



THE UNIVERSITY OF
SYDNEY

THE DISPUTATION OF ASHRAF SALIM: SOVEREIGNTY BEFORE THE LAW

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In Kafka's fable "Before the Law" the appeal to infinite regress, to higher and deeper authority, creates the illusion of an interiority of law, that someone or something is within the hallowed and hollowed abode of the law even if this indwelling is merely the performance of withholding law from others, that is as the visibility of an invisibility that materializes a concrete delimited outside from an amorphic and disframed interiority. The site of law has no positive content other than this act of exclusion, of making a border and a before of law as the event of a self-emptying event. Withholding renders sovereignty untouchable, unscathable and as such unprofanable as its law can be symbolized and re-presented but not presented or touched in situ. In its infinite regress Kafka's law holds to its bare-life of withholding law and to the bared and exposed life from which law is withheld. The Combatant Status Review Tribunals at Guantanamo (2002-2010) similarly inscribe a territory, a space, and a speculum where the sovereignty of the state can be performed as the event of withholding of law, as a pantomime of a juridical legitimacy without legality that is mediated by the sheer gate-keeping performativity of hollowed out juridic forms and ceremonies including the publication of the transcript under discussion. It offers an opening to a non-event, an aperture that is withdrawn as law and act in its very appearing as an event. In the recesses of the security state, in the security state as an assemblage of recesses, the law itself is securitized and subjected to an extraordinary rendition and consigned to a black site from which all other black sites are authored and transmitted.

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