

Beyond the Line: On Infinite Decolonization

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Look around the table. If you don't see any suckers, then get up. Because you are the sucker.

Amarillo Slim (the world's greatest poker player)

1.

The week of the Madrid M-11 terrorist bombings was also the last week of the political campaign before the Spanish general elections, held on 14 March 2004. Polls had anticipated a fairly solid Popular Party victory, as the Socialist Workers' Party was lagging by about four percentage points when the last official poll was taken on 7 March. Instead, the Popular Party was seriously defeated by a wide margin, and the Socialist Workers' Party obtained a solid majority of 164 against 148 deputies. On 16 March, US President George W. Bush said on US television that the Spanish electorate had "cowered" to the Islamist terrorists presumed to be responsible for the Madrid attack. This was an idea shared, echoed, or even anticipated by a good number of conservative media in the US and also by politicians in the Bush camp. The Republican Speaker of the House of Representatives, J. Dennis Hastert, was quoted by the *New York Times* as saying: "They changed their government because of the perception of a threat. Here's a country who stood against terrorism and had a huge terrorist act within their country and they chose to change their government and to, in a sense, appease terrorists" (Sanger and Johnston A10). The same *New York Times* piece, however, reports that another member of the Bush administration, Richard L. Armitage, Deputy Secretary of State, took the opposite perspective: "the vote that propelled the Socialists into power in Spain... was a protest by the people against the handling of the terrorist event by the sitting government of Spain"¹ (A10).¹ For some, then, if not for all, the "cowering" of the Spanish people would

explain the massive withdrawal of electoral support from the Popular Party, which was committed to sustaining the current US administration's policy in Iraq and elsewhere, and the equally massive new support for the Socialists, who had pledged long before their victory that, if victorious in the elections, they would pull the Spanish troops out of Iraq and withdraw from the US-led coalition unless a United Nations mandate could be obtained by June 2004.

The Socialist victory in Spain was thus denounced by some conservatives as a victory for Al Qaeda and for Islamist fundamentalism in general. The Spanish people were deemed weaklings whose lack of understanding of the real stakes of the world-historical confrontation between the US and terrorism endangered the position of the West and opened the way for many more self-defeating betrayals. For this sector of world opinion, it did not seem to matter that José Luis Rodríguez Zapatero, the Socialist Workers' Party leader, had explicitly stated that the fight against terrorism would be the first priority of his government. It seems clear that Zapatero, although opposed to the war in Iraq, will support stronger European cooperation and a more effective intelligence against terrorist networks. But further terrorist attacks on European cities will most likely occur. As we wait for the events that will shape our future, and as we wait for a more articulate, political European response to the crisis unleashed both by the terrorist attacks and by the inadequate policy of the Bush administration, there are reasons for hope, because the Spanish electorate were able to do what they did. They used their political right to vote to penalize the Popular Party government for their arrogance and for their willful lies, as that government kept insisting, in the face of emerging contrary evidence, that the Basque terrorist group ETA was behind the March 11 bombings. The Popular Party government did so, one supposes, in the hope that the belief that ETA was responsible for the Atocha massacre would benefit their electoral chances. It was a calculated gamble, and they lost. We will never know whether a frank admission that, in the first moments or days, they could not be sure about the authorship of the attacks would have produced different electoral results. People might have rallied to the staunch law-and-order party rather than to the opposition. The fact is, the information cover-up became blatant and clearly visible, and those responsible for it lost the elections, as indeed they deserved. Democracy did not lose anything in the bargain. Lies dug the Popular Party's tomb, I think, not the cowardice of Spaniards. In the process, something like a new political scenario has developed.

Baltazar Garzón's indictment of the Moroccan national Amer Azizi on 28 April 2004, in connection with the March 11 bombings in Madrid and on charges of helping to plan the September 11

attacks in the US, is taken as evidence that Al Qaeda was in fact behind the March 11 events.² Perhaps, then, the famous statement signed by the “military spokesman for al-Qaida in Europe, Abu Dujan al-Afghani” is not apocryphal after all. The statement says: “We declare our responsibility for what happened in Madrid exactly two and a half years after the attacks on New York and Washington. It is a response to your collaboration with the criminals Bush and his allies. This is a response to the crimes that you have caused in the world, and specifically in Iraq and Afghanistan, and there will be more, if God wills it. You love life and we love death, which gives an example of what the prophet Muhammad said. If you don’t stop your injustices, more and more blood will flow and these attacks will seem very small” (“Statement” 1). Leaving aside the non sequitur, the affirmed equivalence of justice and death, was it the intention of Al Qaeda and of its Moroccan subsidiary to obtain an electoral triumph for Socialism in Spain? I find that dubious, although everything is possible. But the so-called crack in the coalition, which is certainly a direct result of the Madrid bombings, opens up political possibilities. Thinking them out, as the Iraqi insurgency makes the US-led occupation of their country increasingly costly, with complex implications, has become a necessary task. We know how difficult it is, how besieged by ideology, if not also by our own incompetence. At this point, we cannot establish a modicum of consensus in determining whether September 11 is a true world-historical event, beyond Americocentric or Eurocentric eyes. We live in its shadow, as seems particularly clear at the time of this symposium, only a few weeks after the Madrid bombings. But perhaps it is an illusory shadow from some larger perspective of class struggle, and September 11 and its sequel of events constitute only minor, although catastrophic enough, episodes in a larger battle for the future of the planet.

We have not yet started to think through whether or not September 11 constitutes a world-historical event, in the sense of an epoch-defining event. In this paper, I argue that September 11 opens the need for a new understanding of the political, that is, both for a new fundamental grouping of friends and enemies, following Carl Schmitt’s existential characterization of politics, and for an alternative conceptualization that leads us beyond a notion of politics that has been all too marked by the history of modernity—and by the history of the state form in modernity. By forcing us to set up a new understanding of the political, September 11 radically alters one of the two paradigms of twentieth-century progressive politics, namely, the paradigm of infinite decolonization.

2.

Carl Schmitt says in *The Concept of the Political* (1932): “in the orientation toward the possible extreme case of an actual battle against a real enemy, the political entity is essential, and it is the decisive entity for the friend-enemy grouping; and in this (and not in any kind of absolutist sense), it is sovereign. Otherwise the political entity is nonexistent” (39). The political entity is sovereign, or else it is nonexistent. If the political entity is sovereign, it establishes its primacy over any intrapolitical determination, and it recognizes no ruling principle, that is, no principle that can subordinate it.

About 20 years later, Schmitt published another book, *The Nomos of the Earth in the International Law of the Jus Publicum Europaeum* (1950), in which he argued that the history of modernity shows the presence of three alternative *nomoi*, that is, three fundamental principles of order and orientation in the world, always from the perspective of Europe. For Schmitt, the first *nomos*, premodern, was organized around the notion of *Respublica Christiana*, associated with the Roman papacy and medieval notions of empire. The second *nomos* begins with the so-called Age of Discovery, and it encompasses the resulting interstate system that sustains modernity proper from the sixteenth through the nineteenth centuries and into the twentieth century (and more explicitly from 1648 to 1917). The second *nomos* enters a crisis during the long war of the twentieth century, starting in 1914. At the time of finishing his book, in the late 1940s or early 1950s, after Germany’s defeat in World War II, Schmitt thinks that it is essential to pull out of contemporary nihilism and move toward the establishment of a third *nomos* of the earth.

What, then, about the *nomos* of the earth, provided that it exists or it can be made to exist, even willfully, as a principle of order and orientation, as the principle of division that regulates the very possibility of peace and justice among peoples? What is the politico-ontological status of the *nomos* of the earth? Does it rule over politics, or is it simply a manifestation of politics—and, thus, subordinate to politics? Let me anticipate a thought: the most terrifying possibility I can detect for our future is the possibility that, one day, the order of *nomos* and the order of the political become one. We can see this threat in the kind of either US or Soviet total-world domination, the idea of which so discomfited Schmitt. The Union of Soviet Socialist Republics is gone, but the Americans have emerged as the new hegemon in clearly dominant ways. Terrorism can probably not in the long run counter this domination, although it can make it increasingly hard to take for all of us and more severe at the political level. It is in the US hegemonic interest today to affirm the

necessity of a *nomos* of the earth or even to presuppose its actual existence. Islamist fundamentalism does not necessarily deny it: rather, it affirms it in negation, to the extent that it would like to undo it, as the “We Love Life, You Love Death” statement affirms. But does the *nomos* exist, and should we regulate our political existence by it? Is the *nomos* mere ideology, or is the *nomos* precisely, in its hard materiality, real and, in at least one sense, therefore the opposite of ideology? The *nomos*, if it exists, exists in lawful materiality derived from the history of the world as read by what Schmitt calls *jus publicum Europaeum*, or European public law. It is not, therefore, a merely political deployment. Rather, it would seem to exist in a realm that politics can touch, but which is not itself political.

If the *nomos* rules over politics, then the *nomos* is the ultimate norm of action, and politics is not sovereign. If it is subordinate to politics, then the *nomos* must submit to the friend-enemy division, and the *nomos* is not sovereign; that is, it cannot act as the ultimate principle of order and orientation, as the organizer and distributor of political power and political defeat, of peace and justice. In other words, what do we make of what for Schmitt was the ultimate definition of the political—the friend-enemy division—in relation to the idea of the *nomos* of the earth? How does the political stand *vis-à-vis* the juridical, if the juridical is to have any binding force at all?

If there is a *nomos* of the earth, if the current *nomos*—understood not as US domination but rather as both its outcome and its condition of possibility—organizes the politics of an epoch, and if that *nomos* is, by definition—or even, will always already have been—better than either anarchy or nihilism, then the *nomos* of the earth develops or produces its own political determinations, its own political space. It is then a condition of the political, marking both intranomic politics and any attempt at superseding or negating the nomic order itself. There are two logical ways of negating the nomic order: by opposing the currently existing *nomos* or by opposing any *nomos* whatsoever, that is, all possible *nomoi*. At the highest level—that is, at the level where the political confrontation is not intranomic, meaning sustained within a given *nomos*, as it is for the most part, but rather calls the very power of the *nomos* into question, whether as actually existing *nomos* or as the ontological determination for any practical politics—friends are those who support the *nomos*, and enemies are those who explicitly threaten it. For instance, for the present nomic configuration, provided it exists, the terrorists are the enemy. By terrorists, I mean those we could call nomic terrorists: that is, the terrorists whose goal is to attack the current nomic order of the earth. This is far from exhausting humanity. Many denizens of our planet, whether benighted or not, are neither friends nor enemies of the *nomos*; they simply dwell within a

nomos—if it exists, if it is not simply a figment of Schmitt’s imagination—not of their making. They are *within* the nomos but are not *of* it. It is precisely this place, this alternative dwelling, the site of the neither-friend-nor-enemy, that emerges today as the proper site of a new figuration of the political.

The idea of the nomos inscribes the notion of friendship. Within a given nomos, Schmitt implies, it is friends who split the order of friendship to fight discriminatory wars, whereas nondiscriminatory wars (in Schmitt’s definition, wars that do not follow the rules of war between intranomic parties) are by definition located and fought “beyond the line,” at the expansional limit of the nomic order, outside the nomic order. Hence, the nomic order is in fact nothing but a dictatorship of friends. If a nomos is an order and an orientation, there are those who abide by the order and who follow the orientation, even though they may occasionally be at war with each other, and those who do not. Those who do not, I insist, are not necessarily enemies: they are only potential enemies at most, inasmuch as they also are potential friends, and they are bare life for the most part. But the friend-enemy division is peculiar at the highest level, at the level of nomos. This peculiarity interests me. I believe it destroys the understanding of the political as fundamentally based on the friend-enemy division, provided the nomos exists or wants to be made to exist.

Schmitt, as I said, describes two nomic orders—namely, the imperial-curial nomos of the Middle Ages and the interstate nomos of modernity—and announces a third nomic configuration, which is undergoing formation in 1950. Schmitt frets about the formation of this new nomos and finds three possibilities for it: the first possibility is the emergence of a new “sole sovereign” who would “appropriate the whole earth—land, sea, and air—and would divide and manage it in accord with his plans and ideas” (*Nomos* 354). The second possibility is US hegemony, that is, not US sovereignty, but something like a US endorsement of the kind of interstate balance that was the very structure of the previous nomos of the earth. And the third possibility is a balance not regulated by US hegemony but rather by a division of the world into differentiated power blocs (354). Fifty years later, we are still debating whether the first or the second of Schmitt’s possibilities is bound to obtain—or even, given the recent confirmation of US unilateralism, starting to suspect that they are one and the same. And we tend to discount the convenience of the idea of multipolarity as a solution, as we have already had some historical experience of it, enough to know that it is far from providing adequate answers.

The two previous nomoi dissolved under the pressure of their own development—since it was the early European imperial expansion that

brought an end to the imperial-curial configuration through the intensification of Hapsburg power and the wars of religion that ensued, and since it was the development of US power as an intensification of European influence outside Europe that brought an end to the European interstate system. The very idea of the nomos, insofar as it is the idea of a nomos of the earth, presupposes that nomic enemies—that is, the enemy configuration that can overthrow a given nomos, or even the very idea—are generated from the inside: they are not properly external enemies. This is so because the nomos, as a principle of division, as division itself, always already regulates, and thus subsumes, its externality: externality is produced by the nomic order, and it is a function of the nomic order. Or rather: a principle of division, and furthermore, a principle of division that encompasses the earth, can have no externality. Beyond the line, which can only mean, in the area where denizens have not yet realized that they are within the purview of the nomos, there can be enemies, if attacked; but they are not nomic enemies, they are not enemies of the nomos of the earth: they are simply ignorant of it. Islamist fundamentalists are not beyond the line; they are very much nomic enemies, and the nomos exhausts them. Insofar as Islamist fundamentalism is not a self-contained, autonomous phenomenon but rather a historical development oriented against the current nomos, if it exists, Islamist fundamentalists must be considered intranomic. They are intranomic, but they want an end to the nomos—but not necessarily an end to all nomoi.

The nomic orders, like all forms of imperial reason, generate their own critique as a function of their development, and they perish, when they do, from their own success. This announces a basic incompatibility between the early Schmittian determination of the field of the political, “independently of other antitheses” (*Concept 27*), as the friend-enemy field, and the notion of a basic spatial order and orientation embodied in the notion of nomos. At the highest level of the political, at the highest level of the friend-enemy division, where the very existence of a given nomos is at stake, the nomos secretes its own enmity. Enmity does not precede the nomos: it is in every case produced by the nomos. The friend-enemy division is therefore a division that is subordinate to the primary nomic division, produced from itself. The friend-enemy division is therefore not supreme: a nomic antithesis generates it and thus stands above it. The nomos, if it exists, rules over politics.

My contention is, therefore, that the political ontology implied in the notion of the nomos of the earth deconstructs the political ontology ciphered in the friend-enemy division, and vice versa. They are mutually incompatible. For a determination of the political, either the friend-enemy division is supreme, or the nomos of the

earth is supreme. Both of them cannot simultaneously be supreme. The gap between them is strictly untheorizable. If the friend-enemy division obtains independently of all the other antitheses as politically primary, then there is no nomos of the earth. If there is a nomos of the earth, the nomos produces its own political divisions.

I believe that Schmitt himself secretly realized this difficulty, or half-realized it, in the section of his book *The Concept of the Political* entitled “Kant’s Unjust Enemy.” He does not like what he sees, reading Immanuel Kant; hence, he keeps Kant at a distance. On the one hand, he says that Kant “formulates definitively the results of the epoch of development” (*Concept* 168), which had to do with the formation of the interstate system in the seventeenth and the eighteenth centuries; that is, he says that Kant formulates the conditions of the second nomos. Schmitt quotes Kant: “No war of independent states against each other can be a punitive war, nor can any war be a war of extermination or subjugation”; and “there is thus ‘the right to a balance of power among all states that are contiguous and could act on one another’” (168). But Kant, Schmitt says, “shows a double face” when he “introduces, in a highly surprising way, the concept of the *unjust enemy*” (168). The just enemy is the intranomic enemy, the enemy that does not want to undo the nomos but rather contest internal nomic determinations from the point of view of the nomos itself. Say, after the Treaty of Utrecht, which draws the consequences of the War of Spanish Succession in the early eighteenth century with fairly dramatic results for Spanish power, Spain attempted to reassert its claims to Italian territories and invaded Sardinia and Sicily. Immediately, the victors of Utrecht organized the so-called Quadruple Alliance against Spain. As Henry Kamen puts it, “the conflict, which came to an end the following year [1719], was a sham war with little other purpose than to demonstrate to Spain that it could operate as a military power only with the permission of the French or the British” (455). The French and the British, with their allies, asserted their claim to nomic dominance and put Spain back in its place. But Spain was considered by them a just enemy, a respectable if old and cranky adversary, even as Spain could only be sorry that it was not powerful enough to modify the European balance of power to serve its own interests.

Is the unjust enemy, as opposed to the just enemy, whose definition is entirely contained at the level of the nomos, precisely the enemy that fights against a given nomos and wants an alternative nomos, or is the unjust enemy the enemy of all nomoi, of all principles of earthly order and orientation? Schmitt says that Kant’s concept of the unjust enemy might in fact be already “a presentiment of a new nomos of the earth” (169). But is it? Or is this disingenuous or inconsistent on Schmitt’s part? Is Kant prefiguring nothing less than

the arrival of nihilistic terrorists, adversarial foes of the nomic order whose intent cannot be to produce an alternative nomic configuration but rather, precisely, the return to an impossible state of nature, a murderous chaos, disorder, and disorientation for all? If so, then the Kantian unjust enemy is the intuition of the end of all possible nomoi and certainly not the presentiment of any new nomos.

For Kant, the unjust enemy is one “whose publicly expressed will (whether by word or deed) reveals a maxim by which, if it were made a universal rule, any condition of peace among nations would be impossible and, instead, a state of nature would be perpetuated” (169). On the face of it, that is, strictly according to Kant’s definition, the unjust enemy is the enemy of the nomos of the earth: not of a given nomos but of every possibility of a nomos of the earth. Schmitt says: “A preventive war against such an enemy would be considered to be even more than a just war. It would be a crusade, because we would be dealing not simply with a criminal, but with an unjust enemy, with the perpetuator of the state of nature” (169). It seems that the notion of the unjust enemy, Kant’s discovery, throws into disarray the very presupposition of a nomos of the earth in a very specific sense. A limit figure, the unjust enemy stands outside the nomos in the sense that it refuses to recognize nomic authority itself. But the nomos is a totalizing principle outside which, by definition, nothing stands: even the principle of nomic dissolution is produced by the nomos itself, in every case. The nomos, if such, must produce its own antithesis as a function of its own totalizing division. Something, then, has happened: the Kantian unjust enemy stands outside the jurisdiction of the nomos. It is a scandal. Are the new terrorists, the global Al Qaeda terrorists and their proliferating clients, the Al Qaeda partisans that call themselves Ansar al Qaeda, officially or unofficially, precisely such a scandal? Do they stand for a new caliphate? What is it that they want to accomplish, even as they follow an allegedly divine mandate for the destruction of the world as it is or even as it could be?

But the scandal gets worse, and this is something that Schmitt does not point out. He does quote, with high praise (“it is impossible to understand the concept of a just enemy better than did Kant” [169]), Kant’s definition of the just enemy. But Kant’s definition of the just enemy is itself scandalous and potentially throws Schmitt’s differentiation into disarray. For Kant, “a just enemy would be one that I would be doing wrong by resisting, but then he would also not be my enemy” (169). With this, with what we could call Schmitt’s refusal to deal with the implications of the Kantian definition, although he himself provides it, Schmitt shows a double face. It stands to reason that, if the notion of the just enemy is an impossibility—that is, if the enemy, in virtue of his very justice, is always

already a friend—then all enemies, to be enemies, must be unjust. If all enemies are unjust, then every single enemy stands outside the jurisdiction of the *nomos*. The *nomos* has then effective jurisdiction only over friends, and it loses its universality. It loses, indeed, more than its universality: it loses its position as a political concept since it cannot account for, it can only submit to, the friend-enemy division. Hence, the order of the *nomos* and the order of the political are radically incompatible. If there is politics, then there is no binding *nomos*. If there is a *nomos*, the unjust enemy—and that means, any enemy—falls outside the political order.

A moment ago, we seemed to think that Schmitt's position in *The Nomos of the Earth* successfully contradicted his earlier position on the political: we seemed to think that the notion of a *nomos* of the earth accomplished, perhaps against Schmitt's own will, a successful deconstruction of his notion of the political. Now we are faced with the fact that Schmitt's own indications of the Kantian position deconstruct the notion of the *nomos* and send us back to the absolute primacy of the friend-enemy division in terms of a determination of the political. With what position do we go? Do we prefer to uphold the *nomos*, or do we prefer to abide by a savage, anomic notion of the political?

If today's international nomic terrorists are the paramount figures of the unjust enemy that Kant discovered, if today's nomic terrorists are in fact that, nomic terrorists, terrorists against all possible *nomoi*, could we not then say that a new figure of the enemy has in fact materialized in front of our eyes? And could we not also say that this new figure throws into disarray both our concepts of the political and any possible concept of a nomic order?

If all enemies are unjust enemies, all enemies must be exterminated. There is no end and no limitation to war: war is total, and that is so both for the friends of the *nomos* and for their unjust *enemies*. But total war cannot be a fundamental orientation and a principle of order. The notion of total war announces the end of any possible reign of nomic order. It also announces a radicalization of the political, precisely as it opens itself to its most extreme determination of war, total war. But a total war without a *nomos* is a totally unregulated, totally non-discriminatory war, without legality. And a war under those conditions cannot abide by a concept of friendship since it has generalized the friend-enemy division into its complete disruption. Friendship presupposes legality. Faced with total war, humanity finds itself deprived of amity, just as it finds itself deprived of enmity. At the logical end of the concept, the political division finds its own end. Total war is the end of the political.

There is only one way in which both concepts—of the *nomos* as supreme principle of division, of order and orientation, and of the

political as contained by the friend-enemy division—could be salvaged and then made compatible. There is only one way to arrest deconstruction: through the total triumph of Schmitt's "first possibility" for the new nomos of the earth, namely, American global tyranny, or, for that matter, the global tyranny of the one, the global tyranny of a regime of which the US is today a primary if still initial embodiment. Once a total monopoly of power is accomplished, total subjection/subjectification takes place, without residue. Liberal globalization, insofar as it is not yet accomplished, seems to be its contemporary name. Globalization divides the world into friends and unjust enemies, that is, international terrorists. No one stands outside the nomos anymore—except, that is, those who can be killed without murder or sacrifice and, we could even say, those who can be killed without war, without total war, the inhabitants of bare life. Against bare life, we can offer planetary subjection, we can offer the unique subject of the present, *the* subject. But could it be said that *total subjectification*—the ongoing reduction of the world to subjectivity—is always already an index or a symptom of an actually existing global monopoly of power? In ongoing total subjectification, the coincidence of the nomos with itself is a witness to the tyranny of the one. For the tyrant, there are indeed friends and enemies. Or rather, there are only friends, and everybody else is precisely nothing: a nonfriend. The terrorists are no less the embodiment of the figure of the tyrant: the element whose function it is to establish an outside, the site of radical evil (which, for them, is projected back into the tyranny of the one.) The terrorists, whether they seek a global caliphate or the destruction of every order under the love of death, are a necessary element of a total nomic order understood as encompassing friends and unjust enemies. But a nomic order that encompasses friends and for which every enemy is unjust is precisely not a nomic order—the whole notion of the nomos has now been placed beyond the line.

We must be grateful, for the time being, that a heterogeneity of a fundamental nature can still be detected (thanks to deconstruction, and I know that will anger some) between the order of nomos and the order of the political. The Spanish Socialist Workers' Party, and with it the Spanish electorate, have recently embodied the possibility of such a heterogeneity through a double refusal. Perhaps I can now risk a thought: that dwelling in that heterogeneity, the form of the political today implies a refusal, always double, to exhaust the concept of the political into the friend-enemy division, in favor of bare life, or the subaltern, or of whatever in us can remain always beyond subjectification, beyond identity, beyond inscription, beyond the line, outside the Schmittian third nomic order that sets up the tyrant and its deeper abjection—necessarily, the world terrorist.

It seems to me that this position of the nonfriend, as the necessary counterpart to the exhaustive but impossible division of the nomic order between friends and unjust enemies, is the new site of politics: a site defined by September 11, or rather, by the double refusal of September 11 and its political aftermath. As some of the demonstrators in the massive protests of 12 March said, “*ni terrorismo ni guerra*” (“neither terrorism nor war”). That phrase is more complex than it seems.

3.

The nomos that started to come to an end around World War I gave way to an ideology of massive decolonization. Decolonization as a principle was supported by the US hegemon after World War II, and the movement of the world toward national-popular liberation can be taken to be one of the two main political ideologies of the epoch, the other one being class struggle and the need for the proletariat to get rid of capitalist exploitation. I will not say anything about the second ideology in this paper, except to mention that massive decolonization and the ideology of national development were in fact already a response to the radical claims of the proletariat embodied in marxist mass parties. It was assumed that development would end exploitation as such. Decolonization, in its radical form, which I will call *infinite decolonization*, incorporated the promise of proletarian liberation at a fundamental level by linking liberation with a reappropriation of the earth through a new possibility of tellurian *Bodenständigkeit*, or rootedness. Decolonization is not so much a supplement to marxist liberation as it is its necessary counterpart, its complement, as postcolonial studies have insisted throughout most of the last century.

For this third and final section of my paper, I will use an important book in recent Spanish historiography, a kind of theoretical attempt at presenting the predicament of decolonization today: Bartolomé Clavero’s *Genocidio y justicia. La destrucción de las Indias ayer y hoy* (2002). The book might show, contrary to its best intentions, how infinite or radical decolonization is not really decolonization but rather a curious form of recolonization: an apotropaic decolonization, which only decolonizes to better colonialize, according to what we could call, following the logic of that book, the spirit of our times (or what the book terms “*nuestras alturas*,” “our heights,” the “*alturas*” of a time that is wiser than older times, more enlightened, thanks to the efforts of the so-called decolonizers). The notion of *our heights* is a particularly blatant symptom of the presence of nomic ideology: we know better, we have a better order,

if we could just only follow it. Perhaps this impossible or contradictory claim for infinite decolonization, supposedly made possible today, has come to constitute something like the dominant progressive ideology of our times, even if more in the academy than anywhere else: an acceptable form of leftism, and first of all acceptable, because clearly legible, to the Right, which has come to take it as its enemy. But it is an easy enemy, all too easy, and, precisely, all too just. Such enemies can only become friends, as Kant would say. The truism according to which the enemy of our enemy is our friend is hardly reliable (it turns us all into suckers, to quote my epigraph). And by enemy here, I do not mean Kant's or Schmitt's unjust enemy, and I do not mean the Islamist terrorists: I mean, rather, the present accumulation regime that keeps so many inhabitants of the world in deep and unfair misery.

Genocidio y justicia says: "*Tras el presente está la historia, y tras la historia puede estar el derecho*" ("Behind the present there is history, and behind history there may be the law"; 82). Not a trivial sentence, even if we feel we should not be too demanding when it comes to accepting a relative autonomy between history and the present. What is more commonsensical than that? Surely, there is a difference: the past is not the present, and the past is, well, history; whereas the present, whatever it is, is precisely not history, right? The present is, rather, a stand-in for an unrecognized notion of a *nomos*: "behind history there may be the law."

We have, on the one hand, the present; and on the other hand, we have history. If history and the present are not part of the same substance, if they are, in other words, substantially different, what theory of time can sustain itself on the basis of the affirmation of a double substance of temporality? And if there are two substances to time, why not three, or many? Or is there only one substance?(And, therefore, the nature of the division between history and the present is merely accidental, merely anecdotal, never fixed. But, well, we can still use it, since we all know what we are talking about. But do we?)

We can use a distinction we cannot really justify, but it is a distinction we all feel, one claims (or Clavero would seem to claim); otherwise, one could not even talk. Yes, history is one thing, the present is another thing: so much is clear, intuitively clear, clear and distinct, crystal clear, in the same way, say, that the subject and the object are very clear. For instance, I am a subject, everything else is an object. The present is what we know directly; history can only be an object for us. History and the present, the very division between the two, is precisely the division of the subject, over and against which time stands. The subject can tell, the subject can always tell, and can in the first place tell time, and tell time from itself; the right

to the clear distinction between history and the present is a matter of truth, in the same way that the existence of the subject is a matter of truth. We, the subject, stand in it, the truth. We can tell. And we can tell the truth. Or so that book would seem to state. Because, today, we are all subjects, we live in a historical moment, our heights: of total subjectification, or of potentially total subjectification.

This is already very complicated, even impossible. But even so, it is not all. Because it is not only that there is the present, and then there is history, and one stands behind the other, almost in the same way that the other stands behind the one: no, we must go further. First, there is the present; then, there is history; and, finally, there is the law. Or, better put, there may be the law. “Behind the present there is history, and behind history there may be the law.” Of course, *derecho* is not really law. In Spanish, we know, *ley*, in the proper, nonfigurative sense, is one of three things: “1. Rule and constant and *invariable* norm of things, born from the first cause, or from the qualities and conditions of the things themselves. 2. A precept dictated by the supreme authority, where something is commanded or prohibited according to justice and for the good of the governed. 3. In a constitutional regime, a disposition voted by Parliament and sanctioned by the Head of State” (“1: *Regla y norma constante e invariable de las cosas, nacida de la causa primera o de las cualidades y condiciones de las mismas. 2. Precepto dictado por la suprema autoridad, en que se manda o prohíbe algo en consonancia con la justicia y para el bien de los gobernados. 3. En el régimen constitucional, disposición votada por las Cortes y sancionada por el Jefe del Estado*”; *Diccionario de la Real Academia Española*). Whereas “*derecho*” is, among other things such as “justice, reason” (“*justicia, razón*”), “a set of principles, precepts, and rules to which human relationships are subject in any civil society, and whose observance can be compelled from individuals by force” (“*conjunto de principios, preceptos y reglas a que están sometidas las relaciones humanas en toda sociedad civil, y a cuya observancia pueden ser compelidos los individuos por la fuerza*”; *Diccionario de la Real Academia Española*). *Derecho* is justice and reason, and, therefore, an incorporation of all the laws, the law of all laws. So, depending upon whether we go with *ley* or with *derecho*, either we have the present, and behind it history, and behind it, maybe, justice and reason, or we have the present, and then history, and behind it, maybe, “a set of principles, precepts, and rules to which human relationships are subject.” One must wonder whether those “principles, precepts, and rules” come to us from the “first cause” or from the “supreme authority,” or whether they simply come to us from, say, “Parliament,” after the proper sanction of the “Head of State.” But perhaps this is indifferent, insofar as, wherever they come from, they still

stand behind time and the present, or behind history and time, or behind time as history and the present. The law, “*el derecho*,” is suprahistorical—not in the sense that it does not have a history, but in the sense that it overrides, overtakes its own history, and, so to say, screws it from behind. The law is nomic, and it is nothing but tententially nomic. Every law wants to establish a nomos of the earth.

Genocidio y justicia is a well-intentioned book that attempts to redress, in the name of universal decolonization, the so-called destruction of the Indies, that is, the colonial destruction Spain visited on the peoples it found on the other side of the ocean. It attempts a fundamental restitution, an infinite restitution, even though it remains fundamentally vague in its terms. In fact, it is not clear what kind of restitution it really attempts, beyond restituting restitution, so I am already interpreting when I claim that the restitution in question is the restitution of the proper name. There would be a lot to discuss as to the notion of restitution, the notion of the proper, the notion of the name, or the notion of the proper name, as if names could be anything other than common, even conceding that there could be names in the first place.

Clavero says: “European-based social science contributes to genocide through its cancellation of indigenous humanity as a subject of history and law. Even the usual recourse to terms such as Indian or indigenous can shelter genocide when it stands in for ignorance and the dismissal of the remarkable plurality of peoples subsumed under the notion of indigenous humanity. . . . [G]enocide is allowed or protected through the simple theoretical cancellation of a part of humanity as a subject of science, history, and a law of their own” (“*La ciencia social de matriz europea, casi toda ella, contribuye por su parte al genocidio manteniendo el paradigma teórico de cancelación de la humanidad indígena a efectos como los de historia y derecho. Hasta el empleo usual de meros términos como indio o incluso como indígena puede abrigar genocidio cuando encubre ignorancia y desentendimiento de la pluralidad notable de pueblos comprendidos. . . . [E]l genocidio se permite o se encubre con la simple cancelación teórica de parte de la humanidad como sujeto de ciencia, historia y derecho propios*”; 95). These are apparently uncontroversial sentences. And yet. . . .

Clavero is against genocide. The only possible response to genocide, that is, the only nongenocidal response to genocide, is, for Clavero, the infinite restitution—not of the right to, but of the very subjectivity, understood as the property—of science, history, and the law to all humanity, particularly to the part of humanity that has been deprived of that property, at some point in history, or even at some point in the present. Plausibly and logically, this must mean

that there is something that may be even behind the law, and that is property itself, and not just any property, but the very property of subjectivity for all.

Which leads us to another impossible problem, since the command to the infinite restitution of subjectivity as “first cause” comes to us not from subjectivity, but from the law. The law says that there must be an infinite restitution of law, and with that command the law places itself behind the law. Or else subjectivity commands that the infinite restitution of subjectivity be the law, and thus subjectivity places itself firmly behind subjectivity. Law and subjectivity, or, we should say, the law of subjectivity, impossibly understood as one and the same thing as the subjectivity of the law: such is, perhaps, the unstated law not of history, but of our present. But since history stands behind our present, in some middle ground between the present and the law, then it turns out that the law of our present must also be the law of history. Hence, the discourse of the law, of the law against genocide, which is the only nongenocidal response to genocide, is the true “first cause or supreme authority” for our time. The law against genocide, in this conceptualization, operates something like the genocide of time.

One could perhaps accept this bad metaphysics as a matter of faith, that is, as a form of ontotheology in relation to which one could just believe or not believe—a matter of choice for the militant, a matter of militant choice. But the fact is, one cannot, because faith must be internally consistent to sustain the subject of faith: militancy requires it, to the extent that inconsistent militancy is not militancy at all. So we must continue to denounce it—as unfaithful faith, as mere ideology. Let us take another look.

The statement is: the law against genocide is the law of the infinite restitution of the property of the proper. Clavero says: “Genocide is not now a rhetorical category. It is a crime of international law, and refers to an international order that is today, in our times”—“*a nuestras alturas*” (“in our heights,” or “from our heights”)—“very different from the time of Las Casas, precisely because today it is founded on human rights, the rights that are recognized for and due to a whole and accomplished humanity” (“*No es el genocidio ahora una categoría retórica. Es un crimen de derecho de gentes o de un orden internacional muy distinto, a nuestras alturas, al de los tiempos de Las Casas, precisamente porque ahora se funda en derechos humanos, los debidos y acreditados a una humanidad cumplida y entera*”; 94). Something, then, has been accomplished in the present, in our heights: that is, what has been accomplished is nothing else than an accomplished humanity, “*cumplida y entera*.” From the perspective of accomplished humanity, there is indeed genocide, not just rhetoric: as humanity has come

into its own, so has the law. The law of humanity is the law against genocide, and the law against genocide calls for the infinite restitution of human rights, understood as the rights of property to property, as the rights to a full subjectivity. The right to a full subjectivity is the universal right of humanity. The right to full subjectivity is the right to infinite restitution, which is the infinite right to the property of the proper, which is the right to infinite subjectivity. Anybody can see that we are in the middle of a vicious circle here, and we must break out of it somewhere. Clavero's choice of place is, predictably, the cultural. "So, the first dependency we should confront and try to overcome may not be political or even economic dependency or any other material social dependency. It should be precisely and definitely cultural dependency. I do not claim that the other dependencies are not important or even decisive, but I claim that cultural dependency could be the primary one. I am referring to the dependency that derives from those who . . . hold the authority of giving names and lording over words with the not always acknowledged pretension of conditioning or even ruling human freedom" ("*Con todo, la primera dependencia que debiera tal vez afrontarse y tratar de superarse puede que no sea la política o ni siquiera tampoco la económica o cualquiera de otra índole social más material, sino precisamente y en definitiva la cultural. No digo que las otras no sean importantes e incluso decisivas, sino que ésta puede ser la primaria. Me refiero ahora a la que deriva de quienes . . . se arrogan, controlando y manipulando claves, la autoridad de dar nombres y señorear palabras con la pretensión no siempre disimulada de condicionar o con la más íntima incluso de regir la libre determinación humana*"; 90). The question is indeed to know who is the master of words. What Clavero calls "the radical deprivation of one's own law" is, he thinks, a cultural phenomenon, the genocidal cultural imposition of alien names on proper rights and, hence, the theft of proper rights.

Against it, contemporary supreme authority, that is, the authority *a nuestras alturas*, our nomic order, lays down the law. Restitute, the law commands, do not impose, like the superego telling us: Enjoy! Except that enjoying is then a form of suffering. Except that such a restitution is already an imposition, in the same way that there cannot be a law of the multiple without a prior unification, in the same way that there cannot be an infinity of proper names without a common name to sustain them all. But if there is a common name to sustain them all, and if that common name is accomplished humanity, then the law of infinite restitution finds its impassable exception. It is not just any exception, because it is an exception to infinity, which necessarily makes infinity finite and, hence, destroys it as infinity. In the same way, the law of infinite restitution destroys

itself as law and is no defense against genocide—and no appropriate tool for decolonization.

I have just finished teaching a class on American crime fiction. A few weeks ago we read Dashiell Hammett's *The Maltese Falcon* (1930), and then we watched the 1941 film that John Huston based on the novel, starring Humphrey Bogart and Mary Astor. The film curiously makes no reference to one of the most famous passages in the book, which is when Sam Spade tells the devious but lovable Brigid O'Shaughnessy the story of the man called Flitcraft. Flitcraft is the guy who, in the middle of "a clean orderly sane responsible affair" (64) of a life, has a near-death experience that makes him confront his own mortality and decide that, given that we live in a universe that embodies death as its real, a universe of blind chance and freak events, a universe of unreason, the more attuned to reasonable life we seem to be, the more out of step with life we really are. The more in step with life, the more out of step; the more reasonable our life, the more unreasonable it is. Well, poor Flitcraft abandons everything—his life, his loyalties, his family, his job, his money—moves to another city, and starts a new life, only to find himself a few years later having essentially reproduced his previous life. Clavero's position, the position that I have been calling the position of infinite restitution, is similar to Flitcraft's impossible attempt to escape his own shadow. Flitcraft's attempt to decolonize his life, to rid it of everything that seemed at one point to be clean, orderly, sane, and responsible, ends in failure because he restitutes a subjectivity that cannot but fall into the apparent cleanliness, orderliness, sanity, and responsibility that can only produce themselves as such at the cost of a fundamental omission: the omission of the real, of the essential out-of-stepness of history itself. There can be no restitution. It is perhaps time to give up what Dipesh Chakrabarty a few years ago called "good history" (97–98). If infinite colonization cannot in any case be avoided, as Flitcraft rather comically discovers, should we not at least refuse to be colonized by the pretense of its opposite?

4.

As an overall conclusion, then, I have tried to show that the radicalization of a coincidence between the nomic order of the earth and the order of the political, which necessarily includes the re-description of all enemies as unjust enemies—and, therefore, a tyranny of the friend as the total subject of humanity—might at the same time be an imaginary projection of the consequences of September 11 and the opening to a different understanding of the political on the

basis of the figure of she/he who is neither friend nor enemy, the nonfriend. The “crack in the coalition” represented by the pro-Socialist vote in Spain initiates a double refusal: a no to total war, either from the perspective of the nomic order, or from the perspective of the (unjust) enemies of the nomic order. Unjust enemies, in Kant’s definition, are those who exclude themselves from accomplished humanity, from the nomic order, in the nihilistic will to the perpetuation of the “state of nature,” that is, of something other than humanity, of *brutalitas* as total chaos and generalized disorder.

The notion of infinite decolonization, understood as total restitution of the proper of subjectivity in the present, is consistent with the notion of accomplished humanity that the third nomic order seeks to sustain. Infinite decolonization, as the name of the law against genocide, as the only nongenocidal law, is the counterpart to global nomos—and, thus, essential to it. Both assert the radical priority of subjectification, and both condemn their enemies to a radical outside, indeed, to a genocidal outside. The unjust enemy, for the partisans of infinite decolonization, is the genocidal enemy. The genocidal enemy, for the partisans of a third global nomos, is the Kantian unjust enemy.

There is, then, a fundamental relation between the notion that we have some reason to think that a new configuration of the political against the friend-enemy division is in order and the notion that infinite decolonization is no longer a proper tool for decolonization of any kind. Thinking about the political implications of the site of the nonfriend must also include a critique of the powerful notion of decolonization as the ultimate word for peace and justice for all. But then, no other nomos is even worth considering.

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Notes

1. See also Thomas Friedman, “No Vote for Al Qaeda.”
2. See María Jesús Prades, who reported: “The investigation of the March 11 attacks has turned up evidence that suspects in the train bombings had ties to people charged in the earlier Sept. 11 indictments. But Azizi is the first person linked to both terrorist attacks” (A3).

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