

LAW UNDONE: CORPOREAL SUBVERSION IN MARIELLA MEHR'S *STONEAGE*

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Law Undone: Corporeal Subversion in Mariella Mehr's *Stoneage*

Abstract

At a time in which the corporeality of excluded subjects is prominent in socio-political discourse, this article proposes a critical interdisciplinary reading of the way in which the juridical positioning of the corporeal is designed to obscure the threatening ruptures in the originary body of the law. The sedentarizing anti-nomadic program of removing children and incarcerating them as wards of the state in Switzerland between 1926 and 1972 demonstrates a systematic juridical authorization of the attempt to disrupt and excise the 'diseased' and 'degenerate' body of the Yenish from the 'ordered' body of the pure state. Through a close analysis of Mariella Mehr's novel *Stoneage* (1990 [1981]), read through a theoretical framework informed by Gilles Deleuze and Felix Guattari's work on the "Body without Organs," Giorgio Agamben's reading of Primo Levi's "Muselmann," and vulnerability theory, this article aims to lay bare the ways in which law is implicated in the process of negating corporeal disorder in the context of a eugenic program conducted against the 'unlawful' body.

1 Introduction

From 1926 to 1972, an anti-nomadic program was put in place in Switzerland in which Yenish children were ruthlessly hunted down by the *Oeuvre d'entraide aux enfants de la grand-route* (Association for Assistance to Traveller Children).¹ In total, around six hundred Yenish children were forcibly removed from their parents and put in foster homes, orphanages, prisons, or asylums as wards of the state. This program of forced sedentarization was implemented by private organizations such as the renowned *Pro Juventute* foundation in order "to protect children in danger of abandonment and vagrancy" as part of a program entitled *Hilfswerk für Kinder der Landstrasse* (Relief Work for Children of the Road).² The classification of vagrancy as a crime under the legal code of the Swiss federation made it possible for parents to become legally divested of their guardianship rights. The legal authorization of forced separation was established under the Swiss civil code (*Zivilgesetzbuch*) of 1912, permitting the long-term employment of this strategy of removal despite the existence of international obligations such as the UN Genocide Convention of 1948, which defines the forceful transfer of children as genocide.³ The positioning of travellers as degenerative and dangerous vagrants reflects a historical juridical narrative used to justify the sedentarizing strategy of punitive measures exacted through anti-nomad laws across Europe, including the Egyptians Act of 1530 in England, for example, which allowed the punishment of vagrancy with expulsion, deportation, and even death.⁴ Vagrancy was denounced as

an “infestation,” increasing hostility amongst the sedentary population against nomadic communities regularly ostracized as “vagrants disturbing the social order.”⁵ These “vagrants” were constructed as vehemently anti-state, rejecting the social obligations of a post-feudal society in which each subject must play a role in a sedentary hierarchy.⁶ Along with the treatment of the Roma diaspora, acknowledged as “profoundly, dangerously unsettling to settled society,” the denigration of the Yenish as an ethnicity defined by nomadic practices reflects a quixotic practice of representation, framed through the criminalization of nomadic minorities across Europe.⁷ The juridical narrative framing nomadic minorities as a dangerous threat correlates with the creation of the Swiss Federal State in 1848 (although the removal and forced settlement of Yenish minorities had been evident in the independent cantons of the state long before). From the nascent birth of the modern nation-state, cemented in the Treaty of Westphalia of 1648, any nomadic presence is narrativized as an anarchic attack on the “order and stability” of a territory, bound and authorized through the law.⁸

The forging of a nation through a mythic sense of territorial continuity inseparable from territorial settlement (following the development of a feudal system of linear property and entitlement interests) establishes a sense of history in which, “in the depths of nationalist-phantasmagoric time, [there] is an autochthonous beginning of each nation, a mythical origin which links the two legitimating charters of national integrity: genealogy and territory.”⁹ Any interpretation that challenges this connection between people and territory is fundamentally disruptive to the narrative of the nation, demonstrating both its fallibility and the juridical fiction of the national spatial imaginary.¹⁰ Historically, nomadic minority groups represent a threat to the assumed stability of a sedentary spatial order that is fundamental to the authorization of the nation-state, as a singular ontology of the relationship between people, territory, and identity mediated through property and mandated through the law.¹¹ The exclusion of traditional nomadic peoples from territorial entitlement was therefore authorized on the basis of the minimal status accorded to those without a “fixed abode.”¹² In this context, proper occupation of territory was defined only through the sedentary cultivation of land, employing the same arguments used to justify colonialist endeavors and negate the rights of Indigenous nomadic groups in which the principle of *terra nullius* provided legitimate grounds for conquest.¹³ Viewed from this perspective, with the emphasis on sedentarization as a form of enclosure, nomadic people became not only legally invisible

but were rendered fundamentally destabilizing to the nation-state. Indeed, shortly after the creation of a Federal Constitution in 1848, the institution of laws pertaining to *Ver-gantenfahndung* (search and arrest of ‘vagabonds’) demonstrated the use of anti-nomadic discourse to shore up the borders of the modern republic.

This lawful program of corporeal assimilation is portrayed in Mariella Mehr’s work of auto-fiction, *Stoneage*, recounting her personal experiences of institutionalization in Switzerland as part of the Swiss authorities’ drive to eradicate the Yenish community.¹⁴ Mehr was forcibly removed from her mother shortly after her birth in 1947, and was subsequently institutionalized in foster homes, psychiatric hospitals, and prison. This nonlinear work of auto-fiction attempts to map the trajectories of multiple personalities born out of her experiences of institutionalization from the age of five. Mehr recounts her experiences through disjunctive and multiple narrative voices, reflecting the fragmentation she suffers in response to the trauma of separation and the violence inflicted upon her as a ward of the state. The text displays a nomadic structure, with its nonlinear structure, and some pages bearing no more than a few sentences, a single sentence, or paragraphs without indents. The style is further characterized by uneven, spasmodic punctuation and disjointed syntax compounded by a nonlinear narrative that veers from a confessional retelling to a mythological subplot, written in a stream-of-consciousness style approach.

In the novel, Mehr acknowledges that her ethnic and cultural identity marked her out as a dangerous body from birth: “to the guardians of the sedentary order and their superiors the gypsy way of life was not fun but rather asocial and dangerous to society” (*S*, 4). Writing about disembodiment under the law in this way reasserts embodied presence, where writing can be read as an “act of resistance, challenging the linguistic structures of the dominant discourse, structures that are analogous to those responsible for perpetrating, justifying and subsequently concealing this oppression.”¹⁵ Mehr’s use of a stream-of-consciousness technique, lack of punctuation, gaps in the text, and semantic distortions create a shifting site in which the juridical techniques of dismantling the nomadic body are examined; Mehr’s text can be read as a literary excavation of the unraveling of the law through corporeal means. In this instance, the literary text provides a hermeneutic framework with which to reimagine concepts of law differently, particularly the way in which the violence of the law dissects the ‘illegitimate body,’

and to what extent the law is undone through this process of exercising normative corporeality under the juridical gaze. Through a close reading of this text, it is possible to interrogate the notion of the limit or threshold in relation to corporeal spatiality, in order to examine what might be defined as “the very domain of the incommensurate.”¹⁶

Drawing on a theoretical framework informed by Gilles Deleuze and Felix Guattari’s conception of a Body without Organs (BwO), this article aims to consider how the spatial borders of the corporeal state are imagined in the context of supposed nomadic ‘degeneracy,’ and to consider in turn how this deconstruction posits a challenge to the foundations of the law. In effect, I aim to attempt to respond to the question which asks how “the ‘body of the law’ [is] itself dependent on the ‘lawfulness of bodies?’”¹⁷ Attending to the corporeal threat posed to the law by a minority excluded from the national spatial imaginary provides a timely opportunity to critique the ways in which “the legal system sucks the material out of the materiality of the environment, converts matter into semantics, reduces bodies into subjects.”¹⁸ This is highlighted through socio-political discourse in the positioning of vulnerable bodies as policed yet abandoned sites at the border,¹⁹ racialized, offending and illegalized bodies imposing on the ‘protected’ spaces of the nation-state,²⁰ or, in Giorgio Agamben’s words, the “bare life” existing outside the law.²¹ At a time when these narratives prove oppressively resilient in the ways in which they shape the discourse around bodies that are Othered by and through the state, I argue that it is necessary to offer a critical interdisciplinary reading which “returns to the inner folds of the law” in order to lay bare its strategies of spatial corporeality.²²

2_Bodies in the Environment of the Law

Alfred Siegfried, the coordinator of the *Hilfswerk für Kinder der Landstrasse* between 1924 and 1958, laid out the objective of the program in terms which outlined the body as the key target for the prohibition of nomadic practices: “[o]ne has to say that sometimes the wood was simply too rotten and a lot is achieved when these people do not start a family, when they no longer continue to reproduce in an unrestrained manner, giving birth to future generations of depraved and abnormal children.”²³ In her novel, Mehr articulates this depiction of reproduction as a dangerous inculcation of a hereditary threat when she describes an interaction between the medical staff and one of the personalities she inhabits:

doctor anatv to silvia: “we know that you inherited the illness of your mother. you are young, we will be able to heal your hysteria.”they pretend to able to heal silvia with the great blackness, with the tubes and probes.they know nothing about silvia’s images during the coma,nothing about her mortal fear. they only want to be right, that is all (S, 145).

Throughout the novel, the splitting of Mehr’s subject into multiple identities (Silvio, silvana, silvana...) mimics the perverse colonizing trauma inflicted upon her body. Mehr’s protagonist(s) are constantly being assessed, measured and categorized — “i have to strip naked, they give me a white shirt. They take my blood pressure. They measure my pulse” (S, 65). Mehr writes of the grotesque process of reproductive vulnerability within the text, when “with a loud, horrible cry i push something black, bloody out of myself, it is my own coffin” (S, 13). When Mehr writes of intrusive institutional practices on the body, the body is housed in an explicit structure, a static place in which suffering is authorized by the rigid boundaries of the space itself: “while blue cold saws my skull to pieces, deep inside the body a baby is smashed against steel walls. I hear the bones breaking” (S, 63).

The state is structured within a juridical framework constructing static and yet universal sources of authority, in which each subject under the law must first be *dismembered* before they can be disciplined through the process of inflicting sedentarization. The term “dismembered” is used deliberately here — in contrast to Piyel Haldar who describes this process as being “stripped down”²⁴ — as a reflection of law’s need to sedentarize and sterilize the subject. Anupama Rao and Steven Pierce explore the use of corporeal discipline as a strategy “that undergirded the colonial and postcolonial state.”²⁵ Acknowledging Michel Foucault’s reading of disciplinarity as an operation of incentivized power concentrated on the body through coercive control that maintained the effective boundaries of the state, it can be argued that a colonial form of corporeal control actually expands this process by negating the idea of complicity entirely:

The rule of ‘colonial difference’ did not see natives as subjectified and thus open to enlightened socialization. Instead, colonialism relied upon the resignification of tradition and on corporeal regimes that reconfigured native bodies as legitimately susceptible to the exercise of violence in the interests of good governance. Bounded on one side by native exoticism and on the other by the brute facticity of native suffering, the modalities of control that emerged from this compromise were unable to displace the constitutive relation of law and violence through the myth of temporal distance available in the metropole.²⁶

The attempt to define an ethnic minority as a condition of degeneracy creates a juridical framework in which the law becomes both the tool and the procedure with which to

“heal [the] hysteria” of ‘illegitimate’ genealogy. In this way, the law’s role in reproducing and authorizing systems of corporeal disciplinarity can be regarded as a maintenance of the borders of the sovereign state. This cauterization of hereditary ‘disease’ (as ‘Other than the state’) is also, however, revealed as colonization by law’s paradoxical claim to be “everywhere, steeped in things, bodies, distances.”²⁷ In this way, as Margrit Shildrick writes, “[t]he principal organising binary is no longer legal and illegal, but *normal and abnormal*”.²⁸ In this context, law is no longer operating as a regulatory mechanism, but is implicated in the reproduction and repression of categories of rupture. In this way, “the subject no longer stands before the law awaiting judgement, but is constituted by the subject effects of its capillary circulation.”²⁹ The body of the nomad is not considered in terms of the excluded subject but must be characterized as Foucault’s “monster,” abnormal and ultimately transgressive, to obscure the vulnerability of the self-authorizing mutual foundation of the law and the state.³⁰ Here, the law is powerful and intrusive, yet simultaneously represents a spectacle of absence, which can only “pretend to heal [...] with tubes and probes” using “the great blackness.” Despite its aesthetics of omniscience, the law is revealed as a broken site of inference, in which the dialogic nature of power can be glimpsed from within ruptures: “from the sandstone walls of the houses crumbles the stateliness of false righteousness, crumbles traditional perfection, efficaciously administered provinciality” (*S*, 3). This rupture in juridical power can be further observed through the way in which Mehr plays with syntax: when her protagonist is trapped in “incomprehension, emptiness, airless room, white, much white, tiles” (*S*, 70), the repetition of “white” can be seen to both enforce a sense of sterility while at the same time inserting an abrupt interruption in the semantic drive to insist upon “emptiness” and the blank space of the environment.

As Andreas Philippopoulos-Mihalopoulos has identified, it is indeed this excavation of the spatiality implicated in the process of juridically enforced genocide that reveals the paradox in law’s claim to be universal:

environment for the law is not just external to law but significantly law’s externalization, that is law’s graveyard of otherness. Environment for the law is the locus of law’s haunted, repressed memory, as well as its various becomings that the law often disavows.³¹

Here, the “graveyard of otherness” suggests that any attempt to use the law to enact an anti-genealogical procedure at the site of the Othered body will always be held hostage

by its own temporal state of being, revealing “the undecidability of all forms of embodiment.”³² Mehr engages with the spatializing of memory in similar terms when she describes how the corporeal, rendered here as inviolably present through a first-person narrative, is contained within a temporal vacuum, “the first five years i remained mute, trapped within the dull lack of contact. autism: to face the world and respond with silence to her message” (*S*, 7). Of the use of “silence” as a response to the normative emphasizes the ways in which law’s gestures at confinement reveal its own temporal limits. If the vulnerable subject is rendered abject through a process of rupture, this only serves to expose the way in which “law is so steeped in matter and moving so closely to it that it ends up being without limits and, most importantly, without limitations.”³³ To read this as omniscience, however, is to ignore the possibilities in which vulnerable disembodiment can turn towards silence, revealing the “blackness” of the juridical gaze in which all are embedded—transgression here is the common element in the juridical authorization of corporeal normativity, not the anomaly. The depth of this gaze echoes Agamben’s reflections on the figure of the Muselmann (after Primo Levi), the one who cannot speak, located at the zone of indistinction between the human and the inhuman as a witness to this indistinction as it is marked by the law.³⁴ The ethical aporia of witnessing identified by Agamben reveals an ethics of bare life, the witness who cannot testify to the violence of the law, just as Mehr’s subjects remain “trapped” in their “silence.” Law’s reliance on the Othered body lying before it on the slab is therefore immediately revealed as a potential strategy for the unraveling of the law, by means of taking account of that which is often relegated to the margins in legal theory: “the fact of human material embodiment, on which law ultimately relies for its effect.”³⁵

Nowhere is this reliance on ‘human material embodiment’ more evident than in the prohibitions against ethnic minorities such as the Yenish, historically reviled due to their nomadic existence. The practice of nomadism has resulted in a proliferation of laws that are “unique,” as “whilst most crimes are defined by actions, vagrancy laws make no specific action or inaction illegal. Rather the laws are based on personal condition, state of being, and social and economic status.”³⁶ These punitive measures used as an “overarching mechanism to control and punish a selective group of people” are, therefore, centered on a particular ontological reading of the body.³⁷ In this context, reading the environment of the law as “actualised materiality”³⁸ exposes the way in

which law must obscure while it defiles: although it can never be static, it acts to punish bodies which explicitly reveal its ongoing practices of becoming in which “the law evolves, changes, innovates, grapples with new concepts, crashes, fails, is co-opted, is abused.”³⁹ Normativity is thus born out of a fear of reproduction in which the threat to the nation is constantly reborn through the figure of the nomad, and a denial of Other bodies for whom the darkness at the limit is rendered material at the point of disembodiment. Authorizing the law is achieved through this process of disavowal, whereby the normative deliberately “places bodies on the line,” in which the torture of the abnormal is revealed as “an extreme and repulsive form of the organized violence of institutions,” as “the interpretive commitments of a community which resists official law must [...] be realized in the flesh.”⁴⁰ The law is revealed as a problematically incomplete body: although it “defines which bodies are to be brought in affective contact with the law [...] [a]t the same time, law is affected by these bodies and connections,” emphasizing its foundational conceit in which all the contours of the abnormal are laid bare before the law.⁴¹

3_Spatializing the Outlaw and the Illegitimate Children of the Road

Mehr portrays the institutions of the state as omniscient figures bearing down on the narrators — “the god of my childhood wears black robes, horns on the head and an ax on the hand” — and yet confirms simultaneously that it is possible for them, even in an abject state of vulnerability, to re-embody this quasi-mythical beast in order to “squeeze past him?” (*S* 83) Throughout the novel, Mehr subverts the narrative of oppressive power in which the nation-state is delineated through its juridical construction of the vulnerable body. It is worth drawing here on Martha Fineman’s work on the concept of vulnerability as a “heuristic device” through which to read the law’s role in the production of the vulnerable subject. Her approach redirects the focus from the body of the vulnerable subject onto the “fragile materiality” of the normative and its role in producing, shaping and condemning that very vulnerability.⁴² Thus, as Anna Grear writes, “the disembodying closures of the liberal juridical order focally include a highly selective, complexly incomplete (and ultimately impossible) excision both of bodies and of socio material context.”⁴³ For Grear, this process of disembodiment — in which the state is enabled through the law to rid itself of its corporeal origination and material gestation through the excision of the ‘disease’ of the nomadic minority —

gestures towards “the production of a mythic, ‘even’ juridical surface upon which law’s equally mythic actors (autonomous, de-contextualised, (quasi-) disembodied) [...] glide upon a grid of linear, smooth, mutual and neutral interactions.”⁴⁴

It has been argued that “the construction of the Swiss nation was at least partly founded on what could be described as the Swiss ‘dream of order’ as the social and political order was seen to be ‘troubled’ by various categories of ‘unorderly’ (‘unordentlich’) citizens and non-citizens.”⁴⁵ In 1927, Swiss Federal Councilor Heinrich Haberlin confirmed that a key aim for *Pro Juventute* was to dismantle “vagrant families whose members are without discipline and erratically indulge in nomadism [...] creating a dark stain on our Swiss homeland’s proud cultural order.”⁴⁶ In this context, the positioning of nomads as a “dark stain” creates a discursive narrative of disease and degeneration in which exclusion and institutionalization is medicalized as curative for the sedentary ‘body’ of the nation-state.⁴⁷ As Véronique Mottier argues, “[t]he history of Swiss eugenics is intertwined with the constitution of the modern Swiss state [...]. Consequently, the Swiss efforts to construct a eugenic social order have been historically conflated with the construction of the national order.”⁴⁸ The integration of the ‘degenerate’ nomadic minority into the legal topography of the state as a source of disorder provided the opportunity for the application of eugenic practices “through a complex and interacting set of institutions and a dispersed set of mechanisms.”⁴⁹ These mechanisms of enforcing sedentarization, as the administration of ‘order’ cauterizing diseased elements of the body of the nation-state, involved a wide variety of medical procedures labeled as “‘curative’ medical treatments for their ‘genetic deformity’, such as frequent EST, insulin therapy and compulsory sterilization.”⁵⁰

Mehr portrays this inherited condition of disorder, degeneracy and disability as a metaphysical weight, as the narrator describes how she has “carried around this responsibility with me, later in the detention halls, in the institutes, in prison” (*S*, 10). Her physical movement through such heavily regulated institutional spaces existing as microcosmic topographies of the disciplinary nation-state demonstrates that “law’s spatiality cannot be understood in isolation from its corporeality.”⁵¹ The subject of this autofiction, in her tendency to split into multiple identities, has become Foucault’s “monster”: as her existence is both “impossible and forbidden,” her movement through these ordered spaces accidentally serves to reveal “the limit [and] the point at which law is

overturned.”⁵² In the narrative of the degenerative body of the nomad acting as a diseased part of the corporeal nation-state, the way in which abject exclusion is rendered as vulnerable excess (‘you do not belong’) is revealed as fundamentally problematic, as it is revealed as fundamentally constitutive to the birthing of the nation-state itself. Thus, juridical corporeality ruptures itself everywhere, exposing the spatializing of disorder as eternal unraveling: “there, where silvia IS NOT, an uncanny laughter empties silvana of life: madness” (*S*, 135). The figure of the abnormal thus transcends both the cosmological limits (in which the nomadic is produced from a time before the nation-state) and also occupies a site at the ethics of the biopolitical, at which point disobedience is encountered by the retreat into dehumanization. Silvia and Silvana are both reduced to a disembodied yet spatially resistant presence, a reflection of the Muselmann who reaches “a state of physical inaction and psychological desperation resembling autism.”⁵³ This “liminal state,” however, is capable of doing damage to the normative order as it reveals the manufacture of submission at the very point at which this quasi-disembodied subject “ceased to maintain a relation to the world beyond the camS”⁵⁴

Within the text, Mehr constructs an environment saturated with fertile corporeality, a viscerally sensory “landscape” in which “red poison blossoms on the side of the road, fists, silviasilviosilvana, and the thundering heartbeat of an alien power” (*S*, 25). The law, in this context, births its own abnormality: the forceful presence of an “alien power” signifies the sovereign authority that shapes the space attempting to hold the Othered body. As Foucault writes, “[t]he notion of the monster is essentially a legal notion [...] since what designates the monster is the fact that its existence and form is not only a violation of the laws of society but also a violation of the laws of nature. Its very existence is a breach of the law at both levels.”⁵⁵ Whilst the protagonists perform as an assemblage “silviasilviosilvana,” they are subject to the liminal spaces of the reproductive cycle, where they are always in wait, in limbo, recognizing that “this is not your home, little one, you know it, you know about the pitiless silence, about the maw lying in wait, about the horror. silviasilviosilvana cannot flee” (*S*, 25). However, when the protagonists disassemble (or are dissected) into distinct identities, they become mortally confined and yet capable of spatial resistance which is not about bearing witness to their suffering (which is an impossibility) but rather, by revealing the inherent vulnerability of normative positioning: “they pull silvia into a padded room, they tie her into white, icecold sheets, let her lie there, endlessly long . . . silvia moves herself

to the side, feels nothing anymore” (S, 144). Although silvia is trapped in temporally static claustrophobic space, the fact that she can assume a certain immunity to pain and position herself in an elsewhere suggests that the borders of the site of incarceration have a porosity rendered visible through containment. The clash of the nomadic — rendered bare life here — with the settled represents the failed attempt to position the nomadic as “legally non-existent” by virtue of their abject excision from the spatial imaginary.⁵⁶ The possibility of movement of any kind, even if reduced to the act of corporeal disassociation, reveals that the “world [...] is uneven.”⁵⁷ In this way, Mehr subverts the framing of vulnerability by playing with the boundaries of subjective corporeality:

who am i?where do i begin to be,where do i end?[...]i did not want this body, damned, so take it back or give it a chance, to be I. silvia feels an arm, the one that they call the right arm, sometimes a leg, a head.perhaps silvia herself is a monstrosity, with many arms, legs, and heads. (S, 116)

The “embeddedness” of the vulnerable subject within the “messy, contextual, concrete, fleshy imperatives, potentialities and limitations of a fully embodied, particular and collective life” demonstrates that even in the process of excising the deviant corporeal, the productive force of the law is always implicated (and, simultaneously, disavowed) in the birthing of abnormal bodies.⁵⁸

In this way, “monstrosity” is exposed as an adverse site of determinant reproduction, in which the deviant growth exposes the limit point of the law: “where do i begin to be, where do I end?” If the modern state relies on juridical foundations of sovereign gestation — as “[i]t is through reproductive sexuality that the nation is biologically replaced”⁵⁹ — the presence of the voiceless dismembered Other tests the ethics of normative production. This dismemberment is not disembodiment, but an attempt to negate the emergence of a revelation of the vulnerable link between the corporeal and the material teleology of the state.⁶⁰ In her monstrosity, silvia becomes a transgression of the juridical, a “natural irregularity that calls law into question and disables it. The law must either question its own foundations, or its practice, or fall silent.”⁶¹ This practice of reproduction which seeks to obscure its own degenerative materiality can be theorized effectively through Deleuze and Guattari’s work on the BwO. For Deleuze and Guattari, this concept reflects a state of spatial liminality in which “[y]ou never reach the Body without Organs, you can’t reach it, you are forever attaining it, it is a limit.”⁶² This containment of dangerous bodies as analogous to the purification of the nation-

state reveals the contingency of the material, in which “a body’s movement is always contextualised by the space on which it moves.”⁶³

In Mehr’s text, material is evoked through an orchestra of sounds which actively infiltrate her body, as the environment she is in shifts and moves constantly — “laughter, the echo eats into the pores, incapacitates the spaces inside. hold on to whatever is immovable, silvana, perhaps to the walls and sidewalks” (*S*, 39). Here, the narrator’s dismembered body contains both the Muselmann, at the end of suffering, and absorbs the porous vulnerability of the space itself. The constitution of a mutually-infiltrating environment containing law, and law’s diseased Others, emphasizes the composition of all bodies as fluid, porous and dynamic; that which can neither be confined nor defined as place, scene or receptacle — which is always “occupied, populated only by intensities.”⁶⁴ Here, the materiality of disembodiment is reproduced through a hyper-active presence in which:

The BwO causes intensities to pass; it produces and distributes them in a *spatium* that is itself intensive, lacking extension. It is not space, nor is it in space; it is matter that occupies space to a given degree — to the degree corresponding to the intensities produced. It is nonstratified, unformed, intense matter, the matrix of intensity.⁶⁵

For Deleuze and Guattari, this ontology of the corporeal is implicated in a collision of space, an occupation of the dynamic dialectic at which chaos emerges, and yet is more than simply an embodiment of the material resulting from this interaction.⁶⁶ Hence, law’s attempt to eradicate its own degenerative impulses leaves its own body in a disassembling locus of being before itself: as one iteration of Mehr’s multiple narrating figures describes, she is positioned “between day and night, there is nomansland. there, three moons blossom. there the toads squat with multifaceted eyes, twilight, and knife” (*S*, 21). If this “nomansland” is interpreted as a spatio-temporal matrix, a “continuum of all substances in intensity and of all intensities in substance,”⁶⁷ then the corporeality spatialized in “this between-world” (*S*, 123) must be read through the materiality that the law perpetually seeks to negate, where “matter is seen as radically anterior.”⁶⁸ It is here, in the body’s negotiation with space,⁶⁹ that juridical authority can be seen to come undone. The nonlinear dislocating narrative of this work of auto-fiction provides a productive of engaging with the ‘undoing’ of law by questioning law’s production of the vulnerable body, and exposing the inherent vulnerability of the sedentary spatial order from which the threatening body of the nomad must be juridically excised. Mehr’s

work subverts the mode of suffering experienced through the corporeal dismemberment of the dehumanized figure by revealing the way in which the normative production of the abnormal, dangerous, and monstrous relies on this excision to obscure its own mythical role birthing the vulnerable state.

4_Splitting the Body, Assemblages, Waste, and Withdrawal

Although the law maintains its authority through its anticipation of the relationality between space and the corporeal,⁷⁰ its efficacy as a system of containment is generated primarily through the sadistic sculpting of vulnerability. Indeed, in the text, Mehr describes the way in which her narrator's "legal guardianship continued to prune" (*S*, 4). And yet, while this seemingly portrays the absolute authority of the law to wield its power over an abject subject, the paradox of this process of subjectification is that, as Andreas Philippopoulos-Mihalopoulos suggests, "[a] body withdrawing is law withdrawing."⁷¹ For Philippopoulos-Mihalopoulos, this process is therefore marked by an irrevocably incommensurate gesture towards absence, in which "withdrawal is materially embodied and emplaced. It is always here, in the space opened up by the law."⁷² In this sense, withdrawal can be read as a strategy of resistance as well as the manifestation of law's fallibility, which can also be considered in the light of Deleuze and Guattari's reading of the BwO as fundamentally in opposition to withdrawal or, as they define it, "disarticulation."⁷³ The law is always embedded in the ongoing negation of embodiment, negating the "mundane fact that for law to function at all, it must first and foremost have a hold over bodies."⁷⁴

Mehr frequently acknowledges this in the text when the anonymous representatives of the normative order "torment" her narrator through a ritual of punishment (*S*, 65). Like Agamben's Muselmann, the narrating subject is tortured to a point beyond feeling. However, when Mehr's protagonist is reduced to "a shapeless mass of flesh" responding to the quasi-disembodiment of a corporeal construct of the juridical order which is, to quote Anna Grear, itself "hardly human after all"⁷⁵ — "two faces bend over the white bed. two pairs of eyes glint black and threatening" (*S*, 8) — she remains a threat to the sculpting process of the law, even while "being punished" for her immobility (*S*, 8). The vulnerable subject therefore paradoxically remains a threat on the basis of her identity as a nomad, and yet is being disciplined for remaining still, with what is left of her body. The narrating figure experiences her monstrosity through a form of distancing,

rather than dissimulation, in which the abject figure withdraws to a position beyond witnessing.⁷⁶ From this perspective, it is apparent that the law relies on the negated disembodiment of the degenerative body: to enable withdrawal of any kind would be to “[move] one’s body away from the law, withdraws one’s corporeal attachment to it and [see] the law in full materiality.”⁷⁷

Mehr’s emergent first-person narrator articulates the visceral reality of organs are emphasized through the use of a symbolic metaphor juxtaposing mortality with sex — “on the altar beats a black rotting heart. red satin falls into soft folds” (*S*, 28). The sensory texture of the “red satin [falling] into soft folds,” mimicking a feminized sexual organ, creates a jarring contrast with the harsh consonants of the “black rotting heart” laid sacrificially on the altar. The sibilance of the cascading, bright material unfurls before the reader, highlighting a form of materiality that does not rely on the law for its corporeal seductiveness. Indeed, in writing this juxtaposition into the text Mehr reveals a gentle lasciviousness to the dissection of body parts which contradicts the sharp edges and spaces of the wards within which she is incarcerated. Mehr repeats this pattern when describing the vast, fleshy growth of memory that “grows like an ulcer in the belly, [...] reaching about with gelatinous tentacles, consuming, devouring all from the inside out” (*S*, 29). Similarly, this birthing of memory as identity reveals a form of resistance that remains past dismemberment in a totally new form of corporeal materiality. Just as the sumptuous suggestiveness of the folds of red satin subdue the sacrificial lament to the vulnerable subject, the “paralyzing” growth of this ulcer exudes a complex resilience which echoes Grear’s characterization of vulnerability as “a potentially transformative embodied politics” in which the body is always woven into “ruptures” in the material of the normative social order.⁷⁸ In one particularly disturbing scene, when the narrator has become trapped in the body of another personality (Bruno), imitating a form of rupture and repair that exists in the realm beyond mimicry:

i stand in front of the mirror in bruno’s belly. but there is a strange boy-face, tiny, defiant, small. the boy-face turns into a cruel japense mask. i feel I am not here. the objects loose their significance, doors, restroom, bathtub, they all seem to exist detached from their functions. fear. i cry, hear myself cry, want to get out. but what is outside is still more horrible, there silviasilviosilvana looses her bearings absolutely. (*S*, 11)

In this instance, the matrix of intensities suspends all objects in a grotesque performance of becoming-Other, in which the multiple identities conceived through rupture

are confined without direction, fearing an ‘outside’ in which their Other self is continuously implicated without an end in sight. Here the rupture in matter cannot be resolved by a juridical emphasis on dismemberment, as Mehr’s portrayal of spatiality emphasizes that her narrator’s skin exists as an intrusive epidermis which has the capacity to act as a palimpsestic marker of the narrator’s own presence — “roomwalls that impress themselves on the skin like alien, dangerous runes” (S, 33). The body which remains exists only as a cartography, sadistically bearing silent witness to her nomadic identity: “scars cover leather-red skin, create roads, furrows, gorges, which my awareness does not dare to explore” (S, 48). Similarly, “the scars [which] grow rampant in me” (S, 48) replicate the sacrificial lament to the body of the vulnerable subject, the “rotting heart” emerging from within, a BwO which retreats into itself through an ethics of temporal collapse, a disobedience of “comparative densities and intensities.”⁷⁹

Mehr’s subversion to the lament of the vulnerable subject as a necessary sacrifice for the good of the sedentary spatial order can be glimpsed through her use of rich, sensory language, and metaphors that both dismember and highlight the corporeal, but on her own terms: she writes that, “in our language, the heart is a thing: it, the heart, the yewish people don’t have a word for heart at all. they call it ‘soori’ just as they say ‘soori’ for love, god, and the penis” (S, 16). In this way, the naming of parts is another way in which colonization of spatiality takes place through the corporeal, paradoxically objectifying whilst reaffirming how one must simultaneously “make a thing of the heart, this powerexuding lump of flesh, to cutify this primal machine” (S, 16). Drawing on the phenomenological analysis of Maurice Merleau-Ponty, Sarah Keenan argues that the spatial recognition of the body is complicit both in the production of space and in its actualization.⁸⁰ She suggests that, therefore, the body can never be exorcised from spatiality nor can space exclude itself from the rupture of becoming as “the body [...] takes space with it, and is necessarily more than a closed, complete physical entity.”⁸¹

The medicalization of the narrator’s body can be read as an attempt of the juridical to exorcise its own rupture: if “silvana belongs neither here nor there” (S, 61) her corporeality is also never absent from the scene. Although Mehr emphasizes the narrator’s desire for “the finality of this destruction” (S, 62), the desire which produces the BwO as part of a normative experimentation with the laceration of its own disorder is never about reaching death: the BwO is not suicidal.⁸² In this way, the body of the narrator is neither incapacitated nor disassembled through the drive to assign order, as she is never

“simply *surrounded* by space or even *embedded in* space, but rather they are themselves *a part of space* as space is a part of them.”⁸³ In this way, taking the body’s organs as borders marking the ongoing articulation of rupture and repair must always acknowledge that “[s]pace does not end where the skin of the subject ends.”⁸⁴ Consequently, in Keenan’s critique of Merleau-Ponty, she observes that his neglect of the particular process by which the corporeality of the subject is situated also fails to recognize the potential power in those whose bodies are held hostage, as their spatial corporeality can be neither imposed nor static.⁸⁵

In the context of law’s BwO, passivity is never possible even when the body is held in suspension, as its intensity ensures that “the BwO is always swinging between the surfaces that stratify it and the plane that sets it free.”⁸⁶ It could also be argued that even Agamben’s dehumanized Muselmann offers the opportunity to redraw an ethics of humanity, as even this figure of bare life is never non-human.⁸⁷ Taking account of the juridical encounter with pathology must then identify the spatiality that emerges through this process as both site and assemblage.⁸⁸ The narrator’s deterioration therefore reflects both the attempt to shed the limits of vulnerability and the endless becoming which births itself from that ruptured site of emergence: “inwardly words are rotting.the pain tears itself apart on barbed wire.a beating heart begins to fill the lightless mouth” (*S*, 14). Here, even whilst organs are being cut away — “they flake off smooth skin like bad quality whitewash” (*S*, 118) — the body is immersed in the *nomos* as a reminder of its originary claim to shape all space. When Mehr’s narrator exclaims “detritus,i am detritus, detritus of myself,without any utility” (*S*, 118) this repetition of ‘detritus’ is not, therefore, an indication of diseased substance posing as a destructive identity but the recognition of law’s impulse to contain “the outer edge of legality.”⁸⁹

5_Healing Nomadic Bodies through the Law?

The concept of vulnerability and its relationship to bioethics and legality has been extensively studied,⁹⁰ most notably in the vast feminist research on vulnerability as it is framed through concepts of resilience, responsibility and universalism.⁹¹ In this article, I have focused on the concept of vulnerability in an attempt to navigate the normative positing of the ‘degenerate,’ nomadic body while remaining aware of the risk this implies of “fetishizing the body as the lost object.”⁹² The scene of the *nomos* as a directionless becoming incarcerates this body as a BwO to obscure the originary dimensions

of the mutual authorization of law and the state.⁹³ As a consequence, the juridical drive to sedentarize monstrosity must find a means of regulating the BwO without either indicating the vulnerability of production of the national spatial imaginary and the emergence of the normative “within the messy, contextual [and the] fleshy.”⁹⁴ Acknowledging that vulnerability comes from the Latin *vulnus* (wound),⁹⁵ Mehr’s text can be read as a subversive exposure of the vulnerability of the “mythic origin of both state and citizen,”⁹⁶ the normative production of abnormal corporeality. Mehr’s experimentation with the theme of reproduction as fatal bereavement — “with a loud, horrible cry i push something black, bloody out of myself.it is my own coffin” (*S*, 13) — acts as more than a literary refraction of the *Hilfswerk für Kinder der Landstrasse*’s stated objective to rupture the inherited condition of ‘degeneracy’ as disease and disorder. It also reflects the way in which the articulation of corporeality is explicitly feminized.⁹⁷ Mehr’s text depicts the disrupted rhizomatic identity which connects the narrator to her own mother, her baby, and the birthing of several identities in trauma:

the message of death penetrates the skin, nestles deep inside, there, where the heart is, fear, fear, fear.mummy pulls at the umbilical cord.silvia’s body arches beneath this brutal pain along the sides of the belly.sticky cord around the neck,air, air, air.the umbilical cord, symbol of the unborn life, connection,bridge between her and silvia,it becomes a deadly weapon here,life itself seems to turn against silvia.
(*S*, 125)

The ‘turning’ and unfolding of life in the cataclysm of a birth process characterized by peristaltic motion, symbolized through Mehr’s use of short sentences and repetition, reflects the connection between reproduction and suffering as a normative denial of law’s limit. The emphasis on “unborn life” as a “deadly weapon” not only reflects the sedentarizing program inflicted on the Yenish but also emphasizes the use of vulnerability as a concept which highlights the body’s capacity for trauma.⁹⁸

Vulnerability, in this context, is a relational interaction with the vulnerable state, in which the body’s ontology as a porous border can be breached but continuously leaves behind a sense of “pinkvulnerability” (*S*, 122) wherein corporeality is brought threateningly out into the open.⁹⁹ However, Mehr’s systematic dismantling of syntax and the fluid shift between identities and narrative perspectives constructs a sense in which corporeality is never absent from the *production* of its own suffering: the narrator is “bedded in the uselessness of many lost years, experiences, bedded in a mass of body that splits itself into a thousand pieces” (*S*, 122). Here, although the body is splintered

and ruptured it is also explicitly grounded in space. Hence, when Mehr writes that “skinless, without protection, they float into the gutter of the night” (*S*, 122), the narrators are tethered to the cycle of rupture and repair that underpins the juridical, in which embodiment operates through normative space. In this way, Mehr’s text reveals the way that the juridical relies on vulnerability to obscure its own corporeal vulnerability.¹⁰⁰

Using vulnerability theory to reaffirm the patriarchal impulse of the law to specify its disembodiment serves, then, to demonstrate the necessity of the juridical to spawn a BwO that can obscure its grotesque spatial and temporal intensities.¹⁰¹ Hence, where it can be said that the “BwO howls: ‘They’ve made me an organism! They’ve wrongfully folded me! They’ve stolen my body!’”¹⁰² This emphasizes the normative phenomenon of incorporating the shedding of organs to hide the necessary and ongoing process of spacing the law. When Mehr writes that “they shred my body, they torment me” (*S*, 65), it is not then torture that precedes the murder of her narrator or the death of the narrative but rather the ongoing accumulation of intensity, whereby “to be ripped apart at the middle of the body” (*S*, 65) is to “fall into a black nothing”: *becoming* before after and through the law (*S*, 70).

In this way, Mehr’s novel can be interpreted as a portrayal of the “grandiose spectacle” of “the rotting stench of my dying self” (*S*, 30) which is not a lament to the dismembered and disembodied vulnerable subject but a powerful excavation of the way in which law relies on “the excision of embodiment” in order to obscure the ongoing production of a “linear, smooth [...] sense of orderly closure.”¹⁰³ In this way, undoing the law is revealed as a process of acknowledging the disruptive potential of bare life and its role in the exposure of the vulnerability of the modern state. My engaging with this work of auto-fiction has aimed to acknowledge the corporeality of the monstrous, and the subject who has been excessively dehumanized to preserve the authority of the sedentary social order, in order to reveal that law’s role in perpetuating this dismemberment merely offers us a glimpse of its undoing. As Margrit Shildrick observes, the acknowledgment of transgressive bodies coming before the law has always been a significant topic of discussion, due to its subsequent critique of “the stability and authority of law” rather than “for the betterment of those with radically anomalous embodiment.”¹⁰⁴ Reading through the text’s engagement with the rhetoric of abnormality and

the threat of the monstrous nomad creates a means of envisaging the potential for articulating the embodiment of vulnerability as justice.¹⁰⁵ Returning to the abhorrent history of the Swiss state's attempt to eradicate the Yenish community offers an opportunity to expose law's role in the deliberate production of degenerate bodies, and establishes a necessary critique of the contemporary production of vulnerable subjects as part of the insidious juridical narrative of the state.

Endnotes

- ¹ Laurence Jourdan, "Gypsy Hunt in Switzerland: Long Pursuit of Racial Purity," in *European Roma Rights Centre*, December 5, 2000, accessed July 3, 2017, <<http://www.errc.org/article/gypsy-hunt-switzerland-long-pursuit-of-racial-purity/1203>>.
- ² Thomas Meier, "The Fight against the Swiss Yenish and the 'Children of the Open Road' Campaign," in *Romani Studies* 18.2 (2008), 101–121.
- ³ The Swiss Civil Code of December 10, 1907 (effective January 1, 1912): III. 284–288. It must be noted that Switzerland only ratified the convention against genocide in 2000. UN General Assembly, Convention on the Prevention and Punishment of the Crime of Genocide, 9 December 1948, United Nations, Treaty Series, vol. 78, 277, accessed May 25, 2017, <<http://www.refworld.org/docid/3ae6b3ac0.html>>.
- ⁴ Angus Fraser, *The Gypsies* (Oxford: Blackwells, 1995), 123–126.
- ⁵ Katherine Quarmby, *No Place to Call Home — Inside the Real Lives of Gypsies and Travellers* (London: Oneworld, 2013), 23.
- ⁶ Abby Bardi, " 'Gypsies' and Property in British Literature," in "Gypsies" in *European Literature and Culture*, eds. Valentina Glajar and Domnica Radulescu (Basingstoke/New York: Palgrave Macmillan, 2008), 105–122, here: 113.
- ⁷ Quarmby, *No Place to Call Home* (cf. note 5), 24.
- ⁸ Commission of Rapporteurs. The Aaland Islands Question (On the Merits), League of Nations Council Document B7 21/68/106. 1921, 22–23.
- ⁹ Michael Stewart, "The Puzzle of Roma Persistence: Group Identity without a Nation," in *Romani Culture and Gypsy Identity*, eds. Thomas Acton and Gary Mundy (Hatfield: University of Hertfordshire Press, 1997), 84–98, here: 85.
- ¹⁰ For more on the role of law in the mutual authorization of the nation-state, see Ruth Buchanan and Sundhya Pahuja, "Law, Nation and (Imagined) International Communities," in *Law Text Culture* 8.1 (2004), 137–166.
- ¹¹ Nicole Graham, *Landscape: Property, Environment, Law* (Abingdon/New York: Routledge, 2011), 58.
- ¹² Jérémie Gilbert, *Nomadic Peoples and Human Rights* (Abingdon/New York: Routledge, 2014), xv, 92, 162.
- ¹³ Stuart Banner, "Why Terra Nullius? Anthropology and Property Law in Early Australia," in *Law and History Review* 23.1 (2005), 95–131.
- ¹⁴ Mariella Mehr, *Stoneage*, Trans. Roger Russi, 1990 [Steinzeit (Basel: Zytglogge Verlag, 1981)] (hereafter abbreviated as *S*).

- ¹⁵ Carmel Finnan, “From Survival to Subversion: Strategies of Self-Representation in Selected Works by Mariella Mehr,” in *The Role of the Romanies: Images and Counter-Images of ‘Gypsies’/Romanies in European Cultures*, eds. Nicholas Saul and Susan Tebutt (Liverpool: Liverpool University Press, 2004), 145–54, here: 145.
- ¹⁶ Wai Chee Dimock, *Residues of Justice — Literature, Law, Philosophy* (Berkeley: University of California Press, 1996), 10.
- ¹⁷ Richard Collier, “Review: Thinking Through the Body of Law by Pheng Cheah; David Fraser; Judith Grbich,” in *Journal of Law and Society* 25.2 (1998), 299–305, here: 299.
- ¹⁸ Andreas Philippopoulos-Mihalopoulos, “Critical Autopoiesis: The Environment of the Law,” in *Law’s Environment: Critical Legal Perspectives*, eds. Bald de Vries and Lyana Francot (The Hague: Eleven International Publishing, 2011), 45–62, here: 52.
- ¹⁹ Iosif Kovras and Simon Robins, “Death as the Border: Managing Missing Migrants and Unidentified Bodies at the EU’s Mediterranean Frontier,” in *Political Geography* 55 (2016), 40–49.
- ²⁰ Suwendrini Perera, *Australia and the Insular Imagination* (New York: Palgrave Macmillan, 2009), 147–149, here: 96.
- ²¹ Prem Kumar Rajaram and Carl Grundy-Warr, “The Irregular Migrant as Homo Sacer: Migration and Detention in Australia, Malaysia, and Thailand,” in *International Migration* 42.1 (2004), 33–64.
- ²² Philippopoulos-Mihalopoulos, “Critical Autopoiesis” (cf. note 18), 53.
- ²³ Alfred Siegfried quoted in Finnan, “From Survival to Subversion” (cf. note 15), 147.
- ²⁴ Piyel Haldar, *Law, Orientalism and Postcolonialism: The Jurisdiction of the Lotus-Eaters* (Abingdon/New York: Routledge-Cavendish, 2007), 5.
- ²⁵ Anupama Rao and Steven Pierce, “Discipline and the Other Body: Correction, Corporeality, and Colonial Rule,” in *Interventions*, 3:2 (2001), 159–168, here: 162.
- ²⁶ Rao and Pierce, “Discipline and the Other Body” (cf. note 25), 163–164.
- ²⁷ Philippopoulos-Mihalopoulos, “Critical Autopoiesis” (cf. note 18), 59.
- ²⁸ Margrit Shildrick, “Transgressing the Law with Foucault and Derrida: Some Reflections on Anomalous Embodiment” in *Critical Quarterly* 47.3 (2005), 30–46, here: 32; my emphasis.
- ²⁹ Shildrick, “Transgressing the Law” (cf. note 28), 32.
- ³⁰ Michel Foucault, *Abnormal*, trans. G. Burchell (New York: Picador, 2003), 63.
- ³¹ Philippopoulos-Mihalopoulos, “Critical Autopoiesis” (cf. note 18), 45.
- ³² Shildrick, “Transgressing the Law” (cf. note 28), 30.
- ³³ Philippopoulos-Mihalopoulos, “Critical Autopoiesis” (cf. note 18), 55.
- ³⁴ Giorgio Agamben, *Remnants of Auschwitz: The Witness and the Archive*, trans. Daniel Heller-Roazen (New York: Zone Books, 1999), 44, 52.
- ³⁵ Anna Grear, “Challenging Corporate ‘Humanity’: Legal Disembodiment, Embodiment and Human Rights,” in *Human Rights Law Review* 7.3 (2007), 511–543, here: 511.
- ³⁶ Paul Ocobock, “Introduction: Vagrancy and Homelessness in Global and Historical Perspective,” in *Cast Out: Vagrancy and Homelessness in Global and Historical Perspective*, eds. A. L. Beier and Paul Ocobock. (Athens: Ohio University Press, 2008), 1–34.
- ³⁷ Ocobock, “Introduction” (cf. note 36), 1.
- ³⁸ Philippopoulos-Mihalopoulos, “Critical Autopoiesis” (cf. note 18), 46.
- ³⁹ Philippopoulos-Mihalopoulos, “Critical Autopoiesis” (cf. note 18), 51–52.

- 40 Robert Cover, "Violence and the Word," in *The Yale Law Journal* 95.8 (1986), 1601–1629, here: 1604.
- 41 Philipopoulos-Mihalopoulos, "Critical Autopoiesis" (cf. note 18), 56.
- 42 Martha Fineman, "The Vulnerable Subject: Anchoring Equality in the Human Condition," in *Transcending the Boundaries of Law: Generations of Feminism and Legal Theory*, ed. Martha Fineman (New York: Routledge, 2010), 161–175, here: 166, 168.
- 43 Anna Grear, "Vulnerability, Advanced Global Capitalism and Co-Symptomatic Injustice: Locating the Vulnerable Subject," in *Vulnerability: Reflections on a New Ethical Foundation for Law and Politics*, eds. Martha Fineman and Anna Grear (Farnham/Burlington: Ashgate, 2013), 41–60, here: 43.
- 44 Grear, "Vulnerability" (cf. note 43), 44.
- 45 Natalia Gerodetti, "'Biopolitics': Eugenics and the Use of History," Paper presented to the *Mapping Biopolitics: Medical-Scientific Transformations and the Rise of New Forms of Governance*, Workshop, European Consortium for Political Research Conference, Granada, Spain 14–19 April 2005 ECPR Granada, 7–8.
- 46 Charlotte Schallié, "Beyond 'Foreign Rabble, Thugs and Thieves': Roma and Yenish Peoples in a Swiss Culture Class," in *From Multiculturalism to Hybridity: New Approaches to Teaching Modern Switzerland*, eds. Karin Baumgartner and Margrit Zinggeler (Newcastle upon Tyne: Cambridge Scholars Publishing, 2010), 135–152, here: 143.
- 47 Katrina M. Powell et al., "Displacing Marginalized Bodies: How Human Rights Discourses Function in the Law and in Communities," in *International Journal for the Semiotics of Law* 29.1 (2016), 67–85.
- 48 Véronique Mottier, "Eugenics, Politics and the State: Social Democracy and the Swiss 'Gardening State,'" in *Studies in History and Philosophy of Biological and Biomedical Sciences* 39 (2008), 263–269, here: 263.
- 49 Gerodetti, "Biopolitics" (cf. note 45), 10.
- 50 Finnan, "From Survival to Subversion" (cf. note 15), 146.
- 51 Philipopoulos-Mihalopoulos, "Critical Autopoiesis" (cf. note 18), 57.
- 52 Foucault, *Abnormal* (cf. note 30), 56.
- 53 Leland de la Durantaye, *Giorgio Agamben: A Critical Introduction* (Stanford: Stanford University Press, 2009), 262.
- 54 Durantaye, *Giorgio Agamben* (cf. note 53), 269, 264.
- 55 Foucault, *Abnormal* (cf. note 30), 55–56.
- 56 Jérémie Gilbert "Nomadic Territories: A Human Rights Approach to Nomadic Peoples' Land Rights," in *Human Rights Law Review* 7.4 (2007), 681–716, here: 689.
- 57 Grear, "Vulnerability" (cf. note 43), 52.
- 58 Grear, "Vulnerability" (cf. note 43), 53.
- 59 Mottier, "Eugenics, Politics and the State" (cf. note 48), 264.
- 60 The law's maintenance of genealogical purity in the production of the sedentary spatial order, in the guise of, for example, controls of reproduction, is one way of looking at this obfuscation. Thereby health and social policies in Switzerland before and after the Second World War can be seen to have put in place a system of eugenics, which placed emphasis on the distinction between the unwanted reproduction of 'inferior' citizens in comparison to their 'superior' counterparts.
- 61 Foucault, *Abnormal* (cf. note 30), 64.

- 62 Gilles Deleuze and Felix Guattari, *A Thousand Plateaus: Capitalism and Schizophrenia*, Trans. Brian Massumi, (London/New York: Continuum, 2004 [1987]), 166.
- 63 Philippopoulos-Mihalopoulos, "Critical Autopoiesis" (cf. note 18), 57.
- 64 Deleuze and Guattari, *A Thousand Plateaus* (cf. note 62), 169.
- 65 Deleuze and Guattari, *A Thousand Plateaus* (cf. note 62), 169.
- 66 Catalina Florina Florescu, *Transacting Sites of the Liminal Bodily Spaces* (Newcastle upon Tyne: Cambridge Scholars Publishing, 2011), 3.
- 67 Deleuze and Guattari, *A Thousand Plateaus* (cf. note 62), 170.
- 68 Abigail Bray and Claire Colebrook, "The Haunted Flesh: Corporeal Feminism and the Politics of (Dis)Embodiment," in *Signs: Journal of Women in Culture and Society* 24.1 (1998), 35–67, here: 44.
- 69 Bray and Colebrook, "The Haunted Flesh" (cf. note 68), 43.
- 70 Philippopoulos-Mihalopoulos, "Critical Autopoiesis" (cf. note 18), 60.
- 71 Philippopoulos-Mihalopoulos, "Critical Autopoiesis" (cf. note 18), 61.
- 72 Philippopoulos-Mihalopoulos, "Critical Autopoiesis" (cf. note 18), 62.
- 73 Deleuze and Guattari, *A Thousand Plateaus* (cf. note 62), 177.
- 74 Shelley Day Sclater, "Introduction," in *Body Law and Lores*, eds. Andrew Bainham et al. (Oxford: Hart, 2002), 1–28, here: 1.
- 75 Grear, "Vulnerability" (cf. note 43), 48.
- 76 Sanneke de Haan and Thomas Fuchs, "The Ghost in the Machine: Disembodiment in Schizophrenia – Two Cases Studies," *Psychopathology* 43 (2010), 327–333, here: 331.
- 77 Philippopoulos-Mihalopoulos, "Critical Autopoiesis" (cf. note 18), 61.
- 78 Grear, "Vulnerability" (cf. note 43), 60, 52.
- 79 Deleuze and Guattari, *A Thousand Plateaus* (cf. note 62), 182.
- 80 Sarah Keenan, *Subversive Property: Law and the Production of Spaces of Belonging* (Abingdon/New York: Routledge, 2015), 160–161.
- 81 Keenan, *Subversive Property* (cf. note 80), 161.
- 82 Torkild Thanem, "The Body without Organs: Non-Organizational Desire in Organizational Life," in *Culture and Organization* 10.3 (2004), 203–217.
- 83 Keenan, *Subversive Property* (cf. note 80), 161.
- 84 Keenan, *Subversive Property* (cf. note 80), 161.
- 85 Keenan, *Subversive Property* (cf. note 80), 162.
- 86 Deleuze and Guattari, *A Thousand Plateaus* (cf. note 62), 178.
- 87 Durantaye, *Giorgio Agamben* (cf. note 53), 264.
- 88 Deleuze and Guattari, *A Thousand Plateaus* (cf. note 62), 179.
- 89 Julia H. Chryssostalis, "Reading Arendt 'Reading' Schmitt: Reading Nomos Otherwise?," in *Feminist Encounters with Legal Philosophy*, ed. Maria Drakopoulou (London/New York: Routledge, 2013), 158–184, here: 165.
- 90 Madeleine Burghardt, "Common Frailty, Constructed Oppression: Tensions and Debates on the Subject of Vulnerability," in *Disability and Society* 28.4 (2013), 556–568; Mitch Rose, "Negative Governance: Vulnerability, Biopolitics and the Origins of Government," in *Transactions of the Institute of British Geographers* 39.2 (2014), 209–233; Andreas Philippopoulos-Mihalopoulos and

- Thomas Webb, “Vulnerable Bodies, Vulnerable Systems,” in *International Journal of Law in Context* 11.4 (2015), 444–461; Lisa Folkmarson Käll, ed., *Bodies, Boundaries and Vulnerabilities: Interrogating Social, Cultural and Political Aspects of Embodiment* (New York: Springer, 2016).
- ⁹¹ Martha Albertson Fineman and Anna Grear, eds., *Vulnerability: Reflections on a New Ethical Foundation for Law and Politics* (London/New York: Routledge, 2016 [2013]); Wendy S. Hesford and Rachel Lewis, “Mobilizing Vulnerability: New Directions in Transnational Feminist Studies and Human Rights,” in *Feminist Formations* 28.1 (2016), vii–xviii.
- ⁹² Sara Ahmed and Jackie Stacey, “Introduction: Dermographies,” in *Thinking Through the Skin*, eds. Sara Ahmed and Jackie Stacey (London/New York: Routledge, 2001), 1–18, here: 3.
- ⁹³ Deleuze and Guattari, *A Thousand Plateaus* (cf. note 62), 181.
- ⁹⁴ Grear, “Vulnerability” (cf. note 43), 53.
- ⁹⁵ Lourdes Peroni and Alexandra Timmer, “Vulnerable Groups: The Promise of an Emerging Concept in European Human Rights Convention Law,” in *International Journal of Constitutional Law* 11.4 (2013), 1056–1085, here: 1058.
- ⁹⁶ Grear, “Vulnerability” (cf. note 43), 47.
- ⁹⁷ Elizabeth Grosz, *Volatile Bodies: Towards a Corporeal Feminism* (Bloomington, Indiana: Indiana University Press, 1994).
- ⁹⁸ Sara M. Matambanadzo, “Embodying Vulnerability: A Feminist Theory of the Person” in *Duke Journal of Gender Law and Policy* 20.45 (2012), 45–83, here: 75.
- ⁹⁹ Mary Neal, “‘Not Gods but Animals’: Human Dignity and Vulnerable Subjecthood,” in *Liverpool Law Review* 33 (2012), 177–200, here: 186–187.
- ¹⁰⁰ Peroni and Timmer, “Vulnerable Groups” (cf. note 95), 1059.
- ¹⁰¹ Grear, “Challenging Corporate ‘Humanity’ ” (cf. note 35), 12.
- ¹⁰² Deleuze and Guattari, *A Thousand Plateaus* (cf. note 62), 176.
- ¹⁰³ Grear, “Vulnerability” (cf. note 43), 44.
- ¹⁰⁴ Shildrick, “Transgressing the Law” (cf. note 28), 33.
- ¹⁰⁵ Pheng Cheah, David Fraser and Judith Grbich, eds., *Thinking Through the Body of the Law* (Sydney: Allen and Unwin, 1996).