On Infinite Decolonization

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lacksquare have just finished teaching a class on u.s. crime fiction. A few weeks ago we read Dashiell Hammett's The Maltese Falcon, and then we watched the film John Huston made on the novel, with 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 Ms O'Shaugnessy the story of the man called Flitcraft. Flitcraft is the fellow who, in the middle of "a clean orderly sane responsible affair" (64) of a life, has a freaky near-death experience that makes him confront his own mortality, and decide that, given the fact 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. 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. How much of current thought in postcolonial studies mimics Flitcraft's impossible attempt to escape his own shadow?

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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, as the essential out-of-stepness of history itself. There can be no restitution. The thought of infinite restitution is merely delusional, when not sheer ideology. 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? Have we forgotten what we must mean when we say "decolonization"? The failure to think of the limits of decolonization is colonization itself.

Bartolomé Clavero's Genocidio y justicia. La destrucción de las Indias ayer y hoy is a theoretical attempt at presenting the contemporary predicament of decolonization regarding the Latin American indigenous communities 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 in order 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: the notion of a nomos, or of an order of the world, that subordinates the political, to follow Carl Schmitt's complex notion. Clavero seems to state that we know better, we have a better order today than in the past, if we could only just follow it. Perhaps the 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

I am referring to Carl Schmitt's *Nomos of the Earth*, where the German thinker presents the idea of an overarching order of the political for every historical epoch. This paper is written against the segment of postcolonial studies that takes it for granted that the order of the political in our historical epoch must follow a mandate of infinite decolonization, given the universal internalization of the juridical principles of liberalism. Incidentally, if infinite decolonization is the law of all laws, then there is no longer an order of the political—we have reached the end of the political, and what remains is simply the working out of a final program for humanity, the practical accomplishment of the true law.

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. By enemy here I mean 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» (82) ("Behind the present there is history, and behind history there may be the law"). 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. 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 history on the other hand. 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 claims: 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 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 seems 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, non-figurative 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 prohibe 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 regulations" come to us from the "first cause" or from the "supreme authority," or whether they simply come to us from "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 tendentially 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 ... genocide 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.... el 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 non-genocidal 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. Which plausibly and logically must mean that there is something that may be even behind the law, and that is property itself, and not any property, but the very property of subjectivity for all.

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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 non-genocidal 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

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

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