

# WAR CRIMES, ATROCITY, AND JUSTICE

MICHAEL J. SHAPIRO



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# **War Crimes, Atrocity, and Justice**

Michael J. Shapiro

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## Preface and Acknowledgments

Early on in his history of pornography, *The Secret Museum*, Walter Kendrick remarks that historically pornography has not been a thing; it has been an argument. The same can be said of war crimes. I have become sensitive to the homology between Kendrick's and my subject matter thanks to productive discussions with my editors, Louise Knight and Pascal Porcheron at Polity, about what to put on the cover, and to my conversations with Dr Keanu Sai, a Hawaiian scholar, who with other members of Hawaii's shadow government (officials of "The Hawaiian Kingdom," a formerly recognized state that was illegally overthrown in 1893 by a militia of US citizens, spurred by sugar planters and descendants of missionaries), secured legal counsel to lodge a war crimes complaint at the International Criminal Court at The Hague.

War crimes are not unambiguous objects of representation. To borrow a phrase from Jacques Rancière, a war crime is a phenomenon that "leaves representation in ruins by shattering any harmonious relationship between presence and absence, between the material and the intelligible." In accord with that disharmony, my investigation relies on non-representational philosophical discourses for conceptual framing and on the arts for illustrations that resist closure. With respect to the latter, I am deeply indebted to two novels, my engagement with which provides the bookends of my text: Mathias Énard's *Zone*, whose main protagonist is headed to Rome to place a trove of material on atrocities that have occurred in the Mediterranean area in the Vatican archives, and Laszlo Krasznahorkai's *War and War*, whose protagonist heads to

New York (which he regards as the “new Rome,”) to place a manuscript on war on the Internet.

Other debts have been incurred as I worked on and presented some of the chapters at various academic venues. The names of people whose help and/or inspiration I wish to acknowledge include those to whom I am indebted for the individual lecture and conference invitations that prompted the prototypes of chapters, to those who inspired me by reading and responding to drafts, to those who inspired me in general by example (some of whom I served with on panels at professional meetings), to those who encouraged me in discussions about my ideas for the book, and to students who helped me formulate my approach to my analyses as I discussed them in my courses. The list, in alphabetical order, without role differentiation includes: Anna Agathangelou, Elena dell'Agnese, Linda Åhäll, Rune Saugman Anderson, Florentina Andreescu, Jens Bartelson, Paul Battersby, Jane Bennett, Bettina Brown, Cesare Casarino, Charmain Chuae, Bill Connolly, Elizabeth Dauphinee, James Der Derian, Mick Dillon, Jenny Edkins, Brad Evans, Thomas Gregory, Jairus Grove, Julia Peres Guimarães, Marjaana Jauhola, Andy Kear, Garnet Kindervater, Chuck Lawrence, Luis Lobo Guerrero, Tom Lundborg, John Mowitt, Peter Narby, Michelle Pace, Sami Pihlström, François-Xavier Plasse-Couture, Sam Opondo, Julian Reid, Nick Robinson, Mark Salter, Peer Schouten, Manfred Steger, Hannah Tavares, Corey Walker-Mortimer, Andreja Zevnik.

Shorter prototypes of three of the chapters in this book have been previously published: “Life's Contested *Dispositifs*: Apparatuses of Capture/Exuberant Lines of Flight,” *Theory & Event* 16: 4 (2013); “Justice and the Archives: ‘The Method of Dramatization’,” in Jenny Edkins and Adrian Kear, eds. *International Politics and Performance: Critical Aesthetics and Creative Practice*

(Routledge, 2014); and “War Crimes: The Justice *Dispositif*,” in Paul Battersby, Joseph Siracusa, and Manfred Steger, eds. *The SAGE Handbook of Globalization* (Sage, 2014). I am grateful to the publishers for granting permission for republication.

# Introduction

My inquiry into war crimes, atrocities, and justice in this book mobilizes political and philosophical concepts and deploys them on global spaces, forces, and events, primarily (but not exclusively) as they are articulated through artistic texts. I focus on such texts because aesthetically oriented approaches to life-worlds provoke critical thinking. They “destabilize the epistemic ground;”<sup>1</sup> their “heteroglossia”<sup>2</sup> (clash of centrifugal voices, in the case of literature, and montage of images, in the case of cinema) challenge the unreflective protocols of official and institutionalized sense making; and crucially for my investigations, they evince a “literary justice,” which in contrast to “legal justice,” keeps issues open and available for continuous reflection rather than imposing definitive judgments.<sup>3</sup>

As is well known, “literature is not verifiable,”<sup>4</sup> as Gayatri Spivak has put it; it will not offer definitive judgments about what should be known. In the face of such epistemic uncertainty, what can an inquiry into war crimes and justice, which foregrounds reflections in literature and film on the interrelationships between epistemological, ethical, and political fields, offer that social science investigations cannot? Spivak's suggestion is that “the protocols of fiction give us a practical simulacrum of the graver discontinuities inhabiting (and operating?) the ethico-epistemic and ethico-political...an experience of the discontinuities that remain in place in ‘real life’.” Fiction, as an “event – an indeterminate ‘sharing’ between the writer and reader” can provide an “angle of vision” that provokes thinking rather than offering definitive knowledge judgments.<sup>5</sup>

The angles of vision operating in fictional texts are effectively invitations to the reader to consider the indeterminacy of positions that afflict all ethico-epistemic and ethico-political perspectives. What I take from such affliction is an imperative to reflect on and add complexity to rather than seek definitive judgments about such contentious and undeconstructable concepts as war crimes and justice. And crucially, rather than seeing writers/investigators and readers as fixed subjects who stand in a stable epistemological field, I suggest that we regard them as historically evolving personae, as becoming subjects who are, in M. M. Bakhtin's terms, "unconsummated"; they are subjects who are... "axiologically yet to be."<sup>6</sup>

Accordingly, the style of my writing, articulated as a series of interventions, must reflect my aim to resist certainties and provoke thinking rather than offering definitive explanations. Each chapter is an essay rather than an attempt at explanatory closure. The significance of the essay form for political inquiry is its experimental mode. As John O'Neill has put it:

It is an experiment in the community of truth, and not a packaging of knowledge ruled by definitions and operations. The essay is a political instrument inasmuch as it liberates the writer and reader from the domination of conventional standards of clarity and communication...[it's a] basic expression of literary initiative...accomplished against the limits of received language.<sup>7</sup>

Stylistically, my text throughout this book therefore contains minimal explication and unmediated information reporting, and instead functions largely through juxtaposition, through what Walter Benjamin, referring to *his* style, called "literary montage." With that mode of writing one *shows* connections among parallel forces and

events rather than elaborately explaining how they interrelate.<sup>8</sup> Nevertheless, my objects of analysis are drawn from the historical realities that provoke questions about war crimes, atrocities, and justice. Although much of what I am calling my style is influenced by the aesthetic orientations of the arts – especially literature and cinema – I'd like to assume that the writing style through which my investigation proceeds amounts to “a stylistic drop in an ocean of reality.”<sup>9</sup>

Because much of my analysis throughout this investigation is inspired by my encounters with literary texts, part of what I hope to show is how literature's imaginative constructions of space and time disrupt entrenched and unreflective ways of seeing/interpreting life-worlds; “[l]iterature selects, develops and confronts signs in different worlds, along different aspects of time according to differing processes of continuous variation or transversals [this is what] [Gilles] Deleuze calls a writer's ‘style’.”<sup>10</sup>

To illustrate the value of such a style as it applies to my objects of analysis, I turn to a brief reflection on an extraordinarily profound and politically perspicuous story by Zadie Smith, “The Embassy of Cambodia,” which in an oblique yet critically focused way is about war crimes and atrocities.<sup>11</sup> The story's protagonist is an African household servant, Fatou, a displaced Ivorian from Accra, Ghana, a city that exports servants and welcomes tourists.<sup>12</sup> Fatou works as a maid for the Derawals, a mini-mart franchise-owning, Anglo-Indian family, residing in the North London suburb of Willesden. In the story, London's Cambodian Embassy is unobtrusively located in Fatou's suburban neighborhood. The embassy's less-than-grand edifice (“It is only a four- or five-bedroom, North London suburban villa”) is “surrounded by a red brick wall about eight feet high,”<sup>13</sup>

which Fatou often passes on her way to swim at a private club.

Two kinds of access are contrasted in Fatou's journey from the Derawal household to the pool, which provides her with moments of pleasurable escape from her confined life. Although it is the Derawals and not Fatou who are members of the club, Fatou has access to the pool because while the Derawals are absent from the house on Mondays she draws from "a stock pile of guest passes" in the drawer of a hallway console where "Nobody besides Fatou seems to remember that they are there."<sup>14</sup> As one with no ownership resources except her own canny observational skills, Fatou uses "tactics" rather than "strategies"; she makes use of temporality, the seizing of moments, rather than the strategies available to those who control space.<sup>15</sup> Fatou's access to the embassy is limited to what she can see and hear from the outside. As she passes it, she becomes aware of a badminton game continually underway behind the wall. She sees a shuttlecock arcing "back and forth, cresting this wall horizontally," and hears the hits, "Pock, smash. Pock, smash."<sup>16</sup> What is the significance of those onomatopoeias: "pock, smash?"

As the story progresses, the reader is introduced to Fatou's speculations about atrocity in two different venues. First, she thinks about the violence perpetrated on household servants: "In a discarded *Metro* found on the floor of the Derawal kitchen," she reads "a story about a Sudanese 'slave' living in a rich man's house in London" and ponders: "It was not the first time that Fatou had wondered if she herself was a slave." Then she wonders about the violence associated with various mass killings. For example, thinking about the Cambodian extermination campaign, she says to her Nigerian friend Andrew Okonkwo (employed as a night guard) that "more people died in Rwanda...And

nobody speaks about that! Nobody!"<sup>17</sup> Shouldn't we therefore be associating those "pock smashes" with the torture deaths carried out by the Khmer Rouge? Brilliantly, Smith's story displays a "transversal eye;"<sup>18</sup> it provides for "new visions" as it effects a transversality between the atrocities carried out by national regimes, which draw insufficient attention, and the even more hidden atrocities experienced by migrant domestic servants. Unlike ethnographic subjects, who through visits to the sites of the Cambodian atrocities and interviews with witnesses and victims, convey a deepened sense of the experience of the atrocities, Fatou is an "aesthetic subject"<sup>19</sup> through whom the text thinks as it reframes the atrocity phenomenon. Because she is constituted as a liminar, who experiences a different kind of atrocity, her story serves to broaden the atrocity problematic rather than intensify the experiences associated with a particular historical moment.

With respect to the lack of visibility of national level atrocities, much is made in the story of how surprising it is that the Cambodian Embassy of London is located out of the center. As the story's narrator puts it, "we [the residents of Willesden] were surprised by the appearance of the Cambodian Embassy...It is not the right sort of surprise somehow."<sup>20</sup> And in addition to the mention of Rwandan atrocities, about which "nobody speaks" (Fatou's remark to her Nigerian friend, Andrew), Andrew brings up the Hiroshima atomic bombing in which, as he puts it, "They killed five million people in *one second*." The narrative goes on to have Fatou realize "that she had heard the story before...But she felt the same vague impatience with it as she did with all accounts of suffering in the distant past, for what could be done about the suffering of the past?" Fatou's impatience with thinking about past atrocities is given a more general resonance earlier in the story, when the narrator representing the "people of

Willesden” notes that they have “some sympathy” for the kind of fascination with the Cambodian Embassy's “strangely compelling aura,”<sup>21</sup> but adds, “The fact is if we followed the history of every little country in this world...we would have no space left in which to live our own lives or to apply ourselves to necessary tasks...”<sup>22</sup> Thus the story implies that the hiddenness of war crimes and atrocities is owed as much to the psychic suppressions of the phenomenology of everyday life as it is to suppression strategies of government-controlled media.

With respect to the domestic venues of atrocity, it is evident that the Derawal household has been a cruel, carceral space for Fatou. Although she has not been brutally beaten, “Mrs Derawal had twice slapped her in the face, and the two older children spoke to her with no respect at all and thanked her for nothing. (Sometimes she heard her name used as a term of abuse between them: ‘You're as black as Fatou.’ Or ‘You're as stupid as Fatou.’)”. And she is trapped. The Derawals' household serves as a relay for the global management of “traceability”<sup>23</sup> and has total financial control; Fatou has neither the document nor resources to move: “she had not seen her passport with her own eyes since she had arrived at the Derawal home, and she had been told from the start that her wages were to be retained by the Derawals to pay for the food and water and heat she would require during her stay, as well as to cover the rent for the room she slept in.”<sup>24</sup>

Smith's story works stylistically to illuminate and interconnect two shadow worlds. Constructing her story with a seamless montage, she has the spaces and speculations about the two venues – the embassy and the household – flow together without significant pauses. And much of the imagery is about what is dark and/or hidden. For example in the pool where Fatou swims (lacking a

proper bathing suit), she is “thankful for the semi-darkness in which [it] kept its clientele, as if the place were a nightclub, or a midnight Mass.”<sup>25</sup> And the comings and goings of some of the people involved with the embassy are shrouded in mystery. On the one hand, there are the young tourist-trekkers, who obviously visit the embassy to obtain visas to engage in “dark tourism” (visits to the sites of atrocities),<sup>26</sup> but on the other, there is a Cambodian woman who is difficult to identify. Looking neither “like a New Person or an Old Person – neither clearly of the city nor of the country [Khmer Rouge modes of identification during their extermination campaign],”<sup>27</sup> she is seen by Fatou frequently exiting from the embassy, carrying bags that have no indication as to their content: “She had in her hands many bags from Sainsbury's [which] Fatou found a little mysterious: where was she taking all that shopping?... Fatou wondered whether they weren't in fact very old bags – hadn't their design changed?”<sup>28</sup>

Lest there be any doubt about the significance of a *Cambodian* embassy, Smith inserts a documentary statement:

“To keep you is no benefit. To destroy you is no loss” was one of the mottoes of the Khmer Rouge. It referred to the New People, those city dwellers who could not be made to give up city life and work on a farm...When a New Person was relocated from the city to the country, it was vital not to show weakness in the fields. Vulnerability was punishable by death.<sup>29</sup>

Near the end of the story, the Derawals dismiss Fatou from service, seemingly because after she rescues one of their choking children, they cannot face her. The Derawal's servant imaginary, in which Fatou has been located in a zone of indiscernibility between a person and thing, has been disrupted. Confronted with the arbitrariness of the

order of their household, they first avert their eyes and then remove the body/person that threatens to expose their hierarchical allocation of personhood. Unable either to make eye contact with Fatou or to verbalize her and her husband's discomfort with Fatou's new status as one who has exited thingness by engaging in a non-servile act, Mrs Derawal's reason for the dismissal partakes of some of the same language as the Khmer Rouge's motto:

What you don't understand is that we have no need for a nanny...The children are grown. We need a housekeeper who cleans properly. These days you care more about the children than the cleaning...And that is no use to us.<sup>30</sup>

Smith's aesthetic strategy, a montage of heterogeneous elements which, using a common measure that connects the two venues of atrocity (including ultimately the elimination of people of “no use”), is a strategy that Jacques Rancière explicates in an analysis of Jean-Luc Godard's film *Histoire(s) du Cinema*. The film, according to Rancière, contains a “clash of heterogeneous elements that provide a common measure.” It creates an equivalence between “two captivations,”<sup>31</sup> that of the “German crowds by Nazi ideology” and that of the “film crowds by Hollywood.”<sup>32</sup> Clearly, the montage style of Smith's story is decidedly cinematic. The levels of experience it inter-articulates in London's life-world is reminiscent of a film that illuminates another relevant aspect of London, Stephen Frears' *Dirty Pretty Things* (2002). Inasmuch as the critical effect of Smith's “The Embassy of Cambodia” is its depiction of a shadow world of precarious lives, her story bears comparison with the London of Frears' film, which also reveals precarious lives that are not part of the iconic London available to either the diplomatic or touristic gaze.<sup>33</sup> In *Dirty Pretty Things*, the London venues we see are peripheral and shadowy – a hospital, a morgue, a

sweatshop with rows of illegals sewing clothes, an immigrant-run private cab firm, an immigrant-run store selling exotic herbs, an underground car park, and a hotel basement.

In both Smith's story and Frears' film, London is simultaneously a destination for precarious bodies (the film opens and closes at Heathrow Airport) and a place where they are mistreated. The exploited and abused bodies in both are sequestered in buildings that segregate and hide the abuse (the Derawal's home in the story and the Baltic Hotel and a sweatshop in the film). The two abused and exploited characters in the film, a Turkish refugee, Senay (Audrey Tatou) and a Nigerian Doctor, Okwe (Chiwetel Ejiofor), who work in the hotel illegally as a chamber maid and desk clerk respectively (until Senay leaves the hotel for work in the sweatshop), are blackmailed into an organ harvesting scheme by the hotel's manager, Senior Juan, aka Sneaky (Sergi Lopez) because their illegal statuses render them vulnerable to arrest and deportation. The film's cuts and juxtapositions contrast the Baltic Hotel's lobby, where guests move freely in and out of the hotel, as they use the city as a space of enjoyment, with the hotel's management office, basement, and organ harvesting rooms, where the suborned employees are harassed by immigration inspectors and exploited by the hotel manager.

Because Senay and Okwe are in London as refugees, escaping atrocities in their home countries, Turkey and Nigeria respectively, *Dirty Pretty Things*, like "The Embassy of Cambodia," discloses a shadow world in the "first world," one that replicates the forms of violence that are more visible elsewhere. At the same time, in both the film and the story, there are spaces of reprieve where those with precarious lives find immigrant interlocutors who help them give voice to the atrocities they see and experience. In the case of the film, it's a morgue, where Okwe's Chinese

mortician friend, Guo (Benedict Wong), engages him in a dialogue about his oppressed condition and ultimately helps him escape it. In the story, it's a Hungarian bakery, where Fatou's Nigerian friend, Andrew, engages her in dialogue about both her oppression and about notable global atrocities (and ultimately arranges to rescue her, once she is dismissed from the Derawal household).

The concept of a shadow world, which emerges from a critical encounter with those artistic genres helps me to structure [Chapter 1](#), in which the primary contrast is between the visible venue of the war crimes trial and the shadowy exchanges in the world of arms trading, which create some of the conditions of possibility for war crimes and atrocities. And the highlighted spaces for dialogue about war, atrocity and justice in the story and film help me shape the last chapter (on justice and the archives), where I treat the spatial predicates of the voices of those involved in the construction of archives. More generally, throughout the chapters in this book, as concepts are mobilized in encounters with artistic texts, the method with which I analyze war crimes, atrocities and justice is (roughly speaking) what Cesare Casarino calls “philopoesis,” which involves encounters between the concepts drawn from critical political and philosophical discourses and artistic texts. What results from such encounters, when a set of such concepts is deployed to “interfere” (Casarino's term, drawn from the cinema philosophy of Gilles Deleuze) with texts that are constituted as sets of affects and percepts, is critical political thinking.<sup>34</sup> Smith's protagonist Fatou in “The Embassy of Cambodia” provides an exemplary illustration for explicating the method. The embassy she passes can be construed as an “encountered sign.”<sup>35</sup> She is affected by the encounter, begins to see her environment differently, and as a result begins to think about atrocities. Heeding Deleuze's concept of the encountered sign allows

us to turn a story that at first appears to be merely experiential into a politically charged treatise; it makes us *think* about atrocities, where “thinking,” as opposed to the mere recognition of established opinion or the extrapolation from established versions of facticity, requires conceptual innovation. I inaugurate that philopoetic method and the thinking it seeks to contribute with a brief review of some of the conceptual legacies of my inquiry here.

My investigations in this book are a legacy of two justice-themed chapters in my last set of inquiries, which was focused on aesthetic method.<sup>36</sup> In one chapter, “The Micropolitics of Justice,” I analyze a Romanian film and an Italian crime novel, both of which stage encounters between legal justice apparatuses and embodied senses of justice. In the film, *Police Adjective* (2009), a police detective tries unsuccessfully to resist the policing and prosecutorial apparatuses and their discursive legitimations, which have assigned him a sting operation to catch and arrest youthful hashish users. In the novel, a prosecutor from Parma in the North of Italy tries unsuccessfully to try suspects in a murder case in Southern Italy, where he is defeated by the community's sense of justice, a structure of feeling that is resistant to the official legal codes of the state's justice system. My analysis in that chapter juxtaposes what I call the macro versus the micro politics of justice, where at a macro level, the politics of justice is about the state-level promulgation and administration of the law, and at the micro level it is about a politics of embodied affect, as both individuals and collectives develop sensibilities about the law and bring their coping strategies in response into discourse.

To provide a brief example of the juxtaposition, I repeat a quotation about one of the protagonists, an informer, in the crime novel, Leonardo Sciascia's *The Day of the Owl*:

To the informer the law was not a rational thing born of reason, but something depending on a man, on the thoughts and the mood of the man here [Belodi, the prosecutor from the North]...The informer had never, could never have, believed that the law was definitely codified and the same for all; for him between rich and poor, between wise and ignorant, stood the guardians of the law who only used the strong arm on the poor; the rich they protected and defended.<sup>37</sup>

Inasmuch as such encounters reveal the contentiousness and situatedness of justice, here as throughout the book, I presume that it is unproductive to pose the question, “what is justice?” Instead, in accord with Gilles Deleuze's suggestion that, “Given any concept, we can always discover its drama,”<sup>38</sup> I pose questions of justice with a grammar that is sensitive to the historical staging of justice. Because both conceptually and as an object of affective commitment “justice” eventuates as an ongoing *drama of encounter*, the relevant questions are about when, where, how, from whose perspective(s), and under whose control it is activated as an issue and implemented through justice-related apparatuses.

The other justice-themed chapter providing a legacy for this inquiry is, “Zones of Justice,” which is focused on the protagonist in Mathias Énard's novel *Zone*, Francis Servain Mirković, a French Croatian who had enlisted to fight in the ethnic purification-driven Croatian independence war. My emphasis in that chapter is on two aspects of Mirković – how his movements map the spaces of justice and how he evinces a plasticity as one who is involved in a process of becoming (a reformed, Mirković narrates the novel while on a train from Milan to Rome, holding an archive of atrocities which he plans to sell to the Vatican). As Mirković puts it at one point, “I'm changing my life my body my

memories my future my past.”<sup>39</sup> The key moment in the chapter is a scene in which Mirković reflects on his impressions of the trial at the ICTY in The Hague of his former Croatian commander, Blaškić. That scene is the initiating inspiration for this investigation. It inaugurates [Chapter 1](#).

## Notes

- [1](#) I am borrowing that apt expression from Rey Chow, *The Age of the World Target: Self Referentiality in War, Theory, and Comparative Work* (Durham, NC: Duke University Press, 2006), 8.
- [2](#) The concept of heteroglossia belongs to M. M. Bakhtin, elaborated throughout his “Discourse in the Novel,” in *The Dialogic Imagination*, trans. Caryl Emerson and Michael Holquist (Austin, TX: University of Texas Press, 1981), 259-422.
- [3](#) I am taking the distinction between the two kinds of justice from Shoshana Felman's *The Juridical Unconscious: Trials and Traumas of the Twentieth Century* (Cambridge, MA: Harvard University Press, 2002), a distinction I apply in some of the chapters that follow.
- [4](#) Gayatri Spivak, *An Aesthetic Education in the Era of Globalization* (Cambridge, MA: Harvard University Press, 2012), 324.
- [5](#) Ibid., 317.
- [6](#) See M. M. Bakhtin, “Author and Hero in Aesthetic Activity,” in *Art and Answerability*, trans. V. Liapunov (Austin: University of Texas Press, 1990), 13.

- 7 John O'Neill, *Essaying Montaigne* (Chicago: University of Chicago Press, 2001), 9.
- 8 Benjamin puts it this way, describing the method of his Arcades Project, "Method of this project: literary montage. I needn't say anything. Merely show": Walter Benjamin, *The Arcades Project*, trans. Howard Eiland and Kevin McLaughlin (Cambridge, MA: Harvard University Press, 2002), 460.
- 9 The quotation is from Laurent Binet, *HHhH: A Novel*, trans. Sam Taylor (New York: Farrar, Straus, and Giroux, 2012), 16.
- 10 The quotation is from Andre Pierre Colombat, "Deleuze and Signs," in Ian Buchanan and John Marks, eds. *Deleuze and Literature* (Edinburgh: Edinburgh University Press, 2000), 30.
- 11 Zadie Smith, "The Embassy of Cambodia," *The New Yorker* (February 11 and 18, 2013), 88-98.
- 12 A "Tripadvisor" site's promotion for Accra as a tourist destination euphemistically refers to an impoverished segment (as "less affluent") from which, doubtless, servants are recruited from abroad: "Stretched along the Atlantic Ocean, Ghana's most populous city boasts glittering beaches, monumental buildings, museums, libraries, galleries, traditional markets and lively nightlife. Accra's architecture reflects its colonial history, with seventeenth-century castles standing alongside modern skyscrapers. A veritable melting pot of cultures, the city's central financial and shopping districts contrast sharply with the less affluent residential areas surrounding the urban core." Reported online at: [http://www.tripadvisor.com/Tourism-g293797-Accra\\_Greater\\_Accra\\_Region-Vacations.html](http://www.tripadvisor.com/Tourism-g293797-Accra_Greater_Accra_Region-Vacations.html).

- [13](#) Smith, "*The Embassy of Cambodia*," 89.
- [14](#) Ibid.
- [15](#) On tactics versus strategies, see Michel de Certeau, *The Practice of Everyday Life* (Berkeley, CA: University of California Press, 1984).
- [16](#) Smith, "*The Embassy of Cambodia*," 89.
- [17](#) Ibid., 92.
- [18](#) The quoted expressions are from Jean-Clet Martin's reading of Deleuze with Foucault and Melville, quoted in John Marks, "*Underworld: The People are Missing*," in Ian Buchanan and John Marks, eds. *Deleuze and Literature* (Edinburgh: Edinburgh University Press, 2000), 81.
- [19](#) I develop the methodological implications of aesthetic subjects in Michael J. Shapiro, *Studies in Trans-Disciplinary Method: After the Aesthetic Turn* (London: Routledge, 2012).
- [20](#) Smith, "*The Embassy of Cambodia*," 90.
- [21](#) Ibid., 89.
- [22](#) Ibid., 91.
- [23](#) See Kieran Aarons' treatment of traceability (in an analysis of the genealogy of the passport as it has been developed in the work of Gregoire Chamayou): "Cartographies of capture," *Theory and Event* 16: 2 (2013).
- [24](#) Smith, "*The Embassy of Cambodia*," 90.
- [25](#) Ibid.

- [26](#) On “dark tourism,” see John Lennon and Malcolm Foley, *Dark Tourism: The Attraction of Death and Disaster* (London: Cengage Learning EMEA, 2000).
- [27](#) Smith, “*The Embassy of Cambodia*,” 91.
- [28](#) Ibid.
- [29](#) Ibid., 94.
- [30](#) Ibid., 98.
- [31](#) Jacques Rancière, *The Future of the Image*, trans. G. Elliot (New York: Verso, 2007), 55.
- [32](#) Ibid., 53.
- [33](#) I have an extended reading of Frears' *Dirty Pretty Things* elsewhere: Michael J. Shapiro, *Cinematic Geopolitics* (London: Routledge, 2009), 89–112.
- [34](#) See Cesare Casarino, “Philopoesis: A Theoretico-Methodological Manifesto,” *boundary 2* (2002), 65–96.
- [35](#) See Gilles Deleuze, *Proust and Signs*, trans. Richard Howard (Minneapolis: University of Minnesota Press, 2004).
- [36](#) Shapiro, *Studies in Trans-Disciplinary Method*.
- [37](#) Leonardo Sciascia, *The Day of the Owl*, trans. Archibald Colquhoun and Arthur Oliver (New York: Jonathan Cape, 2003), 30.
- [38](#) Gilles Deleuze, “The Method of Dramatization,” in David Lapoujade, ed. *Desert Islands and Other Texts, 1953–1974*, trans. Michael Taormina (New York: Semiotext(e), 2004), 98.

[39](#) Mathias Énard, *Zone*, trans. Charlotte Mandell (Rochester, NY: Open Letter, 2010), 104-5.

# 1

## The Global Justice *Dispositif*

### The Inspiration

Early in Mathias Énard's novel *Zone*, his protagonist, Francis Servain Mirković, upon seeing his former commander, Blaškić, on trial at The Hague (a “multilingual circus of the ICJ”), remarks, Blaškić is:

in his box at The Hague among the lawyers the interpreters the prosecutors the witnesses the journalists the onlookers the soldiers of the UNPROFOR who analyzed the maps for the judges commented on the possible provenance of bombs according to the size of the crater determined the range of the weaponry based on the caliber which gave rise to so many counter-arguments all of it translated into three languages...everything had to be explained from the beginning, historians testified to the past of Bosnia, Croatia, and Serbia since the Neolithic era by showing how Yugoslavia was formed, then geographers commented on demographic statistics, censuses, land surveys, political scientists explained the differential political forces present in the 1990s...Blaškić in his box is one single man and has to answer for all our crimes, according to the principle of individual criminal responsibility which links him to history, he's a body in a chair wearing a headset, he is on trial in place of all those who held a weapon...<sup>1</sup>

In this remarkable reflection, Énard's Mirković, who is traveling from Milan to Rome with a suitcase containing an archive of atrocities committed in the Mediterranean zone, constructs a justice *dispositif*, where a *dispositif* is a complex ensemble of discourses, agencies, and apparatuses