Foreword

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As we reach the end of a year marked by the spread of the SARSCoV-2 strain of coronavirus, the difficulties humanity has faced when dealing with its proliferation are perhaps best illustrated by the language employed to discuss the events. The most prevalent metaphors across headlines and official declarations are connected to war, fighting against time, some countries winning, some countries losing as we all face the submicroscopic infectious agent that has become a powerful yet invisible enemy. Additionally, the narrative of this nontraditional war, one where the arms raised are masks and disinfectants, quickly reveals another aspect of the conflict: how war and law cannot but go hand in hand. While legislators and heads of state have become the ubiquitous protagonists of international headlines and news segments, the implementation of detention and fines for improper protection, distancing, or quarantining are now part of everyday life.

Furthermore, even if such vocabulary can easily contribute to creating a discourse of humanity as a unified faction that fights the novel coronavirus, the narrative of conflict is also present as social inequalities have become strikingly evident and civil unrest has intensified. The

entanglement between the legacies of past wars and the current failure of legislation in protecting vulnerable communities is highly visible when considering that many COVID-19 fatalities correlate with wealth and racial disparities. Additionally, social movements with different goals and dimensions are gaining global support in the fight for social vindication: some demand equality in terms of civil rights, some display weapons when protesting face mask mandates. The imaginary of war and law has become all-pervasive in our everyday life.

The proximity to the imagined frontline has perhaps naturalised the war metaphor, thereby obscuring a focus on the disruptive power and reflective potential of language. As argued by many, such as Jean Baudrillard, Marshall McLuhan, and Mark Fisher, the current times are demarcated by an overflow of information caused by the everlasting presence of (digital) media. Baudrillard states that the media system's "imperative today is precisely the overproduction and regeneration of meaning and of speech" (86), an overproduction that can be identified as the cause of compassion fatigue, or apathy, exhibited by many individuals who only relate to war as an event that is happening elsewhere. Today, the hangover sensation created by being located in the midst of a pandemic, often referred to as a conflict against an enemy that cannot be seen but seems to be everywhere, could be a possible addition to Baudrillard's conception of the media. This issue of *FRAME* examines how art, and specifically literature, can contribute to the ways in which we engage with this metaphorical language and how to avoid the pitfalls of its discursive excess.

In "The Literary Imagination," Martha Nussbaum states that narrative texts

> construct and speak to an implicit reader who shares with the characters certain hopes, fears, and general human concerns, and who for that reason is able to form bonds of identification and sympathy with them, but who is also situated elsewhere and needs to be informed about the concrete situation of the characters. In this way, the very structure of the interaction between the text and its imagined reader

> invites the reader to see how the mutable features of society and circumstance bear on the realization of shared hopes and desires—and also, in fact, on their very structure. (7)

We believe that this argument can be extended to other literary forms, such as poetry and nonfiction, as they stimulate readers to develop new forms of empathy and insight into how lives are affected by social, economic and political factors. Bringing this general reflection to the topic at hand, literature can be one way to restore the severed connection between those (currently) affected by war and those who are spectators, by bringing about compassion and empathy. To use the more poetic words of Bao Ninh in *The Sorrow of War*, "[it is] necessary to write about the war, to touch readers' hearts, to move them with words of love and sorrow, to bring to life the electric moments, to let them, in the reading and the telling, feel they were there, in the past, with the author" (51). Additionally, literature stimulates reader's judgement. Following Nussbaum again, by offering a rich vision of the human world, literature does "justice to human lives" ("Poets as Judges" 81).

Consequently, literature can be a bridge between readers and war and law. Put differently, literary forms can act as the eyes through which readers see the confrontation between law and war, highlighting both the gaps in between and the complicities that connect them. It follows, then, that literature does not merely have the escapist function sometimes associated with it but can also seek to wound the reader and move them to action. Such a confrontation also involves nonhuman agents. Both war and exploitative legislation do permanent damage to all kinds of habitats in the literal sense. Moreover, the non-literal harm done by reducing that destruction to collateral damage is often ignored. Literature can broaden the scope of the debate to include vicious aspects of human culture not far removed from war, such as factory farming and the destruction of the natural world. *FRAME 33.2* hopes to offer a platform to continue the discussion on how these dimensions are interconnected and give new insights into the problems that emerge in that dynamic. *War, Literature and Law* is, moreover, a special issue, as the

masterclass section was selected in collaboration with the Netherlands Research School for Literary Studies (OSL).

The opening article of our main section makes visible the nonhuman, or rather, the asubjective element of war. In his article "The Poetry of Moans and Sighs: Designs for and against Evil," Jonathan Luke Austin reads Ahmed Saadawi's *Frankenstein in Baghdad* (2018) alongside complexity theory. The text describes a monster made up of respective body parts from all those killed under the ongoing Iraqi war. Austin demonstrates that the "monster" / "monstrosity" of war lies in its asubjectivity, that is, the extra- or nonhuman that emanates from human participation and that constitutes the ontology of war. Retheorizing human enmeshment in the asubjectivity of war, Austin casts a new light on Donna Haraway's concept of "response-ability." According to Austin, the asubjectivity of war smothers one's capacity to choose otherwise. Without absolving the perpetrators of their crimes, Austin asks how we can address the question of human responsibility given the asubjectivity of war. He proposes Stahl Stenslie's architecture project as providing an inverse strategy that reintroduces "response-ability" in the asubjectivity of war, and ventures for a poetic design like the architectural one he analyses against the asubjective "moans and sighs" of war.

Another take on wars without subjects is provided by Sarah Deutch Schotland in "'Out of the Loop': What Drone Fiction Can Teach about the Regulation of Collateral Damage from Lethal Autonomous Weapons," as she explores the moral implications of the excessive technification of war procedures. Highlighting the need to legislate thinking about the future, Schotland turns to contemporary war science fiction to illustrate the dangers of improperly regulated military technology. Through her reading of Peter Watts's "Collateral" (2014), Schotland argues that "drone warfare targets those whose lives and bodies are perceived as having lesser value, discountable in calculating national or even imperialist military objectives" (43). Additionally, in her commentary on Ken Liu's "In the Loop" (2014), she discusses the responsibility of a system that uses and traumatises the humans that create the codes that dehumanise war. As Schotland shows, speculative narratives have

the power to explore drone logic and, with it, how the complete removal of human intervention from the control of lethal autonomous weapons creates both unavoidable impasses in legislation on the one hand and new ethical and emotional dilemmas on the other.

The way in which the confrontation with atrocities from the past and the present can elicit powerful emotions in individuals is also explored by Brad Evans in "The Shame of Being Human." In his article, Evans makes an argument for a new poetic way to deal with humanity's troublesome past, where horrors such as the Holocaust have occurred, which in turn can elicit shame through, for example, the ethical failure to counteract these horrors and being a survivor of them. The burden of shame this past creates is present in many poetic figures, such as in the art of Francis Bacon and in the figure of the Croatian general Tihomir Blaškić, as described in Mathias Énard's novel *Zone*. Art, in this sense, can offer a way of "thinking against violence in the present" that "demands harnessing the political and philosophical power of the literary imagination, which demands liberating the poetic in thought and action" (55-6). Thus, the poetic figure offers a way to engage with the shame of the past, while simultaneously offering new ways to envision the future. In his article, Evans provides several such readings of artworks, including two of Bacon's painting and Énard's *Zone* and discusses the ways through which they can liberate the present and invite us to rethink contemporary law and future legislation. Paramount in this analysis are the works of Gilles Deleuze in particular, on whose notion of shame Evans builds his argument to show the shape life can take when people are confronted with the shameful burden of our shared past.

Finally, in "The Interstitial Representation of Militaristic Masculinity in Amitav Ghosh's *Flood of Fire*," Gaana Jayagopalan explores the relationship between cosmopolitanism and masculinity in Ghosh's 2015 novel. Set during the First Opium War, *Flood of Fire* follows an Indian soldier fighting for the British army in China. The novel depicts a war famously initiated by British attempts to circumvent Chinese law and import opium into China through Canton, an act considered to be one of the first examples of what would become known as gunboat diplomacy. Jayagopalan's article demonstrates the ways in which British

discourses of cosmopolitanism and free trade, used to justify this intervention, come into conflict with a conception of masculinity fermented both by brutal domination of the other and colonial discourses that register Indian masculinity as lesser. By doing so, Jayagopalan argues that, within Ghosh's novel, we can see how "the discourse of Free [Trade, commonly viewed] as ushering in cosmopolitanism as a universal project setting out to emancipate various structurally-induced points of inequality fails" (88).

As stated, our masterclass section is composed of three of the best student essays selected from the cohort of the 2020 edition of the Ravenstein Seminar organised by OSL, which shared the topic of "War, Literature and Law." In "Unsettling Spaces: Responsibility and Complicity in Roberto Bolaño's *By Night in Chile*," Sofía Forchieri considers the role collectives play in nourishing and perpetuating forms of violence. In a critique of juridical discourse that locates responsibility on the level of the individual and in concrete acts of violence, Forchieri shifts the focus from the criminal to the "ordinary subjects" that make up the majority of the population. Forchieri's reading of *By Night in Chile*—set during the Chilean dictatorship (1973–1990)—demonstrates that cultural materials offer a supplementary role to legal discourses as they encourage their readers to reconsider their own complicity. Literature opens 'unsettling spaces' that prompt us to confront our desire to resist assuming responsibility and to conceptualise ourselves as innocent bystanders.

Another take on juridical discourse is offered by Maria Aaftink's "God on Trial: Forgiveness and Justice in the Trial of Mary Doria Russell's *The Sparrow*." Aaftink discusses how the 1996 science fiction novel questions the limits of legal and religious systems. *The Sparrow* presents the testimony of the only survivor of a failed Jesuit mission to an alien planet, who is accused of participating in the genocide of the inhabiting alien race and sexual indecency while in fact being innocent of the charges and a victim of sexual assault. Through her interpretation of the intersections between trials and the sacrament of penance, Aaftink explores how the novel makes evident that God is an insufficient ruler in the face of crimes against humanity, unable to offer either

justice or forgiveness. The inability to offer justice is also discussed in Karlijn Herforth's article "Justice for Trees: Representations of the Law in Richard Powers' *The Overstory*." However, this time it is justice for the trees and our natural surroundings, instead of merely justice for humans. Herforth discusses the ways in which the law continuously fails to offer redemption for trees in Richard Power's *The Overstory* due to its "inherent capitalist and anthropocentric foundations" (121). Herforth typifies this ultimately self-destructive behaviour as a war against nature. Through her analysis of *The Overstory* she investigates ways in which the novel can offer redemption and can explore new ways to think about justice for trees.

The wide array of articles that compose *FRAME 33.2* interrogate the relationship between war and law and their literary representation. As they touch upon different dimensions of conflict and legislation—from gender and religion to technology and ecology—we hope these discussions pose challenging questions and further the debate. On behalf of the editorial board, we want to thank our authors for their illuminating contributions.

Works Cited

Baudrillard, Jean. *Simulacra and Simulation*. Translated by Sheila Faria Glaser, The University of Michigan Press, 1994.

Ninh, Bao. *The Sorrow of War: A Novel of North Vietnam*. Vintage Classics, 1998.

Nussbaum, Martha. *Poetic Justice: The Literary Imagination and Public Life*. Beacon Press, 1995.