

Contours of Change

A Decade of Transformative

Inquiry at CAS SEE

Ed. Sanja Bojanić & Valeria Graziano

CAS SEE
EDITIONS



Center for Advanced Studies
Southeast Europe
CAS SEE
University of Rijeka

Contours of Change
A Decade of Transformative Inquiry
at CAS SEE

Ten Year Anniversary Publication

TITLE: Contours of Change: A Decade of Transformative Inquiry at CAS SEE
– Ten Year Anniversary Publication

EDITORS: Sanja Bojanić and Valeria Graziano

This publication is created in the framework of supporting brain circulation for democratic development in Southeast Europe. The RECAS Fellowship Program is enabled by the ERSTE Foundation, Rockefeller Brothers Fund, and Open Society Foundation.

PUBLISHER: Sveučilište u Rijeci, Trg braće Mažuranića 10, Rijeka

FOR THE PUBLISHER: prof. dr. sc. Snježana Prijić Samaržija

PRINT RUN: 300

ONLINE: <https://cas.uniri.hr/>

PLACE: Rijeka

DATE: March 2024

PRINT: ISBN 978-953-7720-77-3

ONLINE: ISBN 978-953-7720-78-0

The CIP record is available in the computer catalog of the University of Rijeka Library under number 150710041.

COLOPHON

Edited by Sanja Bojanić, Valeria Graziano

Published in Rijeka, March 2024

Contours of Change

A Decade of Transformative

Inquiry at CAS SEE

– Ten Year Anniversary Publication

Ed. Sanja Bojanić & Valeria Graziano

TABLE OF CONTENTS

02 Sanja Bojanić
Transformative Commitments: Reflecting on Ten Years of CAS SEE

08 Jeremy F. Walton
On the Generality of Violence and the Violence of Particularity

PART I

Exploring Regional Realities: Insights from the Southeastern Frontier

16 Damir Arsenijević
Vignettes on Bosnia and Herzegovina, waste colonialism, and the arts

26 Tamara Banjeglav
Give peace a chance: Breaking the silence about peace initiatives in memorialization of conflicts

36 Christian Costamagna
Understanding the end of the Kosovo war: historical insights, new archival sources and lessons learned

46 Leda Sutlovic
Temporalities, Inclusivity, Affect – notes on the latest feminist generation

58 Endi Tupja
All The Missing Caregivers or Fascism all'Acqua di Rose. Approaching performativity in (auto) biographic storytelling

- 68 Achille Zarlenga
Frontiers and identity: new approaches for old problems
- 74 Nikolina Židek
Fitting like a glove: the (ab)use of the European memory framework in contemporary Croatia's memory politics

PART II

Reimagining Power and Possibility: Essays in Political Thought

- 88 Alenka Ambrož
Gender and the (Bio)politics of Translation
- 98 Paul Blamire
The Political Theology concealed within Political Theory
- 108 Giustino de Michele
Negotiating with Violence
- 118 Valerio Fabbrizi
The Populist Upsurge in Contemporary Liberal Societies. Implications for Constitutional Democracy
- 126 Letizia Konderak
Building Bridges versus Building Walls
- 136 Tomáš Korda
Is the World at War still Constituted for Moral Being?

- 146 Emilia Marra
*Token Crushing Token: Cryptocurrencies
to Capabilities*
- 156 Javier Toscano
Thesis on Violence
- 166 Andreas Wilmes
From Old to New Violence
- 176 Zona Zarić
The Rapeability and Takeability of Bodies and Lands

ANNEXES

- 189 *CAS SEE Fellows through the years*
- 198 *CAS SEE main events*
- 208 *CAS SEE Partners*

LETIZIA KONDERAK

**Building Bridges vs. Building
Walls: *Politics as the End of
Violence***

Violence means destroying the nature of something, i.e., treating something against its conformation (Sartre, 1992: 171). This straightforward claim certainly grasps the everyday meaning of the word “violence” and the moral contempt that it implies.

As Sartre’s definition seems anodyne, what it denotes is problematic. Not only is defining something’s nature a tricky task, but it is uncertain whether human beings have a nature at all (Arendt, 1961: 9-10) or whether the obscure ground of nature is what defines them (Arendt, 1979: 455). The very polysemy of the term nature in the previous sentence – swinging from the traditional notion of essence/form to the biological structure of a living being, up to a negative definition that emerges only by naming violence – reveals the fluctuations of the term’s nature and violence, that are therefore problematic or, in Schmitt’s words, polemic. The slippery meaning of violence and its content of moral deprecation allows for a varied use of the word. Indeed, the identification of violence intertwines with a normative definition of human beings, hiding the political and philosophical choice of what constitutes their realisation and dignity.

However, destroying something’s or someone’s nature is not the only feature of violence. Using this word, common sense also addresses instrumentality: violence employs force to realize its scope (Arendt, 1972: 143). Even further, violence treats everything like a tool to reach its scope: “violence is not one means among others for attaining an end, but the deliberate choice of attaining the end by any means whatsoever” (Sartre, 1992: 172).

Putting Sartre’s definition of violence at work in Arendt’s thought, nature paradoxically appears as what is violated and what is violent. Indeed, nature captures human beings with the coercive force of bodily needs, while, for Arendt, they enact their dignity when they set free from violent ways of dealing with each other to act freely in the political realm. Thereby, this is her normative definition of mankind.

Therefore, for Arendt, violence and politics are mutually exclusive (1972: 143): politics is the end of violence. Indeed, according to her, politics begins when citizens give up on violence as a means for solving disputes among themselves, using instead the persuasive force of great speeches and deeds. For Arendt, politics is the enacting of plurality, i.e., “the fact that men, not Man, live on the Earth and inhabit the World” (1998:7; 1993: 9): the uniqueness of every human being reveals itself on the political stage (1961:154), where actors meet each other and discuss public matters. Politics is, for Arendt, the participative action on the public stage.

This introduction shows how Arendt’s deployment of the term violence reveals that she excludes constriction and instrumentality from the public

realm. There, citizens discuss rough topics without violence: in the political sphere violence takes the mild form of agonism among citizens, struggling to show their virtues.

Arendt's thesis about the reciprocal exclusion of politics and violence emerges by contrast if we examine the reflections of another thinker who worked in the same years as Arendt, Carl Schmitt, who involves war and violent deeds in his definition of politics, thus including them in his normative definition of human beings¹. This confrontation will be carried out through an inquiry into Arendt's and Schmitt's study of the spatial rooting of politics, and their discussion of the meaning of the term *nomos*.

Nomos: building walls

One of the insights that Arendt and Schmitt share is the idea that politics and law ground into a spatial disposition (1993: 122; 1995: 52, 73; 2007: 13): how a political entity lives expresses itself in how it organizes spaces, dwells and signifies them.

According to Arendt, human beings are at home when they build a world around them, i.e., when they transform nature, where they happen to be born, through lasting objects, institutions, cultural products, and works of art. All these "things" reflect and determine how communities perceive the world, their relationship with others and nature. Vice-versa, this world modifies and conditions human existence (1993: 9, 137) that takes place within a meaningful space, bearing the traces of the past. Some examples of this spatial dimension of human existence are the partage of the public and private realms, which has changed widely across history. For example, women's space was identified with the home for centuries, where they had to hide from public sight and activities. Further, the shape of what is revealed

1 These two authors come from very different backgrounds: Arendt (1906-1975) was a Jewish phenomenologist who fled Germany when the Nazi regime took power. Schmitt (1888-1985) identified himself as a jurist, and he was one of the intellectual advocates of the Nazi regime. However, Arendt's and Schmitt's theoretical pathways meet on several domains: each one's library contains, with notations, the other's book – see Schmitt's library in the online catalogue of the Schmitt Stiftung and Arendt's library, that is partially available on the website of the Hannah Arendt Center, Bard College. Also, the two authors meet in the fields of political theory, geopolitics, and philosophy of law, to the point that they often analyse the same concepts, even if from very different perspectives. While Arendt quotes Schmitt several times, Schmitt quotes her only seldom (Schmitt *Nomos – Nahme – Name* 573). Lastly, the bibliography on this point is vast: see the bibliography below. For this introduction, I thank Andreas Wilmes, and his research on "New Violence."

in the public sphere changed: the Greeks chose the glory of great deeds and speeches. During the modern age, the public realm became the space for exposing artifacts, i.e., the exchange market. Lastly, from the 19th century onward, activities that one does for a living, i.e., labour, have conquered the public realm as everyone tends to identify with its profession.

Hegel analysed the influence of the natural and artificial environment on cultures and human beings. For example, he described how the relations of various peoples to water determined their spirit and vice-versa. According to Hegel, the proximity to the sea enhanced bravery, stimulating entrepreneurial attitude and taste for risk-taking, thereby pushing adventurers and sailors to great adventures and the discovery of new worlds (1991: 106-108).²

Schmitt employed these reflections of Hegel's to describe the human spatial rooting and underline his preference for the telluric way of dwelling (1997:1-13;2006: 42). Indeed, Schmitt's work *The Nomos of the Earth* (1950) opens with the claim that the political body grounds on the Earth and its justice, and that the very foundation of law is the opening of the earthly space where the juridical order is valid – *justissima tellus* (Ibid., 42). Earth binds the political community and their spatial disposition, as the Greek word *nomos* shows.

Influenced by Heidegger, Schmitt grounds his search on *nomos* on a philosophy of language. Indeed, phenomenology deploys the idea that philosophical inquiry grasps the fundamental meaning of things. This philosophy of language develops along the spectrum of Nietzsche's claim – that Arendt embraces – that words are faded metaphors, hiding fundamental human experiences (Nietzsche, 1999: 143-144), up to Heidegger's idea that language is the "house of being," whose essence an "aboriginal language" reveal.

Following Heidegger's insights, Schmitt searches in the aboriginal meaning of the word *nomos* the spatial essence of the political and juridical entities (Sferrazza Papa), based on the assumption that the aboriginal language neutralizes the "polemic" use of words. Schmitt counters the most common translations of *nomos* as law and the German translation "*Gesetz*." This latter word, for him, reduces *nomos* to the whole of the positive norms established by a particular community (Schmitt, 2006: 70). Contrarily, *nomos* means, according to Schmitt, the coupling of spatial orientation and political-juridical order, as is clear by its denotation of walls, *limes*, fences (Ibid., 52). For a deeper understanding of *nomos* as the intertwining order

2 Hegel's and Schmitt's readings of the history mainly focuses on the European Civilization, whose history they turn into a Universal History. Certainly, this reading obliterates the history of the rest of the world and is highly Eurocentric, besides from being incorrect. For this clarification I thank Javier Toscano.

and orientation, Schmitt analyses the Greek verb *nemein*, of which *nomos* is the *nomen actionis*. *Nemein* relates – for him – to the German verb *nehmen* (to take or grab), revealing that *nemein* firstly means to occupy land, secondly to distribute, and lastly to produce and make use of the soil. From the etymology of *nomos* and *nemein*, and from the privileged relation of *nemein* to *nehmen*, Schmitt deduces the priority of the occupation of land over any other spatial activity: land occupation is, in the jurist’s thought, the “radical title” grounding the legitimacy of the political body.

In Schmitt’s perspective, the opening of the space for the political body is the authentic meaning of the Greek syntagm *nomos basileus* (sovereign law, despotism of law): “*nomos* is precisely the full immediacy of a legal power not mediated by laws. It is a constitutive historical event – an act of legitimacy, whereby the legality of a mere law first is made meaningful” (Ibid., 575-577).³

From this justice of the Earth, Schmitt deduces the prominence of the *jus publicum Euorpeaum*, i.e., the European balance’s order and orientation of sovereign states that started in 1648 (the Peace of Westphalia, which ended the religious wars in Europe) and ended in 1885 (the Congo Conference, which accepted a non-European state into the hall of sovereign states⁴). The *jus publicum Europeaum* grounded on the limited war among equal states (i.e., among equal sovereign enemies, the *justi hostes*, against what Schmitt describes as the “moralizing” war conducted for the *justa causa*), with limited territorial scopes and fought only among armies. This spatial order-orientation also relies on the heterogeneity between the European soil and the rest of the world, that Europe intended as free space for its imperialism. Lastly, the *jus publicum Europeaum* reflects the heterogeneity between Land and Sea, i.e., between the territorial law’s limitation and the lack of measure of the sea, whose “law” – or lawlessness – is correspondently unlimited. In

3 The institution of the space where the law is valid is indeed one of the essential functions of the sovereign, as he who decides on the exception (*Political Theology* 5). Indeed, “The exception appears in its absolute form when a situation in which legal prescriptions can be valid must first be brought about” (13). Thus, Schmitt counters the contemporary readings of the despotism of law, which attribute sovereignty to the law itself (21): these readings deny sovereignty by the very constitutional limitations they impose to it, thereby reducing the political body to a barely juridical entity.

4 Curiously enough, for Arendt precisely the inequality of the European system caused its crumbling: indeed, this system grounded – from the French Revolution onward – on the universal equality of human beings and sovereignty of the peoples. The actual inequality among Europe and the rest of the world endangered the very ground of this system, causing its decline (Arendt, 1979: 185-221, 298-299).

the modern age, the sea forged the uprootedness of England, that based its global empire on its monopoly over the oceans.

Remarkably, Schmitt does not use the word “violence” to describe war, especially when addressing modern European conflicts. He does not do so even when he describes war as the extreme possibility of killing the enemy. His neglect of the word violence reflects his intent of subtracting war from moral contempt. Indeed, for him, the possibility of war boils down to the fundamental political antithesis, i.e., to the opposition between friend (*Freund*) and foe (*Feind*) (Schmitt 2007: 26-27), where the latter is the foreigner himself (*Fremd*), since war with him is always possible. In Schmitt’s view, the political antithesis – friend vs. foe – should not blur with ethics – good vs. bad –, aesthetics – beautiful vs. ugly –, or economy – advantageous vs. disadvantageous. The purely political notion of enemy excludes any moralization: Schmitt accepts the event of war as an ineluctable fact that no one should put into doubt, as abolishing the word “war” leads only to labelling the event with different formulas.

As for Arendt, she also inquires phenomenologically about the fundamental political words, including the word *nomos*. However, philological inquiry into the origins of *nomos* does not simply bring together Arendt and Schmitt: Arendt read⁵ several books by Schmitt. Arendt’s accounts to Schmitt’s theses are three. Firstly, Arendt counters Schmitt’s hierarchization of the etymology of *nomos*. The second remark underlines Schmitt’s obliteration of human plurality. The last consists in her claim that, besides the Greek *nomos*, there is the Roman *lex*.

Arendt’s inversion of Schmitt’s list of *nomos*’ translations is precise: according to Arendt, *nomos* means “to distribute, to possess (what has been distributed), and to dwell” (Arendt, 1998: 63; Jurkevics, 2015: 13). Thus, in her view, spatial displacement generates the possession and limitation of land and later how people dwell there.⁶

This first remark grounds the second one, i.e., Arendt’s methodological criticism of Schmitt. While the German jurist aims at grasping the original meaning of the word *nomos* phenomenologically, in her *marginalia* Arendt describes Schmitt’s deduction of the telluric grounding of the order-orientation as “pseudo-ontological” (Jurkevics, 2015: 4). Not by chance, Schmitt

5 Arendt *Denktagebuch* 216-217, 243, Jurkevics 17.

6 Remarkably enough, the French philologist Laroche elaborates a similar hierarchization of the meanings of the word *nomos* (Deleuze – Guattari 472), in his work from 1949, *Histoire de la racine NEM- en grec ancien* (Marzocca 96-100; Sferrazza Papa 252-253). In a later work, *Nomos – Nahme – Name* (1959) Schmitt faces Laroche’s study, claiming that it does not counter the fundamental thesis of the spatiality of *nomos*.

counters the late Greek dichotomy between law and nature, *nomos* and *physis* (1996: 578). For Arendt, Schmitt grounds politics on the essence of the soil, thereby obliterating the human plurality from which politics and law spring. Significantly, Schmitt claims that the meaning of the fundamental political concepts does not spring from the human experiences and practices, as for Arendt, but that it was there even when nobody talked about it (Schmitt, 1995: 494).⁷ Indeed, according to Arendt, although it is undoubtedly true that *nomos* has a fundamental spatial meaning, i.e., it opens the space for the validity of law (1993: 122; 2015: 18), that means exactly that human beings arrange spatially their political organization, the parting of realms for their different activities, and the several meanings attached to each of them. Vice-versa, this spatial structure determines human existence and experience of things. To summarize, communities set up the world around them through their plural activities, including public discussion and the establishing of pacts. Therefore, Arendt's prominent criticism of Schmitt lies in her claim that he obliterates human plurality.

Lex: building bridges

Arendt's last account to Schmitt sheds light on his exclusive attention to the Greek exegesis of law while forgetting the Roman *lex*: Schmitt recognizes the different meanings of *lex* and *nomos* only to state the former's inauthenticity (1995: 578-579). Contrarily, Arendt underlines that the spatial dimension of a political community happens within the confines of its space, which justifies the analogy between laws and walls. Clearly, this notion of law implies the exclusion of the outside, the protection of the community from the stranger that tends to identify with the enemy, as Schmitt's remark on the proximity between *Feind* and *Fremd* reveals.

Nevertheless, Arendt underlines that this idea of law as a wall is also risky on the inner side. In correspondence to conflictual outer politics, inner relations among citizens are poisoned by individualism and agonism (1990: 82).

Indeed, the Romans grasped another fundamental meaning of the law and spatial disposition of the political community through the word *lex*. According to the Romans, politics meant binding individuals and peoples, connecting them as through the building of bridges (Arendt, 1993: 113; Jurkevics, 2015: 11-16). While individuals and peoples are equal and different (Arendt, 1998: 175), politics means recognizing the stranger not as an enemy but as a possible friend, with which intercourse is possible through political

7 In that text, Schmitt digs into the phonetics of the German word *Raum*.

pacts, and a discursive solution of conflicts (*foedera*). On this point, Arendt clarifies that this political virtue of binding peoples peacefully guarantees the expansion of political relations, thus sanctioning the end of violence. Nevertheless, in Arendt's view, while *lex* rectifies the violence hidden in *nomos* (Esposito, 2017: 30-31), the limitation implied in *nomos* contains the unbridled tendency of *lex* to connect individuals and peoples, thereby generalizing risks (Arendt, 1993: 118; 1998: 230-236; Jurkevics, 2015: 15; Lindahl, 2006: 900-901): "because of its concreteness as a territory or a jurisdiction, *nomos* acts as a counteragent to the boundlessness of *lex*" (Jurkevics, 2015: 13).

Lastly, in Arendt's perspective, the pluralism of internal politics mirrors outer political plurality: federalism, i.e., pacts connecting political entities to common rules, allows to avoid the massive deploy of violence for solving inter-state litigations. Contrarily, Schmitt's pluralism enacts only among states while excluding domestic plurality (2007: 53). Nevertheless, his exclusion of politics from the domestic political sphere mirrors the lack of "political," i.e., non-violent relations among states, for war is the extreme possibility shaping these relations – as the labeling of the foreigner as enemy implies. This is precisely the reason why Schmitt did not recognize the value of international pacts: in his view, the strength of the emerging spatial order-orientation counters any attempt at imposing norms on interstate and international relations.

In conclusion, this contribution echoes Arendt's longing for the end of violence through the global expansion of federal relations, starting from participatory local institutions, i.e., from councils of direct democracy, up to international relations among states (Taraborelli, 2002; Arendt, 1990:167-171). Indeed, abandoning Schmitt's friend-enemy antithesis and, especially, his labeling of the stranger as a potential enemy, is the cornerstone for a global path towards the end of violence, where the power of reciprocal promises to connect peoples counters the destructiveness of war: against the violence of pursuing political aims through war, stands the political neutralization of violence through the enacting of the human plurality and dignity.

REFERENCES:

- Arendt, H. (1961) *Between Past and Future. Six Exercises in Political Thought*, The Viking Press, New York;
- (1972) *On Violence*, in *Crisis of the Republic*, Harcourt Brace, San Diego/New York/London, pp. 103-184;

- (1979) *The Origins of Totalitarianism*, Harcourt Brace, San Diego/ New York/ London;
- (1990) *On Revolution*, Penguin Books, New York;
- (1990) *Philosophy and Politics*, in "Social Research," 57, 1, pp. 73-103;
- (1993) *Was ist Politik? Fragmente aus dem Nachlaß*, Piper, München/Berlin;
- (1998) *The Human Condition*, The University of Chicago Press, Chicago;
- (2002) *Denktagebuch 1950-1973. Erster Band*, Piper, München/Zurich;
- Berni, S. – Giambastiani, V. (2018) *Il luogo della politica: amico-nemico tra Arendt e Schmitt*, in "Lo sguardo," 27, pp. 163-276;
- Deleuze, G. – Guattari, F. (1980) *Milles Plateaux. Capitalisme et schizophrénie*, Les Edition de Minuit, Paris;
- Emden, C.J. (2008) *Carl Schmitt, Hannah Arendt, and the Limits of Liberalism*, in "Telos," 142, pp. 110-134;
- Esposito, R. (2017) *The Origin of the Political. Hannah Arendt or Simone Weil?*, Fordham University Press, New York;
- Hegel, G.W.F (1991) *The Philosophy of History*, Prometheus Books, New York;
- Jurkevics, A. (2015) *Hannah Arendt reads Carl Schmitt's The Nomos of the Earth: a Dialogue on Law and Geopolitics from the Margins*, in "European Journal of Political Theory," 0, pp. 1-22;
- Kalyvas, A. (2008) *Democracy and the Politics of Extraordinary: Max Weber, Carl Schmitt, and Hannah Arendt*, Cambridge University Press, New York;
- Lindahl, H. (2006) *Give and Take. Arendt and the Nomos of the Political Community*, in "Philosophy and Social Criticism," 37, pp. 881-901;
- Marzocca, O. (2015) *Il mondo comune. Dalla virtualità alla cura*, Manifestolibri, Roma;
- Nietzsche, F. (1999) *On Truth and Lying in a Non-Moral Sense*, in *The Birth of Tragedy and Other Writings*, Cambridge University Press, Cambridge, pp. 139-153;
- Sartre, J.P. (1992) *Notebooks for an Ethics*, The University of Chicago Press, Chicago/ London;
- Scheurman, W.E. (1997) *Revolutions and Constitutions: Hannah Arendt's Challenge to Carl Schmitt*, in "Canadian Journal of Law and Jurisprudence," 10, pp. 141-161;
- Schmitt, C. (1985) *Political Theology. Four Chapters on the Concepts of Sovereignty*, The MIT Press, Cambridge/ London;
- (1995) *Nomos – Nahme – Name*, in *Staat, Großraum, Nomos. Arbeit aus dem Jahren 1916-1969*, Dunker & Humboldt, Berlin, pp. 573-591;

(1995) *Raum und Rom. Zur Phonetik des Wortes Raum*, in *Staat, Großraum, Nomos*, cit., pp. 491-495;

(1997) *Land and Sea*, Plutarch Press, Washington D.C.;

(2006) *The Nomos of the Earth*, Telos, New York;

(2007) *The Concept of the Political*, The University of Chicago Press, Chicago;

Sferrazza Papa, E. (2018) *Linguaggio originario e pensiero dello spazio in Carl Schmitt*, in "Rivista di Filosofia," 109, 2, pp. 245-264;

Sluga, H. (2008) *The Pluralism of the Political: from Carl Schmitt to Hannah Arendt*, in "Telos," 142, pp. 91-109;

Taraborrelli, A. (2022) *Hannah Arendt e il cosmopolitismo. Stato, comunità, mondi in comune*, Mimesis, Milano/Udine;

Vega, F. (2017) *On the Tragedy of the Modern Condition: the "Theologico-Political Problem" in Carl Schmitt, Leo Strauss, and Hannah Arendt*, in "The European Legacy," pp. 1-32.