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SPECIAL ISSUE: STATES OF VIOLENCE

Introduction

States of Violence: Geopolitics, Law, Technology

Goldie Osuri & Vijay Devadas

University of Warwick & University of Otago

This special issue of borderlands engages with Joseph Pugliese's recently published book, State Violence and the Execution of Law, an important intervention that provides a perceptive and insightful exposition into state violence post 9/11 and the formation of a new geo-political order where 'torture is invariably situated as productive: of truth, knowledge and the prevention of prospective violence and terror' (2013, p. 1). The originality of State Violence and the Execution of Law lies in the weaving together of poststructuralist critique (Foucault on biopolitics, Derrida on deconstruction) with critical race and whiteness studies, and critical legal theories, to offer a powerful analysis of the military-industrial-security complex that animates and dominates the present. To engage with Pugliese's central concern, the violence of state power, we invited senior academics working in different yet related geopolitical contexts to dialogue, comment on, grapple with or draw on points of connection with their own work. Each of these scholars, who have been meticulous in mapping violence in the context of their work, has generously agreed to speak to the concerns of the book. These contributors include Nadera Shalhoub-Kevorkian ('Palestinian Children as Tools for "Legalized" State Violence'), Andrea Smith ('Humanity Through Work'), Suvendrini Perera ('Dead Exposures: Trophy Bodies in the Terror Zone'), Sherene Razack ('Racial Terror: Torture and Three Teenagers in Prison'), and Dinesh Wadiwel ('Cruel Indignities: Animality and Torture').

In taking up Pugliese's intervention, the contributors demonstrate how 'state violence is virulently animated by the logic of biopolitical caesura and its 'anthropological machine' (2013, p. 97). This is the central contribution of *State Violence and the Execution of Law*. What the contributors do is make visible the violence of state power, its

biopolitical caesuras of the demarcations between citizens and non, within a given citizenry, between and across humans and animals—that is a discourse of racism and speciesism as foundational to state power. At the same time, following Pugliese, the authors to this special issue also propose an alternative: one that is committed to an ethico-political imperative that refuses to engage in a violent Manichaenism and opens up the possibility of engaging ‘with those very subjects and entities that have been outlawed from the ground of the ethical’ (2013, p. 226). In this spirit of making connections in interconstitutive and intersubjective ways we have decided that it would be ethical not to summarize the key argument of each of the contributions to this special issue. These engagements are partial, and we believe will continue, after the publication of the special issue. To thus summarise the arguments of each contribution would be to regulate dialogue, and we refuse to do this as we hope readers will find their very own points of entry, exit and focus in the dialogue between each contribution and the book. The introduction is itself, in that sense, a dialogue with the book.

The necessity and timeliness of Pugliese’s book is apparent in the face of the continuing governmental reports that follow the wake of laws and policies assembled in the post 9/11 era. On the 3rd of April 2014, the U.S. Senate Intelligence Committee voted to declassify a 480-page executive summary report of a much longer 6200-page report on the CIA Detention and Interrogation program between September 2001 and January 2009 (Ackerman 2014). Commenting on the findings and conclusions, the chairperson of the committee Senator Dianne Feinstein stated that the purpose of the review was ‘to uncover the facts’ and ‘the results were shocking’. She said that the ‘report exposes brutality that stands in stark contrast to our values as a nation. It chronicles a stain on our history that must never again be allowed to happen. This is not what Americans do’.

The statement itself is unsurprising. No U.S. Senator would suggest that Americans engage in brutality. The statement then logically moves to the bureaucratic problem of the necessity of oversight over intelligence agencies in a democracy. Furthermore, Feinstein states:

The release of this summary and conclusions in the near future shows that this nation admits its errors, as painful as they may be, and seeks to learn from them. It is now abundantly clear that, in an effort to prevent further terrorist attacks after 9/11 and bring those responsible to justice, the CIA made serious mistakes that haunt us to this day. We are acknowledging those mistakes, and we have a continuing responsibility to make sure nothing like this ever occurs again.

The statement is an appropriate response by a governmental official as it seeks to learn from the mistakes of the CIA, but also seeks to make sure ‘nothing like this ever occurs again’. However, placing the CIA’s ‘errors’ in the broader context of the legal and technological

arsenal which frames a post-9/11 context Feinstein's statement, laudable though it might be, does not address the relationship between state violence, law and justice. The arguments found in *State Violence and the Execution of Law* disrupt this restorative function of bureaucratic logic; a logic which provides reassurance regarding the democratic functioning of a just state and simultaneously serves to mask the nature of contemporary state power and its ongoing violence enacted through law. As this special issue goes to press, the absolute and uncompromising necessity of disrupting governmental and mainstream media narratives is starkly apparent in the context of Israel's ruthless and brutal bombing of Gaza with impunity. The disproportionate deaths of Palestinian civilians, the horrendous images of bloodied bodies, children in particular, and continuing US and allied support for Israel, illustrates the need for continuing the task of speaking out about the geopolitical ways in which state violence operates. Nadera Shalhoub-Kevorkian's piece on 'Palestinian Children as "Tools" for Legalized State Violence', we hope, will shed light and provide a context for the current massacres in Gaza.

State Violence and the Execution of Law addresses the formidable task of diagnosing the relationship between state violence and law through an analysis of the speciesist and racialised histories of the ways in which the techniques and procedures of state law and violence are intertwined and how they function in our time in the war against terror. In undertaking this task, the book meticulously responds to a couple of overarching questions: How is violence built into the ways in which the state functions in biopolitical and geopolitical terms? How is violence executed through law in our time? These questions are not new per se to a certain strand of poststructural scholarship in critical legal studies. Pugliese's book, *State Violence and the Execution of Law*, however, examines this thesis and extends it in a few crucial ways in the context of a complex system of sites. One of the major contributions of the book is to map the material, embodied and semiotic ways in which legality functions as a technology of violence. The body in this formulation is not only cyborgian *a la* Haraway, but is the site where a biopolitical caesurae operates—'on the edge of the blade caesurae that cuts off human from the animal, the citizen from the non-citizen, and the civilized from the savage' (2013, p. 4). The concept of biopolitical caesurae, which Pugliese reanimates to articulate technologies of violence, is pertinent for it captures the foundational violence of democracy, capitalism, and law. These caesurae operate by cutting the social body into various categories, fragmenting the social, while reminding us of the urgency of working against such demarcations.

Pugliese provides a powerful arsenal of concepts, trajectories, and mediations to understand the foundational 'violent speciesist caesura' that informs the operation of state power. This is a cogent and pungent critique that demonstrates that citizenship, a term so closely linked to democracy, is built upon a speciesist biopolitical caesura that reproduces and legitimates racialised hierarchies of life. The linking of

racism and speciesism is perceptive for it foregrounds the way in which the racialization of the other takes place; more precisely it marks out the human-animal distinction at the heart of the democratic imperative. Racism and speciesism can be conceived as discursive vectors that produce 'biopolitical matrices, combinatory formations and interlacing descriptors' *the animal and the native* are transfixed under a series of disparate yet deeply interconnected signs: the slaveable, the fungible, the feral, the undomesticable, the rogue, the monstrous, the carcass (2013, pp. 42-46). This is precisely how the ongoing project of settler-colonialism, the war on terror, and the physical and symbolic violence that accompanies such projects of dominant power is legitimized. Indeed, one of the distinctive marks of Pugliese's work is the juxtaposition of contemporary U.S. imperialism within the genocidal history in relation to Native Americans. So, the Native American, the Aboriginal, the figure of the terrorist, the criminal and the freedom fighter, are legitimated as bodies that can be killed with impunity for they do not belong to the category of human. The non-human is thus disposable. Yet, the recurring invocation of Native American names—codenaming Osama bin Laden as Geronimo for example—Pugliese suggests haunts the state's 'claim to legitimacy' (2013, p. 53). Thus, *State Violence and the Execution of Law* reminds us of the necessity of mapping the relationship between contemporary forms of violence and the foundational violence of the state.

Pugliese offers analyses of the entanglements of the material, the semiotic, and the embodied ways in which legal violence functions through a series of concepts. In contrast to the discussion of law as instrumental and deployed by sovereign subjects, Pugliese argues for law as prosthetic in the context of drone warfare. Drones are emblematic of 'the indissociable relation between law, technology, and human subjects ... [and] offer a graphic and specific instantiation of this relation. They exemplify the manner in which laws of war propel the development and use of particular technologies and they evidence the way in which these technologies are grafted onto human agents—such as pilots and sensor operators located at their remote ground stations—through a series of tele-techno mediations' (2013, p. 214). Hence if the human is always already produced by the technics of law in the Derridean sense, 'the pilots and sensor operators who control the drones from their faraway locations' are 'embodied prosthesis of the laws of war' in our times (2013, pp. 203-204). Conversely, acts of self-harm, often the result of endless detention and torture, demonstrate the ways in which law functions in hypodermic ways. For Pugliese, 'hypodermic law is what binds surface to depth; it is the subcutaneous interface between the outside world and the inside of the body' (2013, p. 4). Bashmilah, a tortured detainee proclaims his innocence through self-harm by writing 'I am innocent' on the wall in blood ink. This cutting of flesh through self-harm provides a 'temporary escape from law's binding grip' (Pugliese 2013, p. 4). These entanglements of law, flesh, blood, detention, torture, killing and word defy the alibis which the presence of law invokes—good

guys versus bad guys—in more formal terms, reason, order, justice, even peace in opposition to anarchy, unreason, violence and injustice.

What binds these entanglements is violence as Pugliese indicates early on in his book. The segmentation that takes place through violence provides the rationalization for going to war, for torturing, for discrimination, and is also employed in the name of peace. Such segmentations address how legitimacy is crucial for the enactment of violence—so it is ok to use violence under certain conditions, in this case under ‘the ruse of ‘national security’” (2013, p. 7) and fosters the idea of legitimate violence—so it entails rewriting, fine-tuning the rule of law to make room for the exception. Legitimate violence opens the possibility for the exception to become law. This is how state violence under the name of democracy works. But violence is not only about the imposition of power. It is also about resistance to state power. Through Levinas’ notion of ‘good violence’ (2013, p. 4), Pugliese seeks to show how violence is deployed as resistance—the tortured bodies harming themselves, as a way of embodied witnessing, is one such instance. The harming works to reconfigure the ‘terrorist’ body, seen as ‘an instrumentalized data resource’ (2013, p. 4) by the U.S. led war on terror coalition, into a body that is flesh and blood, which suffers pain and violence, and which in the act of harming itself ‘contest[s] the injustice of state violence’ (2013, p. 4).

The production of violence that Pugliese discusses in reference to the atrocities at Guantanamo, U.S. policy, drone attacks, prisoners, does not, in any way whatsoever, keep violence within the purview of the state or within the auspices of state institutions such as the military, police, etc. Violence is much more civil-ised and has, more importantly, since September 11, been normalised as part of everyday civilian life—shopping centres, airports, parks, monuments, and all other public spaces are now much more heavily guarded and surveilled. Citizens are asked to report suspicious behaviours and actions, citizens are encouraged to spy on their neighbours, and CCTVs are ever so dominant. The recomposing of everyday life around potential and possible threats and violence produces a climate where security becomes the organising rationale through which everyday life is both regulated and conducted. In a perverse way, the drone attacks that take place in the Global South, which kill indiscriminately while claiming to be precise, take place in our names: mine, ours, yours, theirs. We become the alibi for killing since our security, which is at stake, needs protecting. Our everyday security is therefore closely bound up with the technologies of war. In saying that others are killed so that our everyday life is secure, we take the lead of Foucault, who reminds, ‘when I say “killing” I obviously do not mean simply murder as such, but also every form of indirect murder: the fact of exposing someone to death, increasing the risk of death for some people, or quite simply, political death, expulsion, rejection, and so on’ (1997, p. 256). Civilian life is thus constituted by, and constitutive of violence that aims to make our everyday lives secure (that is the security of knowing, being, acting, belonging, and living).

Perhaps one of the most chilling chapters in the book is 'Black sites, redacted bodies'. The chapter addresses the CIA's Detention and Interrogation program referenced earlier in the Introduction through the story of Gul Rehman. Gul Rehman was captured by US agents in 2002 and placed in a CIA black site prison. In death through torture, Gul Rehman's name has been redacted—effectively buried in a black site after the experience of a black site—in official documents. Finding Gul Rehman's name in a moment of redaction fatigue, Pugliese has devoted this chapter to reconstructing Gul Rehman's story. The chapter is an agonised mourning of the effects of the war on terror on a single and singular body. For as Pugliese argues, the redactions signify that 'nothing is recoverable in the face of their voids of meaning—not the bodies of the victims tortured to death, nor the names of their executioners' (2013, p. 183). Yet, in reconstructing the story of Gul Rehman through the error of the appearance of his name, Pugliese recovers also the 'unsayable testimonies of the tortured and the unmarked graves of the disappeared' (2013, p. 183). 'Black sites, redacted bodies' is a chapter that is evidence of the incommensurability of law to justice. Yet, in the face of this cruelty and injustice, Pugliese underscores the crucial task of documenting, remembering and reconstructing stories such as Gul Rehman's and countless others who must be named again and again—whose stories must be repeated in the face of redaction. In this sense, *State Violence and the Execution of Law* demands of us a continual archaeological task—that of uncovering the sedimented histories of violence in order to understand the present.

It is at this juncture, in marking the ultimate legal violence that redaction enables, that we can even begin to think about the ways in which we can stage diagnoses and protests, make alliances and solidarities, to disrupt the continuing mechanisms of biopolitical caesurae. The Senate Intelligence committee report referenced earlier in the Introduction is a useful document, which may offer an official account of the 'abuse' of power. Indeed, Pugliese's academic and political labour in reconstructing Gul Rehman's experience of the black site has been confirmed by that very report. But the imperative of *State Violence and the Execution of Law* is that our task as scholars of violence is to understand the ways in which state violence functions so that we may engage with it. The essays gathered here do this. They are impressive for their range and scholarly rigour: they intensely bring to account the ways in which violence operates. Their collective aim is to fight a good fight and produce the social anew: they, as Pugliese aptly writes, 'disclose the violent biopolitical assumptions ... in order to begin to reorganize and redistribute the relations of asymmetrical power' (2013, p. 226).

In addition to the essays, we have also included creative work produced by the organisation, Writing Through Fences. Writing Through Fences (WTF) was established by Janet Galbraith in collaboration with those who have and still are experiencing the violence of the Australian Immigration industry. WTF is a brave

instance of solidarity and activism in the context of the terrible effects of Australian detention centres on those often fleeing persecution or the violence of war. The Foreword to the poems states, 'creation is necessary in all times of destruction'. We hope that the voices of the detainees which emerge from the poems illustrate that creative disruption necessary for activist work in a time when state violence speaks in the name of technocratic humanitarianism whilst engaged in the destruction of bodies and souls.

We would like to thank Joseph Pugliese for his book and the scholars who have taken the time to engage with Pugliese's contribution as well as make their own interventions. This special issue would not have been possible without their intellectual labour and solidarity. We would also like to thank the entire *borderlands* collective, and the anonymous referees and reviewers for their support. The production of a journal issue is, as we all know, the work of a multitude.

References

Ackerman, S 2014 'CIA and White House under pressure after Senate torture report leaks', *The Guardian*, 11 April, viewed 3 August, 2014, <http://www.theguardian.com/world/2014/apr/11/cia-white-house-pressure-leaked-senate-report>

Foucault, M 1997 *Society must be defended: lectures at the Collège de France 1975-1976*, Picador, New York.

Pugliese, J 2013, *State violence and the execution of law: biopolitical caesurae of torture, black sites, drones*, Routledge, London & New York.