, and its language inseparable from the siege itself. However, Darwish already tells us not to trust the poem because there is nothing in it that is clear, knowable or self-revelatory. Rather, being in and with the poem is like staring into an abyss, anything and nothing can be expected. The poem is the place of ultimate emptiness precisely because it is the place of excess.

[إلى قارئ:] لا تثق بالقصيدة،
بنت الغياب،
فلا هي حدس
ولا هي فكر
ولكنها حاسة الهاوية

[To a reader:] Do not trust the poem,
Child of absence
It is not intuition
It is not thought,
But it is a sense of the abyss “ (251)

This means that any reading of it is both correct and wrong at the same time, trustworthy and not to be trusted. The poem can at the same time communicate and disperse immediately all communication. It moves from a possible unity to an actual multiplicity. The unity resides somewhere in that multiplicity, but can never actualize, which is what undoes the act of reading itself. Writing about or reading this or any other of Darwish's poems are fraught with mines. The moment one thinks they caught the beginning of an interpretation, of meaning or of representation, that attempt at understanding is subverted and the reader finds her/himself wondering how the next line

or the next fragment will connect with the rest. To their surprise, the state of wondering morphs into a state of wandering and dispersion. The poem juxtaposes things where time in present is the past running through and projecting itself into the future. The time of the poem is a plurality that is different from the time of the ruling siege. The poem liberates time from being administered by the state apparatus. It inverts hierarchies and everything exists at the threshold or a crossing point where each constellation or monadic poem and each line within each poem can lend itself to at least two slopes, the communicative and a-communicative one. Each of the verses immediately imparts only to withdraw into itself. Then, it allows us to see that the oppressor and the oppressed do not have to be closed systems, both besieged, and continue existing as pre-given identities which cannot be changed. Rather, *A State of Siege* offers its verses as a space of potentialities that might occur. It proposes connections, scenarios and situations which, even if they may not happen, open dimensions of possible manifold outcomes. Instead of moving forward, toward a teleological conceptualization of life and the Other, *A State of Siege* expands its verses and puts them into an excess which cannot be summarized and into condensed constellations which cannot be secured. The poem, through its acts of repetition offers difference, and with what looks like definitions more open, undetermined possibilities.

These potentialities are called to release peace from the grip of the law, the state, signed accords and political agreements. In chapter one, it has been shown that the peace process (Oslo specifically) between the Israelis and the Palestinians became another site to exclude and ban the other and justify killing him/her under the pretext of peace

keeping. *A State of Siege* offers possibilities of peace beyond legality, beyond means and end, beyond closed identitarian identifications.

السلام حنين عدوين، كل على حدة
للتأؤب فوق رصيف الضجر

Peace is the longing of two enemies, each on his own
To yawn over the sidewalk of boredom

السلام أنين محبين يغتسلان
بضوء القمر

Peace is the mown of two lovers bathing
In the moonlight (260)

السلام اعتذار القوي لمن هو
أضعف منه سلاحاً، وأقوى مدى

Peace is the apology of the strong to the one
Weaker than he in arms, but stronger in range

السلام انكسار السيوف أمام الجمال
الطبيعي، حيث يُفَلُّ الحديد الندى

Peace is the breaking of swords before natural
Beauty, where dew melts iron (261)

السلام نهار لطيف، أليف، خفيف
الخطى، لا يعادي أحد

Peace is a friendly, pleasant and light-footed day
Which does not antagonize anyone

سلام قطار يوحد سكانه العائدين
أو الذاهبين إلى نزهه في ضواحي الأبد

Peace is a train that unites all passengers
Coming or going to a picnic in the suburbs of eternity (262)

السلام هو الاعتراف، علانية، بالحقيقة
؟ماذا صنعتم بطيف القتيل

Peace is the acknowledgement, openly, of the truth
What have you done with the specter of the killed?

السلام هو الانصراف إلى عمل في الحديقة
؟ماذا سنزرع عما قليل

Peace is withdrawal to work in the garden:
What will we grow, soon? (263)

السلام هو الانتباه إلى الجاذبية في
مقلتي ثعلب تغويان الغريزة في امرأة خائفة

Peace is the attention to the attractiveness
In a fox's eyes that lure the instinct of a terrified woman

السلام هو الآه تسند مرتفعات
الموشح، في قلب جيتارة نازفة

Peace is the Sigh that supports the heights
Of a song, in the heart of a bleeding guitar (264)

السلام رثاء فتى ثقت قلبه شامة
امرأة، لا رصاص ولا قنبلة

Peace is the eulogy of a boy, whose heart was pierced
By the mole of a woman, not by a bullet or a bomb

السلام غناء حياة هنا، في الحياة
على وتر السنبللة

Peace is the song of life here, within life,
Upon the string of the wheat (265)

What the poem brings to the world is unfolding, uncertainty and the anarchy of a community that is not unified under a predictable set of actions or behaviors. If peace is the absolute thing to come, it “announces itself-----, beyond all the forms and norms that could be anticipated, beyond all genres or kinds.” (Derrida 57). Peace is what is undefinable, unidentifiable and completely indecipherable. Peace is a negation for nothing can be inscribed in it except non-violence. Other than that, it is the abyss, the void that is ready to be filled and is already filled with singularities that can enter or leave, crossing borders and passing through barriers.

There is in *A State of Siege* a return, but not to the sacred and the point of origin, but a return to that which has no origin, no defined borders, to something contingent and suspended held together only by the diversity of paths. It is a return to a beginning which is the encounter of the toher. An encounter in which the one and the other commit crimes against each other; not through control of bodies and thought, but through a passage through the other that dissolves and absolves the “I”. The one and the other commit the crime of opening boundaries and borders rather than close them and where the other remains irreducible and accompanies the “I” toward its unworkability. It is imperative to mention that, *A State of Siege*, in its movement toward breaking the continuity of history, does not forget to stand as witness for the victims and martyrs. In fact, various verses shed light on how the one thing which can besiege and haunt the poem are the dead and those who are being treated as bare life. These verses do not reproach or evoke guilt, they just foreground different reactions, expectations and demands by the victims. One can definitely create a reading where, *A State of Siege*, becomes the witness to the suffering

of the subaltern and the dispossessed, and how this witnessing undoes the subject of witnessing and the poem. And this is only one other dimension of the multitude of dimensions this poem opens up. The poem bears witness in front of us who then become the judges and the witness to the poem, which becomes a demand of responsibility, ethics, justice and of confronting one's own consciousness. The poem becomes the only thing that witnesses and no one else can access the secret it bears witness to and must be believed, and in this witnessing, there is always a secret which is "the privilege of a witness for whom no one can substitute" (Derrida 88) and the poem becomes the only witness, other, victim and survivor that "knows what [it] has seen," and "thus must be believed, taken at [its] word, at the very moment when [it] is making public a secret that nonetheless remains secret." (Derrida 88).

إذا لم تكن مطراً يا حبيبي
فكن شجراً
مشبعاً بالخصوبة... كن شجراً
وإن لم تكن شجراً يا حبيبي
فكن حجراً
مشبعاً بالرطوبة... كن حجراً
وإن لم تكن حجراً يا حبيبي
فكن قمراً
في منام الحبيبة... كن قمراً
هكذا قالت امرأة
لابنها في جنازته

A woman said to a cloud: cover my beloved
For his clothes are drenched with his blood.
If you are not rain my love
Be trees satiated with fertility... be tree
And if you are not trees my love
Be a stone
Satiated with dew... Be stone
And if you are not stone my love
Be a moon

In the dream of your beloved... be a moon
[That is what a woman said to her son in his funeral] (138)

قالت الأم:
لم أره ماشياً في دمه
لم أر الأرجوان على قدمه
كان مستنداً إلى الجدار
وفي يده
كأس بابونج ساخن
ويفكر في غده...

The mother said:
I did not see him walking in his blood
I did not see the purple on his foot
He was leaning against the wall
And in his hand
A cup of hot chamomile
Thinking about his tomorrow ... (213)

الشهيد يحاصرني: لم أغير سوى موقعي
،وأثاثي الفقير
وضعت غز الأ على مخدعي
وهللاً على إصبعي
كي أخفف من وجعي

The martyr besieges me: I only changed my location
And my poor furniture,
I put a deer on my bed
And a crescent on my finger
To ease my pain (248)

الشهيد يوضح لي: لم أفتش وراء المدى
عن عذارى الخلود، فإني أحب الحياة
على الأرض، بين الصنوبر والتين، لكني
،ما استطعت إليها سبيلاً
:ففتشت عنها بأخر ما أملك
الدم في جسد اللازورد

The martyr illuminates to me: I did not look beyond the horizon
For the virgins of immortality, for I love life
On earth, among the pines and the figs, but I
Could not be guided to it,
So I looked for it with the last thing I possessed:
The blood in the body of lapis lazuli (246)

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Precarious Sovereignties

This dissertation dealt with two major issues, international law and its colonial roots and forms of language that go beyond positing and doxologizing. Chapter one was a reading of Walter Benjamin's "Critique of Violence". Two issues were raised, mythic violence and godlike authority. The former, to recall, consists of law-making and law preserving violence. Law-making violence instates the laws of the state, and the latter protects them. Benjamin gives examples of the latter in the police and the military. Mythic violence represents and it does so in a system of signs, language, as shown in chapter two. Then there is the godlike authority. This authority is not some transcendental entity that strikes humans from beyond, but it is a placeholder for an inaccessible and an immeasurable form of justice. It is a form of language that overthrows forms of representation inaugurated by the law. If the law inaugurates a legal subject, a legal community, a form of justice within the rules of the law, then the godlike authority deposes the subject and lends it to illegibility to a non-reading. It destroys communities built on national ideologies and religious dogmas, and it gestures toward a realm of justice not bound by a juridical system, but a justice that is open and its teleological features are indeterminate.

The rest of the chapters built on the two arguments in chapter one. Chapter two, International Law, the Permanent Lie of Western Imagination, extends the argument Benjamin makes of mythic violence from the state and its practices against the subject to

the colonial context to show that the moment international law was conceived was the moment of colonization. The chapter goes through iterations of international law from the Francisco de Vitoria in the seventeenth century to modern-day globalization. In all iterations, the law was shown to create forms of representation of the other to legitimize taking their land and creating colonial states on native land. The natives were called stupid, unworthy, barbaric, lazy, savage and more. The law came accompanied with words such as “civilizing, freedom and security” to make sure that the mission succeeds. They created laws and regulations punitive in nature against the natives, and the latter had no control over their property, their customs and their rights without taking permission from the colonizing state. Anyone that broke the rules would be sent to prison and be subject to torture. The protection of the security of the state was always the legitimizing narrative behind the use of torture and violence against the natives. Both the law-making and the law-preserving nature of the law was demonstrated in the context of Algeria, Lebanon and Palestine.

In chapter three, *The Self-Disclosure of the Sign: Envisioning Otherness*, it was shown how there is a language that deposes of the subject. This language does not essentialize, systematize or create structure. It lends itself to deposing, to erasures, disclosures and un-representation. The subject could not be legible or intelligible. Language as well as the characters are left unhinged, nothing is performative but it shatters all determinations and limitations of the subject. The native remains unknowable

and uncontrollable, out of order. which threatens the status of the law that wants to impart identity, hierarchy and order on the subject. Chapter four, *The Absence of a Community*, *A Community without a Community* takes up the issue of a mythical community that needs to be stabilizing, deterministic and totalizing represented in four characters who posit themselves as the state and as legality and in the nation state. The other community is moving, has no readily given answers, and is not bound by rights of one group over another. This community keeps the contingency of the other open in a policing community and keeps questions open in a community that demands answers and punishes if it does not receive them. In chapter five, *Letter Against Domination*, I argue that there is a form of justice that stands separate from the calculable justice of the law. Justice in *A State of Siege* is contingent, undecidable and is far from any totalizing purpose or teleology.

In the following and by means of conclusion, I offer a reading of al-Farabi's *Attainment of Happiness*, not as a counter law moment, but as a different insight or directions one can have to find alternative ways of life away from being bound to western hegemony and its laws. It is a moment that argues how instead of trying to decolonize international law-which presumes agreement and complacency with it- we can seek other choices or possibilities of other types of sociality elsewhere.

In *Attainment of Happiness*, al-Farabi tells us, "So let it be clear to you that the idea of the Philosopher, Supreme Ruler, Prince, Legislator and Imam is but a single idea.

No matter which one of these words you take, you will find that they all finally agree by signifying one and the same idea” (*Attainment* 47). This single idea is not only unhinged, but insurmountable and both aspatial and atemporal. What is at stake here is sovereignty since the “name price signifies sovereignty.” (46). This is not possible unless this person has “great power of knowledge, great power of deliberation, great power of moral virtue and art. Otherwise, he is not truly able to be sovereign.” (46) Instead of a sovereignty that determines, domesticates, unifies and totally racializes the other to justify control, there is a sovereignty here that is unhinged, indeterminate, impossible to achieve. The philosopher/ legislator in Alfarabi’s body politics is a heterogeneous entity which remains open, divided, broken up, and is at the will of changes, of incidents and fluctuating conditions, of the development of virtues and of a wandering and precarious forms of knowledge which keep thwarting themselves not to reestablish a sovereign subject which can then make universal laws, but to disperse. Whereas the law as we have seen in chapter one shape-shifts to preserve itself, the law (the making of the legislator or the sovereign) according to al-Farabi, does not need to preserve itself against the outside because it is the outside itself constituted by the multiplicity and the proliferation of each individual. Of law, al-Farabi does not speak clearly, but he does tell us what the legislator of the laws is, the subject “the legislator must be a philosopher” (*Attainment* 45). The question then becomes what does he mean by philosopher? What are the actions, behaviors, and responsibilities of the philosopher? Who can, or should, become a

philosopher/legislator? Is the title exclusive to certain types of men or peoples or can everyone become a philosopher/ legislator? And what does this tell us about the status of the law? I will take up these questions in turn. For the philosopher and what his responsibilities are make it impossible for one person to accomplish. Such a philosopher is not only incapable of mastering all the tasks but cannot exist in a single person. What makes a philosopher is that he should be a true philosopher. The philosopher who “acquires the theoretical sciences without achieving the utmost perfection so as to be able to introduce others to what he knows” is a false philosopher (48). The philosopher “who learns the theoretical sciences, but without going any further and without being habituated to doing the acts considered virtuous by a certain religion is a vain philosopher” (48). The philosopher who “studies the theoretical sciences without being naturally equipped for them” is a counterfeit philosopher (48). These types of philosophers are defective because they use the sciences for their “own inclination and appetites in everything, whatever they may happen to be” (48). A true philosopher according to al-Farabi is the one who combines all four virtues: theoretical, deliberative, moral, and practical arts in his person (43, 46). Each of these virtues is incomplete, defective, ignorant and deficient without the other three, but most importantly all of them are defective without the theoretical virtue, ““without the theoretical virtue the leading deliberative virtue the leading moral virtue and the leading practical arts will be unsound, imperfect, and without complete authority” (32). So, what are these virtues?

Theoretical Virtue

To begin with the theoretical virtue, al-Farabi maintains that it “consists in the sciences whose ultimate purpose is only to make the beings and what they contain intelligible with certainty” (13). By knowing these sciences, one can hope to attain certainty on “every problem” (13), but al-Farabi immediately negates the argument that such comprehensive knowledge is possible and that what people can aspire to is attaining “certainty about part of what we seek and belief and persuasion about the rest” (13). It seems that wandering, movement, uncertainty, being a nomad in trying to explore the sciences is an integral part of al-Farabi’s understanding of how to attain knowledge,

We may arrive at an image of it or wander from it and believe that we have encountered it without having done so. Or we may become perplexed as the arguments for and against strike us as having equal force. The cause of this is the variety of the methods we use in treating a problem; for a single method would not lead us to different convictions about problems. No what leads us to different convictions about the many classes of problems must be various methods (13)

It is not only wandering and confusion that are involved in the affirmation of any findings in the theoretical sciences, but it is also the manifold of methods that should be followed. A single method does not suffice. Al-Farabi is already setting the stage to the maniness, the particularities, the possibilities of recurring errors the philosopher is going to face in one intelligible aspect of only one of the virtues. Instead of continuing to define the

theoretical virtues or the sciences involved in them³⁶, he now focuses on the methods he mentions. He sets them as the first thing that needs to be learned as an art for the investigative intellect to reach the right conclusion. He divides these methods into four categories,

The conditions and states of the first premises and the order of their arrangement
----- the conditions and states of the first premises and the order of their arrangement when they cause the investigator to wander from the truth, the conditions and states of the first premises when they provide belief and persuasion and finally the conditions and states of the first premise when they lead the investigator not to truth itself, but a similitude and image of the truth (14).

However, knowing these four things is not enough to get to the truth, for now one should begin to investigate them, and he calls this the “logical faculty” which people should take up on their own or have a teacher³⁷ to help them with the learning process (14). This leads the investigator to first the principles of being which al-Farabi classifies as “what, by what, how the thing is, 2-3 from what it is, and for 4- what it is for” (15). The knowledge of one of the principles though is not enough and here is where the excess of the task begins. The investigator should now start to investigate the principles of the

³⁶ It is important to note that al-Farabi does not give definitions of the virtues that he discusses. He refuses absolute truths and universalized morality. In other words, he defies rules, determinations, finitude and completeness in his own writing.

³⁷ As will be shown, to be a teacher, one must also have the four virtues. Once it is established that the virtues are impossible for one human to have, it becomes clear that the teacher al-Farabi wants cannot exist. The conclusion from that is that individuals cannot be indoctrinated and the quest for truth is incumbent on person.

principles of the principles and keep going until the main principle of each genus is found and he/she should study each principle in the same way required of the first discovered principle using the four aforementioned ways (16). Philosopher/ Legislator has to study the principles by ascending from one to another, use them to explain each other if possible (17). One of the first theoretical sciences that one needs to investigate in mathematics which involves numbers (magnitudes) and symmetry (geometry). This science will lead to many other sciences such as optics, surgery, music, physics, mechanics and more (18-19).

In another book called the *Enumeration of the Sciences*, al-Farabi “enumerates” all the possible theoretical and practical sciences that one can study, and he gives detailed accounts of the possibilities of each science. To give one example,^[1]

landscape in which geometry inheres include attainable dimensions and unattainable ones, such as heights of trees and walls, the width of valleys and rivers, more yet the heights of mountains, the depth of the rivers and valleys after *he has seen* their farthest ends. Then he inquires into the dimensions of the clouds from our location and the clouds parallel to any other location on earth."

(Enumeration 99)

In another example he argues, " He [the philosopher/letislator] should be able to discern tunes, their number, their categories, how they work together, and the demonstrations of all these things. Then he tells us about the order of these tunes to make up melodies."

(*Enumeration* 106). This form of detailed study reaches to optics, mechanics, weights, physics, chemistry, geology, zoology, botany and many more. Most importantly is the science of the tongue as he calls about which he says,

The science of the tongue (speech) is divided to seven subparts in every nation, the singular words, compound words, compound expression, the rules that bind expression when they are singular, and the rules that bind them when they are compound, rule for composition, and rules for reading as well as rules for poetry. Then the compound words or expressions is the science of utterances in a particular nation, which is produced by its orators, poets, the eloquent and so on.

(*Enumeration* 59-60).

The philosopher/legislator should not only know all these sciences in their states, conditions, and their accidents and how all these change across time and space. He should be a polyglot, a babbling entity, because he has to be able to talk to people of different nations to persuade and teach them.

All these previous fields should be studied and known in the abstract, theory, and the theory should be tested to work according to the four earlier principles as theory first. Then once that is done, the investigator can take his investigation to the material world and that is where “the natural principle comes into view” (20). The philosopher/legislator should now look into each material thing, fire, earth, stars, heavenly bodies, animals (rational and irrational and so on) in the following way, “he should give an account of the

fact of being and all the principles of being of every one of these genera and of every one of the species of every genus; that is in every problem relative to them he should give an account of the fact that the thing is and what, by what, how it is, from what it is and for what it is” (20). This investigator/ philosopher now has to study the principles of the principles again and the principles of the new principles and so on until he “arrives at its ultimate corporeal principles” (21). So, he should take each one of the former categories (animals, things, fire, earth, heavenly bodies and so on and so forth) and make sure he has exhausted all their functions, inner relations, relations to other objects and their final principle. He has to be a mathematician who has exhausted all theoretical principles and their applications, a doctor, a zoologist, a political scientist, an astronomer, marine biologist and any other positions one might imagine. And we are still only in the realm of this man working to learn all these fields, without having relations to other people and their different social conducts, habits, traditions and their morality, values, needs, etc. He then must teach them to others. To do that, the philosopher/ Legislator needs to be a plethora of all forms and aspects of knowledge and life.

At this point we get the first hint that this entity needs others to reach perfection in those and other sciences. This is where al-Farabi introduces his political science,

Moreover, he cannot labor toward this perfection except by exploiting a large number of natural beings ---- Furthermore, it will become evident to him in this science that each man achieves a portion of that perfection , and what he achieves

of that perfection varies in extent, for an isolated individual cannot achieve all the perfection by himself and without the aid of many other individuals. (23)

It is without a doubt here that al-Farabi is telling the addressee that no one can achieve the perfection that one needs to become philosopher/ legislator/ king/ imam. They need the help of everyone around them. Those people, however, also need each other since no one can reach the stage of perfection on their own. What is interesting is that al-Farabi talks of political science and of the necessity of having other individuals helping the philosopher/legislator only once and in passing. He soon goes back to tell us about the perfection and the virtues that the philosopher/ legislator needs. It is important to keep in mind, though, what he says about the significance of being surrounded by individuals, because these individuals as we come to see later will be required to be philosophers/ legislators in their own right.

Deliberative Virtue

The second thing that the philosopher needs to have is the deliberative faculty. This is an important faculty because it allows the philosopher/ legislator to make laws. It concerns things that are willed, the voluntary intelligibles (26). The issue with these intelligibles is that they have accidents, and those accidents are constantly subject to change (27). The philosopher/legislator has to discern the different accidents of the willed intelligibles whose particulars are brought about by the will at a certain time, in a determined place,

and when a certain event happens whether the times for it is long or short, and where it happens, be it in a big or a small city.,

When we decide to make them exist (voluntary intelligibles) [my emphasis], the accidents that must accompany them at a certain time will be different from the accidents that must accompany them at another time, and the accidents they must have when they exist in one nation will be different from those they must have when existing in another. In some of these accidents change from hour to hour, in others from day to day, in others from month to month, in others from year to year, in others from decade to decade. Therefore, whoever should bring any of them into actual existence outside the soul ought to know the variable accidents that must accompany it in the specific period at which he seeks to bring it into existence and in the determined place in the inhabited part of the earth. He ought to know the accidents that must accompany what is willed to exist from hour to hour from month to month, from year to year, in others from decade to decade or in some other period of determinate length, in a determinate locality of large or small size. He ought to know which of these accidents are common for all nations, to some nations, to one city over a long period, common to them over a short period, or pertain to some of them specifically and over a short period. (27).

The philosopher/ legislator must investigate the changing nature of people and how this nature and its accidents change from place to place and time to time. Deliberative faculty

turns into deliberative virtue when it is used to find what is most useful and what is good. When a person discovers, “what is most useful for a virtuous end common to many nations, to a whole nation, or to a whole city, at a time when an event occurs that affects them in common, this is political deliberative virtue” (28). The deliberative virtue is subdivided into many smaller parts such as the economic deliberative virtue, where the philosopher/legislator/prince--- discovers what is useful for one group or families, the military deliberative virtue, the consultative deliberative virtue (29). The political deliberative virtue become “legislative ability” when it is “with the discovery of the things that are common to many nations, to a whole nation, or to a whole city, and that do not vary except over many decades or over long periods of time” (29). There seems to be a call for an international law where the many nations can still retain their own character even when they find things that are in common between them, unlike modern International Law that conditions the ex-colonized countries to become like the European nation states if they are to become part of the international community.

Moral Virtue

Even though al-Farabi’s statement about the legislative ability makes it sound like his law is also universally unifying and binding, one must remember that the philosopher/legislator that is to undertake that task is an impossible entity. For now after he has mastered the theoretical virtue and the deliberative virtue, he has to master the moral virtue. It is the virtue by which one discovers “what is most useful and noble, and this for

the sake of a virtuous end that is good” (29). And the one who is to discover what is the most useful and noble must possess moral virtue (30). Al-Farabi does not say much about moral virtue except that it is inseparable from deliberative virtue, “The most powerful deliberative virtue and the most powerful moral virtue are inseparable from each other.” (32). The philosopher/legislator must have the moral virtue that is attached to each of the deliberative virtues cited above. So, the deliberative virtue of a single art is accompanied by the highest moral virtue of that art. The philosopher/ legislator can only possess that highest moral virtue of all the arts by examining all the arts and their moral virtues. This also applies to the deliberative virtue that explores the different parts of the city such as warriors, rich people, poor people, and so on. By investigating the states and incidents and the changes of each state and its incidents of each group, the philosopher/legislator investigates the moral states and incidents of each state and incident that pertains to a particular group. He must do the same with all other deliberative virtues (30-31).

Philosopher/legislator is never one. He becomes the space of the absence of any presence because all the presences are multiplied in him. It is at this point where al-Farabi becomes implicitly explicit about how everyone can participate in that philosopher/legislator entity. He suddenly makes a jump to the moral virtue when it comes to religion where he says that for one to be able to know what is best for a group of people of the same religion, then one has to have similar virtues to that group,

No one can discover what is most noble according to the followers of a particular religion unless his moral virtues are the specific virtues of that religion. This holds for everyone else; it applies to the more powerful virtues as well as to the more particular and less powerful.....” (32).

In his commentary on al-Farabi, Muhsen Mahdi maintains that ‘everyone else’ might mean (1) those who perform more particular functions (soldiers, artisans, family members and so on) (2) those who wish to discover what is most noble according to the followers of other religions, (3) those who wish to discover what is most noble according to generally accepted opinion, (4) those who wish to discover what is truly most noble (*Attainment* 137). This everyone starts to include a community of people regardless of their backgrounds. Everyone is expected to know the moral virtue connected to a particular religion and they must have a deliberative virtue in order to determine what the moral virtue is. But as discussed previously, the deliberative virtue is incomplete without the theoretical virtue. Therefore, no matter who this “everyone” refers to, they have to be able to pursue the four virtues, which means it is not strictly the pursuit of the philosopher/ legislator and that everyone can seek to become this person.

It is safe to assume that what applies to religious groups applies to other groups as well. That the virtue of the philosopher/legislator/ prince has to match the virtue of the people he comes from. We recall that for anyone to have moral virtue, they have to have all other virtues. The question of who a philosopher might be begins to unravel a bit. If

the philosopher/ legislator should have the same moral virtues that the group he comes from does, this means one of two things: either we have different philosophers/ legislator, and if their groups already have a moral virtue that tell them what is good and what is bad, then that means each individual has a deliberative virtue that allowed them to arrive at the moral virtue, and since all virtues are connected, then all people in the community must be philosophers/ legislators. The other possibility is that our philosopher/ legislator knows all religions and groups of people and knows all their moral virtues so that he can have their virtues in himself. But al-Farabi reminds us when he explains what political science is that no one man can undertake the task of perfection alone and needs people around.

Deliberative Virtue Again

Back to the deliberative virtue, it is considered to have the highest authority and the most perfect power since it is by which “one discovers what is most useful and noble with respect to ends that do not vary except over long periods” (30). When the virtue discovers what is most useful over long periods of time, it becomes legislative ability. So this virtues is such that “when man decides to fulfill its functions, he cannot do so without making use of the function of all the other virtues” (31), and this is what constitutes moral virtue. even though al-Farabi does not conceptualize what the moral virtue is, we know it cannot be separated from the other virtues, and it is discovered by

the deliberative faculty which discovers what is most useful. Deliberative virtue itself is subdivided to other subcategories,

Since the deliberative virtue by which one discovers what is most useful and noble with respect to the ends that do not vary except over long periods and that are common to many nations, to a whole nation, or to a whole city when an event that affects them in common occurs has more perfect authority and greater power, the virtues that accompany it should possess the most perfect authority and the greatest power. Next follows the deliberative virtue with which one excels in the discovery of what is most useful for a common, though temporary, end, over short periods; the virtues that accompany it are of a comparable rank. Then followed the deliberative virtue confined to individual parts of the city-the warriors, the rich and so forth. Finally, the deliberative virtue is related to single arts and to single households and single human beings within a single household they are accompanied by virtue of their comfortable rank (30).

The virtue that discovers what is good, fair, noble and just is called “political deliberative virtue” and its function is to find what is most useful and noble and good that is common to many nations, to a whole nation, to a whole city irrespective of whether what is discovered persists there for a long period or varies over a short period. When it concerned exclusively with the discovery of the things that are common to many nations, to a whole nation, or to a whole city, and that do not vary except over many decades or

over longer periods of determinate length, then it is more akin to legislative ability.” (29). Even though there is a limitation to the power of the philosopher/ legislator when it comes to legislative power, which is the temporal limitation, the diversity that one finds in different places such as different nations, parts of a nation or a city is still demanded. In other words, the philosopher/legislator must, at least during his lifetime, be able to make rules that can cover diverse groups of people by studying what is good in their life, costumes, traditions and culture. The law comes from the people and their just and noble habits.

Practical Arts

As for practical arts, the philosopher/ legislator must do the same steps he did for the other virtues. He must find the leading art of all arts, and to do so one must be able to make use of all the other arts and study their ranks and their accidents,

“The arts too ought to follow this pattern. The leading art that is not surpassed by any other in authority is such that when we decide to fulfill its functions, we are unable to do so without making use of the functions of all the arts. It is the art for the fulfillment of whose purpose we require all the other arts... such is the status of the leading military arts. Similarly, the leading art of wealth----” (31).

This is not to say that military arts or wealth are the two arts that are the highest arts that the philosopher/ legislator should study. These are only examples of some of the arts that have other forms of art attached to them that need to be known before one can perfect

these two. What matters is that our philosopher/legislator should also have knowledge of all forms of art.

To make matters more complicated, the philosopher/legislator has to teach nations and cities in ways of the true philosopher. Instruction should be done to inculcate theoretical knowledge as well as knowledge of the virtues and the practical arts (35-36). In order for the philosopher/ legislator to do that, they have to use two ways, persuasive argument and compulsion. I will return to compulsion. For persuasion, he has to “ look for persuasive methods that can be employed for it (he can do this because he possesses the power to be persuasive about individual cases)” (38). To the extent that the philosopher/ legislator has to teach, he has to do so not in a universal manner but to be able to persuade in particular individualized cases. So their arguments must be created to fit each particular situation. Meaning he has to be versed not only in the characters and personalities of the individual, but also circumspect in all the situations that might arise which might require him to use his persuasive means. There is something non-human about this. The philosopher/legislator uses the art of political oratory to “produce images of the theoretical things for all nations jointly. “(38). To create these similitudes, the [supreme ruler] as al-Farabi now calls him (philosopher legislator) must

Inquire next into the different classes of nation by inquiring into every nation and into the human states of character and the acts for which all nations are equipped by that nature which is common to them, until he comes to inquire into all or most

nations. He should inquire into that in which all nations share, that is the human nature common to them and then into all things that pertain specifically to every group within every nation. He should discern all of these. Draw up an actual list of the acts and the state of character with which every nation can be set aright and guided toward happiness and specify the classes of persuasive arguments that ought to be employed among them. (39)

He must look into every nation and all the states of characters of its inhabitants and see what is common to each nation. Doing a few nations is not enough. He must seek to examine all nations and discover what these nations have in common. More specifically, he should know the characters of all the different groups of each nation first and how they differ, and then find what they share. From these, he can create a list of all the ways a nation or a people can be put on the path to happiness and to employ the appropriate persuasive argument for each group and each nation.

These arguments differ according to time and space. The philosopher/ legislator should employ two types of arguments that are temporal, passing and particular, and some that can be kept “the class that should be employed periodically, daily and temporarily, and not preserved or written down and the other class, which should be preserved and kept permanently, orally and in writing.” (38). In the latter he keeps the things that they decided to embrace so that they are not lost (39). This ruler who possesses all these virtues and sciences is the elect and the rest according to al-Farabi are

the vulgar, the multitude. But let us stop here for a second. There is an implicit declaration here by al-Farabi that there is no elect and no vulgar. The philosopher/ legislator is a non-human entity that has to take a gargantuan task of perfecting all sciences, be able to live enough to study nations over varying periods of time, know all the virtues and the practical arts of all the places on earth, identify all the different characters of groups within nations and nations themselves. It is not difficult to see that such a philosopher/ legislator does not exist. Therefore, the elect does not exist, and so there is no elect and no vulgar. He even sends a message saying that the “vulgar confine themselves, or should be confined, to theoretical cognition that are in conformity with unexamined opinion. The elect do not confine themselves in any of their theoretical cognitions to what is in conformity with unexamined opinions----” (41). What al-Farabi is saying here is that anybody who chooses to pursue happiness, to pursue a way out of conformity with society can do that. They can become an elect if they scrutinize their opinions and the opinions of those around them. Furthermore, since the elect, the philosopher/ legislator, is a fantastic entity, then no one is elect except in their ability to question things.

Teaching also comes in two ways, by demonstration, using convincing arguments and logic, or by imitation and having people imagine things through similitude, and that is the function of religion. It is not enough for the philosopher/ legislator, whom we have now established to be all the members of society, to possess all the four virtues, but should also know religion in order to help teach the people. It is not enough to know one

form of religion to teach the people, rather “one should draw distinction between the similitudes that ought to be presented to every nation, and in which all nations and all the citizens of every city should share, and the ones that ought to be presented to a particular nation and not to another, to a particular city and not to another, or to a particular group among the citizens of a city and not to another.” (36). Similitude is the method of religion (44), which means that the philosopher/ legislator needs to know all religions, the persuasive arguments known to each religion and their accidents, how the understanding of the same religion differs among groups of that religion and how each religion differs from other religions.

The philosopher/legislator, paradoxically, doesn't only teach. He is to be habituated into the virtues and the arts himself, “the prince, imams, philosophers, legislators” should be habituated in the acts of practical virtues (deliberative and moral virtues) and the practical arts by either of two methods. First by means of persuasive arguments----The other method is compulsion^[2]” (36). The philosopher/legislator is taught by another philosopher/legislator, who in turn teaches those who are philosophers/legislators. Compulsion comes only if the person does not seek his/her own supreme happiness on their own and does not take initiative in improving themselves. Anyone that does not attempt to become their own sovereigns on their own are the vulgar according to al-Farabi (42), and those who refuse their own sovereignty are the ones compulsion is used against.

What does this say of the status of the law? Al-Farabi does not mention the law per say, but he definitely talks about the legislator, the one who can enact laws. Al-Farabi

reminds us that “the legislator is he who, by the excellence of his deliberation, has the capacity to find the conditions required for the actual existence of the voluntary intelligibles in such a way as to lead to the achievement of supreme happiness.” (45). He who makes the laws that will lead people to happiness should be able to realize the voluntary intelligibles in cities and nations. To know the voluntary intelligibles, the things that are willed by human beings, the legislator as we have seen before has to have deliberative faculty/ deliberative virtue which allows him to examine the intelligibles and their accidents over short and long periods of time, as well as across different localities. But deliberative virtue is not separable from theoretical and moral virtue.

It is also evident that only after perceiving them by his intellect should the legislator seek to discover their conditions, and he cannot find their conditions that enable him to guide others toward supreme happiness without having perceived supreme happiness with his intellect. Nor can those things become intelligible without his having beforehand acquired philosophy... the legislator is a philosopher. [since] the name philosopher signifies primarily theoretical virtue. (45-46).

Our philosopher/legislator has to reconcile all these sciences and virtues in his person. At this point, just to think of the sciences that exist for one person to learn and of the virtues, it is not hard to see that our sovereign is a divided entity. Our subject in other words is already multiple and multiplying.

Attainment of Happiness seems to be suggesting a case of multi-sovereigns, multi-philosophers, multi-legislators, not in the sense of a nation state, but of individual sovereigns without an authority or a set of laws that rule them. In other words, *Attainment of Happiness* is not a case of iterations of law created by a sovereign, but of philosophers/legislators who, with the laws they enact, are precarious. They are neither masters nor subordinates, but both at the same time. The philosopher/legislator becomes an empty term. It becomes the space of substitutions, of traces infinitely presenting themselves to retreat immediately. The text establishes the connection between the four virtues and becoming philosopher/ legislator, but it also invites the reading that acquiring the four virtues in one's lifetime is an impossible task. From the theoretical virtue to the practical arts, nothing is stable or can be secured. In another book called the *Enumeration of the Sciences*, al-Farabi "enumerates" all the possible theoretical and practical sciences that one can study, and he gives detailed accounts of the possibilities of each science. To give one example,^[3] "landscape in which geometry inheres include attainable dimensions and unattainable ones, such as heights of trees and walls, the width of valleys and rivers, more yet the heights of mountains, the depth of the rivers and valleys after *he* has *seen* their farthest ends. Then he inquires into the dimensions of the clouds from our location and the clouds parallel to any other location on earth." (*Enumeration* 99). In another example he argues, " He should be able to discern tunes, their number, their categories, how they work together, and the demonstrations of all these things. Then he tells us about the order

of these tunes to make up melodies." (*Enumeration* 106). This form of detailed study reaches to optics, mechanics, weights, physics, chemistry, geology, zoology, botany and many more. Most importantly is the science of the tongue as he calls about which he says, "The science of the tongue (speech) is divided to seven subparts in every nation, the singular words, compound words, compound expression, the rules that bind expression when they are singular, and the rules that bind them when they are compound, rule for composition, and rules for reading as well as rules for poetry. Then the compound words or expressions is the science of utterances in a particular nation, which is produced by its orators, poets, the eloquent and so on." (*Enumeration* 59-60). The philosopher/legislator should not only know all these sciences in their states, conditions, and their accidents and how all these change across time and space. He should be a polyglot, a babbling entity, because he has to be able to talk to people of different nations to persuade and teach them.

The philosopher legislator, only after mastering all these sciences, can begin investigating and acquiring other types of virtues. It is not hard to imagine that a similar task is facing him in acquiring into the moral virtues of different people, their religions, their deliberative virtues, and their souls. The philosopher/legislator is mankind in its past, present, future, races, religions, differences, characters, virtues, knowledge, sciences, improvements, inventions, arts, and vulgarity. This gigantic entity is what sets laws and negates them. What does such an entity mean to the status of the law? Laws as

we have seen establish borders, hierarchies, and most importantly establish the distinction between a sovereign state and non-sovereign entities, allows for the formation of homo sacer groups to justify killing them, and constructs rights of one people on denying the rights of others. Law confines justice to its legal subjects and refuses it to non-legal individuals and it creates stable, secure identities. As for the philosopher/legislator in al-Farabi, he metamorphoses and cannot be stabilized. The philosopher/ legislator is “itself only because it ceases to be so” (Sacks “Philologesis in Adūnīs, al-Ma‘arrī, al-Fārābī ----” 205). The subject in al-Farabi disperses. What makes the subject here is the practices of engaging with the other, the relation to the other and to language. Al-Farabi tells us that the philosopher/ legislator cannot perform any of its functions without language “for it happens in speech” (look up page number). Just like the sciences and the virtues are divided, the philosopher/ legislator is also divided. He is an entity in excess and cannot identify with itself since the whole world has to divide and multiply within it. Unlike the western subject that is the place of reading, of comprehension and legal determinism, the subject in Alfarabi undermines that coherent domesticated subject. The subject is illegible and unintelligible and dislocated.

What happens to the law that comes from that entity? It becomes dislocated, dispersed and ceases to be itself. One might rightly argue that modern law, international law specifically ceases to be itself , it needs to morph to protect itself. In the case of al-Farabi, the subject is always other than himself and so the law that ensues from such an

entity cannot be whole. It is a relation with the outside not of legal definitions or identifications, but a relation to the other which is always changing, never stable and cannot be domesticated. Those relations beg forms of stateless societies, relations free of hierarchical associations. No one is excluded in a system in which everyone is invited to partake and not one person, group or nation has more rights than the other, and justice is not based on a centralized authority that allows for the change of laws only to repeat the laws. The philosopher/ legislator suggests a state of political, social, and ethical anarchy. This is not to pass judgment on whether such a system would work or not, or whether anarchism. It is to suggest alternative paths, looking elsewhere for possibilities of law away from Western-tailored juridicality. Instead of decolonizing international law and remaining prisoners to its codes, maybe it is time to shift the gaze to other forms of law that privileges the singularity of each situation, change, fluidity, temporality and most of all the unstable subject.

The philosopher/legislator entity appears to presume idealism and a society where everyone shares the same morality and has the same definition of ethics to prevent wars and violence. This, however, is not the case. The philosopher/legislator is merely opening the path for inquiry and search in which all people are working together to achieve the supreme happiness of mankind since it is "It is the innate disposition of every man to join another human being or other men in the labor he ought to perform." (*Attainment* 44). Al-Farabi believes that each man belongs and deserves supreme happiness by being

with other men (*Attainment*, 75). Such search and inquiry to theoretically realize intelligibles in each other, to try and practice them, but also to discard the failing practices and try to replace them with better ones. The law, despite its diversity, repeats the essence. In the practice of acquiring the four virtues which are involved in the practice of legislation, the individual does not become complacent with already established legalities and confines their existence to the provision of such legalities. Individuals in al-Farabi's system are precarious because they are on an infinitely changeable quest for the truth and because the questions and the answers remain open to them. Once again, this world is not a utopia or a solution to the problems of violence, social injustices and inequalities that ravage our societies. But it is a place to look for new paths outside the European structure of the law and to attempt to find answers not in assimilating to the demands of 'international community' and seeking their approval by demonstrating that the ex-colonized or Third World nations are modern according to western standards. Instead of lawyers, human rights activists, nation states constantly attempting to change international law to work in their favor, a task that so far has proven unproductive, they can turn their attention to different writings on sovereignty, philosophy, jurisprudence to decolonize not by remaining in the thralls of their oppressors, but by slowly constructing egalitarian societies outside the confines of international law.