

The Geography of Extraterritoriality

Anselm Franke and Eyal Weizman

We were told that geopolitics is the great play of power across solid Euclidian surfaces. Cut apart by linear borders, the state system - a territorially based juridical formation - appeared to dominate all forms of sovereignty over individuals and action. Later we started to imagine that all solid national spaces melted into a single great ocean of ever-present smooth connectivity. We assumed borders were replaced with bureaucracies, issues and concepts, regulation with boundless flow.

But various fault lines now steered again this order. Just as along Norwegian coasts - fjords, Islands and lakes break the coherent continuity of both water and land - political surface has now splintered into discontinuous territorial fragments set-apart and fortified by makeshift barriers, temporary boundaries, or invisible security apparatuses. Instead of its edges clearly demarcated by continuous lines, political spaces has now grown to resemble a territorial patchwork of introvert enclaves located side by side, each within the other, simultaneously and in unprecedented proximities.

These shreds are Islands- externally alienated and internally homogenized extraterritorial enclaves - spaces of political void or strategic implants - laying outside the jurisdiction that physically surrounds them. Islands are the territorialized nodes of a de-territorialized power - one distributed through military, political or financial networks. Although, and perhaps because the new world-order, governed by super-national and non-localised institutions, is non-territorial, that it increasingly relies on the physical infrastructure that only real-space can provide.

Islands are reminiscent of the complex political architecture that dominated Europe before the 1648 Treaty of Westphalia, characterized by a multiplicity of overlapping quasi-sovereign powers, a dispersed control over the use of coercion and organized violence and the over whole presence of fortifications in an evolving landscape of permanent conflict. Then Islands as city-states provided an exclusive citizenship, Islands as places of refuge provided sanctuary from persecution, Islands as tax free ports provided financial Havens. But within this political landscape of feudalism, the Catholic Church provided perhaps the clearest example for power operating a de-territorialized political system; its physical manifestations - churches, palaces and monasteries, much like present day Vatican - were placed beyond the reach of the political order within whose territory they rested.

Against this geography of extraterritoriality, the modern state system constructed separate coherent political units with exclusive control of violence within their borders. The modern political project is made up of two complementary actions: the domestication of the state's interior, based on a disciplinary politics and an idea of cultural hygiene, and the exclusions of the outside, with which its finds itself in constant violent engagement.

Islands were simply exported to the margins of European geography, thus extending its frontiers. There they appeared as the 'outposts of civilization' floating within the sea of yet un-ordered barbarity. The colonies, themselves - sometimes under quasi-private sovereignty such as this of the British East India Company, sovereign in India until 1856, but in most cases incorporated into the legal body of the motherland - were laid out on the basis of a politics of hygiene and a geography of segregation. Extra-territorial Islands of jurisdiction appeared as well at Europe's encounter with the countries "outside" of the global colonial order - China, Japan,

the Ottoman Empire, Persia, Siam and Ethiopia. Merchants, military personnel, church missionaries and new settlers, were not subject to the laws of these quasi kingdoms but lived in enclaves that were legally incorporated into the territorial body of their home nations.

Figures of extraterritoriality returned to haunt current political order. They become the nodes of a de-territorialized system that operates across geopolitical networks. They are the physical infrastructure for the distribution of finance and strategic power.

The historical Islands of extra-territorial refuge and sovereignty have evolved into today's zones of humanitarian intervention - set in response to states of emergency or extreme humanitarian crisis; military camps - deployed for the defense of foreign investments, natural resources, international transport or on behalf of nationals abroad; or Special Enterprise Zones - set as manufacturing enclaves for the financial exploitation of advancing nations by advanced ones. But the international-law principles of "suspended sovereignty" and of "extraterritorial jurisdiction", on which Islands rely, violate juridical territoriality in a way that sets a clear challenge to the sovereign power of the state in which they exist, and indeed to the Westphalian state system in general.

But there exist as well spaces of another type of interiority, shadowing the more visible economical and political network. These are "lawless" zones in various states of "anarchy, poverty, decay and crime". The refugee camp, the favela and the protected corridors in Afghanistan or Central America are for the drug traffickers and arms dealers what Tax Havens and international banking are to the financial market. Here they are black Islands of disorder floating within the smooth sea of ordered international flows.

Partly retreating, partly forced into isolation, Gray Islands are governed by warlords, private entrepreneurs, clan chiefs, armies for hire, or youth gangs, and are in a state of low intensity, permanent conflict. Indeed of the 70 recognized political conflicts across the world today, only six manifest themselves as war between two or more sovereign state actors, while at least half are carried out besides any juridical framework of any legitimate power. These shadow conflicts most often only come into light when they disturb the official flow of goods, capital and resources.

At the frontiers - when gray Islands meet the space of flow - counter warlords of various types emerge - private security companies and other such mercenaries of various types operating "Anywhere, Anytime" - offering their form of violence to the service of the middle classes as a ready-made product on the market.

Pirates, the natural inhabitants of Islands, learn how to abuse the advantage of their geography - the political voids and legal loopholes help constitute an alternative, faster, deadlier, more efficient systems of flow. Piracy was indeed for trans-oceanic trade what terrorism is for economic globalization. The extraterritorial nature of terrorism (and the narcotics trade) prompted the creation of a legal system aspiring to an equal extraterritorial nature. This form of legal extraterritoriality applies to individuals or activities, such as those of US citizens, regardless of their location outside the territory of their state. Extraterritorial extension of modern American criminal law means in some cases that the US national is legally considered as an embodiment of the State abroad. United Nations trust territories in the Pacific, the Panama canal, Bosnia Herzegovina, tax havens in the Caribbean, Palestinian refugee camps, no fly zones, international courts, Guantanamo Bay in Cuba, gated communities in Orange County, warships cruising the high seas or settlements perched on occupied land may all be extraterritorial spaces designating an exceptional state while being alienated from their surrounding order.

X-Ray camp in Guantanamo Bay, Cuba lies outside U.S. jurisdiction - the area is Cuban soil - but is under the control of the US military. This combined status of control without jurisdiction turned the site into a unique political and legal laboratory since the beginning of the war on terrorism. A person held in Guantanamo is not protected by neither international nor US law.

The US administration refuses prisoners - suspected members of the Taliban or al-Qaeda - the status of "war prisoners", introducing a new category, which is in effect a non-category - one operating only by negation - the "unlawful enemy combatant" has none of the legal rights any other category of prisoner has. The political void in which the prisoners are held is mirrored by a sensual one - photographs of the camp show prisoners, their eyes, mouth and ears folded, incommunicado, prevented from sensing and comprehending their surroundings. Thus, without access to neither lawyers nor visitors, in the base on Guantanamo Bay as well as in American bases such as those in Bagram, Afghanistan and on the island of Diego Garcia, British Indian Ocean Territory, that operate according to similar juridical principles, prisoners may go on floating in indefinite detention. The absence of law has created a new type of space, one in which a person may be reduced to the level of biological life, a body without political or legal rights, a living dead.

Islands are sites of internally regimented order. Utopia has ever been imagined as an island artificially cut off from the land - a place of exile for the perfection of society. In fact, every effort made since for the realization of Utopia began with the establishment of an extraterritorial space surrounded by the "social matter" it aimed to leave behind.

Our project investigates the process by which contemporary political space was shattered, the nature of its various fragments, as well as the different manifestation of its edges - the new barriers, fortifications and security zones. We approached writers, architects and artists, for their contributions in order to set out what will become an expanding dictionary of Islands. The Islands presented here are each a fragment of a "left-over" geography, an enclaved space set for the colonization of an internal frontier from which "there is no longer an outside", their diversity of conditions exemplify the inconsistent behavior and self-destructive impulses of the present political order.

The Frontiers of Utopia

The Island as a Territorial Machine

Anselm Franke

PUBLISHED IN TERRITORIES. THE FRONTIERS OF UTOPIA AND OTHER FACTS ON THE GROUND, VERLAG DER BUCHHANDLUNG WALTHER KÖNIG, 2004, Ed. by Anselm Franke and Eyal Weizman

"The élan that draws humans toward islands extends the double movement that produces islands in themselves. Dreaming of islands - whether with joy or in fear, it doesn't matter - is dreaming of pulling away, of being already separate, far from any continent, of being lost and alone - or it is dreaming of starting from scratch, recreating, beginning anew. Some islands drifted away from the continent, but the island is also that toward which one drifts; other islands originated in the ocean, but the island is also the origin, radical and absolute." Gilles Deleuze

We used to imagine "utopia" as far away, closed, apart, and self-sufficient - a place located beyond the horizon. But utopia, in some sense, is the horizon itself, the frontier of the imagination, a porous and flexible demarcation of the what we could think of, of the imaginable. Thus, the "location" of Utopia is to be found in between rhetorics, narrations, and the "performances" of place, resulting from one's positioning within the matrix of physical space.

Ever since Thomas More wrote his novel in 1516, Utopia has been imagined as an island, artificially cut off from the land - a place of exile for the perfection of society. In fact, every effort made since for the realization of utopia began with the establishment of a territorial island surrounded by the social staff it has been left behind.

The island is a territorial machine, producing belief of what was formerly unthinkable while limiting it at the same time (a sovereign gesture) - the radical new and the original state of "nature" all at one place, at one time. The island is a machine of decontextualisation and recontextualisation - the same double movement that Deleuze indicates in the quote above. The utopian island, artificially cut off from the land (as opposed to the oceanic island, which can never be utopian, for the link, the possible bridge to the origins of the utopians, and thus the utopian narration is missing - oceanic islands would not be utopian but primitive, barbarian, native), is necessarily the island of expansion and advancement: it creates otherness while paradoxically both domesticating and naturalizing it at the same time, constantly reproducing the drift toward islands, new imaginary horizons. The inhabitants of utopia would thus necessarily be nothing less than supernatural cyborgs in a primitive banana landscape.

Utopia is a model space (Michel Foucault coined the term heterotopia to describe this condition), a one-to-one model implemented on the ground, no longer separating imagination from reality, imposing a machine of extraction and purification. But the island of utopia is not merely a space of intensification or a mirror of certain isolated functions of society (as in Foucault's description of the heterotopia), it indeed transcends the territory and its context as such. The island of utopia prepares its appearance by creating a tabula rasa, a process of erasing both time and space, a conceptual cleansing of the ground, as reflected in the blanks and the whiteness of

colonial maps, finding its most extreme expression in the genocidal violence of the settler against the native, naturally understood as a hygienic operation. The utopian island is built upon amnesia and dyslexia; alienated from time and space, it is thrown to exist in mere presence. Islands are situated and installed at the respective edges of the horizon, and indeed they push back the horizon; the island gives home to the avant-garde - and it is the avant-garde itself.

"And then of course the hero, the benevolent guerrilla of 12 Monkeys, reenacts the founding myth of civilization/society, creating zones of safety just as the sovereign did in Hobbes' Leviathan. Through their decisionist act, a distinction between the law and chaos, between humanity and bare life, is established." Bülent Diken and Carsten Bagge Laustsen, "Zones of indistinction - security, terror, and bare life," 2003

"An irresistible movement is bearing the great nations of Europe towards the conquest of fresh territories. It is like a huge steeplechase into the unknown..." Jules Ferry, 1890

Islands are naturally surrounded by water, and those islands erected on terrestrial ground metaphorically construct themselves by understanding their surrounding as an equivalent to water. The absence of the surrounding "ocean" would simply disable the island's fundamental working - the functioning of its hygiene, the control of its exchanges. Thus the island of utopia is the origin of all maritime metaphors, manifesting itself, for instance, in today's phrases of floods of refugees and immigrants, that are imagined as unfurling over "fortress Europe," the civilized island against the oceanic anarchy beyond its shores.

It is not a surprise though that in the passage of history these oceanic ideas were projected onto the ocean itself. In his work *Fish Story*, Allan Sekula quotes Hugo Grotius (known for his concept of the universal open seas) as an example of early seventeenth-century Dutch legal theory: *...the OCEAN, that expanse of water which antiquity describes as immense, the infinite, bounded only by the heavens, parent of all things... the ocean which... can neither be seized nor enclosed; nay, which rather possesses the earth than is possessed.*²

Sekula claims that Hugo Grotius' pathos is somewhat cynical, writing in order to defend the interests of the Dutch East India Company against Portuguese claims to exclusive trading rights in the southwest Pacific. This is interesting, since cynicism is mostly strategic: who could propose territorial "anarchy" as juridical states of exception, ideal grounds for exploitation and piracy in the name of the law?

Grotius suggests that only islands could be possessed, though not the water surrounding them. He did not mention that islands, especially as legal formations, could be expanded, and as most islands are strategic points, they also become the very means of expansion.

Generally, in all the western settlements, three classes, like the waves of the ocean, have rolled one after the other. First comes the pioneer, who depends for the subsistence of his family chiefly upon the natural growth of vegetation, called the "range," and the proceeds of hunting... The next class of emigrants purchase the lands, add field to field, clear out the roads, throw rough bridges over the streams, put up hewn log houses with glass windows and brick or stone chimneys, occasionally plant orchards, build mills, school-houses, court-houses, etc., and exhibit the picture and forms of plain, frugal, civilized life. Another wave rolls on. The men of capital and enterprise come. The settler is ready to sell out and take the advantage of the rise in property, push farther into the interior and become, himself, a man of capital and enterprise in turn... Thus wave after wave is rolling... Peck's *New Guide to the West*, 1836

More's Utopia was written at the dawn of capitalism - and his picturing of the island cut off from the land is most obviously a reaction toward and a logical consequence of another cutoff, another uprooting taking place at the same point in history - the "original (or primitive) accumulation" described by Marx, achieved through "enclosures," the commodification and fencing off of rural land in Britain in the early fourteenth century. More refers to this process at

the very beginning of "Utopia":

"The increase of pasture," said I, "by which your sheep, which are naturally mild, and easily kept in order, may be said now to devour men, and unpeople, not only villages, but towns; for wherever it is found that the sheep of any soil yield a softer and richer wool than ordinary, there the nobility and gentry, and even those holy men the abbots, not contented with the old rents which their farms yielded, nor thinking it enough that they, living at their ease, do no good to the public, resolve to do it hurt instead of good. They stop the course of agriculture, destroying houses and towns, reserving only the churches, and enclose grounds that they may lodge their sheep in them...." "Luxury likewise breaks in apace upon you, to set forward your poverty and misery; there is an excessive vanity in apparel, and great cost in diet; and that not only in noblemen's families, but even among tradesmen, among the farmers themselves, and among all ranks of persons. You have also many infamous houses, and, besides those that are known, the taverns and alehouses are no better; add to these, dice, cards, tables, foot-ball, tennis, and quoits, in which money runs fast away; and those that are initiated into them, must in the conclusion betake themselves to robbing for a supply. Banish these plagues, and give orders that those who have dispeopled so much soil, may either rebuild the villages they have pulled down, or let out their grounds to such as will do it: restrain those engrossings of the rich, that are as bad almost as monopolies; leave fewer occasions to idleness; let agriculture be set up again, and the manufacture of the wool be regulated, that so there may be work found for those companies of idle people whom want forces to be thieves, or who, now being idle vagabonds or useless servants, will certainly grow thieves at last. If you do not find a remedy to these evils, it is a vain thing to boast of your severity in punishing theft, which though it may have the appearance of justice, yet in itself is neither just nor convenient..."

Utopia provides refuge for those who are uprooted, disfranchised and cut off from their means of production. The proletarian refuge is the city, the becoming-moloch, in search of a living (following this logic, the city will become the sore spot of modernist utopias in the twentieth century). Others escape the city. But the expansion towards the horizon is based on the experience of uprooting and alienation, of starting ever anew. The island of utopia itself becomes an enclosure, and it becomes the platform from which all future enclosures are carried out.

The various attempts grounding the utopian island would naturally take place at the periphery of its origin, expanding towards the horizon, colonizing and pushing back the horizon itself. Utopians, already backed by the experience of alienation and uprooting and qualified by the exertions of their journeys, become settlers - and the utopian island turns into the frontier.

"The dis-possessed, the outsider, the visionary of social justice - these people have designs for utopia. The frontier spirit is a product of the utopian dream, even though it most often manifests what we might call dystopian effects. Mr. Parker and Mr. Longbaugh saw their options narrowing, so they stepped off the path and went looking for a frontier. What is frontier? A space of freedom and possibility." Jill Stauffer, The Frontier, Now; 2001

The outlaw, the natural inhabitant of the island of utopia, carries on the mission of the law - the outlaw reenacts the empowerment of justice and law beyond the horizon. In that sense the outlaw-hero of a Hollywood movie embodies the island of utopia, fueling the inexhaustible motor of the American dream. As agents of expansion and enclosures, islands are temporary military posts - aiming at the creation of a utopia that would span the globe, just as the present neoliberal ideology does: utopia's mission is global.

"Leopold II has knit adventurers, traders and missionaries... to carry into the interior of Africa new ideas of law, order, humanity and protection of the natives." The Daily Telegraph, October 22, 1884

"Expansion is Everything" Cecil John Rhodes, 1891

Expansion has limitations, just as the horizon does. As expansion has reached the limits of the geographical globe, it continues on the reverse track - the beginning of a colonialization of the newly created global interior.

As special frame: In her analysis of imperialism, Hannah Arendt speaks about Bismarck's role in the Scramble for Africa. Bismarck, indeed, long opposed any imperialist aspiration of Germany, before he finally changed course and called the European powers to the Berlin Conference in 1884. It is widely acknowledged that he changed his opinion only due to the massive political pressure from the industrialists, who were to follow the call for unlimited expansion of surplus capital. The social democrats' legend, August Bebel, accused Bismarck in the Reichstag of simply exporting the "social question" into the sand of Africa, a gesture familiar to ourselves as well.

Arendt provides us with an interpretation of Bismarck's turnabout which reads rather exceptional - especially in connection to her later chapter on the "Aporias of Human Rights." She claims that Bismarck, somehow unconsciously, did not have the tools to resist imperialism. Until the early eighties, Bismarck continued to believe in the sole horizon of the nation-state, whereas politics, as Arendt claims, at that point had already turned irreversibly into world politics. Arendt claims that the enormous mobilization of the age of industrialization has turned all order into world-order - and thus, that there is no possibility left for any island that would find itself outside and not related to that order that dominates its surroundings.

This shift is hardly be located in time and space - it is a repeating process by which new frontiers are perpetually established and dismantled, along with a new regime of rhetorics and the creation of values, identities, and wars. If imperialism was the true globalization of expanding capital, it can be called horizontal globalization - in search of new enclosures beyond the known horizons and state borders. The colonization of the interior, instead, should be named vertical globalization - describing the deepening of the global regime.

Islands are now the agents and operative figures of the colonization of the interior - managing the simultaneity of different speeds, languages, systems, and classes. And just as islands are the sites of outlaws and pirates, neo-imperial ideology has identified the temporary bypass of laws and rules as the ultimate source of innovation and expansion, the paradigm of imperial and economic superiority.

As such, islands are today's utopia realized - an archipelago of exclusive spaces, designed to serve the needs of special interests rather than society, finding themselves in a constant and violent engagement with what lies outside their shores, a violence that tends to appear predominantly as an act of administration, rendering invisible and absorbing the very effects it creates.

Colonization on the reverse track has seriously affected the utopian imagination. There is no longer an island of innocence, no new horizons as such. The utopian dream has been commodified to a large extent, and the current drift toward utopia is the latest frontier in the numerous gestures of self-liberalization of the market-subjects. We might indeed find ourselves already to be the cyborgs of utopia, self-willingly subject to a regime anticipating all possible knowledge about all possible outsides - a regime governing imagination, passion, and fantasy, a regime that governs our understanding and imagination of the possible, of the utopian itself. Any form of government in utopia has to govern the utopian imagination as well.