



Introduction: The Living Dead

No justice is exercised, no justice is rendered, no justice becomes effective nor does it determine itself in the form of law, without a decision that cuts and divides (*une decision qui tranche*). This decision of justice does not simply consist in its final form—for example, a penal sanction, equitable or not, in the order of proportional or distributive justice. It begins, it ought to begin, by right (*en droit*) or in principle, in the initiative that amounts to learning, reading, understanding, interpreting the rule, and even calculating. For if calculation is calculation, the *decision to calculate* is not of the order of the calculable, and it must not be so (*et ne doit pas l'être*).

JACQUES DERRIDA, “Force of Law: The Mystical Foundation of Authority”

In 2001, Mohamed Garne, a caretaker in a French department store, was awarded compensation for a form of violence played out on him during the Algerian war of independence (1954–1962). In 2001, he was thirty-one years old. In other words, he was two years old when Algeria won its independence from France in 1962. In a landmark case hailed as the first of its kind, a French appeals court awarded him damages in the form of disability benefits and a partial military pension for three years.¹ The court acknowledged the physical and psychological trauma suffered by Garne. His mother, Kheira, had been systematically gang-raped over several months by thirty to forty French soldiers in an internment (or concentration) camp in Theniet el-Had, southwest of Algiers, in 1959, that is, in the

fifth year of Algeria's eight-year war of independence. She was fourteen or fifteen at the time. When she became pregnant, the soldiers beat her repeatedly with electrical wires to try to make her abort. She did not, however, miscarry, and Mohamed was placed in an Algerian orphanage soon after he was born, scrawny and sick. Once he was separated from his mother, he did not encounter her again until a search initiated in 1988 yielded results.²

In 1989, when Mohamed was still living in Algeria, he found his mother. The story goes that she was living, like a ghost, in a cemetery in a district know as La Cité Cellier. In a small space between two graves, she had constructed a place to live with a tarpaulin and a door. An appropriate scene for a ghost perhaps, but for various spiritual and economic reasons, graveyard dwelling is not unusual in this era of slums within colonial cities, or indeed within the overpopulated cities of late capitalism.³ Mohamed approached her against the advice of others in the area, including the other living dead—the other living inhabitants of the graveyard—who told him that she was mad. They referred to her as *la louve*—the she-wolf or wolf woman—alternately evoking the mother of Romulus and Remus and a prostitute (frequently referred to as *la louve*). Also suggested is the savage in a warring state of nature—*femina homini lupus*—as if that is where war could be located, as if the battle between the sexes was indeed the original battle and developed in a vacuum rather than through the instruments of coloniality's legacy of virile war.⁴ The naming of Kheira as *la louve* both marks her as feminine and cuts her off from her own sex, castrated, as it were, within this narrative framework of patrilineal descent in which reproductive labor is made invisible.⁵

Kheira appeared with a hatchet, and when Mohamed pleaded that he was her son, she told him that if that were true he should take the risk of being cut and lay his head on her shoulder, which he did. The invitation to enter all that is undecidable in understanding the constituents of justice in the postcolonial state of culture occurred in that moment when she opened the possibility of understanding justice as a cut that was more than what is immediately calculable or possible to provide for in terms of compensation.

Kheira provided her son with a narrative of patrilineal descent, telling him that his father was an Algerian who died in the war. She also told him that the family would not acknowledge paternity, even though it seems no one disputed that Kheira had been married to a freedom fighter,

Bengoucha. To cut a long story short, Mohamed, like his alleged paternal family, eventually began to doubt that he knew everything about his mother's story. In 1994, against the wishes of his mother, he took the man he thought to be his paternal uncle to court in Algeria to determine his right to the family name and property. In this struggle over patrimony and patrilinearity, the "uncle," Mohamed, and the judge demanded the truth of his conception, and Kheira was subpoenaed. It was here that Kheira told the story, and according to the *Irish Times* she fainted after blurting out the truth when the judge threatened to throw her in jail if she did not reveal all. The Irish narrativization suggests that at the moment of testifying in court she lost consciousness, effectively cutting herself out of the court at the moment of telling what she had endured and witnessed. Garne's book, however, perhaps significantly, interprets a different affective response, one of Kheira's rage at the whole process to which she was being exposed.⁶

A combination of factors angered her: being forced into court against her will; being raped; being forced to confront her brother-in-law, who had denied her money owed to her as a widow and aimed to take her as a wife after the death of his brother; and being forced into a marriage with a much older man after having been effectively sold off by her own brother. That her husband had been good to her did not change her response to this fraternal betrayal. She had ultimately also been betrayed by her son, who insisted on going to court to seek a calculable finality where there was none. Finally, she had been humiliated by a legal system that had never protected her. Being itself seemed to overwhelm her.

In the courtroom, Kheira narrated her story of being discovered hiding in a tree during a bombardment. The soldiers apparently then took her to the camp in the mountains, tortured her with electricity and water, and raped her. The soldiers could not, of course, be tried, as a result of amnesty laws related to the war in Algeria that were passed as part of the Evian Accords of 1962, which stated the conditions for the end of French rule in Algeria. In 1966, 1968, and 1974, further amnesty laws protected veterans of the war on both sides, placing them in an uncomfortable complicity and preventing a great deal of research and investigation into misconduct and criminality.⁷

Mohamed Garne demanded compensation, and a war victim's pension, for what he described as his ruined life, plagued as he had been by physical and mental disabilities. The courts initially denied him this, acknowledging that his mother may have been raped but declaring that

he was not a direct victim. The appeals court, however, was convinced, thanks partly to the expert testimony of a professor and army psychiatrist, Louis Crouq. Garne, he said, had suffered three forms of direct violence: as a fetus, when his mother was beaten during pregnancy; as an infant abandoned by his mother; and as a man of thirty being told by his mother that he was the product of war rape. Garne's lawyer in the case was Jean-Yves Halimi, son of the celebrated Tunisian lawyer Gisèle Halimi, with whom Garne was advised not to work.⁸ She had been an outspoken critic of the activities of the French in Algeria, and indeed of U.S. involvement in Vietnam. She had represented, at the time of the Algerian war, Djamila Boupacha, an Algerian woman accused of terrorism who was tortured during the Algerian war by the French military, but charges against her were eventually dropped because of amnesty laws.⁹

Jean-Yves Halimi, on hearing the decision in the Mohamed Garne case, said, "That terrible war ended without anyone being found guilty. . . . (N)ow we know that it left behind at least one victim."¹⁰ Recognizing the singularity of Mohamed's victimhood, Halimi neglected his mother's labor through his own labor for Garne and through the exclusion of maternal labor from the case. Nothing in his language acknowledged that Mohamed could be a victim by virtue of the violence done to his mother. She was not portrayed as even a secondary victim. Even though it was implicitly acknowledged that Kheira was violated, she was acknowledged only because of her son's trauma, and because, unlike Mohamed, she had no claim to French citizenship, she had no rights to a case such as her son's. The case demonstrates how the shadow figures of the war are violently cut from this pathbreaking legal finding in which the father nation, France, belatedly acknowledges its bastard son—by skipping a generation of women silenced through amnesty or madness. In the awarding of reparation from father to son, Kheira herself became incidental, the instrument of the violent reproduction of the masculinist state. In many ways, by association even the figures of more celebrated woman martyrs of the war become recognizable as cuts within the forms of legal representation described here: Djamila Boupacha (represented by Gisèle Halimi) or Djamila Bouhired (represented by and then married to the controversial though quite brilliant lawyer Jacques Vergès). These familial dramas are indeed testimony to the ways in which women become supplements—ancillary terms designating an originary lack. Even when they seem to be the focal point of rep-

representational frameworks or force fields, they frequently cut through these frameworks because they are incommensurable with them.

If, in cinematic terms, to *cut* is to splice together two shots from different time and space configurations, the cut itself is the edge that belongs neither to one frame nor to the other. Depending on how seamless the cut is, it presents either a smooth transition from one time and space frame to another, or it pierces both, indeed damages both frames, because it demonstrates its own liminality and therefore the representational structure of the frame itself. Kheira, in many ways, could be understood as the “jump cut” who disturbs, on the one hand, the representational force field of amnesty laws designed to protect perpetrators of violence on both sides of a war, and on the other, the narrative of patrilineal success that can be announced by Mohamed Garne and Jean-Yves Halimi. As a figure of the living dead, her insistent materiality foregrounds an absence in the moments of closure hailed in amnesty and reparation. Her poverty, her madness, and the fact that she is a woman make her effectively disposable within the time and space frames she splices together. She becomes the editorial matter that allows for a narrative of patrilineal trauma from which she, and women’s labor, are made absent. The cut pierces the time and space configurations. It is simultaneously made absent by what is made present, and is therefore bound to its particular form of exclusion. But it is also quite singular in its difference from the framework of those particularities and its irreducibility to them. In a sense the cut involves a moment of stasis (when the hatchet hovers, if you will) within the time and space configuration of the frame, within, in fact, a patrilineal unfolding of time. This is a question explored more fully in the final chapter of the book.

Algeria Cuts analyzes such forms of cutting, interruption, impurity, and incommensurability that I see surfacing around questions about representation and women in the relationship between France and Algeria from 1830—the year the French arrived in Algiers—to the present. Roland Barthes, in his more structural phase, analyzed the mythology that, for the French, the love of a glass of red wine is a marker of virility, conviviality, and national identity. Barthes claims that the status of wine is instead “the product of an expropriation”—simply a commodity of the appropriation of land in Algeria, and the product of exploitation of the land (which could have been used for crops) and the people (who could have benefited from those crops rather than producing something that they, for the most

part, would not drink).¹¹ Barthes' practice as a mythologist meant that his analysis would demystify and expose the alibis performed in the artificiality of denotative signs like the *ballon de rouge*, whose associations (or connotations, as he would put it) allowed for the covering up of a story of violence and expropriation. But it was in theorizations about photography and his dead mother that he highlighted the concept of cutting or piercing in the *punctum*—an experience that feels like a bruising and cutting that exists only in a subjective response to an incidental detail.¹² The work of his earlier years as mythologist confined him to what he would later call the *studium*, or an analysis of the codes, threads, or voices that combine to constitute the text. The *punctum*, on the other hand, cuts, pierces, or bruises in a way that touches more personally, providing subjective and experiential understanding that cannot be confined to the codes. Barthes did not, of course, use the language of *studium* and *punctum* until *Camera Lucida*. In this more poststructuralist phase, and in the moment of mourning his mother, Barthes was concerned precisely with what could not be represented or named exactly, even if it could be hailed. Rather like the cutting supplement, the *punctum* tells another story. Jacques Derrida, in turn, frequently returns to the question of his Algerian background by referring to his mother in particular and to the figure of the mother in general, and to contemplations of his mother's death or indeed partial death, whether in *Glas*, *Circumfession*, or *Monolingualism of the Other*. In a variety of texts emerging from the Franco-Maghrebi philosophical tradition, a cutting incommensurability is gestured toward in relation to the dead or dying mother as a site of castration of a phallic form of representation—legal, religious, philosophical, artistic, cultural, or political. And while the cut is on one level a metaphorical cut, it nonetheless has a material quality that brings together the forms of life and death that are admissible and inadmissible within sovereign discourse.

Algeria Cuts does not reduce *woman* to *mother*, or indeed limit the term *mother* to signifying reproduction. But it questions the manner in which the new nations of colonial and postcolonial France and Algeria have come to reproduce themselves through gendered violation that continues to haunt and cut through the time and space representational frameworks in which women appear and disappear. The feminist analysis in this study, then, insists on looking at the cuts through representation, sometimes sewing them together and other times acknowledging

the pertinence of the gape in such a way as to give the possibility of hope through acknowledging that very impossibility.¹³ In *Algeria Cuts*, women are shown to elude and confound the dominant structures of colonial and postcolonial representation presented in art, film, literature, politics, and law—even when, and perhaps especially when, the figure of woman seems most present. In its inquiry into gendered representation, identification, and justice around objects conventionally belonging to specific disciplines—paintings, trials, novels, and manifestos—the book implicitly explores how certain questions are foreclosed by disciplinary division (in art history, law, literature, or political science) even as responsibility to those disciplines seems necessary.

In an attempt to find avenues for the pursuit of justice, *Algeria Cuts* challenges some of the ways in which disciplines have shaped themselves around configurations of time and place, that is, in their immediate context, period, and nation. So, for example, some chapters analyze different slices of history next to each other, not simply to suggest or claim historical continuity or essentialist notions of woman over time and space so much as to show how structures of marginalization function. Similarly, even as the book is unquestionably concerned with the Franco-Algerian relationship, it also looks at moments of interruption in women's narrative temporality in other colonial sites while acknowledging the spatio-temporal gap.

In turning to the question of hope for justice, my labor in this project has been to seek out, precisely in texts in which the figure of woman haunts, cuts through, and indeed exposes what Theodor Adorno called “the damaged life,” moments of justice even as they seem to be elided by the mechanisms of law and language that are present and that seek compensation and closure.¹⁴ The book does not focus on the law and the mechanisms of legal representation; indeed it attends to the distinctions between *vertreten* and *darstellen*—between representation as “acting on behalf of” and representation as “standing in for”—importantly highlighted by Karl Marx in the *Eighteenth Brumaire of Louis Bonaparte*. These distinctions are crucial in the configuration of a distinction between legal and political representation on the one hand and forms of cultural, artistic, and linguistic representation on the other. Rather, the book attempts to find those cuts that both highlight violation and present a future justice through readings of philosophical, cultural, and politico-legal texts.