
Book Reviews

Jennifer Balint, Editor

Archiving Sovereignty: Law, History, Violence. By Stewart Motha. Ann Arbor: University of Michigan Press, 2018.

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Archiving Sovereignty has been maturing in Stewart Motha's mind for more than a decade. The book is the culmination of 20 years of research—virtually his entire academic career, to date—but took form primarily after a return visit in 2009 to Colombo, Sri Lanka, where Motha was born and where he spent his childhood before moving to Australia in 1984. The *Sovereignty* of the title is the violent occidental sovereignty of British colonial dominion (and of its postcolonial successors) over Australia, South Africa, Sri Lanka, and the Chagos Islands—all spaces for Motha's own life and studies; the *Archive* is law—the incessant flux of case histories, legal fictions, and metaphors, old and new, from which the “fact” of sovereignty is constructed and by which it is sustained. The site of the archive, its material substrate, is the Indian Ocean, the locale of travel and traverse, willing and unwilling, that binds islands and beaches, great and small, into one realm of research. If all this is read to imply a peculiarly intimate connection between the book and its author, that reading is entirely correct. *Archiving Sovereignty* is built from the places, the impressions, and the legalities experienced during the course of a life—Motha's own. Consider the following: “My early experience of the sea as a site of playful freedom has transmogrified into a sense of the Indian Ocean—its islands, continents, and contiguous zones—as the space of sovereign violence and cruelty. This juxtaposition of the freedom of the sea I experienced as a child growing up on an island, and the fate of thousands either transported to island-prisons or expelled from their island-homes is what Walter Benjamin would have called a *dialectical image*. Constructing such ‘images’ is a central technique deployed in this book. The *archive* of sovereign violence gathered here is informed by Benjamin's account of how the seemingly archaic past ‘juts into the present’” (xi)

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This is not, of course, all that *Archiving Sovereignty* represents. The life course of the author is as vital a binder for the book as the Indian Ocean itself—a circumstance that grants the book unique narrative capacities that I think will have a major influence upon scholarship at the intersection of law with the humanities—but in substance the book is a densely disciplined account of “violence gathered, mediated, and sustained by law” across Australia, South Africa, and Sri Lanka. And central to the book’s focus and themes, just as they sit at the center of the Indian Ocean itself, are the Chagos Islands, and their population, expelled to make way for the U.S. military base on Diego Garcia: a forcible removal and abandonment that is at once trope, metaphor, singular exquisitely concentrated instance, and essential constant reminder of the ever-present violence of sovereignty that is the book’s subject. “Law as archive of sovereignty constitutes the present” Motha observes. “*The Indian Ocean as archive of the present* is a trope drawn from a pelagic commonality that has permeated my work” (xii). Of the world’s oceans, only the Indian lacks its poet: the Atlantic has Dante, the Pacific has Melville, and the Mediterranean (ocean by other name) has Homer. The Indian Ocean requires a poet with a capacity to express agony. Motha does not seriously aspire to be that poet, but he does aspire to expose the agony.

Though a short book—Introduction, Epilogue, 4 chapters, 150 pages—*Archiving Sovereignty* delivers a very substantial punch. Here is no linear history of realized or unrealized desires. Motha notes instead the stubborn resistance of the historical montage he plots to a logic of dialectical overcoming, the ever-presence instead of what Benjamin called “a certain nonsynthesis” (Benjamin 2004: 106) a dialectic that is disjunctive rather than subsuming (5). Through legalities that insistently inscribe a reiterated past, Law sustains sovereignties whose violence is heterogeneous but in essence unchanging, bred from Jean-Luc Nancy’s “bare-faced lie” (15), the “as if” enabled by law’s prescriptions and reiterations, the fiction whose endless permutations distract one from the violence of origins.

Sovereignty springs from the void of its own self-assertion—from “nothing”—Motha tells us in his first chapter (entitled Solitude). Law sustains the invention after the fact, and so becomes the archive of sovereignty’s violence. What follows are four illustrative variations, each pursuing the theme of violent dispossession enabled by law: the expulsion of the Chagossians from their home islands; Australia’s denial of sea-borne refugees’ rights to protection, and their abandonment to an archipelago of offshore detention centers “excised” (for this purpose) from Australian sovereign territory; Australia’s more-or-less simultaneous refusal to

acknowledge as legally cognizable either of the twin genocidal relics of its colonial barbarism—the removal of Aboriginal children from their families, and the removal of Aboriginal peoples from their lands—on grounds of the threat cognition would pose to the very legal system founded on those sovereign acts (as Brennan J put it in *Mabo [No 2]*, at para 43, “recognition by our common law of the rights and interests in land of the indigenous inhabitants of a settled colony would be precluded if the recognition were to fracture a skeletal principle of our legal system”); and finally the manifold contradictions of “belonging” in post-apartheid South Africa

Motha’s objective is not ever-hopeful construction of new memorials to “truth and reconciliation,” new foundations of acknowledgment upon which new postcolonial beginnings can be built. The ANC government’s slaughter of striking South African mineworkers at Marikana in August 2012 that begins Chapter 4 reminds us, if we needed reminding, of the bitter truth of “plus ça change.” Instead, the objective is to mark how insistently the past juts into the present, and simultaneously to stay abreast of the willful forgetting that is jutting’s constant accompaniment. “The work of assembling the history of colonial violence requires more than a pragmatic assemblage of what can be usefully known or admitted now” Motha writes at the end of Chapter 3, in words that might serve as a conclusion to the whole book (107). To be satisfied with what can be usefully known now is to commit oneself to forgetting. Hence, for the historian, assembling the archive must be a constant process, one without limit. Each act of assemblage exposes fissures and gaps in law’s imagined edifice, to which law responds with new fictions. Remembering creates an impulse to forget that can be countered only by more work of assemblage. And so the disjunctive dialectic proceeds.

References

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