For All Peoples and All Nations: Anglophone Literature and the Imaginative Work of International Law (1884-2017)

by

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Abstract

This thesis explores how Anglophone literature debated the rise of modern international law since the late nineteenth century, including the founding of the United Nations and the 1948 declaration of human rights. While international law has its origins in the early modern period, it was largely at the turn of the century, with the Berlin Conference, that it began taking shape as a colonial and then a postcolonial, global ethics. In this thesis, I lay claim to literature’s capacity to legislate by examining instances where Anglophone novelists—including Joseph Conrad, Bryher, Vladimir Nabokov, Chinua Achebe, and Chimamanda Ngozi Adichie—work through the promises and problems of international jurisprudence. More than a mere reflection of international law’s evolving theory and practice, the literature I treat registers the law’s presumptions and first principles while interrogating its capacity to follow through with its declarations. In spreading the law’s claims while also submitting them to the scrutiny of close reading, these novels are both advocates of and at times stubborn liabilities for international law’s normative worlds. Collectively, these Anglophone novelists scrutinize international law’s ability to shape the ways we come to know ourselves and one another as rights-bearing individuals, international actors, advocates, and activists. Recent work in the humanities has begun to address the ways in which international law is a set of interlocked narratives that claim
to enshrine common sense when, in fact, they curate and confine modern ways of knowing, feeling, and belonging. By attending to issues that often go unacknowledged in the ordinary practices of international law—questions about subjectivity and self-fashioning, concerns about security and citizenship—I continue the work of examining international law’s epistemologies.

In approaching literature as responsive to legal developments, and law as dependent on the narrative logic conventionally reserved for literature, I narrate the kinds of life and liberty that international law makes both conceivable and inconceivable, while at same time examining the literary contexts that continue to shape its apparent common sense.
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Introduction: Anglophone Literature and Legal Worlds

Now, Therefore THE GENERAL ASSEMBLY proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

UNIVERSAL DECLARATION OF HUMAN RIGHTS (1948)

In his autobiography, The Words, Jean-Paul Sartre describes a recurring nightmare. He has sneaked onto a train leaving for Dijon from Paris. After falling asleep, he is startled awake by the conductor asking for his boarding pass. He says that he does not have one, and does not have the money to buy one. Even though he has not paid his way, he insists,

I had to be in Dijon for important and secret reasons, reasons that concerned France and perhaps all mankind. If things were viewed in this light, it would be apparent that no one in the entire train had as much right as I to occupy a seat. Of course, this involved a higher law which conflicted with the regulations, but if the ticket-collector took it upon himself to interrupt my journey, he would cause grave complications, the consequences of which would be his responsibility. I urged him to think it over: was it reasonable to doom the entire species to disorder under the pretext of maintaining order in the train? (111)

This stand-off between young Sartre and the conductor continues interminably. He keeps attempting to persuade him of the legitimacy of his travels, and his own personal entitlement, and believes that he must keep talking: “as long as I spoke, I was sure he wouldn’t make me get off” (111). While he passionately believes that he has a legitimate right to a seat on the train, he
cannot seem to muster a cogent rationale. He cannot talk his way past the ticket master, but his filibustering at least delays his ejection.\footnote{See Brooks, \textit{Enigmas of Identity} for his rendition of Sartre’s nightmare: “Such, we might say, is life, or at least our sense of personal identity within the world, at once unjustified and, to us, crucially important” (1).}

Sartre’s dream suggests that “rights” are undecidable and narratively constructed. This view flies in the face of the modern discourse of international law, which has become, in Michael Ignatieff’s terms, “the lingua franca of global moral thought” (53). In this thesis, I insist that appeals to international law are propped up not by a transcendent authority, but by the stories that lend those appeals the experience of credibility. People around the world hold their rights to be natural because of an increasingly globalized upbringing, which rests upon an international legal morality that claims human rights for all, without exception. This rendition of international law rests upon a constellation of narratives that shape, resist, and sometimes challenge these assumptions about our subjectivities and the ways in which legal entitlements influence our interactions with one another. While these narratives have been shaped and reshaped since at least the postwar period, it is only since the turn of the century that the humanities have deliberately engaged with the literariness of international law and human rights. In a recent edited volume, \textit{Theoretical Perspectives on Human Rights and Literature}, Elizabeth Swanson Goldberg and Alexandra Schultheis Moore have pointed to the emergence of a “human-rights oriented literary criticism” (3). Taken together, recent studies\footnote{See Hunt, \textit{Inventing Human Rights}; Anker, \textit{Fictions of Dignity}; Nayar, \textit{Human Rights and Literature: Writing Rights}; and Galchinsky, \textit{The Modes of Human Rights Literature: Towards a Culture Without Borders}.} that theorize the narrative dimensions of international law suggest that we live not only in a time when international law has attained a certain ascendency, but that we live in a legal world where international law continually describes and therefore confines our place within society.\footnote{Cf. Cheah, \textit{Inhuman Conditions}, where he suggests that rights are “violent gifts, the necessary nexuses within immanent global force relations that produce the identities of their claimants” (172).}

In an early rendition of this international sensibility, H. G. Wells embraced a contemporary “rights of man,” a phrase that in his view captured a universal human fragility. Wells claims that “Since a man comes into this world through no fault of his own, since he is manifestly a joint inheritor of the accumulations of the past, and since those accumulations are more than sufficient to justify the claims that are here made for him,” he is owed certain “rights” (\textit{Rights} 139). Because we did not choose life, the community is therefore responsible for basic
aspects of our livelihood. For Wells, finding oneself alive without choosing life is sufficient justification to guarantee certain basic rights. Wells thus imagines a “common fundamental law,” one that transforms human fragility from something shameful to a state that we all share by birth alone (Rights 140). This emphasis on human fragility reframes earlier appeals to God-given rights and anticipates postwar liberalism’s approach to entitlements, including Isaiah Berlin’s “negative liberties” and Judith Shklar’s “liberalism of fear.” Whereas Sartre was all-too-aware of the terrifyingly spectral nature of his “right,” Wells suggests that his rendition of life was “sufficient to justify.” As we shall see, Sartre’s existential situation foregrounds certain problems with rights-based appeals that continue to trouble international law.

International law is thus fictional insofar as it implies a story with players, a plot, and a body of cultural norms that determine relevance and credibility. Narrative lies at the very heart of law’s capacity to legislate, not least by pushing consensus towards a decision. Like Peter Brooks, Paul Gerwitz, Joseph Slaughter, and others, I see laws as exercises in social persuasion, or what Brooks calls “rule-governed storytelling” (“Law” 20). Because persuasion depends on established norms of thinking, knowing, and being, laws therefore depend on cultural norms and the interpretive communities charged with preserving or amending the law. For example, in a 2017 case at the European Court of Human Rights, Jankovskis v. Lithuania, the client claimed that, in preventing his access to the internet while incarcerated, the Lithuanian government violated his “human rights.” Successfully drawing upon cultural sympathies for stories of rehabilitation, namely, his eagerness to educate himself by enrolling in an online legal course, Jankovskis framed his situation as a fundamental violation of Article 25 of the European Convention of Human Rights: that “no one must be hindered from seeking, receiving, or imparting information and ideas.” Narrative was what distinguished the credible from the incredible in Jankovskis case. He successfully leveraged the normative beliefs of the court, what Robert Cover and others call the nomos (“Foreword”). The starting point of this thesis is that international law offers a series of arbitrary stories about our place in the world, which over time have been transformed into legal norms that read as self-evident. I am interested in the process of

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5 Cf. Schmitt, Nomos of the Earth; Berger, The Sacred Canopy, 25. See also Bourdieu, Outline of a Theory of Practice, 164, for his treatment of “doxa,” the set of givens that are considered neither heterodox or orthodox.
what Geoffrey Samuel calls “fact construction in legal thought” (1), the stories and situations from which legal “facts” emerge.

The stories of international law are often more colourful and imaginative because so much depends on their persuasiveness. International law is routinely called upon to make claims about fundamentals which when poorly worded can provide legal loopholes for the violence that the law intended to prevent. While international law takes up matters of great geopolitical complexity, it also decides matters that affect the everyday lives of ordinary people, such as whether it is a violation of the European Convention to require Muslim girls to take swim class with their male classmates.6 Because of this burden to persuade, some practitioners and advocates have tended to present international law as more stable than it is. While a variety of scholars, including Michael Ignatieff and Ruti Teitel, readily acknowledge our inability to ultimately justify human rights, they nevertheless stress that international law really helps people and their communities; from this perspective, the philosophical issues should not derail the verifiable good that international law has produced since the end of the Second World War.7 Others, such as Wendy Brown (“Suffering”) and Alain Badiou, remain resolute in questioning the efficacy and goals of human rights legislation. Whereas critics have repeatedly weighed in on international law’s successes and problems, I want to shift the discussion towards how stories about collective human entitlements become credible in the first place, and to shift from questions of ontology towards matters of epistemology.

Contemporary literary criticism has recently begun to demonstrate how we come to know ourselves as rights-bearing individuals. Joseph Slaughter has, for instance, argued that the epistemology of human rights finds its social sanction in genre fiction, and that the ways in which we come to know ourselves as rights-bearing individuals is as much a function of

6 For more information, see the findings of the European Court of Human Rights in Osmanoğlu and Kocabas v. Switzerland (2017).

7 See Ignatieff, Human Rights as Politics and Idolatry, 7, where he suggests that human rights “has gone global not because it serves the interests of the powerful but primarily because it has advanced the interests of the powerless” (7). For a later discussion about the bases for his claims, see Ignatieff, “Dignity and Agency,” 164. See also Teitel, Humanity’s Law, where she provides a comparable approach: “The humanity-based discourse is deployable by a diverse range of actors; as will be seen, it is also amenable to a broad range of purposes. For better and for worse, this discourse can operate beyond the state’s control and its forms of political accountability. Indeed, part of what is alluring about this discourse is its promise of a normative language that seems to be beyond the fray of conventional political struggle (or at least beyond the claims and counterclaims of the antagonists). This promise appears to offer a sense of order and (normative) stability in a time of substantial political disequilibrium and dissensus. Its greater reach and justificatory scope create greater bases for legitimation” (35).
literature as of law. In *Human Rights Inc.*, he claims that the *Bildungsroman* is a “dependable ally in human rights law’s globalizing designs, a sort of novelistic wing of human rights,” because it naturalizes a series of liberal axioms about human autonomy (25). Slaughter focuses on the ways in which the *Bildungsroman* educates the reader by demonstrating what appear to be commonsensical ways of understanding subjectivity, freedom, and entitlements. While Slaughter focuses primarily on genre to uncover latent legal questions, I argue that the epistemology of law is even more pronounced in several Anglophone novels that actively and deliberately address questions of international law. For writers such as Conrad, Nabokov, and Adichie, literature proves to be both an advocate and a stubborn liability to international law’s normative worlds. Literature is capable of naturalizing international law, especially its tendencies to transform local ways of knowing, feeling, and being, by offering in their place the supposed safe havens of the international belonging. By scrutinizing international law’s capacity to legislate and protect across borders, the novels I treat shed light on the limits and anxieties that often remain underexamined in the ordinary practices of international law. If, as I have suggested, the burden to persuade and legislate at times leads to an overly optimistic assessment of international law, then literature provides a unique opportunity for novelists and readers alike to diagnose the law’s stories, aspirations, evasions, and elisions with little compromise.

Reading a variety of novels broadly conceived as “Anglophone,” I emphasize the ways in which Edward Bellamy, William Morris, Joseph Conrad, Bryher, Vladimir Nabokov, Chinua Achebe, and Chimamanda Ngozi Adichie dramatize what Sophia Rosenfeld calls international law’s “common sense” (240).8 By *dramatize*, I mean more than mere representation. The novels I treat deal with legal questions so ostentatiously that they draw attention to the declaratory nature of all international law. Claude Lefort has provocatively suggested that we approach human rights not as “the object of a declaration,” because “it is their essence to be declared” (257). To think of international law’s claims as declaratory rather than ontologically stable is to transform the discussion in far-reaching ways. When, for example, Sartre insists that so long as he continued speaking he would not be ejected from the train, perhaps he suggests that his speaking proves to be sufficient justification for the time being. Perhaps, his repeated declarations of self-worth are enough. As Sartre seems to suggest, only his silence would prompt

8 Cf. Slaughter, *Human Rights Inc.* for his discussion of “norms of legal obviousness” (3) and the “common sense of human rights norms” (6).
his removal, preventing his arrival in Dijon for his very important business. It is less the content of his speech than the filibustering itself that prevents the dream from decisively becoming a nightmare. Sartre’s situation thus parallels the ways that these Anglophone novels take up the task of imaginative legislation. Even though these novels necessarily fail to justify international law’s claims of common sense, they nonetheless keep the conversation going. This advocacy is not definitive but declarative, expressing a desire for closure, happiness, and justice even when confronted with discontent, violence, and injustice. While these novels struggle to piece together a just legal world, their rhetorical struggle is sufficient if international law is reconceived as an ongoing conversation about a direction forward.

In an influential essay, German sociologist Ulrich Beck suggests that because of the “ontological change” away from nationalism and towards globalization, we also need an “epistemological shift” to encompass the different ways of knowing in the world:

> Just like pre-modern feudal societies and nationally based industrial societies, so, too, do cosmopolitan societies develop their own imagination of time and space, their own concepts of ‘class’ and ‘power,’ their own notion of democratization and justice, their own hysterias and dilemmas, and their own questions: how to organize politics, that is, reach collectively binding decisions. Breaking free of ‘methodological nationalism’ and exploring ‘methodological cosmopolitanism’ will probably only succeed if excursions into social theory are combined with excursions into concealed worlds of experience. (28)

Each novel that I treat registers a similar need for new epistemologies that are attuned to the aspirations of international law. If we think of international law as refashioning established local and national ways of knowing, feeling, and being, then the novels treated come to international law’s aid by struggling to reconcile those “rights,” which by all accounts seem simply beyond justification. Literature is not, however, law’s saviour. I turn to literature, as Bradin Cormack has, “for an intensified account of the practical dynamic through which the law itself emerges” (23). Literature registers what the law does, but does so in ostentatious ways that permit the critic to tease apart the law’s variously unresolved situations.

Throughout, I linger on moments of narrative ostentation—including, self-conscious narration, frame narratives, outlandish plots, dei ex machina—because they signal international
legal thinking’s dependence on storytelling to symbolically resolve the law’s unfinished epistemological business. In the third chapter, for example, I explore the ways in which critics across law and literature invoke the discourse of “intuition” when claiming to justify appeals to human rights. When pressed to imagine how we know that we know, Bryher’s *Visa for Avalon* and Nabokov’s *Bend Sinister* make recourse to moments of intuitive know-how, experiences of knowing that are supposedly irreducible to reason. Reading such moments of imaginative legislation demonstrates international law’s tendency to leverage these kinds of symbolic resolutions. My emphasis on such moments is not to suggest that international law is more “fictional” than other kinds of law, but rather, as Simon Stern suggests about legal fictions more generally, that its mechanics are more visible iterations of the law’s general narrative practice (314). The irony is that literature’s apparent digression from reality, its perceived escapism, becomes the venue for examining international law’s realities.

International law has long been disparaged as fanciful, in John Austin’s words, “law improperly so called” (147). As Christopher Warren has insisted, literary critics have until recently sidestepped international law because its literariness seemed too obvious (8). This thesis approaches international law not as more or less “literary,” but as a “discipline in search of its own reality” (Bederman 1). If, as Lorna Hutson suggests, law and literature criticism is most credible when authors and readers are even casually aware of the law’s mechanics, international law and literature scholarship can prove an especially fertile interdisciplinary. International law is the most visible form of law in our moment; everybody seems to know (or thinks they know) about international law thanks to Non-Government Organizations (NGOs), such as Amnesty International, and other kind of visible “human rights” activism. That apparent familiarity manifests in the literature in often cryptic ways and outlandish plots.

I begin with a chapter on two of the most popular pieces of fin de siècle fiction, Edward Bellamy’s *Looking Backward* and William Morris’ *News from Nowhere*, and explore the ways in which both utopian novels struggle to imagine what a truly natural law would look like. While *Looking Backward* and *News from Nowhere* insist that the English common law has been retired in the future because of its arbitrary and thus coercive nature, these novels do not elaborate upon the alternative in any detail. They insist that natural law reigns supreme, but they do not explore

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9 See Austin, *The Province of Jurisprudence Determined*, especially 145-9, where he insists that the law of nations is “law” only insofar as it is “an analogical extension of the term” (147).
it beyond this statement. In order to provide something like a narrative rationale for this utopian justice, Bellamy and Morris repurpose the literary commonplace of having their protagonists fall asleep in an age of turmoil and wake up in a time of peace. Every attempt to describe what that ideal law would look like devolves, however, into a spectacle of its own impossibility. All they can say is that it works. As I demonstrate, both novels circle the idea that our own inability to be persuaded by this utopian legality is a consequence of our being deadlocked into a legal situation that looks to the past to provide the answers for the future. Attempting to break free from the looking backward of precedent, Bellamy and Morris look forward to an age when the past’s coercive precedents no longer shape human relationships. I conclude the chapter by bringing this *fin de siècle* approach in contact with contemporary ways of thinking about human rights as anticipatory. In drawing a comparison between *fin de siècle* and contemporary ways of legislating, I demonstrate the degree to which Bellamy and Morris anticipate the current interpretive deadlock of human rights.

From there, I turn to Joseph Conrad’s *Lord Jim*, and explore the ways in which Conrad reckons with England’s troubles with jurisdiction during the turn of the century. While England’s jurisdiction stretched across a quarter of the globe, it was also under constant and considerable duress, because each colony had its own local adaptations of English law. This realization had to be suppressed, however, since it suggested that there was not one set of laws uniting the British Empire. To acknowledge that the laws of England were not united was to deal English nationalism a crippling blow. In *Lord Jim*, Conrad comes to England’s aid, attempting to naturalize England’s international jurisdiction by having Jim’s journey end with sacrificing himself and thus securing his “word . . . [as] the one truth of every passing day” (197). In reading *Lord Jim* as a work that attempts to pacify problems of jurisdiction, I draw attention to the ways that England’s imperial jurisdiction needed narrative advocacy in the first place. The novel is an example of colonial myth-making. Against the tendency to read *Lord Jim* as enabling English imperialism, however, I read *Lord Jim* counterintuitively as dramatizing the precariousness that British imperialism and Conrad attempt to suppress.

The final two chapters transition to the resurgence of liberal rights during the middle of the twentieth century. In Chapter 3, I treat Bryher’s *Visa for Avalon* and Vladimir Nabokov’s *Bend Sinister* alongside Jacques Maritain’s and John Humphrey’s important contributions to the post-war articulation of human rights at the United Nations. By bringing Bryher and Nabokov in
contact with Maritain and Humphrey, I aim to demonstrate the degree to which Bryher, Nabokov, Maritain, and Humphrey all share a common approach to human rights. They all draw upon “intuition,” a psychologism that rose to prominence first in the metaphysics of Henri Bergson and later influenced various disciplines, including law, theology, and literature. I begin the chapter by exploring how Maritain and Humphrey turn to the idea of intuition when rationalizing how we apparently know that we have human rights. Bryher and Nabokov pick up the idea of intuition, adapting it in their dystopian fiction. Maritain, Humphrey, Bryher, and Nabokov collectively point to a seminal moment in the middle of the twentieth century when liberal humanism consciously and sometimes unconsciously turned to storytelling to find a way out from under the crisis of the Second World War.

In the final chapter, I return to an often-overlooked moment in international law, the Nigerian Civil War, so as to explore the rhetorical strategies that the Biafran government used when struggling to substantiate its sovereignty. As a parallel to Biafra’s international posturing, I read Chimamanda Ngozi Adichie’s fictional rendition of the war in *Half of a Yellow Sun* as a commentary on Biafra’s international legal troubles. The emphasis on the imperial history of international law from Chapter 2 gets picked up here, because Nigeria substantiated its sovereignty according to its colonial history and postcolonial independence. While Nigeria insisted that Biafra was a rogue state without international legitimacy, Biafra claimed that Nigeria gave up its control over the region and its people because it had violated their “human rights” during the 1966 genocide against the Igbo. While human rights had recently been enshrined in international law, Biafra tested their efficacy on the international stage. Because there were no clear guidelines stipulating when sovereignty is to be recognized, Biafra found itself in a position with no clear path to success, and therefore turned to its public relations branch, spearheaded by Chinua Achebe, to help sway international opinion. They leveraged the story of Bildung as a narrative strategy in order to concretize their preparedness for independence. Adichie writes *Half of a Yellow Sun* as a Bildungsroman in recognition of this rhetorical posture. However, Biafra’s international outreach failed to secure widespread recognition before the Biafran government agreed to a ceasefire in 1970, after an estimated 2 million Biafrans had died of starvation or starvation-induced illness. Adichie’s novel reflects this failure by adopting the Bildungsroman only to trouble its apparent usefulness as a credible genre of human rights advocacy. At once a testament to the resilience of the Biafran people and an
indictment of the international community, *Half of a Yellow Sun* underlines the failure of narrative precisely at the moment of Biafra’s existential crisis.

While the chapters are arranged chronologically, they can also be read as pairs. Chapters 1 and 3 engage with the optimistic perspectives on international law and the promises it seems to entail. Bellamy, Morris, Bryher, and Nabokov struggle to find something different from perpetual war. They give voice to an alternative way of imagining the world and its laws as a domain where a commonsensical order provides a way out from under the crisis of modernity. Chapters 2 and 4 depart from this optimism, however, by focusing on the colonial violence and postcolonial legacies of international law in the work of Conrad, Achebe, and Adichie. When viewed as the means through which European nations dispossessed indigenous people of their land, livelihoods, and lives, international law becomes a field of coercive violence where might often meant right. By revisiting international law at four key moments in its recent history, I provide a literary history of international law that stretches from the *fin de siècle* to the 21st century. At a time when the liberalism that underpins international law no longer seems so commonsensical, this thesis explores both the emergence of international law and its various techniques for making its aspirations credible.
Chapter 1
If Things Were Different: Fin de Siècle Utopia, Human Rights, and Looking Forward to the Laws of Utopia

You feel it. You believe that you have a sense of what is right. But it is precisely this word that changes so often. From the beginning many things merge. You sense something is not right. If matters were otherwise, then you would have a sense of well-being. . . . If things were different, then the other would be satisfied with his circumstances, and the situation would be a comfortable one.

ERNST BLOCH, NATURAL LAW AND HUMAN DIGNITY (1961)

1

The egotistical magistrate from Charles Dickens’s The Pickwick Papers, Mr. George Nupkins Esq., reappears as Justice Nupkins in William Morris’s comic drama The Tables Turned Or, Nupkins Awaked.1 First performed at a Socialist League meeting on October 15, 1887, Morris’s play set the direction for later fin de siècle utopian fiction, especially Edward Bellamy’s Looking Backward and Morris’s own News from Nowhere, by construing the English common law as colluding with the privileged and thus contrary to justice. The tables will indeed be turned, but not before Morris takes the common law to task for its arbitrary judgements and coercive decisions. As the play begins, Mr. La-Di-Da, a man of considerable social standing, is found guilty of “swindling” and sentenced to one month in prison, a sentence that Nupkins describes as his “painful duty” to deliver (34). Morris is far from subtle in suggesting that Mr. La-Di-Da’s privilege saves him from a sentence commensurate to his crime. When Jack Freeman is then brought before the court, Morris turns the play to a more careful takedown of the ways that the legal system criminalized socialist reformers. Jack is accused of “obstructing the Queen’s Highway” (46), a legalism that meant obstructing the flow of thoroughfares but was used in the period to incriminate socialist canvassers (Wiens 89). After the jury delivers a guilty verdict, Nupkins inflicts the harshest punishment he can conceive: six years’ worth of hard labour and a

1 The allusions in The Tables Turned to historical events and fictional characters are examined in some detail in Salmon, “Topical Realism in The Tables Turned.” While Nupkins undoubtedly evokes Dickens’s bumbling magistrate, Salmon claims, 12-14, that Morris had several historical persons in mind: Judges Grantham, Newton, Hannay, and Rutzen, who all encouraged criminalizing Socialist activity.
fine of one hundred quid. As quickly as the sentence is delivered, the punishment is overturned when the revolution arrives and with it the retirement of the common law. Nupkins finds himself on the wrong side of history, in a “world without lawyers” (85).²

Morris returns to these critiques of English common law three years later when he publishes *News from Nowhere*, a utopian novel that responds to Bellamy’s hugely successful *Looking Backward*. Whereas criticism has tended to position Morris’s and Bellamy’s utopias as incommensurable,³ I want to explore how *Looking Backward* and *News from Nowhere* share a surprisingly similar approach to utopian legality. Whereas Stephen Coleman, for example, finds “two distinct theories” of legality in *Looking Backward* and *News from Nowhere*—Bellamy’s “coerced, regimented, bureaucratized,” Morris’s “unschooled, undomesticated” (88)—I find more similarities than differences when bringing these novels into conversation. Chiefly, the common feature between these utopian novels is that they do not represent progressive movements toward a more just legal system, but rather turn the preceding common law tradition into a relic that has been replaced by a utopian law—a law based on “fundamental principles” in *Looking Backward* and noncoercive “arrangements” in *News from Nowhere*.

As leaders of socialist movements in the United States and Great Britain, Bellamy and Morris dispense with property in their utopias, claiming that property overwhelmed the legal system with disputes, and deformed the relations between people such that ownership instead of fellowship became the standard. Bellamy and Morris displace property relations by instituting reforms that supposedly recapture the so-called natural, pre-capital relations between utopia’s inhabitants. Bellamy’s new laws are based around recognizing the inheritance of being “human,” “fellows of one race” (79), whereas Morris claims to do away with a legal system altogether. In

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² Wiens notes how Morris’s audience would have recognized parallels between this fictional kangaroo court and the trial of the Dod Street Affair, where Morris reportedly shouted “Shame!” at the proceedings and was arrested (88). The Dod Street protests were responses to “obstruction” prosecutions that criminalized Socialist activity in the period. For more information on the Dod Street Affair and the political battles of the time, see Thompson, *William Morris, Romantic to Revolutionary*, 422-502; and Cole, *A History of Socialist Thought*, 405-7. See also Shaw, *An Autobiography*, 150-3 for how these legal battles “form the real history of Morris’s plunge into politics” (152).

the law’s place, the community of “neighbours” regulate conduct and redress errors. Bellamy
and Morris claim to decentralize the law in utopia; no one person makes or decides the law
because it is based around supposedly noncoercive relations between citizens. Both *Looking
Backward* and *News from Nowhere* employ the clever, if not quite persuasive, workaround of
suggesting that if readers have difficulty conceiving how justice will arise spontaneously without
subjective judgments and coercive laws, it is because there is a psychological gap between our
time and utopia. Morris specifically mentions that “something inexplicable” happens to William
Guest to transport him from the nineteenth century to utopia (10). For these writers, the law in
utopia is equally “inexplicable.” The transition from current laws towards utopian laws are
apparently unthinkable from a pre-utopian perspective and thus only legible symbolically. In
advancing a counterfactual legality, one that is not burdened by current limitations, Bellamy and
Morris turn to literature because of its capacity to speak as if the change has already happened,
and as if the ideals already have substance.

*Looking Backward* and *News from Nowhere* claim to recuperate natural relations between
people. In fact, however, Bellamy and Morris offer arbitrary stories that attempt to evade their
arbitrariness. H. G. Wells later took aim at both Bellamy and Morris on these grounds. In *A
Modern Utopia*, his narrator gets in a heated skirmish with an “old man,” an “apostle of Nature,”
who claims that we should rely on our relationships inherited from nature to direct us (85).
Throughout, I call attention to the ways in which Bellamy and Morris struggle to naturalize their
alternative legality, and in doing so call attention to the ways in which their late Victorian
approach to law mirrors recent approaches to human rights. In bringing Victorian literature in
conversation with theories of human rights, I argue that we can see how Bellamy and Morris
anticipate the so-called utopian aspects of human rights. I suggest that we think of human rights
as “post-Victorian,” a term I borrow from Dianne Sadoff and John Kucich, which signals a
correspondence between *fin de siècle* and contemporary ways of legislating.

1.1 Looking Forward

When he wakes up in the year 1999, Julian West is a stranger in the new world, an outsider who
knows nothing of what has taken place over the past hundred years as he slept. When he first
introduces himself, Julian is a man of thirty settling into life in New England during the 1880s.
He lives off the labour of others, offering nothing of himself or his labour in return. He is
engaged to a beautiful, wealthy woman, and engrossed in having a home built for them in an posh suburb of Boston. Even though he intended to be married and living in his new home by 1886, both are “still a thing of the future” at the time of his journey in time, because a series of worker strikes delay their plans and throw Boston into civil unrest (9). In the nineteenth century, he lived off the interest on investments made by his great-grandfather; however, when he wakes up in the twentieth century there is no longer any use for money. He notes how he has a treasure stashed in the bunker where he has slept for over a hundred years, and yet he wakes up in a future where a barrel of gold cannot buy a loaf of bread (127). Julian is thus estranged from more than simply the time in which he was raised; the Boston where he previously called home has transformed into a place he has “never seen” before (22).

According to Philip Wegner, Julian West resembles “a subject literally pulled from the flow of history” (90). At no point, however, was Julian separated from history. History continued uninterrupted as he slept. That is precisely the point of Julian’s oversleeping. What has changed is Julian’s psychological familiarity with the world around him. While he falls asleep in his basement bunker, in an all-too-real world, he awakes in a place that he had “never been in” before, part of a world he cannot initially comprehend:

There was a rustle of garments and I opened my eyes. A fine looking man of perhaps sixty was bending over me, an expression of much benevolence mingled with great curiosity upon his features. He was an utter stranger. I raised myself on an elbow and looked around. The room was empty. I certainly had never been in it before, or one furnished like it. I looked back at my companion. (16)

Dr. Leete is a man of considerable age with lively and friendly features, but, Julian adds, an “utter stranger.” Although Julian describes Dr. Leete as a stranger, the ironic implication is that Julian is himself a stranger for the inhabitants of utopia. In his influential essay “The Stranger,” George Simmel describes the stranger not as an unknown figure but as someone who is not yet part of the community in which he stands. The stranger is a “union of closeness and remoteness” (143); he is close because he is recognizably a man but remote because he is not yet a part of, or distinct from, the community. Julian signals his status as this kind of stranger when he remarks

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4 Beaumont makes a similar claim in _Utopia Ltd_, noting how Julian’s journey entails a “flight from history itself,” his oversleeping “an escape from the ‘nervous tension of the public mind’” (72). See also Mousoutzanis, _Fin-de-Siècle Fictions, 1890s-1990s_, 48-9, for a discussion of “traumatic temporality” in _Looking Backward_.

that he feels a “bit queerly” when waking up (16). Rather than being pulled from time, as Wegner suggests, he experiences time differently than the community.

By structuring Julian’s displacement around the literary trope of falling asleep and waking up, Bellamy places him at odds with the legality of utopia. Being at odds with the law of utopia is not, as it would be in our time, cause for concern. Julian jokes that he balances precariously on a “most extraordinary footing.” Julian prepares to visit Dr. Leete, and yet he worries that he is overstaying his welcome, and that their “temporary hospitality” is quickly running out. When telling Dr. Leete of his concerns, Julian notes how

in my time a person more or less entering the world, however he got in, would not be noticed in the unorganized throng of men, and might make a place for himself anywhere he chose if he were strong enough. But nowadays everybody is a part of a system with a distinct place and function. I am outside the system, and don’t see how I can get in; there seems no way to get in, except to be born in or to come in as an emigrant from some other system. (104)

Julian’s concern is justified because, as Leete admits, the existing “system” does not account for his situation: he tells Julian that “Our system is defective in lacking provision for cases like yours” (104). While the system does not account for him, there is the suggestion that utopia will take him in as Leete has, as “an acquisition not . . . to be parted with” (103). While Julian can become an acquisition for Leete and for Boston, he cannot be so easily offered a legal position in this new world. In Bellamy’s utopian world, to be acquired (a word that we will return to momentarily) is not the same as being recognized or recognizable.

In the absence of provisions to account for Julian, Dr. Leete’s hospitality steps in and takes charge. As the head of the household, a retired doctor, and belletrist, Leete serves as a figure of authority. It is through Leete’s tutelage that Julian becomes involved with the laws of utopia. Looking Backward is, in no uncertain terms, a patriarchal society. Dr. Leete is Julian’s tour guide regarding all the supposedly important aspects of life in utopian Boston. The structure of manufacturing, the operations and hierarchy of the military, and the discussion of the legal

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5 Dinshaw connects temporal displacement and queerness. When detailing various stories where a person falls asleep and awakes many years later, she notes that the person’s “experience of time has made him queer” (43). For more information on the relationship between queerness, utopia, and futurity, see Múnoz, Cruising Utopia: The Then and There of Queer Futurity, his response to Edelman’s No Future: Queer Theory and the Death Drive.
system are all explained by Leete. Leete’s daughter, Ellen, is Julian’s tour guide for the peripheral, which is to say, aesthetic, details. She takes him to see the shopping centre in Boston and explains how one shops without the idea of money: you take what you like. Leete tells Julian how they mitigated the labour problems of his day, and it is to Leete that Julian owes his later career as a Professor of the 19th Century. As we will see, the qualifications to be a judge in Bellamy’s utopia are to be a man of retirement age and of excellent social standing. No formal legal training is required. In fact, there are no longer any law schools, lawyers, or juries. When Julian awakes and Leete greets him, therefore, it is as if an incarnation of Bellamy’s “system” has been waiting patiently to interrogate him. If, as Leete suggests, the laws of utopia can only be experienced rather than theorized, then Julian’s encounters with Leete provide him with the opportunity and facility to crawl before he walks. While Julian begins unsteady, tentative, poised on a “most extraordinary footing,” he gradually gains his social legs.

Dr. Leete asks Julian a series of questions, ostensibly to help Julian locate himself in this brave, new world. However, the dialogue between Leete and Julian takes its shape more from a mutual interrogation than a friendly exchange. Initially, Julian thinks that he is the subject of an elaborate ruse, possibly even a crime. He wonders if he has been abducted and relocated. In comparison, Dr. Leete’s questions are pointed, almost legalistic in their treatment of the facts, even as those facts are “rather improbable” (19). He is after testimony to corroborate what he believes to be true no matter how odd the facts seem: that Julian has slept for over a hundred years. Dr. Leete is both host and interrogator, or rather interrogator because he is Julian’s host. In the absence of a court room, his residence is transformed into a space of testimony. In adapting Immanuel Kant’s understanding of hospitality,6 Jacques Derrida has claimed that a stranger is invited into the law through a series of questions asked and answers returned: “You enjoin him to state and guarantee his identity, as you would a witness before a court” (149). In vouchsafing for his identity, the stranger agrees to be a subject in the law and responsible to it. If we concede to Derrida’s claims about the law, then Leete’s questions and Julian’s responses are an agreement, a “conditional hospitality” (149),7 where Julian is recognized by the law in utopia on the condition

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6 Cf. Waithe, William Morris’s Utopia of Strangers, where he discusses Kant’s conception of hospitality, noting how for Kant there are two separate kinds of hospitality, one private and one public or extra-mural. Waithe claims that Kant’s distinction “does not fit particularly well with Morris’s blurring of the two jurisdictions: Morris’s point, surely, was that strangers should be treated as guests in the public and the private realm” (151).

7 Derrida distinguishes between a “conditional hospitality,” which depends on the agreement between parties, and an “unconditional hospitality” which requires no such reciprocity (149).
that Julian recognizes it in turn. The ensemble of questions Dr. Leete asks and the answers that Julian provides thus frame the interaction as one where Leete welcomes him and Julian accepts that welcome by responding.

Nevertheless, Bellamy attempts to suppress the real bureaucratic business of Leete’s presence by painting their exchanges with the patina of civility. Julian and Leete trade many pleasantries, because for all their differences they are nonetheless men of social value. Julian’s value lies in reminding the people of utopia of how far they have come. Leete’s value lies in his ability to render that distance understandable for Julian and, consequently, for Bellamy’s reader. If Julian’s value is experiential, then Leete’s is rhetorical. Leete is responsible for calling to mind an apparently new world, while helping Julian move past looking backward.

While *Looking Backward* and *News from Nowhere*, and other utopian works, are conventionally categorized as novels, they are more accurately a sub-genre of the philosophical treatise. They have more in common with Plato’s *The Republic* or Fourier’s *Theory of the Four Movements* than with *Pride and Prejudice*, *Bleak House*, and *War and Peace*. Utopian fiction finds its inertia not from character development (as the novel does) but from a desire to persuade the reader that things can be different, which is to say, better. Novels, including dystopian ones, are narratives that happen to a specific character or characters. Novels are telescopic in their attention to the details of character, whereas utopias are synoptic in their overwhelming disregard for characters and their inner psychic lives. Even when characters in novels fail to develop, their arrested development still substantiates the centrality of character and their personal plotting. Utopias do not so much have characters as mouthpieces for the author. Fredric Jameson goes so far as to insist that utopian works are “mostly non-narrative, and . . . somehow without a subject-position, although to be sure, a tourist-observer flickers through its pages and more than a few anecdotes are disengaged” (*Seeds* 56). Julian has but the thinnest veneer of character, just enough to keep the dialogue between him and Dr. Leete going. His questions do not so much suggest a rounded interiority as provide Bellamy with the opportunity to answer the most pressing questions of his time. Stephen Leacock suggests, too, that the sparse plotting of *Looking Backward* is but the “sugar that lures the random bee” (105-6).

A world is thus gradually revealed in its complexities. *Looking Backward* is a machine that churns out a blueprint, which ideally should seem persuasive. Leete’s answers to Julian’s
queries are really a way of indoctrinating him into the ways of utopia. So much has changed in
the intervening years that even the meanings of words can no longer be taken for granted: “Only
a century has passed,” says Dr. Leete, “but many a millennium in the world’s history has seen
changes less extraordinary” (23). When Leete refers to Julian as his “acquisition,” the word does
not suggest that he sees Julian as his possession; there is no longer anything that can be owned.
Leete’s word is thus estranged from the meaning we typically assume it has. When Darko Suvin
describes Utopian literature as entailing “cognitive estrangement” (12), he gets at the heart of Dr.
Leete’s instruction. He endeavours to retrain Julian’s mind in a new vocabulary. In a particularly
telling instance, Julian and Dr. Leete are talking about how in utopia all are cared for regardless
of their capacity to work. Although Julian concedes that “all men are brothers,” this is, for him,
only a rhetorical gesture. According to Leete and thus Bellamy, Julian’s response is a remnant
of a bygone time, the nineteenth century. He tells Julian:

If I were to give you, in one sentence a key to what may seem the mysteries of our
civilization as compared with that of your age, I should say that it is the fact that
the solidarity of the race and the brotherhood of man, which to you were but fine
phrases, are, to our thinking and feeling, ties as real and as vital as physical
fraternity. (78)

In utopia, the rhetorical becomes real. Language has the power to form new relations; words
materialize bonds as veritable as biological inheritance.

Some often-overlooked details about Bellamy is that he was trained as a lawyer in the
Law Offices of Leonard and Wells in Springfield, Massachusetts, admitted to the Massachusetts
Bar in 1871, and then opened his own law office in Chicopee (Bowman 7). According to the
mythology surrounding Bellamy, his first case involved evicting a widower for non-payment of
rent. Enraged at the injustice of the legal system, he supposedly closed his legal practice and
never practiced law again. Bellamy’s biographer, Sylvia Bowman, reports this as fact, but it
reads more like wishful thinking. Whatever his reasons, Bellamy’s legal career was exceedingly

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8 In Ideology and Utopia, Mannheim also uses the example of brotherly love (agape) to explore how in a society
based around class privileges the actual realization of “Christian brotherly love... is impossible” (175). He goes on
to say that the “idea of Christian brotherly love... remains an unrealizable and, in this sense, ideological idea, even
when the intended meaning is, in good faith, a motive in the conduct of the individual” (175). For Mannheim,
brotherly love appears utopian, but without the abolition of class it remains wholly ideological. Here, in Looking
Backward, brotherhood seems to have overcome its status as ideology.
short. A literary career interested him more.\(^9\) Journalism seemed a step in that direction, so he began a career as a journalist and eventually, in 1891, after the success of *Looking Backward*, started his own political magazine, *The Nation*, which was devoted to promoting his ideas.\(^10\)

More than a casual bit of biography, Bellamy’s conflicted relationship with the law is reflected in *Looking Backward*. For example, “[h]air-splitting experts” of the law have no place there (121). Bellamy did recognize the usefulness of his training years later when he remarked that “unless a man knows something about law . . . he’s unlikely to be a sound adviser as to how the present methods can be improved on. The man who undertakes to mend a machine must understand it as it was made” (qtd. in Bowman 7).

While there are no longer any lawyers in utopia, it is not because there are no laws. On the contrary, for Bellamy, the way out from under the crises of legal disagreement is to democratize the law, and to transform it from a specialized discourse to one accessible without any formal training. Only “a few of the plainest” laws apparently remain:

> The treatises of your great lawyers, the works of Blackstone and Chitty, of Story and Parsons, stand in our museums, side by side with the tomes of Duns Scotus and his fellow scholastics, as curious monuments of intellectual subtlety devoted to subjects equally remote from the interests of modern man. Our judges are simply widely informed, judicious, and discreet men of ripe years. (122)

The discretion of *judicious* men takes over for properly *judicial* proceedings. Bellamy seems to anticipate his reader’s kneejerk resistance to such flagrant disregard for legal history, because he goes on to use the metaphor of the pyramid to narrate how utopia’s laws are accessible. Leete tells Julian that in his time “society was a pyramid poised on its apex. All the gravitations of human nature were constantly tending to topple it over, and it could be maintained upright . . . by an elaborate system of constantly renewed props and buttresses and guy-ropes in the form of laws” (123). A pyramid cannot remain poised on its apex without constant attention. So too, he suggests, a society cannot remain upright when it takes private interests as its foundation. The

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\(^9\) I was unable to check Bowman’s source since the Mason Green biography that she references was never published. Moreover, Arthur Morgan’s alternative biography does not relay the story.

\(^10\) Lipow notes how, in late nineteenth century America, the legal profession “appealed to young men on the make who lacked the necessary family connections or capital with which to advance themselves” (144). Lipow points to the rapid increase in lawyers—from 1870 to 1890, the number of practicing lawyers in the United States doubled—as one of several turning points for Anglo-American Socialism (143-5).
laws of the nineteenth century were focused only on averting the toppling of private property; according to Leete, society now rests on its base, “human nature,” and is “in as little need of artificial supports as the everlasting hills” (123).

While William Blackstone had already represented monarchical England as a pyramid, Bellamy repurposes this metaphor for his utopian United States. In his Commentaries on the Laws of England, Blackstone reifies the class structure of post-Reformation England by construing the monarch as the apex and his subjects as the pyramid’s base. Living between subjects and their sovereign is the noble class that forms a “barrier to withstand the encroachment” on the people by a monarch and to prevent the people from overtaking the monarch. Blackstone’s symbol yokes together a vast legislative and legal system under the guise of a simple, understandable metaphor. For Blackstone, the nation-state is a structure “rising like a pyramid from a broad foundation, and diminishing to a point as it rises. It is this ascending and contracting proportion that adds stability to any government; for when the departure is sudden from one extreme to another, we may pronounce that state to be precarious.” In Looking Backward, Bellamy repurposes the pyramid metaphor to describe the shape of his meritocracy. For Bellamy, utopia distinguishes among people based upon aptitude and virtue. Those who distinguish themselves in the military, in education, and leadership go on to lead; those who fail to do so do not lead. “Nature” grounds the governmental structure of utopia, and “fundamental principles” apparently settle problems once and for all (123).

Rather than rehearse claims of human nature being fundamentally fallen and inescapably agonistic, Bellamy imagines a new peace brought about by a fundamental shift in focus: to recognize and respect, without exception, what Leete calls the “human family.” The only inheritance that can remain in utopia is that of being human. When explaining again how in utopia all are cared for, regardless of circumstance, Dr. Leete explains that

A solution which leaves unaccounted-for residuum is no solution at all; and our solution of the problem of human society would have been none at all had it left the lame, the sick, and the blind outside with the beasts, to fare as they might. Better far have left the strong and well unprovided for than these burdened ones, toward whom every heart must yearn, and for whom ease of mind and body should be provided, if for no others. Therefore, it is, as I told you this morning,
that the title of every man, woman, and child to the means of existence rests on no
basis less plain, broad, and simple than the fact that they are fellows of one race—
members of one human family. The only coin current is the image of God, and
that is good for all. (79)

The right of property no longer has any force. In its place are the privileges and protection
afforded to all based upon a common humanity. An equal share of goods, services, and
protection is afforded to all because the only classification that has any legitimacy in utopia is
one that they all share. Julian was therefore never in any danger of being dismissed by the law,
because he was still recognized by the community as human and thus deserving of protection.
At no point does Bellamy explain what the “fundamental principles” upon which the law in
utopia relies. He neither clarifies those few legal “maxims” that remain, nor what human nature
is, and how it provides the bases for a new legal paradigm. These are articles of faith in utopia—
commonsensical, self-evident, and unquestioned by utopia’s citizens.

Looking Backward goes on to suggest that utopia’s laws are based on a secular theology.
When Julian awakes on Sunday morning, he learns that in utopia they still have religion. He soon
discovers, however, that religion is another name for politics in utopia, and that religion bears
only a rhetorical connection with Christianity. Because sermons are preached via telephone, with
wires connecting the subscribers’ homes and the pulpit, Julian settles down in a comfortable
chair in the Leete residence and listens to Barton, a preacher with a considerable following who
only preaches from afar. Barton takes Julian and his journey as the subject for his sermon. He
reminds his listeners how people then “believed . . . the exact reverse of what seems to us self-
evident, they believed, that is, that the anti-social qualities of men, and not their social qualities,
were what furnished the cohesive force of society” (165). The pastor insists that

humanity has entered a new phase of spiritual development, an evolution of higher
faculties, the very existence of which in human nature our ancestors scarcely
suspected. In place of the dreary hopelessness of the nineteenth century, its
profound pessimism as to the future of humanity, the animating idea of the present
age is an enthusiastic conception of the opportunities of our earthly existence, and
the unbounded possibilities of human nature. (170-1)
Barton’s sermon is a form of Christianity without Christ. It has few of the theological trappings that comprised nineteenth century Christianity. Barton goes on to mention how the nineteenth century was only nominally Christian because it preached Christian “spirit” while espousing “anti-Christian” economic practices. In the twentieth century, utopians have apparently embraced the “spirit” of Jesus’s economic policy but jettisoned Jesus himself.

Raised in a devout Protestant home, and a descendant of Joseph Bellamy, the American Congregationalist pastor, Edward Bellamy was steeped in The Great Awakening in New England Protestantism. Beginning in the eighteenth century with John Edwards (who mentored a young Joseph Bellamy) and George Whitefield, The Great Awakening was a broad ecumenical reform in the way Protestantism was preached, and that emphasized conversions and opening the church up to the wider public (Valeri 16-25). Almost a hundred years after Joseph Bellamy’s death, he is memorialized as the author of the “blue book” that Grandmother Badger reads in Harriet Beecher Stowe’s Oldtown Folks. Grandmother Badger enjoys one respite from the harsh world and her suffering, half an hour’s reading from her copy of Bellamy’s True Religion Delineated. When in True Religion Bellamy considers those who are nominally Christian, and who partake in the “mere form of religion,” he says that such a man

is not unjust, or an extortioner, nor an adulterer; but much better than some of his neighbors. He prays in his family, goes to public worship, and attends the Sacrament, and thinks himself a very good man; like him in Luke xviii. 9, 10, &c. But as for the doctrines relating to our natural depravity, regeneration, conversion, faith, communion with God, and all the insides of religion, he understands nothing about them; they seem as strange to him as Nicodemus to hear Christ discourse about the new birth. And all the talk about the inward influences of the holy spirit, in awakening, convincing, humbling, and converting a sinner, and in enlightening, teaching and quickening, comforting, and sanctifying a believer, is quite unintelligible. (66)

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For Joseph Bellamy, *true religion* meant not dabbling in the “form” of Christianity but a full embrace of its teachings, including the “natural depravity” of man. Unlike his great grandfather, however, Edward Bellamy attends to the *form* of Christianity while insisting that man is not depraved. In 1874, more than twenty years before *Looking Backward*, he penned an essay where he claimed that Socialism is the religion of solidarity, a position that was, he later said, the “germ of what has been ever since my philosophy of life” (*Selected 26*).

Because Bellamy’s utopia conceives of men and women as naturally tending to virtue, legal judgement is the exception, not the rule. As *Looking Backward* concludes, Julian asks an all-too-important question: how does the law operate when someone stands accused? Leete says, “The plea of the accused is not a mere formality with us, as with you. It is usually the end of the case” (120). The sense of responsibility in utopia is such that even the transgressor recognizes his transgression and pleads guilty so he can begin to make amends. In most cases, the judge is not there to judge, but rather serves as an incarnation of utopia’s system. If, however, the accused denies his guilt, the judge will use his so-called natural faculties of discernment to decide on an appropriate punishment. Julian finds this justice system difficult to believe, and claims that if the legal system is indeed as Dr. Leete has told him, then it is “the new heavens and the new earth wherein dwelleth righteousness.” Like all such moments of doubt in *Looking Backward*, Bellamy steers the discussion toward the suggestion that our incredulity is because of our psychologically backwards ways of thinking. Bellamy suggests that utopia will transform that incredulity into understanding; until then, we have to take what he espouses on faith. There is an eschatology built into Bellamy’s utopia. At the end of history, the contradictions of this world will fall away. Laurence Gronlund, one of Bellamy’s socialist contemporaries, suggested that

By the advent and the following radical transformation of Socialism, mankind will, in very truth, be granted nothing less than a real revelation from God which none can dispute—a revelation *through human history*. What now most naturally creates skepticism will then just as irresistibly create belief. . . . That which makes this remarkable difference between then [utopia] and now is simply the different points of view. It so happens that now—as in every transition period—we are in

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12 Cf. Schiffman’s “Introduction,” ix-xlili, to Bellamy’s *Selected Writings on Religion and Society*, where he explores how Bellamy abandoned “the Calvinist God of the hostile universe, puny man, and individual fate, to reaffirm the secular American religion of man as an element of the divine” (xvi).
the midst, in the thick of the plot, the most vital of the plots so far, and the vast majority of men do not see any issue out of it. (129)

Gronlund is not describing an idiosyncratic approach to Victorian socialism. He was speaking about an approach that was shared between many, including Bellamy and Morris.

1.2 Nowhere in Particular

While Bellamy concludes *Looking Backward* with Julian West having a nightmare from which he awakes again in the twentieth century, Morris’s *News from Nowhere* has its protagonist, William Guest, wake up again in the nineteenth century after the “dream” of his travels in utopia. West slumbers toward the future, while Guest merely dreams that he wakes up in utopia. In linking his utopia with the medieval dream vision genre, Morris frames his utopia with the suggestion that if others see utopia as Guest has then *News from Nowhere* “may be called a vision rather than a dream” (220). The depiction of utopia offered may come to pass, or it may not. *News from Nowhere* concludes on a note that distinguishes it from the comparative certainty that Bellamy offers. Utopian literature’s principal bibliographer, Lyman Tower Sargent, has long stressed the provisionality built into depictions of utopia (*Utopianism* 199). Counteracting the perennial criticism of utopias, that they are closed to debate, his work addresses how utopian writers tend to represent their utopia as a possibility that does not crowd out alternatives.¹³ *News from Nowhere* is distinguished in Sargent’s rubric because it remains self-consciously open for debate. The fact that it remains open does not imply, however, that it is any less bureaucratic than *Looking Backward*. Beneath the patina of Morris’s rustic and apparently relaxed utopia lies a legal system that is as structured as anything that Bellamy devised.

The first details that we learn about William Guest is that he is a member of the Socialist League, and that he attended a meeting one evening where the discussion centred on what “would happen on the Morrow of the Revolution” (3). Initially quiet and eager to hear the thoughts of fellow members, Guest becomes enraged at the discussion, “damn[s] all the rest for fools,” and returns home disconcerted. Guest has trouble sleeping, but after a few hours drifts off

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¹³ See also Sargent, “Three Faces of Utopianism Revisited.” For an alternate view, see Popper, *The Open Societies and its Enemies*, for how “utopias” are pernicious because they are static. Wells responds to such criticisms by fashioning *A Modern Utopia* “not [as] static but kinetic.” He goes on to insist that utopia “must [take] shape not as a permanent state but as a hopeful stage, leading to a long ascent of stages. Nowadays we do not resist and overcome the great stream of things, but rather float upon it. We build not citadels, but ships of state” (*Modern* 4).
and dreams of the future. When he wakes up in utopia, he is hardly aware of what has happened to him. As he gathers his wits, he is met by a feeling of “mere measureless wonder: for it was winter when I went to bed that last night, and now, by witness of the river-side trees, it was summer, a beautiful bright morning seemingly of early June” (7). More than a journey of a few months’ time, Guest soon discovers when speaking with the utopians that he has been transported into the distant future, sometime long after the year 2003. “Something inexplicable had happened” to transport him from the industrial nineteenth century to an idyllic, future London where a neo-medieval aesthetic of life persists (10).

When Guest wakes up in the future, he is a “guest” in more ways than his name. He went to sleep in his home, which is located on the same spot as Morris’s home, Kelmscott House. In the future, Guest’s home has been turned into a “Guest House” for travellers. Estranged from the place he grew up and lived, Guest is also estranged from his personality because he cannot remember his real name. When asked about his name, one of the Utopians refer to him with by the title “Guest,” a friendly term used in Nowhere to refer to travellers from abroad. He takes that name for the time being, while he gathers his bearings. As with Bellamy’s Looking Backward, in News from Nowhere there is no longer any currency in circulation. When Guest encounters a ferryman, who welcomes him aboard his ship and ferries him down the Thames, Guest pulls out coins from his pocket only to notice that they have oxidized, “like a black-leaded stove in colour” (11). Unlike Charon, who ferries the newly deceased across to Hades, demanding a coin in return for his end-of-life services, Dick demands nothing in compensation. He has never taken any payment, nor would he because ferrying people is his “business,” the word taking on an estranged meaning similar to one’s “calling.”

Like Julian, Guest finds a tour-guide so that he can ask questions and get answers as to the changes that have taken place since the nineteenth century. Dick is unable to serve that purpose because he is one of the many young residents of Nowhere for whom the past is past. Dick speaks for the post-historical inhabitants of Nowhere. “Some don’t care about [history],” says Dick, “in fact, I don’t think many do. I have heard my great-grandfather say that it is mostly in periods of turmoil and strife and confusion that people care much about history; and you know . . . we are not like that now” (33). Dick claims that without turmoil, history no longer serves much use. His predilection for outdoor work but not book learning thus makes him a poor tour
guide, and so Dick brings him to see his great-grandfather, the manager of the British Museum, and an intellectual who does not share Dick’s dismal view of history.

Old Hammond, his great grandfather, is a man who respects history and is described as synonymous with the books that form history’s record. He “looks upon himself,” Dick tells us, “as a part of the books, or the books a part of him” (52). He does not know which. Whereas Dick remembers history insofar as it is personal, Old Hammond is the keeper of impersonal history.

Dick points out various historical landmarks because these sights are along his ferry route. He mentions the Bishop of Ely’s house from Shakespeare’s *Richard III*, and the place where various noble families lived during the Medieval period (52). Dick recalls historical facts to enliven the tour, and suggests that the British Museum be torn down because it is an “ugly old building” (53). For Dick, aesthetics should supplant history. Old Hammond, however, is history’s custodian, his old age a sign of the ways in which he preserves the past. When we are first introduced to Old Hammond, Guest describes him as “a little old man . . . dressed in a sort of Norfolk-jacket of blue serge work thread-bare, with breeches of the same, and grey worsted stockings” (55). Old Hammond is dressed in the well-worn fashions of the nineteenth century. It is through Old Hammond, a man who straddles Guest’s present and the utopian future, that Guest is officially introduced to utopia. It is as if Guest is too different from Dick—too much time has elapsed, and the past forgotten—for him to truly relate to Guest.

Dick “could hardly understand” Guest’s questions, but when he finally meets Hammond, Guest asks that he treat him as if “a being from another planet” (57). The relationship between Old Hammond and Guest appears congenial at first, and yet, as mentioned, the stranger evokes both nearness and distance. While Old Hammond welcomes Guest, he acknowledges initially that it is, firstly, out of courtesy: that if one treated a “stranger” without kindness, that person would be perceived as equally “strange” (58). It is as if Old Hammond keeps Guest at arms’ length until he has sufficiently introduced him to the new ways of living in utopia. Morris cleverly introduces this transition by the various terms of endearment that Old Hammond calls William Guest. At first, Guest evokes both a “being from another planet” and a “stranger” to Old Hammond. When he begins discussing the role of women in utopia, and suggests that women remain domestic beings, Old Hammond refers to Guest as a “friend” (63). Women complete the homosocial circle, allowing two men from two different centuries to come together in their
opinions on the appropriate domain for women.\textsuperscript{14} *Friend* evokes a personal compatibility, and yet Hammond proceeds one step further and refers to Guest finally as “neighbour,” the term used by utopians to refer to each other. This transition from *stranger* to *neighbour* is only possible when Guest becomes aware of, and understands, the shape of things in utopia, chiefly, the retirement of private property (86).\textsuperscript{15} Morris’s fondness for pastoral settings has its parallel in this term that calls to mind a micro-politics of neighbourhood.

Rather than a formal government, Nowhere is structured around self-evident and noncoercive “arrangements” among neighbours. When Guest asks Old Hammond to elaborate on these “arrangements,” Old Hammond appeals to the limitations of his wherewithal:

\begin{quote}
although we have simplified our lives a great deal from what they were, and have got rid of many conventialities and many sham wants, which used to give our forefathers much trouble, yet our life is too complex for me to tell you in detail by means of words how it is arranged; you must find that out by living amongst us.
\end{quote}

(82)

When pressed, Old Hammond attempts something like a paraphrase of the ways in which Nowhere is ruled by the community at large. Even demands that people work in this “epoch of rest” are largely unnecessary because, as Hammond says, “We have been living for a hundred and fifty years, at least, more or less in our present manner, and a tradition of habit of life has been growing on us; and that habit has become a habit of acting on the whole for the best” (82). In place of a complicated legislative and legal system, Morris’s utopians apparently have a “tradition of habit” of acting in ways that render justice.

Unlike Bellamy, Morris spends considerable time dealing with the ways in which crime is handled in utopia. Morris and his mouthpiece, Old Hammond, do not suggest that crime has

\textsuperscript{14} Kirchhoff, *William Morris: The Construction of a Male Self*, offers a perceptive account of Morris negotiation of the homosocial, “eventually reject[ing]—insofar as such a rejection is possible—both the male power system articulated through these relationships and the notion of woman they entailed—a notion that turned out to be much the same as the idealized other of Romantic poetry” (xiv).

\textsuperscript{15} Waithe also recognizes the emphasis that Morris places on the final term of *neighbour*, suggesting that Morris may have intended *neighbour* as a post-revolutionary variant on *comrade*, the latter an “appellation whose military origin made it inappropriate as a marker of Nowhere’s less conscious, less embattled, modes of fellowship” (147). For discussions of Morris’s relationship with Marxism, see Geoghegan, *Utopianism and Marxism*, 63-65; Meier, *William Morris: The Marxist Dreamer*, especially Chapters 4 and 5. For a more recent appraisal of Morris’s politics, see Boos and Silver’s edited volume *Socialism and the Literary Artistry of William Morris*. 
been abolished. Instead, the legalistic response to crime (and the word “crime”) has been retired. “Hot blood will err sometimes,” Hammond tells us. “A man may strike another, and the striken strike back again, and the result be a homicide, to put it at the worst” (84). In place of a legal system stands the community of neighbours to redress the error. When transgressions of “good fellowship” occur, everyone, “transgressors and all, know them for what they are; the errors of friends, not the habitual actions of persons driven into enmity, against society” (83). Utopians do not turn the transgressor into a crystallization of crime; they do not construe him as a “criminal,” but rather a neighbour who has erred. Similar to the inhabitants of Looking Backward, Morris’s neighbours “expect the transgressor to make any atonement possible to him, and he himself expects it” (85). The error of his ways is self-evident to the transgressor, his atonement a function of what he can do, if anything, to improve the situation.

As if the theory is too abstract, Morris provides an example of a transgression where a local man is killed during a fight with another man. On the second day of Guest’s journey up the Thames with Dick, Old Hammond, Clara, and Ellen, they come to a small clearing in the river before Caversham. They go ashore and are received “without overplus of words” by Dick’s good friend, Walter. While Walter appears to be a friendly and kind-hearted man, Guest detects that something has happened to sour his mood. Uncharacteristically, Walter is very quiet during their visit until, however, Dick asks him what is wrong and if they can help him. Walter explains that a young man in the town was in love with a woman who was admired in the community for her beauty, kindness, and intelligence. She did not feel the same. Against recommendations from the community (the “we” in Walter’s story) that he leave for another place apart from her, he stayed around, still struck with a love sickness. After a heated discussion one night, the young man attacked her boyfriend with an axe. The boyfriend was able to successfully resist and hit the young man in defense, accidentally killing him. When the story is told, the boyfriend is so distraught at having killed the man and is considering suicide. The young woman is equally distraught and may take her life as well. The community is thus in a state of confusion when Guest visits—and, Guest believes, ready to crash to a halt.

Rather than deal with this incident in a procedural way, the community comes together to try to make amends. While “shy” around one another, because transgressions such as this one are so rare, the community nonetheless comes together when Walter decides that perhaps some time alone in a cottage will do the man some good. The “us” (or “we”) is the community on whom
responsibility devolves. Walter is the community’s voice, but not its sovereign. Guest enquires if the cottage near Streatley is empty, and Walter replies that it is currently occupied “but the man who lives there will go out of it, of course, when he hears that we want it. You see, we think that the fresh air of the downs and the very emptiness of the landscape will do our friend good” (175). Everyone who is able will do his or her part in the reconciliation of this incident. Initially surprised that the boyfriend was not taken into custody until it could be proven that he was defending himself, Guest quickly concedes that justice will be done: “I had no fear any longer that ‘the sacredness of human life’ was likely to suffer amongst my friends from the absence of gallows and prison.” As Guest continues his journey up the Thames, he leaves this case behind. The atonement is unstated, the story open-ended, and the ways these “strange people dealt with what I had been used to hear called crimes” gestured toward but not detailed (173). We are led to believe Guest’s assurance that justice will be served.

Both Bellamy and Morris desire a law that is neither coercive nor arbitrary but rather decentralized and objective. Neither Looking Backward nor News from Nowhere mount a justification as to how and why these “principles” or the “tradition” are natural and just. They point to a law distinguished by its alterity, an alterity that they crystallize through the very literary conceit that provides the narrative inertia: both Bellamy and Morris have their protagonists fall asleep in the nineteenth century and wake up centuries later in utopia. The fanciful nature of this conceit points to how strange utopia is—so strange, in fact, that the only way Bellamy and Morris can describe the ideal of utopia is by recourse to an element of magic or whimsy. Rather than describe the seemingly impractical or impossible transition from the nineteenth century to utopia, these works turn to metaphor to distill a sense of historical transformation. They claim that utopia entails so fundamental a reorganization of perspective that such laws no longer require justification because they are self-evident. One needs to take it on faith that what Morris and Bellamy describe is a more just state, and that human nature is fundamentally good when capital no longer structures relations.

What we see in Looking Backward and News from Nowhere is a kind of evolutionary approach to history and law, one that essentially leaps from turmoil to peace in a way that mirrors an approach to late Victorian evolutionary discourse. Before the Modern Synthesis of evolutionary theory in 1942 by Julian Huxley, there were several competing hypotheses about how evolution exactly works (Holmes 6). While evolution was indeed “in everyone’s mouth,” as
David George Ritchie insisted in 1893 (42), what evolution entailed was still hotly debated. One of the most debated theories was saltationism (etymologically, *saltation* means *to leap*), which insisted that evolution’s inertia was not gradual adaptation but rather a set of big leaps forward by way of beneficial mutations (Holmes 7). Richard Goldschmidt would later term these mutations “hopeful monsters,” and, in 1940, described this process not as “a change involving more and more additional atomistic changes, but a complete change of the primary pattern or reaction system into a new one, which afterwards may again produce intraspecific variation by micromutation” (xxviii). Similar to Ritchie and Benjamin Kidd, for example, who considered evolution to also be a rubric for governing, Bellamy and Morris approach the movement towards utopia as a “complete change” rather than a progressive realization. Their utopias entail a huge leap forward, the anticipation of a better society. The monstrous historical transformation has thus turned out to be a strange blessing.

1.3 Anticipating Justice

Around the year 2000, a handful of works claimed that there was a connection between the end of the nineteenth century and the end of the twentieth century. The editors of *Victorian Afterlife*, Dianne Sadoff and John Kucich, suggest that “the postmodern fetishizes notion of cultural emergence,” and therefore has tended to point to the late Victorian period in theorizing how we got here (xv). Sadoff and Kucich use the term “post-Victorian” when referring to the postmodern so as to signal this shared conceptual territory (xi). 16 Similarly, in *Fin de Siècle Fictions*, Aris Mousoutzanis regards the two *fins de siècles* as interconnected because of a shared emphasis on apocalypse, technoscience, and empire; he speaks of a “neo-Victorian” mode in postmodernism (27). While these critics tease out the unacknowledged ways that the *fins de siècles* overlap, Bellamy and Morris and utopian fiction, more generally, already invite that comparison. The interest in historical transformation and the writing of history in *Looking Backward* and *News from Nowhere* were already suited to postmodernism’s obsession with refashioning history. 17

16 Other works that traverse the Victorian and the postmodern include: Holdsworth, “Haven’t I Seen You Somewhere Before? Melodrama, Postmodernism and Victorian Culture”; Annesley, “Decadence and Disquiet: Recent American Fiction and the Coming Fin de Siècle.” For a consideration of Morris as a writer whose work manifests several transitions, including a socialist turn, see Hicks, “Socialism and William Morris,” 69-108.

17 See, for example, Hutcheon, *A Poetics of Postmodernism, History, Theory, Practice*, for her discussion of “historiographic metafiction.”
to human rights, I respond to the call that Bellamy and Morris built into these works, while, at the same time, arguing that our moment’s ongoing debates about human rights have their own Victorian parallels that were equally problematic.

While human rights have increasingly come under fire for their epistemological problems, there has been a considerate effort from a number of liberal scholars to directly address the objections while nonetheless embracing human rights as the way forward. There are essentially two ways that liberal theorists have attempted to avoid the problematic epistemology of human rights. The first is to argue that human rights ought to be considered a minimalist politics, which focuses not on making grand metaphysical claims about human dignity and justice, but rather on preventing real suffering. For example, Ignatieff argues that a minimalist approach to human rights needs no justification. Its minimalism provides a way of circumventing the problems that legitimately plague alternate accounts of human rights. The second approach, exemplified here by Seyla Benhabib and Jürgen Habermas, is to argue that while there is no way of justifying human rights they still need to be defended as potentialities. While they insist that there is no privileged position from which to speak with confidence, there is important value in human rights as ways of imagining a better future. It is this second approach that I read alongside Looking Backward and News from Nowhere as a recent parallel to Bellamy and Morris. However, this approach that Benhabib and Habermas consider “utopian” proves problematic because of its attachment to the future. I go on to argue that Looking Backward and News from Nowhere help demonstrate the fundamental problems that plague this second approach to the work of international human rights.

In an often-cited work, Human Rights as Politics and Idolatry, Ignatieff claims that we can disagree about what is good, but nevertheless agree about what is certainly wrong (56). Our common ability to recognize the wrongs of cruelty supposedly tempers the bias of human rights law. In claiming to do away with foundational arguments about human rights altogether, Ignatieff endeavours to “build support for human rights on the basis of what such rights actually do for human beings” (64). His is a human rights theory built on subtraction, eliminating metaphysical elements and leaving in our hands one basic truth: that acts of cruelty are wrong

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Ignatieff participates in what Taylor calls the “subtraction story” of secularism—the view that secular values are what remain behind when theological or metaphysical concerns are removed from discourse. See Taylor, A Secular Age, 157, for his discussion of the stakes of such subtraction narratives.
because they curtail human freedom. However, in her essay, “‘The Most We Can Hope for’: Human Rights and the Politics of Fatalism,” Brown takes Ignatieff to task, asking whether or not he achieves this minimalism. Committed to seeing human rights discourse as hiding its aims as much as revealing them, Brown exposes what “rights discourse does not avow about itself” (461). She notes how his policy is in keeping with that old ruse of liberal reformers, in pursuing agendas that have significant effects in excess of the explicit reform, to insist that all they are doing is a bit of good or holding back the dark. On this view, rights simply set people free to make the world as they see fit—they do not have normative- or subject-producing dimensions; they do not carry cultural assumptions or aims; they do not prescribe or proscribe anything; they do not configure the political in a particular way or compete with other political possibilities or discourses. They simply expand autonomy and choice. (461)

Ignatieff’s minimalism overflows with policy. In fact, he shackles “hope” to a single outcome, effectively redefining the term. If preventing cruelty is “all we can hope for,” as he claims, then he offers a mandate for the future of human rights that is certainly strategic in both means and ends. Moreover, as a self-confessed skeptic, he disavows narratives of progress only to claim that in preventing cruelty, “we can say that we are making moral progress” (4). Ignatieff keeps speaking to conflicting, if not entirely contradictory, ends.

While Ignatieff claims that a minimalist approach to human rights needs no justification because we can all agree on the good of preventing cruelty, critics such as Benhabib and Habermas acknowledge that human rights cannot be justified rationally, but nevertheless express a utopian longing for a better future. Ignatieff denies the need for a justification, whereas Benhabib and Habermas delay it, pushing it into the future. In making her case, Benhabib returns to the work of Ernst Bloch, who insists that while natural law has been used to justify any number of atrocities and degradations, it nonetheless expresses a utopian desire for “what is right and just and yet still outstanding” (Natural xxx). By “outstanding,” he means what is exceptionally good but still to-be-determined. Benhabib adds that human rights is

a planetary ethics to guide us in the face of the devastation we are causing to the earth as a species, and a global public sphere, as a sphere of action and
deliberation, in which we interlock through ever more interdependent formal and informal spheres and institutions toward republican federalism. These would be the concrete utopia of our times. . . . The framework for realizing both natural rights and social utopias today requires a cosmopolitan imagination. Only then, and maybe then, can we approach the future in the spirit of an *experimentum mundi*, in Bloch’s words—an experiment with, and of, the world, in which we strive toward a planetary ethic and a global public sphere. (*Dignity* 193-4)

Benhabib defends human rights as a shape-shifting placeholder for a conception of justice that is not yet finalized, that falls short and is therefore not-yet just. As I mentioned, Habermas expresses a sympathy with this approach (again, by way of Bloch), and insists that while human rights “constitute a realistic utopia,” they need to be backed up by the “institutionalization of human rights” through the United Nations and its representatives (476).19

However, this futurist approach to human rights falls victim to the same shortcoming as the utopian legalities in *Looking Backward* and *News from Nowhere*. As examples of imaginative legislation, they fail to make a case for why their vision of law is a best-case scenario. Put differently, while Ignatieff insists that human rights require no justification, Morris, Bellamy, and I would add Benhabib and Habermas, take that justification for granted. Having already decided how liberalism is a humane and worthwhile ideal, they attempt to substantiate that ideal using the rhetorical trick of looking forward to its realization. Bruce Robbins has recently suggested that human rights law has a built-in temporality. While human rights abuses seem to have nothing to do with when they happen, Robbins insists that time is of the essence because abuses that are occurring in the present take precedence over those that happened before and those that are yet to come. In other words, urgency is tied to temporality. The here-and-now is the time of human rights abuses, but for these liberal theorists it is the future that seems to hold a certain rhetorical heft and persuasiveness. Because these futurist approaches speak of a potentiality they seem less coercive, as if we are being let in on a visionary communiqué.

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19 Similarly, Baxi, *The Future of Human Rights*, suggests that human rights “mark the possibility of a revolutionary beginning” (3), and goes on to say that this “potentiality, in the short run, merely pursues a kind of Real Utopia that seeks the ‘bettering of the bad’; in the long run, potentiality may well unfold in cherished images of a just and humane future for all human beings (as well as other sentient beings)” (2-3).
However, these approaches are no more or less coercive than the utopian fiction of Bellamy and Morris. In fact, by bringing these “utopian” approaches in contact with conceptions of human rights, we can see the ways in which the future enables the contemporary rhetorical arsenal of human rights discourse. In his “Theses on History,” Walter Benjamin suggest that visions of a liberated future are much less capable of galvanizing people to political action than are memories of enslaved ancestors (259). Nabokov suggests something similar when, in Bend Sinister, his hero remarks that “Anyone can create the future but only a wise man can create the past” (10). The future is so hypothetical, so open, that it has the effect of neutering politics. This is debatable, of course, but what is not debatable is the ways in which visions of a liberated future can just as well be a means of control. Bloch understood this intimately, because he wrote about the ways in which the “utopian” New Order was a hallmark of German fascism that coopted earlier revolutionary movements, including the German Peasants’ War.20

While there were many who praised Bellamy’s vision in Looking Backward—including Mark Twain, John Dewey, and Leacock, who claimed that “no single influence ever brought its ideas and its propaganda so forcibly and clearly before the public mind” (104-5)—there are good reasons to believe that he filled an existing need that was not egalitarian. The Nationalist Clubs that sprung up across the United States were known for their exclusivity and xenophobia. One of the first to question the egalitarianism of Bellamy’s utopia was Morris Hillquit, who in History of Socialism in the United States, concludes that “The historical development of society and the theory of the class struggle . . . have no place in Bellamy’s system. With him it is all a question of expediency; he is not an exponent of the laws of social development, but a social inventor” (289). Looking Backward offers a vision of the future that is as exclusively male as it is upper class.21 According to one commentator, Cyrus F. Willard, “Men and women of wealth, brains and of heart are interested” in Bellamy’s plans (qtd. in Johnpoll 213). The success of Looking Backward is not to be found in its persuasiveness, but the ways that it fed into an American politics that excluded anyone who was not affluent, white, and male.

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20 See Bloch, Heritage of Our Times.

21 See also Lipow, Authoritarian Socialism in America: Edward Bellamy and the Nationalist Movement, especially when he suggests that Bellamy and his Nationalist movement was “nothing more—nor less—than the sum total of the rationalization and bureaucratization of capitalist enterprise capped off by state ownership” (80).
Human rights discourse is especially susceptible to what Wendy Brown has called a “ripple” effect (“Most” 452), which sees the hopeful vision of human rights transformed into yet another form of political power that is not concerned with justice but with state interests. States have shown no compunction whatsoever in using human rights as a means of control. When defined as a future-friendly vision of justice, human rights appeals can become a triumphalist discourse that trivializes the brute realities of today where human rights are so often words without geopolitical efficacy, language emptied of its putative ability to defend human dignity when it is really threatened. We will return to the ways in which “human rights” can sometimes prove to be misguided in Chapter 4, but for now we turn to the fiction of Joseph Conrad so as to explore how appeals to the natural, God-given prerogative of English nationals proved to be a successful way in legitimating fin de siècle imperialism.
Chapter 2
Writing in the Service: *Lord Jim*, Imperialism, and Conrad’s Troubling Jurisdiction

Death is but the sanction for everything the storyteller can tell. He has borrowed his authority from death.

WALTER BENJAMIN, *ILLUMINATIONS*

Notwithstanding their strikingly physicalist and obdurate dimensions, the new walls often function theatrically, projecting power and efficaciousness that they do not and cannot actually exercise and that they also performatively contradict.

WENDY BROWN, *WALLED STATES, WANING SOVEREIGNTY*

2

In *Walled States, Waning Sovereignty*, Wendy Brown reads “counterintuitively,” when she suggests that the walls that divide various communities in Saudi Arabia, Zimbabwe, the United States, and the West Bank suggest not the solidity of Westphalian sovereignty but its perceptible erosion: “The new nation-state walls are iconographic of this predicament of state power” (24). While Westphalian sovereignty is defined in opposition to other nation-states, post-Westphalian sovereignty, Brown suggests, finds itself contending with asymmetrical factors, “growing transnational flows of capital, people, ideas, goods, violence, and political and religious fealty” (22). In this chapter, it is this kind of counterintuitive reading that I bring to bear on Joseph Conrad’s *Lord Jim*. While *Lord Jim* may well read as a novel of imperial myth-making, that reading belies its deep ambivalence towards matters of imperial jurisdiction. As we shall see, *Lord Jim* dramatizes certain recurring problems and confusions with Westphalian sovereignty that were already becoming visible at the end of the nineteenth century.

Four years after Joseph Conrad’s death, William Roughead, Scottish solicitor and the father of true-crime fiction, wrote an homage to his friend in the *Juridical Review*. At once a restrained eulogy and a gushing retrospective on Conrad’s work, Roughead’s note reminisces about their years of correspondence and common interest in the psychological bases of crime.
“Crime qua crime,” says Roughead, “had for him no artistic significance; it was always ‘the psychological interest’ that mattered” (251).1 Roughead flits through entries in Conrad’s “criminous museum” (253). Noticeably absent, however, is Jim. Mr. Verloc and the Professor from *The Secret Agent* make an appearance, as do Charles Gould from *Nostromo* and Mr. Kurtz from *Heart of Darkness*. Critics routinely refer to Jim’s “crime,”2 but Roughead seems to have understood that Jim does not commit a crime, nor is he charged with one under the admiralty Court of Inquiry. The court charges and convicts him of being derelict in his duties, permanently revoking his sailor’s certificate. Crime is thus not an appropriate lens through which to read *Lord Jim*, not least because the court that holds him accountable is not vested with that jurisdiction.

“Jim’s case,” as Marlow calls it, is an instance not of crime and punishment,3 but a psychological study of Jim’s nagging guilt and its social implications. While critics have long focused on the novel’s “guilt culture” (Batchelor 168),4 there has been little attention to the ways in which Conrad frames Jim’s repentance as reactive to the legal peculiarities of Conrad’s century, chiefly, England’s imperial prerogatives and jurisdictional troubles.

The critical tendency to read *Lord Jim* as a novel deeply concerned with crime reflects Jim’s own obsession with his guilt and his desire to attain the “certitude of rehabilitation” (180). Early critics tended to suggest that Jim’s journey reflects Conrad’s exile,5 while others considered Jim’s retreat as traceable to the tropes of the romantic6 and sentimental traveller.7 Still others link Jim’s retreat to the travels of James Brooke and Paul Gauguin, which allegedly

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1 Roughead is borrowing Conrad’s language from his “Author’s Note” to *Nostromo* (407).
3 For the relationship between *Lord Jim* and Dostoevsky’s *Crime and Punishment*, see Watts, “Bakhtin’s Monologism and the Endings of *Crime and Punishment* and *Lord Jim*."
4 See also Watt, *Conrad in the Nineteenth Century*, where he speaks instead of “shame” (343); Baines, “Guilt and Atonement in *Lord Jim*”; and, more recently, Greaney, “*Lord Jim* and Embarrassment.”
5 Examples of this critical tendency include Sherry, *Conrad’s Eastern World*, Constant Meyer, *Joseph Conrad: A Psychoanalytic Biography*, and Watt, *Conrad in the Nineteenth Century*. Watt concludes, for example, that “Conrad’s reversal of his original fictional assumptions no doubt reflects a continuing personal irresolution. If *Lord Jim* is the most romantic of Conrad’s works, it may be because he began it as a sad and affectionate farewell to an earlier self, but then discovered that the parting would be too painful unless he first granted that romantic self some of the satisfactions it had dreamed of long ago” (346). Interestingly, Fogel refers to these biographically-inflected readings as “symbolic psychology” (39).
inspired Conrad’s narrative. In this chapter, I claim that Jim’s opportunity to seek atonement abroad is authorized by England’s play with jurisdiction. As a middle-class young man, from a good family, Jim embodies the promise of the rising middle-class. With a little education and a solid work ethic, these young men could amount to something, or so was the story of fulfilment offered to men in Jim’s social position. However, there was one important proviso. Middle-class men were encouraged to seek success abroad, on the seas working for the mercantile ships, or in administrative positions in the colonies. Conrad’s Jim was not only weaned on “light holiday literature” about the sea, as Marlow says, but was also pushed forward by the inertia of his class (4). At a time when the English upper-classes were increasingly competing against their middle-class peers for positions of prominence, imperialism was thought to be the answer to the class tensions that threatened to push England into civil unrest.

The middle-class Englishman was represented as especially capable of taking England and its laws with him. Because the laws of England had become largely unmoored from the geography of the British Isles (pushed from a place on the map to a place in the mind) Englishmen were considered roving repositories of the traditions, customs, and laws held in common. Even though this conclusion was not universally acknowledged, Blackstone’s Commentaries on the Laws of England and landmark cases, such as Campbell v. Hall, helped push the consensus decisively in that direction. When Marlow insists that Jim was “brought up to the sea” (3), Conrad enlists Jim in the service of empire. Originally meant to imply that a man was reared for sea life, Conrad uses the phrase to distil Jim’s upbringing as a mobile Englishman, a sailor but not any old sailor, and thus “worth to his employer a lot of money and some humouring” (4). Hardly shy about stating his admiration for “writers in the Service” of empire (“Tales” 46), Conrad imagines Jim as capable of taking advantage of the imperial destiny

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8 See, for example, Schwartz, Rereading Conrad, 61 where he persuasively argues that Jim’s movements mirror Gauguin’s travels in Tahiti.

9 For a discussion of Blackstone’s influence, see McLaren, “Rule of Law in British Colonial Societies,” 74. For a book-length discussion of the repugnancy argument and its influence, see Bilder, The Transatlantic Constitution: Colonial Legal Culture and Empire. “Although what was constituted ‘repugnancy’ was,” she says, “a matter of interpretation in particular cases, the principle of repugnancy recognized that some laws were against the idea of what it meant to be English” (41). Pocock argues similarly: “To the extent to which the individual colonist could be considered an Englishman . . . he could be thought of appealing to his rights at common law, and making this appeal to the sovereign who protected and acknowledged these rights” (150-1).

10 Cf. Conrad’s admiration of Frederick Marryat, English captain and novelist: “Marryat is really a writer of the Service. What sets him apart is his fidelity. His pen serves his country as well as did his professional skill and his renowned courage.” While Conrad finds Marryat’s fiction wanting in aesthetic nuance, failing to convey, he says, the depths of reality, Marryat’s novels nonetheless carry “a truth in them, the truth of their time; a headlong, reckless
offered to him before and after the court revokes his certificate. Jim’s licence to carry England with him proves especially useful when he decides to atone in Patusan for his failure aboard the Patna. Imperial law sets the stage for Jim to transform Patusan into a “land without a past,” and impose on it the geography of his forthcoming redemption (197).

While England’s jurisdictional reach was vast and powerful, it was also, however, under constant and considerable duress. Building off the “new imperial history,” which investigates sites of disturbance from within imperial England, I argue that Conrad amplifies those troubles with jurisdiction. Jim is held accountable to an admiralty Court of Inquiry, a court that had a jurisdiction separate from the English common law but was nevertheless mired in confusion. Admiralty courts, like the one in Lord Jim, were susceptible to the same interpretive problems that faced imperial administration. As John McLaren demonstrates, the colonial judiciary was under intense scrutiny for signs of non-conformance—threats of being dewigged were commonplace—because it was rarely clear where English jurisdiction began and ceased. Concurrent jurisdiction, a haphazard, vexed overlapping of local traditions and imperial laws, was the legal reality. Earlier, in the eighteenth century, Edmund Burke considered the informality of English jurisdiction to be favourable. Keeping English jurisdiction self-evident did keep it strong. Evading its bases was also its biggest downfall, however, because England’s jurisdiction was perennially open to questioning, if not undermining.

As I will argue, Jim’s transformation into Lord Jim in Patusan can just as easily call into question England’s imperial jurisdiction as reinforce it. After Gentleman Brown compromises the imperial order of Jim’s protectorate by killing Doramin’s son, Jim sacrifices himself so that he can again establish his jurisdiction where “his word was the one truth of every passing day” (197). If, for Benjamin, death lends authority to storytelling, then Conrad borrows authority from

audacity, an intimacy with violence, an unthinking fearlessness, and an exuberance of vitality which only years of war and victories can give. His adventures are enthralling; the rapidity of his action fascinates; his method is crude, his sentimentality, obviously incidental, is often factitious. His greatness is undeniable (“Tales” 46).

11 See, especially, Burton, Empire in Question: Reading, Teaching, and Writing British Imperialism; Benton, A Search for Sovereignty: Law and Geography in European Empires, 1400-1900; and Ford, Settler Sovereignty: Jurisdiction and Indigenous People in America and Australia, 1788-1836. I use the phrase “new imperial history” with caution, because, like Durba Ghosh, I recognize its simplifications.

12 See McLaren, Dewigged, Bothered, and Bewildered, especially “Chapter 1,” 3-9.

13 Burke argued passionately against firming up jurisdictional limits, especially as they applied to the transatlantic colonies. See Pocock, The Discovery of Islands for more information, 150-1.
death to give the story of Jim’s redemption in Patusan the semblance of legal authority. He reworks Jim’s obituary to substantiate Britain’s imperial jurisdiction. However, this ostentatious borrowing from death betrays Conrad’s desperation to legitimate. By foregrounding the representational strategies that helped legitimate Jim’s legal prerogative over Patusan, Conrad calls into doubt the administrative work that William Gladstone had called the “sentiment of empire,” which is “born with our birth, dying only with our death” (569). At the end of Lord Jim, when that prerogative seems at its most palpable, Conrad’s failure to achieve his legal aim is also surprisingly at its clearest: to ostentatiously acknowledge the role of narrative in the service of legitimating jurisdiction is already to concede that jurisdiction is open to rhetorical negotiation.

2.1 Brought Up to the Seas

“He was spotlessly neat, appareled in immaculate white from shoes to hat, and in various Eastern ports where he got his living as ship-chandler’s water-clerk he was very popular” (4). From the start, Marlow registers something distinguished about Jim in both his dress and bearing, a mark of class that quarantines him from the derelict state of his ship and the corrupted Machtpolitik of his captain, whose brutality seems beyond criticism:

The Patna was a local steamer as old as the hills, lean like a greyhound, and eaten up with rust worse than a condemned water-tank. She was owned by a Chinaman, chartered by an Arab, and commanded by a sort of renegade New South Wales German, very anxious to curse publicly his native country, but who, apparently on the strength of Bismarck’s victorious policy, brutalised all those he was not afraid of, and wore a ‘blood-and-iron’ air, combined with a purple nose and a red moustache. After she had been painted outside and whitewashed inside, eight hundred pilgrims (more or less) were driven on board of her as she lay with steam up alongside a wooden jetty. (10-11)

As far as Marlow can discern, the captain derives his licence to brutalize from the “victorious” policies of Otto von Bismarck, whose address to the Prussian parliament helped unify German

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14 For a discussion of the way narrative leverages death, see also Brooks, Reading for the Plot, 95. See also Cover, “Foreword: Nomos and Narrative,” 56-9, where he describes “narratives of judicial resistance” that help build the credibility of claims of jurisdiction (58). Arguably, Jim’s resistance to Brown, his unwillingness to submit to Brown’s social anarchy, provides its own kind of legitimation of Jim’s jurisdiction.
territories under the Prussian monarchy, while legitimizing the use of whatever physical force was considered necessary. “It is not,” said Bismarck, “by speeches and majority resolutions that the great questions of the time are decided—that was the big mistake of 1848 and 1849—but by iron and blood” (785). Bismarck acquired the title the “Iron Chancellor,” because his unrelenting policies would see the empire expand its jurisdiction around the globe.

However, like the innards of the ship, coated in lime to retard further oxidation, the captain and the policies he embodies are “eaten up with rust.” Speaking of the absorption of his native Poland by the German Empire, Conrad insisted that Poland became

a mere geographical expression. And even that, itself, seemed strangely vague, had lost its definite character, was rendered doubtful by the theories and the claims of the spoliators who, by a strange effect of uneasy conscience, while strenuously denying the moral guilt of the transaction, were always trying to throw a veil of high rectitude over the Crime. . . . For let the truth be spoken. The action of Germany, however cruel, sanguinary, and faithless, was nothing in the nature of a stab in the dark. The German Tribes had told the whole world in all possible tones carrying conviction, the gently persuasive, the coldly logical; in tones Hegelian, Nietzschean, war-like, pious, cynical, inspired, what they were going to do to the inferior races of the earth, so full of sin and all untrustworthiness. (“Crime” 118)

By casting the captain as Bismarck’s functionary, Conrad anticipates his later indictment of German “conviction.” When pressed by the court to answer for his abandoning of the ship, the captain insists, “Take away my certificate. Take it. I don’t want the certificate. . . . I vill an Amerigan citizen begome” (31). He disavows the maritime court’s jurisdiction, insisting that he has a natural prerogative to work around the world. His fidelity is not so much to a nation, but to a prerogative that is self-justifying and apparently never accountable.

To further castigate the Patna’s captain and thus German imperialism, Conrad provides a foil in Stein, Jim’s employer, and the man who helps design his redemption in Patusan. As a “youth of twenty-two [he] had taken an active part in the revolutionary movement of 1848. Heavily compromised he managed to make his escape,” first to Trieste (147). Stein’s resistance to Prussia aligns him with Conrad. He shares a passion for entomology with Léon Rom, one of
the administrators of the Congo Free State known for his brutality, but Conrad nonetheless represents Stein as humane because he is Anglicized. He apprenticed under the tutelage of an Anglo-Scot and, according to Marlow, “for the rest [of his life] he lived solitary, but not misanthropic, with his books and his collection, classing and arranging specimens, corresponding with entomologists in Europe, writing up a descriptive catalogue of treasures” (149). Stein spends his time absorbed in the tasks of a “learned collector” (146) who has become like the Scott that he idolizes. He makes his home abroad, but still embodies what Conrad codes as a more humane stock associated with the British Isles. In a telling revelation, we learn that Stein “had been all his life especially friendly to anybody from the British Isles” (166). While Stein hails from Bavaria, he is cross-bred, to borrow Edward Said’s phrasing (69), by his Anglo experience, knowingly affiliating himself with English imperialism.16

Conrad thus triangulates Jim relative to Stein and the Patna’s captain. Stein provides a very early example of a man whose youthful convictions found disappointment, and then later redemption, through his travels in the East. Stein recaptures something of his republican convictions when the Anglo-Scot introduces him to a native court before he dies. Stein is welcomed into a local government that reads as deceptively like a democratic republic in its structure. He is part of a council “where all the rajahs, pangerans, and headmen were assembled with the queen, a far wrinkled woman (very free in her speech, Stein said), reclining on a high couch under a canopy” (148). The council and queen welcome him when the Scotsman, fearing his time was coming to an end, insists that Stein inherit his “privilege position” on the council. Rather than a political nuisance, Stein becomes a participant in a system of local governance. While that government does not embody the liberal reforms that Stein advocated for during the 1848 uprisings—chiefly, the articulation of a basic, egalitarian constitution—it does play into his egotism by making him part of its proceedings through inheritance. Stein captures for himself the latitude he wanted, and can pass on this “personal advantage” to Jim, as the Anglo-Scot did before (167). There is a subtle irony here: Stein abandons the pursuit of scripted constitutional measures, embracing instead an English approach to the law as inherited practice. He becomes English in more ways than one.

15 See also Gasyna, Polish, Hybrid, and Otherwise: Exilic Discourse in Joseph Conrad and Witold Gombrowicz, for a discussion of Conrad’s “crossing thresholds” (52).

16 We might even say that Conrad promotes “Anglobalization,” a term that Ferguson coins in Empire: How Britain Made the World Modern to describe the collective push for both English nationalism and globalization.
Conrad labours to distinguish Stein and Jim from Jim’s captain, but they all nevertheless share the imperialist mission of bringing England and English commerce to the world. The conviction that the east needs the west remains common. How they express that conviction differs in at least one respect: Conrad frames Stein’s and Jim’s intervention abroad as much a moral duty as a function of trade. They have their designs that align with the so-called new imperialism of the mid to late nineteenth century, which saw British imperialism outwardly retooled as a moral duty.\textsuperscript{17} Glossing this shift, Lord Nathaniel Curzon insisted,

There is a certain risk lest the Empire be defended too exclusively as a commercial speculation, as a spending investment for the population of these islands. Both of these it can be shown to be. But unless it is much more, it will no more survive than did the trading Empires of the Portuguese or the Dutch, both of which perished because they rested exclusively upon the extraction of commercial profit from their subjects or victims…. Imperialism is the spirit in which the problem of Empire is handled. That spirit involves both a conviction, a policy, and a hope. The conviction is the firm belief that the Empire represents no mere fortuitous concourse of atoms, which by a succession of accidents have been united under the hegemony of the British Crown, but that is a preordained dispensation intended to be a source of strength and discipline to ourselves, and of moral and material blessing to others. (152)

Earlier in the nineteenth century Britain’s interventions were justified largely through economic means. For instance, the Opium Wars in China and British dominion over India after 1857 were waged to secure valuable resources. While economic incentives continued to fuel British imperialism, the discussion took a decisive shift from pursuing not only “glory and wealth, but the call to duty, and the means of service to mankind” (Curzon 149).

English imperialism shifted its declared mandate, largely in response to the rise of the increasingly educated middle-class, which threatened to destabilize the nation by supplanting power. Lord Cecil Rhodes summarized up the issue in a direct way:

\textsuperscript{17} See also Benton and Ford, \textit{A Rage for Order: The British Empire and the Origins of International Law}, where they argue that the ground was laid for British imperialism much earlier in the century.
Yesterday I attended a meeting of the unemployed in London and having listened to the wild speeches which were nothing more or less than a scream for bread I returned home convinced more than ever of the importance of imperialism[;] . . . the idea great in my mind is the solution of the social problem. By this I mean that in order to save the forty million inhabitants of the United Kingdom from a murderous civil war the colonial politicians must open up new areas to absorb the excess population and create new markets for the products of the mines and factories. I have always maintained that the British Empire is a matter of bread and butter. If you wish to avoid civil war then you must become an imperialist. (qtd. in Gollwitzer 136)

Imperialism provided a release valve for the growing educated middle-class who did not have landed wealth but book learning, Protestant work ethic, and ambition in spades. As Peter J. Cain and Anthony G. Hopkins have argued, the rise of what they call the “gentlemanly capitalist” comprised the cornerstone of British imperialism after 1870 (129). In hindsight, the deployment of British imperialism as a moral endeavour tied to British nationalism provided sufficient social glue to prevent an English civil war. When Curzon imagined what England would look like if its territories were to disappear, he speaks of an England that would be “a sort of glorified Belgium. As for the priceless asset of the national character, without a world to conquer or a duty to perform, it would rot of atrophy and inanition.” That fate “is not to be thought,” as Curzon’s allusion to Wordsworth’s sonnet makes clear (148).

When John Westlake wrote his influential and widely referenced *Chapters on the Principles of International Law*, he considered the absence of war in the period as attributable to three distinct factors: English imperialism, international law, and an upstanding middle-class character. He argues that the period was matched only by the medieval age of chivalry, and that “some tincture of a chivalrous temperament has been at all times the good side of a warrior’s character[.] […] The best hope for the further mitigation of war lies in a high standard of

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18 See also Bartlett, *The Global Conflict: The International Rivalry of the Great Powers, 1880-1990* for a concise summary of the “new imperialism” of the late nineteenth century (9-24). See also Rhodes’s contemporary, Frederic Seebohm, and his discussion of how “the present [1880s] crisis in English politics is intimately connected with a still greater crisis in European history,” the rise of Socialism (297).

19 For a similar conclusion, see also Perkin, *The Rise of Professional Society*, 116-70.
character being maintained among soldiers” (270). When war must be waged, however, he insists that those in decision-making positions must share this finely cultivated standard:

determination of action in war lies practically with two classes, commanders by land and sea and statesmen: the people, once excited enough for war to have broken out, will approve of any measures which their commanders and statesmen recommend for carrying it on. And of those two classes the commanders are much the more important for our present purpose, because their opinion of what necessity requires will influence the statesmen. . . . And those are mistaken friends of humanity who, by decrying the military and naval professions, do their best to keep good men out of them, and thereby to lower the standard of their character. (271)

Westlake was one of those middle-class gentlemen; his father was a wool supplier who could afford to educate his son. Here, he reveals his allegiance by singling out seafaring commanders, such as Marlow and Jim, as capable of shouldering the nation’s burden.

Nevertheless, the very palpable threat of civil unrest provided ample reasons to promote English imperialism as a good option for industrious, driven young men. While German youths were discouraged from pursuing foreign service, young men from good English families were actively pressed into the service of England on the seas.20 Jim is no exception:

Originally he came from a parsonage. Many commanders of fine merchant-ships come from these abodes of piety and peace. Jim’s father possessed such certain knowledge of the Unknowable as made for the righteousness of people in cottages without disturbing the ease of mind of those whom an unerring Providence enables to live in mansions. . . . Jim was one of five sons, and when after a course of light holiday literature his vocation for the sea had declared itself, he was sent at once to a ‘training-ship for officers of the mercantile marine.’ (4-5)

While Jim does not have the university education that often-accompanied British administrators, he is the son of a parson, and was therefore thought to embody the spiritual conviction needed

20 For more information on the confluence of German empire and youth education, see Bowersox, *Raising Germans in the Age of Empire: Youth and Colonial Culture, 1871-1914.*
for spreading the nation’s morality and ensuring its administration. Marlow labours to add one ostensibly innocuous detail to Jim’s short biography. Jim’s father does not rock the boat of social inequality. He attenuates his sermons to suit parishioners in humble and stately homes; he is an apologist for class discrepancies, but not to the point of betraying his competing allegiances. Sending Jim to sea is another way for Jim’s father to pacify social unrest.

While Jacques Berthoud reminds us about the oxymoron of the title—the ordinary “Jim” attached to the lofty “Lord” (xiii)—it is far more accurate to say that Jim can ascend to the status of “Lord” without infringing on the House of Lords. Jim’s trajectory reads as similar to Alfred Milner’s with one key difference: Milner had an Oxford education. Milner could and, in the end, did rise to the title of Lord in a way that was altogether inaccessible for Jim, a “water clerk” who still had a “beautiful and humane occupation” (3). Jim and his work have the aesthetic niceties of good breeding without, however, disturbing entrenched English hierarchies. In a 1907 speech to a unionist gathering, Milner equated calls for the disestablishment of the House of Lords as tantamount to letting open the floodgates of injustice. As he said,

Unionists have to fight for a restoration of the respect for law in Ireland in the interest of the whole kingdom. And they may have to fight also, it appears, against the abrogation of our existing constitution in favour of a system of quinquennial dictatorships. For that and nothing else is involved in the proposal to reduce the House of Lords to impotence and put nothing in its place. … But that we can afford to do without any check on the House of Commons, especially since the removal of all checks upon the power of those who from time to time control the House of Commons to rush through any measures they please without the possibility of an appeal to the people—that is a proposition which no man with any knowledge of history or any respect for constitutional government can possibly defend. To resist such a proposal as that is not fighting for a party; it is not fighting for a class. It is fighting for the stability of society, for the fundamental rights of the whole nation. (Constructive)

Matthew Arnold similarly extolled the “large class of gentleman, not of the landed class or of the nobility, but cultivated and refined” but with one vital proviso: “civilised they are, but they are not much of a civilising force” (90-1). While reformers such as republican Charles Sumner
insisted that “Nothing is more shameful for a man, than to found his title to esteem, not on his own merits, but on the fame of his ancestors” (5-6). Milner and Arnold expend considerable rhetorical energy shoring up the need for an inheritance class that exists to fill out the apparent shortcomings of the middle-class. Conrad’s *Lord Jim* goes to great lengths to elevate the middle-class man while also registering his faults. Unlike Arnold, however, Conrad frames middle-class Jim as not only redeemable but also capable of “civilizing.”

### 2.2 One of Us

Marlow comes to understand Jim’s dereliction of duties as a function of the class promise he failed to embody. Despite being “gentlemanly, steady, tractable, with a thorough knowledge of his duties” (8), Jim abandons ship under circumstances considered entirely contrary to social expectation. His actions provoke, therefore, the requisite horror in Marlow and Brierly in particular because his failure calls that promise into question. When Marlow introduces Captain Brierly, one of the two nautical assessors charged with coming to a decision in the Court of Inquiry, he says that Brierly’s interest in the case was not really in regards to Jim. According to Marlow, the case had likely prompted Brierly to examine himself: “No wonder Jim’s case bored him and while I thought with something akin to fear of the immensity of his contempt for the young man under examination, he was probably holding silent inquiry into his own case” (43). Marlow interprets Brierly’s boredom as self-interest, and his suicide as a symptom of his own “unmitigated guilt” (43). As I will argue, Brierly and Marlow take Jim’s dereliction of duties personally. Because they see themselves as similar, Jim’s error is also their own and an existential threat to the English social mobility that Jim incarnates.

When Marlow first sees Jim, he is surprised by how disarming the young twenty-four-year-old looks. He waits for Jim to squirm or act in a way that would reveal an inner depravity. “Nothing is more awful,” he says, “than to watch a man that has been found out, not in crime but in a more than criminal weakness” (32). Marlow prides himself on his ability to discern that cryptic, outward display of inner moral failing. However, with Jim, Marlow knew his appearance; he came from the right place; he was one of us. He stood there for all the parentaged of his kind, for men and women by no means clever or amusing, but whose very existence is based upon honest faith, and upon the instinct of courage, . . . that inborn ability to look temptations straight in the
face,—a readiness unintellectual enough, goodness knows, but without a pose,—a power of resistance, don’t you see, ungracious if you like, but priceless—an unthinking and blessed stiffness before the outward and inward terrors, before the might of nature and the seductive corruption of men— (32)

For Marlow, Jim embodies admirable values devoid of pretention; he has a “readiness unintellectual enough,” a preparedness that is guided not by intellect or posturing but by natural inclination. His is an “unthinking and blessed stiffness,” unthinking and therefore blessed. Because Jim seems to lack all the tell-tale signs of moral turpitude, Marlow finds himself relating to him due to a social and moral resemblance in both “appearance” and “place.”

While Jim is answerable to the community, the community is also answerable to Jim. Marlow actively encourages this reciprocity. When Jim meets Marlow, he sets in motion the potential that salvation can be vouchsafed by the community itself. Conrad distinguishes Marlow’s retelling from the narrator that introduces him and his tale, but both agree that “in our own hearts we trust for our salvation in the men that surround us, in the sights that fill our eyes, in the sounds that fill our ears, and in the air that fills our lungs” (16). In parodying Genesis: 49 and Isaiah: 12, Conrad replaces the source of salvation from the divine to the community of “men that surround us.” Jim is cornered by unscrupulous sailors and by the Patna’s skipper and captain. While Jim stands as “clean-limbed, clean-faced, firm on his feet, as promising a boy as the sun ever shone on” (30), he is, according to Marlow, a man among ruffians. Only when he meets Marlow does Jim meet a sailor who is apparently like himself. Henry James referred to Marlow as that “preposterous master mariner,” preposterous because of the ways in which he seems more sensitive, discerning, and intelligent than the average seaman (qtd. in F. M. Ford 161). James likely did not know many seamen, aside from Conrad. His comment thus reveals his class panic regarding Marlow’s breeding that seems so at odds with his job. While Conrad insisted that Marlow embodied the average sea captain (161), he nonetheless distinguishes him from the crew that pilots the Patna in the South Pacific.

Conrad distinguishes Marlow not only from the Patna’s crew, but also from Arnold’s ideal observer. Marlow best embodies those traits that Arnold thought exemplary of the
Philistine mentality so pervasive in English society.\textsuperscript{21} Arnold insisted that the truly “humane individual” has a true knack for “seeing things as they are, for disentangling themselves from [the] machinery of life” (109).\textsuperscript{22} However, Marlow actively courts confusion and entanglement with the people and situations around him. He is far from the disinterested critic that Arnold idolized. Rather, in Marlow, Conrad provides what he sees as a necessary corrective to Arnold’s elitist ideal. Marlow is not enervated by being implicated in the world and its messiness, but rather spurred on, and excited by, the prospect of his complicity.

However, in rejecting Arnold’s ideal, Conrad promotes a Schopenhauerian understanding of the moral man with a critical twist. While Schopenhauer argued that solidarity was to be found in the negation of ego, Conrad insists that solidarity must reckon with both self-interest and self-negation. Ego is always at work even when—or perhaps especially when—helping another. For Schopenhauer, to feel “everywhere that a thick wall of partition hedges him off from all others” is to fail immeasurably. The moral man must act as though he “lives in an external world homogeneous with his own being; the rest of mankind is not in his eyes a non-ego; he thinks of it rather as ‘myself once more’” (276). However, Conrad found self-negation untenable for the majority. Marlow encourages a blurring between himself and Jim, but helping Jim is not solely out of compassion. Coming to Jim’s defence is self-serving, because helping Jim helps rehabilitate the class promise that Jim has put in jeopardy.

For Marlow, coming to Jim’s aid is less about judgment and more about understanding. Because understanding has no clear limits, his interest therefore has no clear limit:

> My weakness consists in not having a discriminating eye for the incidental—for the externals,—no eye for the hod of the rag-picker or the fine linen of the next man. Next man—that’s it. I have met so many men . . . met them too with a certain—certain—impact, let us say; like this fellow, for instance—and in each case all I could see was merely the human being. A confounded democratic

\textsuperscript{21} For a reading of Conrad’s thoroughgoing critique of Arnold and his theories, see DiSanto, “Mathew Arnold Under Conrad’s Eyes: Lord Jim as Literary Criticism.”

\textsuperscript{22} Arnold continues: “In each class there are born a certain number of natures with a curiosity about their best self, with a bent for seeing things as they are, for disentangling themselves from machinery, for simply concerning themselves with reason and the will of God, and doing their best to make these prevail;—for the pursuit, in a word, of perfection. […] Natures with this bent emerge in all classes, . . . And this bent always tends to take them out of their class, and to make their distinguishing characteristic not their Barbarianism or their Philistinism, but their humanity (109-10).”
quality of vision which may be better than total blindness, but has been no
advantage to me—I can assure you. (68; ellipses mine)

Marlow admits that he struggles with compartmentalizing, distinguishing inside and outside,
germand from incidental, and is therefore incapable of moving swiftly from impression to
judgment. With Jim, he runs the risk of “being circumvented, blinded, decoyed, bullied, perhaps,
into taking a definite part in a dispute impossible of decision” (67). Jim’s case is impossible of
decision because Marlow entertains “all sides at once” (68).

Marlow’s interpretive meandering is thus at odds with the admiralty Court of Inquiry’s
decision. His difficulty at imposing limits becomes most pronounced when he comes to Jim’s aid
after Jim is barred from serving again on an English vessel. When Jim is asked to answer a series
of questions about the moments before he abandoned ship, his mind turns in circles, flying
“round and round the serried circle of facts,” without knowing where to turn in his defence. The
magistrate interrupts Jim during one of his elliptical reveries, and “like a pang of pain, he felt
extremely discouraged and weary. He was coming to that, he was coming to that—and now,
checked brutally, he had to answer by yes or no” (23). The magistrate’s interruption jars with
Marlow’s mandate to let Jim talk without expectation or an agreed-upon direction or purpose.
The court’s questions “did not matter,” according to Jim, “though they had a purpose” (24). That
“purpose” is to learn enough from Jim to come to a satisfactory decision. While the court deems
Jim’s testimony that strays from the “facts” to be “irrelevant,” it is in fact Jim’s digressions that
make his testimony meaningful for Marlow in the first place.

As far as the admiralty court is concerned, Jim’s breach is failing to live up to the agreed
upon commercial obligation of quid pro quo. The magistrate declares that the crew “abandon[ed]
in the moment of danger the lives and property confided to their charge” (115). However, as
mentioned, Jim is not charged with a crime. After reports of dereliction of duties on-board
British vessels, the Mercantile Marine Act of 1850 was introduced, granting Courts of Inquiry
jurisdiction to temporarily revoke or in some cases, such as Jim’s, to cancel a seaman’s
certificate (Murton 6).23 A working understanding of maritime law was required to serve on a

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23 See, specifically, Sections 24 and 28 of the Mercantile Marine Act, which required examinations for prospective
masters and mates and provides British courts with jurisdiction over the repeal and cancellation of credentials. See
also the later Merchant Shipping Act of 1894, which reiterates that “The legislature of any British possession may
authorise any court or tribunal to make inquiries as to shipwrecks, or other casualties affecting ships, or as to charges
ship, and Conrad took the necessary tests and was granted the certificate for master sailor in November 1886 (Bruyns 201). Conrad’s precision with admiralty law thus stems from his experience as a British seaman under investigation in two such courts. During the inquiry into the sinking of the *Palestine*, for example, Conrad’s certificate was withheld until the crew was cleared of wrongdoing when they abandoned ship (Villiers 54-5).

While Marlow’s retelling is exacting in its representation of the law, he is never swept up by the legal discourse. In fact, by rehearsing the magistrate’s decision with outright indifference to its declaration, he labours to present the Court of Inquiry as a mockery of justice. Marlow thinks of the magistrate’s voice not as authoritative, but as a “sound merely.” When it comes to recording the decision, he does so in an elliptical manner: “The Court . . . Gustav So-and-so master . . . native of Germany, . . . James So-and-so . . . mate . . . certificates cancelled” (116). Marlow preserves the magistrate’s words not as a sign of deference or justice spoken aloud, but rather ironically as a reminder of the partial nature of its decision. As Marlow previously insisted, the court’s business “was not the fundamental why, but the superficial how, of this affair. . . . [T]he questions put to him necessarily led him away from what to me, for instance, would have been the only truth worth knowing” (41). For all its precision with maritime laws of its time, *Lord Jim* presents the English Court of Inquiry as distracting rather than revelatory. For Marlow, Jim’s error was not in failing to shoulder the “lives and property confided to the charge.” Rather, his error was in failing to fully reckon with the existential vulnerability of the passengers. His failure was of a moral nature, and irreducible to the laws on the books.

Unlike the magistrate’s decision that stands apart by casting judgment, Marlow’s retelling helps shoulder Jim’s moral burden. Marlow tells us that after the court’s decision Jim “infected” him to such an extent that they could rarely find words: “For whole days we did not exchange a word; I felt extremely unwilling to give orders to my officers in his presence. Often, when alone with him on deck or in the cabin, we didn’t know what to do with our eyes” (145). Marlow finds

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of incompetency, or misconduct on the part of masters, mates, or engineers of ships” (§478.1). For an interpretation of the latter Act contemporaneous with *Lord Jim*, see also David MacLauchlan’s *A Treatise on the Law of Merchant Shipping*, 215-18.

24 For the Court of Inquiry convened for the *Riversdale*, see Villiers, *Joseph Conrad: Master Mariner*, 52-6. For a discussion of Conrad’s time in the service, see Batchelor, “Officer of the Merchant Marine,” 21-36.

25 For more details about the *Palestine* incident and Conrad’s involvement, see Marle and Lefranc, “Ashore and Afloat: New Perspectives on Topography and Geography in *Lord Jim*,” 110-11.
himself avoiding Jim’s eyes as if they are his own. He cannot, it seems, face himself, and Marlow labours as if his own social livelihood depends on Jim’s rehabilitation:

> Even the law had done with him. To bury him would have been such an easy kindness! It would have been so much in accordance with the wisdom of life, which consists in putting out of sight all the reminders of our folly, of our weakness, of our mortality; all that makes against our efficiency—the memory of our failures, the hints of our undying fears, the bodies of our dead friends. Perhaps he did take it too much to heart. And if so then—Chester’s offer . . . . At this point I took up a fresh sheet and began to write resolutely. There was nothing but myself between him and the dark ocean. I had a sense of responsibility. (125-6; Conrad’s ellipses)

Marlow bears “responsibility” for Jim not by burying him beneath the legal decision, but by owning Jim’s perceived moral lapse and rehearsing his story. Marlow’s excessively chatty tale serves as a near-relentless rebuttal to the court.

### 2.3 Troubling Jurisdiction

Much has been made of Conrad’s adaptation of the incident aboard the *Jeddah* on August 7, 1880, when the British-born crew abandoned the ship, leaving the approximately seven hundred passengers to fend for themselves. While the crew believed that the ship had sunk, the *Jeddah* sailed into a neighbouring port a few days later with the help of the *Scindia*, the vessel captained by the French Lieutenant in *Lord Jim*. The incident was widely reported in the newspapers, and was for several weeks a talking point in port communities. Since Frank Swettenham’s note in the *Times Literary Supplement* in 1923, where he drew the parallel between Conrad’s *Patna* and the *Jeddah*, Conrad criticism has examined those details that Conrad changes for the novel. Norman Sherry’s doctoral dissertation—later published as *Conrad’s Eastern World*—scrupulously documents those changes. However, the symbolic relationship between the historical Court of Inquiry and Conrad’s literary rendition remain underdetermined. As I will argue, Conrad frames the admiralty court as a *topos* that promises decision and finality, but in

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26 For a summary of the overlap between the *Jeddah* and the *Patna*, see Stape and Sullivan, “Introduction” to the Cambridge edition of *Lord Jim*, xxxii-iv.

27 See, for example, Moore’s compilation of newspaper accounts of the Jeddah affair, 104-39.
fact promotes indecision and Marlow’s seemingly endless response. The admiralty court seems to promise jurisdictional closure, but its failure in *Lord Jim* ironically underlines the jurisdictional challenges that Britain faced when internationalizing its laws.

The demarcations between the laws of England and the laws of the empire were being shaped and reshaped in the face of different local and imperial pressures. Even though the English legal tradition circumscribed the laws of the colonies, those laws still had to remain alive to local issues that might require different legislation.28 There was a culture of juridical interdependence or legal overlapping, or what McLaren calls a “poly-jural reality” (72). While Canada was granted dominion status in 1867, and thus had considerable legal independence, territories in Africa and Asia remained interdependent well into the twentieth century. Unlike in England, where judges were elected based on qualifications and legal training, the principal factor for a successful colonial judge was his willingness to tow the line of legal orthodoxy (McLaren 73). There were objectors, of course, such as Chief Justice Joseph Beaumont of British Guiana who, in 1868, insisted that “independence exists in name” in Guiana’s courts (30). But colonial judges that rocked the boat were dewigged, as Beaumont was, and recalled to England. Still, no matter how diligent the imperial administration, no matter how pliant the colonial judiciary, every colony had a distinctive set of laws and a legal framework that emphasized different aspects of inherited law depending on religion, class, and more importantly the settlers’ local understandings of “English” entitlements and responsibilities.29 Far from being circumscribed and pigeonholed, English law in the nineteenth century saw a veritable explosion of complementary and competing interpretations. For example, Philip Girard has argued that in British North America there was a “court” approach to liberty that favoured economic interests over the personal freedoms favoured elsewhere (170). Even the definition of English “liberty”

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28 There is always an exception to the law, and McLaren insists that it concerned colonial slavery: “Slave populations lay outside the rule of law as understood by the European colonists who employed and exploited them. Slaves had little or no protection from the traditional law of their dominators. They were considered by their owners to lie outside the common law and its protections and, as property, were subject to the latter’s largely uninhibited direction as well as brutal locally devised slave codes” (73). See also Dorsett, “Sovereignty in Governance in the Early New Zealand Crown Colony Period,” for a discussion of the negotiation in New Zealand.

was being debated at a local level. Moreover, colonial subjects could misread and in doing so resist imperial impositions in small and sometimes big ways.30

In *Lord Jim*, Conrad focuses on one imperial court with which he had first-hand experience. Because he was investigated by at least two Courts of Inquiry, Conrad would have understood what his critics tend to forget. A Court of Inquiry is an odd affair, not least because it is a British court held in a British colony—Singapore, in *Lord Jim*—that does not adhere to the English common law system. In fact, the extent of its jurisdiction was ambiguous, as were the grounds on which decisions were decided. Sir Travers Twiss, the man responsible for singlehandedly legitimizing King Leopold II’s legal stranglehold over the Congo, was also a foremost expert on admiralty law. In *On the Law of Nations Considered as Independent Political Communities*, he traces its origins first to the free association between merchants and then later as the High Courts of Admiralty designed “after the best models which the Roman Law afforded; the regulations for prize proceedings [for securing property on the seas] are identical with the practice of the present times” (145). While Twiss seems to forget that admiralty courts retired the civil law procedure during the 1850s (Fitzmaurice *Sovereignty* 277), his point about its consistency is largely justified. A legal manual from the period—Walter Murton’s *Wreck Inquiries: The Law and Practice*—is at once scrupulous about regulations and wholly remiss in addressing basic issues of jurisdiction and standards of judgment. Like so much in English law, the mechanics of the admiralty courts were implied. In *Lord Jim*, the court’s questionable methods create distrust. Tellingly, Marlow insists that its proceedings were as sound “as tapping with a hammer on an iron box, were the object to find out what’s inside” (41).

A similar questioning of the court’s fitness happened during the *Jeddah* inquiry. The defendant’s council insisted that the admiralty court had no jurisdiction to try the case:

> Neither the vessel proceeded against nor any portion of the cargo or property, or effects on board thereof at the time of the said alleged salvage service, has or have come or been within the local limits of this Court since the alleged cause of action arose, and the Master of the *Jeddah* did not come within the local limits of this

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Court until long after this suit was commenced, wherefore the defendants say that this Court has no jurisdiction to entertain this suit. (qtd. in Sedgreaves 133-4)

By questioning the “limits” of the court, the defense points out the proverbial elephant in the room.\(^{31}\) Not surprisingly, Chief Justice Sir Sedgreaves found that according to the Vice Admiralty Courts Act of 1863, Section 13, jurisdiction was not based on whether “the Cause or Right of Action has arisen within or beyond the limits of such Possession” (Sedgreaves 134).\(^{32}\) Apart from claiming “complete jurisdiction,” the magistrate negatively defines his jurisdiction (134). He says what his jurisdiction is not subject to, not what positively legitimates it. His reasoning relies on his rhetorical power and hauteur as sitting Justice. As Robert Cover might have said, the decision here is a “move,” a “staking out of a position in the complex social game of social legitimation,” that in this case checkmates (“Folktales” 181).\(^{33}\)

In the absence of reasonably clear standards for judgment, Marlow holds Jim accountable to his own hovering subjectivity. As he sits in the court room, awaiting the judgment, Marlow finds the court’s decision to be as ghoulish as the magistrate who “resembled . . . a hopeless invalid after he had been washed and brushed and propped up in bed” (114). At the moment when the magistrate “began to read aloud in an even, distinct, and careless voice,” Marlow interrupts him. Instead, he offers his careful words about the court’s ineptitude:

By Jove! For all my foolishness about scaffolds and heads rolling off—I assure you it was infinitely worse than a beheading. A heavy sense of finality brooded over all this, unrelieved by the hope of the rest and safety following the fall of the axe. These proceedings had all the cold vengefulness of a death-sentence, and the cruelty of a sentence of exile. (114-15)

\(^{31}\) See also the Governor of Bombay, James Fergusson’s dissenting opinion which by its mere presence questions the jurisdictional power of the admiralty court. “I think,” he says, “the sentence inadequate to the offence committed by the master of the ‘Jeddah’ as described by the Court. Assuming that his abandonment of his ship, without necessity, and with the probable loss of an enormous number of helpless people for whose safety he was responsible, was the result rather of cowardice and want of resource than of inhumanity, his subsequent conduct in not doing his utmost to procure them succor showed that latter quality. But in either point of view, he has, in my judgment, shown himself entirely unfit to be entrusted with the charge of life and property at sea (306).

\(^{32}\) See also Sections 10-12 of the Act for the court’s seemingly endless “jurisdiction.”

\(^{33}\) See Cover, “Folktales of Justice,” where he examines instances of “speaking law to power” (190).
While the court’s decision seems to put the nail in Jim’s coffin, to provide a sense of closure, it has the opposite effect on Marlow: “I could not bring myself to admit the finality. The thing was always with me,” he says; “I was always eager to take opinion of it—international opinion—by Jove!” (115). The court pushes Marlow towards an overwhelming indecision regarding Jim, and he actively solicits the opinion of others (really anyone, anywhere) to provide a personal counterpoint to the court’s decision that was “uttered in the passionless and definite phraseology a machine would use” (115). He cuts off the magistrate, delaying and downgrading the judgment to the status of a minority report to his major retelling.

Marlow’s unwillingness to capitulate to the court’s rhetorical power develops into his fanatical pursuit of facilitating Jim’s redemption. His resistance is not, however, to the imperial prerogative, which he, in fact, maintains. Rather, Marlow’s resists what he considers to be a miscarriage of justice concerning Jim’s case. “At this point,” he says, “I took up a fresh sheet and began to write resolutely. . . . The time was coming when I should see him loved, trusted, admired” (126-7). He “liquidated all the arrears of [his] correspondence, and then went on writing to people who had no reason whatever to expect” a letter from him (124). That Marlow takes to writing should convey a sense of urgency and horror. Throughout Conrad’s Marlow series, he privileges speech over writing. In moments of urgency, angst, and confusion, however, Marlow turns to writing to help domesticate the horror. His “industrious scribbling” on Jim’s behalf reaffirms his resistance to those dark thoughts and “convulsive shudders” that plague Jim (124). “I could take refuge,” Marlow says, “in the letters; I could have written to strangers if necessary” (125). Here, Marlow is building a global network of correspondences that his voice could not otherwise reach. He uses his correspondences to manufacture an opportunity for Jim to take advantage of England’s imperial jurisdiction, and to seek out a location, such as Doramin’s Malay territory, where he can rework his wrongs.

2.4 Representing Jurisdiction

For all his comfort with confusion in the first two-thirds of *Lord Jim*, Marlow provides a comparatively straightforward story of Jim’s redemption in the final third. Conrad concludes Marlow’s oral retelling in “Chapter 36,” only to pick up with his story in next chapter with a letter that finds its way into the hands of the frame narrator. The conclusion to Jim’s story is, as Marlow admits, “romantic beyond the wildest dreams of his boyhood, and yet there is to my
mind a sort of profound and terrifying logic in it, as if it were our imagination alone that could set loose upon us the might of an overwhelming destiny” (249). Critics have lamented the clumsiness of the letter and romance plot and its disruption to the high modernism of Lord Jim’s opening. In fact, for Conrad criticism, this formal shakeup has been the itch that cannot quite be scratched. However, I argue that Conrad’s conspicuous shift in style leverages a Hegelian approach to state-craft and in doing so builds the narrative credibility of Jim’s jurisdiction over Patusan, while at the same time, ironically, calling it into doubt.

Lord Jim rehearses a genealogy of the state that is often associated with Hegel’s The Philosophy of Right, where Hegel draws a correspondence between civilization and agriculture, between the civilized and the land that they cultivate to meet their needs. Hegel hinges sovereignty and therefore jurisdiction over a region on grounds of cultivation:

The real beginning and original foundation of states has been rightly ascribed to the introduction of agriculture along with marriage, because the principle of agriculture brings with it the formation of the land and consequentially exclusively private property; the nomadic life of savages, who seek their livelihood from place to place, it brings back to the tranquillity of private rights and the assured satisfaction of their needs. . . . Security, consolidation, lasting satisfaction of needs, and so forth—things which are the most obvious recommendations of marriage and agriculture—are nothing but forms of universality, modes in which rationality, the final end and aim, asserts itself in these spheres. (131)

Hegel’s words comprise a common story from Grotius through Locke and Blackstone that resurfaces in the nineteenth century. According to this story, the native’s failure to cultivate the land to European standards meant that they did not substantiate their sovereignty. By the time John Stuart Mill was writing, this story required no further explanation: “To characterize,” says Mill,” any conduct whatever towards a barbarous people as a violation of the law of

34 See, for example, Watt, “The Ending of Lord Jim,” and Jameson, “Romance and Reification: Plot Construction and Ideological Closure in Joseph Conrad,” for his influential reading of the stylistic shift in Lord Jim. For an earlier reading that questions Jim’s redemption, see Ghent, “On Lord Jim.”

35 For Conrad’s wider engagement with Hegel and nineteenth century Hegelians, see also Niland, “Narrative and History: Tales of Unrest of Lord Jim.”
nations, only shows that he who so speaks has never considered the subject” (377).\textsuperscript{36} The presumed legitimacy of imperialism is the dark heart of nineteenth century liberalism.\textsuperscript{37}

Upon arriving in Patusan, Jim finds himself with the prospect of revisiting that moment in the lifeboat when his predicament and cowardice seemed to crystallize. Marlow facilitates that possibility by building a correspondence between “the very spot” (83) where Jim left the \textit{Patna} and “the spot” that he transforms into his dominion (184). Jim works the land, making his mark, and manufactures his atonement. When Marlow first introduces Jim, he tells us that Jim “kept to seaports because he was a seaman in exile from the sea” (4). Jim keeps his sealegs regardless of the court’s judgment, and makes his way farther east, from Bombay down to Batavia and Malay territory. Jim moves eastwards not only to maintain the pretence of his open secret, but because Stein and Marlow jointly present the region as ambiguously lawful. While international law circulates around Patusan—Stein’s company has an agreement with Dutch authorities for a monopoly over the region’s goods—Patusan is a native-ruled state that was “not judged ripe for interference. Once he got in, it would be for the outside world as though he had never existed.” As Jim imagines, approvingly, it would be as if he “Never existed” (168). Yet Jim overstates the degree to which Patusan is off the map. Marlow and Stein hatch a “precious scheme” (167) to deceive Jim into thinking that Patusan is a place where his troubles could not possibly follow. Jim holds onto that fantasy, but does later concede that his celebrity would be compromised if his subjects were to learn about the \textit{Patna} (221).

Marlow not only feeds the idea that Jim is off the map—leaving, as he says, “his earthly failings behind him” [158]—but also represents Patusan as the very jurisdiction of his redemption. As Jim’s lifeboat moves away from the \textit{Patna}, and as the \textit{Patna} swings leeward toward the French Lieutenant’s rescue, Jim feels pulled back towards the place where they left

\textsuperscript{36} Mill goes on to say: “The sacred duties which civilized nations owe to the independence and nationality of each other, are not binding towards those to whom nationality and independence are either a certain evil, or at best a questionable good. The Romans were not the most clean-handed of conquerors, yet would it have been better for Gaul and Spain, Numidia, and Dacia, never to have formed part of the Roman Empire? To characterize any conduct whatever towards a barbarous people as a violation of the law of nations, only shows that he who so speaks has never considered the subject. A violation of great principles of morality it may easily be; but barbarians have no rights as a \textit{nation}, except a right to such treatment as may, at the earliest possible period, fit them for becoming one. The only moral laws for the relation between a civilized and a barbarous government, are the universal rules of morality between man and man” (377-8).

\textsuperscript{37} For a considerate look at the vexed, not to mention, racist, issues of non-interventionism in Mill’s work, see Doyle, \textit{The Question of Intervention: John Stuart Mill and the Responsibility to Protect}. 
the boat. “I must jump out,” he said, “of that accursed boat and swim back to see—half mile—
more—any distance—to the very spot” (83). Marlow struggles to understand Jim’s compulsion
to return to that “spot” where he abandoned ship. He concludes that this desire is “one of those
bizarre and exciting glimpses through the fog. It was an extraordinary disclosure” (83). Jim
wants to return to the spot where he abandoned the ship because it is the last location where he
felt part of something, in communion with a code of conduct, a seaman among seamen. Sitting in
the boat, he feels as if all the land has been flooded: “You could have believed that every bit of
dry land had gone to the bottom; that every man on earth but I and these beggars in the boat had
got drowned” (83). That “spot” on the sea at least had the semblance of culture, and Jim believes
that he could begin to mitigate his wrong if only he could return there.

For Jim, Patusan is just that spot because he believes it is ripe for cultivation, still
uncultivated, a place that has the potential for civilisation. After escaping from Rajah Allang’s
hut, he seeks refuge in the Patusan village. “He took off,” Marlow says,

from that last dry spot, felt himself flying through the air, felt himself, without any
shock, planted upright in an extremely soft and sticky mudbank. It was only when
he tried to move his legs and found he couldn’t that, in his words, ‘he came to
himself.’ . . . He reached and grabbed desperately with his hands, and only
succeeded in gathering a horrible cold shiny heap of slime against his breast—up
to his very chin. It seemed to him he was burying himself alive, and then he struck
out madly, scattering the mud with his fists. It fell on his head, on his face, over
his eyes, into his mouth. He told me that he remembered suddenly the courtyard,
as you remember a place where you had been very happy years ago. He longed—
so he said—to be back there again, mending the clock. Mending the clock—that
was the idea. (184)

Jim pulls himself through mud, as if emerging reborn in Doramin’s camp on that “very spot . . .
that landed him into the life of Patusan” (276). He transfigures Malay territory into the dress of
his earlier memories in England. The heavy slime of the swamp becomes like an English
courtyard, his time in Doramin’s camp like tuning the clock back home. There is an aesthetic
drift between England and Jim’s spot in which he becomes Lord. That Jim carries his home on
his back is no mere personal eccentricity. “When people,” says Westlake,
of European race come into contact with American or African tribes, the primary necessity is a government under the protection of which they have been accustomed in their homes, which may prevent that life from being disturbed by contests between different European powers for supremacy on the same soil, and which may protect the natives in the enjoyment of a security and well-being at least not less than they enjoyed before the arrival of the strangers. Can the natives furnish such a government, or can it be looked for from the Europeans alone? In the answer to that question lies, for international law, the difference between civilisation and the want of it. (141)

Making oneself at home abroad is a prerogative that requires no justification, because international law is always in the service of producing “civilisation.”

As he finds himself under Doramin’s protection, Jim believes that he is able to return to the location where his disgrace began. Meeting Jim after he has ascended to Lord Jim, Marlow thinks of Jim as a work of art—a “symbolic” piece that he had a hand in creating:

He stood erect, the smouldering brier-wood in his clutch, with a smile on his lips and a sparkle in his boyish eyes. . . . And there I was with him, high in the sunshine on the top of that historic hill of his. He dominated the forest, the secular gloom, the old mankind. He was like a figure set upon a pedestal, to represent his persistent youth the power, and perhaps the virtues, of races that never grow old, that have emerged from the gloom. I don’t know why he should always have appeared to me symbolic. Perhaps this is the real cause of my interest in his fate. I don’t know whether it was exactly fair to him to remember the incident which had given a new direction to his life, but at that very moment I remembered very distinctly. It was like a shadow in the light. (192; ellipses mine)

38 See also British historian James Bryce’s account of this historical trajectory. He notes that the “completion of this World-process is a specially great and fateful event, because it closes a page for ever. The conditions that are now vanishing can never recur. The uncivilized and semi-civilized races cannot relapse into their former isolation. In passing under the influences of civilized Powers they have indeed given to the world a new kind of unity. They have become in a new sense economic factors in its progress, and they must affect more powerfully than before the economic conditions of labour and production among the advanced races. It is hardly too much to say that for economic purposes all mankind is fast becoming one people, in which the hitherto backward nations are taking a place analogous to that which the unskilled workers have held in each one of the civilized nations” (8-9).
Marlow wonders if recalling Jim’s moral failure is fair considering all that he has accomplished. And yet, despite his hesitancy, Jim’s earlier actions figure in the landscape “like a shadow in the light.” His failure comprises the foreground’s background, and frames his present accolades, giving shape and substance to the current “sparkle” of Jim’s eyes.

If we recall, Hegel insisted that agriculture and marriage comprised the origin of the state; and, in *Lord Jim*, Marlow seems eager to rehearse that conclusion. According to Marlow, Jim would never leave Patusan. For Doramin, Jim’s unrelenting commitment distinguishes him from other European administrators who come for a period of time and then leave for home. So unusual is Jim’s commitment that Doramin asks Marlow why Jim is so committed to staying in Patusan. He can only shake his head in response to the “unanswerable why of Jim’s fate.” But after a period of reflection, Marlow concludes that Jim will stay because of matters of the heart, “the story of his love” for Doramin’s daughter Jewel (199). While critics have often pointed out the decisive shift in style and content in the second half of *Lord Jim*, the much-maligned “romance” plot is an all-too ordinary way of symbolically substantiating Jim’s ability to craft Patusan into a putative state under his control. While Jameson identifies the shift from the so-called high to the so-called low, “light reading and romance” in the latter half of *Lord Jim* ( “Romance” 194), the modal shift substantiates the comparative success of Jim’s state-craft. He has not only worked the land, reconfiguring it as a place where his personality becomes political, but has been well-hitched to Doramin’s daughter, whose name suggests the extent of his political success in Patusan.

As *Lord Jim* concludes, Jim encounters Gentleman Brown. Because he has accrued considerable status and admiration, Jim stands in stark contrast to a man whose pseudonym casts him as ungentlemanly. Brown hopes that he and Jim can come to a mutually beneficial agreement, but is struck immediately by the aesthetics of Jim’s breeding:

This was not the man he had expected to see. He hated him for this—and in a checked flannel shirt with sleeves cut off at the elbows, grey bearded, with a sunken, sun-blackened face—he cursed in his heart the other’s youth and assurance, his clear eyes and his untroubled bearing. That fellow had got in a long way before him! He did not look like a man who would be willing to give anything for assurance. He had all the advantages on his side—possession,
security, power; he was on the side of an overwhelming force! He was not hungry and desperate, and he did not seem in the least afraid. And there was something in the very neatness of Jim’s clothes, from the white helmet to the canvas leggings and the pipeclayed shoes, which in Brown’s sombre irritated eyes seemed to belong to things he had in the very shaping of his life contempt and flouted.

(276-7)

Brown’s arrival recapitulates how Jim’s opportunity for redemption is in some ways a function of his social stature—his “untroubled bearing,” and the tidy, “very neatness” of Jim’s dress. Struggling to put his finger on precisely what troubles him about Jim’s sense of “assurance,” Brown decides that Jim is “on the side of an overwhelming force.” Jim is indeed an incarnation of the British imperial mission; his white pith helmet, leggings, and shoes draw upon the clichés of the imperial administrator (perhaps, the images of Henry Morton Stanley among the natives of the Congo) as resolutely dressed for the job and its successes.

While Jim makes Brown momentarily shrink in contrast, Brown also forces Jim to confront his own personal vulnerability. While Brown’s suggestion that they work together piques Jim, he quickly decides to embrace the dignified option of protection:

When he asked Jim, with a sort of brusque despairing frankness, whether he himself—straight now—didn’t understand that when ‘it came to saving one’s life in the dark, one didn’t care who else went—three, thirty, three hundred people’—it was as if a demon had been whispering advice in his ear. ‘I made him wince,’ boasted Brown to me. He just stood there with nothing to say, and looking as black as thunder—not at me—on the ground.’ He asked Jim whether he had nothing fishy in his life to remember that he was so damnedly hard upon a man trying to get out of a deadly hole by the first means that came to hand—and so on, and so on. And there ran through the rough talk a vein of subtle reference to their common blood, an assumption of common experience; a sickening suggestion of common guilt, of secret knowledge that was like a bond of their minds and of their hearts. (282)

Brown attempts to sway Jim towards embracing a conception of his livelihood as cut adrift from the community. He insists that our basic struggle is to survive regardless of how many may
perish. Feeding off of Jim’s wincing at the prospect, Brown is transformed as if into a “demon” that drags Jim into a secret communiqué, a mutual acknowledgement of their “common experience; a sickening suggestion of common guilt.” That “guilt” is all-too familiar for Jim, a guilt that results from finding oneself vulnerable liable to do whatever is needed to secure one’s safety. While Conrad labours to present Brown as ungentlemanly—one who was distinguished by the “arrogant temper of his misdeeds and a vehement scorn for mankind at large and for his victims in particular” [256]—on closer inspection we discover a man who understands himself as the originary victim. Brown recognizes the victimhood of others, but insists that his safety is paramount. His natural victimhood takes precedence. While Brown is unaware of Jim’s earlier misdeeds, his defence here casts Jim as complicit in action (if not in mindset) with Brown. Jim is not separate from Brown and his crew, because Jim earlier showed himself to be one of them: “None of them cared,” as Marlow informs us (258).

While Jim offers him safe passage, Brown takes an alternate route and encounters Doramin’s son, Dain Waris, killing him. Jim offers his own life in recompense, a final act of self-sacrifice that seems to suggest an ethical reversal. “Upon my head,” says Jim, when confronting the crowds around Dain Waris’s body. This reversal relies on a heavy-handed conception of Jim’s trajectory, where his past dereliction is tied together, rather neatly, with his final act of self-sacrifice at Doramin’s hands. “He retreated,” says Marlow, “from one world, for a small matter of an impulsive jump, and now the other, the work of his hands, had fallen in ruins upon his head” (298). He will take a bullet, Jim decides, because he jumped off the Patna. In the aftermath of Dain Waris’s death, Patusan is pushed off its axis:

A hush had fallen upon the town after the outburst of wailing and lamentation that had swept over the river, like a gust of wind from the opened abode of sorrow. But rumours flew in whispers, filling the hearts with consternation and horrible doubts. The robbers were coming back, bringing many others with them, in a great ship, and there would be no refuge in the land for any one. A sense of utter insecurity as during an earthquake pervaded the minds of men, who whispered their suspicions, looking at each other as if in the presence of some awful portent. (299)
Jim’s decision to see his death as a kind of offering, an attempt to reorient the community when Brown, the outsider, suggests the way he shoulders what he believes is the “work of his hands.” As Jim is shot, and falls forward, Marlow tells us the story that the Malay people rehearse: “They say that the white man sent right and left at all those faces a proud and unflinching glance. Then with his hand over his lips he fell forward, dead” (303). In their rendition, Jim becomes a defender, substantiating his early insistence that “their welfare was his welfare, their losses his losses, their mourning his mourning” (286). His actions speak, as it were, louder than words. He need say no more for his story to remain on their lips.

2.5 The Limits of Lord Jim

When J. Hillis Miller wrote his famous chapter on *Lord Jim* in *Fiction and Repetition*, he makes a technical error that is very telling (27). In confusing Jim and the invalid sailor who, after days of drunkenness, is plucked up off a garbage heap and taken to the hospital, Miller unknowingly registers what Cedric Watt has called Conrad’s “covert plots.” It is the unnamed sailor, deemed mentally unfit to stand trial, whose visage would have “looked fine and calm on the pillow . . . had it not been for the hint of spectral alarm that lurked in the blank glitter of his glance, resembling a nondescript form of a terror crouching silently behind a pane of glass” (37). That Miller confuses Jim and the sailor suggests that both the sailor and Jim feel guilt for their abandoning of the *Patna*. The invalid speaks of “pink toads” when the community expects an account of their abandoning the *Patna* and its passengers. Only through Jim’s story does the sailor’s ravings find their socially understandable form. Jim takes the stand and provides the testimony his narrative double cannot seem to muster. Miller’s confusion thus emphasizes how Conrad populates the novel with doubles and shadow figures that provide an alternative way of approaching not only the abandoning of the *Patna* but also everything that happens to Jim. We do not hear about the anonymous sailor again because he does not provide Marlow what he desperately wants: “some exorcism against the ghost of doubt” (38).

Even more interesting is the doubling that happens at a very opportune moment when Marlow is on his way to Patusan where he will visit with the recently transformed Jim. He encounters a talkative ship-master, “a dapper little half-caste of forty or so in a blue flannel suit, with lively eyes” (172-3). Marlow quickly realizes that the “half-caste” uses the English language as if it were “derived from a dictionary compiled by a lunatic” (173). The various
malapropisms that the ship-master uses trouble Marlow to such a powerful extent that when he and Jim meet up they collectively break into English prep-school slang:

The absurd chatter of the half-caste had given more reality to the miserable dangers of his path than Stein’s careful statements. On that occasion the sort of formality that had been always present in our intercourse vanished from our speech; I believe I called [Jim] ‘dear boy,’ and he tacked on the words ‘old man’ to some half-uttered expression of gratitude, as though his risk set off against my years had made us more equal in age and in feeling. There was a moment of real and profound intimacy, unexpected and short-lived like a glimpse of some everlasting, of some saving truth. (174)

The ship-master’s use of the English language proves so disconcerting that they trade stock phrases, so-called proper English in an attempt to recover rhetorical power. Their knee-jerk responses thus underscore the ways in which the “half-caste” disrupts the English language, to rend power from the English language’s heirs apparent. Marlow and Jim believe that they have put him in his place by trading English witticisms, but Conrad still underscores the ongoing threat that the ship-master poses to them when Marlow notes that he “had been so indiscreet to get himself tied up by the neck” in front of the Rajah’s hut (173).

It is the closure and fixity of Jim’s death, his seeming rebound, that substantiates the entire narrative of Jim’s downfall; in death, Jim’s life becomes narratable because it becomes memorable for Marlow. Jim’s melodramatic ending is precisely what provides the grease for Marlow’s narrative engine. The end justifies the beginning of Jim’s story. Drawing chiefly upon Benjamin’s view on narrative and death, which I cite in my epigraph, Peter Brooks has suggested that “only the end can finally determine meaning, close the sentence as a signifying totality” (Reading 22). In fact, Brooks considers Conrad’s frame narratives as examples of the ways in which the beginning is conditioned by the end. Because works such as Heart of Darkness and Lord Jim are retold, there must be a compelling reason to do so, which will be revealed, we are promised, in due time. When we begin Lord Jim we are inevitably faced with anticipating why Marlow feels compelled to retell his story, despite his intradiegetic audience’s apathy. Apathetic listeners are always the hallmark of Conrad’s frame narratives. It is, therefore, Marlow’s obsession with the details, his compulsion to narrate, that keeps the novels from lapsing. We are
anticipating retrospection, in Brooks’s terms, looking forward to those moments that would make the tale memorable and thus worthy of being rehearsed. Marlow leverages that anticipation, when he insists that “The time was coming when I should see him loved, trusted, admired, with a legend of strength and prowess forming round his name as though he had been the stuff of a hero” (127).

I want to suggest that we read Lord Jim not so much as a novel of psychological realism, but rather as a story where Jim’s end re-substantiates his power and thus British jurisdiction over the region. Jim’s death marks an act of legal enclosure. While Conrad invites us to read Lord Jim as a story about Jim’s jurisdiction over the region, he inevitably draws attention to the need for narrative substantiation of British jurisdiction in the first place. The melodramatic plotting of Jim’s sacrifice can therefore just as easily be read as an instance of a desperation to legitimate. That Conrad goes to such an extent to take down and then build up Jim suggests not so much the imperviousness of British jurisdiction but rather its precarious footing. Put differently, Lord Jim provides a series of rhetorical moves in the game of socio-legal legitimation that reveal how Conrad and the “service” he speaks on behalf of are playing a game that can get away from them. Lord Jim is, therefore, a work that marks the pinnacle of British imperialism while ostentatiously registering its troubles with jurisdiction, troubles that were already dissolving the empire. Such a counterintuitive reading demonstrates the ways in which the narrative monuments of British imperialism were far from impervious; with Lord Jim, Conrad gives us a compelling narrative for the ways in which the British empire called upon the closure that fiction seems to provide in attempting to assert its arbitrary claims.

Brooks goes on to say: “Perhaps we would do best to speak of the anticipation of retrospection as our chief tool in making sense of narrative, the master trope of its strange logic. We have no doubt forgone eternal narrative ends, and even traditional nineteenth-century ends are subject to self-conscious endgames, yet still we read in a spirit of confidence, and also a state of dependence, that what remains to be read will re-structure the provisional meanings of the already read” (23).
Chapter 3
Intuiting Human Rights: Bryher, Nabokov, and the Interpretive Communities of International Law

At the heart of this tradition is a twofold intuition about human beings: namely, that all, just by being human, are of equal dignity and worth, no matter where they are situated in society, and that the primary source of this worth is a power of moral choice within them, a power that consists in the ability to plan a life in accordance with one’s evaluation of ends.

MARTHA C. NUSSBAUM, *SEX AND SOCIAL JUSTICE*

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In a 1929 essay, “The Judgment Intuitive,” Joseph C. Hutcheson Jr., a judge of the United States District Court of Texas, took a determined stab at the law’s “supposed logical rigidity and exactitude” (274). Taught to regard the law “as a full grown thing,” and rejecting “most vigorously the suggestion that it still had life and growth” (275), he experienced a change of heart in 1918 when he was selected for the bench by Woodrow Wilson. Finding himself in moments of rational deadlock, he deployed what he had long held to be the hallmark of flawed decisions: the “intuitional faculty.” Feeling or “hunching,” he says, his decision is not the exception, but ordinary legal practice: “Now, what is this faculty? What are its springs, what its uses? . . . Some call it ‘intuition’—some, ‘imagination,’ this sensitiveness to new ideas, this power to range when the track is cold, this power to cast in ever widening circles to find a fresh scent, instead of standing baying where the track was lost” (280). For Hutcheson, the legal critic finds himself in moments of confusion and calls upon “intuition” as a way of pushing himself forward, beyond incredulity. While the “purely contemplative philosopher may project himself into an abstract field of contemplation” to no end, “practical men, and in that judges must be included, must have impulses,” nosing their way towards decision (286).

An odd, though honest, assessment of the way he decided cases, Hutcheson’s essay came at a time when legal thinking was again confronting its limits. He anticipated the behavioral
psychology of legal decision making,\footnote{For an introduction to the field of legal cognition, see Klein and Mitchell, \textit{The Psychology of Judicial Decision Making}. See especially Mitchell’s suggestion that “intuition” often works tautologically, lending credibility to the idea that wise judges provide wise judgments because of their well-earned “intuition” (241).} as well as recent defenses of “intuition” as a crucial part of the law’s mechanics.\footnote{See, for example, Wright, “The Role of Intuition in Judicial Decision-Making,” and Guthrie et al., “Blinking on the Benches: How Judges Decide Cases,” 19-29.} Rather than concede to Hutcheson’s psychological rationale, I read all appeals to “intuition” as attempts to legitimize arbitrary decisions as physiological responses that seem beyond criticism. Intuition is a way of speaking about a supposedly common sense that provides an ethical compass that is international, trans-cultural, and trans-historical. What interests me are the ways in which Hutcheson and other contemporaries turn to intuition as a means of attempting to overcome interpretive deadlock. By the time that Hutcheson writes “The Judgment Intuitive,” Henri Bergson had been theorizing “intuition” for over two decades as a way of circumventing the limits of logic and secular reason. For Bergson, intuition provides a method of feeling one’s way intellectually into the “very direction of life”; intuition is always there “glimmer[ing] wherever a vital interest is at stake. On our personality, on our liberty, on the place we occupy in the whole of nature, on our origin and perhaps also on our destiny, it throws a light feeble and vacillating, but which none the less pierces the darkness of the night in which the intellect leaves us” (\textit{Creative} 292). While Hutcheon does not mention Bergson, his “judgment intuitive” is still part of a small but nevertheless influential embrace of intuition in mid-century legal thinking, especially regarding human rights.

After the second World War, major legal theorists John Humphrey and Jacques Maritain considered “intuition” to be a means of revitalizing human rights after the failure of the League of Nations. At the time, Hersch Lauterpacht, and others,\footnote{See, for example, Wells, \textit{The Rights of Man}, Strausz-Hupé, \textit{Geopolitics: The Struggle for Space and Power}, 89-90, and Jenks, \textit{The Prospect of International Adjudication} for discussion of “compulsory jurisdiction” (13).} insisted that the outbreak of the war was not reducible to a general flaw in internationalism. Lauterpacht insists that “the will of states cannot be the exclusive or even . . . the decisive source of the law of nations” ("Grotilian" 22).\footnote{For more information about Lauterpacht and his circle, see Banks, “The Inter-paradigm Debate.” See also E. H. Carr, \textit{The Twenty Years’ Crisis} where he specifically opposes Lauterpacht’s internationalism.} According to this now standard position, nations are answerable to something more basic than self-preservation: human rights. Humphrey and Maritain contributed to this shift towards human rights by asking how human beings come to know their rights in the first place. In order to answer this question, Humphrey turned to Henri Bergson’s metaphysics, while Maritain turned
to the theology of Thomas Aquinas. Both Humphrey and Maritain mount a phenomenological defense of human rights by finding justification in the liveliness of experience, and capture this experiential confirmation under the terminology of intuition. As Maritain himself recognized, Thomism and Bergsonism seemed to be a very unlikely pairing, and yet he later acknowledged that these traditions nevertheless have “strange points of agreement” (Bergsonian 289). These otherwise distinguishable and distinctive traditions have at least one important similarity: they promised to transcend the cultural and religious boundaries that frustrated prior efforts to articulate a truly universal definition of human rights. When asked later in life how so many nations with vastly different beliefs and forms of government could agree on a list of fundamental rights, Maritain often quipped: “Yes, we agree about the rights but on condition no one asks us why” (qtd. in Glendon 77). Ultimately, Maritain and Humphrey proposed that intuition could provide a cross-cultural defense of human rights.

This chapter begins by exploring Humphrey’s and Maritain’s important contributions to human rights theory to set up, in the second half of the chapter, a discussion of the ways in which Bryher and Vladimir Nabokov participate in the intuitive defense of human rights. In bringing legal critics in dialogue with novelists, I endeavour to show that intuition served not only as a legal but also as an aesthetic defense. While Humphrey and Maritain anchor human rights in the psychology of experience, Bryher and Nabokov go one step further by insisting that aesthetic experience can promote rights by activating intuition. As a novelist and activist staunchly committed to warning her readers about the perils of German fascism, Bryher was alive to the ways that aesthetics often served German fascism. Rather than capitulate to a fascist paradigm of art, however, she insist in her dystopian novel, Visa for Avalon, that an imagist-inspired aesthetic can provoke a politics of resistance. By construing the poetic image as “a language of

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44 See also Maritain, Bergsonian Philosophy and Thomism, which remains the definitive account of the commonalities between Bergsonian philosophy and Scholasticism. See also Lefebvre and White, “Bergson, Politics, and Religion,” where they explore how Bergson’s most vocal adherents—Sorel, Popper, Humphrey, Deleuze, and Guattari—thought of their work as “extending Bergson to new problems, rather than adhering to the letter of his text” (4-5). For more specifics along these lines, see Deleuze, Bergsonism, 115-18; Mullarkey, “La Philosophie Nouvelle,” 12-13; and H. W. Carr, Henri Bergson: The Philosophy of Change, 13-15, where he anticipated this tendency to adapt Bergson.

45 Maritain also uses this remark when introducing the UNESCO report, discussed below.

46 For an exploration of the cultural synergy between ethics and aesthetics, see Mao, Fateful Beauty, especially his focus on authors who “dream of tuning subjects to their world” (?). See also Oser, The Ethics of Modernism and Ellison, Ethics and Aesthetics in European Modernist Literature for comparable approaches to Mao. For an approach directly related to human rights, see Hunt, Inventing Human Rights, 35-40 where she insists that reading eighteenth century novels helped foster earlier rights-based movements.
intuition,” as T. E. Hulme insisted in 1911 (“Romanticism” 70), Bryher’s human rights aesthetic participates both in the imagist tradition and the phenomenology of mid-20th century legal theory. Nabokov’s dystopian novel, Bend Sinister, similarly takes aim at Russian and German authoritarianism, by promoting a liberalism that is apparently minimalist in its mandate of preventing cruelty. By adopting a position comparable to Shklar’s “liberalism of fear,” Nabokov endeavours to defend human rights as a consequence of what he called the “friendly nod of the spirit” (Lectures on Don Quixote 373). Like Bryher, Nabokov turns to the decisive moment of experience when confronted by cruelty, and finds in that very moment an embodied defense of human rights. This chapter thus aims to demonstrate that in Bryher’s and Nabokov’s fiction we can observe a link between the aesthetic tendencies in literary modernism and mid-20th century developments in human rights advocacy.

3.1 Intuition and International Law

Since the Treaty of Westphalia in 1648, nation-state sovereignty has been the cornerstone of international law. After the Second World War, however, Germany’s territorial sovereignty and its doctrine of Lebensraum prompted a reappraisal of the inviolability of state sovereignty. In particular, cosmopolitan jurists began insisting that natural law could no longer go unwritten, and that there are rights that cannot be derogated. These scholars also insist that international adjudication would remain state-based, and that natural law should temper but not supplant sovereignty. At its most aspirational, therefore, international law was a commitment to regulate extremes of sovereignty that deviate from the so-called laws of nature. In a 1946 essay, “The Grotian Tradition in International Law,” Lauterpacht insists that the law of nature is “the ever-present source for supplementing the voluntary law of nations, for judging its adequacy in the light of ethics and reason” (21-2). This Grotian approach does not capitulate to positivist conceptions of human rights. Rather, it rests on assumptions backed by the dynamics of “ethics

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47 For other approaches that read Bryher’s work as in dialogue with Imagism, see McCabe, “Introduction,” xiv; Lowell, “Preface,” 8; Parker, “H.D. and Bryher”; and Winning, “Introduction,” xviii.

48 For a substantive defense of this compromise, see Lauterpacht, An International Bill of the Rights of Man, 169-214. See also Berman, “Modernism, Nationalism, and the Rhetoric of Reconstruction,” for how postwar international lawyers forged a “paradoxical ‘alliance’” between internationalism and nationalism (1798).
and reason.” In other words, Lauterpacht, and those like him, insist that the law of nature is self-evident for those who act in good faith and on behalf of humanity.49

Unlike Lauterpacht, who was more pragmatic in his approach, Humphrey and Maritain were concerned with investigating the experiences that give rise to human rights.50 Clinton T. Curle argues that Humphrey’s perception of international law and his drafting of the Universal Declaration of Human Rights (UDHR) reflected his endorsement of Bergson’s metaphysics, which in Humphrey’s words offered a way of defending human rights as trumping “the sovereignty of Leviathan” (qtd. in 47).51 During his time as the first Director of the Human Rights Division, UN Secretariat, Humphrey endeavoured to find compromise between universalism, on the one hand, and cultural relativism, on the other. He wanted to espouse universal rights, but to do so in ways that acknowledged pluralist perspectives, cultural differences, and theological disagreements.52 In his diaries from December 1948—the year in which the Universal Declaration was ratified—he noted: “Bergson says that the sense of moral obligation that englobes the whole of humanity derives from what he calls . . . creative emotion” (94-5). The emphasis is on “emotion,” what Bergson calls sympathy or intuition, and focuses on the psychology of experience. In The Creative Mind, Bergson goes on to say,

an absolute can only be given in an intuition, while all the rest has to do with analysis. We call intuition here the sympathy by which one is transported into the interior of an object in order to coincide with what there is unique and consequently inexpressible in it. Analysis, on the contrary, is the operation which reduces the object to elements already known, that is, common to that object and

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49 See, also, Walzer’s critique of international law as leaning towards “practical casuistry” (45). For more information about the cosmopolitan tendency in European law, and its origins in the work of Francisco Suárez and Hugo Grotius, see Koskenniemi, From Apology to Utopia, 422-57. See also Teitel, Humanity’s Law for a recent appraisal of the so-called Grotian tradition as “relativizing sovereignty” (55).

50 See also the recent alternative tradition, beginning with John Rawls’s The Law of Peoples, that insists that discussions about the epistemological foundations of human rights are counterproductive. See Ignatieff, Human Rights as Politics and Idolatry, 54-6 for an exemplary instance of this Rawlsian approach.

51 For a similarly argued, book-length investigation of Bergson’s influence on human rights, see Lefebvre, Human Rights as a Way of Life: On Bergson’s Political Philosophy.

52 See Humphrey, “On the Foundations of International Law,” for an earlier discussion of this struggle. He insists, for example, that “we deny that a collectivity can have any will that is distinct from the separate wills of its members. If fifty people form a community or a society there are fifty wills, not fifty-one. It is possible, even probable, that the legal order that governs a society may attach a greater importance to the wills of some of its members than to others. […] This manner of thinking may even be formulated by the legal order which may attribute a human will or wills to the society. But this is a pure fiction, useful as it may sometimes be” (242).
to others. Analyzing then consists in expressing a thing in terms of what is not it. All analysis is thus a translation, a development into symbols, a representation taken from successive points of view from which are noted a corresponding number of contacts between the new object under consideration and others believed to be already known. (190)

When understood as a function of Bergsonian intuition, human rights are intuited and accessible by all. Human rights differ across cultures and between individuals because of the inevitable transcription from felt knowledge into signs and symbols. Humphrey’s thoughts are all the more germane because it is in his words that the UDHR gets its first and fundamental expression. His drafts set the structure upon which later, comparatively minor revisions by René Cassin and Charles Malik were based (Morsink 5-7).

Like Humphrey, Jacques Maritain insists that human rights were to be the focus of reconstruction efforts after the Second World War. In following up with this mandate, he wrote the most influential defense of human rights at the time, *The Rights of Man and Natural Law*, a work of legal theory claiming that natural law is intuited by reason and, moreover, accessible when perceiving the beautiful. For Maritain, human rights derive from the Thomist understanding of justice according to which human beings recognize what is theirs in their creation by God: “every right . . . is possessed only by virtue of the right possessed by God, which is pure Justice, to see the order of His wisdom in beings respected, obeyed and loved by every intelligence” (*Rights* 37-8). For Maritain, we have access to the rights passed down to us through faith and reason as well as through aesthetic experience:

[Aquinas] defined the beautiful as that which, being seen, pleases: *id quod visum placet*. These four words say all that is necessary: a vision, that is to say, an *intuitive knowledge*, and a *delight*. The beautiful is what gives delight—not just any delight, but delight in knowing; not the delight peculiar to the act of knowing, but a delight which superabounds and overflows from this act because of the object known. If a thing exalts and delights the soul by the very fact that it is given to the soul’s intuition, it is good to apprehend, it is beautiful. (*Art* 24)

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53 For the definitive account of the drafting process and historical specifics of the Universal Declaration, see Morsink, *The Universal Declaration of Human Rights: Origins, Drafting and Intent*. 
According to Maritain, the aesthetic event activates our intuitive faculty. When we experience beauty, we also intuit the knowledge of creation through what he elsewhere calls *eidetic ideation*. By “eidetic,” he means ideation of *forms*, from the Greek *eidētikos*. Because Maritain saw *beauty* as one among the forms (alongside *the one*, *the true*, *the good*, and *being*) it becomes a way of accessing these other transcendentals. Intuition is the psychological bridge that unites these transcendentals, thus tying together the forms of creation.

Maritain understood that any modern defense of human rights would have to be compatible with a secular worldview. As a result, he attempted to articulate his ideas in a way that would appeal to secular thinkers. As human rights historian Samuel Moyn has noted, Pope Pius XII singled out the “unforgettable rights of man” in his 1942 Christmas encyclical in order to protect the Church from states that challenged its authority (qtd. in Moyn, *Christian 2*).

However, in his *The Rights of Man*, published the following year, Maritain goes further by claiming human rights as a rallying call for all and not just for Catholics. There, he insists that, regardless of creed, everyone can agree that “the dignity of the human person” is worth defending (15). Maritain thus insists that Catholicism and secular liberalism could cooperate because human rights are another way of expressing what for Thomists is the justice of creation. Maritain embraces rights-talk as an apt expression of justice with or without God. He is therefore open to seeing human rights as a placeholder for a common sense of justice, a common goal around which supposedly everyone could mobilize. While theorists of natural law tended to trace the rise of natural law theory to the eclipsing of Thomism in the seventeenth century, Maritain argues that the sanction for modern human rights lay precisely with Thomism. Rather than disowning the Grotian tradition, however, he qualifies the history of natural law by claiming an

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54 See also Maritain, *Untrammeled Approaches*, especially his discussion of “intuitivity” (310-49).

55 For a discussion of what he calls the “taste” approach to human rights laws, where what is pleasing is considered just and good, see also Griffin, *On Human Rights*. For how Maritain apparently deviates from Aquinas’s writings in privileging beauty, such that *beauty* becomes “the splendour of all the transcendentals together,” see Eco, *The Aesthetics of Thomas Aquinas*, 39.

56 For more information on the changes in Roman Catholic doctrine along the axes of personhood and “dignity,” which led to Pius’s proclamation, see Moyn, *Christian Human Rights*, 2-8.

57 See, specifically, Figgis, *Studies of Political Thought from Gerson to Grotius, 1414-1625*, and Strauss, *Natural Right and History*. 
earlier Thomist source.\textsuperscript{58} Maritain thus overturns centuries of theological precedent, by arguing that Catholic doctrine and international human rights are fundamentally compatible.

After 1942, Maritain’s name became synonymous with human rights literacy and the search for an epistemology of human rights. Julian Huxley, the first Director-General of the United Nations Educational, Scientific, and Cultural Organization (UNESCO), charged Maritain and a handful of intellectuals with investigating the epistemological bases for human rights. The UNESCO Committee on the Theoretical Bases of Human Rights sent out a questionnaire in 1947 to various experts from its member states. Maritain drafted the memorandum that UNESCO circulated, where he asked responders to speak specifically about a common formulation [that] must by some means reconcile the various divergent or opposing formulations now in existence. It must further be sufficiently definite to have real significance both as an interpretation and as a guide to practice, but also sufficiently general and flexible to apply to all men, and to be capable of modification to suit peoples at different stages of social and political development while yet retaining significance for them and their aspirations. (255)

In also drafting the “Introduction” to the report, Maritain rephrases the goal as speaking to “a sort of common denominator, a sort of unwritten common law, at the point where in practice the most widely separated theoretical ideologies and mental traditions converge” (10).

However, the irony of the questionnaire was that Maritain speaks of human rights as if they need no introduction, that they are already justified by faith, reason, and intuition. Such a self-evident approach resembles the way in which Terry Eagleton diagnoses Enlightenment moral discourses that “infiltrate the very textures of lived experience as tact or know-how, intuitive good sense or inbred decorum” (41). According to Eagleton, to claim the self-evidence of moral rules is a sign of forced consensus, operating as if noncoerced. He goes further by seeing in the self-evidence of moral rules the apparent givenness of aesthetic judgments: if “aesthetic judgment is every bit as coercive as the most barbarous law—for there is a right and a wrong to taste quite as absolute as the death sentence—this is not at all the way it feels” (43).

\textsuperscript{58} Some have recently embraced a Thomist provenance to human rights law. See, for example, Finnis, \textit{Aquinas: Moral, Political, and Legal Theory}, and Kateb, \textit{Human Dignity}. For a general introduction to the influence of Thomism on early and later considerations of human rights, see also Brett, “Human Rights and the Thomist Tradition” in \textit{Revisiting the Origins of Human Rights}. 
Aesthetics and intuition can, therefore, be seen as mutually enforcing, because they lend credibility to concepts that are allegedly always there to be discovered, such as beauty and, in the postwar period, human rights.

In *Fictions of Dignity: Embodying Human Rights in World Literature*, Elizabeth S. Anker has explored how representations of human rights tend to embrace a “decorporealized vision of the subject” (3). While the suffering, starving, and vulnerable body may be trotted out to legitimize international intervention, the body tends nevertheless to be downplayed or otherwise pushed aside in favor of an abstract “subject,” due to a Cartesian bias of privileging the intellect over embodiment (4). In redressing this bias, she turns to an “embodied politics of reading” that is indebted to the phenomenology of Maurice Merleau-Ponty (2), and she lays claim to an “imaginary recalibration of liberal mappings of human rights” (47). Anker’s focus is both on how critics speak about human rights and how discourse can be recalibrated. However, my emphasis is on a period of post-war reconstruction when intuition served as a framework for thinking about human rights beyond the confines of Cartesian dualism. As we shall see, intuition is neither solely contemplative nor entirely affective. For Humphrey and Maritain, intuition confirms human rights through experience *in toto*.

### 3.2 Bryher’s Politics of Intervention

Bryher was born Annie Winifred Ellerman, the only daughter of shipping magnate John Ellerman who at the time of his death was reportedly the wealthiest man in Britain. At the age of sixteen, she toured the island of Bryher, one of the remotest points in Great Britain. It is from this island that she later borrowed her penname. Bryher, an Isle of Scilly, was within the boundaries of Great Britain but remote enough from the mainland to symbolize the latitude of personal development she so craved. In 1918, Bryher was hard at work writing her first novel, *Development*, when she discovered H.D.’s first poetry collection, *Sea Garden*. Later that year, Bryher and H.D. met, and soon thereafter began their lifelong partnership. Between 1918 and 1945, Bryher was active in the literary culture of international modernism. She and H.D. braved the blitz of London with the Sitwells. She was a close friend of Dorothy Richardson, Marianne Moore, and Sylvia Beach, and financially assisted Shakespeare and Company. She also financed and edited works with her husband of convenience Robert McAlmon’s Contact Editions, which
published works by Gertrude Stein, Ernest Hemingway, Djuna Barnes, and others. While she was well-known during her lifetime for her historical novels, Bryher is remembered now largely for the “historic tale,” as Beach called it, of her humanitarian work (103).

In the years leading up to the Second World War, Bryher thought of herself as a whistleblower, warning those around her about the dangers of unchecked nationalism and the doctrine of appeasement in *realpolitik*. In her writing and activism, she sought a common grammar of conduct, an ethic that does not depend on national pride. After touring a German school in 1931 where she saw teachers devoting several hours a day to aeronautical mechanics, she understood that Germany was preparing for war (*Heart* 306-7). Bryher found a friend in Winston Churchill as early as 1933. Much to her surprise, she writes to H.D. that she has “turned good Tory,” a phrase that singles out Churchill and his friends because the Tories tended to support appeasement (“Letter 145”). When she pens her memoir about the time leading up to the blitz, *The Heart to Artemis*, she calls 1938 the year of the Munich Agreement, “appeasement and shame” (333). In the June 1933 issue of *Close Up*, she previously insisted:

> It is quite possible that a lot of German citizens do not realize what is happening. If a man complains of his treatment or of the new laws, he is beaten to death or sent to a concentration camp. Should he escape across the border, his nearest relative or a friend pays the penalty for him. It is also extremely probable that English tourists staying at hotels frequented by foreigners in the main cities will see little of what is happening. Last June, I walked down the *Kurfürstendamm* amongst a number of people shopping and staring quietly at the windows of the various stores. One street away, several men were killed and injured in a so-called political row. The average tourist knowing little of the language would never have heard of it. (189-90)

Her warnings unheeded, Bryher then turned to securing safe passage for dispossessed Germans. Between 1933 and 1940, she helped 103 refugees to safety abroad, losing two refugees in the process, an elderly German doctor and Walter Benjamin. When explaining why she had

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59 For detailed accounts of Bryher’s financial and editorial contributions to literary modernism, see Benstock, *Women of the Left Bank: Paris, 1900-1940* and Marek, “Toward International Cooperation: The Literary Editing of H.D. and Bryher.”

60 See Bryher, *Days of Mars*, 22-4 for her discussion of Benjamin and her perceived responsibility.
intervened, she insisted that the threat of the Third Reich was not “some political struggle in a country different from my own but it was another matter” (*Heart* 325). For Bryher, the changes in Germany were not a function of localized politics but rather were an international humanitarian crisis, and “another matter” altogether.

Years later, again in *The Heart to Artemis*, Bryher discusses what went wrong in the lead up to the war. Far from being unable to counteract the mobilizing Third Reich, Bryher insists that it was political apathy in England and abroad that proved the perfect storm for the proliferation of German fascism. She thinks of herself as a modern Cassandra who

warned the English privately and also in print. They called me a warmonger and jeered at me for my pains. It did not help me when I stood among the ruins of blitzed London to know that my forebodings had come true. I remain ashamed of the majority of my fellow citizens and convinced that apathy is the greatest sin in life. If Europe had reacted with horror to the murder of both the Jews and many other honest German citizens in 1933, the régime would have collapsed. An economic boycott and the threat to take up arms unless such persecution ceased would have settled the matter swiftly if it had been done at once. (326)

Bryher believed that political apathy was the greatest flaw in pre-war democracies. Her words here suggest that apathy was very much on her mind shortly before she published *Visa for Avalon* in 1965. The novel attempts to shake her reader out of complaisance, and to recognize when liberties are being eroded at home and abroad. Bryher’s worldview is thus no longer national in its focus, but rather international in its aspirations.

Moreover, in promoting a politics of international intervention, Bryher turns to an imagist aesthetic, which in her opinion offered a connection between the poetic image and intuition. In *Visa for Avalon*, Bryher draws from the imagist inclinations of her circle (which included H.D., Amy Lowell, and Ezra Pound), by embracing Imagism’s claims about how the mind works.  

While Imagism did not provide an unambiguous aesthetic doctrine, Bryher’s adoption of this term situates her work within a broader aesthetic community. Speaking of Lowell’s poetry in her

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61 For Bryher’s engagement with imagist culture, see Parker, “H.D. and Bryher,” and Winning, “Introduction.”

62 See Lowell, *Tendencies in Modern American Poetry*, 236-42, where she insists that Imagism was never intended to be a clear, coherent doctrine, but rather a diffuse set of ideas, shared by some, refuted by others.
first piece of literary criticism, *Amy Lowell: A Critical Appreciation*, Bryher notes that Lowell’s verse made “a whole atmosphere live in a single line” (38). As Humphrey and Maritain did in law and theology, the Anglo-American imagists (to say nothing of literary modernism) often flirted with Bergsonian metaphysics. T. E. Hulme’s role as the father of Imagism and the English translator of Bergson’s *Introduction to Metaphysics* only encouraged this drift between Imagism and Bergsonism. In fact, Hulme sometimes uses the same language as Bergson to describe experience. For example, he sees the poetic image as the “very essence of intuitive language” (“Romanticism” 70). In another essay on poetry, Hulme reiterates this connection when insisting that poetry is

a visual concrete [language]. It is a compromise for a language of intuition which would hand over sensations bodily. It always endeavors to arrest you, and to make you continuously see a physical thing, to prevent you gliding through an abstract process. It chooses fresh epithets and fresh metaphors, not so much because they are new and we are tired of the old, but because the old cease to convey a physical thing and become abstract. (“Searchers” 10)

Bryher redeployed the supposed synergy between the image and intuition when advocating aesthetically—and thus politically—on behalf of human rights. For her, the image is capable of unlatching the doors to intuition, thus reminding readers what they already know but have come to see as “abstract” (as Hulme would say) rather than immediate.

According to this perspective, the poetic image acts upon the mind like a tuning fork does with an instrument. By extension, literature more generally shapes ethical and moral sensibilities. In making the case for this approach in *Visa for Avalon*, Bryher resists her friend Walter Benjamin’s insistence that the “logical result of Fascism” coincides with “the introduction of

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63 For Bergson’s influence on literary modernism, see Ardoin et al.’s edited volume, *Understanding Bergson, Understanding Modernism*, and Gillies, *Bergson and British Modernism*, 25-7, especially her claim that modernists tended to sour of Bergsonism when his theories and writings became too popular.

64 See Hughes, *Imagism and the Imagists*, 9-10, for a discussion of Hulme’s centrality.

65 He goes on to say, “Poetry . . . is not a counter language, but a visual concrete one. It is a compromise for a language of intuition which would hand over sensations bodily. It always endeavors to arrest you, and to make you continuously see a physical thing, to prevent you from gliding through an abstract process. It chooses fresh epithets and fresh metaphors, not so much because they are new, and we are tired of the old, but because the old cease to convey a physical thing and become abstract counters. . . . Verse is a pedestrian taking you over the ground, prose—a train which delivers you at a destination” (70).
aesthetics into political life.” In “The Work of Art in the Age of Mechanical Reproduction,” Benjamin argues that fascism embraces an aestheticized politics to distract the masses from changing existing social structures:

Fascism attempts to organize the newly created proletarian masses without affecting the property structure which the masses strive to eliminate. Fascism sees its salvation in giving these masses not their right, but instead a chance to express themselves. The masses have a right to change property relations; Fascism seeks to give them an expression while preserving property. The logical result of Fascism is the introduction of aesthetics into political life. The violation of the masses, whom Fascism, with its Führer cult, forces to their knees, has its counterpart in the violation of an apparatus which is pressed into the production of ritual values. (241)

For Benjamin, aesthetic expression and enjoyment in the cinema, for example, only ostensibly provide the expression that the masses so desire: real political alternatives. Unlike Benjamin, however, Bryher defends a certain kind of image-based aesthetic as capable of triggering politically substantive resistance. Beginning with the establishment of Close Up, the first journal devoted entirely to film criticism, Bryher advocated on behalf of film that was politically involved. She insisted that, in its early years, film offered a “single language” across cultures (Heart 290). She also lamented the introduction of sound in film on the grounds that silent film offered a “framework for our dreams” (290). While Bryher’s sentiments here refer explicitly to film, they can be read as a defense of literary aesthetics as well. As Marianne Moore noticed in a 1927 article on Close Up in The Dial, Bryher’s journal deployed the language of literary criticism to speak about this not-yet “mastered . . . auxiliary art” (qtd. in Marcus 322). Bryher’s film criticism attempts to reimagine what literature can achieve. In her passionate defense of film, she presents the poetic image as the means by which art resists.

3.3 Bryher’s Human Rights Aesthetic

When it was first published in 1965, Bryher’s Visa for Avalon barely registered for both readers and reviewers. Only with its republication in 2004, after the Abu Ghraib scandal, has the novel
garnered attention as a prescient reminder of the erosion of human rights.\textsuperscript{66} A sharp departure from her popular historical fiction, \textit{Visa for Avalon} explores the precipitous rise of a fascist “Movement” in a seemingly quiet nation, distinguished by its rolling hills, picturesque harbours, and “collective training” (12). Mrs. Blunt and her lodger, Mr. Robinson, only belatedly recognize that the Movement threatens their liberties. Rather than resist what they see as an unstoppable force, they decide to emigrate to the nation of Avalon and narrowly escape on the last plane out. While critics have suggested that Nazi Germany inspired Bryher’s representation of fascism in the novel,\textsuperscript{67} \textit{Visa for Avalon} has yet to be analyzed as reflecting her wartime advocacy of rights and the developing but still nascent advancements in international law.

While the Movement in \textit{Visa for Avalon} reflects Bryher’s understanding of the Third Reich, it is a fascism pared down to its most elemental mandate of elevating national interests at the cost of personal liberties. The novel begins with Mr. Robinson enjoying his retirement, blissfully unaware of the political shifts in his country. However, his vacation endures only until Mrs. Blunt receives a “Requisition Order” from the Movement which allows the new government to confiscate her home on behalf of national interests (12). The official that informs her of these changes thinks that Mrs. Blunt is “very narrow, very narrow,” because people like her have “had no collective training and all that mattered to them was sentiment” (12). Mrs. Blunt is unwilling to tolerate this violation. Her “sentiment” is so committed to liberty that the narrator describes her as having an “independence that caused her sometimes to bend in a storm like the roses in the tiny garden but not to break” (3). She concludes that her best option is to emigrate to Avalon, a place she remembers hearing about when she was a child where a “man had only to be simple, do his job and not interfere with his neighbor, and then the discontents and intrigues that had caused these disturbances would not have happened” (130). The island nation of Avalon provides Mrs. Blunt and Robinson with a supposed haven from the Movement. They both become political refugees, and with some help from the Avalon embassy they escape with the remaining diplomats on the last plane out—just as Augier, their pilot, thinks that the Movement “would merely laugh at international law” (126).

\textsuperscript{66} See, for example, Freeman’s preamble from the publisher; McCabe, “Introduction”; and recent reviews of \textit{Visa for Avalon} by Zemgulys and Freedman.

\textsuperscript{67} See Atwood, “After the Last Battle: \textit{Visa for Avalon} by Bryher,” 181, and McCabe, “Introduction,” xviii.
From the outset, the novel represents certain characters as knowing while positioning others, such as Robinson, as oblivious. It is the interaction between the politically aware and the ignorant that comprise the bulk of the novel. In particular, the presentiment that the Movement would laugh at international law comes from the mind of Augier, the Avalon pilot who steers the last plane out. His name evokes the Augur, the Roman diviner of omens and reader of signs, thus intimating that he is a reliable interpreter in this brave new world. His words offer a coda that punctuates the dangerous getaway. However, Augier does not suggest that international law is ethically ungrounded. Rather, his point is that the regime will take its chances, and that there will be little, if any, collective response. When Bryher published *Visa for Avalon* in 1965, the ineffectual nature of international law was already becoming a truism. Augier’s suspicion speaks to perceptions of international law but not to its legitimacy. When Mrs. Blunt, Robinson, and their friend Alex discuss the seizing of her home, land, and livelihood, Mrs. Blunt concludes that “people like us have no rights any longer. Those Government officials never care” (20). From a positivist perspective, she is correct. They have no rights because the Movement does not recognize such civic or international entitlements.

Robinson is largely a stand-in for the kind of European and American citizens that Bryher attempted, unsuccessfully, to mobilize before the Second World War. Robinson fails to recognize as dangerous the Movement’s manipulation even when it is right in front of him. While his name alludes to Daniel Defoe’s Robinson Crusoe and the resourceful castaways from *The Swiss Family Robinson*, the allusions are satirical. Robinson has neither a robust constitution nor does his retirement suggest self-reliance. Although aged, Robinson remains fundamentally adolescent in his approach to political life. As *Visa for Avalon* opens, Robinson awakes in his room and delights in the sounds of the nearby waves, the smell of the salt, and the lingering fragrance of chamomile. “Everything seemed to swim back,” he thinks to himself, “to a moment when he had been half his present size and living through a time the scents had preserved to give it back to him now on his retirement” (1). Here, he affirms nothing but his own “preserved” history. He is fully alive to his past, but oblivious to his currently squeezed circumstances. When Robinson encounters a group of Movement Youth, an organization reminiscent of the *Hitlerjugend*, he recalls reading about them “vaguely in the papers” (7). He does not recall what

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68 In one of the earliest reviews of *Visa for Avalon*, Duhamel speaks of the characters as almost allegorical, “seen [as they are] neither as strange shapes on a horizon nor as close friends in familiar surroundings” (BR 4).
their platform is and why they are at the docks, but he does notice how the “big white poppies on [the Youth’s] dress were a little startling. It was as if the colors had been reversed in the wash” (6). He notices the garishness of the girl’s skirt but fails to recognize the horror that garishness signifies. Here, “startling” is an aesthetic category rather than, as Bryher suggests, an ethical one. Robinson’s misidentification thus serves as a symbolic rendering of how warning signs so often go unacknowledged. The irony in this scene is that Robinson focuses exclusively on the aesthetic ugliness instead of acknowledging and commenting on the moral ugliness of The Movement. Therefore, Robinson is unable to bridge what Bryher says must be bridged, that is, the fusion of aesthetic and moral judgments.

Unlike Robinson, Bert, the cab driver, interprets events with dexterity, while taking a position of human rights advocacy that matches his aesthetic judgment. Bert serves as a foil for the heedless, self-centered Robinson. As he navigates the city, Bert converses with Robinson, but goes beyond small talk when he forces Robinson to confront how long he has been avoiding the obvious problems in his nation; the politically minded Bert shakes Robinson from the fiction that the arrival of the Movement has been “so sudden.” He goes on to correct Robinson:

“No, I wouldn’t say that, sir. It’s been in the air for years. But who did anything about it? Shoved the blame around but wouldn’t do nothing themselves. Shameful, it was, shameful. Friend of mine was hit on the head by a lout and what did he get but sympathy? Sympathy is a hell of a lot of use if a man’s out for a fortnight on half wages.” (81-2)

Bert tempers his insistence by speaking about a generalized “who,” while nonetheless being firm with Robinson, perhaps even ironizing the honorific “sir” (he uses it four times in a matter of minutes) as he sets the record straight. Bert’s summary is a rendition of Bryher’s forewarning in her Close Up column in 1933, where she insisted that it was political apathy that fueled the Third Reich. Bert’s reading highlights the degree to which the Movement has been allowed to act with impunity, and how simple concern does nothing to change realities.

While he shows himself to be a proficient interpreter of events, Bert is also a skilled cabbie. After he avoids having a car accident, Bert adds to the growing discussion by unpacking the Movement’s ostensibly hidden violation of basic human rights:
The car swerved suddenly to avoid a barrow that had been upset in the street. Two cabbages and a trail of apples, they looked just like a green plastic hose, had rolled into the gutter. “Wonder what happened there,” Bert looked round again uneasily, “somebody they didn’t like or who wouldn’t go along with them.” (82)

Bert’s ability to multitask prevents drawing attention to them at a point when they are trying to escape. More importantly, he interprets the scene as an Imagist might. He shatters the supposed irrelevance of the vegetable queue by suggesting that it is a symbol of the Movement’s violent provocation against a fellow citizen. Until Bert points it out, this violence remains unseen by Robinson and Blunt. He intuits that there must have been someone who loaded the wheelbarrow, but because no one comes after the wheelbarrow, its owner must have been taken away.

Shuttling between the literal and the metaphorical, Bert reads the green train of vegetables as a crystallization of the Movement’s omnipresence. This implication is stronger because Bryher associates the colour green with the Movement throughout Visa for Avalon. For example, the Movement is a “a long green caterpillar with many legs and one rudimentary brain” (44), and later “a green, slightly uneven mass” chasing them down the airport runway (132). Moreover, the airport attendant who looks on as Mrs. Blunt struggles with her bags wears “green overalls” (134), while the Movement Youths wear “green windbreakers in one of the shiny, new materials” (7). Bert is not privy to these specific aesthetic details, but he is nonetheless able to discern the Movement’s overarching denial of rights.

By insisting that this image crystallizes fascist violations of basic human entitlements, Bert ventures into imagist as well as Bergsonian territory. He reads the image as a symbolic rendering of the state of politics and, moreover, as illustrating what cannot be condoned. Much the same way that Bert peers as if around the corner, intuiting the events behind and beyond the façade of the supposedly genial street, Bergson describes the process of intuition as a “turning attention aside from the part of the universe which interests us from a practical viewpoint and turning it back toward what serves no practical purpose” (163). Bert becomes “absent-minded” (160), as Bergson might call it, by searching out not only what is happening in front of them but what is happening at large in their troubled nation. Bergson goes on to say that when the intuitive reveals itself, “shades of emotion and thought appear to us which might long since have been brought out in us but which remained invisible; just like the photographic image which has not yet been plunged into the bath where it will be revealed” (159). Bergson’s photographic
metaphor calls to mind Robinson’s earlier complaint that “the past spun through his head like a roll of film but he could not pierce the blank wall of the future” (23). Robinson thus seems incapable of presentiment, bad at intuiting what is happening and what will happen. What seems unavailable for Robinson is accessible for Bert, who does not need to personally experience the Movement’s violation in order to understand its erosion of rights.

In a nation where there is neither recognition of basic human liberties, nor many citizens who seem to understand the situation, Bert becomes a chief interpreter by distinguishing between political disagreement and what Bryher believed was an international crisis. Bert can see around corners, intuiting the situation at large and interpreting it for his passengers. Although to an uninitiated observer the green vegetable queue is an obstruction, for Bert the concrete visual image becomes a way of activating his intuition, thus prompting him to discuss and diagnose the Movement’s violation of basic rights. Here, Bryher claims to evoke what she admired in Lowell’s poetry, a whole situation, concisely and clearly distilled in a short phrase or a line of verse. More than Lowell, however, Bryher attempts to transform the image from a psychological phenomenon into a tool for human rights advocacy. Along with Humphrey and Maritain, Bryher sought confirmation for human rights in the mind’s intuitive faculty, which according to them is already available, guiding decisions, behavior, and defending human rights.

3.4 Nabokov, Intuitively

Bryher and Nabokov both came from privileged backgrounds, but they took widely different directions in their lives and literature. While Bryher struggled with her privilege and the responsibility it entailed, Nabokov was more protective of his aristocratic heritage, perhaps because it had been so forcefully taken from him during the October Revolution. While Bryher’s fiction is valued largely because of its engagement with history, Nabokov’s literature has long been admired for quite the opposite reason: its “escape into aesthetics” (Stegner). Nabokov has been often represented as a writer whose “social reality died forever with the Bolshevik Revolution” (Bloom 2); for John Updike, his “art declined to submit to the world” (39).

Nabokov certainly helped these approaches along by suggesting that his work is amoral, even though his assessments could often be read as ironic. Speaking of Lolita, for example, he insists that it has “no moral in tow. For me a work of fiction exists only in so far as it affords me
what I shall bluntly call aesthetic bliss” (“On a Book” 314). However, we should be cautious of taking him at his word because his fiction, especially Bend Sinister, seems to be so at odds with his grand pronouncements of aesthetic autonomy. He keeps talking at cross purposes, and the cacophony of direction and misdirection suggest a deeper, more convoluted Nabokovian irony.

In his autobiography Speak, Memory, Nabokov notes that the chess problem, a favourite pastime of his, is not a game between White and Black but between “composer and the would-be-solver . . . so that a great part of a problem’s value is due to the number of ‘tries’—delusive opening moves, false scents, specious lines of play, astutely and lovingly prepared to lead the would-be solver astray.” “Deceit,” he goes on to say, “to the point of diabolism . . . was my notion of strategy” (290). Nabokov did not promote easy answers, what he called “general ideas,” and had no stomach for the “serious literature” of moral instruction (“Foreword”). He makes his reader work for a payoff that is not, he believed, a morally righteous imposition from without, but a minimalist intuition from within.

When it was published in the United States in 1958, Lolita was embroiled in charges of indecency and impassioned calls for censorship because it was child pornography. The novel found, however, a high-profile supporter in Lionel Trilling who had recently published The Liberal Imagination, where he defended the novel as a genre of “moral realism” (219). In one chapter, “Manners, Morals, and the Novel,” Trilling argues that the novel enables moral recognition because it shows its reader how easily reality can be twisted and contorted, in a word, corrupted: “All literature tends to be concerned with the question of reality—I mean quite simply the old opposition between reality and appearance, between what really is and what merely seems” (207). He goes on to argue that “snobbery” is not restricted to its conventional meaning, but rather implies a disdain for ordinary reality and its apparent morality. The novel’s task is to “record the illusion that snobbery generates and to try to penetrate to the truth which, as the novel assumes, lies hidden beneath all the false appearances” (211). The novel of moral

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69 In his “Foreword” to Bend Sinister he makes a similar claim: “There exists few things more tedious than a discussion of general ideas inflicted by the author or reader upon a work of fiction. . . . I am neither a didacticist nor an allegorizer. Politics and economics, atomic bombs, primitive and abstract art forms, the entire Orient, symptoms of ‘thaw’ in Soviet Russia, the future of Mankind, and so on, leave me supremely indifferent” (xii).

70 For a discussion about Nabokov’s contradictory statements, see Nafisi, Reading “Lolita” in Tehran.

71 For a discussion of the recent wave of “recuperative readings” in Nabokov’s scholarship, see Naiman, Nabokov, Perversely, 137.

realism fights moral righteousness, exposes the dangers of moral complacency, and dramatizes the difficulties entailed in leading a moral life. Trilling anticipates here how moral righteousness is everywhere condemned by Nabokov’s literature. But condemning moral righteousness does not imply, as Trilling suggests, the imposition of a moral framework. Trilling’s “moral art” thus only casually approximates Nabokov’s approach.

Instead of advocating for morality, Nabokov makes his case for ethics as an aversion to cruelty. During the 1951 and 1952 school years (as he was finishing *Lolita*), Nabokov took a leave of absence from Cornell, so that he could take up a visiting professorship in literature at Harvard to teach undergraduate seminars on the English novel. Harry Levin suggested that Nabokov might start his course off with *Don Quixote*. Nabokov liked the idea so much that he wrote a series of lectures on Cervantes that would accompany his other prepared lectures from Cornell (Bowers vii). One such lecture, “Cruelty and Mystification,” explores what he calls the “ethics of our book” in hand (51). Delivered with his tongue firmly in his cheek, Nabokov’s lecture discusses *Don Quixote*’s “humorous and humane world” (55). For Nabokov, *Don Quixote* is no laughing matter. It is a “torture house,” and tests its reader’s response to characters, including Rocinante and the Don, being mistreated. Nabokov focuses on a scene where Don Quixote is badly beaten by a goatherd and a barber, while his false friends, the canon and curate, look on and laugh uncontrollably. “The barber,” Nabokov says, “is doing this . . . for fun’s sake,” because “nothing is funnier than a dog being tortured in a sunny street” (56). While the “young-student reader” may well be enchanted by Cervantes’s colouration of cruelty for comic effect, Nabokov suggests that the mature reader ought to take heed and not get caught up in watching with bated breath, as the townspeople do in Raskolnikov’s dream from *Crime and Punishment* when the old horse is brutally beaten to death.

In a collection of musings and interviews, published as *Strong Opinions*, Nabokov summed himself up by saying that he is “mild old gentleman who loathes cruelty” (19). Taking him at his word, Nabokov criticism has recently read his work in dialogue with a strain of liberalism, the “liberalism of fear,” stretching roughly from Michel de Montaigne through Judith Shklar, who in her book, *Ordinary Vices*, holds cruelty up as the “summum malum, the most evil

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73 Nabokov is also alluding to Montaigne’s “Of Cruelty” from his *Essays*—selections of which Nabokov translated into Russian during the 1930s—where Montaigne states that “among the vices, both by nature and by judgment I have a cruel hatred of cruelty as the ultimate vice of them all” (481).
of evils” (17). Pragmatist philosopher Richard Rorty was one of the first to identify the centrality of cruelty for Nabokov, and goes on to defend Nabokov as a man who derives so much pleasure from writing that, over time, he became simply unable to tolerate suffering: “His eccentrically large capacity for joy, his idiosyncratic ability to experience bliss so great as to seem incommensurable with the existence of suffering and cruelty, made him unable to tolerate the reality of suffering” (155). Interestingly, Rorty does not claim to understand how Nabokov’s aesthetic pleasure leads to his abhorring the reality of suffering. He offers us a non sequitur (an enduring mystery), and acknowledges his own continued confusion. I argue that Nabokov is able to deny a moral in tow because of the way he defines morality as a system of imposed values, which, for him, stand in contrast to the felt aversion to cruelty, a physiological response that supposedly skirts the realm of ideas. When Nabokov speaks of the “tingles” that fiction offers him, he is speaking of a response at once sensuous, sensual, and intuitive. While Bergson’s influence on Nabokov is well-established, I want to claim Nabokov as an aesthetic Bergsonian who, like Bryher, turns to intuition to anchor his liberalism.

By bringing Nabokov in conversation with other Bergsonians in the period, I explore how Nabokov engages with the debates about the metaphysics of rights and the justifications of international law going on around him during the writing of his first American novel (his second in English), Bend Sinister, a work that was initially passed over for publication by Doubleday because it was apparently too much of the moment. More to the point, Nabokov’s approach to cruelty brings him into contact with the liberal defense of human rights sketched by Ignatieff. Ignatieff defends an ostensibly minimalist approach to human rights as preventing cruelty: the “elemental priority of all human rights activism” is “to stop torture, beatings, killings, rape, and assault and to improve, as best we can, the security of ordinary people” (173). What is striking about Ignatieff’s defense is not so much that he rallies around cruelty, but that he claims that his position requires no substantive metaphysical conviction. “We need,” he says,

74 Rorty claims that by putting cruelty first Nabokov is a liberal according to “Shklar’s criterion” (146). In Vladimir Nabokov and the Poetics of Liberalism, Dragunoiu also provides a lengthy commentary on Nabokov’s liberalism, especially in the chapter “Kant’s Eye: Ada, Art, Ethics,” 142-185. See also Boym, The Future of Nostalgia, for her contrast between “Nabokov’s liberal ethics and Dostoevskian moralism” (339).

75 See especially Toker, “Nabokov and Bergson,” and her insistence that “Bergson’s system yields a useful commentary on Nabokov’s ubiquitous theme of artistic creativity” (367); Glynn, “Nabokov and Bergson,” and Bozovic, Nabokov’s Canon: From “Onegin” to “Ada,” 131-58.
to stop thinking of human rights as trumps and begin thinking of them as a language that creates the basis for deliberation. In this argument, the ground we share may actually be quite limited: not much more than the basic human intuition that what is pain and humiliation for you is bound to be pain and humiliation for me. But this is already something. In such a future, shared among equals, rights are not the credo of a global society, not a secular religion, but something much more limited and yet just as valuable: the shared vocabulary from which our arguments can begin, and the bare human minimum from which differing ideas of human flourishing can take root. (95)

Ignatieff resorts to “intuition” (here, in a general sense) when attempting to rationalize how his approach to human rights takes root from the “moral intuition . . . that our species is one, and each of the individuals who compose it is entitled to equal moral consideration. Human rights is the language that systematically embodies this intuition” (4). Ignatieff consciously builds off Shklar’s work, but still comes very close nevertheless to a Bergsonian view and Nabokov’s own approach to intuition as overcoming moral relativism.

While Nabokov is skeptical of moral absolutism, he is not averse to metaphysical commitment. On the contrary, as Brian Boyd, Nabokov’s biographer, has suggested, Nabokov had a vast metaphysics of the world on display in his fiction. Ada, his most difficult work, is a veritable storehouse of metaphysical novelty about time, place, and consciousness (Boyd, Ada). Despite Nabokov’s very baroque metaphysics, he considered his intuitive compass to be pared down, because it was based on the psychology of experience rather than an outside morality. By reading Bend Sinister as a Nabokovian treatise on the mind’s intuition, I approach the novel in ways that are similar to Susan Elizabeth Sweeney’s assessment of Nabokov’s work as “deeply concerned with the process of imagining a new thing out of what is already known,” believing in what seems impossible, implausible, or ludicrous (67).

3.5 People from Porlock

Bend Sinister is an odd work, even by Nabokov’s standards. It is the novel that he wrote immediately before Lolita,76 and, for Boyd, his last “political” novel. A literary response to both

76 Boyd suggests that “Bend Sinister is a sensitive work, sensitive to the demands of the moment and at the same time determined to defy them and remain true to its timeless themes. But the novel seems to some readers, myself
the rise of the Third Reich and the overthrow of Tsarist Russia, *Bend Sinister* tracks the violent interruptions of “Ekwilism,” a political dogma where personal independence is to
dissolve in the virile oneness of the State . . .. Your groping individualities will become interchangeable and, instead of crouching in the prison cell of an illegal ego, the naked soul will be in contact with that of every other man in this land; nay, more: each of you will be able to make his abode in the elastic inner self of any other citizen, and to flutter from one to another, until you do not know whether you are Peter or John, so closely locked will you be in the embrace of the State. (97)

There will be no room for distinctions, eccentricities, no preference for John (the disciple whom Jesus loved) over Peter. In place of the individual mind, there will be a “contemplative” State (167). A dystopia in the same vein as those by Orwell, Huxley, and Atwood, *Bend Sinister* finds its hero, Adam Krug, an eminent philosopher, at odds with the state. Originally titled *The Person from Porlock,* a reference to the infamous act of artistic interruption—the man who disrupts Coleridge while writing “Kubla Khan”—the novel explores the ways in which Krug’s life is arrested by boorish Paduk and his “Average Man” populist party.

Nabokov opens the novel with the symbol of an “oblong puddle,” rehearsing an aesthetic trope that he later identifies with Dickens’s *Bleak House*: the relationship between bad weather, “London’s foul fog,” and the miscarriage of justice (*Lectures on Literature* 69). What he saw in *Bleak House* was something comparable to his own earlier association:

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77 This allusion is carried over into his next novel, *Lolita*. Clare Quilty checks into one of the motels pockmarking the American landscape as “A. Person, Porlock, England.”

78 The closest analogue to Paduk is not Orwell’s Big Brother, but Sinclair Lewis’s Berzelius (“Buzz”) Windrip, a bloated philistine for the ages: “He would whirl arms, bang tables, vomit Biblical wrath from a gaping mouth; but he would also coo like a nursing mother, beseech like an aching lover and in between tricks would coldly and almost contemptuously jab his crowd with figures and facts—figures and facts that were inescapable even when, as often happened, they were entirely incorrect.”

79 Speaking of the opening of *Bleak House*, Nabokov remarked that there is a “metaphor which links the real mud and mist to the mud and muddle of Chancery. Sitting in the midst of the mist and the mud and the muddle, the Lord Chancellor is addressed by Mr. Tangle as ‘Mlud.’ At the heart of the mud and fog, ‘My Lord’ is himself reduced to ‘Mud’ if we remove the lawyer’s slight lisp. My Lord, Mlud, Mud. We shall mark at once, at the very beginning of
An oblong puddle inset in the coarse asphalt; like a fancy footprint filled to the brim with quicksilver; like a spatulate hole through which you can see the nether sky. Surrounded. I note, by a diffuse tentacle black dampness where some dull dun dead leaves have stuck. Drowned, I should say, before the puddle had shrunk to its present size. (1)

Here, the “nether sky,” later the “spasmodic fog” (6), signals the ways in which Padukgrad, the state, has wrested control over the country with its “diffuse tentacle black dampness.” We are invited into a world seen through a glass darkly, a misshapen puddle resembling a leaf but nonetheless dead. Like his story “The Leonardo,” about the rise of German fascism, the miniaturized scale of Krug’s situation signals the regime’s encroachment.

One of the most personal of Nabokov’s works, *Bend Sinister* suggests a correspondence between Nabokov and Krug, a “huge tired man with a stoop,” a man whose prose style is the only fit thing about him (6). The initial inspiration for *Bend Sinister* came to Nabokov during 1941, when he took up a position at Wellesley College. While his wife, Véra, and their son, Dmitri, were safe in Massachusetts, his mind was nonetheless occupied by what might have happened to them if they had remained in Germany (Boyd, *American 95*). Before they fled to the United States in 1940, Véra Nabokov lost her job due to the rising anti-Semitism in Berlin.

However, Nabokov’s brother, Sergei, was unable to emigrate; as a well-known homosexual he was later interned at the Neuengamme concentration camp where he died during the holocaust. *Bend Sinister* hits close to home and serves as a powerful *what if* played out in the film reel of literature: Krug loses his wife at the start of the book due to an unidentified illness, only to lose his child, David, when he is brutally murdered as an expendable “Orphan.”

In a world where the inner psychic life of the individual is considered to be an atavism and a punishable crime, Nabokov resists the collective consciousness of Ekwilism with his own abiding interest in Krug. Nabokov’s narrator proves very curious about Krug—curious because, as Krug’s colleague insists, “curiosity . . . is insubordination in its purest form” (46). *Bend Sinister* plays out its own narrative acts of insubordination by following Krug, inquiring into his well-being and torments, and following him right into his tragic madness. In “Chapter 1,” I

our inquiry, that this is a typical Dickensian device: wordplay, making inanimate words not only live but perform tricks transcending their immediate sense” (*Lectures on Literature* 72).
mentioned that utopian novels disdain character. Bellamy depicts Julian West is treated as a means to an illustration of utopia. Nabokov registers that disdain by associating it with what he calls “World Consciousness” (75). Fradrik Skotoma, Nabokov’s satire of Karl Marx, expressed his new-found conception of mankind with the solemnity befitting a tremendous discovery. At every given level of world-time there was, he said, a certain computable amount of human consciousness distributed throughout the population of the world. The distribution was uneven and herein lay the root of all our woes. Human beings, he said, were so many vessels containing unequal portions of this essentially uniform consciousness. . . . He introduced the idea of balance [to address these shortcoming] as a basis for universal bliss. (75)

Nabokov’s interest is not in “human consciousness,” but with the individual, eccentric consciousness of Krug. His narrator is not after reducing Krug’s psychic life to his own (as Ekwilism insists), but seeing his own thoughts in dialogue with Krug’s.

To facilitate that dialogue, Nabokov’s prose takes on a telescopic dimension that imitates a film camera focusing on Krug’s individuality. If we think of Bellamy’s Looking Backward as synoptic in its purview, then Nabokov’s Bend Sinister is wholly subjective by contrast. At a key moment in the novel, Krug is espied by his university peers as a “big heavy man in his early forties, with untidy, dusty, or faintly grizzled locks and a roughly hewn face suggestive of the uncouth chess master or of the morose composer, but more intelligent” (46). The narrator tells us how they see him, aping their prejudice, but goes beyond that prejudice:

Under this visible surface a silk shirt enveloped his robust torso and tired hips. It was tucked deep into his long underpants which in their turn were tucked into his socks: it was rumoured, he knew, that he wore none (hence the spats) but that was not true; they were in fact nice expensive lavender silk socks.

Under this was the warm white skin. Out of the dark an ant trail, a narrow capillary caravan, went up the middle of his abdomen to end at the brink of his navel; and a blacker and denser growth was spread-eagled upon his chest.

Under this was a dead wife and a sleeping child. (47)

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80 A “scotoma” (etymologically, darkness) is the medical term for a visual blind spot.
While the rumours about his socklessness prove to be untrue, so too ironically is his peers’ understanding of him. In contrast, the narrator’s close-up proves affectionate. It is as if the narrator is undressing hirsute Krug not to deny his humanity—reducing a man to mere meat and hair—but rather to find his tender consciousness underneath.81

The narrator’s potential connection with Krug is, however, interrupted by a person from Porlock, the University President, Dr. Alexander, and his speech about how the university is threatened under Ekwilism. According to the President, they must do whatever they can to ensure the University’s continuity, including bending to Paduk’s outrageous demands:

“You all know how distasteful the spirit of compromise is to me. But I do not think the gallant effort in which we shall all join can be branded by that obnoxious term. Gentlemen! When a man has lost a beloved wife, when an animal has lost his feet in the aging ocean; when a great executive sees the work of his life shattered to bits—he regrets. He regrets too late. So let us not by our own fault place ourselves in the position of the bereaved lover, of the admiral whose fleet is lost in the raging waves, of the bankrupt administrator—let us take our fate like a flaming torch into both hands.” (48-9)

The President’s speech uses the metaphor of a man losing his wife in front of Krug who has actually lost his wife. He knows about the “sorrow in [Krug’s] family” (57), but cannot see beyond self-interest. He is cruelly incurious to the ways in which he trivializes Krug’s mourning as comparable to the threats that the University faces. For the President, Krug is a means to an end, because he hopes that Krug will represent their interests and save them and their jobs. In Nabokov’s museum of incurious monsters (including Lolita’s Humbert and Ada’s Van Veen), the President is a bit-player who commits a small act of cruelty that nonetheless invites the return of Krug’s “hot black surge of grief” (57). Because of the President’s remarks, “the room was almost melted” for Krug (57).

As if Nabokov’s glorification of individual consciousness was not clear enough, he has Paduk insist that Hamlet be performed, but that it will undergo major changes to make it suit Ekwilism. “As with all decadent democracies,” says a frightened Ember, parroting government

81 For more information on Nabokov’s film-inspired aesthetic, see Wyllie, Nabokov at the Movies.
doctrine so that they do not arrest him, “everybody in the Denmark of the play suffers from a plethora of words” (108). The performance will therefore replace Shakespeare’s delicate cadences with “simple words” (108). Fortinbras, a man who is all action and little contemplation, will replace Hamlet as the hero. Krug becomes a sort of anti-Fortinbras (perhaps, a Hamlet of Padukgrad) in his contemplative mood. In one of the earliest readings of Bend Sinister, Frank Kermode suggests that Krug’s failure as a thinker and a father has to do with his “obsession with intellect, the habit of expecting matters to fall out in accordance with intelligent prediction” (230). However, Kermode misses the point that Krug is not stuck in contemplation; his assessment is a more accurate portrait of the tentative Professor Pnin. Krug is not really Hamlet because his problem is not inactions, as Kermode suggests, but rather that the situation is too dire for his actions to prove effect at saving him and his son.

Krug’s contemplative disposition, his freedom of thought, is the last shimmering thing remaining in Padukgrad, a state overrun with people who “are because they do not think,” thus flouting the Cartesian cogito (11). In a world where the document machines (called padographs) do not have question marks, Krug remains the living embodiment of that missing mark. As a further example of the despotism of Ekwilism and its impingements, Nabokov has the Ekwilist government provide an obscene parody of F. D. R’s Four Freedoms: freedom of speech and expression, freedom of religion, freedom from want, and freedom from fear. While Bend Sinister predates the international human rights reforms of 1948, the novel registers the ethical compass of the Four Freedoms by having Paduk so flagrantly flout them:

Dear Citizen, according to Article 521 of our Constitution the following four freedoms are to be enjoyed by the nation: 1. freedom of speech, 2. freedom of the press, 3. freedom of meetings, and 4. freedom of processions. These freedoms are guaranteed by placing at the disposal of the people efficient printing machines, adequate supplies of paper, well-aerated halls and broad streets. . . .

The constitution of other countries also mention various ‘freedoms.’ In reality, however, these ‘freedoms’ are extremely restricted. A shortage of paper limits the freedom of the press; unheated halls do not encourage free gatherings; and under
the pretext of regulating traffic the police break up demonstrations and processions. (164-6)

In representing the distortion of the Four Freedoms, Nabokov puts himself and his reader in a position of what Krug considers the “free humorists” (167). We can discern, his narrator suggests, some humour in this passage, if we have the freedoms that are denied to Krug and David. Otherwise, that humour is impossible because of the reality of our freedoms denied. At this moment, Krug is still able to see beneath the propaganda, finding a modicum of lifesaving humour in the midst of his ever-collapsing freedoms.

That respite is short-lived, because Krug cruelly witnesses the death of his son. He sees David, but David cannot see his father. When David is sent to a juvenile detention centre where the “little person” is used as a “release-instrument” for the criminals, he is bludgeoned to death by the inmates, because he has “no value to the community” (218). If this was not a terrible enough fate for a father to hear about, the lead up to David’s death is displayed on a screen as the machine whirs and spins the bleak reality of the situation. Unfortunately, however, for father and son the video cannot deliver the mutual recognition it seems to promise:

The whole thing lasted a moment: he turned his face up to the nurse, his eyelashes beat, his hair caught as gleam of lambent light; then he looked around, met Krug’s eyes, showed no sign of recognition and uncertainly went down the few steps that remained. His face became larger, dimmer, and vanished as it met mine. (223)

David dies attempting to find recognition from those around him. David “showed no sign of recognition,” “uncertainly” proceeding toward his fate, afraid and alone. Only by virtue of the time-shifted video is his father able to watch his son walk toward his death.

However, the mutual recognition that was denied father and son is made possible by the narrator’s intervention, Nabokov’s *deus ex machina*. When Krug has fallen asleep, thankfully, we are told, “before he could properly grapple with his grief” (232), the narrator decisively breaks the fourth wall, visits Krug in his cell, and blesses him with insanity:

It was at that moment, just after Krug had fallen through the bottom of a confused dream and sat up on the straw with a gasp—and just before his reality, his remembered hideous misfortune could pounce upon him—it was then that I felt a
pang of pity for Adam and slid towards him along an inclined beam of pale light—causing instantaneous madness, but at least saving him from the senseless agony of his logical fate. (233)

This time it is Nabokov’s narrator who becomes the person from Porlock, tenderly preventing the prolonged cruelty, fear, and execution of Krug. That the narrator “slid towards him along an inclined beam of pale light” suggests the movement toward Krug is not logical or reasonable but something that ushers from what Bergson thought of as the “halo” of intuition. For Nabokov and Bergson alike, intuition proves to the lighthouse that lights the way towards experiential truth. The narrator’s “pang of pity” moves him to help Krug, and to gift him with a little bit of peace. His sliding is sensational; he is compelled affectively, not rationally. For all Nabokov’s emphasis on contemplation in Bend Sinister, the narrator finds a compelling reason to assist Krug not through any rational form of enquiry, but intuition as Bergson defined it: “the kind of intellectual sympathy by which one places oneself within an object to coincide with what is unique in it and consequently inexpressible” (qtd. in Kern 25). Nabokov’s narrator has been attempting this kind of connection with Krug’s mind from the start. Here, Krug meets his maker, who in turn offers Krug the freedom from fear.

At the end of Bend Sinister, the narrator’s moment of connection with Krug suggests that ethics is not a matter of rational deduction, but rather a matter of felt, intuitive connection. Nabokov makes this point throughout his career. Earlier, in a 1940 lecture to his Cornell undergraduates, Nabokov addresses this irrational movement that his narrator makes at the close of Bend Sinister. By associating rationality with “common sense,” and common sense with the evils of populism, Nabokov advocates for an affective, felt sense to temper human conviction and combat righteousness. “It is instructive to think,” he told his Cornell undergraduates, “that there is not a single person in this room, or for that matter in any room in the world, who, at some nicely chosen point in historical space-time would not be put to death there and then, here and now, by a commonsensical majority in righteous rage” (Lectures on Literature 373).

83 In one of his many ways of speaking about intuition, Bergson notes that “It is true that intuition had had to debase itself to become instinct; it had become intent, as though hypnotized, on the interest of the species, and what had survived of its consciousness had assumed a somnambulistic form. But just as there subsisted around animal instinct a fringe of intelligence, so human intelligence preserved a halo of intuition” (Two Sources 214).

84 Cf. also Wyllie, Nabokov at the Movies, where she insists that the “notion of light’s ability to transform is central to the metaphysical dimensions of Nabokov’s work” (121).
Opposed to common sense (“facts” of various kinds, moral truths rendered into repeatable chestnuts) is the “little thing which a man observes and greets him with a friendly nod of the spirit while the crowd around him is being driven by some common impulse to some common goal” (373). For Nabokov, it is ultimately the “friendly nod of the spirit” and not some imposed moral framework that directs the ethical individual. However, Nabokov’s rendition of the narrator’s intuitive “sliding” toward Krug is a masterful failure, not least because Krug is too similar to Nabokov to truly test intuition’s gravity. The true test of intuition would be its ability to make Nabokov feel pity for someone so unlike him.

Nabokov seems to have understood Bend Sinister’s failure, because he turned next to Lolita, a novel where there is no omniscient narrator to save Lolita from her rapist. Allegedly a “very conscientious recorder,” Humbert’s position as the narrator complicates Nabokov’s supposedly intuitive ethics (72). In Lolita, Nabokov goes to great lengths to demonstrate that Humbert suffers from, among other things, an overly active aesthetic imagination that clouds intuition. At the beginning of Lolita, Humbert provides the context for his present story with a tale of his first love, Annabel, “that little girl with her seaside limbs and ardent tongue” (15). When Humbert describes his and Annabel’s childhood disposition, he notes that their “brains were turned the way those of intelligent European preadolescents were in our day,” and he notes that the “softness and fragility of baby animals caused us the same intense pain” (12). Humbert and Annabel feel “pain” as an aesthetic concept: the tactile “softness and fragility” of small pets. Elsewhere, Humbert marvels at the “lavish epileptic fit” of a man in a park. Calling the fit “lavish” is an aesthetic pronouncement. Humbert’s tendency to see pain aesthetically rather than ethically reflects a perversion that frequently recurs in Nabokov’s own art.

Taken as a whole, Maritain, Humphrey, Bryher, and Nabokov thus dramatize a seminal moment in the middle of the twentieth century when liberal humanism turned explicitly to storytelling in an attempt to find a way out from under the crisis of the Second World War. In turning to intuition, a supposedly common sense that shines a light on human solidarity, they all attempt to find something other than an agonistic relationship between people, cultures, and nations. They provide a glimpse into a time after the Second World War when humanity seemed to be a community worth recognizing and worth defending.
Chapter 4
The Bildungsroman and Biafran Sovereignty in Chimamanda Ngozi Adichie’s *Half of a Yellow Sun*

For us within Biafra our new nation was a dream that had become reality—a republic, in the strict definition of the word.

CHINUA ACHEBE, *THERE WAS A COUNTRY*

As for the “Republic of Biafra” we know a great deal. . . . Its enemies were pleased to call it a “tribe.”

KURT VONNEGUT, “BIAFRA: A PEOPLE BETRAYED”

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When reporting from Biafra for *The New Yorker* in 1969, Renata Adler recounts a scene that reads as if it is torn from the pages of a novel. A small group of military men crowd around Major Akigabu who “was quoting in near darkness from Book II of the *Aeneid*. ‘When you read it you will shed tears,’ he said. ‘You have to shed tears’” (206). By alluding to Aeneas’s rehearsal of the fall of Troy in Book II, Adler recasts the epic of the exiled Trojans as comparable to the Biafran separatists fighting for international recognition, a people persuaded by a series, both before and since the war, of broken accords, systematic exclusions, and outright massacres, both total and selective (including the killing of all males over ten years old in a captured Biafran town whose civilians did not leave), that Nigeria intends to eliminate the peoples of the region that is now Biafra, and that the intention of genocide is not one that you test, passively, until the last returns are in. (207)

Adler’s recasting of the Nigerian Civil War\(^85\) in the drama of Virgilian epic is a clever way of advocating for the Biafran struggle as a historical necessity. Due to no fault of their own,

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\(^85\) This term is not without controversy. In *There Was a Country*, Achebe insists upon using the phrase “Nigerian-Biafran War,” so as to not displace Biafra’s precarious existence. I use the terms interchangeably to signal the dissensus.
Biafrans found themselves having to fight for a new home. Adler was not the only one to advocate on Biafra’s behalf by narrating their struggle for independence in terms of national self-realization.

When Nigeria declared its independence in 1960, its leaders at home and abroad had high hopes for its postcolonial trajectory. It had long been a source of English pride as an example of a well-managed, prosperous colony. However, Nigeria quickly fractured along ethnic, religious, and economic lines, largely due to the ways that England had structured the colony with three centers of power. The Nigerian-Biafran War began in 1967, only seven years after independence, when the South-Eastern region claimed independence as the Republic of Biafra, while the Nigerian government maintained (and continues to maintain) that Biafrans were Igbo extremists. Because of the longstanding confusion surrounding who can claim sovereignty and when sovereignty should be recognized, both sides mounted an intense public relations campaign. While Nigeria’s position was grounded in centuries of international legal precedent, Biafra’s position was far more precarious because it leveraged the newly minted language of international human rights in making its “transparently just” case (Ojukwu “Ahiara,” 378). The Biafran position was that because Nigeria violated the human rights of the Igbo people Nigeria forfeited its sovereignty over the region. Viewed as a war of words as much as of arms, the Nigerian Civil War thus dramatized the still contentious problem about whether or not sovereignty is answerable to human rights.

In this chapter, I explore the ways in which Biafran officials repurposed the narrative of Bildung when making their case for international recognition. Biafra’s National Guidance Committee (NGC), which was spearheaded by Chinua Achebe, understood that Biafra needed symbolic support if it was to marshal perceptions of viability and thus sovereign prerogative. During the war, that support came in leveraging the liberal ideals of successful development typified by the Bildungsroman. Critics have long treated the Bildungsroman as a privileged literary genre because it allegedly promotes ways of thinking about community and belonging,

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86 See, for example, Browning, The Citizen, 183-4, and Doyle, The Crime of the Congo, 25.

87 For a discussion of possible reasons why the Nigerian government was so adamant in their resistance, see Nairn, The Break-Up of Britain, 187 where he insists that it was due to the oil in the region. Cf. Achebe, “Chinua Achebe on Biafra,” for a discussion of the “glamour of oil” in the war (33).
especially of nationhood, \(^{88}\) “humanity,” \(^{89}\) and recently human rights. \(^{90}\) By framing their cause as a fight for the human right to free and unfettered development, Biafra’s officials thus made their case not on grounds of military or governmental preparedness but rather on “human,” at times, humanitarian, factors. As Colonel Chukwuemeka Ojukwu, Biafra’s military head of state, insisted, “When the Nigerians violated our basic human rights and liberties we decided reluctantly but bravely to found our own state, to exercise our inalienable right to self-determination as our only remaining hope for survival as a people” (”Ahiara” 378). Moreover, when De Gaulle’s government expressed sympathy with Biafrans they did so with reference not to the fitness of the state but to the Biafran people’s determination to struggle no matter what their losses. Between 1967 and the ceasefire in 1970, Biafra was consistently defined as a state putatively legitimized by its victimization.

Chimamanda Ngozi Adichie repurposes the narrative of victimization central to Biafran sovereignty when returning to the Nigerian-Biafra War in her second novel, \textit{Half of a Yellow Sun}. While critics have argued that \textit{Half of a Yellow Sun} evinces a “comparative disinterest in the niceties of the war’s politics” (Hawley 22), Adichie’s choice of genre tells an altogether different story. By coordinating the growth of its protagonist, Ugwu, a village boy who grows up during the war, and the Biafran nation, Adichie’s novel mirrors Biafra’s language of legitimacy. Like the Biafran government, Adichie leverages the Bildungsroman for its ability to render Biafra’s position legible. However, Adichie does not reproduce the Biafran position unthinkingly. She labours to make the history of Biafran sovereignty legible but not unimpeachable. Rather, Ugwu’s wartime experience, especially his participating in a war crime when gang raping a young woman, complicates his maturation. If his development is a cipher for the nation, then Ugwu’s participation in a war crime and a human rights violation troubles the narrative correspondence between him and Biafra’s legitimacy. Put differently, Ugwu becomes unfit to shoulder the nation, and his arrested development during the war foregrounds the ways in which Biafran nationalism deployed a highly-curated conception of the Biafran subject as an international victim but not a victimizer. In a recent 2016 interview, Adichie has acknowledged

\(^{88}\) See, especially, Jameson’s discussion of the genre as a “national allegory” (“Third” 69), Esty’s discussion of the genre as a “soul-nation allegory” (4), and Anderson’s \textit{Imagined Communities}, 39-49.

\(^{89}\) See, for example, Redfield, \textit{Phantom Formations: Aesthetic Ideology and the Bildungsroman}, where he insists that the Bildungsroman is the “exemplary genre of humanity’s auto-production” (55).

\(^{90}\) See Slaughter, \textit{Human Rights Inc.} for how the Bildungsroman is a “cultural surrogate” for human rights law.
the risk of trivializing rape by turning it into a symbol of “what war does,” but, she added, “it was a risk I felt was worth taking.” For Adichie, the rape is a turning point not only for Ugwu but for the Biafra he struggles to incarnate. The representation of civil war in *Half of a Yellow Sun* is focused less on casting aspersion or meting out blame and more on exploring the ways in which Biafra’s real victimization at times obfuscated its complicity. Adichie’s approach is thus a novelistic rendition of a recent postcolonial focus that endeavours to theorize the subjectivities of civil war actors as irreducible to a victim or victimizer framework. 

### 4.1 Biafra’s Contested Sovereignty

By the late 19th century, the modern state had matured considerably in international jurisprudence in ways that had far-reaching implications for European colonialism, especially over Africa. With the 1885 Berlin Conference, European nations staked their sovereignty over Africa on the basis that only sovereign states had status under international law. Because African peoples had no status under international law, they therefore had no claim over the land that they had occupied for thousands of years. European nations could assume sovereign control over a region, provided that their occupation met a series of agreed-upon criteria. These modern developments in legal reasoning allowed the seizure of land, and thus helped legitimize 19th century European colonialism by facilitating the so-called civilizing of Africa under Europe’s tutelage. In particular, British colonial practice entailed destabilizing the region under its control as a way of managing an otherwise unmanageable region. Nigeria was one of these regions that was reorganized in key ways that set the stage for civil war.

On November 15, 1884, fourteen world powers gathered together to discuss how best to carve up Africa. The proceedings took place in the German Chancellor’s palace, where attendees

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91 In an earlier 2014 interview with Zadie Smith, Adichie had this to say about the rape scene: “war does that. . . . It was a very difficult scene for me to write because it’s obvious reading the book how much I loved Ugwu; Ugwu is me; Ugwu is my baby. I just adore that character. And so it was very difficult to write, and so I remember, but I never doubted—I knew that it, because it just would be false to pretend that somehow we go into war and somehow emerge as pristine beings.”

92 See, chiefly, Mamdani, *When Victims Become Killers: Colonialism, Nativism, and the Genocide in Rwanda*.

93 For more information on this consensus passed down from Pufendorf and Vattel, see Fitzmaurice, *Sovereignty, Property, and Empire*, 111-12. For an exception to this axiom, regarding “private associations” in Africa, see also Fitzmaurice, “The Justification of King Leopold II’s Congo Enterprise by Sir Travers Twiss.”

94 For other studies that explore international law’s complicity with colonialism, see Koskenniemi, *The Gentler Civilizer of Nations*, and Anghie, *Imperialism, Sovereignty and the Making of International Law*. 
sat beneath a map of Africa five meters in height. The map visualized what they would divide between them over the next several months. While the Berlin Conference was a seminal moment, it did not effectively change the way world powers dealt with African colonization. Rather, the Conference enshrined in international law a series of ad-hoc traditions already circulating in 16th century readings of Roman law\textsuperscript{95} and colonial practices in Africa thereafter. In the end, the parties agreed that in order for a region to be under the administration of a colonial power they had to demonstrate “effective occupation.” The term was vague by design, but did require “the establishment of authority in the regions occupied by them on the coasts of the African Continent sufficient\textsuperscript{96} to protect existing rights, and, as the case may be, freedom of trade and of transit under the conditions agreed upon” (315). A decade later, in 1894, Cambridge Professor of International Law John Westlake was more direct about the legal consensus:

\begin{quote}
A stream cannot rise higher than its source, and the right to establish the full system of civilised government, which in these cases is the essence of sovereignty, cannot be based on the consent of those who at the utmost know but a few of the needs which such a government is intended to meet. . . . Hence, while the sovereignty of a European state over an uncivilised region must find its justification, as it easily will, not in treaties with natives but in the nature of the case and compliance with conditions recognized by the civilised world, it is possible that right of property may be derived from treaties with natives, and this even before any European sovereignty has begun to exist on the spot. (144-5)
\end{quote}

For Westlake, if the locals agree to an exchange of property then the colonial power lays a legitimate claim through contract. However, there was one important caveat. At no point does European sovereignty ever depend on agreement, because the locals have neither the capacity for understanding nor the means of achieving civilization. Thus the Berlin Conference and the ensuing consensus legitimzed colonial claims one way or the other.

\textsuperscript{95} Cf. Goebel, The Struggle for the Falk Lands, 74-90 for a discussion of how Bartolus of Saxoferrato’s \textit{Tractatus de Insula} provided an influential instance of how occupation suggested sovereignty. For recent studies along these lines, see also Pagden, \textit{Lords of all the World}, Armitage, \textit{Ideological Origins of the British Empire}, and MacMillan, \textit{Sovereignty and Possession in the English New World}.

\textsuperscript{96} Interestingly, Crowe notes how the terminology of \textit{sufficient authority} was in a previous draft “sufficient jurisdiction,” which in his estimation suggested that even \textit{jurisdiction} was not necessary for assuming lawful dominion over a region (190).
It is a truism to say that African peoples had no seat at the Berlin Conference. However, it is more precise to say that from the colonial perspective the African peoples did not yet warrant a seat at that table. In fact, Kwame Anthony Appiah has emphasized that the Conference can be read from a perspective that “focuses on the complex way in which the identity of the African was an enduring and irresolvable problem that haunted the conference’s proceedings” (94-5). Indeed, colonial powers often opted to achieve the perception of sufficient authority through contractual arrangements with African chiefs. For example, European powers offered monthly gifts of precious cloth to local chiefs in exchange for bringing Christianity, commerce, and so-called civilization. However, in situations where the locals resisted, the identity of the African was still front and centre. For example, in *The Dual Mandate in British Tropical Africa*, Frederick Lugard based his interventionist policies on how an “African chief” would not consent to many of the benefits of civilization. Because they would not consent, therefore, Lugard insists that they need to be forced into civilization for their greater benefit:

The institutions of courts of justice, the supervision of native courts, the protection of the peasantry from oppression by their rulers, and the deposition of the latter when incorrigible, ... the disposal in some cases of unused lands or minerals—in a word, the arbitrary enforcement of justice and good government and the safeguarding of natural resources,—all these are acts of sovereignty which no African chief would willingly concede by a treaty to an unknown stranger, but which fifty and more nations of the world have now formally recognized as the essential duty of the Mandatory Powers, who under the covenant of the League are to be nominated as the protectors and trustees of backward races. (17-8)

According to Lugard’s influential position for British colonialism, Africans are in need guardians who know their needs better than they do and can promote their civilized development. These

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97 Lugard is referring to Article 22 of the Covenant of the League of Nations: “that the tutelage of such peoples should be entrusted to advanced nations who by reason of their resources, their experience or their geographical position can best undertake this responsibility, and who are willing to accept it, and that this tutelage should be exercised by them as Mandatories on behalf of the League. The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances.”
biopolitical assumptions about the African were thus ways of legitimizing colonial intervention, sovereignty, and financial gains as their contribution to the exchange.98

Lugard claims to have acted in Nigeria’s best interest in *The Dual Mandate*, but his decisions at the founding of Nigeria in 1914 actively fomented enmity between the Northern and the Southern regions. It was according to his vision that Nigeria assumed its shape as one nation but with two largely independent centres of power.99 After a few years away from the region, Lugard returned in 1912 as protector of British influence. Then, in 1914 at the birth of Nigeria he became the nation’s first Governor-General. Central to Lugard’s administration was the pressing need to amalgamate the North and South as a way of fixing two problems at once. He wanted to quell the Muslim Emirate rebellions in the North-West,100 while also securing British control on the lucrative trade routes in the Southern coastal regions.101 Lugard is remembered now for his policy of *indirect rule*, a shorthand that in the end mystified the extent to which the Crown strategically destabilized Nigeria for its own purposes. Britain indirectly ruled by fashioning Nigeria in a way that encouraged dissensus.102 After several decades of English intervention and then withdrawal, the region’s previously decentralized powers were focused in two centers of power to the North-West and to the South-East of the Niger River.

On May 27, 1967, the Consultative Assembly and the Advisory Council of Chiefs and Elders of Eastern Nigeria gathered together and mandated Ojukwu to declare Biafran independence. When he proclaimed Biafran sovereignty on May 30, he reconfigured the territory along familiar North-Western and South-Eastern lines:

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98 For a discussion of what he calls the colonial “right to dispose” sovereignty (25), where rights were at once enlarged for Continentals and negated for Africans, see Mbembe, *On the Postcolony*, 25-35.

99 Cf. Lugard’s 1905 and 1913 “Proposals on the Amalgamation of Nigeria.”

100 See *Dual Mandate* (58), for a discussion of his command of the West African Frontier Force, which was tasked with subduing Muslim rebellion in the North, beginning in 1902. For a third-party account of Lugard’s command of the West African Frontier Force, see Dusgate, “Lugard’s Protectorate,” 123-33.

101 See Coleman; Tamuno; Hyam, 272-5; and Elaigwu for the long-held consensus that the founding of Nigeria was a strategic decision, intended to strategically destabilize the region.

102 See also Mamdani, *When Victims Become Killers*, where he argues that the *ethnic* emphasis in modern Africa that has led to countless conflicts can be traced to colonialism: “Direct rule tended to generate race-based political identities: settler and native. Indirect rule, in contrast, tended to mitigate the settler-native dialectic by fracturing the race consciousness of natives into multiple and separate ethnic consciousnesses” (23).
Having mandated me to proclaim on your behalf and in your name that Eastern Nigeria be a sovereign independent Republic, now Therefore I, Lieutenant Colonel Chukwuemeka Odumegwu Ojukwu, Military Governor of Eastern Nigeria, by virtue of the authority, and pursuant to the principles, recited above, do hereby solemnly proclaim that the territory and region known as and called Eastern Nigeria, together with her continental shelf and territorial waters shall henceforth be an independent sovereign State of the name and title “The Republic of Biafra.” (“Ojukwu” 452)

Ojukwu’s declaration was motivated not only by the recent ethnic cleansing of the Igbo but also by President Yakubu Gowon’s flouting of the Aburi Accord recommendations, which were designed to quell antagonisms and avert imminent war. Furthermore, three days before, on May 27, Gowon declared a state of emergency that separated Nigeria into 12 states. Each state was divided along ethnic lines in a largely successful attempt at undermining the Biafran cause by preventing interethnic solidarity for Biafran independence.

While the Nigerian government derived its sovereignty from its colonial history and postcolonial independence, the Biafran separatists insisted that their cause was irredentist and thus a repudiation of colonial sovereignty. In his “Ahiara Declaration,” on June 1, 1969, Ojukwu provided a retrospective on Biafra’s, at that point, two-year pursuit of sovereignty. In his view, Biafrans were reclaiming their ancestral territorial sovereignty:

From the moment we assumed the illustrious name of the ancient kingdom of Biafra, we were re-discovering the original independence of a great African people. We accepted by this revolutionary act the glory, as well as the sacrifice of true independence and freedom. We knew that we had challenged the many forces and interests which had conspired to keep Africa and the Black Race in subjection forever. We knew they were going to be ruthless and implacable in defense of their age-old imposition on us and exploitation of our people. (383)

103 See Isichei, A History of the Igbo People, 245-6 for a brief discussion of the 1966 pogroms, in which between six and eight thousand were killed and many thousands more maimed.

104 See Ojukwu, “Breach of Aburi Accord,” where he sets down how the Nigerian disregarded the Aburi Accord agreements, especially with the alleged leak of the pamphlet Nigerian Crisis, 1966, discussed below.
Ojukwu then diagnosed the uphill battle that Biafra had encountered over those two years. According to him, Biafrans were not only fighting Nigerian soldiers, but also claims of Nigerian sovereignty backed by decades of British influence. They were resisting nothing less than one of the UN Security Council’s permanent members. Thus their battle was not only with Nigerian sovereignty but with perceptions of who can justly claim sovereignty in the first place, a situation threatened to stir up other irredentist movements. As the Nigerian government acknowledged in the first piece of writing from the conflict, *Nigerian Crisis, 1966*, the separatists were “trying to set the hands of the clocks back” (12).

During its three years of existence, Biafra was in a precarious position that was at the time unique. Because there is no supranational body that determines legitimate or illegitimate sovereignty, the status of prospective states was thus at the mercy of existing states for their recognition. It is precisely this idea that sovereignty depends on external forces for recognition that reigned early 20th century disputes about sovereignty that continue to this day. To further complicate matters, there was little consensus as to when a sovereign state ought to be recognized. In *The Law of Nations*, which he reworked between 1928 and 1963, J. L. Brierly glosses sovereignty as “an aggregate of particular and very extensive claims that states habitually make for themselves in their relation to other states” (47). While sovereignty is self-asserted, it is nonetheless subject to scrutiny—acceptance, rejection, or inaction—by existing states. Brierly concludes that it is thus “impossible to determine by fixed rules the moment at which other states may justly grant recognition of independence to a new state” (138). Similarly, in *A Modern Law of Nations*, revised in 1968, Philip C. Jessup investigated the confusion. But as with his contemporaries, he could not give a straight answer as to whether or not states exist prior to

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105 Ojukwu makes this objective clear in an August 10, 1967 broadcast that Biafra identifies “with the cause of national liberation movements in Africa. We intend to join hands with other progressive African countries in ensuring that the nationalists are victorious and that the African is master in his continent” (“Divided” 222).


107 Early 20th century debates about sovereignty go well beyond the domain of a footnote, but for a comprehensive treatment of sovereignty in the period (especially regarding the Decisionist turn), see Dyzenhaus, *Legality and Legitimacy: Carl Schmitt, Hans Kelsen, and Hermann Heller in Weimar*. See also Cohen, *Globalization and Sovereignty: Rethinking Legality, Legitimacy, and Constitutionalism*, where she argues that Westphalian sovereignty is being gradually eroded by overlapping constitutional pluralism.

108 For a discussion of this legal confusion, see also Oppenheim, *International Law*, 129.
recognition (the declaratory model) or if they depend on recognition (the constitutive model). Rather, Jessup spoke of indecision, a “broad divergence of opinion” (43).  

Once sovereignty has been established, international law becomes comparatively clearer, but there exists a nebulous legal space between asserting sovereignty and being recognized as a sovereign state. Biafra thus found itself in a position that offered no straightforward path towards recognition under international law. In the midst of all this uncertainty, there were claims that recognition should not proceed while a region is at war. As Brierly confidently insists, “it can only be said that so long as a real struggle is proceeding, recognition is premature, whilst, on the other hand, mere persistence by the old state in a struggle which has obviously become hopeless is not a sufficient cause for withholding it” (138). The question remained whether or not Nigeria’s claims on Biafra had become hopeless. In a narrative rendition of what the entire Biafran nation was aspiring to, Chukwuemeka Ike’s narrator in *Sunset at Dawn* thinks about how auspicious it would be if Biafra was an island such as England: “Everyone wished the River Niger had encircled the whole of Biafra: the legendary shore batteries would have taken care of every Nigerian incursion into Biafra” (111). In this national fantasy, Biafra would be staking its independence on indisputable geographical grounds, the ideal of an island. If Biafra was an island, it would fix two problems at once. The war would surely end and territorial sovereignty would be indisputable. Unfortunately for Biafrans, the Niger separated the region from Nigeria only along its western border.

While Tanzania, Zambia, Gabon, and the Ivory Coast recognized Biafran sovereignty, the consensus was considerably more complex because these states did not have the geopolitical sway of France or the United States, who both offered humanitarian aid but did not officially recognize Biafra’s sovereignty. However, on August 1, 1968, in an official statement, France came very close, so close that their show of support gave Biafra a second wind:

The human tragedy taking place in Biafra preoccupies and moves the French Government. Independently of its desire to participate to the best of its ability in the humanitarian effort under way, the Government notes that the bloodshed and suffering endured by the peoples of Biafra for more than a year show their will to

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109 For more information on the competing models, see Crawford, *The Creation of States in International Law*, and his “tentative conclusion” that states do not require recognition. Nonetheless, as he admits, this conclusion requires that there be clear criteria for statehood, a claim that he does not justify (24).
affirm themselves as a people. Faithful to this principle, the French Government believes that, as a result, the present conflict should be resolved on the basis of the right of peoples to self-determination and implies the undertaking of appropriate international procedures. (“France” 3)

While the French Government insisted that the conflict “should be resolved,” they fell short of saying that Biafran self-determination resolves the matter. The wording made all the difference. Moreover, while Richard Nixon promised to support Biafra during his campaign, his support never became policy once President. Biafra was consistently on the verge of credibility as sovereign, but did not decisively shift into that position before the ceasefire in 1970.

4.2 Making a Case for Biafra

Colonel Ojukwu and his advisors understood that substantiating Biafran sovereignty would prove difficult. They also understood the power of telling a story to frame their conflict in ways that would improve their chances of success. The Biafran government even hired a public relations firm, Geneva-based Markpress, to help spread their message of independence (Omaka 69). In this section, I explore how the Biafran position leveraged enlightenment narratives of self-determination (or self-determination denied, in this case) as a means of concretizing their claims of international credibility. However, the emphasis that Biafra placed on self-determination denied had the unanticipated consequence of underscoring the humanitarian horrors but often at the expense of substantiating sovereignty. Put differently, despite Biafra’s efforts, the link between personal self-determination as a means to national self-determination was often short-circuited. Biafra received substantial humanitarian support but was largely unable to translate that support into recognition. In fact, the prominence of NGOs after the Second World War helped along this short-circuiting because they could only offer humanitarian relief. They urged international recognition, but the decision was not theirs to make.

The Nigerian Civil War marked the first time that NGOs began to play a considerable role in international politics. While governments failed to back Biafran independence, NGOs

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110 During his campaign, Nixon was unapologetic in his advocacy: “Until now efforts to relieve the Biafran people have been thwarted by the desire of the central government of Nigeria to pursue total and unconditional victory and by the fear of the Ibo people that surrender means wholesale atrocities and genocide. But genocide is what is taking place right now—and starvation is the grim reaper. This is not the time to stand on ceremony, or to ‘go through channels’ or to observe the diplomatic niceties. The destruction of an entire people is an immoral objective even in the most moral of wars. It can never be justified; it can never be condoned” (qtd. in Forsyth 177).
were considerably more supportive of Biafra, and tended to advance parallels between the 
Biafran plight and the Holocaust as a way of making it legible. In one of the earliest pro-Biafra 
works, *The Biafra Story*, Forsyth makes an analogy between Biafra and Israel (107). He insists 
that, as with the Jews, “persecutions . . . have touched them sooner or later wherever they have 
set up shop; . . . having got their backs to the wall the Biafrans have now got nowhere else to go” 
(109). Forsyth is not alone in making that analogy; as Daniel J. Sargent has scrupulously 
documented, it was thought axiomatic (74-9). For instance, in October, 1969, the American 
Jewish Committee’s Interreligious Affairs director, Marc Tanenbaum insisted:

Out of the holocaust, the Jewish people have salvaged one permanent lesson. 
There must never again be silence in the face of atrocities and human suffering. 
Over the past year-and-half, more than two million people—many of them 
children—died in Biafra and Nigeria, and literally millions more will die of 
starvation and disease within months. In August of last year, 21 national Jewish 
groups organized an unprecedented American Jewish Emergency Effort for 
Nigerian-Biafran Relief. Jews from all parts of America pitched in with eagerness 
. . . In an unparalleled gesture, the Jewish relief group turned over their money 
and supplies to the Catholic Relief Services and the Protestant Church World 
Service whose feeding and distribution centers in Nigeria and Biafra assured that 
the relief supplies would reach the people. Not the smallest of the rewards of this 
campaign was the spirit of cooperation and mutual understanding that developed 
between Christians and Jews.\(^{111}\) (2)

The “unparalleled gesture” marked the start of a Jewish-Christian coalition for Biafra, one that 
staked its support for Biafra in relation to the Holocaust. The reference to “atrocities and human 
suffering” only furthered the insistence by others that, regardless of the politics, the Biafrans 
required immediate international assistance. As Michael Reisman and Myres McDougall 
insisted, the situation called for the defense of “*le droit humain*” (5) in accordance with “the 
exceptional international legal institution of humanitarian intervention” (1-2).\(^{112}\)

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\(^{111}\) See also Carl Edwin Armerding’s 1975 address at the National Conference of Evangelical Christians and Jews, 
where he allies the Biafran conflict with the Israel situation.

\(^{112}\) Cf. Lillich, “Intervention to Protect Human Rights,” 210-16 where he makes the case for human rights 
intervention in Biafra along similar lines.
The connection between the Holocaust and the escalating Biafran situation was enabled by the emerging discourse of international human rights advocacy. While Samuel Moyn has insisted that the crises in Africa in the 1960s were not made in the name of human rights,\(^{113}\) historical records tell a more complicated story. While not yet a geopolitical lingua franca, human rights was on the world radar concerning Biafra. In particular, on August 2, 1968, the American Jewish Association sent a wire to delegates around the world insisting that,

the political merits of the war aside, continuation of the conflict, with its attendant streams of refugees and the already devastating rate of starvation among the civilian population, is intolerable to concerned world opinion. The first human right is the right to life, yet the war and hunger are annihilating the lives of tens of thousands of civilians and potentially millions.

Two months later, on October 11, 1968, Nigeria’s Foreign Minister Arikpo Okoi addressed the United Nations General Council, insisting that there was “no . . . denial of human rights to any section of the Nigerian population” (334). Okoi’s position was that the Biafran cause was an internal matter, and that the Nigerian constitution allowed in times of war the Governor-General to declare an exception suspending constitutional liberties. Clearly, human rights was accruing some of its later rhetorical heft in response to the Nigerian Civil War.

While the Nigerian government staked their claims firmly on Westphalian sovereignty, the Biafran separatists embraced a conception of sovereignty that was buttressed by international obligations to respect human rights. According to Ojukwu, because their human rights were violated by Nigeria, the Biafrans asserted their right to self-determine:

When the Nigerians violated our basic human rights and liberties [during the 1966 pogroms], we decided reluctantly but bravely to found our own state, to exercise our inalienable right to self-determination as our only remaining hope for survival as a people. Yet because we are black, we are denied by the white powers the exercise of this right which they themselves have proclaimed as inalienable. In our

\(^{113}\) In Moyn’s words, “that had not yet become imaginable” (219). See also his more recent *Human Rights and the Uses of History*, where he tempers his earlier statement: “In the late 1960s, there was already a burgeoning invocation of genocide . . . but no clear connection yet between such mass atrocity and human rights as a concept. At least, very few observers invoked the latter in framing the former” (96).
struggle we have learnt that the right of self-determination is inalienable, but only to the white man. (“Ahiara” 378-9).\textsuperscript{114}

While he hitches Biafran sovereignty to inalienable human rights, Ojukwu nonetheless understands the double standard of international recognition. He goes on to claim that the fight for Biafran sovereignty is nothing less than “the plight of the black struggling to be man,” to be recognized as equal in social stature to a white man (”Ahiara” 381-2).

Ojukwu’s polemic was framed by an international crisis that was reaching a critical juncture. In May 1969, 18 European nationals working at an oilfield on the Niger were taken hostage by the Biafran military. They were charged with collaborating with Nigeria, tried, and sentenced to death. Ojukwu draws attention to how the world seems poised to crash to a halt over the fate of 18 white men, but fails to act when millions of Biafrans are starving:

Today, because a handful of white men collaborating with the enemy, fighting side by side with the enemy, were caught by our gallant troops, the entire world threatens to stop. For 18 white men Europe is aroused. What have they said about our millions? Eighteen white men assisting the crime of genocide: what does Europe have to say about our murdered innocents? Have we not died enough? How many Black dead make a missing white? Mathematicians, please answer me. Is it infinity? (“Ahiara” 377)

Over the next month, international pressure from Great Britain, France, Italy, and Germany helped secure the release of the hostages. Their status as European nationals saved them from the fate of their sentence. Regardless of the merits of the charges against these men, the numbers do strike a powerful contrast. Only two months earlier, in April, a team of experts from the United States landed in Biafra to investigate claims of genocide. The head of the American team, Charles E. Goodell, concluded that in the previous year “an absolute minimum of 1,000,000 Biafrans had died” of starvation and starvation-induced illness (26). He predicted that in the next twelve months between 1 and 2.5 million more would succumb (27).\textsuperscript{115}

\textsuperscript{114} See also Ojukwu’s address on the first anniversary of Biafran independence, for a further elaboration of the centrality of human rights in the pursuit of sovereignty (“State” 264).

\textsuperscript{115} See also Harvard Professor of Nutrition Jean Mayer, “Famine in Biafra,” for comparable conclusions.
To combat Nigerian propaganda, the Biafran government founded its National Guidance Committee in 1968, which included Biafra’s leading intellectuals and Chinua Achebe as its chairman.\textsuperscript{116} The NGC was organized at the behest of the Ojukwu’s cabinet to draw up a document that would speak to the Biafran situation, while sketching out a rationale for its existence, its core principles and values, and a trajectory for its future (Ezenwa-Ohaeto 140). This document came to be known as the “Ahiara Declaration.” The Declaration sketched a vision of Biafra as a revolutionary movement. However, the Biafra that the document promulgated was considerably less revolutionary because it framed Biafra using a series of well-worn liberal truisms about the state (385).\textsuperscript{117} Chief among those common rhetorical moves was the correlation between personal development and the development of the nation: that a just nation ensures the free and unfettered development of its people. Phrased differently, the development of its people is also the development of the nation. Ojukwu construes national independence as being synonymous with dignity, freedom, and recognition for Biafrans.

Throughout the Declaration, there are repeated appeals that the leaders of Biafra are not the masters of the nation but servants of the people. Biafra’s leaders are exemplary nationals. When elaborating the liveliness of Biafra, Ojukwu spends considerable time outlining the ideal national so as to concretize Biafran nationalism. In a key moment, Ojukwu insists,

\begin{quote}
A leader in the Biafran revolution must at all times stand for justice in dealing with the people. He should be the symbol of justice, which is the supreme guarantee of good government. He should be ready, if need be, to lay down his life in pursuit of this ideal. He must have physical and moral courage and must be able to inspire the people out of despondency. He should never strive towards the perpetuation of his office or devise means to cling to office beyond the clear mandate of the people. He should resist the temptation to erect memorials to himself in his life-time, to have his head embossed on the coin, name streets and institutions after himself or convert government into a family business. A leader who serves the people well will be enshrined in their hearts and mind. This is all
\end{quote}

\textsuperscript{116} Achebe was not only the chairman of the NGC but also the Declaration’s chief ghost-writer. See Achebe, \textit{There Was a Country}, 144-9, his personal account of his work at the NGC.

\textsuperscript{117} For a detailed exploration of the Biafran Directorate of Propaganda and its activities, see also Stremlau, \textit{The International Politics of the Nigerian Civil War, 1967-1970}, 109-41.
the reward he can expect in his life-time. He will be to the people the symbol of excellence, the quintessence of the revolution. He will be Biafran. (386)

The Declaration constructs the model of ideal leaders, those whom share an upstanding moral compass, and will serve as the very “symbol of justice” in Biafra. This leader will be “the symbol of excellence, the quintessence of the revolution.” He will embody everything that is just, true, and worthwhile about the nation. He will be “Biaframan,” the working title that would replace President, Prime Minister, or Chancellor in the new Biafra.118

The ways in which the Declaration coordinates national destiny with the full development of its ideal citizens has its origins in the German Enlightenment, especially in the work of Hegel, Herder, Fichte, and Schiller.119 Friedrich Schiller’s *On the Aesthetic Education of Man* provides an exemplary instance of German Enlightenment thinking when he correlates the ideal man with the state because the *state* is an incarnation of that ideal man:

> It may be urged that every individual man carries, within himself, at least in his adaptation and destination, a purely ideal man. The great problem of his existence is to bring all the incessant changes of his outer life into conformity with the unchanging unity of this ideal. This pure ideal man, which makes itself known more or less clearly in every subject, is represented by the state, which is the objective and, so to speak, canonical form in which the manifold differences of the subjects strive to unite. (228)

Schiller construes the state as the “canonical form” of the inner, untapped potential of man himself. Despite the differences between Schiller’s Germany and postcolonial Biafra, they both leverage the story of personal Bildung as vital for the state’s epigenesis.

> While Bildung and the Bildungsroman developed as technologies for European nationalism, they need not be confined to that mandate. In fact, the Bildungsroman is primed to be appropriated in ways that subvert the colonial legacy by adopting its trajectory for novel purposes. Pheng Cheah has emphasized this repurposing:

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119 For my understanding of German Enlightenment, I am indebted to Chea’s *Spectral Nationality*. 
the novel of early or decolonizing nationalism almost invariably figured the emergent nation-people as a living organism suffering from the chronic malaise of colonialism. The remedy to this disease was always a form of Bildung, a concerted effort at reaching out to the colonized masses, educating and raising their awareness so that they might rationally organize themselves into a people who can overcome the distance between itself and the colonial state and appropriate this foreign prosthesis to form a united whole. (Spectral 239)

While some critics downplay or reject the continued relevance of nationalism for postcolonial Africa, Cheah is mindful of the ways in which nationalism remains the predominant conception of statehood—for some, one that is inextricable from the concept of modernity itself. If it was to have a chance of being internationally recognized, Biafra had to embrace nationalism and the trajectory of Bildung nestled therein. The Biafrans were not, however, slavishly reproducing nationalism, but rather were reappropriating the nation as a site of postcolonial contestation. In fact, Ojukwu states unequivocally Biafrans shall continue to deploy “progressive foreign ideas,” provided that they do not impinge on its people, culture, and sovereignty (“Ahiara” 388). While recent revolts, such as those in the French Caribbean, have endeavoured to imagine “non-sovereign futures” (Bonilla), the Biafran government made their case firmly within the imaginative geography of sovereignty. They wanted inclusion into the historically exclusive party, and they were willing to fight to achieve that goal.

4.3 Bildung and the Vitality of Biafra

Half of a Yellow Sun redeploy the standard, developmental Bildungsroman as a means to historicize its depiction of the Nigerian-Biafran War. Initially, the novel seems to advance a straightforward correspondence between the development of Ugwu, its protagonist, and the fight for Biafran sovereignty. His growing fitness suggests a preparedness for Biafran self-rule; in Benedict Anderson’s terms, Ugwu’s maturation substantiates the “sociological organism” of the

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120 For an alternate approach, see Appiah, In My Father’s House: Africa in the Philosophy of Culture, where he insists that the postcolonial African novel is a genre that delegitimizes nationalism. In its place, however, is not a postmodern relativism, but rather “an appeal to an ethical universal . . . a certain simple respect for human suffering, a fundamental revolt against the endless misery of the last forty years” (152).

121 See, for example, Calhoun, Nationalism, 12-18, and Greenfeld, Nationalism and the Mind, where she insists that “Nationalism, in short, is the modern culture. It is the symbolic blueprint of modern reality, the way we see, and thereby construct, the world around us, the specifically modern consciousness” (204).
nation (26). However, Adichie does not lapse into uncritical sentimentalism. By having him commit a war crime when he rapes the waitress, Adichie goes on to trouble the otherwise comfortable correspondence between Ugwu’s story of Bildung and the short life of Biafra. While Ugwu attempts to disavow his participation in the rape by insisting that he was coerced and thus not culpable, Adichie nonetheless underscores his complicity while having his rape fantasy predate the war. Building off of Zoe Norridge’s reading of the novel’s depictions of sex as synecdoches for the political conflict, I explore the ways in which Ugwu’s complicity in rape becomes irreconcilable with the narrative incarnation of Biafran nationhood that his Bildung ostensibly allegorizes. Adichie courts the correspondence between Ugwu and Biafra only to trouble the narrative logic that would situate the novel in that way.

The novel retells the story of the Nigerian Civil War from the vantage point of a small Igbo family: Professor Odenigbo, a lecturer in mathematics and revolutionary, his wife Olanna, and her sister Kainene. Rounding out the family is Ugwu, Odenigbo’s houseboy and confidant, and Richard Churchill, a British expatriate who becomes romantically involved with Kainene and remains in Biafra during the war. While they begin the novel comfortably in affluence, the family becomes mired in the geopolitics of Biafran advocacy and suffer both its ideological setbacks and personal losses. As a member of Biafra’s intelligentsia, Odenigbo works for the ministry, but his passion for the cause increasingly deflates in the face of the persistent failures that lead to feelings of helplessness. During the war, Odenigbo, Olanna, their baby, and Ugwu find themselves living in reduced circumstances where food is dangerously scarce and death by starvation an everyday occurrence. Kainene and Richard are better off, because Kainene gets involved with the trafficking of supplies across borders and Richard becomes the token “white man” supporting Biafra. After three years of living precariously, the war ends, but not before Ugwu is drafted into the army and kills and rapes along the way. Kainene goes missing at the novel’s conclusion after travelling into Nigerian-occupied territory to secure the transfer of provisions. She is never found, and like many others presumed dead.

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122 See also Coffey, “‘She is Waiting’: Political Allegory and the Specter of Secession in Chimamanda Ngozi Adichie’s *Half of a Yellow Sun,*” 64-5 where she reads interpersonal connection and transgression as a cipher for the political turmoil of the war.

As Elleke Boehmer has suggested, postcolonial fiction tends to avoid treating women as “equal participants,” and rarely, if ever, as actors “after the achievement of national independence” (28). For all its interest in the lives of women during the war, *Half of a Yellow Sun* continues this exclusion by pivoting on Richard’s and Ugwu’s stories of development. Ugwu and Richard Churchill mature over the course of the novel, but they mature according to different trajectories: Richard’s development is colonialist while Ugwu’s is nationalist. Richard’s development stems from his voluntary exile from England and his relocation to Nigeria, because he is fascinated with the region’s roped pot art. However, his sojourn is only ostensibly about Igboland and its art, because he searches desperately for an improved self that he found otherwise inaccessible in England. Adichie thus codes Richard as the colonial overseer to Ugwu’s postcolonial subject. He has geopolitical immunity, while Ugwu and his Biafran family and peers are vulnerable as stateless. When asked about Richard in a 2006 interview, Adichie notes that the inspiration for his character came from Frederick Forsyth, the British journalist who lived in Biafra during the war and wrote the influential *The Biafra Story*. She adds, however, that “Richard isn’t at all like him, of course, but just the sense of an Englishman who became more Biafran than Biafrans themselves, was really an idea that came from him.” The interviewer does not press Adichie to explain. Her phrasing suggests that, ironically, Richard has more recognition under international law than the struggling Biafrans, such as Kainene. As a British national, he can take on the title of “Biafran” without forfeiting his legal status. If, as Hannah Arendt argued in *The Origins of Totalitarianism*, the loss of citizenship entails the loss of the very thing that makes one recognizable as “human” (297-302), then Richard is able to take on a Biafran identity without risking his humanity.

Consequently, when Richard confronts the reality of his indemnity, his experiences become unreal for him. He was, for example, at the airport when Nigerian soldiers stormed in and executed an Igbo passenger, Nmaemeka, in front of him. Despite his proximity to the execution, Richard “had not feared for his own life, so the massacres became external, outside of him; he had watched them through the detached lens of knowing he was safe” (211). When he tells Kainene about what he saw over the phone, she tries to calm him down by suggesting,

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124 Cf. Arendt, *Origins of Totalitarianism*: “If a human being loses his political status, he should, according to the implications of the inborn and inalienable rights of man, come under exactly the situation for which the declarations of such general rights provided. Actually the opposite is the case. It seems that a man who is nothing but a man has lost the qualities which make it possible for other people to treat him as a fellow-man” (300).
“‘You have to let yourself be, Richard’” (210). Kainene’s response is fringed with irony since letting himself be is precisely what he cannot do. He cannot wish away the difference between his place in Biafra and the precarious status of other Biafrans. When he writes about Nmaemeka’s execution, hoping that writing will prove cathartic, the sentences are risible, . . . too melodramatic. They sounded just like articles in the foreign press, as if these killings had not happened and, even if they had, as if they had not quite happened that way. The echo of unreality weighed each word down; he clearly remembered what had happened at that airport, but to write about it he would have to reimagine it, and he was not sure if he could. (211)

Even though Richard “remembered” what happened, this remembering does not imply the proximity of experience or lead to understanding. He reports on the summary execution as if those events are either distortions or outright fiction. He cannot escape the ways in which he is interpellated, and thus his words become tainted reminders of his privilege.

While he is continually haunted by his distinction, he nonetheless finds some pleasure in his growing notoriety as a white, British Biafran. During the second year of the war, Richard writes a series of thinly-veiled propaganda pieces. Only then, we are told,

weeks later, after more articles, he felt a part of things. He found pleasure in the new respect in the driver’s eyes, jumping out to open the door although Richard told him not to bother. He found pleasure in how quickly the civil defenders’ suspicious glances at his special duties pass changed to wide grins when he greeted them in Igbo, in how willing people were to answer his questions. He found pleasure in the superiority he adopted with foreign journalists, speaking vaguely about the background to the war—the implications of the national strike and the census and the Western Region chaos—knowing all the while they had no idea what he was talking about. (384; my emphasis)

Adichie’s anaphora (“He found pleasure”) underscores the spurts of pleasure that Richard manufactures when he his Biafran and Western peers perceive him as knowledgeable. Yet his pleasure does not stem from his writing so much as from the acclaim it yields, especially from Ojukwu whose “Oxford-accented voice” reminds him of England with, however, a critical
difference. Richard is “filled with . . . equanimity” by acceptance (384-5). Furthermore, the three details that he typically runs through—the national strike, the 1963 census, and the interethnic conflict in and around Lagos—are lifted directly from the Biafran playbook as sources of enmity. What he adds to the Biafran struggle is negligible, rehearsing here and in his articles official facts and figures. On the other hand, he believes that Biafra offers him the prospect of acceptance, and a place to finally belong.

Near the end of *Half of a Yellow Sun*, Adichie encapsulates Richard’s privilege in an allusion to Arthur Rimbaud, who, like Richard, travelled to the region in search of the meaning that Africa supposedly provides. Richard ponders what would happen if Port Harcourt was taken over by Nigerian forces, an event that happened on May 24, 1968:

> If Port Harcourt fell, he would lose the town he had come to love, the town in which he loved; he would lose a bit of himself. But Madu had to be right. Madu would not be in denial about a town that was about to fall, certainly not a town where Kainene lived. If he said Port Harcourt was not under threat, it was not. Richard looked at his hazy reflection in the glass door. He had a tan and his hair looked fuller, slightly tousled, and he thought of Rimbaud’s words: *I is someone else.* (385-6)

Richard is more concerned about how Port Harcourt would no longer serve him: “he would lose a bit of himself.” He would no longer be able to impose his own order on the region. Attempting to push away these thoughts, Richard looks in the mirror and sees not a withered shell of his former self—as Olanna and Odenigbo do on different occasions—but a man improved by his stay in Biafra. His pallor has been replaced with a tan, and his hair is fuller than it had been before and sports a roguish tousle. He wants to see himself as black, or at least more black than when he arrived from London. Richard ponders Rimbaud’s *Je est un autre* in a way that comforts him. He is unrecognizable, but pleasantly so. There is none of the psychic confusion that marked Rimbaud’s phrase in his letter to Georges Izambard, where he speaks of how the subject is self-fashioned but nonetheless depends on the community to constitute that subject. For Rimbaud, he is not so much thinking himself but being thought: “on devrait dire on me pense” (571). However, Richard seems to almost congratulate himself on deciding to emigrate to Nigeria, so that he could become somehow improved during the war.
Adichie encourages the interpretive leap that Richard is the author of the excerpts from the book, *The World Was Silent When We Died*, that are interspersed throughout *Half of a Yellow Sun*. In fact, the first excerpt from the text follows Richard’s internal monologue where, after wrapping his arms around Kainene, he concludes that this “was the first time in his life [that] he felt as if he could belong somewhere” (103). That “somewhere” is also, presumably, the domain of documentary writing. While Adichie withholds naming the author, readers familiar with the publishing history of the war will suspect that Richard is the author because his circumstances resemble the Western journalists who advocated for the Biafran cause.\(^{125}\) His name is also a nod to the other Winston Churchill, the Prime Minister’s grandson, who visited and wrote a series of articles on Biafra commissioned by *The Times* of London. Even as the novel concludes, Richard remains adamant that he can write about Biafra as a Biafran, and he chooses a title for his book: “The World Was Silent When We Died.” However, the title proves disconcerting for Kainene, and she confronts Richard over the disrespect the title implies: “We? The world was silent when we died?” (469). Kainene insists that he is not at war, and that he should not claim to speak for Biafrans. Characteristically, Richard parries away the geopolitics of Kainene’s statement by making a joke: “I’ll make sure to note that the Nigerian bombs carefully avoided anybody with a British passport” (469). He responds in jest, but his words are nonetheless truthful in spirit. Only after Kainene goes missing does Richard finally concede that the Biafran struggle is not his to record. “I just couldn’t help,” Adichie says in a 2013 interview, “but slipping in my politics . . . that [Africans] should be allowed to tell their own stories.”

Richard’s inability to write is also Adichie’s subtle allusion to the District Commissioner in Achebe’s *Things Fall Apart*, who decides that the story of Okonkwo’s transgression would prove a fitting part of the book that he will write about administering the region:

> The story of this man who had killed a messenger and hanged himself would make interesting reading. One could almost write a whole chapter on him. Perhaps not a whole chapter but a reasonable paragraph, at any rate. There was so much else to include, and one must be firm in cutting out details. He had already chosen the title of the book, after much thought: *The Pacification of the Primitive Tribes of the Lower Niger*. (208-9)

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Like the Commissioner, Richard chooses the title of his book before he begins the writing. Unlike the Commissioner, however, Richard finds only discomfort in the distinction that both share. Richard desires to overcome the social separation that distinguishes him from Kainene, Ugwu, and Odenigbo, whereas the Commissioner insists on maintaining the distinctions that separate him from his charges. When Okonkwo hangs himself, his clan cannot bury him because suicide is against their customs. The District Commissioner orders one of his men to attend to the body, because, as we are informed, “a District Commissioner must never attend to such undignified details.” Moreover, “Such attention would give the natives a poor opinion of him” (208). The Commissioner writes about the natives because of this confidence in his status over them, whereas Richard is unable to write because he feels uneasy about his position.

The crucial difference between Richard and Ugwu is that Richard is a spectator, despite his best efforts to participate, whereas Ugwu is an actor with all the moral compromise that comes with his involvement. Ugwu participates in the war in ways that Richard can only imagine, or later read about. The experience that Ugwu gains is less about book learning and more about trial and error, confronting an unfamiliar situation and learning to respond. At the start of the novel, we learn that while Ugwu is Odenigbo’s houseboy he almost immediately becomes like a son for the then unmarried Professor. Ugwu is sent to school at Odenigbo’s expense, and gradually matriculates to life with him. In a novel so preoccupied with the politics of starvation, it is with considerable purpose that Ugwu’s first misunderstanding entails food. When Ugwu finds chicken in the “white thing,” a “cold barn” according to his aunt (6), he pockets the leftovers so that he can share them with his family the next time he visits (11). Odenigbo discovers Ugwu’s misunderstanding when he returns home and the rooms smell of putrefying chicken. He corrects Ugwu, who knows that he likes chicken but fails to understand its shelf-life. Unlike Richard who has a British degree and Western learning in spades, Ugwu’s knowledge is not so much learned but lived. He becomes what John Marx has called an “uncredentialed expert of the war zone,” a recurring figure in postcolonial literature (77). It is his personal experience as a Biafran, and specifically a Biafran who is conscripted into the army, that prepares him to write about the war, its horrors, and the geopolitics of the struggle. While Odenigbo refers to Ugwu as “my good man” virtually from the moment he welcomes him into his house, it is only over the subsequent years that he aspires to that honorific (8).
In a rejection of book learning unmarbled by experience, of research without personal involvement, Adichie has Uwgu find a tattered copy of *The Narrative of the Life of Frederick Douglass, An American Slave* among the rubble of a battlefield. Rather than providing advice, the book only underscores the discrepancies between his situation and the American slave. When Uwgu kills a number of Nigerian soldiers with skill he is given the pseudonym “Target Destroyer,” and the men jape that he must have learned how to kill from reading “that book” (455). In fact, Uwgu’s first experiences as a soldier on the battlefield mirror his earlier confusion when acclimating to life inside of Odenigbo’s home. For example, he associates the sodden earth with food and mistakes Nigerian soldiers for patterns in garden shrubbery. As he lays in the trench awaiting his orders, Uwgu thinks of how the “earth felt like soaked bread” (453). His thoughts return to the gastronomic, especially to his much earlier feeling of being satisfied with the “bread that lay in his balmy stomach” (7). His eyes also deceive him into seeing animals in relief in the shrubbery instead of “crouched silhouettes moving forward, a herd of men” (454). Both examples illustrate how Uwgu realizes that his former experiences have not prepared him. His domestic experience and his skills in English (thanks to Odenigbo’s tutelage) further confuse his understanding of the horrors of war.

Uwgu comes to a new understanding, one that could neither be anticipated before the war nor prevented during his participation. Because he has experienced the war first-hand, Uwgu feels a responsibility to write about it. Whereas Richard desires to write about the war to give himself a voice, Uwgu desires to give others a voice. Uwgu embraces a polyphonic perspective that attempts to incarnate the innumerable voices of his people. At no point in the fragments from Uwgu’s book within *Half of a Yellow Sun* does he use the first-person. Moreover, he begins his book-within-a-book with an experience that is not his own. He records Olanna’s encounter on the train with a woman who was clutching a calabash gourd with her child’s severed head inside: “She was silent, caressing the covered calabash on her lap in a gentle rhythm until they crossed the Niger, and then she lifted the lid and asked Olanna and others close by to look inside” (103). Uwgu’s book thus becomes a way of documenting not so much his own experiences, but the experiences of other Biafrans, who for a variety of reasons cannot or choose not to recount what happened. He is a kind of sieve through which the Biafran experience comes to be put down for

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126 See also Marx, *Geopolitics and the Anglophone Novel*, where he discusses how postcolonial literature endeavors to “democratize expertise” (50).
others. In a gesture befitting his role, Ugwu “draws a map of Nigeria and traces in the Y shape of the rivers Niger and Benue in bright red. He uses the same shade of red to circle the boundaries where, in the Southeast, Biafra existed for three years” (104). Even after the ceasefire, Ugwu continues as Biafra’s custodian.

4.4 Undoing Civil Celebrity

Adichie’s coordination of Ugwu with Biafra is not without complications. In proceeding to trouble the correspondence between Ugwu and Biafra, Adichie continues the thoroughgoing undoing of celebrity in *Half of a Yellow Sun*. Earlier, Adichie satirizes the celebrity surrounding Okeoma, a poet stylized after Christopher Okigbo, who enlisted in the Biafran army and lost his life in 1967. After he returns home for a short sojourn away from battle, Okeoma improvises a short lyric that venerates Olanna, his friend Odenigbo’s wife:

*Brown*

*With the fish-glow sheen of a mermaid,*

*She appears,*

*Bearing silver dawn;*

*And the sun attends her,*

*The mermaid*

*Who will never be mine.* (407-8)

Okeoma’s short lyric is an adaptation of a few lines from Okigbo’s long poem *Heavensgate*, which opens with an invocation to another “watery presence,” the spirit Idoto:

*Bright*

*with the armpit dazzle of a lioness,*

*she answers,*

*wearing white light about her;*

*and the waves escort her,*

*my lioness,*

*crowned with moonlight.* (5)

Adichie has acknowledged that she played with Okigbo’s poem by substituting terms while maintaining his line breaks (“African” 51). “Bright” becomes “Brown,” for example; the “armpit
dazzle of a lioness” becomes the “fish-glow sheen of a mermaid.” Unlike Okigbo’s poem, however, Okeoma’s lyric never swells beyond the confines of a stanza, and never hits the poetic mark for the admirer or the admired. Okeoma’s attempt at flattery fails, and in one fell swoop Olanna deflates his status as Biafra’s unofficial poet laureate (408). After delivering the lines, Okeoma insists that if her husband was here he would characterize Okeoma as “the voice of a generation.” Olanna bluntly insists that what she has heard is only the “voice of a man” (408). In undercutting Okeoma’s civil celebrity, Olanna’s retort sunders the suggestion that his words speak for Biafra. In this seemingly superfluous scene, Adichie brings Okeoma down from the pinnacle of celebrity, and subverts the ways in which Biafran officials tokenized certain figures as exemplary so as to substantiate the fitness of the nation. She is, therefore, vehement that Okeoma’s interaction with her is not a theophany.

This undoing of civil celebrity carries over into Adichie’s representation of Ugwu. Ugwu attempts to downplay his participation in the war and its violence, insisting that “he was not living his life; life was living him” (457). Adichie does not, however, let him parry away his involvement, and the narrator does not flinch when depicting the rape:

On the floor, the girl was still. Ugwu pulled his trousers down, surprised at the swiftness of his erection. She was dry and tense when he entered her. He did not look at her face, or at the man pinning her down, or at anything at all as he moved quickly and felt his own climax, the rush of fluids to the tips of himself: a self-loathing release. He zipped up his trousers while some soldiers clapped. Finally he looked at the girl. She stared back at him with a calm hate. (458)

His erection comes with little effort, and his climax is a release that becomes “self-loathing” belatedly. According Chile Eboe-Osuji, a judge at the International Criminal Court, deep bonding between fellow soldiers sometimes leads to a situation where the soldier does not want to disappoint his peers and participates in war crimes.127 He says,

One sees an illustration of this phenomenon in Chimamanda Ngozi Adichie’s Half of a Yellow Sun, an epic set in the Biafran civil war. In one incident the lovable character Ugwu, now a conscript in the Biafran army,

127 For a takedown of the “male bonding” justification, see Bourke, Rape: Sex, Violence, and History, 364-79.
ultimately succumbs to the pressure to participate in the gang rape of a female victim, though he initially resists. (93)

However, the emphasis that Eboe-Osuji places on Ugwu’s “pressure” by the group has the effect of downplaying his participation. Moreover, thinking of wartime rape as “combatant socialization” (D. Cohen 19) threatens to produce a rape culture that normalizes sexual violence as an inescapable part of war.\(^\text{128}\)

Reading Ugwu’s participation as an effect of group pressure also overlooks the fact that his rape fantasy predates the war. When he returns home to his family after the war, Ugwu learns about the various sexual assaults that his sister and her friends endured during the war. His sister, Anulika, was gang raped and beaten nearly to death. She still bears the mark of that brutality with partial blindness in one eye. When he learns about what has happened during his three-year absence, he questions Nnesinachi about his sister’s attack:

“Where did it happen?”
“It has been more than a year.”
“I asked where?”
“Oh.” Nnesinachi’s voice quavered. “Near the stream.”
“Outside?”
“Yes.”
Ugwu bent down and picked up a stone. (526)

Ugwu asks not \textit{when} but \textit{where} it happened, fearing that it is the same place where he dreamed of drugging and raping Nnesinachi. As a boy, he fantasized about drugging and then raping Nnesinachi, his childhood friend who during the war becomes the concubine of a Nigerian commander, thereby ensuring her and her family’s safety. Years earlier, he overheard Odenigbo talking about the police using tear-gas to quell the House of Assembly riots:

The tear gas fascinated Ugwu. If it made people pass out, he wanted to get it. He wanted to use it on Nnesinachi when he went home with Mr. Richard for the \textit{ori-okpa} festival. He would lead her to the grove by the stream and tell her the tear

\(^{128}\) See also MacKinnon, \textit{Are Women Human?: And Other International Dialogues}, where she says that “wartime . . . exempts most rape, because atrocities by soldiers against civilians are always considered state acts” (191).
gas was a magic spray that would keep her healthy. She would believe him. She would be so impressed to see him arrive in a white man’s car that she would believe anything he said. (263)

Ugwu had earlier insisted that the Hausa-Fulani were more naturally predisposed to barbarisms, such as rape (222). But at this point, his crime comes to mirror the rape of Anulika and Nnesinachi committed by Nigerian forces. When he later visits the place of his sister’s rape, the same place of his boyhood fantasy, he sobs uncontrollably (526).

As critics have noted, rape has served as a symbol in promulgating nationalist agendas. In an influential essay, Ruth Harris has explored how representations of rape have long symbolized the ravaging of the nation, especially since the First World War. When schematizing the threat to Belgian sovereignty, for example, “Belgium became a frail and ravished jeune fille, weeping and broken on the floor as the uhlan, the helmeted German cavalryman, leaves the bedroom” (179). The rape narrative thus becomes linked with the nation’s violation, serving to promote a passionate national response to this violation. The horrible irony, which is not lost on Harris, is that while rape often goes unaddressed it nevertheless serves as a potent political symbol capable of drawing attention. In Chukwuemeka Ike’s novel about the war, Sunset at Dawn, Ike’s narrator invokes the symbolism of rape when Fatima, a young Igbo woman, runs to catch someone as they depart. The narrator quips, half-jokingly, that Fatima “could not have run faster, even if she had been pursued by a doped Nigerian soldier intent on a rape” (159). Ike thus solicits the rape narrative in denouncing the Nigerian forces. That they would rape Fatima (whose name suggests the Marian apparition, Our Lady of Fátima, from Portugal) suggests not only their wickedness but also their visceral opposition to Biafra.

Ugwu’s rape of the waitress does not fit the propagandistic formula of Ike’s characterization, but rather compromises the Biafran cause by having Biafran soldiers commit the rape. Critics have pointed to the ways in which the rape of the barmaid disturbs not only the reader’s identification with Ugwu, but also threatens to undo Adichie’s sympathetic

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129 See also Buss, “Women at the Borders: Rape and Nationalism in International Law.”

130 See Tembo, “Ethnic Conflict and the Politics of Greed: Rethinking Chimamanda Ngozi Adichie's Half of a Yellow Sun,” 181-2; Walder, “Remembering ‘Bitter Histories’: From Achebe to Adichie” (132); and Eboe-Osuji, International Law and Sexual Violence in Armed Conflicts, 93.
representation of the Biafran struggle, if not “buttress the trope of Africa’s dark heart” (Cooper 141). John Marx has suggested that Ugwu’s involvement in the rape provides him with uncredited expertise on the war, which he represses through writing: “Rather than undermining his authority, the memory of the rape helps turn Ugwu into a writer” (75). This reading obscures the bald fact that Ugwu keeps the rape a secret. It is more appropriate to say that Ugwu’s attempt at authorial redemption remains strained by his behind-the-scenes actions (154). That Ugwu keeps his war crime a secret, however, suggests that his authority depends on editing his experiences so that he can function as a voice of his people. Whatever authority he accrues is utterly compromised. Ugwu feels “stained [by] and unworthy” of the women’s respect after he returns from the warzone, and he is adamant that their admiration and therefore his authority is conditional on their not knowing of his actions (499).

Ugwu has the opposite problem that Richard has. Whereas Richard believes that his writing would fail because he is a spectator, Ugwu believes that his writing is tainted by his very participation in the war. As far as Ugwu is concerned, he cannot redress his actions through writing. When he first hears the title that Richard has chosen for the book that he never writes, *The World Was Silent When We Died*, it “haunted him, filled him with shame. It made him think about that girl in the bar, her pinched face and the hate in her eyes as she lay on her back on the dirty floor” (496). His words cannot shake free from the silent hate in the woman’s eyes and the vicarious complicity he feels in the rapes of his sister and Nnesinachi. Writing does not provide the palliative that Ugwu hopes, and thus Adichie distances herself from the tired trope that writing helps assuage violence. In fact, Ugwu’s writing does more violence by keeping the rape as the enabling, yet unreported, backdrop of his book. While writing about the war helps Ugwu ward away his recurring nightmares—the “more he wrote the less he dreamed”—it cannot begin to redeem his actions (498). To claim words as reparation is to submit to the maddening temporality of transitional justice that marshals its response after abuses occur, giving priority to words instead of action at the time. As the novel concludes, Ugwu records the dedication to his book: “For Master, my good man” (541). “My good man” was the honorific that Odenigbo bestowed on Ugwu from the moment he entered his home. However, Ugwu returns the gift to its

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source, signaling his fundamental failure to embody that promise. Ugwu’s final words—and the final words of the novel—are thus an admission of his arrested development.

*Half of a Yellow Sun* returns to the Nigerian Civil War because for Adichie it was “still wrapped in a formal silence,” hardly spoken about and not officially memorialized. She speaks of Biafra as “wrapped in mystery. At home, my parents spoke of it rarely and obliquely; I heard many stories about my grandfathers’ wisdom and humor, but few stories about how they had died” in the war (“Hiding”). Adichie gives shape and substance to the Nigerian-Biafran war, but without submitting to the mandate of propaganda. In *Half of a Yellow Sun*, Adichie subverts an uncomplicated reading of Biafrans as international victims. Rather, they were human rights claimants and sometimes human rights abusers. According to Adichie’s 2013 interview, “suffering was not something that Biafrans went through alone.” Olanna is unable to reconcile how a Hausa acquaintance of hers could have her in his home for supper one evening and then months later murder Igbos indiscriminately. Olanna’s conundrum is also Adichie’s, and *Half of a Yellow Sun* is her attempt to dramatize, if not understand, the experience of that transformation. Ugwu’s complicated and contested Bildung is thus her novelistic rendering of this transformation, a rendering that also calls into question the legitimacy of Biafra’s claims of sovereignty. If Bildung is indeed at the heart of nationhood, then Ugwu’s wayward trajectory casts considerable doubt on Biafra’s sovereignty, and *Half of a Yellow Sun* concludes on a note that is attentive to Biafra’s still debated status. While the Movement for the Actualization of the Sovereign State of Biafra (MASSOB) has attempted to coopt Adichie for their cause, her goal is not to reignite the separatist debate, but to return to the Nigerian-Biafran War with an eye to its international legal complexities and the war’s enduring relevance at a time when civil wars rage and separatist states again rhetorically jockey for recognition.
Coda: On Chronotopes and Literature

In an interview with Transition in 1968, Achebe describes the feeling of finding himself homeless in what he believed was his own country:

One afternoon in Lagos. Somebody said to me, “If I were you, I should leave your house.” When I asked why, he said, “The troops are looking for you.” I was not a criminal. I had done nothing. Eventually I did leave and sought refuge in a friend’s house with my family. Yet, for about a week, I still did not believe—I simply thought that things had temporarily got out of hand—it would be alright. After about a week, I decided to send my family home, and as we were doing this the people were jeering and saying, “Let them [Igbos] go, food will be cheaper in Lagos.” That kind of experience is so powerful. To me it is something I could not possibly forget. I realized suddenly that I had not been living in my home; I had been living in a strange place. The most vital feeling of Biafrans now is that they are at home. This is the first thing, and you can see this in the effort that the people are putting into the war. (‘Chinua” 36)

At the time of the interview, Achebe was unaware exactly how close he came to being interned, interrogated, and likely killed, when the Nigerian military accidentally went to his previous residence at Milverton Street on January 16, 1966 (Once 65). Had they arrived at his new Turnbull Road residence he would have been treated as an insurgent whose novel A Man of the People was apparently inciting rebellion rather than being “a case of fact imitating fiction and nothing else” (Achebe, Once 67). The coup d’état and Nigeria’s response psychologically displaced Achebe, pushing him into a “strange place” of psychic discomfort, uncertainty, and ambiguous status as Biafran—according to Nigeria, an enemy of the state.

If the novel has been conventionally circumscribed by its portrayal of citizens, then Achebe’s status necessarily throws this conventional wisdom into doubt. If a character’s citizenship is no longer a given, if his status as nationally recognizable is rendered doubtful, then the ways in which we talk about the novel requires a rethinking of this basic assumption. How does the novel engage with forms of life that are unrecognizable as citizens, or rather truly international citizens, which is to say citizens of nowhere in particular? Drawing from Benedict
Anderson’s influential approach to the novel, Rita Bernard has suggested that the national novel is built around a common chronotope, “a social space in which a certain sense of temporality is taken for granted” (207). When, for example, Rochester recedes into the background of *Jane Eyre*, he has (we assume) continued to move around in the same time-space as before, with its social rhythms, expectations, and legal imaginaries intact. The national novel maintains a consistent “meanwhile,” one that is predictable and thus can be readily anticipated. When Anderson theorized the chronotope of the national novel, he referred to it as imagining a “homogenous, empty time.” A Canadian will never know all other Canadians but, for Anderson, “has complete confidence in their steady, anonymous, simultaneous activity” (26). That national confidence translates into a consistent time-space in the national novel.

That confidence is shaken, however, when nationalism no longer necessarily binds the population, when different kinds of intra- and international fealty operate simultaneously. The national novel relies on an imaginary kind of solidarity, one that is more difficult to believe in an age of “waning sovereignty” (Brown), and in an increased flow of people, ideas, capital, and intranational conflicts. Even though the nation-state remains robust, the imaginary community of nationhood has been disrupted; the “emergent fiction of the global,” as Bernard calls it (208), requires a revaluation of the ways in which the novel promotes different kinds of solidarity that are irreducible to nationalism. More than a way to sell novels to Western audiences hungry to read about the global Other, Anglophone literature has the potential to confound what Anderson called the “calendrical,” national chronotope. The Anglophone novel is the very venue where imaginary communities are articulated in the first place. Zadie Smith’s *White Teeth* is exemplary in this regard, as it not only registers an international subjectivity but also makes that subjectivity recognizable for others who have never had to enter into

a devil’s pact when [they] walk into [the United Kingdom]. You hand over your passport at the check-in, you get stamped, you want to make a little money, get yourself started... but you mean to go back! Who would want to stay? Cold, wet, miserable; terrible food, dreadful newspapers—who would want to stay? In a place where you are never welcomed, only tolerated. Just tolerated. Like you are an animal finally house-trained. (414)
Zadie Smith’s immigrant is but one example of a kind of subjectivity that is not at home with English nationalism, and does not flow through London in accordance to a national chronotope. He has his passport in tow, but that document of apparent authorization belies an experience of being “only tolerated,” provided that he adheres to house-rules as if a dog on a leash.

When, in *Half of a Yellow Sun*, Olanna finds herself in even more reduced circumstances in a Biafran camp, she takes notice of one of the little girls, Adanna, whose mother has had to get very creative with her clothing. Starving, Adanna has withered so much that her clothes no longer fit. Her mother whips up an improvised dress from an empty flour sack; “FLOU was plastered on her back,” we are told, “with the R swallowed into the seam” (411). The narrator records this matter-of-factly, but there is the terrible irony that *flou* means something more for Olanna who is fluent in French. *Flou* means blurred or vague; *flou juridique* suggests something that is legally blurry, as we say in English, a legal *grey area*. The civil war has thus blurred her subjectivity. Her status is written on her dress, a status that is far closer to Olanna’s own status than she would like to admit. Moreover, their names (Olanna and Adanna) suggest a correspondence despite Olanna’s continued attachment to the upper-classes. They are Adichie’s rendition of a subjectivity that finds its belonging to a nation that is not yet credible (perceptible, perhaps) but not yet recognized as credible. Adanna and the signature of her dress are what remain when she is nothing but a living thing, a citizen of nowhere.

As I mentioned in the “Introduction,” Ulrich Beck has suggested that because of an “ontological change” away from nationalism towards globalization we also need an “epistemological” shift to encompass contemporary ways of belonging:

the experiential frame of national societies, shut off from one another by a unified language, identity and politics, is increasingly nothing more than a scam. What appears as and is proclaimed as national is, in essence, increasingly transnational or cosmopolitan. What is at issue is the relation of our knowledge of the world and social structure. Social structure is becoming transnational or cosmopolitan; an epistemological shift is required in concurrence with this ontological change. Of course, there are limits to cosmopolitanization as well. On the one hand a new transnational space is eroding and superseding national space as the locus of social life. On the hand this social life is, in many ways, still filtered through
nation-state institutions. This situation underscores the highly contradictory nature of national–transnational relations as well as the indeterminacy of the emergent cosmopolitan social structures. (28-9)

Beck correctly diagnoses the need for new ways of accounting for an “experiential frame” that is irreducible to nation-state belonging. Indeed, the nation-state seems as indomitable as ever, and yet there are other, often conflicting ways of belonging that are becoming visible. In this thesis, I have focused on the ways in which international law enshrines ways of belonging that do not apparently depend on the nation-state for their enforcement. International law, however, has unfinished business, because while it deploys a curated conception of the international person, it does so without directly confronting the epistemological bases of those claims of “human rights,” for example. It has been my claim that literature comes to the aid of international law—and the call for international ways of thinking, feeling, and being—by providing symbolic resolutions to international law’s unresolved business. In its capacity to normalize paradox, and to render credible the incredible, literature has the potential to shed light on the emerging epistemologies that international law subscribes to but, as I have suggested, fails to fully reckon with. As such, literature can help temper the work of international legal advocacy by dramatizing its confusions, and help clarify the chronotopes of the “international.”
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