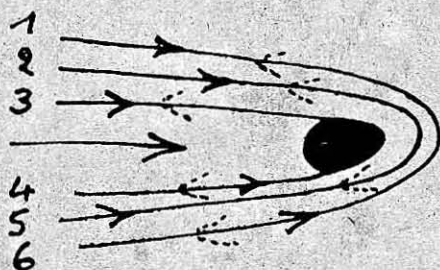




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Uneven Seas

Notes on a Political Mythology of Maritime Space, Part 1

Physics is reducible to two sciences, a general theory of routes and paths, and a global theory of waves. A topology of interlacing; a hydrology of streams in a maze.

Michel Serres, *La naissance de la physique dans le texte de Lucrèce*¹

Fig. 1

Estuary of the Schelde, Antwerp, Belgium, still from:
Noël Burch / Allan Sekula, *The Forgotten Space*, 112 min.,
The Netherlands / Austria 2010



A Forgotten Space

On-screen, a panoramic view...

A slow sweep of the camera across the ruffled surface of a dark-gray river. The camera sways slightly with the rocking motion of the waves. The horizon is positioned low within the frame, similar to Dutch marine painting of the seventeenth century, accentuating an overcast sky heavy with slowly drifting, rain-swollen clouds. Only a few open patches of pale blue pierce the wintery gloom. On the right shore, a series of black harbour cranes and white storage tanks silhouetted against the brooding sky. On the left shore, two massive cooling towers of a nuclear power plant loom into view with billowing clouds of vapor wafting above the watery scene. Between the two riverbanks, the distant sea. There is not a single ship in sight to relieve the desolation of the landscape. ^{Fig. 1}

...while off-screen, the clipped commentary of a narrator is spoken:

"Midstream. A muddy estuary near a port. Forgotten space: out of sight, out of mind. Upstream the hinterland, a greedy continent. Downstream other ports, great harbor cities, oceans. 100.000 invisible ships. 1.5 million seafarers binding the world together through trade."

The Forgotten Space (2010) is a feature-length film by the film theorist Noël Burch and the documentary photographer Allan Sekula that explores the contemporary maritime world in relation to the "complex symbolic legacy of the sea," as the two directors put it.² Based on Sekula's photo-essay *Fish Story* (1995), the movie transfers the previous project to the format of the essay film.³ In a text posted on the film's web site, Burch explains how he had come to define the essay film during the 1960s in opposition to the classical documentary film of Robert Flaherty and John Grierson with its "supposedly objective rendering of reality."⁴ By way of contrast, Burch considered the purpose of the essay film to communicate ideas to its audience and remove the shackles of linear time to which the narratives of conventional documentary and classical Hollywood cinema were bound. Therefore, he considered the justification of the essay film format to reside in the invention of "complex forms" and "structured ambiguities" that would subvert and transgress the naturalist pretensions of documentary film. Rather than presenting reality as a seamless, self-evident whole, the essay film was to draw attention to its own materiality and narrative strategies through "the admixture of materials and stylistic approaches, fictional footage mingling, perhaps 'invisibly,' with cinema-vérité, library shots, hidden camera-work, etc."

Much the same strategy, which Burch first developed during the 1960s, is applied in *The Forgotten Space*, a movie that combines documentary footage with excerpts of fictional movies. The formal procedure that is applied by the filmmakers is certainly of great interest, however in the current context I shall not dwell on an analysis of its image sequences in any substantial depth. My approach shall not lack an attention to structural detail, but it will be concerned with the specific construction of the maritime in modernity as a symbolic space — a space, furthermore, which constitutes a kind of limit-condition of signification and, linguistically, can be identified with the linguistic operations of the empty signifier, whereas, in a historical sense, it must be grasped in relation to juridico-political concepts as the state of exception. This essay is not, therefore, an essay specifically about *The Forgotten Space*, but it would not

have been written without having been exposed to this challenging film. Therefore, it will be opportune to present, at the very least, a broad outline of the movie and to indicate its specific aims and methods. Luckily, we have an eloquent description of the film, written by Burch and Sekula, and I shall quote freely from this text:

"The subject of the film is globalization and the sea, the 'forgotten space' of our modernity. Its premise is that the oceans remain the crucial space of globalization: nowhere else is the disorientation, violence and alienation of contemporary capitalism more manifest. But this truth is not self-evident and must be approached as a puzzle, or mystery; a problem to be solved. Sea trade is an integral component of the world-industrial system, but we are distracted from the full implications of this insight by two powerful myths. The first is that the sea is nothing more than a residual mercantilist space: a reservoir of cultural and economic anachronisms, relics of an older and obsolete economy — a world of decrepitude, rust and creaking cables, of the slow movement of heavy things. The second is that we live in a post-industrial society, that cybernetic systems and the service economy have radically marginalized the 'old economy' of heavy material fabrication and processing. Thus the fiction of obsolescence mobilizes reserves of sentimental longing for things which are not really dead."⁵

I shall have a lot more to say on this topic of the political mythology of the sea in the cultural imagination of Western society, but it will also become apparent how this mythic thought in its various historical formations is connected to a "global linear thinking," to use a term introduced by Carl Schmitt in *The Nomos of the Earth*. And with this aim in mind, I shall focus on certain salient details of *The Forgotten Space* that triggered my own reflection on the present theme of **31 — What is a Path?**

The present text presents the first installment of a two-part essay, and the purpose of part one is to establish the historical and conceptual ground for the discussion of other recent works that deal with the symbolic legacy of the sea, among which films by Marcel Broodthaers, Steve McQueen and Stan Douglas, but also a series of glass paintings by Florian Pumhösl. To be sure, I am not interested in unfolding a purely thematic approach, which would update, as it were, the art historical genre of the seascape or literary genre of the sea narrative for the present. There are good reasons why these genres have not become completely absent from the contemporary field of

1 — Michel Serres, *La naissance de la physique dans le texte de Lucrèce*, Paris 1977, p. 65. Translation adapted from Gilles Deleuze / Félix Guattari, *A Thousand Plateaus. Capitalism and Schizophrenia*, Brian Massumi (transl.), Minneapolis 1987, p. 372.

2 — For more information on the film visit: www.theforgottenspace.net (September 17, 2011).

3 — Allan Sekula, *Exh.-cat. Fish Story*, Rotterdam: Witte de With, Center for Contemporary Art et al., Düsseldorf 1995, pp. 116f.

4 — Noël Burch, «Essay Film», www.theforgottenspace.net/static/notes.html (September 17, 2011).

5 — Noël Burch / Allan Sekula, «Political Economy of the Seas», in: *New Left Review*, 69, May / June 2011, <http://newleftreview.org/?page=article&view=2899> (September 17, 2011).

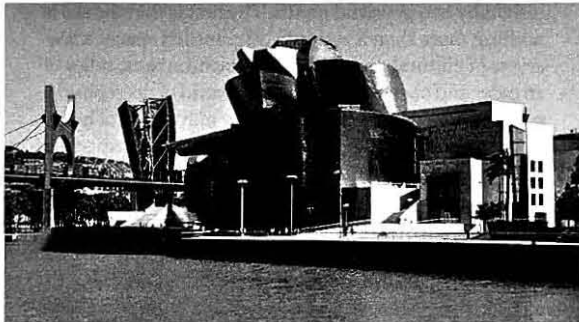
cultural production, but have assumed an anachronistic or outmoded character, which entertainment parks or spectacular movies such as *The Perfect Storm* (USA 2000), *Waterworld* (USA 1995), or *Titanic* (USA 1997), not to mention the Walt Disney franchise *Pirates of the Caribbean* (USA 2003), do nothing to contradict: "We are all invited to lose ourselves at sea," Sekula writes elsewhere, to which he adds: "For

Fig. 2

Museu Guggenheim Bilbao, still from: Noël Burch / Allan Sekula, *The Forgotten Space*, 112 min., The Netherlands / Austria 2010

Fig. 3

Richard Serra, *The Matter of Time* installation, Museu Guggenheim Bilbao, still from: Noël Burch / Allan Sekula, *The Forgotten Space*, 112 min., The Netherlands / Austria 2010



6 – Allan Sekula, «Between the Net and the Deep Blue Sea (Rethinking the Traffic in Photographs)», *October*, 102, Autumn 2002, p. 4. This essay also contains a very pertinent observation on the notion of the sea as "forgotten space": "Five or ten years ago, I was confident that the sea had disappeared from the cognitive horizon of contemporary elites. Now I'm not so sure. The sea returns, often in gothic guise, remembered and forgotten at the same time, always linked to death, but in a strangely disembodied way," *ibid.*, p. 18.

7 – One striking reference to topology in *The Forgotten Space* is Frank Gehry's Guggenheim museum in Bilbao, which is described by Burch and Sekula as "a fading port with a brave maritime history," where "functional atrophy coexists with the symbolic hypertrophy of the Gehry Guggenheim, a delirium of neo-baroque maritime nostalgia wedded to the equally delirious promise of the 'new economy.'" Interestingly, an exhibition of the so-called torqued ellipses of Richard Serra was on display when the filmmakers visited the museum. These sculptures were developed with the assistance of one of Gehry's engineers. Serra has described these works as topological structures that were inspired by Francesco Borromini's architecture and generate a feeling of disorientation and "sea sickness" in the spectator, see David Sylvester, "Interview," in: *Exh.-cat. Richard Serra. Sculpture 1985–1998*, Los Angeles: The Museum of Contemporary Art, Los Angeles 1998, p. 190.

8 – Gilles Deleuze, *Foucault*, Sean Hand (transl.), Minneapolis 1988, p. 121.

most of us, this amounts to chump change in the supermarket of imaginary danger. But my guess is that members of financial elites, especially those investing in the intangibles of the 'new economy,' imagine themselves in a special way to be venturing forth on stormy seas, lifted high by the irrational exuberance of the swells, only to risk being dashed down, disastrously, beneath the waves."⁶ It is this transposition of the political mythopoetics of the sea to a post-Fordist economy of informatized labour that provides the dominant historical horizon to my own essay.

But in order to return to the question *What is a Path?*, what I shall argue in the following is that the maritime space is not established as a simple exterior to a firm terrestrial order of enclosures and boundaries, lines and paths, in the symbolic formations of Western thought. Rather the sea, both as object of cultural imagination and juridico-political disputation, is constituted as an altogether more dynamic, *topological* figure of thought.⁷ **Fig. 2/3** The immense, shapeless expanse of maritime space is inextricably linked to the sedentary sphere of human activity in its very exclusion from a terrestrial mode of social organization. Conversely, what this means, in the words of Gilles Deleuze, is that we can only grasp the interior order of labour, life or language as "an operation of the outside." At the very heart of thought lies an unthought, a kind of political unconscious, which Deleuze describes (in nautical fashion) as a "turbulent, stormy zone where particular points and the relations of forces between these points are tossed about."⁸ This tempestuous zone where micropolitical struggles between social forces take place belongs "to the air or the ocean," rather than the sedimented strata of the historical archive that belong to the earth. An informal zone of strategy, that is, where the very order of inside and outside, inclusion and exclusion, which determines any given, historical formation of knowledge and power, is liable to be turned inside out, to be deformed beyond recognition. Accordingly, Deleuze calls our attention to an allegorical image that Michel Foucault has employed in his *History of Madness* — the Ship of Fools — to render the "mythic" domain of violent and "irrational" behaviour that structures the rational order of Western society from within, rather than existing as a wilderness on its borders, such as Thomas Hobbes' notion of a state of nature. And so Foucault describes the phenomenon of the Renaissance madman, who is cast to sea in his boat: "[...] he is put in the interior of the exterior, and inversely [...] a prisoner in the midst of what is the freest, the openest of routes: bound fast at the infinite crossroads. He is the Passenger *par excellence*: that is, the prisoner of the passage."⁹ This madman inhabits a topological space without orientation, roaming between areas of inhabitation, where categories of inside and outside, incarceration and freedom, no longer apply. He dwells, in other words, in a kind of liminal state of exception and represents therefore to Foucault and Deleuze a counter-figure to the modern system of "Great Confinement," in which those deemed "unreasonable," such as the madman, would be subjected to a disciplinary regime of control and placed under surveillance in a psychiatric ward.

Whereas the social space of European society has become increasingly rationalized, striated and partitioned since the seventeenth century, the symbolic sphere of the sea became linked to a notion of radical freedom; a space that existed beyond the bounds and restrictions of a hierarchical society. The maritime space was transformed into an arena for heroic adventure, blending together the literary traditions of the *Odyssey* and the picaresque novel. The open seas were thus associated with a domain of radical contingency where one undergoes a series of hardships and tribulations that might result, for those lucky enough, in reaping the reward, not only of moral redemption, but more importantly financial profit.¹⁰ Yet what the previous,

allegorical figure of the Ship of Fools tells us is that the maritime sphere is not to be thought of only in terms of a "free sea" or *mare liberum* that lies *outside* the rigid order of a *terra firma*.

It need not be belaboured any longer that the maritime space constitutes a composite, mythic figure in Western consciousness. The sea is not merely a "forgotten space," but a realm that is continuously displaced, repressed, and re-cathected within our cultural imaginary — a complex manifold in the "flat world" of globalization that cannot be mapped in its totality. No wonder, Sekula reflects, that the "oceanic" may refer to an immersive mode of experience that characterizes the modern consumer, whereas Sigmund Freud had originally linked the term to the regressive force of the death drive, which desires a return to a primeval state of non-differentiation. The sci-fi writer J. G. Ballard would make thankful use of such ambivalences surrounding the term "oceanic" in his own allegory of consumer society, *The Drowned World*.¹¹ The sea is thus combined to two opposed vectors of movement: a transcendent, triumphant surge or a regressive, downward spiral. And besides these two movements in opposite directions, which are locked into a system of horizontal and vertical coordinates, there is a third movement that draws another, more supple kind of line. A line that is not linear, but serpentine in nature; a line that is not defined by its end points or points of destination, but by its potential points of inflection and bifurcation. A winding line, like the whale-line in Herman Melville's *Moby-Dick* that "folds the whole boat in its complicated coils, twisting and writhing about it in almost every direction," so that the whalers can become ensnared at any moment, turning the "graceful repose" of the whale-line into an allegory of the "silent, subtle, ever-present perils of life."¹² Alternatively, one may think of the knotted, interwoven line, such as those depicted in the frontispiece of *Fish Story*: a plate from Denis Diderot and Jean Le Rond d'Alembert's *Encyclopedia* that demonstrates the fabrication of fishing nets.¹³ Or, finally, one might call it a line of digression that is perhaps the line that best characterizes the structure of *The Forgotten Space*.¹³

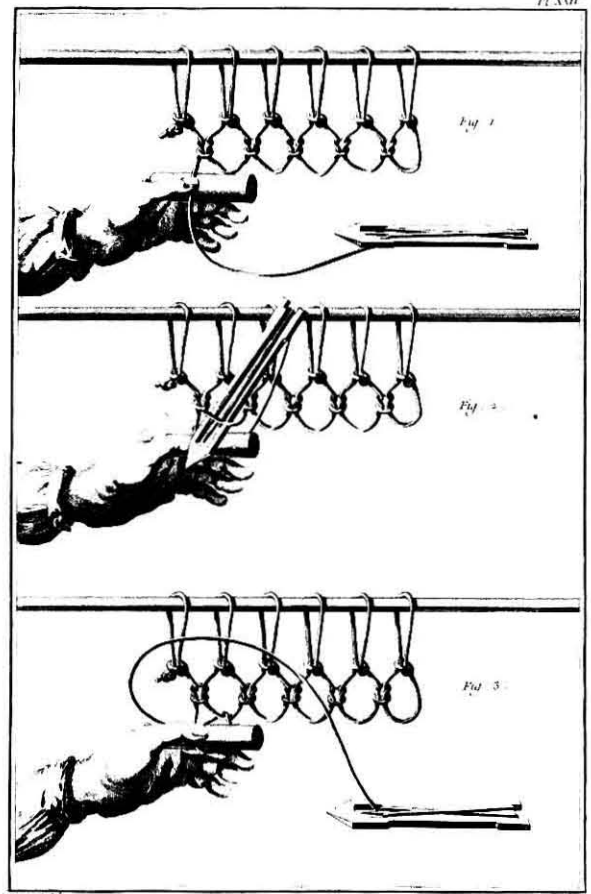
How may we address the nature of such a "coiled" space? In *Fish Story*, Sekula calls upon yet another passage in Foucault's writing where the image of the ship appears: the well-known essay *Des espaces autres* of 1967.¹⁴ In this text, Foucault presents the concept of "heterotopia," which has been invoked in too many contexts already. For this reason, I shall limit myself to only a few comments that will bring the topological figure of maritime space, which I introduced above, into greater focus.¹⁵

What is a heterotopia? According to Foucault, it constitutes a *real* place (in contrast to utopia) in which other, social apparatuses are, at the same time, "represented, contested, and reversed."¹⁶ A heterotopia exists thus "outside all places" even though it can be localized in actual space. It constitutes a kind of counter-site where many incompatible sites are juxtaposed, as in a theatre, or several temporal discontinuities co-exist, as in museums or fairgrounds. Furthermore, one does not simply enter a heterotopia by crossing a threshold into an interior. The very act of "going inside" doubles as an act of exclusion, which places one on the outside. In a quite literal sense, the heterotopia forms a threshold space and, as Foucault asserts, it is the ship at sea that best fulfills this paradoxical state of being both inside and outside: "[...] the ship is a piece of floating space, a placeless place, that lives by its own devices, that is self-enclosed and, at the same time, delivered over to the boundless expanse of the ocean, and that goes from port to port [...] all the way to the colonies in search of the most precious treasures."¹⁷ Not only was the ship the most important work-horse of an emergent capitalist system since the sixteenth century, it must also be recognized as "the greatest reservoir of the imagination." In other words, political economy

and political mythology coincide in the heterotopian figure of the ship or, as Sekula has it, "the ship, a 'real site,' is the metaphoric engine of both *social* and *archival* disruption" that contains the potential to cancel the mute ground of knowledge upon which things are categorized in an orderly fashion.¹⁸

Fig. 4

Frontispiece to *Fish Story*: Fishing, fabrication of nets, from: Denis Diderot / Jean Le Rond d'Alembert (eds.), *Encyclopédie, ou dictionnaire raisonné des sciences, des arts et des métiers*, 28 vols., Paris 1751–72, vol. 7, plate 24



9 – Foucault cited by Deleuze, *ibid.*, p. 97.

10 – Mikhail Bakhtin's definition of the adventure chronotope in classical literature is relevant here, but I shall postpone a discussion of this term until the second part of this essay. Regarding the intimate connection between the adventure myth and the mercantile spirit of capitalism, see Michael Nerlich's two volumes *Ideology of Adventure. Studies in Modern Consciousness, 1100–1750*, Ruth Crowley (transl.), Minneapolis 1987.

11 – See J. G. Ballard, *The Drowned World*, London 1962.

12 – Herman Melville, *Moby-Dick, or, the Whale*, London 2003, p. 305.

13 – I shall expand this typology of lines in the second part of the essay by discussing Florian Pumhösl's *Battle of Manila Bay (Tack Maneuver)* (2005).

14 – See Michel Foucault, «Des espaces autres (conférence au Cercle d'études architecturales, 14 mars 1967)», in: *Architecture, Mouvement, Continuité*, 5, October 1984, pp. 46–49.

15 – Sekula, *Fish Story* (note 3), pp. 116f. Very insightful is also: Cesare Casarino, *Modernity at Sea. Melville, Marx, Conrad in Crisis*, Minneapolis 2002.

16 – Michel Foucault, «Different Spaces», in: *id.*, *Aesthetics, Method and Epistemology*, James D. Faubion (ed.), New York 1988, p. 178.

The heterotopian ship combines the social functions of factory, prison, and polity, all at once, and as a result it may find a place in a (post-)structuralist project of epistemological critique: "[...] an Ark of language transformed into a *Narrenschiff*."¹⁷ Yet, as Sekula insists, we should not forget that it also embodies a *concrete* shard of social space, even though it has been set afloat like a drifting island. I shall return to this hesitation of Sekula between the real and the metaphoric dimensions of the heterotopian ship, but meanwhile I wish to draw attention to Foucault's own conclusion. At the end of *Des espaces autres*, formulated in a highly compact fashion, Foucault articulates a thought that is of great pertinence to the current context. In a civilization without ships, he observes, dreams are no longer possible and the police will drive out the corsairs. To equate a police-state with the absence of a "free sphere" of piracy is not just the symptom of a Romantic streak in the author (although, clearly, there is an adolescent fantasy at work here that persists within the digital space of the Internet). There is a more profound meaning to this comment, which deserves to be unpacked by returning to the maritime history of the sixteenth and seventeenth centuries.

The French corsair, like the British privateer, was a particular category of pirate that did not exist completely "outside" the law. A corsair was a private ship that was recognized as a legitimate combatant by the French crown by means of a "letter of *marque*" and was authorized to raid the ships of enemy nations during wartime, seizing their contents as booty. The

corsair, in other words, operated in a kind of liminal space where a mode of maritime prize law reigned, rather than the terrestrial laws of warfare that prohibited the act of plunder. Even so, it could be to the advantage of the sovereign on certain occasions *not* to acknowledge the acts of the privateer or corsair as legitimate. In the case of the English freebooters, for instance, Carl Schmitt has noted that "the sharp distinctions between state and individual, public and private, even between war and peace, and war and piracy disappeared. [...] their own government, which accepted with alacrity their service and their gifts, often treated them as adversaries for political reasons and sometimes, when necessity demanded, also hanged them."²⁰ Therefore, the ship of the corsair (as in the case of the merchant ship) represented a non-state vessel: it is the sovereign who decides upon its status within or without the law.²¹ Indeed, as the famous opening words of Schmitt's *Political Theology* state: "Sovereign is he who decides on the exception." In other words, one might say that the corsair existed in a *state of exception*, where piracy is both a *transgressive* act — seizing property that is inviolable in terrestrial warfare — and an *unsanctionable* act. It is precisely this paradox of an act of violence that suspends the law's ordinary sphere of reference, but at the very same time provides the very ground upon which the legitimacy of sovereign law is based that determines the state of exception according to the classic definition of Carl Schmitt.²² The sovereign is therefore a border entity that exists both outside and inside the juridical order: "I, the sovereign, who am outside the law, declare that there is nothing outside the law." And this topological figure of sovereign power, as Giorgio Agamben has proposed in another context, is worth reflecting upon because the state of exception entails the possibility of subverting the *constituted* power of the sovereign by the *constituent* power of the corsair: the corsair can always strike out on its own, becoming a pirate that operated beyond the sovereign's circle of influence. In this sense, the pirate ship was a heterotopia, "a world turned upside down" that established a line of flight. Thus, according to some accounts, pirates organized their maritime communities in a democratic fashion, forging a cosmopolitan republic of mariners that opposed the dire discipline aboard merchant and naval ships.²³ However, this "hydrarchy" in the Caribbean would not outlast the sixteenth century for long. This challenge to the sovereign power of European nations was answered by unleashing a kind of police regime upon the seas. All pirates were declared to be enemies of humanity, transforming them not only into criminals or outlaws, but also into a specter of absolute evil. The pirate was therefore forced to retreat, once and for all, beyond the threshold of the law, where he could be destroyed by a sovereign violence without repercussion.

Thus, we can differentiate between three states of lawfulness: a juridical, *internal* order of international law that determined relations between the European nation-states since the seventeenth century, a nonjuridical, *external* "state of nature" as imagined by Hobbes, and, in the overlap between the two, the state of exception. Therefore, as Agamben asserts: "The state of nature and the state of exception are nothing but two sides of a single topological process in which what was presupposed as external (the state of nature) now reappears, as in a Möbius strip or a Leyden jar, in the inside (as state of exception), and the sovereign power is this very impossibility of distinguishing between outside and inside, nature and exception, *physis* and *nomos*."²⁴

I shall need to come back to this concept of the *nomos*, which stems from Schmitt, but before I get too far ahead of myself, let me indicate why this relationship between the state of exception and the "sovereign police," as discussed by both Schmitt and Agamben, will be of interest to me. I have two correlated

17 — Ibid., pp. 184f.

18 — Sekula, *Fish Story* (note 3), p. 117. Sekula refers here to the Classical episteme of knowledge as described in Foucault's *The Order of Things. An Archaeology of the Human Sciences*, London 1970.

19 — Sekula, *Fish Story* (note 3), pp. 116f.

20 — Carl Schmitt, *The Nomos of the Earth in the International Law of the Jus Publicum Europaeum*, New York 2003, p. 174.

21 — It is no stretch of the imagination to view the so-called flag of convenience under which many container ships sail today as a modern version of the old letter of *marque*: it allows shipping companies to operate outside the letter of international treaties that are meant to regulate, for instance, the wages of mariners and the safety aboard ships. The difference being, of course, that it is the shipping companies that profit from this arrangement, not the seafarers themselves. On the deleterious effects of the flag of convenience system on the labor conditions at sea, see Sekula, *Fish Story* (note 3), *passim*.

22 — As Giorgio Agamben explains: "The exception does not subtract itself from the rule; rather, the rule, suspending itself, gives rise to the exception and, maintaining itself in relation to the exception, first constitutes itself as a rule. The particular 'force' of law consists in the capacity of law to maintain itself in relation to an exteriority," Giorgio Agamben, *Homo Sacer. Sovereign Power and Bare Life*, Daniel Heller-Roazen (transl.), Stanford 1998, p. 18.

23 — See Peter Linebaugh / Marcus Rediker, "Hydrarchy. Sailors, Pirates, and the Maritime State," in: *The Many-Headed Hydra. Sailors, Slaves, Commoners, and the Hidden History of the Revolutionary Atlantic*, Boston 2000, pp. 143–173. See also Susan Buck-Morss's comments on this publication in: *Hegel, Haiti, and Universal History*, Pittsburgh 2009, pp. 104–109.

24 — Agamben, *Homo Sacer* (note 22), p. 37.

reasons to broach this topic: firstly, the transformation of the corsair into a criminal during the eighteenth century represents a politico-judicial process that bears a striking resemblance to current tendencies within a globalized economy to instate a generalized state of exception. And whereas the state of exception had been displaced to sea during the period of mercantile capitalism, the present, as *The Forgotten Space* argues as well, no longer respects the former differences between the geo-political order of the land and the sea.²⁵ The lines traced on the one surface appear to mesh with those on the other. Secondly, it should be evident that the state of exception, as defined by Schmitt, provides a concrete, historical instance of Foucault's own notion of heterotopia. Therefore, if I speak at length in the following of a period preceding modernity, it is not for the simple purpose of providing a history lesson. Rather, it is a genealogy of the heterotopian space of the ocean and the ship that I wish to trace. Why? Because this maritime space is not to be comprehended in mere topographical terms, but needs to be grasped in a topological fashion which combines the threads of juridical, political, and aesthetic practice. Or, to put it in another fashion, what does it mean to think Jackson Pollock's *Full Fathom Five* (1947), Marcel Broodthaers' *A Poetic Map of the World* (1968–70), and Florian Pumhösl's *Battle of Manila Bay (Tack Maneuver)* (2005) in relation to one another? This is a task that shall be taken up in Part Two.

Pandora's Box

Let me now return to *The Forgotten Space*. As Burch wryly observed in a recent interview, the film is considered by most movie distributors as too “digressive” in nature to comfortably enter into the exhibition circuits of documentary film.²⁶ Even so, Burch allows us to wonder if the original plan for the film would have been even more demanding. What the two directors apparently had in mind was the “mingling [of] little fictions, and even surrealistic ‘collages,’ with cinema-vérité reportages, library shots, etc.”²⁷ An approach that took its cue from Allan Sekula's previous photo-essay published under the title of *Fish Story*. However, this initial conceit “proved a difficult agenda for all sorts of practical reasons and because of various artistic and ideological frictions within a complex co-production structure,” and so “what principally remains here of the basic concept of the essay film is a rather rambling structure, very largely discontinuous and often digressive.”²⁸

Despite his own provisos, I find Burch's observation about the digressive, discontinuous structure of the movie quite striking. However, I would like to consider this remark in a slightly different light than Burch does. Whereas the latter justifies the digressive quality of the movie in relation to an avant-garde tradition where it becomes a question of the “activation” or “mobilization” of the spectator,²⁹ I would like to inquire why a strategy of digression might serve as an adequate strategy to explore the current spaces of globalization. Even though they may not choose to put it in the following terms, what Burch and Sekula have achieved is a confrontation between “a general theory of routes and paths” and “a global theory of waves.” An art, that is, of being transported along the conduits and channels of the capitalist system of global manufacturing and distribution, which is combined with a kind of countercurrent, a “hydrology of streams in a maze,” where they pick up the eddies that form in the wake of the main flow of controlled and regulated movement. Whereas the pundits of globalization would have us believe that the global

flows of finance, goods, and information enable the creation of a smooth space without friction — a “flat world” — Burch and Sekula have gone in search of the ripples in the current, the vortices where discordant temporalities meet.

As noted, *Forgotten Space* is based on Sekula's photo-essay *Fish Story* that investigates how the cultural representation of the sea shifted from the seventeenth century into the present. Sekula links this shift to certain basic transformations in the political economy of the maritime space as it moved from a mercantile to an industrial system of capitalism. Drawing upon the cultural practices of painting, literature, photography, and film, *Fish Story* presents a lucid montage of ideas and images that delineates how the ideological formations of the maritime world changed within Western consciousness, causing a gradual disappearance of the political “physiognomy of the sailor” from historical memory. For instance, one of the recurrent themes of *Fish Story* (as well as *Forgotten Space*) is the physical displacement of modern harbours to outlying regions. They are located far from the urban centres in order to facilitate the loading and unloading of the huge container ships that maintain the supply lines of a global marketplace. These new harbours have not only become invisible to most urban dwellers — “out of sight, out of mind” — but they are almost deserted of human presence due to automatization. Due to these twin factors of geographical isolation and technological transformation, the historically restive labour force of dockworkers and their militant unions has been largely defeated. “As the class character of the port cities changes,” Burch and Sekula note, “the memory of mutiny and rebellion by dockers, seafarers, fishermen and shipyard workers — struggles that were fundamental to the formation of the institutions of social democracy and free trade-unionism — fades from public awareness.”³⁰ Indeed work has become so absorbing and lonely, as an interview with one crane operator shows in *The Forgotten Space*, that there is literally no time left to swap seaman's yarns and generate new maritime narratives. And so

25— “The point is that the police — contrary to public opinion — are not merely an administrative function of law enforcement; rather, the police are perhaps the place where the proximity and the almost constitutive exchange between violence and right that characterize the figure of the sovereign is shown more nakedly and clearly than anywhere else,” Giorgio Agamben, “Sovereign Police,” in: id., *Means without End. Notes on Politics*, Vincenzo Binetti / Cesare Casarino (transl.), Minneapolis 2000, p. 104.

26— The interview took place with Sven Lütticken at the Stedelijk Museum Bureau Amsterdam on May 24, 2011.

27— Noël Burch, «Essay Film,» www.theforgottenspace.net/static/notes.html (September 17, 2011).

28— Ibid.

29— In all fairness, Burch actually distances himself from the avant-garde tradition of the sixties, which he accuses of being too opaque. He expresses the hope that *The Forgotten Space* will function in a more “transparent” fashion, although he does not wish to recuperate “linearity” as cinematic value at the same time.

30— Burch / Sekula, *Political Economy* (note 5).

the turbulent waters of the “revolutionary Atlantic” seem to have been pacified, or so the myth of the new economy would have us believe. The open expanse of the ocean is no longer criss-crossed by the proverbial motley crew, who not only communicated between centres of unrest, but also fashioned a heterotopian space aboard their ships, which contained the potential of violent acts of sabotage, mutiny or rebellion; to turn the prison into a means of escape.³¹

As I already stated, it is not my intention to go into any great detail here. Rather it is the unusual structure of Sekula's argument that concerns me here. *Fish Story* not only moves in a dialectical fashion, outlining, for instance, a continuous tension between a “panoramic” and a more fragmented view of social reality, but it also develops, as it were, by leaps and bounds, making sudden connections between phenomena, objects, and events that are not necessarily contingent upon each other in time or space. This free-ranging quality of the text (which does not operate by a purely subjective process of association) courts a principle of openness that runs at an oblique angle to the principle of the “free sea” that has dominated the juridical and economic discourse of maritime space since the seventeenth century. Indeed it is the veracity of this metaphor of the free sea that Sekula incessantly questions when it comes to the historical reality of maritime labour and commerce. The motivation of Sekula's project, for sure, is to demonstrate that the past forces of resistance to the global expansion of capitalism, which once abounded in the maritime space, have not

completely spent their energy, but persist into the present. The dream of capitalism, as Sekula argues, might be a world without workers where capital can stream in an unrestricted fashion. It is above all the containerization of maritime trade, which has allowed the trade routes to become more efficiently managed, regulated, and controlled, that has fed this dream, as *Fish Story* and *The Forgotten Space* both contend: “The transition to regularized and predictable maritime flows initiated by steam propulsion was completed a century later by containerization. If steam was the victory of the straight line over the zigzags demanded by the wind, containerization was the victory of the rectangular solid over the messy contingency of the Ark.”³² Indeed it is in the interlinked path of the shipping containers, as they move from one continent to the next, connecting the different parts of a global warehouse, that Burch and Sekula travel.^{Fig. 5} But if we are condemned to living this sovereign fantasy of an interconnected world where “just-in-time” delivery is the norm, how can one establish an alternative, “synoptic” viewpoint that gathers together the fragmentary evidence of forms of life?³³ Is there not a danger that the totality of the one space — where the sovereign power of the commodity holds sway over a homogenized territory — becomes merely the mirror of the other — a communal space of complete equivalence where capital's repressive power can only be shown as a demonic spectacle of pure evil that exists in some pure exterior?

Quoting Aristotle's *De Interpretatione*, the epitaph of *Fish Story* refers to the well-known “paradox of contingent futures”: “A sea-fight must either take place tomorrow or not, but it is not necessary that it should take place tomorrow, nor is it necessary that it should not take place.”³⁴ What Aristotle refutes by this example is the subjection of time to logic; in other words, he objects to a fatalistic conception of the necessary and inevitable course of things. Logic has nothing to say about the contingency of events. Clearly, Sekula's appropriation of Aristotle's words are meant to oppose capitalism's own form of fatalism: especially the *laissez-faire* doctrine of neo-liberalism that proposes that the self-regulation of the market-place will result in economic progress that will benefit the whole of society. To forget the maritime realm or, which comes down to the same thing, to declare its space an anachronism, is to reduce the complex symbolic notion of the free sea to a neo-liberalist concept of free trade. Once the routes of free trade have come to circumscribe the total globe, the “otherness” of the oceans recedes from view. Yet it is Sekula's aim to bring this remainder back to our attention; a certain rebellious excess of the maritime space that cannot be contained. And how this remainder manifests itself is precisely through a kind of contingency of events, an unpredictability of encounters which are not congruent with a global capitalist system of uniform time. Hence, it is not so much a “synoptic” viewpoint that *Fish Story* provides in its montage of texts and images, but a remarkable sensitivity to the anachronisms, the uneven co-existence of different temporalities within the present.

Likewise *The Forgotten Space* presents a series of discontinuous events, a range of episodic moments, in which we become aware of the phenomenon of historical unevenness, which is intrinsic to capitalism development and its cycles of primitive accumulation. That is to say, time is not distributed in a homogenous fashion in the maritime world that is traversed by the camera of Burch and Sekula. Not only do they highlight various forms of non-synchronicity, of the co-existence of “archaic” and “modern” modes of existence and labour, but in following the lines of global capital across the oceans, they stumble across multiple situations in which an asymmetrical distribution of power in society becomes visible, whether in the form of labour struggle or other, more fugitive modes of sociability that occur,

Fig. 5

Deck of Container Ship, still from: Noël Burch / Allan Sekula, *The Forgotten Space*, 112 min., The Netherlands / Austria 2010



31 — See, among other places, the section «Phantom Mutiny.» in: Sekula, *Fish Story* (note 3), pp. 112–124. Also «Live Cinders» (p. 183): «Mutiny, however antiquated as a form of rebellion, somehow retains its threat and promise, its claim to turn the prison itself into a vehicle of flight. Even the elderly and well-to-do passengers in cruise ships are sometimes imagined to be capable of mutiny, and doubtless a television drama has been, or will be, made on this theme.»

32 — Sekula, *Fish Story* (note 3), p. 49.

33 — «Are there, even today, forms of human agency in maritime environments that seek to build a logical sequence of details, a synoptic interpretation of observed events? Is it possible to construct such knowledge from below, or is this only the purview of elites? Can these questions even be approached in the present tense, in the face of an automated, accelerated, computer-driven, and increasingly monolithic maritime world?», *ibid.*, p. 133.

34 — Aristotle cited by *ibid.*, p. 9.

as it were, mid-stream, in between the nodal points of capitalist production and exchange, in left-over spaces or sites that are temporarily appropriated. In this manner, *The Forgotten Space* distinguishes itself from the standard genre of the documentary which tends to magnify out one field of social injustice and political struggle, but in building its “digressive” chain of equivalences between moments of open resistance, as in the case of truck drivers who lack job protection, unfocused discontent, as the dockworkers in Rotterdam who due to automatization must labour in near solitude, or tenuous collectivity, such as the Philippine maids in Hong Kong who gather every Sunday, turning a vacant space below the banks into a “picnic ground, hair salon, church, school, dance hall and political forum,” there is no joint symbol that binds these social spheres together or, in a strange manner, it would have to be the shipping container itself. **Fig. 6**

At least such is the implication of *The Forgotten Space*. “What began in the mid-1950s as a modest American improvement in cargo logistics has now taken on world-historic importance. The cargo container — a standardized metal box, easily transferred from ship to truck to train — has radically transformed the space and time of port cities and ocean passages. There have been enormous increases in economies of scale.”³⁵ And with this quantitative change, comes a qualitative shift: the shipping container comes to stand for an immense, ever-mobile apparatus of production and circulation, a global factory / warehouse, that exceeds our ability to create a cognitive map of our position within this totality. Its complex mechanisms of power are so difficult to visualize that Bertolt Brecht’s famous comment that a photograph of the Krupp’s factory reveals nothing about the forces of exploitation seems to pale in comparison.³⁶ Hence, the strategic move of *The Forgotten Space* to oppose the false myths of the sea — its existence as “a residual mercantilist space” that is redundant to a post-industrial society — with a myth of their own.

The shipping container is not just an economic unit therefore, but the ambivalent symbol that communicates between the two series of capitalist production and social struggle. Throughout the film, the serialized unit of the shipping container functions as a symbol of the interconnected circuits of global capitalism. The ubiquitous and uniform corrugated steel container assumes the character of a kind of black box into which the input of productive forces disappears or, as Sekula puts it in *Fish Story*, the shipping container resembles a “coffin of dead labor power.”³⁷ An evocative image to which *The Forgotten Space* supplements another, namely the shipping container as a *Pandora’s box*,³⁸ **Fig. 7** suggesting that the shipping container may very well be the undoing of the very economic order it helped install as it can also function as a vehicle of infiltration, a Trojan Horse at the service of terrorists, or, in a more fundamental, *internal* threat to the economic system, the shipping container actually spurs on a global machine of over-production and over-consumption which has repeatedly proven not to be sustainable in the long run.³⁹

The shipping container is a symbolic object and a rather unusual one at that: it appears to “contain” nothing. In part this stems from the fact that an *actual* shipping container hides its heterogeneous contents from any external spectator. This provides just another symptom, Sekula claims, of the invisibility of the maritime world: its “global patterns of intrigue” are no longer easily revealed by the spilled contents of a wooden crate that is accidentally dropped on the dock.⁴⁰ Indeed the only distinguishing features of the shipping container are the company’s logo and a serial number. Stacked one on top of the other, the boxes even acquire “the proportions of slightly elongated banknotes.”⁴¹ In view of this incessant, symbolic slippage of the cargo

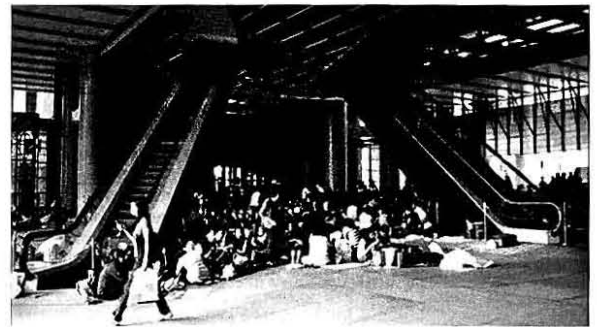
container in Sekula’s text, I feel emboldened to suggest that this blank, serial object obtains a linguistic function that is similar to that of an empty signifier. Perhaps this seems an odd conjecture to make as Sekula insists that the shipping container is not a neutral object, but a major instrument of economic control in the “deregulated” and “free” spaces of the world market. However to state that the symbolic operations of the shipping container are similar to those of an empty signifier is not to state that it is devoid of any potential political significance. The truth of the matter is quite the opposite. Sekula has insisted upon the need “to be stubbornly literal” and

Fig. 6

Gathering of Philippine Maids in Hong Kong, still from: Noël Burch / Allan Sekula, *The Forgotten Space*, 112 min., The Netherlands / Austria 2010

Fig. 7

Opening Pandora’s Box. An excerpt from Robert Aldrich’s *Kiss Me Deadly* (USA 1955), still from: Noël Burch / Allan Sekula, *The Forgotten Space*, 112 min., The Netherlands / Austria 2010



35—Burch/Sekula, *Political Economy* (note 5).

36—According to Fredric Jameson’s well-known definition, the aim of an aesthetic of cognitive mapping is «to enable a situational representation on the part of the individual subject of that vaster and properly unrepresentable totality which is the ensemble of society’s structures as a whole», Fredric Jameson, *Postmodernism or, the Cultural Logic of Late Capitalism*, Durham 1991, p. 51. It is interesting to note that Jameson situates this practice of cognitive mapping within a genealogy of nautical mapping. He reasons, for instance, that the introduction of new instruments of navigation — compass, sextant, and theodolite — introduced a new relationship of human subjects to the “unlived, abstract conceptions of the geographic totality.” And with the subsequent invention of new representational codes — the first globe, Mercator projection — which established “the unresolvable (well-nigh Heisenbergian) dilemma of the transfer of curved space to flat charts”; it became clear that “there can be no true maps.”

37— See Sekula, *Fish Story* (note 3), p. 137.

38— An excerpt from Robert Aldrich’s film noir classic, *Kiss Me Deadly* (USA 1955), is used to drive home this point.

not reduce one's diagnosis to the level of mere exercise in epistemological critique.⁴² Nevertheless, I would venture that a little "structuralism" will bring us a long way to clarifying what is at stake.

In brief, then, what is an "empty signifier"? It is the very symbol of symbolic value as such; a signifier devoid of meaning, but therefore capable of receiving any meaning whatsoever. Every system of signification requires such an empty signifier in order to generate meaning, or, as Claude Lévi-Strauss asserts, "[...] to fill a gap between the signifier and the signified, or, more exactly, to signal the fact that in such a circumstance, on such an occasion, or in such a one of their manifestations, a relationship of non-equivalence becomes established between signifier and signified, to the detriment of the prior complementary

relationship."⁴³ The empty signifier is a third term that mediates between two series of signifiers and signifieds, without being a member of either one. But if the empty signifier is not *included* within a specific order of signification, it is never completely *excluded* either. For this reason, Deleuze would state, for instance, that the empty signifier manifests itself as a *singularity* that establishes a potential point of disjunction between the two series of signifiers and signifieds, jettisoning a line of flight that escapes the "prison" of language.⁴⁴

The classic example of an empty signifier is given by Claude Lévi-Strauss, namely the universal, if highly elusive notion of *mana*, which refers to certain magical "manifestations" which transcend human comprehension. The empty signifier can be thought to register a blank within discursive space — a symbolic zero value — and, at the very same time, an excess of meaning "over and above" that which the signified already contains within a given symbolic order. This paradoxical relation of "inclusive exclusion" which defines the empty signifier is caused by a fundamental in-adequation between the dual series of signifiers and signifieds; that is, a "non-fit" between the system of language and a universe that is deemed significant, but not therefore fully *known*. Trying to think back to the origins of language, Lévi-Strauss muses that "it is as if humankind had suddenly acquired an immense domain and the detailed plan of that domain, along with a notion of the reciprocal relationship of domain and plan; but had spent millennia learning which specific symbols of the plan represented the different aspects of the domain."⁴⁵ And so the structural anthropologist invents his own version of the dictum "the map is not the territory."

So what about the shipping container? It can be said to forge a link between the nodal points of the global factory. Within the space of communication technology, the shipping container is a fully fixed entity — its location and direction is known at every moment. However, when we consider the shipping container as an abstract unit of exchange a different scenario takes shape. At this point it becomes a symbol of presence and absence, wealth and death, "banknote" and "coffin." The shipping container is the mobile object that connects and disconnects the dual series of signifier and signified; it is the empty signifier that links and delinks the dual series of equivalence and difference.⁴⁶ Thus when Burch and Sekula venture into maritime space, following in the path of the shipping container, they establish a chain of equivalences between different bodies that incarnate opposition to the exploitative force of global capitalism. However, the longer this chain is extended, the less any concrete struggle can retain its exclusive identity.⁴⁷ The film becomes a thread of the most fragile linkages between communities under threat: the dockworkers forced to labour in isolation; the Hispanic truck drivers in Los Angeles who have to compete with each other as "private entrepreneurs;" the Filipino maids in Hong Kong who gather once a week in a public square; the croupiers of off-shore gambling ships that spend their free time surfing the web in a mariner's club ^{Fig. 8}; the factory girls in the Chinese "hinterland" living in cramped, communal quarters not unlike a ship's cabin; the homeless who inhabit a no-man's land guarded by private security agents who are but one step away from indigency themselves. And, of course, mediating between all these localities, the multi-ethnic crew of container ships who suffer conditions "not unlike those experienced by the lascars of the 18th century."⁴⁸

The sea constitutes a state of exception where lines connect and disconnect, or as Schmitt has written, the sea "has no character, in the original sense of the world [...] which means to engrave, to scratch, to imprint." An observation that is provided poetic resonance by quoting a line from Friedrich Schiller's

39—For a more developed analysis of the function of the shipping container within the current, global economy, see Brian Holmes, "Do Containers Dream of Electric People? The Social Form of Just-in-Time-Production," <http://brianholmes.wordpress.com/2011/08/19/do-containers-dream-of-electric-people/> (September 17, 2011). Holmes demonstrates how the shipping container has become part of a global system of data management which was invented, precisely, to forestall the crises of capitalism that resulted from the fact that companies could not foresee when the markets became satiated. Holmes outlines a delicate, topological relationship between interior and exterior forces in the global economy: on the one hand, transnational companies strive to enclose the multitude of consumers within their global net of programmed "affects," but they must simultaneously protect themselves against too much exposure to competitors on the "open" markets.

40—See Sekula, *Fish Story* (note 3), p. 32.

41—See *ibid.*, p. 12.

42—Sekula is speaking of Michel Foucault's notion of heterotopia, which he advises can not be detached from "his interest in actual prisons and prison revolts," *ibid.*, p. 117.

43—Claude Lévi-Strauss, *Introduction to the Work of Marcel Mauss*, Felicity Baker (transl.), London 1987, p. 56.

44—See, for instance, Gilles Deleuze, "How Do We Recognize Structuralism?," in: *id.*, *Desert Islands and Other Texts 1953–1974*, Michael Taormina (transl.), New York 2004, pp. 170–192.

45—Lévi-Strauss, *Introduction* (note 43), pp. 60f.

46—And there are many such empty signifiers connected to the cultural imagination of maritime space. Take, for instance, the whiteness of the wale in *Moby-Dick* which Melville compares to the "dumb blankness, full of meaning" of a wintry landscape or to a starry night that "shadows forth the heartless voids and immensities of the universe, and thus stabs us from behind with the thought of annihilation," Melville, *Moby-Dick* (note 12), p. 212. As natural philosophy teaches us, Melville continues, whiteness is "not to much a color as the visible absence of color, and at the same time the concrete of all colors," whereas the multi-hued spectacle of the earth is but a deceptive illusion of Nature that "paints like a harlot, whose allurements cover nothing but the charnel-house within," *ibid.* Like the "desert" of Kasimir Malevich's white on white monochromes, the whiteness of *Moby-Dick* offers a blank, silent surface and a potential depth of significance. On this topic, see Casarino, *Modernity at Sea* (note 15) as well as Deleuze / Guattari, *Thousand Plateaus* (note 1).

47—See Ernesto Laclau's "Why do Empty Signifiers Matter to Politics?," in: *id.*, *Emancipation(s)*, London 1996, pp. 36–46.

48—Burch / Sekula, *Political Economy* (note 5).

Bride of Messina: "On the waves, there is nothing but waves."⁴⁹ Nevertheless, this passage from Schiller's tragedy not only speaks of the sea as a desolate realm that is utterly devoid of sense or orientation. Rather, Schiller develops the theme of the "free sea" as a domain of risk and profit, where nothing can be certain as the sea "knows no property." Likewise, in Schmitt's own account, the symbolic legacy of the sea is not reducible to a blank, non-differentiated expanse, upon which an earthbound humanity projects its primordial anxiety and fear, although this was how the sea was perceived at first. In the post-Renaissance era, however, the "character-less" sea would become the very foundation of a new Eurocentric, global order of international law — a dual domain of "death and destruction" as well as "adventure and profit" — and it is to a description of this world-historical event that I must now turn.

Land / Sea

Whereas the earth as firm foundation [Grund] and ground [Boden] forms the condition of family life, the sea constitutes the natural element for the industry, animating its outward drive. In its exposure to danger, the passion for gain transcends this danger, and displaces the terrestrial fixation of civic life, with its limited cycles of pleasures and desires, with the fluid element of danger and destruction. This desire for wealth connects distant lands by means of the sea — the greatest medium of communication — establishing trade routes and initiating the legal relationship of treaties. This exchange between countries not only forms one of the chief means of culture but also provides trade its world-historical significance.

Georg Wilhelm Friedrich Hegel,
Grundlinien der Philosophie des Rechts ⁵⁰

All nations aspiring to greatness press to the sea, Georg Wilhelm Friedrich Hegel maintains, whereas those nations that turn their back on seafaring are destined to become "dull" and sink into "the most horrible and shameful superstitions."⁵¹ The open, hazardous expanse of the sea drives a civic community "beyond its own limits," causing it to transcend its own boundaries as a self-enclosed society. In order to sustain itself, human society cannot remain immured within the productive cycle of the *oikos*, or family household. It must expand its manufacturing base, develop foreign trade, and extend its territorial reach by means of foreign exploration, conquest, and colonialization. The sea, in other words, is the "fluid element" which is placed in opposition to the telluric element of sedentary society, which is rooted in one place and organized in a rigid fashion. It is, therefore, an element of "danger and destruction" which immediately threatens the autarchic order of this civic community, but rather than exposing and potentially submitting this community to an anarchic or "barbarian" outside, the sea is what provides a fertile soil for the development and refinement of the cultural and legal domains of human society.

This Hegelian dialectic between a free sea (*mare liberum*) and a firm earth (*terra firma*) has taken ever-more complex forms in the two centuries following its initial statement. In *Fish Story*, Sekula leaves no doubt that the "free space" of the oceans played an indispensable role in the emergence of modernity, furnishing the successive stages of mercantile and industrial capitalism with their necessary horizons of primitive accumulation, while also providing a fertile domain for the cultural imaginary of Europe, an agonistic theatre of representation in which the myriad conflicts of capitalism could be staged by means of allegorical scenes and symbolic narratives. Yet this dualism between land and sea has become erased from social consciousness, and

the literary characters that once populated and provided visibility to the maritime stage — the sailor, the pirate, the whaler, the merchant — have been transformed, migrating to other fields of existence and other forms of adventure. Little remains of the grand traditions of the seascape and the maritime narrative in the present, as Sekula observes, with a tinge of melancholia, even though he is certainly not claiming that this tradition can or should be revived in the present. What may be said, instead, is that on the one hand seafaring has become the dominant trope of the digital age — the information age is a "liquid" world — and on the other hand the sea has become absorbed by the territorial, segmentary order of the land. Just consider, for instance, the manner in which Burch and Sekula rewrite Foucault's notion of the ship as heterotopia in the light of globalization: "As ships become more like buildings — the giant, floating warehouses of the 'just-in-time' system of distribution — factories begin to resemble ships, stealing away stealthily in the night, restlessly searching for ever cheaper labour."⁵²

But I would like to leave these two contemporary versions of the land/sea dialectic — the sea contained by the earth versus the earth contained by the sea — for later discussion.⁵³ Of more immediate importance is to reflect on the very nature of this land/sea dualism that the passage from the *Philosophy of Right* introduced to us. To be more specific, I would like to

Fig 8

Croupiers in the Mariners' Club, Hong Kong, still from: Noël Burch / Allan Sekula, *The Forgotten Space*, 112 min., The Netherlands / Austria 2010



⁴⁹— Schmitt, *Nomos of the Earth* (note 20), pp. 42f. The relevant passage from Schiller's *Die Braut von Messina* is: "Wer das grüne, kristallene Feld / Pflügt mit des Schiffes eilendem Kiele, / Der vermählt sich das Glück, dem gehört die Welt, / Ohne die Saat erblüht ihm die Ernte! / Denn das Meer ist der Raum der Hoffnung / Und der Zufälle launisch Reich: / Hier wird der Reiche schnell zum Armen, / Und der Ärmste dem Fürsten gleich. / Wie der Wind mit Gedanken-schnelle / Läuft um die ganze Windrose, / Wechseln hier des Geschickes Lose, / Dreht das Glück seine Kugel um, / Auf den Wellen ist alles Welle, / Auf dem Meer ist kein Eigentum," Friedrich Schiller, "Die Braut von Messina," in: id., *Sämtliche Werke*, Peter-André Alt (ed.), 5 vols., Munich 2004, vol. 2, pp. 852f

⁵⁰— Transl. E. de B., Georg Friedrich Wilhelm Hegel, *Grundlinien der Philosophie des Rechts oder Naturrecht und Staatswissenschaft im Grundrisse*, in: *Werke*, 20 vols., Eva Moldenhauer / Karl Markus Michel (eds.), vol. 7, Frankfurt a. M. 1979, p. 391.

⁵¹— Transl. E. de B., *ibid.*, p. 392.

⁵²— Allan Sekula / Noël Burch, «Notes for a Film,» www.theforgottenspace.net/static/notes.html (September 17, 2011).

question if what Hegel presents as a dialectical opposition between land and sea truly can be said to represent a dualism in quite this fashion. That is to say, how is this dichotomy *specifically* modulated within modernity?

A Panorama Crowded

In *Fish Story*, Sekula follows a clear periodization of the cultural history of the sea that is based upon structural transformations within the political economy of maritime space. Let me provide a quick sketch of this standard historical schema: following upon the “age of discovery” and the first wave of colonialization, a system of mercantile capitalism established itself in the course of the seventeenth century. Although the Spanish and Portuguese would attempt to divide the spoils of the New World amongst themselves, the newly emergent sea-powers of Northern Europe, the Dutch Republic and England, were quick to challenge their naval and commercial dominance of the seas. Already at the beginning of the seventeenth century, Dutch legal theory would formulate a principle of the free sea — *mare liberum* — which stated that the oceans were a public good, belonging to all of humanity, and therefore open to free trade. The Dutch jurist Hugo Grotius, author of the influential treatise *The Freedom of the Seas, or the Right which Belongs to the Dutch to Take Part in the East India Trade* (1608), is quoted by Sekula as

follows: “[...] the OCEAN, that expanse of water which antiquity describes as the 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.”⁵⁴ The treatise was prompted by a juridical and political controversy: after the Dutch had reached the eastern Indian Ocean in 1597, the Spanish and Portuguese denounced them as pirates. A few years later, indeed, the Dutch East India Company seized a Portuguese trade ship off the coast of Singapore, claiming its cargo as booty. Grotius was retained by the trade company in order to defend their action and argue against the Portuguese declaration of a *mare clausum*.⁵⁵ Under these dubious circumstances, Grotius devised a new legal principle of the ocean as international territory that was to be open to all nations for the free pursuit of sea-faring trade. His pamphlet would earn him the prestige of being viewed as one of the founding fathers of international law.⁵⁶

How could the seventeenth-century artist imagine such an intangible notion of the sea as *mare liberum*; that immense, open expanse that can “neither be seized nor enclosed” as Grotius put it? Sekula introduces the term “panoramic space” to characterize the pictorial format of the Dutch maritime paintings of the seventeenth century. The panoramic not only says something about the scale of the paintings or the horizontal scope of their view, but also designates a specific epistemological *dispositif* of perception. Although he does not use this exact term, Sekula’s argument is based on a Foucauldian mode of historical diagnosis (by way of Svetlana Alpers), and he claims that this epistemic formation of the panoramic is characteristic of Dutch scientific and artistic culture during the seventeenth century. In brief, the panoramic *dispositif* operates according to a descriptive and topographic mode of representation, which does not place the viewer in a fixed position as in the Renaissance system of linear perspective, but allows a more mobile mode of viewing. Whereas the pictorial apparatus of linear perspective painting treats the pictorial plane as a kind of window through which the viewer peers at a framed and enclosed landscape, the Dutch maritime painting fashions the world according to a cartographic sensibility, creating an *additive* form of spatial experience. What is of interest to my own argument is that Sekula indicates an inherent contradiction of the panoramic *dispositif*, which in loosening the frame of vision cannot quite contain the dialectic of inside versus outside. It provides, for instance, a comprehensive view of a harbour scene, yet simultaneously opens onto a virtual world that lies beyond the continuous horizon.

If we look at Hendrick Vroom’s *View of Hoorn* (1622), for instance, the Dutch city is placed, as it were, at the epicentre of a global circle with various ships returning from across the seas to this safe-haven (the Dutch word for harbour) carrying their bountiful cargo to replenish the city’s stock of commodities. ^{Fig. 9} Meanwhile other ships are departing, moving beyond our immediate scope of vision, in order to renew the cycle of capital accumulation, in search of new goods to seize or acquire. Despite the topographical exactitude of the painting, teeming with accumulated detail, Sekula suggests that the frame of the painting is not able to contain this vista as a self-complete whole.⁵⁷ To put this observation in semiotic terms, one might state that the plenitude of the map-like surface, where each object is assigned its proper place, is structured upon a constituent absence. In the end, it is the very “freedom” of the *mare liberum*, the indifferent nature of its immense space beyond the horizon, which undermines the organizational system of the panorama. The to and fro movements of ships across the horizon cause this infinitely distant, yet infra-thin line to assume the function of Lévi-Strauss’s empty signifier which enables, but also disrupts the orderly

53— Consider Sekula’s comment on the need to trace «the capitalist line of progress [...] from the Pacific sweatshops of the whale ship and copra plantation to the assembly lines of the computer and apparel and toy industries, or the modernized indentured servitude aboard the containerized vessels that bring these products to market.» Allan Sekula, *Net and the Deep Blue Sea* (note 6), p. 11.

54— Hugo Grotius, *The Freedom of the Seas, or the Right Which Belongs to the Dutch to Take Part in the East India Trade* (1608), cited by Sekula, *Fish Story* (note 3), p. 44.

55— In *The Nomos of the Earth*, Schmitt provides an extensive discussion of Grotius’s thesis and its aftermath. He notes that maritime law is distinct from terrestrial law due to the fact that the waters cannot be “effectively occupied” and therefore can not be appropriated by sovereign powers in the same sense as land property. To adopt a principle of the free sea, therefore, is to declare all previous (Spanish and Portuguese) titles of discovery invalid and to justify the break up of existing trade monopolies by force of naval power. Grotius’s pamphlet was to form the opening shot in a hundred year “Battle of Books” which ultimately would be settled in favor of Grotius.

56— Schmitt was less impressed by Grotius. According to him, Grotius not only appropriated the arguments of the Spanish jurist Francisco de Vitoria on free trade and the freedom of Catholic missions, but also transposed them to an another context created by the existence of mercantilist nations, see Schmitt, *Nomos of the Earth* (note 20), p. 117.

57— Although Sekula notes that such paintings are in no way empirically exact: the city has been raised to dominate the horizon, whereas from the deck of a ship it would seem to sink below the horizon, see Sekula, *Fish Story* (note 3), p. 47.



Fig. 9
Hendrick Cornelisz
Vroom, *View of Hoorn*
(1622), oil on canvas,
202,5 x 105 cm (West-
fries Museum, Hoorn)

distribution of mobile signs (ships and goods) within sight of the Dutch territory. Although Sekula does not present the problem in quite the same manner, he does suggest the need for a second level of analysis to back up the epistemological model of the panorama he introduced at first. He proceeds to identify Dutch maritime painting as an "allegory of empire": "The psychology of the panorama is overtly sated and secretly greedy, and thus caught up in the fragile complacency of disavowal."⁵⁸ The *View of Hoorn* presents a "contained" vista of plenitude to the spectator, but it implies another, distant scene of rapacious accumulation. And whereas the ocean's horizon may symbolize the "free seas" of endless profit, it is also the threshold across which an enemy fleet may appear at any time, threatening the peaceful scene with "danger and destruction" (Hegel). The violence that is inherent within the system of mercantile capitalism is prone to rebound upon itself at any time. After all, the true purpose of the merchant ship is to be a war machine and to engage in "bloody plunder."

With the rise of industrial capitalism, Sekula continues, the "confidence and measure" of the panoramic dispositif of mercantile capitalism — which was highly tenuous to begin with — was thrown into a deep state of crisis. A panoramic model of realism would persist in the nineteenth century, but its mode of operation would be essentially altered. At the outset of his main essay in *Fish Story*, Sekula illustrates the altered function of the panoramic by means of an extensive quote from the first book of the young Friedrich Engels' *The Conditions of the Working Class in England* (1845). It is worth repeating these opening lines as it provides a precise counterpoint to my own opening scene:

"When Friedrich Engels set out in 1844 to describe in detail the living and working conditions of the English working class, he began oddly enough by standing on the deck of a ship: 'I know nothing more imposing than the view one obtains of the river when sailing from the sea up to London Bridge... All this is so magnificent and impressive that one is lost in admiration.' For Engels, the increasing congestion of the Thames anticipated a narrative movement into the narrow alleys of the London slums. Very quickly, the maritime view — panoramic, expansive, and optimistic — led to an urban scene reduced to a claustrophobic *Hobbesian war of all against all*."⁵⁹

The passage demonstrates how the seeming totality of the panoramic view could serve as a foil to a newer realism of *detail* which is construed as "an art of crowded streets, previously hidden details and the statistics of misery."⁶⁰ At the same time, this dialectic of the whole versus the detail (common to any Marxian critique of modern culture) would seal the fate of the panoramic as an outmoded or *anachronistic* mode of representation (a topic to which I shall return).

The majestic sweep of the Thames is contrasted to the congested warren of the streets in the slums of London. On land, industrial capitalism is beginning to churn up the previous social order, creating new zones of disorder, whereas out to sea another order seemed to hold, one where a clear division between ship and land, ship and sea, could be visualized as in the panoramic space of the seventeenth century. The rhetorical effect of this juxtaposition in Engels' text is evident (as well as its contrast to the opening scene of *The Forgotten Space*⁶¹). Nevertheless, Engels might have argued with more right that the Hobbesian

⁵⁸—Ibid., p. 43.

⁵⁹—Italics E. de B., ibid., p. 42.

⁶⁰—Ibid., p. 46.

⁶¹—In the prologue and the epilogue to *The Forgotten Space*, the film descends below the dike of the river to discover a largely abandoned Flemish town that has to make way for the expansion of the Antwerp harbour — a "land-appropriation" by the sea economy that has forced the terrestrial dwellers into a kind of internal exile. The film ends on the rhetorical question "what hospitality would be extended to stranded seafarers if a bankrupt ship were to moor in the estuary?" A question that appears to be in line with Giorgio Agamben's suggestion that Europe needs to be conceived not as an impossible "Europe of all nations," but as an "aterritorial or extraterritorial space in which all the (citizen and noncitizen) residents of the European states would be in a position of exodus or refuge [...]. This space would coincide neither with any of the homogenous national territories nor with their topographical sum, but would act on them by articulating and perforating them topologically as in the Klein bottle or in the Möbius strip, where exterior and interior in-determine each other," Giorgio Agamben, "Beyond Human Rights," in: ibid., Means without End (note 25), p. 25.

state of nature that he sees spreading on the mainland was a sea-born phenomenon. And so I return once more to Carl Schmitt's *Nomos of the Earth*.

A Global Linear Thinking

If, for Hegel, the antithesis between land and sea was transcended within the international sphere of commerce and legislation, thereby securing the forward march of history, for Schmitt the sea maintains a more paradoxical relationship to the terrestrial unity of order and orientation. His ideas on this topic are unfolded in *The Nomos of the Earth*, which was published in 1950, but written during the previous decade. Therefore, the book was conceived in the aftermath of the *jus publicum Europaeum*, which is how the author designated the post-Westphalian, European order of nation-states. This system of international law, which lasted until the early twentieth century, overcame the religious strife of the sixteenth century and construed an equal relationship between nation-states. Typical of this system is the notion of the "just enemy": the state confronts its foes on a basis of mutual recognition as if fighting a duel. As a result, Schmitt claims, the conduct of war became "rationalized" and its agonistic domain of death and destruction was "bracketed" from civil society.

Leaving aside the unmistakable nostalgia that Schmitt expresses for this former, Eurocentric order of international law, it is the spatial mode of thought that Schmitt develops in his book that holds my attention. Schmitt intended *The Nomos of the Earth* to bring about a comprehensive revision of juridical thought by returning the tradition of law or *nomos* to its founding moment; that is to say, the concrete act of appropriating land or what Schmitt calls a "Landnahme". According to Schmitt, the *nomos* should not be confused with a formal system of rules, but must be comprehended as both a historical *event* and physical *process* of land seizure and occupancy. As he takes pain to note, the Greek noun *nomos* is derived from the verb *nemein*, which means to take or appropriate (*nehmen* in German) as well as to divide and distribute (*teilen* as in *Ur-teil*, which means decision

or judgment). And thus the German jurist is able to summarize his theory of *nomos* by stating "the history of peoples with their migrations, colonializations, and conquests is a history of land-appropriation."⁶²

There can be no doubt, therefore, that Schmitt in the first instance asserts the telluric character of human community; in fact, he introduces his book with a mythological figure of earth as the "mother of law":

"The earth is bound to law in three ways. She contains law within herself, as a reward of labor; she manifest law upon herself, as fixed boundaries; and she sustains law above herself, as a public sign of order. Law is bound to the earth and related to the earth."⁶³

Law is earthbound. With each event of land appropriation the earth is divided and partitioned among the members of a community, creating particular localities to which the community then becomes attached. In the process of clearing and working the land, firm lines are "engraved and embedded" on the surface of the earth, which are then made apparent by means of "fences, enclosures, boundaries, walls, houses, and other constructs."⁶⁴ The elementary meaning of *nomos* is indeed that of a "fence-word," signifying "dwelling place, district, pasturage."⁶⁵

Through a constitutive act of territorialization, the order (*Ordnung*) and orientation (*Ortung*) of human social life become manifest. It is this unity of order and orientation that allows the basic forms of social life — families, clans, tribes, and estates — but also forms of ownership and relations of power to take root. World history is thus described as a series of distinct *Landnahmen* that each gave rise to a new spatial order, a new *nomos*: each historical period knows its own *nomos*. But at this point we may ask how the European *nomos* of the nation-state was established?

Here the mythopoetic dimensions of Schmitt's thought become unmistakable.⁶⁶ His basic concept of law is not only based on a primordial appropriation of the earth by humanity, but on a dichotomy between the *elementary* spheres of land and sea. From ancient times onwards, the terrestrial *nomos* with its axiomatic system of order and orientation was opposed to a maritime space that existed, as it were, beyond the law. The sea, Schmitt asserts, is an indifferent, "character-less" element: it "knows no such apparent unity of space and law, of order and orientation," and on its surface no physical lines or social boundaries can be traced. Therefore, one might state that the sea resists representation, like those blank spaces on early world maps. Yet Schmitt is not saying that the maritime element is unknowable, but that it belongs to a different *nomos*. Land and sea give rise to two different forms of appropriation, a *Seenahme* versus a *Landnahme*, that establish different moral values and legal rules. In fact, the *nomos* of the land and the sea are contemporaneous, yet not co-extensive spatial orders. Indeed, as I have already implied, the *nomos* of the *jus publicum Europaeum* requires or presupposes an act of sea-appropriation.⁶⁷

But when may we first begin to speak of a *Seenahme* that acts as the corollary of a *Landnahme*? There had been other empires that extended out to sea before the 16th century, other *thalassocracies*, but they had been limited to regional seas such as the Mediterranean or the Baltic. The situation changed radically with the discovery of the global expanse of the world:

"No sooner had the contours [*Gestalt*] of the earth emerged as a real globe [*Globus*] — not just sensed as myth, but apprehensible as fact and measurable as space — than there arose a wholly new and hitherto unimaginable problem: the spatial ordering of the entire earth [*Erdenballes*] in terms of international law. The new global image [*globale Raumbild*], resulting from the circumnavigation of the earth and the great discoveries of the 15th and 16th centuries, required a new global spatial order."⁶⁸

⁶²—Schmitt, *Nomos of the Earth* (note 20), p. 328.

Note that *nomos* is also the root of *nomad*, but Schmitt allows no true place for the nomadic in his theory of the *nomos*. Nomadism and migratory movements are always framed within a dominant, historical impulse towards the establishment of sedentary communities. Schmitt connects the notion of pasturage to that of the *oikos* or household as primary site of production. This is why Deleuze and Guattari construct a quite different meaning of the word *nomos* in *A Thousand Plateaus*.

⁶³—*Ibid.*, p. 42.

⁶⁴—*Ibid.*

⁶⁵—*Ibid.*, p. 75.

⁶⁶—See Mitchell Dean, «A Political Mythology of World Order», in: *Theory, Culture & Society*, 23, 2006, pp. 1–22.

⁶⁷—I rely here on Agamben's discussion of the pre-suppositional structure of sovereign power in *Homo Sacer* (note 22).

And so, Schmitt declares, “for the first time in human history, the antithesis of *land* and *sea* became the universal foundation of a global international law.”⁶⁸ And here we encounter what is perhaps the most striking aspect of Schmitt’s diagnosis: the necessity of a new spatial ordering gave rise to a “global linear thinking.”⁷⁰

Immediately after 1492, international law undertook its first attempts to partition the earth as a totality, separating the Old World from the New World. Global lines of division were drawn on world maps; lines that were not merely geographic, but political in nature. The first instance of such geo-political lines were the *rayas* — Spanish-Portuguese divisional lines that distributed the New World between the two Catholic kingdoms of Spain and Portugal. The legitimacy of these *rayas* depended on the spiritual authority of the pope that was recognized by both monarchies. In this case, there was no real distinction between land and sea appropriations: the *rayas* remained within the spatial order of the feudal period. The next type of global lines, however, the so-called amity lines of the French and the British, were based on a completely different premise. They were the product of the sixteenth century age of religious civil wars. The purpose of the amity lines was to demarcate a boundary beyond which international treaties were considered to be no longer in force. *Beyond the line*, free reign was given to acts of plunder, and war without legal limits became the norm. Beyond the line, there was an absence of the legal, moral, and political values that belonged to the Old World, which amounted, as Schmitt alleges, to “a tremendous exoneration of the internal European problematic.”⁷¹ What this means is that once the limitless chaos of civil war was expelled beyond the line, Europe became able to reconstruct itself as a homogeneous collection of sovereign states.

Beyond the Line

I fully share Fredric Jameson’s judgment that this politico-juridical concept of a domain “beyond the line” forms the most original thought of Schmitt’s book; a domain, furthermore that is not simply lawless, as in a Hobbesian state of nature, but exists in a state of exception.⁷² But how may we now proceed to establish the *symbolic* position of this maritime space within the new global *nomos*?

Like its predecessor, the “children’s book” *Land und Meer*,⁷³ Schmitt’s *Nomos of the Earth* constructs a political mythology of globalization. He required such a framework in order to map his own relationship to an emergent *nomos* of the earth that was establishing itself on the ruins of the old *nomos* of the *jus publicum Europaeum* during the very time of writing he wrote the book in the 1940s. Although the exact contours of this new global *Gestalt* did not allow themselves to be perceived as yet, Schmitt insisted they could be intimated in the blurring of the old *Gestalt* of the *nomos* of the earth. What he both surmised and feared was a corrosion of the former relationships of figure to ground upon which the sovereignty of the nation-state depended. The former boundaries between inside and outside, which defined the order and orientation of the Eurocentric *nomos*, gave way to a universalizing tendency, which he ascribed to such multiple forces as a liberalization of the market-place, technological changes in warfare (where air power cancelled the old distinctions between land and sea), and the new hegemony of the United States in the political, economic, and military arena. It was as if, in his estimation, Western society had been cast

asea, while modern technology and industrial capitalism is accused of causing “an enormous destruction of all orientations based on the old *nomos* of the earth.”⁷⁴ Clearly, one should not forget that Schmitt had allied himself with National Socialism, and there is much that remains highly questionable in this diagnosis.⁷⁵ And although I do not wish to acquit Schmitt’s thought of its reactionary tendencies, it is, once again, the “structuralist” schema of this thought that concerns me here; that is to say, the topological relationships it draws between interior and an exterior, land and sea.

To better comprehend the seminal concept of a maritime space “beyond the line,” it is necessary to distinguish two successive phases in the appropriation of the global oceans. First, there was an “elemental surge toward the sea” of whale-hunters, pirates, privateers, adventurers, as Schmitt puts it in *Land and Sea*. During this transitional period, the open sea was identified with a sphere of risk, opening a new sphere of freedom and adventure that was inhabited by pirates and merchants trying out their luck. It was to this ‘heroic’ age that later authors of narratives of maritime adventure would refer, and in such narratives there was but a thin line dividing the adventurer from the pirate or the pirate from the merchant for that matter.⁷⁶ This primary stage can be summed up as one large sea-appropriation of non-state freedom, and we have already explored several of its aspects above in relation, for instance, to the historical phenomenon of the corsair.⁷⁷

The second stage of sea-appropriation coincided with England’s transition from a feudal nation of “knights and sheep-herders” to a great maritime

68– Schmitt, *Nomos of the Earth* (note 20), p. 86

69– *Ibid.*, p. 172.

70– The following paraphrases Schmitt’s “The First Global Lines”, Chapter 1 of Part II, *ibid.*, pp. 86–100.

71– *Ibid.*, p. 94.

72– “The maritime element ‘beyond the line’ offers a first, spatial English approximation to the *Ausnahmestand* or ‘state of exception’ that played so basic a role in Schmitt’s earlier thought. It also anticipates the utopian inclusion of zones of absolute freedom or lawlessness [...] in which everything is permitted, a kind of spatial equivalent of Bakhtinian carnival,” Fredric Jameson, “Notes on the *Nomos*,” in: *South Atlantic Quarterly*, 104 (2), Spring 2005, pp. 201f.

73– Apparently written as an edifying book for his daughter, *Land and Sea* forms an extended meditation on paragraph 247 in Hegel’s *Philosophy of Right*.

74– Schmitt, *Nomos of the Earth* (note 20), p. 178.

75– An overview of this debate is provided by Peter C. Caldwell, “Controversies over Carl Schmitt. A Review of Recent Literature,” *The Journal of Modern History*, 77 (2), June 2005, pp. 357–387. See also Stuart Elden, “Reading Schmitt Geopolitically. *Nomos, Territory on Großraum*,” in: Stephen Legg (ed.), *Spatiality, Sovereignty and Carl Schmitt. Geographies of the Nomos*, London 2011, pp. 91–105. This volume contains several useful essays on Schmitt’s *The Nomos of the Earth* as well as the special issue of *The South Atlantic Quarterly*, 104 (2), Spring 2005.

76– See Nerlich, *Ideology of Adventure* (note 10).

77– For more on this topic, see Philip E. Steinberg, “Free Sea,” in: Legg (note 75), pp. 268–275.

empire. It is during the seventeenth century, in particular, that British sea-power becomes the “third term” that communicates between the *nomos* of the land and the sea by dominating the waves. With the rise of the British Empire, the island of England became “of Europe, but not in Europe” — it is “the connecting link between the different orders of land and sea.”⁷⁸ The British Empire existed both inside and outside the territorial order of the European continent; if there was a continental equilibrium between states, there was no maritime equilibrium of sea powers.

Schmitt’s argument has now come full-circle: the de-sacralized order of the Old World, in the aftermath of the religious wars, depended on the displacement of the chaos of civil war beyond the line. In juridico-political thought, but also in the cultural imaginary, the oceans and the New World were fashioned according to an image of a Hobbesian state of nature where a condition reigned of *homo homini lupus* (man is a wolf to man). As Schmitt observes: “[Hobbes] state of nature is a no man’s land, but this does not mean it exists *nowhere*. It can be located, and Hobbes locates it, among other places, in the New World.”⁷⁹ For Schmitt, Hegel’s “fluid element of danger and destruction” is not so much the “medium of exchange” in which a lawful order between nations is instituted, which is sealed by means of contracts and treaties. Rather, the sea forms a no man’s land in which the sovereign rule of law is not merely suspended, but provides the necessary condition for sovereign power to exert itself *elsewhere*. And in this fashion the anarchy that tore up the feudal fabric of European civilization during the sixteenth century is provided a new location on the political/poetic map of the world. In a double movement, Europe opened itself to a New World overseas, acquisitioning its resources in successive waves of colonialization, while at the very same time closing itself off, enabling England to police the seas by itself. The *Leviathan* of the British Empire constituted a sovereign exception upon the ocean.

It was during this second stage of sea-appropriation, as well, when Great Britain “ruled the waves” in near solitary fashion, that the hydrarchy of pirates was destroyed. Declared an absolute enemy of humanity, the pirates were subjected to the principle of a “just war” in which one’s foe does not appear as a

“just enemy,” but as a debased criminal, a non-legitimate combatant. And if this historical picture of pirate republic may be slightly overdrawn, there is no doubt it continues to feed our contemporary imagination.⁸⁰ For this reason alone, the just war on piracy can be said to prefigure a present where the categories of war and crime, politics and police have once again become blurred, and not only on the new ocean of the Internet. No longer, as some have argued in a convincing fashion, is one public figure opposed against its symmetrical antagonist as in a conflict between just enemies, “but one collective term [is pitted] against its lesser, infamous opponents, setting the representative of a universal code of law against the stateless criminals who sought to transgress it.”⁸¹ The question that remains, at this point, is how the effects of such a global expansion of the maritime state of exception could, if at all, be registered in the aesthetic sphere of artistic practice.

A Maritime State of Exception

Let me summarize our progress thus far. *Nomos* of the sea, *nomos* of the land: Schmitt insists that they constitute two universal orders that are not subordinate to one another. Each *nomos* is universal *in its own right*, and their mutual balance determines the total *nomos* of the earth. But Agamben has suggested that we need to take a more subtle view of this dualism, arguing that this dualism of a terrestrial *nomos* and a maritime *nomos* is not an actual dualism.⁸² The latter establishes an immediate link between Schmitt’s preceding *Political Theology* and the later *Nomos of the Earth*, demonstrating an essential proximity between the concept of the *nomos* and the state of exception. When Schmitt argues that the concrete unity of *Ortung* and *Ordnung* gives rise to the *nomos* of the earth, this unity always already implies the existence of a zone excluded from law. This no man’s land where the rule of law is suspended takes the shape of a “free and juridically empty space” in which sovereign power is no longer fixed by the territorial limits of the *nomos*. In the classic epoch of the *jus publicum Europaeum* this zone of indistinction between sovereign and violence corresponded to the oceans and the New World. Schmitt identified this anarchic region “beyond the line” with a Hobbesian state of nature in which “anything could happen as long as it was held to be *de facto* necessary according to circumstances.”⁸³ What Agamben proposes, in turn, is that we identify this maritime zone with Schmitt’s earlier concept of the state of exception, which “bases itself in an obviously analogous fashion on the idea of delimited, free and empty space.”

What we need to distill from Agamben’s rather dense argument, at the risk of oversimplification, is that the maritime state of exception, even though it is clearly delimited “beyond the line,” is not *external* to the *nomos* but rather included within its order at a fundamental moment. As a matter of fact, at the very centre of the founding link between *Ortung* and *Ordnung* there always already exists the potential of virtual rupture which takes the form of a “suspension of every law.”⁸⁴ What Agamben states here is no different from Lévi-Strauss’s notion of a non-fit between the series of signifiers and signifieds that give birth to the empty signifier. It should cause no surprise therefore that Agamben employs a linguistic model to illustrate the topological relation of the state of exception to the *nomos*:

“We have seen that only the sovereign decision on the state of exception opens the space in which it is possible to trace borders between

78—Schmitt, *Nomos of the Earth* (note 20), p. 173.

79—Ibid., p. 96.

80—See, e. g., Hakim Bey, “Pirate Utopias,” in: id., *Temporary Autonomous Zones*, New York 1985, pp. 95–97.

81—Daniel Heller-Roazen, *The Enemy of All. Piracy and the Law of Nations*, New York 2009, p. 145.

82—The following discussion bases itself on paragraph 1, “The Paradox of Sovereignty,” in: Agamben, *Homo Sacer* (note 22).

83—Schmitt, *Nomos of the Earth* (note 20), p. 67.

84—«The link between localization (*Ortung*) and ordering (*Ordnung*) constitutive of the ‘nomos of the Earth’ [...] is therefore even more complex than Schmitt maintains and, at its center, contains a fundamental ambiguity, an unlocalizable zone of indistinction or exception that, in the last analysis, necessarily acts against it as a principle of its infinite dislocation,” Agamben, *Homo Sacer* (note 22), pp. 19f.

inside and outside and in which determinate rules can be assigned to determinate territories. In exactly the same way, only language as the pure potentiality to signify, withdrawing itself from every concrete instance of speech, divides the linguistic from the nonlinguistic and allows for the opening of areas of meaningful speech in which certain terms correspond to certain denotations. Language is the sovereign who, in a permanent state of exception, declares that there is nothing outside of language and that language is always beyond itself.”⁸⁵

Therefore the law must presuppose the “nonjuridical” (i. e. pure violence in the state of nature) to which the state of exception (i. e. sovereign violence where the rule of law is suspended) must retain a potential relation, just as language presupposes a virtual relation to the nonlinguistic in the form of a “grammatical game” (*langue*) where the actual denotation of discourse is suspended. Hence, inscribed in every rule is the necessity of its own transgression, for instance the killing of a man not as an act of natural violence, but as an unsanctionable event of sovereign violence in the state of exception. And so we may conclude that the “free seas,” where transgressive acts of seizure and plunder are performed, provides the *constituent outside* of the *nomos* of the nation-state. The sea represents the sphere of reference where anything is possible and by virtue of this fact makes terrestrial regime of law regular; the free seas establish the state of exception, which must be conceived “as a *complex topological figure* in which not only the exception and the rule but also the state of nature and law, outside and inside, pass through one another.”⁸⁶

Circumnavigations

The only adventure, we said, is to contest the totality, whose center is this way of living, where we can test our strength but never use it. No adventure is directly created for us. The adventures that are presented to us form part of the mass of legends transmitted by the cinema or in other ways; part of the whole spectacular sham of history.

Guy Debord, *Critique de la séparation*⁸⁷

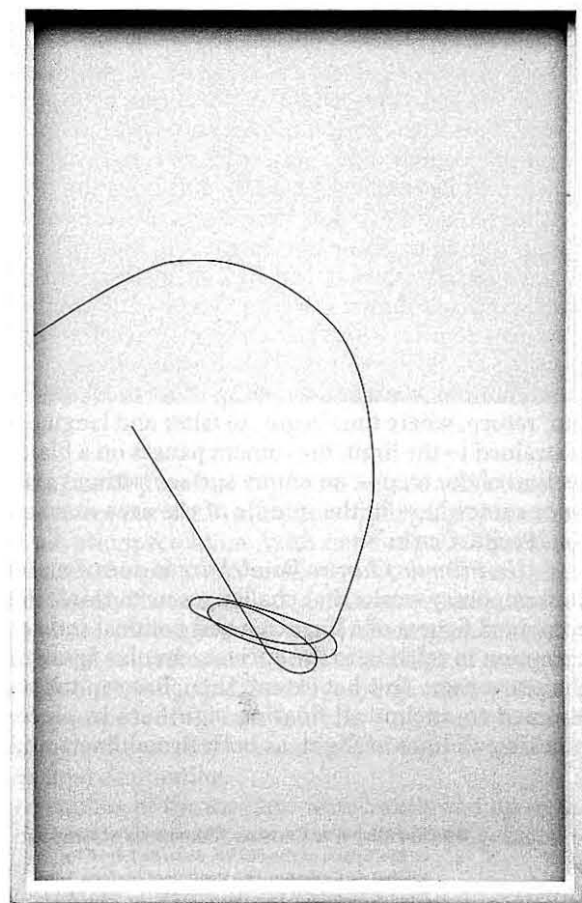
There is much more that needs to be said here, but I must draw these comments to a provisional close. What still needs to be shown is how the old *nomos* of the earth became undone, causing the state of exception to come back to haunt the sovereign order of Europe. Or, in Schmitt’s mythological world-view, allowing the New World to exact its revenge on the Old World. In the few remaining lines at my disposal, however, I would like to indicate where this line of inquiry is heading. In part two of this essay, I propose to look more closely at the kind of lines that we may imagine being drawn on the maritime surface. What comparisons, that is, can we make between pictorial lines and geographic lines, which, as Schmitt avowed, are always already political. But such is the contention of Florian Pumhösl as well, whose glass paintings move between the graphic regimes of abstract drawing, mechanical diagrams, and maritime maps. ^{Fig. 10}

Secondly, I shall further pursue a “politics of the empty signifier” by taking up Agamben’s idea of a fundamental analogy, on a structural level, between the systems of language and the state of exception. It is possible, for instance, to discover in sixteenth-century chronicles, such as Jean de Léry’s *History of a Voyage to the Land of Brazil*, the operations of the empty signifier in the very notion of those “marvels” and “wonders” or, more aptly, *singularities* that existed in the uncanny space beyond the line.⁸⁸ Significantly de Léry’s text announces in its subtitle that it will reveal “*Singular Things Completely Unknown over Here*.”⁸⁹ What exists “over there” is a linguistic state of exception, where

the established rules of denotation do not seem to apply, but also a juridical state of exception in which other, more equitable forms of life may be imagined, if not encountered. All such chronicles relate a circular voyage between Europe and the New World, but what they achieve in a more structural sense is an “operation of return” whereby the difference between “over here” and “over there” is retrofitted to a Western economy of knowledge.⁹⁰ Yet in such operations of return there remained a linguistic supplement that could not be integrated, and this would form the ultimate source of bliss — “Such a joy it was hearing the

Fig. 10

Florian Pumhösl, *Battle of Manila Bay (Tack Maneuver)* (2005), acrylic lacquer behind glass in white wooden framework, 52,5 x 33 cm (private collection, Vienna)



⁸⁵—Ibid., p. 21.

⁸⁶—Italics E. de B., ibid., p. 37.

⁸⁷—Guy Debord, “Critique of Separation,” in: Guy Debord, *Complete Cinematic Works*, Ken Knabb (transl.), Oakland, 2003, p. 31.

⁸⁸—See, e. g., Frank Lestringant, *Mapping the Renaissance World. The Geographical Imagination in the Age of Discovery*, Cambridge 2010, p. 32: “To restore, within the apparent disorder of an exposition, the euphoric diversity of the ‘theatre of universal nature’ — such was the avowed project of the compilers of ‘singularities.’”

⁸⁹—The full title is *History of a Voyage to the Land of Brazil, Otherwise Called America. Containing the Navigation and the Remarkable Things Seen on the Sea by the Author; the Behaviour of Villegagnon in That Country; the Customs and Strange Ways of Life of the American Savages; Together with the Description of Various Animals, Trees, Plants, and Other Singular Things Completely Unknown over Here.*

beautifully measured rhythms of such a multitude — and especially the cadence and refrain of the ballad, all of them together raising their voices to each couplet, saying: heu, heuaüre, heüra, heüraüre, heüra, heüra, oueh — that I remained completely ravished.”⁹¹ Dada, it seems, was born prematurely in the rain forests of Brazil.

But what remains of such a linguistic state of exception in the present? Is it even possible to conceive of a space for singular events to occur in a world given up to the endless circumnavigations of commodities? Has our horizon become so restricted that the sound poetry of Dada not only fails to return us to a state of nature, but also furthers the social process of objectification? What are we to make of a more recent re-imagining of the circular sea voyage in Marcel Broodthaers’ *Un Film de Charles Baudelaire* (1970)? A film that actually consists of a series of still images of a global *Carte Politique du Monde* upon which the fictitious route of the French poet is traced.⁹² As the camera moves across the map, a series of calendar dates appear on screen, counting forward to December 17th 1850. But once the film reaches its middle-point, time starts moving backwards, setting the hands of the clock of history back to their initial position. Meanwhile, a series of isolated words are shown as well, a lexicon of nouns that reduces the pirate narrative to a mere skeleton of ominous sounding words, such as shark, knife, torment, famine, death, and midnight. At the point of (no) return, where time begins to falter and language is strained to the limit, the camera pauses on a blank section of the map — an empty surface without grid lines somewhere in the middle of the area marked the “Pacific Ocean.”

Un Film de Charles Baudelaire is one of many contemporary works that challenges us to think the combined figures of a linguistic and political state of exception in relation to the ancient, circular figure of the sea voyage. To what extent, then, has capitalism succeed to anchor all floating signifiers in place, blocking all lines of flight, as both Broodthaers and

Sekula appear to suggest, if each in their own way. But did not *The Forgotten Space* also imply that the shipping container — the coffin of living labour — left a surplus in its wake, which allows us to read the narrative of the new economy against the grain? I shall address a similar set of questions in relation to Stan Douglas’ *Journey into Fear* (2001), Steve McQueen’s *Gravesend* (2007), and Ursula Biemann’s *Contained Mobility* (2004) — a group of works that deploy a wide range of formal procedures and narrative strategies, but share a similar, maritime setting in order to express a critique of modernity that, in the words of Stan Douglas, “was full of predictions of how we would live in the future.”⁹³ Such utopian desires have been carelessly cast over board by a new economy that appeared to be living its own dream since the end of the Cold War. A dream from which it has now been rudely awakened. But for how long? Already in the sixties, Jean-Luc Godard would lament that the perpetual present of capitalism left no space for real adventure: in the modern age of *Contempt* all confrontation must lead to the debasement of one’s foes. In such a world, the Homeric heroes of the *Odyssey* no longer have a credible role to play. Douglas makes no amends for this situation. *Journey into Fear*, as he explains, describes “an endless, cyclical voyage but, as one gradually becomes aware of its structure, one can at least intuit how the future became history.”⁹⁴

That the maritime narrative has become depleted is made obvious by all the mentioned works. We have explored some of the reasons why this should be the case. *The Forgotten Space* illustrates all-too-well how the experience of the mariner, like that of any industrial worker, has become one of routine drudgery that is subordinated to the execution of automated tasks. The seafarer’s life is shorn of adventure, whereas it has not lost its precariousness as a means of survival. There is a brief passage in *Fish Story* that brings all of this into very sharp focus. In a section called “Walking in Circles,” Sekula creates a swift montage of ideas: the endless, circular voyages of a container ship, criss-crossing the Atlantic, are connected to the twelve hour shifts of a mariner, who works over-time but still can hardly make ends meet. Nearing the end of his watch and “restless from standing in one spot for four hours,” the sailor recounts a memory of seeing Ethiopian dockworkers engaged in a more ancient form of maritime toil, unloading a cargo of grain by hand, and he begins to mimic their bodily movement as they walked around in circles, stooped under the heavy weight of sacks of grain. “Haunted by this image of sheer Sisyphean toil,” the sailor is said to turn “abruptly to the case of a hypothetical worker who loses his job to automation: ‘First he loses his sanity, then his car, then his house.’ The circle narrows and one world falls into the vortex of another.”⁹⁵ The motto is clear: the maritime space of globalization is not simply one of channeled streams and calculated flows; it is a space where maelstroms may emerge at any time and in any place.

To be continued...

90—See Michel de Certeau, “Ethnography. Speech, or the Space of the Other: Jean de Léry,” in: Michel de Certeau, *The Writing of History*, Tom Conley (transl.), New York 1988, pp. 209–243.

91—Ibid., p. 213

92—Charles Baudelaire actually undertook a voyage to India at the command of his step-father, who was shocked by his dissolute life style, but the young poet did not complete the trip. He disembarked in Mauritius before returning to France. In a highly significant fashion, Broodthaers postponed Baudelaire’s trip by a decade, placing it between the revolution of 1848 and the coup d’état of Louis-Napoleon Bonaparte in 1851. On this see my “Marcel Broodthaers. Cinéma Modèle,” in: Exh.-cat. *Von realer Gegenwart. Marcel Broodthaers heute*, Düsseldorf: Kunsthalle, Cologne 2011, pp. 15–33. Broodthaers would make several “altered ready-mades” on the basis of the map used in the film. See, e.g., his *Carte du Monde Poétique* (1968–70), *Carte Utopique du Monde* (1968–73) and *Carte d’une Utopie Politique* (1973).

93—Stan Douglas, “Journey into Fear,” in: id., *Journey into Fear*, Cologne 2002, p. 138.

94—Ibid.

95—Sekula, *Fish Story* (note 3), p. 77.