Who happens here? Ethical responsibility, subjectivity, and corporeality: Self-accounts in the Archive of the Coalition Provisional Authority (CPA) of Iraq

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Who happens here?

Ethical responsibility, subjectivity, and corporeality: Self-accounts in the Archive of the Coalition Provisional Authority (CPA) of Iraq

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Chapter 1

CHAOS

• MONDAY, MAY 12, 2003

Baghdad was burning.

As the Air Force C–130 banked above the curve of the Tigris River, I twisted in the sling seat and stared out the circular window of the cargo bay. The capital of Iraq stretched north beneath the right wing, dusty beige, sprawled in the shimmering heat. Dark smoke columns rose in the afternoon sun. I counted three, five…seven.

L. Paul Bremer III, *My Year in Iraq: The Struggle to Build a Future of Hope*

If I am not able to give an account of my actions, then I would rather die, because I cannot explain myself as the author of these actions, and I cannot explain myself to those my actions have hurt. Surely there is a certain desperation there, where I repeat myself and where my repetitions enact again and again the site of my radical unself-knowingness.

Judith Butler, *Giving an Account of Oneself*

In May 2003, a rare legal subject, that of the Administrator of the Coalition Provisional Authority (CPA) of Iraq (hereafter the Administrator), came into being.[1] The professional legal office of the Administrator was created for a specific

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purpose: to administrate Iraq for the duration of the U.S. headed occupation. No one knew how long this would be. Nor did anyone know exactly what an Administrator was or what the legal subjectivity of the Administrator would entail. But knowing that occupations do not go on for ever, it was a legal subject with short 'life expectancy'[2].[3]

Historical as well as contemporary legal references to the office of the Administrator are found in the realm and territories of the Commonwealth.[4] Other historical references are colonial and U.N. Mandate administrations, such as the British Mandate of Mesopotamia (see e.g. Dodge 2005) and the occupations dating from the Second World War (see e.g. Dower 1999; Bhuta 2005, 733–734). Yet other examples of administrations and administrators of territories are closer in

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[1] A legal subject is, in this text, defined as a subject primarily constructed in and through law, one which comes into being, exercises its agency, and acts according to and in resistance to the dictates of law.

[2] The limited 'life expectancy' of the legal subject of the Administrator should be understand in contrast to legal subjects of human subjects in general, i.e. as the legal subjects which we are all in our private capacities, and as legal subjects of professional offices or corporations (the latter being artificial persons but still classified as subjects under the law, thus legal subjects). One important, and in the context of this article crucial, difference between these two categories of legal subjects is that whereas the former exists parallel to the material bodily corporeal life of the human subject, the latter is not permanently joint with the material bodily corporeal life of the human subject. In other words, a legal subject of a profession is embodied by a particular human for a limited period of time coinciding with the period of time the human stays in office. The particular legal subject of a particular judge might therefore be expected to 'live' or exist a certain number of years, until the judge retires or quits his or her job. However, the legal subject of the judge as a general subject-form continues to exist. The particularity of the legal subject of the Administrator is that it did not exist prior to the occupation of Iraq, nor will it exist in exactly the same form in the future. The legal subject of the Administrator is thus, in this respect, quite unique.

[3] Although nowhere specifically stated in the international law concerning belligerent occupations, such occupations are assumed to be brief (see e.g. the fourth Geneva Convention of 1949 and the Hague Regulation IV of 1907. See also Imseis 2003; Bhuta 2005, Arvidsson 2007a; Koskenniemi 2008; Arvidsson 2010). Despite this, a number of present day occupations, e.g. the occupation of the Palestinian Territories, have been ongoing for quite some time.

[4] E.g. the permanent administration of U.K. oversees possessions such as the British Indian Ocean Territory headed by an 'administrator', and the temporary administration of Papua-New Guinea, headed by an 'administrator' prior to its independence from Australia.

time and experience to the occupation and administration of Iraq 2003–2004: the internationally run administration of Bosnia-Herzegovina headed by the Office of the High Representative (OHR), the United Nations Interim Administration Mission in Kosovo (UNMIK) headed by the Special Representative of the Secretary-General, the United Nations Transitional Administration in Eastern Slavonia, Baranja and Western Sirmium (UNTAES) headed by the transitional administrator, and the United Nations Transitional Administration of East Timor (UNTAET) headed by the transitional administrator, as well as the administration of the occupation of the Palestinian territories, just to name a few.[5] All these came to serve as a framework for the emergence in 2003 of the legal subject of the Administrator of the CPA.

Some of the concerns raised through the contemporary international administrations carried out by the OHR, UNMIK, UNTAES and UNTAET – questions directed towards the international legal framework governing occupation as being outdated – also applied to the situation facing the CPA.[6] How would, for example, the administration of the occupation be carried out when crucial parts of a judicial and economic reconstruction of Iraq seemed unlawful (or at least only barely legal) under the international laws of occupation (see e.g. Cohen 2006; Eslava 2007)? In particular, art 43 of the Hague Regulation IV of 1907 has been understood in international legal scholarship to set up restrictions outlawing the kind of legal reconstruction of Iraq planned by the governments invading Iraq in 2003 and later carried out by the CPA (see e.g. Dinstein 2004).

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[5] On the administrations of Bosnia-Herzegovina, Kosovo, Eastern Slavonia and East Timor, see e.g. Chesterman 2004; Fox 2008; Wilde 2008; and Stahn 2010. On the occupation of the Palestinian territories, see e.g. Roberts 1990; Benvenisti 2004; and Dinstein 2009. International administrations of territories are often portrayed in the literature as distinct from belligerent occupations (e.g. Stahn 2010, 115). Even so, there seems to be enough similarities between the two types of administrations – and in particular the administration of occupied Iraq – for the emergence of an entire new field dedicated to the international law and practice of international administrations of territories and transformative belligerent occupations (e.g. Chesterman 2004; Bhuta 2005; McCarthy 2005; Roberts 2006; Fox 2008; Wilde 2008; Orford 2010 and Stahn 2010).

[6] In particular, there was a call for a *jus post bellum*. The term draws on the experiences of international territorial administration but focuses primarily on the international armed conflicts following 'the war on terror' (e.g. Orend 2002; Boon 2005; Cohen 2006; Stahn 2007 and Stahn 2008). This new set of laws were argued to better suit the missions of present day administrations of territories aiming at reforming the public sector, implementing human rights, and economic sector reform.

These and other questions would have to be answered by the Administrator.[7] But who would take on such an impossible task? On May 6, 2003, a man named L. Paul Bremer III[8] stepped up to the task and six days later he was flown in to Baghdad (Bremer 2006a, 3).[9] Bremer had been given the job as the Administrator personally by then U.S. president George W. Bush (Bremer 2006a, 12).[10] Although Bremer technically answered to then U.S. Secretary of Defense Donald Rumsfeld, president Bush – as Bremer later would write in his autobiography – appointed Bremer as 'his man', promising him the 'full authority' he needed to fulfil his task in Iraq (Bremer 2006a, 11–12).[11] But what would that

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[7] After May 22, 2003, following the U.N. Security Council Resolution 1483 (2003), it was a matter of creating a 'multilateral occupation which integrated the basic structures of occupation into the ambit of peacemaking under Chapter VII' (Stahn 2010, 143). Resolution 1483 (2003) extended the legal responsibilities traditionally assigned to occupation administrations by the international laws governing the field (Roberts 2006, 613; Fox 2005, 262). The Administrator took resolution 1483 to be the source of his authority when going beyond 'the narrow framing of the Geneva and Hague law' (Stahn 2010, 145).

[8] Paul Bremer is sometimes referred to as Ambassador L. Paul Bremer III, or called by his nickname 'Jerry'. In this text he appears without his 'L.' (Lewis), his position in a patrilinear order ('III'), and his title as Ambassador (of the U.S. to the Netherlands, and Ambassador-at-large for counter-terrorism, U.S. Department of State).

[9] According to the official daily schedule of 'Ambassador Bremer', the Administrator had several meetings on May 14, 2003 in the 'office' with CPA personnel, and with UN representatives at the Canal Hotel in Baghdad. The day after, the Administrator appeared for the first time as a public figure in Iraq: a visit to 'Children's Hospital in Medical City' at 8:30–9:15 AM. ('Ambassador Bremer: Daily Schedule May 14, 2003–June 30, 2004'). However, as early as April 25, 2003, Bremer received official memos concerning the setup of the CPA in Iraq ('Index of Unclassified CPA Documents').

[10] It is indicated in the Secretary of Defense 'Memorandum for Presidential Envoy to Iraq. Subject: Designation as Administrator of the Coalition Provisional Authority' (undated though date-stamped May 13, 2003) that Bremer had been appointed 'Presidential Envoy to Iraq' in a letter signed by the president on May 9, 2003 (Memorandum for Presidential Envoy to Iraq, 2003). However, the same document insists the signatory (i.e. Donald Rumsfeld – his name is never spelled out but the signature is well known) is the one designating 'you' (i.e. Bremer – although this is stated nowhere in the Memorandum) as 'the head of the Coalition Provisional Authority, with the title of Administrator' (Memorandum for Presidential Envoy to Iraq, 2003). In the 'Index of Unclassified CPA Documents', an entry is made on May 9, 2003: 'Author/Sender: George W. Bush; Reader/Recipient(s): Paul Bremer; Subject: G; Contents: Letter of appointment of LPB as Presidential Envoy to Iraq' ('Index of Unclassified CPA Documents').

[11] Bremer's account corresponds to the phrasing used in the memorandum (note above) from the Secretary of Defense: 'You shall be responsible for the temporary

mean? In early May 2003, no one knew. It was up to Bremer to define the limits of the Administrator's legal subjectivity. He would have to do so relying on the authority handed to him while keeping his office within the legal framework of the international laws of occupation (i.e. primarily the Hague Regulation IV of 1907 and the fourth Geneva Convention of 1949). After May 22, 2003 he also had to comply with U.N. Security Council Resolution 1483 (2003), which authorized and legitimized the occupation of Iraq and framed the administration of the occupation.[12]

The CPA headquarters was established in Baghdad in Saddam Hussein's old private compound now renamed 'the Green Zone', also known as 'the Emerald City' (Chandrasekaran 2006). It was situated in the heart of Baghdad. With its many palaces, its private zoo and its spectacular view of the river Euphrates, it was the most luxurious area in Baghdad. It was also heavily fortified. It had served as Saddam Hussein's centre of power. Now it had become the hub of the administration for the occupation.[13]

The situation was chaotic. Or rather, the situation felt (or later needed to be portrayed as) chaotic to a degree where Bremer choose to name the first chapter

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government of Iraq, and shall oversee, direct and coordinate all executive, legislative and judicial functions necessary to carry out this responsibility, including humanitarian relief and reconstruction and assisting in the formation of an Iraqi interim authority' (Memorandum for Presidential Envoy to Iraq, 2003).

[12] The institutional nature and place of the CPA has never been agreed upon in the literature, nor does it ever seem to have been a consensus among political and military leadership on this issue. The U.S. Congress Report *The Coalition Provisional Authority (CPA): Origin, Characteristics, and Institutional Authorities* (Halchin 2006) concludes that 'Whether CPA was a federal agency is unclear. Competing, though not necessarily mutually exclusive, explanations for how it was established contribute to the uncertainty about its status. Some executive branch documents supported the notion that it was created by the President, possibly as the result of a National Security Presidential Directive (NSPD). (This document, if it exists, has not been made available to the public.) Another possibility is that the authority was created by, or pursuant to, the United Nations Security Council Resolution 1483 (2003). Finally, two years after CPA was established, a Justice Department brief asserted that the then-Commander of U.S. Central Command (CENTCOM) had created CPA (Halchin 2006, Summary).

[13] The location of the CPA headquarters was inherited from the Office for Reconstruction and Humanitarian Assistance (ORHA). In an interview from 2006, Bremer comments: 'I did not like the image of us settling into one of Saddam's grotesque palaces. So I asked my chief of staff and the military to survey all possible alternative places for us to use as headquarters. They looked for weeks and their answer was that this was the only place big enough and central enough to house our people securely. It frustrated me that we couldn't move out.' (Lopez 2006).

of his autobiographical account of his year as the Administrator 'Chaos' (Bremer 2006a, 3). Electricity and fresh water were scarce. Staffers slept in tent-beds crammed together in the big palace halls. No one seemed to know who was in charge of what, and at one point there was a tiger on the loose in the palace.[14] Bremer was 'eight thousand miles' and 'at least a century removed' from home (Bremer 2006a, 4; Lopez 2006).

This was Bremer's situation when he signed his first legal decree as the Administrator on May 16, 2003. He occupied one of the palace halls, which had been converted to the Administrator's office. Seated behind a large wooden desk, decorated with a telephone, a Dell computer with a flat-panel screen, and a stack of memos, surrounded by close-to-empty bookshelves (Chandrasekaran 2006, 75–76) Bremer moved his hand to bring 'force' to law.[15]

The aim and theoretical foundations of this article

The overall aim of this article is to contribute to a further understanding of what the 'human' might entail when we say that law is (a result of) a *human* activity. In doing so, I relate to an ongoing legal-scholarly effort to bring forth theories of law which take seriously the proposition made by legal positivism about law's contingency. It is an effort to break away from 'mere analysis and systematization of [legal] norms'[16] while at the same time engaging with positive law as a legal scholar.[17]

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[14] The tiger was said to have belonged to Udday, one of Saddam Hussein's sons. It had been left behind when everyone else fled the palace. On arrival in the Green Zone, coalition troops had difficulties applying the Geneva Convention to the tiger situation. No one seemed to know what to do and the troopers assigned to 'deal with the situation' weren't trained for hunting big game.

[15] The image of Bremer behind his desk, with its large wooden carving 'Success has a thousand fathers' (directed not towards Bremer, but towards anyone sitting or standing in front of him), appears in Bremer's autobiography (Bremer 2006a, photo 3 by Karren Ballard/Redux). In the photo, on the desk, we note – apart from what has already been mentioned by Chandrasekaran 2006, at 75–76 – a large dice and a stapler.

[16] See <http://www.helsinki.fi/nofo/exlegpos/> (visited 1 March, 2011).

[17] In order to uncover the very basic structures and relations presupposed and reiterated in law, it is vital to analyse the social construction of reality, and to do so within the scope of legal science. If we leave these structures and relations uncovered (or if we leave them to other academic disciplines) we not only fail to carry through the very thing legal positivism set out to do – to break away from recourses to the notion of a supreme Being presupposed in natural law – but we take part in the re-enactment of

The questions I ask in this article are directed towards the Administrator and his human counterpart Paul Bremer: a legal subject of a professional legal office and the human subject who during a period of time in 2003–2004 embodied it, lent it his name, and let it use his personal signature. In this article, to ask about the 'human' in law is thus, very concretely, asking about the relationship between these two subjects and the physical human body (corporeal materiality) in the legislative acts produced by the Administrator. The legislative acts I analyze are published and archived at the official CPA website <http://www.iraqcoalition.org/regulations/>, hereafter referred to as the Archive. My analysis is based on the first seven legal documents filed in the Archive as 'regulations'.[18] It is an analysis of the first chaotic days of the Administrator's existence; Bremer's first days in Iraq.[19]

As the title of this article suggests, I am particularly interested in listening to what the Administrator himself has to say about who he is. From his first self-accounts, i.e. his own narratives about his emergence and his initial acts, I will try to uncover that which and those who structure his subjectivity, from where he draws his authority to act, and how the Administrator and Bremer, together through Bremer's physical body (material corporeality), his name and personal signature interact in order to bring force to law (law into force). In order to get a deeper understanding of how the legal and human subject in this particular setting are interrelated, I contrast the Administrator's self-accounts to those given by Bremer after his return from Baghdad in June 2004 – in particular in his autobiography *My Year in Iraq: A Struggle to Build a Future of Hope* (Bremer 2006a).

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the notion of 'the supreme' by simply substituting 'God' with 'legal positivism'. In other words, by not addressing and analysing what is inherently human in the human activity of lawmaking, we do what Adorno & Horkheimer describe in *Dialectics of Enlightenment*; while pertaining to a break with superstitions of the past and the 'dissolution of myths' (Adorno & Horkheimer 1997, 3), we are re-enacting them. 'Myth', say Adorno & Horkheimer, 'turns into enlightenment' (Adorno & Horkheimer 1997, 9). Similarly, an analysis of law that does not take seriously the effort of uncovering legal positivism's own foundational myths will never reach further than a mere re-enactment of its own mythologisation and self-sacralisation.

[18] Regulations are, according to the Archive, 'instruments that define the institutions and authorities of the Coalition Provisional Authority (CPA)' (<http://www.iraqcoalition.org/regulations/>). They are thus part of the legal constitution of the CPA. At the same time, they are autobiographical accounts of the life and legal subjectivity of the Administrator. During his time in office, the Administrator produced twelve regulations.

[19] Before his assignment as the Administrator of the CPA, Bremer had never set foot in Iraq (see e.g. Bremer 2006a, 4).

My analysis is partly based on Jacques Derrida's analysis of the archive (Derrida 1998) and the signature (Derrida 1984) (the part of the article dealing with how material corporeality is imprinted, encapsulated and recalled in the Archive). However, the main part of my analysis draws on poststructuralist theories of the formation of the subject (e.g. Butler 1997; Butler 2001; Butler 2005), as well as psychoanalytical theory and practice, in particular the works of Jean Laplanche (Laplanche 1999).[20]

I understand the human, as well as the legal, subject studied in this article as inherently decentred, ungrounded, incoherent and opaque to itself *but nevertheless* ethically responsible.[21] By this I mean that the subject is ethically responsible for its acts regardless of its inability to fully understand and give a rational account of why it is acting in the ways it does; despite its inability to fully be the author of its own actions; and despite its dependence on the structure from which it emerges. This is a foundation of ethical responsibility which fails to live up to the requirements usually set up in moral philosophy; that of the subject's autonomy, i.e. the subject's ability to author its own actions (e.g. Wolgast 1993; Hobbes 2003). That 'failure', I argue, should not be taken as excuse for irresponsibility. Nor should the difficulties (imagined or real) of theorizing ethical responsibility within the framework of post-structuralism discourage us from thinking of the subject in terms of inherently decentred, ungrounded, incoherent and opaque to itself. (See also Butler 2001.)

In this article, I acknowledge that the subject is predisposed to try to give a full account of itself. This predisposition originates in the subject's original emergence. In its infancy, the subject arrives through and into a given context. It is a chaos in which the subject is impinged by the 'adult word' – an impingement and a world the subject cannot understand but only experience. This experience

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[20] The orientation of psychoanalysis on the 'truth of the subject – rather than subjective truth' (Voruz 2000, 136), or objective truth for that matter – makes it particularly useful as an analytic resource in regard to law and legal practices. Psychoanalysis allows us to analyse speech – such as the self-accounts studied in this article – as performative and constitutive.

[21] This understanding flows from the emphasis on psychoanalytical theory and practice pursued in this article. As Shaskolsky Shejeff points out, 'Most psychological approaches to the law are unique in that they stress the erratic nature of law, its imprecision and imperfection, its fluctuations and unpredictability. The grounding of such approaches in the social sciences leads to an emphasis on the human aspect, and therefore on the fragility of the law, more than the scientific quest for empirical certitude and proven laws.' (Shaskolsky Shejeff 1986, 144.). For an example of a study which follows Shaskolsky Shejeff's characterization see Orford 2004.

is an *absolute primary process* (Laplanche 1999, 129). Embedded in the absolute primary, as a source of the drives, we find the other (i.e. the impinger, the adult).[22] The positioning of the other at the subject's very first experience (taking place even before the first experience of a 'self '– before the 'I') binds the subject to the other *irreversibly*. As a consequence, the subject is (re)formed in constant relation to the other. What the subject subsequently does throughout its life it also does to its others, and what it does to its others, it also does to itself. This introduces the causal agency of the self. The subject cannot remember the original event in which the absolutely primary process is installed. But the experience is operating the subject, and it disposes the subject to constantly answer to its others (Laplanche 1999, 129). The subject cannot, as it were, escape its others since they are inherently part of the 'I' of the subject, taking part of the constant negotiation of who 'I' am.

Giving an account of oneself is not a voluntary act, one which the subject may or may not choose. Rather, it is a necessary answer to the original impingement experienced by the infant; a way for the subject to respond to its others (the ones impinging it, the adults). It is a persuasive medium, directed towards an interlocutor (who 'I' want to persuade through my self-narration), a medium through which we can understand the causal agency of the self (Butler 2005, 12). In this respect, it is through the accounts of the self that the structures and limits of agency, and thus ethical responsibility, can be uncovered.

I position myself (like an analyst) at the scene of address in which the Administrator is speaking and I ask: 'who happens here?' 'I' ask 'who are you?' and subsequently 'who am I?'

The question of 'who' might be understood as one which traditional legal scholarship often takes on (e.g: 'who is the Administrator in terms of international law?'). However, the question of 'who' might also be understood as the inauguration of ethics (Cavarero 2000). In this article, I pursue the latter understanding. Following Laplanche, the question of 'who' should also be understood as one which is already set by the structural conditions of the subject's emergence. The infant subject finds itself on a scene of address, i.e. in a socially, rhetorically, and ethically conditioned speech situation (Hart & Daughton 2004) where the subject is answering a particular set of interlocutors. In its giving of an account of itself, the subject answers to the original impingement: 'who are you who

[22] The understanding of the 'other' pursued in this article follows Laplanche's 'impinger'. The 'other' might thus be both a human being and a legal subject (see Fletcher 1999, 17). In other words, it is the counterpart to the subject in question; it is the one which sets the conditions for the emergence of the new subject.

impinge me?' 'who am I?', 'what is my relation to you?', 'how can I know you?' and 'in what way am I responsible for and towards you?'

Having defined my study as one of law's contingency on what is human and placing it within a context of ethics, I arrive at the specific aim of my study: to uncover how ethical responsibility is played out, construed and distributed by and between the Administrator and Bremer in their respective self-accounts. As I look into the Archive, literally speaking, an image emerges: Bremer is seated behind his large wooden desk. He signs regulation after regulation. By this physical and corporeal act he performs law's force; he brings force to law. I ask the one bringing about law in the Archive: 'who' are you? In the context of this article the question includes asking about the emergence of subjectivity, the limits of agency (the ability to author ones own acts) as an ethically responsible subject, as well as the roles (inter)played by subjects and the physical body in law and ethical responsibility.

My understanding of ethical responsibility is one of mutual recognition of the limits of self-knowledge and recognition of the suffering of the other. I suggest that, in order to render ourselves ethical, we must acknowledge our own opacity as subjects and thereby experience the limits of knowing. We can, as it were, not know ourselves fully, nor can we fully know the context from which we emerge (Laplanche 1999). Our attempts to give accounts of ourselves will provide evidence of our ever failing efforts to make sense of who we are within our given social context; why we act as we do and to what extent we are able to assume ethical responsibility for our acts. This notion of ethics acknowledges our fundamental and irreversible interrelatedness to our others (as it is theorized by Laplanche), both in the shared experience of the limits of self-knowledge and the suffering experienced through our irreversible interrelatedness with others (the original impingement as well as the suffering we cause our others and thereby ourselves). This understanding of ethics is a way of constituting 'a disposition of humility and generosity' in each subject so that 'I will need to be forgiven for what I cannot fully have known, and I will be under a similar obligation to offer forgiveness to others, who are also constituted in partial opacity to themselves' (Butler 2005, 42).

This way of perceiving ethical responsibility is relevant not only to *human* subjects but also to *legal* subjects, in particular the legal subjects of professional legal offices such as the Administrator's. The point of departure in this text is that legal subjects, in particular legal subjects of offices within the juridical sphere, to a large degree are imagined (in legal scholarship as well as by practitioners) and construed in terms of law in ways to *avoid* attachment of ethical responsibility. In

the concise, precise, well-defined, unambiguous language of law (Bhatia 1994), the legal subject emerges for particular purposes. Ethical responsibility is not part of that discourse, nor is the notion of the subject's 'other'. With a few notable exceptions (e.g. Koskenniemi 1997; Orford 2007), international legal discourse does not make any serious reflexive references to the ethical responsibility of legal subjects of professional offices.

Yet, the legal subject's interrelatedness with the human subject and mimicking of human subjectivity, as well as its dependency on material corporeality (the physical human body) provides the basis for the Administrator's subjectivity and his ability to act as an ethical responsible subject. That interdependency and mimicking give rise to the conditions that subjugate human subjects, as theorized by Laplanche. Although there are significant differences between certain legal subjects and human subjects (e.g. in the case of the Administrator the short 'life expectancy' is extraordinary), the human conditions must, as a starting point, be thought of as applying to legal subjects too. Ethical responsibility for one's acts is one of these conditions. The strict separation between legal subjects and human subjects upheld in general international legal scholarship must thus be considered to be largely imaginary. Such separation only furthers ethical irresponsibility within the field of law and legal practice (e.g. Veitch 2007; Wolgast 1992, 146).[23]

There are several reasons for pursuing the analysis of law's contingency in this direction. Firstly, the empirical material analyzed in this study suggests that the issue of ethical responsibility is unresolved within this particular situation and subject-coupling, and one which haunts both Bremer and the Administrator. It is an issue which is central to both, one which connects them in a fundamental way (including after the Administrator has ceased to exist).

My own professional experience of practicing law – of subjugating my own body, name and personal signature to the use of a legal subject of a professional legal office (that of a judge) – has left me with a realization that legal scholarship as well as professional legal practice have little to offer in terms of analysis of the relation between human and legal subjectivities and material corporeality, and what this relation means in terms of ethical responsibility. My own experience of not knowing who 'I' am, what 'I' have done, and to what extent 'I' am personally ethically responsible for the acts performed through my body, in my name and

[23] Hannah Arendt notes, in a general comment on the relation between crimes committed by members of a bureaucracy and individual responsibility for such acts (judicial as well as ethical), that it is 'perhaps the nature of every bureaucracy […] to make functionaries and mere cogs in the administrative machinery out of men, and thus dehumanize them' (Arendt 1994, 289).

through my personal signature, has prompted me to attempt to locate an answer within legal scholarship for what such a relation might look like (Arvidsson 2007b). It has further prompted me to find a place for, and way of, recognizing as an *integrated* part of the practice of law – as well as of legal scholarship – what it means to embody a legal subject of a professional legal office, without fully being able to know the sources from which one draws ones authority to act, and without fully grasping the consequences of one's actions nevertheless realizing one's implication in others' suffering and other's implication in one's own suffering. 'I' need to be forgiven for what 'I' have done to others, and 'I' need a place and a way to forgive 'my' others for what they have done to me.

Pursuing such an understanding of ethical responsibility would consequently not be a superimposed or 'exterior' question of professional ethics as is found in 'codes of conduct' sometimes provided for professional legal offices (e.g. Mégret 2008; 'Bangalore Principles' 2002). Such codes of conduct are often combined with training, monitoring and incentives or sanctions for compliance. The language employed in the codes is highly decontextualized and dehumanized, and the terminology is general and vague.[24] Both in terms of language and enforcement, codes of conduct often come close to legal codes – i.e. abstract rules to obey. As Elisabeth Wolgast notes, they further '…the disguising and hiding of morally troublesome practices by innocent descriptions' (Wolgast 1992, 3). The 'coding' of conduct further disassociates ethics from the personal and individual effort; it circumvents the question of 'who'. It transforms ethical responsibility to simple compliance with superimposed rules.[25]

The understanding of ethical responsibility I pursue is a theoretical as well as a practical (even physical) recognition of what is irreversibly and irreducibly human in law. Such an understanding requires each subject to – individually and constantly – undertake the difficult task of asking 'who?'

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[24] E.g. in the Bangalore Principles, the judge is advised to 'perform his or her judicial duties without favour, bias or prejudice.' ('Bangalore Principles' 2002, value 2.1). But, without any definition of crucial terminology such as 'favour', 'bias' or 'prejudice', such advice mean little. We can expect judges to interpret the terminology in different ways, and there seems to be no way of ensuring that a judge following this code of conduct will exercise his or her profession in an ethically responsible way.

[25] The question 'what should I do?' – which appears in many different disguises in our private as well as in our professional practices – cannot find an answer within the context of ethical responsibility, save for the answer found in the silence of the interlocutor. At the moment the interlocutor – be it an analyst or a 'code of conduct' – provides any other answer than 'you must not expect a response', the opportunity of realization of ethical responsibility is lost (see also Borsch-Jacobsen & Collins 1985).

The ethically responsible subject

> I needed to be sure that whatever responsibility I had was aligned with the authority. It's very important not to have a lot of responsibility and not enough authority.…I had been involved in the war on terrorism for more than 20 years…I was deeply concerned about terrorism and homeland security and felt that it was important that we had defeated Saddam Hussein… I felt that the idea of bringing decent government to the Iraqi people was a good thing…I came at it with a combination of basically a realistic view of the importance to American security … and a more general view that bringing democracy to countries in the Middle East, particularly an important country like Iraq, was in America's interest. I thought it was going to be tough. It turned out to be a lot tougher job than I thought it was going to be.
>
> Paul Bremer in 'The Lost Year in Iraq: Interview with Paul Bremer'

Pursuant to my authority as the Administrator of the Coalition Provisional Authority…
Pursuant to my authority as the Administrator of the Coalition Provisional Authority…
Pursuant to my authority as the Administrator of the Coalition Provisional Authority…
Pursuant to my authority as the Administrator of the Coalition Provisional Authority…
Pursuant to my authority as head of the Coalition Provisional Authority…

> The Administrator of the Coalition Provisional Authority (CPA) of Iraq, *First paragraph of regulations 1, 2, 3, 4, and 5 A*

How do we recognize an ethically responsible subject? The foundation for the ability to act in an ethically responsible way is often placed with the subject's ability to act *autonomously* (e.g. Wolgast 1992, 147). This notion of the ethically responsible subject is based on the convention of the subject as a rational being, one who is capable of deciding for itself, of knowing why it acts, and consequently is capable of giving an account of itself. Such an understanding of the subject relies on its capacity to be the author of its own actions. For example, in *Leviathan*, Hobbes explores what constitutes a person ('feigned' or 'artificial' as well as 'natural' persons). He names the ability to author as one of the preconditions for being a person (Hobbes 2008, 89–92). In this sense, a 'person' is one who is capable of carrying legal rights and duties. This corresponds to how legal subjects are generally thought of in international law: as rational and transparent 'entities' or persons 'capable of possessing legal rights and duties' and being able to maintain their rights by bringing forth legal claims (e.g. Brownlie 2008, 57). The

way in which legal subjects are usually narrated in legal scholarship and legislative writing furthers an understanding of legal subjects as 'highly impersonal and decontextualized' so that the 'illocutionary force holds interdependently of whoever is "the speaker" (originator) or the "hearer" (reader) of the document' (Bhatia 1994, 136).[26]

We must assume, along with Hobbes, that the ability to narrate oneself as the author of one's own deeds is a precondition for any account of moral agency we might give. This includes giving an account not only of what one's actions are (or have been) but also for who one is. For one's own emergence as an autonomous subject, one has to be able to give an account of oneself. What all self-accounts, such as the ones found in the Archive and the ones which Bremer gives in his autobiography (Bremer 2006a), have in common is an acceptance of the 'presumption that the self has a causal relation to the suffering of others' (Butler 2005, 12). To give an account of oneself is then not only to tell a story about who one is, but also an acknowledgement of who one's others are, the ones to whom 'I' am primarily responsible for my acts. It is a way of making sense of the original impingement; a way of dealing with chaos (Laplanche 1999).

Imagining this in terms of a human subject is not too difficult. We think, in the context of this article, of Paul Bremer. Who is he as a subject, and what can we understand about his subjectivity from his speech: his account of the extraordinary experience of subjugating his material body, his name and his personal signature to the use of the Administrator during his reign in occupied Iraq?

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[26] In international legal scholarship, legal subjectivity is understood as the individual agency which follows from law's assigning of rights and duties. In that context a pre-existent entity which can 'carry' the burden of legal rights and duties is presupposed. This latter carrying object denotes both the human body (i.e. material corporeality) and human subjectivity. This understanding defines 'obligations and rights, permissions and prohibitions as precisely, clearly and unambiguously as linguistic resources permit' (Bhatia 1994, 137). Indeed, as Scott Veitch notes, law is often understood as merely operating to assign and organise responsibility e.g. by defining how obligations are created or imposed in society (Veitch 2007, 1). Law and the agents who bring about law cannot, in this view, be held ethically responsible for its or their acts. Yet, as Veitch's work shows, law's institutions, its practices, concepts, and categories operate to *facilitate* dispersion of responsibility and, as a consequence, law takes part in producing and legitimising human suffering (Veitch 2007; see also Wolgast 1992). The relationship between the legal and the human subject is not thought to be dialectical but rather a parallel (sidelined) relation. A wall of separation divides them, and the anguish of everyday life experienced by human subjects never seeps into the sphere of the legal. This detachment and separation is criticized by Wolgast as being one of the techniques used to disperse ethical responsibility in legal professions (Wolgast 1992, 146).

Since leaving Iraq in June 2004, Bremer has repeatedly told the story of his year there. The narrative he provides in his autobiography (Bremer 2006a) is, as Michiko Kakutani puts it, an account which is:

> an amalgam of spin and sincerity, is partly an explanation (or rationalization) of actions Mr. Bremer took as America's man in Baghdad, partly an effort to issue some "I told you so's" to administration colleagues, and partly an attempt to spread (or reassign) responsibility (or blame) by tracing just who in the White House, Pentagon and State Department signed off on or ordered critical decisions made during his tenure. (Kakutani 2006.)

Bremer's self-accounts come through as a massive defence, one in which he desperately tries to show himself as having no (or only marginal) blame for what went wrong during the CPA administration of Iraq (e.g. 'Transcript: Paul Bremer, Former U.S. Administrator in Iraq', 2004; 'Bremer answers questions', 2004; Bremer 2006a; 'The Lost Year in Iraq: Interview with Paul Bremer', 2006). In effect, he narrates himself as not (fully) being the author of the deeds which he – as is evident in his self-accounts – seems to feel responsible for. What he did as the Administrator was his duty, was assigned (ordered) by others for him to carry out, or was just 'necessary' under the circumstances (e.g. 'Lost year in Iraq', 2006). He seems to feel the need to explain that he is not fully (ethically, socially and politically) responsible for the Administrator's actions. This is something we must understand as Bremer recognizing (part of) his ethical responsibility. Here we might recall Bremer's way of aligning himself with President Bush early on in his autobiography by stating that he was 'the president's man' (Bremer 2006a, 12). Bremer also accounts for their intimate – yet unequal – relationship. President Bush calls Bremer by his nickname 'Jerry' while Bremer refers to the president by his professional office, i.e. 'the president' (Bremer 2006a, 12).

There is a certain confusion in Bremer's autobiographical narratives (Bremer 2006a) and his self-accounts in interviews (e.g. 'Transcript: Paul Bremer, Former U.S. Administrator in Iraq', 2004; 'Bremer answers questions', 2004) about who he is in the stories he tells. All of these self-accounts are given after he has stepped down from his office, when he is no longer the Administrator. He is Bremer the human subject, but in his self-accounts he talks primarily about acts carried out by the Administrator. He does so in a way which recalls Nietzsche's emphasis on the inauguration of (bad) conscious and reflexivity as coming out as a response to an accusation (Nietzsche 2003). In other words, Bremer seems to respond to an implicit accusation.

We must, when considering Bremer's self-accounts, remember the scene in which he is being addressed and in which he addresses his others. On one hand, we have his autobiography, which he co-wrote with former diplomat Malcolm McConnel (Bremer 2006a). Here, we imagine, he has been free to edit his story in a way which best suits his purposes.[27] On the other hand he is being interviewed by news reporters of major American magazines and news shows. On these scenes he is interpellated as Ambassador Paul Bremer the former Administrator of the CPA (e.g. 'Transcript: Paul Bremer, Former U.S. Administrator in Iraq' 2004; 'Bremer answers questions', 2004). The interrelatedness of the human subject and the legal subject is present already in the address to which Bremer answers. Having lent himself (his physical body, name and personal signature) to the Administrator, it seems as if he, as a human subject, is conditioned by the Administrator even after the Administrator has ceased to be (i.e. after Bremer has disembodied the Administrator).

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[27] When considering the structure of the scene of address in which Bremer's autobiography (Bremer 2006a) is taking place, one has to consider the form in which the self-account is given. It is a book (also available in an abridged audio book version: My Year in Iraq: The Struggle to Build a Future of Hope, Bremer 2006b). It is well crafted and draws on up-to-date techniques of creative writing (e.g. 'cliff hangers' at the end of each chapter to encourage the reader to go on reading). The language is easily accessible and the style and voice of the book resemble colonial-time action novels set in desert landscapes (thus recalling literature which has received criticism from post-colonial theorists, e.g. Said 1994). From the audio book (Bremer 2006b), which is partly recorded by Bremer himself, we can say that the language seems natural to Bremer. The audience – the interlocutor – to which the book is addressed, is the interested everyday person rather than the persons and institutions to which Bremer deflects responsibility and blame. At the same time, the accusations which Bremer implicitly and explicitly answers to in the book suggest that he is also considering his others (those who have suffered from the Administrator's acts) as interlocutors. The dedication of the book ('To the courageous men and women of Iraq struggling to build their future of hope; and to The brave men and women of the American military who have sacrificed so much to make it possible') affirms the Iraqi people and the American army as 'others' (interlocutors) which are present on the scene of address. Bremer states in an interview, in 2006, that he wrote the book 'because America has not undertaken a major occupation like this for a half century. And I thought it was important for historical purposes to record honestly and clearly how my colleagues and I approached the job in the hopes that if America is ever to have to do it again, our leaders could profit from our experiences.' (Lopez 2006). In his autobiography Bremer states that it was his agent, Marvin Josephson, who (during a visit to Baghdad) suggested the idea of writing the book (Bremer 2006a, 401). At the time of publication a profitable market had emerged for 'coming-out-of-Iraq-experience'-books (e.g. Diamond 2005; Feldman 2006; Stewart 2007). Thus, the structure of the scene of address must also be understood in terms of personal financial gain.

Bremer does not, on this point, make full sense as we would expect of a rational, logical, coherent and autonomous subject. But this does not mean that we cannot learn from his speech. Rather, Bremer's inability to appear as a rational, logical and coherent subject in his self-accounts marks an important failure. It tells us something about who he is. It tells us that he, as a human subject, is inter-related with the legal subject of the Administrator to a degree where he cannot fully separate his account of himself from that of the Administrator. He (Bremer) is trying to explain actions, responding to the suffering which these actions has caused, in a self-narration which does not fully distinguish between *his* own self and that of the Administrator.

Bremer must be understood as dispersed and opaque to himself; a human subject who is trying to give an account of himself, thus trying to render himself ethical. From his failure to fully account for himself emerges an interrelated subject-coupling of the human and the legal subject, linked together in what we can understand as a dialectic relation. Distribution of ethical responsibility seems unresolved within this equation, and we acknowledge the (hu)man struggling to make 'it' all right.

Looking into the Archive

We will now move into the main empirical material analysed in this article, the Archive, and the Administrator's self-accounts found there. Before we can look closer at the accounts, we must know what an archive is and what kind of an archive the Archive is.

Following Derrida, we should not think of archives as sources, i.e. physical spaces which organize, sort, or structure information readily available for us to access. Rather, we must see it as the production and authorization of a specific type of knowledge (Derrida 1998, 93).[28] The archivization, Derrida argues, 'produces as much as it records the event' (Derrida 1998, 17). Thus, the archive releases an original event from historical pastness (*chronos*) and reproduces it in the enduring now of the archive (*kairos*).[29] The now is accessible to us at any time in

[28] This notion of the archive calls to mind Foucault's writings on the production of knowledge (e.g. Foucault 1972; Foucault 1980).

[29] This dual quality of time has been dealt with in reference to the occupation of Iraq in Arvidsson 2010.

an infinite propelling of the original event into the future (the enduring now).[30] The 'archtonic power' of the archive is one of unification, identification, and classification (putting into order). Derrida pairs it with the power of consignation, the act of '*con*signing through *gathering together signs*', to bring forth written proofs aiming at coordinating a single legal corpus (Derrida 1998, 3).[31] Thus, when looking into the Archive, we must look for signs. The most striking of signs is the personal signature. The signature implies, says Derrida, 'the empirical nonpresence of the signer' at the same time as it 'marks and retains his having-been present in a past now, which remains as a future now and therefore, in a now in general, in the transcendental form of nowness (*maintenance*)' (Derrida 1984, 329). In other words, it marks historical pastness at the same time as it propels its presence into the future of an enduring now. The singularity of the original event is thus always kept within the signature and is iterated in its every copy (Derrida 1984, 328). It is an iteration of an intimate corporeal event (Douglas 2005, 80): we do not see the full picture, but our gaze is zoomed in on Bremer's hand moving the pen over the paper. As such, we recognize the signature as performative.[32] It does not enact a 'transmission of meaning' (Parsley 2006, 108) but something is done by means of the act itself (Derrida 1984, 321).

There is no archive without a technique of *repetition* and an *external place of consignation* (Derrida 1998, 11). The 'external place' serves as the place which 'assures the possibility of memorization, of repetition, of reproduction, or of reimpression' (Derrida 1998, 11). In a sense, the Archive is everywhere since it is accessible simultaneously from all possible locations from where the World Wide Web can be accessed. Yet, in another sense, the Archive is nowhere since it cannot be bound to geography. In this way, the Archive is *infinitely exterior*. It

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[30] Much of the legal scholarship working on and with archives has been careful to understand archived legal documents as reflecting only a fragment of the entire legal reality of the past (e.g. Orford 2011). 'Contextualization' has been a way of making sense of the legal archive (e.g. Merry 2002). But contextualization often furthers, in my understanding, the problem it seeks to remedy. Archives are, to borrow from Laura Ann Stoler, 'technologies of rule in themselves' (Stoler 2002, 87). Thus the productive force of the archive must be taken into account in any study drawing on archived knowledge.

[31] This calls to mind the techniques employed in law making (see e.g. Bhatia 1994).

[32] Language's performativity should in this article be understood in reference to Derrida's analysis (Derrida 1984) of J. L Austin's *How to Do Things With Words* (Austin 1975). See also Parsley 2006.

becomes an ultimate memory since it is always exterior to us (always elsewhere) (Derrida 1998, 11). It becomes the memory of all.[33]

The first account

> *Pursuant* to my authority as Administrator of the Coalition Provisional Authority (CPA), relevant U.N. Security Council resolutions, including Resolution 1483 (2003), and the laws and usages of war,

The first account found in the Archive is named 'Coalition Provisional Authority Regulation Number 1' and it initiates a constitutional framework for the CPA. It is dated May 16, 2003 and is thus the first official legal document signed by the Administrator and archived in the Archive. The date is stated on the Archive web page, on each page of the document, and in the personal signature imprinted by Paul Bremer on page two of the document. The Administrator is in his infancy. It is only eight days after Bremer was given the letter of appointment by the president explaining that he had 'full authority' (Bremer 2006a, 12) and only four days after his arrival in Baghdad (Bremer 2006a, 3).

The self-account found here sets, as will become evident in the further analysis of the Archive, a narrative framework for the self-accounts which are to follow in the coming regulations delivered by the Administrator.

The text opens with a preamble. It is an account given in short clauses, using commas, juxtaposing the narrating subject with a set of authorities. These are the ones which in Laplanche's terms have impinged the Administrator in his early infancy.

'*Pursuant* to' is a direction or intent of mind or an allegiance to which the subject is pursuing his efforts. It is a direction into an infinite future; a *pre*position. The 'my' which follows is a possessive pronoun indicating acquired ownership. '[A]uthority' is an invested authority which recalls authorship, the ability of the subject to *author* or narrate his own actions. 'Administrator of the Coalition Provisional Authority (CPA)' is the title the office of the legal subject which is (paradoxically) establishing his subjectivity by the performative act of narrating his self through the document. By naming himself for the first time in a text of law he is creating himself as a legal subject.

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[33] Or at least the memory of all who have access to the WWW, which excludes large parts of the world's population, both in terms of geographical location and class.

After having established his name, the Administrator moves to name those which his speech seems to be an answer to (his interlocutors): 'relevant U.N. Security Council Resolutions, including Resolution 1483 (2003), and the laws and usages of war'. He acknowledges these as foundational to his emergence as a subject, i.e. interrelated and primary parts of the foundation of his subjectivity (foundational to his ability to author his deeds, his authority, his narrative ability, and his ability to give an account of himself). In doing so, the Administrator is trying to give an account of his own emergence.

'[L]aws and usages of war' might be understood as the international laws of armed conflict and customary law, in particular the international law of occupation and state practice relating to it. The *relevant* U.N. Security Council Resolutions calls into mind previously adopted resolutions concerning Iraq (possible also some predating the invasion of Iraq, e.g. resolutions resulting from the Gulf War). So far, the Administrator is recognizing and seeking recognition from (answering to interpellations from) established international legal sources setting the legal framework for the administration of occupied Iraq.

But what can it mean, in terms of giving an account of oneself, when the subject is pursuing his authority in relation to a Security Council resolution which has yet to be adopted (resolution 1483 was not adopted until May 22, 2003)? Does this indicate that the first self-account in the Archive was not written until after May 22? Or, does it mean that the Administrator knew about the resolution and its importance for the administration of occupied Iraq?

It is indeed quite strange. The Administrator does not make sense here. His speech comes out in what appears as an unintelligible way. We might forgivingly recall that this is his first self-account, thus imagining a subject who is insecure, unsure about himself and his own story. We also might call to mind Bremer's narration of his arrival in Bagdad (Bremer 2006a, 3: cited in the introduction to this article) and consider the Administrator's speech in relation to the chaotic situation which he was in during the first days of his reign in Iraq.

The main body of text in the preamble is followed by the confirmative 'I', one which affirms the Administrator's authority to speak and thereby call events to happen through performative speech: 'I hereby promulgate the following'.

Having established those which the Administrator answers to (those who are part of the scene of address in the absolutely primary process) as exclusively found within the field of international law the Administrator goes on to explain, in the five sections which comprise the main legal body of the regulation (we have now left the preamble), the role and functions of the CPA. Having already established his own legal subjectivity in the preamble he is now able to exercise

it by bringing the CPA into being. We might see this as his second legislative action, the first being his own self-creation.

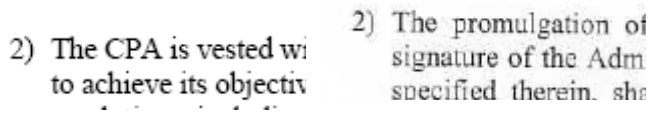
Thus, in section 1.2 of this first regulation in the Archive, the Administrator proclaims that 'the CPA is vested with all executive, legislative, and juridical authority necessary […] This authority shall be exercised by the Administrator'. He also establishes his own legislative tools and their supremacy over Iraqi law (section 2 and 3).

In this part of the regulation, the Administrator no longer speaks of himself as an 'I'. He now refers to himself in the third person: as 'the Administrator'. The narration seems less close to the intimate account of his self given in the preamble. This part of the self-account recalls the techniques of legal writing in which the 'I' become invisible by recourse to an impersonal, dehumanized, speaker.

A reference to the Iraqi people is found in section 1.1. of the regulation, stating that the CPA is to effectively administrate the Iraqi people in order to 'restore conditions of security and stability' and facilitate 'economic recovery' as well as 'sustainable reconstruction and development'. The Iraqi territory is referred to by stating that the US Central Command is safeguarding it (section 1.3). Are these references to others in the sense which flows from Laplanche's analysis of the placement of the other in the absolutely primary process?

The text does not seem to indicate the Iraqi people and territory as foundational others to the Administrator. Rather, the Iraqi people and territory appear as subjects onto which administration is applied (subjugated to the authority of the CPA which assigns rights and duties to them), as subjects of a sovereign. Nevertheless, the Iraqi people and the Iraqi territory are necessary conditions for the Administrator's legal subjectivity (after all there would be no CPA and no Administrator if there were no Iraqi people or territory). They are certainly not in the same category as 'relevant U.N. Security Council Resolutions and the laws and usages of war'.

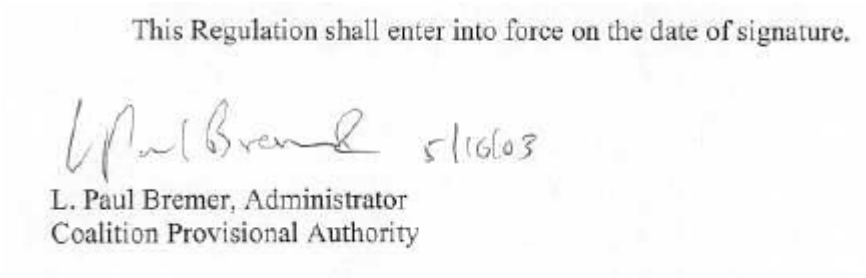
The text of the regulation flows in black, typed letters on white background. The text appears differently on the second and last page when compared to the first:


2) The CPA is vested wi
to achieve its objectiv

2) The promulgation of
signature of the Adm
specified therein, sha

Whereas the letters displayed on the first page are reproduced in the pdf copy in a deep black colour, the letters on the second page have greyish shadows and are a bit blurred. The second page also seems slightly tilted downwards to the right. The top of side two recalls not only what appears to be the original document (part of an original event) of the regulation but also the archiving technique of reproducing it as a pdf copy for the purpose of archiving in the Archive. This seems to portray failure, break down, haste, and chaos. But the visibility of the archival techniques in the Archive can also be taken to indicate a presence of the archival drive. The original event must be kept visible in the Archive at all costs. By showing to us that the second page is *different*, comes from somewhere else and has been touched by real life (outside of the Archive), we get the feeling of it carrying some importance. It carries *the event*.

The speech (the written text) reveals the Administrator's self without any trace of material corporeality (though the archiving techniques discernable on page two indicate human and corporeal interaction with the document). We might call it a 'voice' (thus recalling the result of a physical and corporeal effort), but it is a disembodied voice acting on its own. But at the end of the regulation the physical body of Bremer is called on. The speech alone cannot bring force to the regulation. Only through embodiment can the words of law come into force. It is done in the form of a signature. It is not just any signature. It is the signature of the 'I' who now embodies the Administrator: the one who has willed his body to the Administrator. Below the signature a name and a title is typed:


This Regulation shall enter into force on the date of signature.

5/16/03

L. Paul Bremer, Administrator
Coalition Provisional Authority

It is the personal signature and handwriting of Paul Bremer, the human subject who took on the task of embodying the Administrator. It is not until now, at the very end of the document, that we get to know the 'I' in its full complexity. The first self-account is concluded.

The second account

> *Pursuant* to my authority as Administrator of the Coalition Provisional Authority (CPA), and consistent with relevant U.N. Security Council resolutions, including Resolution 1483 (2003), and the laws and usages of war,

The second self-account comes out of a six page long regulation named 'Coalition Provisional Regulation Number 2 Development Fund for Iraq'. This time the Administrator is giving an account which at first repeats, almost word for word, the first account given in the first regulation: the direction of mind, the possessive pronoun, the invested authority, the title of office, followed by a relation between the 'I' presented in the first part of the sentence with the 'you' of the latter part. A new element is introduced: 'consistent with'.

The preamble contains new sections; five in total. The 'you' enumerated in this second account, i.e. the ones to which the 'I' answers, have grown significantly in number and detail. The preamble is thus much longer. It is no longer just the relevant U.N. Security Council Resolutions, the specified resolution 1483 (2003), and the laws and usages of war. There is also a 'letter' from the US and the UK permanent representatives of the Security Council (directed to the Security Council) professing to speak for their 'Coalition partners' as well.[34] There is further a recognition of the importance of creating a 'Development Fund' for Iraqi petroleum and natural gas resources, as well as a commitment to ensuring that the economic assets of that fund shall be used for the 'humanitarian needs of the Iraqi people, for the economic reconstruction and repair of Iraq's infrastructure, for the continued disarmament of Iraq, and for the costs of Iraqi civilian administration, and for other purposes benefiting the people of Iraq.'

The letter is only mentioned in the Administrator's self-account. Its content is not spelled out. However, knowing the content helps us to read the second account:

> In order to meet these objectives and obligations in the post-conflict period in Iraq, the United States, the United Kingdom and Coalition partners, acting under existing command and control arrangements through the Commander of Coalition Forces, have created the Coalition Provisional Authority, which includes the Office of Reconstruction and Humanitarian Assistance, to exercise

[34] Letter from the Permanent Representatives of the UK and the US to the U.N. Security Council addressed to the President of the Security Council, S/2003/538, May 8, 2003, Available on <http://www.globalpolicy.org/security/issues/iraq/document/2003/0608usukletter.htm> (visited 1 March 2011).

> powers of government temporarily, and, as necessary, especially to provide security, to allow the delivery of humanitarian aid, and to eliminate weapons of mass destruction. (Letter from the Permanent Representative, 2003.)

The letter, dated May 8, 2003, accounts for the creation of the CPA, dating its emergence to just a few days after the appointment of Bremer as the Administrator, and prior to the adoption of Security Council Resolution 1483 (2003). The Administrator is '*Noting*' the letter, thus drawing his authority (authorship) from the U.S. and U.K. governments, the Coalition Partners, as well as the letter itself (and its addressee: the U.N. Security Council). This paragraph of the preamble contains an account which expands the set of authorities to which the Administrator answers. In other words, the Administrator re-narrates his own emergence, backdating it to include also the letter. The Administrator acknowledges that his legal subjectivity is both defined and constrained by the letter. The Administrator is changing his story about himself.

What then about the narration on the natural resources of Iraq? This seems to be a narration which preludes the establishment of the Development Fund in the main legislative body which follows after the preamble. The Administrator has a somewhat different voice here. While reiterating his legal subjectivity *in action* the Administrator is subjugating the natural resources of Iraq to his authority, thus creating them as subjects to and under the control of the Development Fund (similarly called into being by the authority of the Administrator). These acts of the Administrator are spelled out in the main legislative body of the regulation (section 1–8).

The last page of the document, page six, stands out from the rest of the document. In the technical process of converting the original document (the original carrying the imprint of Bremer's signature) to a pdf copy, the white paper has attained a slightly greyish tone and the edges of the letters have become smudged. The original document has been downsized and the edges of the document appear as black vertical lines faintly marking the end of the paper. In the upper left corner, the distinct marks of multiple staples form a pattern of ten small dots. The original page six in the archived document has been attached, detached and reattached several times to what is and has been the rest of the second regulation.

It marks a separation; the speech of the first five pages might have been altered in a process of writing and rewriting the regulation, whereas the last page has always stayed in its original form (keeping within it the original event). This

last page cannot be substituted it seems. It cannot be presented in the Archive without marks of the original event:

The page also provides the scene for the entering into force by signature:

Entry into Force

This Regulation shall enter into force on the date of signature.

6/15/03

L. Paul Bremer, Administrator
Coalition Provisional Authority

There is a time-gap inscribed on the document. The bottom of each page of the regulation carries a date: June 10, 2003. The Archive web page assigns the regulation the date June 18, 2004: the date of the amendment to the regulation. The regulation is signed by Bremer on what appears to be June 15, 2003. The days between June 10, 2003, and June 15, 2003 represent time between the text of law and the force of law created through embodiment.

The third account

Pursuant to my authority as Administrator of the Coalition Provisional Authority (CPA), and consistent with relevant U.N. Security Council resolutions, including Resolution 1483 (2003), and the laws and usages of war,

This account appears twice in the Archive. First as 'Reg 3 Program Review Board**Amended per Reg 11 Sec ** 18 June 2004' following below the second account on the Archive web page, and then immediately below as 'Reg 3 Program Review Board**Amended per Reg 11 Sec 1** 18 June 2004'. The documents referred to are identical, titled 'Coalition Provisional Authority Regulation Number 3 Program Review Board'.

In this third self-account, the Administrator opens the preamble by mimicking his first two: the direction of mind, the possessive pronoun, the invested authority, the title of office, the relation between the 'I' presented in the first part of the sentence with the 'you' of the latter part: *consistent with*. The ones instigating the 'I' are again enumerated: The relevant U.N. Security Council Resolutions, Resolution 1483 (2003), and the laws and usages of war. Then in longer phrases, mimicking his second account: '*Noting* the letter', and '*Underscoring* the usage of the Development Fund for the humanitarian needs of the Iraqi people'. Following this, the Administrator adds two new paragraphs to the preamble.

The first paragraph reaffirms the commitment of the CPA to ensuring that state- and regime-owned cash are used only to assist the Iraqi people, thus recalling the language used in reference to the Development Fund (also found in the second account). In the second paragraph, the Administrator acknowledges what must be understood as an infringement on his authority:

> *Noting* that paragraph 8 of Resolution 1483 (2003) requests the Secretary General to appoint a Special Representative for Iraq whose responsibilities include, in coordination with the Authority, assisting the people of Iraq,

This is an infringement which the Administrator comes back to in the main legal body of the regulation, after the preamble.

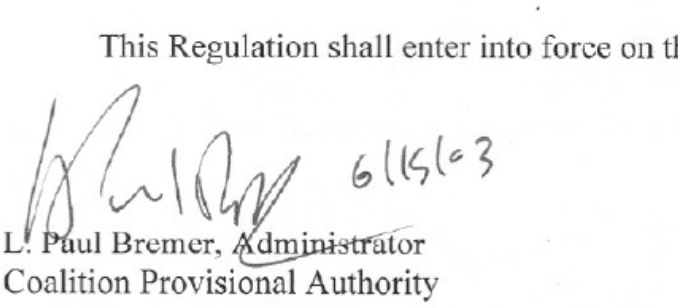
The main legal body of the regulation is narrated in third person. The Administrator has now left his 'I' behind and speaks of himself in a detached voice as 'the Admininstrator'. He moves to create the Program Review Board (PRB); a legal subject under the direct control of the Administrator. The function of the PRB, as specified in the regulation, is to manage the budgetary spending of Iraqi financial resources. The PRB is set up with a board of its own, CPA representatives and authorized representatives from the Commander of Coalition Forces, Iraqi Ministry of Finance, United Kingdom, and Australia (all permanent voting members), as well as concerning assets appropriated by the U.S. Congress: the U.S. Department of Defense, the U.S. Department of Treasury and the U.S. Department of State. Nonvoting members include authorized representatives of the U.S. Office of Management and Budget, the U.S. Office of the Secretary of Defense, the International Monetary Fund, the World Bank, the U.N. Special Representative of the Secretary General for Iraq (recalling the note on infringement of authority made in the fifth paragraph of the preamble), as well as the International Advisory and Monitoring Board (section 4).

Even though the enumeration made here is tiresome to read, it is of some significance to the question of just 'who' happens in the Archive, and to the

question of distribution of responsibility. In the section of the self-account referred to above, the Administrator calls on a broad range of persons and institutions to take part in his efforts. He does so while still remaining the authority of the CPA, narrating himself as the one who 'takes final action' (section 2.1). What does such an enumeration mean? Surely a distribution and a dispersion of the political, legal and ethical responsibilities of administration are at work here.

The regulation is eight pages long. While the seven first pages are white with perfectly sharp edged black typed letters, the last page carries – as do the first two self-accounts – the marks of technical conversion from an original paper document (carrying the imprint of Bremer's personal signature) to archived pdf copy. And, just as in the second self-account, the last page has been attached, detached and reattached:

Also, this third time, the Administrator's account ends with the declaration of force: 'This Regulation shall enter into force on the date of signature'. And there it is: the sign of the living 'I', the embodiment through which force comes to law:



What date has the hand imprinted? When did the original event of the signature occur? The bottom of each page of the document as well as the web page of the Archive stipulates June 18, 2003 as the date of entry into force. The date imprinted by Bremer looks peculiarly similar to the one in the previous regulation (see above), i.e. June 15, 2003. Were regulation two and three signed by Bremer on the same day but written and archived on different dates? When did the force instigated by material corporeality come to the letter of law? The third account ends with confusion about the account given. It does not seem to make full sense.

The fourth account

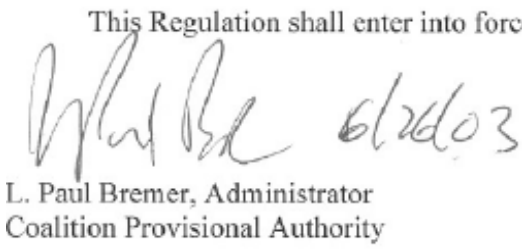
Pursuant to my authority as Administrator of the Coalition Provisional Authority (CPA) and the laws and usages of war, and consistent with relevant U.N. Security Council resolutions, including Resolution 1483 (2003),

In the fourth account, named 'Coalition Provisional Authority Regulation Number 4 Establishment of the Iraqi Property Reconciliation Facility', the Administrator reiterates the beginning of his first, second and third self-account: the direction of mind, the possessive pronoun, the invested authority, the title of office, the relation between the 'I' presented in the first part of the sentence with the 'you' of the latter part: *consistent with*. The 'you' to the 'I' are again enumerated but this third time in the reversed order (compared to the first three accounts): the laws and usages of war, and the relevant U.N. Security Council Resolutions, Resolution 1483 (2003).

In the three paragraphs which follow in the preamble, the Administrator sets out the problem which the main legislative body of the regulation aims to address: conflicting claims to property due to internal displacement of ethnic and religious minority groups under the Baathist regime (i.e. events taking place under Saddam Hussein's rule of Iraq, before the occupation of Iraq).

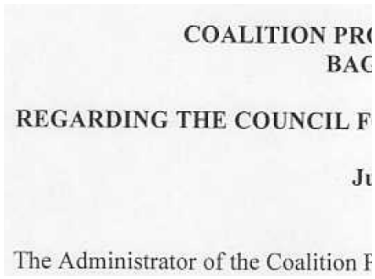
The main legislative body of the regulation is only two out of three pages. It sets up the Iraq Property Reconciliation Facility under the direct authority of the Administrator. The language in this part recalls that of the main legislative bodies of the prior regulations: it speaks of the Administrator in third person, thus indicating a distance and detachment in the narration.

The last, third, page stands out in the same way as it does in the first three self-accounts. It carries distinct marks of material corporeality. In the Archive, someone has left marks of the process of archiving. The scanning of the original document has not been done without 'flaws'. It comes through as a gathering together of different signs: the first pages carry the signs of orderly writing whereas the last page carries the sign of disorder and human and corporeal interaction. Besides the mark of the stapler, the distortion and the smudgy greyness, the last page carries the mark of the original event of the force of material corporeality coming to the text of law:



The signature can be recognised as belonging to Bremer. It is his personal handwriting. He has written the date May 26, 2003, the date upon which the regulation entered into force. The date of the signature when compared to that written in print at the bottom of each page (May 25, 2003) and that of the Archive web page (January 14, 2004) opens up, as in previous regulations, for a question concerning the different stages in which the regulation has moved from text to law to law in force and made public to its addressees.

The fifth account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The fifth account stands out from the rest. It is titled 'Coalitional Provisional Authority Baghdad Iraq Regarding the Council for International Coordination'. On the Archive web page it is named 'Reg 5 Council for International Coordination 17 June 2003'.

The document is one page only. There is no preamble. There is no 'I'. There is no signature, there is no recalling of material corporeality, and there is no entering into force. In the narration, the Administrator is referred to in third person, recalling the narrative style employed in the main legislative bodies of the first four regulations. We cannot be sure that this is the narration of the Administrator.

The visual impression and the narration are so different that a suspicion arises that something is missing from the Archive. Why is this regulation so dif-

ferent? Where are the different parts of regulation five? Perhaps this document is to be read together with the document named in the Archive as 'Reg 5 A Council for International Coordination (Amendment) 18 August 2003' (the sixth account following below). That document is titled 'Coalition Provisional Authority Regulation Number 5 Council for International Coordination (Amendment)' and on its second page titled 'Coalition Provisional Authority Regulation Number 5 Council for International Coordination'. The latter carries an indication that it is this document, rather than the one archived as 'Reg 5 Council for International Coordination 17 June 2003', which indeed is the fifth regulation.

The sixth account

Pursuant to my authority as head of the Coalition Provisional Authority (CPA), and under the laws and usages of war, and consistent with relevant U.N. Security Council resolutions, including Resolution 1483 (2003),

The sixth account is given in five pages. It seems to be two separate documents following each other (partly scanned and then merged in a pdf-formatting computer program).

In the preamble opening the first page of the regulation the Administrator reiterates his first, second, third and fourth self-accounts: the direction of mind, the possessive pronoun, the invested authority, the title of office, the relation between the 'I' presented in the first part of the sentence with the 'you' of the latter part: *consistent with*. The 'you's' are again enumerated, recalling the narration from his third and fourth self-account: the laws and usages of war, and the relevant U.N. Security Council Resolutions, Resolution 1483 (2003).

But this time 'the Administrator' is substituted by 'head'. It recalls the idea of the king as the head of the nation. It recalls, by ways of a metaphor, the image of material corporeality (the head of the king being the *rational* part of the body controlling and maintaining the unruly body). What sense does this new imagery make? Why would the Administrator suddenly call himself 'head' instead of 'the Administrator' on this particular occasion? Is it perhaps a way of re-establishing his legal subjectivity, his singularity as legislator, as the sovereign?

A second paragraph is added to the preamble:

Furthering the requirement to effectively manage CPA programs and activities through the assignment of responsibilities among CPA officials in a manner that responds to changes in personnel resources while preserving continuity of leadership,

Something has happened in the CPA. There have been 'changes in personnel resources'. Has the administrative 'body' become unruly? Perhaps this is the connection between the recourse to 'head' in the first paragraph of the preamble. The Administrator is continuously the leader (head) whereas the body might be suffering from injury or loss and subsequent healing by replacement (new personnel).

Another thing is new in the first paragraph of the preamble. The Administrator has added an 'and under' between his 'authority as the head of the Coalition Provisional Authority (CPA)' and 'the laws and usages…' What does this new subordination mean? Is the Administrator acknowledging, in a more explicit way than before, that he is subjugated to the sources of international law from which he draws his authority? Or, is this a positioning of his authority as separate from the enumerated international legal sources? The added 'and' is possible to read in such a way.

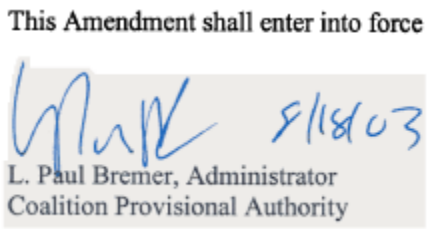
Something else is new too: the visual impression of the first page introduces features we have not seen before in the Archive. The first page is slightly skewed, making the text of the page slide downwards to the right. In the upper right corner, a combination of signs – letters and digits – have been jotted down:

The first six digits – '030818' – of the code are consistent with the date of signature (August 18, 2003) but the display of such scribble (a cipher, a secret code) is new to the Archive. Is this a sign referring to the internal disruptive matters in the organization of the body of the administration? It surely recalls an original event, but what kind of event? We seem to experience an event we cannot fully grasp.

Above the scribble is a horizontal slightly tilting line. Black and gray bleeds from the edge of the document down towards the line, reaching onto the scribble. This is what we know different machines of the office to do with documents: when processing an original document through a copying machine the copies might come out with a patina of black and gray. Perhaps the scanning machine caused the 'bleeding'. We cannot know, but we see the interaction of archiving techniques employed which maintain the original event in the Archive.

The page contains Bremer's signature. For the first time, it is presented in the Archive in blue ink, the preferred colour of signature. Bremer's original signature, imprinted by Bremer's hand on an original document, has been

processed through a computer image editing programme (e.g. Photoshop). The signature is cut out following the full length of the 'L' signifying Lewis, then curving down to settle on a horizontal line consistent with the 'P' of Paul, yet again curving down to level with the last line of the surname (is it the first or the last 'r' in Bremer?).



It recalls a process of gathering together signs of an original event, a gathering from different places. We can not be entirely sure, as we have been in the previous regulations, that Bremer actually did sign *this* document. We cannot with the same ease recall the image of Bremer's hand moving the pen to make an impression on *this* sheet of paper. This tells us something important about both the power of impression of material corporeality and of the techniques of carefully bringing that power into iteration through archiving.

At the bottom of the page the printed date of the regulation reads August 17, 2003. It seems as if Bremer did not move his hand to make an impression – to bring force to law – until a day after the text was written (the speech was uttered). The time-gap which we know from the previous regulations is iterated.

The second page is titled 'Coalition Provisional Authority Regulation Number 5 Council for International Coordination'. It iterates the same self-narration as on the first page. Also this account substitutes 'the Administrator' for 'head', as well as separates 'authority' from the international legal sources:

> *Pursuant* to my authority as head of the Coalition Provisional Authority (CPA), and under the laws and usages of war, and consistent with relevant U.N. Security Council resolutions, including Resolution 1483 (2003),

In the four paragraphs which follow, in the preamble on the second page, Resolution 1483 (2003) reappears as the basis for involving the member states to the U.N. in the work of the CPA, as well as the role of the Secretary General's Special Representative for Iraq, in the Council for International Coordination set up in the legislative body of the regulation. The Council is established to work

'under the authority, direction and control of the Administrator' (section 2.4). Its members are drawn from the nations of the Coalition Forces (the US, the UK and Australia given precedence), as well as from countries that:

a) support the territorial integrity of Iraq, and a representative government for the Iraqi people that does not possess weapons of mass destruction, does not support terrorism, and seeks peace with its neighbors;

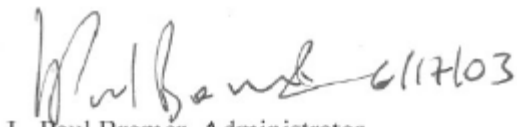
b) possess expertise or other resources that will assist in furthering the purposes of the Council as set out in Section 1; and

c) offer to provide a representative in Iraq.

In other words, the Administrator is calling on (a selected part of) the international community (i.e. the 'friendly' nations who can offer 'expertise') to take part. It is an involvement of others in the work of the CPA but it is not a sharing of power. The sovereign legislative power is still residing, according to the narration of the regulation, with the Administrator.

The fifth paragraph of the preamble recalls the letter, the same one mentioned in the preambles of account two and three. It seems as if the letter is invoked this time too in order to broaden the range of sources from which the Administrator draws his authority. Perhaps it is invoked to remind the Coalition partners of their allegiance. Perhaps it functions to disperse responsibility.

The last page of the document is slightly smaller than the rest of the pages and it is, as in the majority of the other self-accounts in the Archive, stapled. On this last page a signature appears bringing force to law. Bremer's hand signing the document in the original event is recalled in the process of converting the original signed document into a pdf copy, subsequently archived in the Archive:



L. Paul Bremer, Administrator
Coalition Provisional Authority

The date of the signature is June 17, 2003. On the bottom of page two to five (paginated as one to four) reads June 18, 2003. In the Archive the document is archived as August 18, 2003. Did the original event of signature (impression) take place on June 17 while the actual text (the speech) of the regulation was still not settled? What law did then come into force on June 17, 2003? We are left with what seems to be an incomprehensive relation to time when reading the sixth account. Material corporeality remains encapsulated in the event iterated in the Archive but the legal text falls apart in an incoherent way.

Looking out from the Archive

Who happens here? What can be understood about the Administrator from the speech and the traces of material corporeality in the Archive? How can we perceive of the Administrator in terms of ethical responsibility? The analysis below is divided in two. First, the speech is analysed. Second, the traces of corporeality found in the Archive are analysed.

Text and narrative voice

Let us first look closer at the language employed by the Administrator in the regulations. In terms of narrative voice one of the first things we note is the difference in voice between the preambles and the main legislative bodies of the regulations. Whereas the latter is narrated in the third person and consistent with the highly decontextualized, dehumanized and detached voice made use of in legal texts in general (Bhatia 1994), the Administrator's preambles are narrated in first person: the 'I'. The first person narration establishes a personal and intimate feel to the preambles. As readers we are implicitly interpellated as 'you' in an intimate conversation. At the same time a distancing and complex prepositional phraseology and syntax is used, one which often appears in legal language (Bhatia 1994, 143).

The usage of preambles is prevalent in legal texts, as is the complex prepositional phraseology and syntax. Thus we might say that the Administrator is mimicking law's usual textual structure. But preambles, especially in the context of international law, are seldom narrated in first person (see e.g. the preamble of U.N. Security Council Resolution 1483, 2003).

In terms of answering the question of 'who', the preambles provide the richest material of the text found in the Archive. The personal narrative voice,

together with the explicit purpose of explaining from where the Administrator draws his ability and authority to act, makes this part of the Administrator's self account particularly interesting to study.

The absolute primary processes: authority

Through reading the self-accounts in the Archive we have experienced how the Administrator has come into being, beginning by establishing himself for the very first time in the preamble of the first regulation (his first self-account).

The Administrator has given us the sources of his authority, the foundation of his ability to author his own actions, i.e. the laws and usages of war, the U.N. Security Council Resolutions (specifically naming 1483, 2003), and the letter (reg 1; reg 2; reg 3; reg 4; reg 5 A); he has established himself as sovereign in relation to the Iraqi people, territory and natural resources which he has (re) created as legal subjects through his speech (e.g. reg 1; reg 2); he has established himself as the 'authority' in relation to a number of political and economical bodies under the CPA – the Development Fund for Iraq (reg 2)[1], the Program Review Board (reg 3), the Iraq Property Reconciliation Facility (reg 4) and the Council for International Coordination (reg 5 A) – all of which have been called into being as legal subjects through the Administrator's speech; the Administrator has explicitly acknowledged how his ability to act is constrained by the Special Representative for Iraq appointed by the Secretary General to the U.N. (reg 3; reg 5 A); and he has called upon the members of the Coalition Forces (in particular the U.S., the U.K. and Australia) to partake in the work of the CPA (e.g. in the Council for International Coordination, as stated in reg 5 A), thus distributing responsibility (political as well as ethical) while at the same time reiterating that he as the Administrator still has full 'authority, direction and control' (reg 5 A).

In analyzing the narration of sources of authority, we might employ an international legal perspective and ask what kind of sources the Administrator is drawing on, knowing (from the introduction of this article) that there are a number of different directions in which the Administrator could have chosen to go. Having no predecessor in the office to rely on or mimic, the Administrator might be understood as 'free' to construe himself, thus as having a choice of which sources to draw his authority from – sources which he answers to. Why, we must ask, did he choose the sources he did and not others?

The sources he draws on are those who have – in Laplanche's terminology – impinged him: those who addressed him in his infancy. Thus, although the Administrator might seem 'free' to choose who and which sources to answer to,

we might say with Laplanche, that he is not. Nor is it a 'free' choice to give an account of himself. Those are integrated structures of the primary process which operates the Administrator. It is also an integrated structure within the field of international law to state the sources from where one draws ones authority.

The Administrator enters a scene of address which is already set and structured before him: the scene of international law (the international legal system). From the Administrator's speech, we can understand that scene to comprise of the international laws and usages of war i.e. international laws of armed conflict and occupation including customary law as well as the U.N. The role of the latter must be understood both as a legislator (of Security Council Resolutions – in particular 1483, 2003) and in its capacity to circumscribe the Administrator's authority in more practical terms, i.e. by forcing the Administrator to share (a limited part of) power with the Special Representative for Iraq. On the scene of address, the Administrator's interlocutors have already set the conditions for what it means to be a subject of international law. They have, as it were, thought of him before he existed.

In his second self-account, the Administrator introduces a new source of his authority: the letter. This recognition is not placed alongside the others in the first paragraph of the preamble. Still it is part of the enumeration which is given in the personal and intimate first person voice of the 'I'. The letter, somewhat belatedly, introduces the U.S. and the U.K. as sources of the Administrator's authority. Although being subjects of international law, the U.S. and U.K. should not be understood here primarily as such, but rather as a separate category of sources of authority. In reference to this, we might remember Bremer accounting for how he was appointed to be Bush's man in Iraq (Bremer 2006a, 12) as well as the CPA being funded as a division of the United States Department of Defense with the Administrator reporting directly to the Secretary of Defense (Halschin 2006).

Keeping in mind in what order the Administrator has enumerated – or answered to the impingements by – his sources of authority (especially noting the late introduction of the letter and the downplayed role of the U.S. and U.K.) we can move on to the relation between the Administrator and his sources, i.e. to the question of how the subjectivity of the Administrator is construed.

We might say that the Administrator answers to the (implied) question: 'who are you'. That is a question posed by the sources from which he draws his authority. The Administrator, who is in the chaotic days of his 'infancy', answers to the impingement he has experienced. His answers can also be read as a question: 'who are *you* who have impinged me?' 'to what degree will you – law of war – define me?' 'who are you – Resolution 1483 (2003) and in what way am I

bound to you?'. 'Who are you' is a very well founded question for international law (as well as the U.S. and the U.K.), i.e. the sources of the Administrator's authority, to direct towards the new legal subject of the Administrator who has entered the scene of international law. We might imagine the sources asking: 'to what degree will you stay true to us and honour the agreed upon principles of international law? To what degree are you one of us?'

From the perspective of international law, it is not only the Administrator who emerges as a subject through the speech in the Archive. The Administrator subjugates himself to the international legal order (as well as – though to a lesser degree – that of the U.S. and the U.K.) from which he draws his authority. Through this act, he simultaneously constitutes the international legal order as authoritative and constitutive. In this respect, international law is re-created and re-established as a subject. To perceive of the Administrator as a legal subject who is only constrained by or subordinated to the international legal sources he draws on (a subject who is entirely unable to author his own actions) would be a mistake. Rather, through this enumeration and subjugation of himself (placing himself in relation to his others on the scene of address), he is able to gain agency (i.e. authority to act) from the structure of international law; he can become the Administrator.

Consequently, we might say that there is a question/answer interaction in the Archive between the Administrator and international law (and the U.S. and the U.K. as minor sources of authority) through which the Administrator becomes a subject and gains agency to act. He becomes one of them.

What are then the limits of his subjectivity and authority? We might say that the Administrator's allegiance to international legal sources as well as to the U.S. and the U.K. limits or constrain his subjectivity and his authority to some degree. He might be understood to pay allegiance not to go beyond what these sources prescribe. At the same time, we can note that the Administrator did not, during his reign in Iraq, follow international law at all times. A fair understanding of the constraints put on him might thus be that the Administrator identifies himself with and through international law – and to a lesser degree with the U.S. and the U.K. – and is thus bound to appear to act in compliance with them.

Interms of limitations to the Administrator's authority, the Special Representative for Iraq is interesting. He first appears in the third of the Administrator's self-accounts. The reference to power-sharing is rather explicit (reg 3). This might be understood as a constraint put on the Administrator by the U.N., thus by the international legal system to which the Administrator refers as one of his sources of authority.

The Administrator describes himself as sovereign in relation to the Iraqi people, territory and natural resources (e.g. reg 1 and reg 2). He also places himself as the one having the authority to exercise 'all executive, legislative and juridical authority' in Iraq (reg 1). He creates a number of political and economical bodies as legal subjects under the CPA. Does this mean that the Administrator is a sovereign legal subject? Whatever meaning one might put into the word 'sovereign' it might not be the correct term for describing the Administrator as a legal subject, at least not without qualification of the term. He might be in a (limited) sovereign relation to some of his others, but certainly not in relation to all.[35]

The image that comes through in the regulations in terms of the authority is thus one in which international legal sources seem to play the most central role in constraining as well as creating the conditions for the Administrator's agency – his ability to act. International law sets the scene of address in which the question/answer interaction takes place. In Laplanche's terminology, we can say that the first paragraph of the preambles is the infant's answer to the original impingement it has experienced. It is an answer as well as a call and a commitment to the world and the others who have called the Administrator into being.

Authorship: chaos, repetition, failure

Let us now look closer at the repetition made in and through the Administrator's accounts in the Archive. This is a repetition which re-enacts (over and over again) a textual pattern – preamble, main legislative body, signature – a particular voice – first person in the preamble and third person in the main legislative body – as well as a visual impression – orderly black letters on a white background followed by an unruly personal signature. But it is also a repetition allowing a comparison between different self-accounts given by the same subject during a limited period of time. Although repetition provides a stable structure, it also allows, as we will see, for chaos and failure to present itself.

Repetition is, as Derrida points out, one of the techniques of the archive (Derrida 1998, 11). The point Derrida makes does not primarily apply to the Administrator's iteration of sources of authority, but rather to the 'gathering together of signs' in the Archive. Taken one at a time, the regulations make no impression of repetition, nor do they come through as particularly chaotic. We

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[35] In reference to Carl Schmitt's theorizing of sovereignty (Schmitt 1985; Schmitt 2006) the Administrator has been understood in legal scholarship as a 'sovereign dictator'(Bhuta 2005) and a 'limited sovereign' (Arvidsson 2007a). See also Arato 2003 and Stirk 2004.

find a few notable 'errors' or irregularities which can be understood as bad proof-reading. But when putting the regulations next to each other, i.e. the 'gathering together' in the Archive, the full picture emerges of a subject who repetitively gives an account of himself.

The Administrator's authority to act is, as has been noted above, to a certain degree constrained by the sources from which he draws his authority. The ability to author his own actions must, as a consequence, be understood as constrained too. The Administrator can, as it were, not fully remember the original impingement he has experienced. He cannot fully know who he is and why he acts (is able to act) in the way he does.

The irreversible binding to his others – those who have impinged him – and his predisposition to give an account of himself – trying to rendering himself ethical – provides a firm ground for arguing that the Administrator is ethically responsible for his acts, even though he is unable to fully account for himself. But have we understood the Administrator correctly when we say that his self-accounts are failing to correspond to the requirements of a coherent, rational story about a transparent subject?

When putting the regulations next to each other and reading in the Archive, we must note that the accounts given there are not the same. There is a development over time in which the Administrator changes his story. Even though some of the accounts in the first paragraphs of each regulation are identical, not all are. The order of sources of authority differs ever so slightly (e.g. between reg 1 compared to reg 2; between reg 1 and 2 compared to reg 3), 'authority' is exchanged for 'head' in reg 4 and reg 5 A, and in the second account a 'consistent with' is introduced. Those are slight variations, perhaps insignificant from many perspectives, but in the context of analysing the way in which self-accounts unfold, they say something important about the subject uttering the words. This kind of irregularity is not something which international legal scholarship expects from a legal subject of a professional legal office. Such a subject should make sense and express himself in an orderly, coherent and rational way. Rather than living up to this imagined ideal of a legal subject of a professional legal office the Administrator seems – in his slightly incoherent self-accounts in each of the first paragraphs of the preambles – to be mimicking the ways in which incoherent, dispersed and opaque-to-themselves human subjects are accounting for themselves.

There is also the letter introduced in the second regulation. By the late introduction of the letter, the Administrator is backdating his emergence, thus changing his story substantially. The belated introduction makes us ask: did he forget the letter in his first self-account? Did he not know of it? Does he not

fully know to whom and how is he answering? Is he not able to account for who has impinged him? Like the overwhelmed infant Laplanche speaks about, the Administrator does not seem to know. He seems to change his story as he realizes new sources of his own emergence and agency.

It is not only the narratives of the preambles which break down. In order to come through as persuasive, self-accounts are generally arranging events in sequential orders in accordance with historical liner time (recalling the time-concept of *chronos*). But in the Archive we find time, the dates of signatures and entering into force of the regulations, confused and confusing. It does not make sense to a degree where the authenticity of the original event of force coming to the text of the law – of law entering into force – becomes possible to doubt. We are even left with a suspicion that Bremer might have signed a document which substantially differs from the one archived in the Archive (reg 5 A).

An image of chaos emerges. We are reminded of the chaotic environment and situation in which the Administrator acts. The self-accounts studied in this article are given during the first days of the Administrator's reign in Iraq. The occupying forces are only barely in control of the city. It is hot, also inside the palace. There is no air-conditioning. No one knows who is in charge of what. Many decisions lie ahead and time is scarce. Instructions from Washington are contradictory, as is information about the situation in Iraq. It has to be done right. As time passes, perhaps the Administrator is less overwhelmed, and finds himself better able to recognize those who have impinged him – and still impinges him. Perhaps he learns how to better respond. But at this point in time we find a legal subject who is trying, but not fully succeeding, in giving an account of himself. We find an author not fully in control of his narrative: one who cannot fully and coherently explain why and how he is able to act.

Traces of material corporeality

In the analysis above, the focus has been on the legal subject found in the Archive. But an important part of the analysis focuses on the traces of the physical body, of material corporeality, found there. What does the physical body do in the Archive and how do the archival techniques, as set out by Derrida (Derrida 1998), facilitate the relationship between speech or text (as written words) and material corporeality, between the Administrator and Bremer, between the legal subject and the human subject? The question might be directed directly to Bremer and the Administrator: how do you interact in the Archive in order to create law?

The most striking appearance of material corporeality is the signature appearing at the very end of the regulations (reg 1; reg 2; reg 3; reg 4; reg 5 A). Here we experience what Derrida calls an original and 'pure event' (Derrida 1984, 328). Bremer's signature encapsulates a 'now', a presence, which re-emerges each time we look into the Archive. Although we know that Bremer signed these documents many years ago (as this article is written nearly eight years after act of signing took place), we still experience the image of Bremer's hand moving a pen over the paper and bringing force to the text of law. This is the enduring 'now' of the signature. The visual effect of the orderly written black letters of the legal text (the Administrator's self-account) next to the unruliness of Bremer's personal signature is striking. It works as a 'gathering together of signs' from different places (Derrida 1998, 3): the Administrator gives us his speech (written text) and Bremer gives us an experience of flesh and blood. It is a meeting of the text of law and the 'force' of material corporeality (reg 1; reg 2; reg 3; reg 4; reg 5 A).

On a number of occasions, we experience that the signature – the event – has taken place elsewhere and at a different point in time than the main part of the text of the regulation. The last pages of regulations 1, 2, 3, 4 and 5 A have been processed through a scanner and merged with the first pages of the regulations. Traces from this technical conversion are found in the Archive: a gray smudginess (reg 1; reg 2; reg 3; reg 4; reg 5; reg 5 A), distortion (reg 1; reg 4), downsizing (reg 2), tilting text (reg 5 A), ink 'bleeding' onto the document (reg 5 A), scribble (reg 5 A), and Bremer's signature in ink blue 'cut' out or copied from elsewhere and 'pasted' on a new document (reg 5 A). The last pages of regulations 2, 3, 4 and 5 A are stapled, putting emphasis on this last and signed page as non-replaceable, as carrying 'the original event'.

What can a reading of these signs say about the relationship between the Administrator, Bremer and his physical body (material corporeality) as is played out in the Archive? The archival techniques employed suggest that material corporeality, the body's physical interaction with the legal text, is encapsulated and pressed on every future 'now'. The formulation 'shall enter into force on the date of signature' reiterated above each signature in the Archive (reg 1; reg 2; reg 3; reg 4; reg 5 A) suggest that one of the things that the physical body (material corporeality) does in the Archive is to give 'force' to the text of law: it seems to constitute the *force* of law.

But is it the physical body alone that gives 'force'? As material corporeality signifies only the actual human physical body of flesh and blood (and not the drives, intentions, and energies), such a conclusion would be incorrect. Bremer, as a human subject, appears through the signature (reg 1; reg 2; reg 3; reg 4; reg 5

A) as the one subjugating his physical body to the use of the Administrator. The signature thus indicates Bremer's personal will (see Derrida 1984, Parsley 2006), i.e. his intention to allow his physical body, his name and his personal sign to be used by the Administrator. The personal signature becomes the venue where Bremer as a human subject and his physical body interacts with the Administrator in a coordinated act bringing about law.

The distribution of 'work' might then be said to be that the Administrator speaks in the Archive, Bremer indicates his will to lend his physical body, his name and his personal signature, and through the embodiment completed in that signature – and by the subsequent explanatory text: 'L. Paul Bremer, Administrator' (reg 1; reg 2; reg 3; reg 4; reg 5 A) and through the movement of the pen bringing the signature to the text of law – law enters into force.

But what does this interrelatedness between the legal subject, the human subject and the physical body mean in terms of ethical responsibility? The distribution of 'work' might be resolved in the Archive, but the same cannot be said about ethical responsibility for the acts undertaken by the Administrator through the physical body, name and personal signature extended by Bremer to the use of the Administrator. This issue seems to remain unresolved.

Concluding remarks – recognition and forgiveness

Bremer has presented himself – through a number of self-accounts concerning the time during which he embodied the Administrator – as a human subject who is inherently decentred, ungrounded, incoherent and opaque to himself *but nevertheless* ethically responsible for his acts. Imagining Bremer as the subject of which Laplanche speaks provides no difficulty. Bremer suffers from his experience of the original impingement and he is operated by the primary process instigated in his infancy. His inherent and irreversible interrelatedness with others prompts him to give an account of himself; he gives account after account of his time in Iraq. In a partly senseless way, he is trying to make sense of himself and what he has experienced. He answers to those who have impinged him and disassociates himself from blame for what went wrong in Iraq during the time of CPA administration.

Through the analysis of the first (infant) self-accounts of the Administrator, as found in the Archive and analysed above, we have been able to understand the Administrator as a legal subject who, in this respect, mimics human subjectivity: inherently decentred by his many sources, ungrounded by his allegiances,

incoherent in his self-accounts, and opaque to himself *but nevertheless* ethically responsible for his acts.

We might say that we can now see how the Administrator mimics a human subject who is trying to render himself ethical by giving an account of himself. That answers the question 'who happens here?': a subject that is ethically responsible for its acts. But it does not answer the question of distribution of responsibility for the acts undertaken by the Administrator through the physical body, name and personal signature extended by Bremer to the use of the Administrator.

We might say that both Bremer and the Administrator are responsible for *their* acts since both of them are, by the definition given in this article, ethically responsible subjects. But which acts should we allocate to them respectively? When looking into the Archive and experiencing that law takes place there; to what extent might we say that 'the Administrator did it' or 'Bremer did it'? Can we really say: 'the Administrator did it all'? Can we, after having concluded that the human subject and the physical body are irreducibly a parts of law taking place, say that ethical responsibility – in part or in whole – should be distributed this or that particular way? Can a human subject who has lent his physical body, his name and his personal signature to the use of a legal subject successfully exculpate himself from ethical responsibility by saying: 'I' was not 'I' at the point of acting; or 'I' was 'him' – this other subject – who has to answer for himself and 'I' can take no part in an ethical responsibility for my implication in whatever 'he' as done; 'my' body was not 'me'; my name and personal signature was at this particular point in time overtaken by this other subject for whose actions 'I' cannot account; can I say that I, as a human subject, have no ethical responsibility for what law does in my name and through my flesh and blood?

Surely, there are many willing to argue this. Such an approach provides a comfortable distance between 'me' as a human subject and the consequences of my professional practices. When the legal subject is one which emerges for a particular purpose – as is the case of the Administrator – and is expected to cease to exist shortly thereafter (on the completion of the job) the situation is put to its point: if we say that the Administrator, i.e. the legal subject, was solely ethically responsible for the acts undertaken within his office during his reign in Iraq, then what happens to ethical responsibility after the Administrator has ceased to exist? Is no one, at that point, ethically responsible for what has been done? Can Bremer walk away saying 'I didn't do it'?

The disassociating speech spelled out above might provide a foundation for some to act within their legal professions in ways which they would never be able to do – and live with having done – were they to realize that ethical responsibility

for such acts attaches itself not only to the legal subject of the professional office but also irreversibly to the one who embodies it. It is a way of disassociating and dispersing responsibility, and to promote irresponsibility.

In the beginning of this article, I asked how ethical responsibility is played out, construed and distributed between the Administrator and Bremer. The answer which emerges through this study is that both the Administrator and Bremer emerge as ethically responsible subjects. Following my analysis of the interaction between the Administrator and Bremer – his physical body, his name and his personal signature – in making law (acting), they cannot ethically be separated. As such, they might be argued to be as interrelated in their ethical responsibility for the acts performed in the Archive as they are in the process of bringing law about.

However, my answer means little unless the subjects *assume* the ethical responsibility which is theirs; if they recognize the limits of self-knowingness that conditions all of us and recognize the suffering of the others to whom we are inherently interrelated. This is the recognition which must constitute a disposition of humility and generosity in each subject so that 'I' will need to be forgiven for what 'I' cannot fully have known, and 'I' will be under a similar obligation to offer forgiveness to others, who are also constituted in partial opacity to themselves.

On this account we can also begin to answer the question of what is inherently human in law. If human and legal subjects are inherently interrelated, and if the physical body (material corporeality) cannot be disassociated from the process of bringing force to the text of law, surely we find questions of ethical responsibility at the very heart of what legal practice and legal scholarship must be about.

* Who am I?

As author of this text, I must place myself outside the Archive while still being present at the scene of address. I am, as it were, the analyst. The Administrator gives an account of himself (*Pursuant* to my authority… *Pursuant* to my authority… *Pursuant* to my authority…). My role is to listen and analyse.

While pursuing my role I keep thinking: who happens here? What can be understood about law and ethical responsibility of the interrelated legal- and human subjects of professional legal offices from the study of this irrational, incomprehensible and manic iteration the Administrator is extending towards me? What sense can be made from such speech?

Recalling Cavarero's positioning of the question 'who' as the inauguration of ethics, I must listen to who the Administrator makes himself to be when giving his account. But, as I have been trying to show, the question 'who are *you*?' which I pursue in this article is nothing but the initial response of an 'I' seeking to understand itself, seeking to narrate itself and making sense of its relation to its others: a subject which is ultimately failing to give an intelligible account of itself. This 'I' is the author-'I'. The question 'who happens here?' can only be answered within a framework that acknowledges who 'I' – the author of this text: Matilda Arvidsson – am. Who am I?

I am someone who has embodied a legal subject of a professional legal office – that of a judge – during a brief time-period. I have been haunted by that experience ever since, not knowing how to respond to the persistent pain of having subjugated myself, my physical body, my name and my personal signature to the practice of law. In that sense, I have a personal engagement in studying the self-accounts given by the Administrator and by Bremer. I ask: 'who are you' in order to find an answer to the question 'who am I?' Who are you – my others who have instigated me? – and how am I able to recognize you? How can I recognize your suffering? How can I make sense of our interrelatedness? In what ways am I ethically responsible for the acts undertaken in my name and through my physical body?

By his self-accounts, which have come to me, have touched me, and which have thoroughly evoked my compassion, the Administrator has bound me to him. His radical self-unknowingness is heartbreaking and I find myself instantly forgiving him for not knowing who he is. He seems utterly lost and manic. He seems not to know how to adequately answer to the original impingement he has experienced. He doesn't seem to know who he is. His narrations are repetitive, yet he doesn't manage to give a consistent account of himself. How ever hard he tries, his narratives break down. We engage in the kind of subject-formation/de-formation which forms the Administrator and Bremer as subjects. If this is such a common and everyday re-formation, why then am I so haunted by the subject-coupling of the Administrator and Bremer?

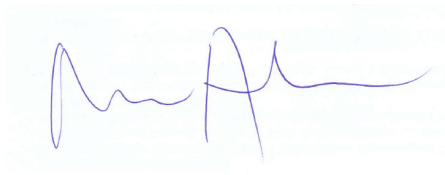
The narration of the Administrator (as well as that of Bremer) speaks of and evokes my own experience of an initial call. The absolutely primary process which operates me also operates the Administrator and Bremer, and I feel, to a certain degree, responsible for them. It is, and it *feels* paradoxically, as if the Administrator's and Bremer's self-unknowingness is mine. The Administrator and Bremer make me complicit in their actions and the suffering their actions have caused. As a legal scholar-in-the-making with a particular focus on the

international laws of armed conflict, I am interpellated by the Administrator's recourse to a field of law I think of as mine.

Another way of thinking this through is to consider the structure of the scene of address and the territorial dispersion operating through the Archive (the WWW). I must then relate the Archive to a traditional type of archive, one which is structured on mechanical techniques of filing documents in alphabetical, chronological, numerological order, into cabinets which are placed, row after row, in buildings called 'archive'. I can resist the structure of the archive in a way which seems less possible with the Archive. Whereas I can physically and geographically transpose myself into and out of the archive, the Archive appears to me in the context of my everyday professional and personal life. It appears on my laptop (the one I use to write this article), illuminating my fingers (by means of diodes in my laptop screen) as they work on the keys of the laptop keyboard. The Archive is always there for me. I can access law's original events by a few 'clicks'. By means of its virtual structure, the Archive reaches into my life in a way which traditional archives never can. It is always there for me, calling on me.

Reading the self-accounts given by the Bremer and by the Administrator in the Archive has prompted me to write this article. It has convinced me that there is an ethical responsibility inherently attached to the legal subject of the professional legal office, as well as the human subject subjugating its physical body to its use. The question which remains is how such an ethical responsibility can become something properly reflected on within law, legal science and the everyday practice of professional legal offices. How might we, as legal scholars, recognize of our limits of knowing and our shared experiences of suffering? How might we find a way to forgive and be forgiven as an integrated part of what it means to practice law and be legal scholars?

My own experience of practicing law has come back to me. I have moved from that position but the experience still resides within the question of who I am. I have repositioned myself as a scholar of law, and from this position I give this account of myself. This is my scene of address. You are my interlocutor. This is who I am.



Matilda Arvidsson

Articles, books, reports, and working papers

Adorno, Theodor W. & Max Horkheimer: *Dialectic of Enlightenment*. Translated by Herder & Herder. Verso, London and New York 1997 [1944].

Arato, Andrew: 'The Occupation of Iraq and the Difficult Transition from Dictatorship'. 10 (3) *Constellations* (2003) 408–424.

Arendt, Hannah: *Eichmann in Jerusalem: A Report on the Banality of Evil*. Penguin Books, New York 1994.

Arvidsson, Matilda: 'På vägen till Damaskus: Suveränen, demos, tiden och rätten. En läsning av Carl Schmitt i undantagstillståndet, kriget och ockupationen'. In Matilda Arvidsson & Elsa Trolle Önnerfors (eds): *Det Kjell Åkiska: En hyllningsskrift till Kjell Å Modéer inför pensioneringen i maj 2007. Andra upplagan*. Corpus Iuris förlag, Lund 2007a, 24–58.

Arvidsson, Matilda: 'The Presence of Absence of Personal Identity: Everyday Conditions of Practicing Law'. In Matilda Arvidsson & Elsa Trolle Önnerfors (eds): *Jag sträcker mig in i framtiden*. Corpus Iuris förlag, Lund 2007b, 3–30. (Also available on SSRN: <http://ssrn.com/abstract=1122806>).

Arvidsson, Matilda: 'How Long is "Now"? The Christian Eschatological Concept of Time within International Laws of, in and after War: A Critique of Law and our Nordic Societies'. In Lisbeth Christoffersen, Kjell Å Modéer & Svend Andersen (eds): *Law & Religion in the 21st Century – Nordic Perspectives*. DJØF Publishing, Copenhagen 2010, 365–390.

Austin, J. L.: *How to Do Things With Words*. Second Edition. Edited by J. O. Urmson & Marina Sbisà. Harvard University Press, Cambridge 1975.

Benvenisti, Eyal: *The International Law of Occupation: With a new preface by the author*. Princeton University Press, Princeton and Oxford 2004.

Bhatia, Vijay: 'Cognitive structuring in legislative provisions'. In John Gibbons (ed): *Language and the Law*. Longman, London 1994, 136–155.

Bhuta, Nehal: 'The Antinomies of Transformative Occupation'. 16 (4) *European Journal of International Law* (2005) 721–740.

Borsch-Jacobsen, Mikkel & Gina Michelle Collins: 'The Law of Psychoanalysis'. 15 (2) *Diacritics* (1985) 26–36.

Boon, Kristen E.: 'Legislative Reform in Post-Conflict Zones: Jus Post Bellum and the Contemporary Occupant's Law-Making Powers'. 50 (3) *McGill Law Journal* (2005) 1–41.

Bremer III, L. Paul with Malcolm McConnell: *My Year in Iraq: The Struggle to Build a Future of Hope*. Threshold Editions, New York 2006a.

Bremer III, L. Paul (author, reader), Boyd Gaines (narration, reader) & Malcolm McConnell (contributor): *My Year in Iraq: The Struggle to Build a Future of Hope*. Abridged Audio Book, Audio CD. Simon & Schuster Audioworks, New York 2006b.

Butler, Judith: *The Psychic Life of Power: Theories in Subjection*. Stanford University Press, Stanford 1997.

Butler, Judith: 'Giving an Account of Oneself'. 31 (4) *Diacritics* (2001) 22–40.

Butler, Judith: *Giving an Account of Oneself*. Fordham University Press, New York 2005.

Cavarero, Adriana: *Relating Narratives: Storytelling and Selfhood*. Translated by Paul A. Kottman. Routledge, London 2000 [1997].

Chandrasekaran, Rajiv: *Imperial Life in the Emerald City. Inside Iraq's Green Zone*. Vintage Books, New York 2006.

Chesterman, Simon: *You the people: The United Nations, Transitional Administration, and State-Building*. Oxford University Press, Oxford 2004.

Cohen, Jean L.: 'The Role of International Law in Post-Conflict Constitution-Making: Towards a Jus Post Bellum for "Interim Occupations"'. 51 *New York Law School Law Review* (2006) 497–532.

Derrida, Jacques: *Margins of Philosophy*. Translated, with additional notes, by Alan Bass. Chicago University Press, Chicago 1984 [1972].

Derrida, Jacques: *Archive Fever: A Freudian Impression*. Translated by Eric Prenowitz. Chicago University Press, Chicago 1998 [1995].

Diamond, Larry: *Squandered Victory: The American Occupation and the Bungled Effort to bring Democracy to Iraq*. Owl Books, New York 2005.

Dinstein, Yoram: 'Legislation under Article 43 of the Hague Regulations: Belligerent Occupation and Peacebuilding'. *Program on Humanitarian Policy and Conflict Research, Harvard University, Occasional Paper Series*, Fall 2004, No 1, 2–16.

Dinstein, Yoram: *The International Law of Belligerent Occupation*. Cambridge University Press, Cambridge 2009.

Dodge, Toby: *Inventing Iraq: The Failure of Nation Building and a History Denied*. With a new preface. Columbia University Press, New York 2005.

Douglas, Mary: 'The Two Bodies' [1970]. In Mariam Fraser & Monica Greco (eds): *The Body: A Reader*. Routledge, London and New York 2005, 78–81.

Dower, John W.: *Embracing Defeat: Japan in the Wake of World War II*. W. W. Norton & Company/The New Press, London/New York 1999.

Eslava, Louis: 'Occupation Law: (Mis)use and Consequences in Iraq'. 27 (1) *Revista Contexto* (2007) 79–114.

Feldman, Noah: *What We Owe Iraq: War and the Ethics of nation Building. With a new afterword by the author*. Princeton University Press, Princeton 2006.

Fletcher, John: 'Introduction'. In Jean Laplanche: *Essays on Otherness*. Edited by John Fletcher. Translated by Routledge. Routledge, London and New York 1999 [1992], 1–51.

Foucault, Michel: *The Archaeology of Knowledge and the Discourse on Language*. Translated by A. M. Sheridan Smith. Pantheon Books, New York 1972 [1969].

Foucault, Michel: *Power/Knowledge: Selected Interviews & Other Writings 1972–1977*. Edited by Colin Gordon. Translated by Colin Gordon, Leo Marshall, John Mepham & Kate Soper. Pantheon Books, New York 1980.

Fox, Gregory: 'The Occupation of Iraq'. 36 (2) *Georgetown Journal of International Law* (2005) 195–298.

Fox, Gregory: *Humanitarian Occupation*. Cambridge University Press, Cambridge 2008.

Halschin, Elaine L.: *The Coalition Provisional Authority (CPA): Origin, Characteristics, and Institutional Authorities*. CRS Report for Congress (Order Code RL32370) Updated

September 21, 2006. Available on <http://digital.library.unt.edu/ark:/67531/metacrs10420/> (visited 1 March 2011).

Hart, Roderick P. & Suzanne Daughton: *Modern Rhetorical Criticism*. Third Edition. Ally & Bacon, Boston 2004.

Hobbes, Thomas: *Leviathan*. Edited with an introduction and notes by J. C. A. Gaskin. Oxford University Press, Oxford 2008 [1651].

Imseis, Ardis: 'On the Fourth Geneva Convention and the Occupied Palestinian Territory'. 44 (1) *Harvard International Law Journal* (2003) 65–138.

Kakutani, Michiko: 'A View From the Center of the Iraq Maelstrom', *New York Times*, January 12, 2006. Available on <http://query.nytimes.com/gst/fullpage.html?res=9501E7D9163FF931A25752C0A9609C8B63> (visited 1 March 2011).

Koskenniemi, Martti: 'Faith, Identity, and the Killing of the Innocent: International Lawyers and Nuclear Weapons'. 10 (1) *Leiden Journal of International Law* (1997) 137–162.

Koskenniemi, Martti: 'Occupied Zone – "A Zone of Reasonableness?"'. 41 *Israel Law Review* (2008) 13–40.

Laplanche, Jean: *Essays on Otherness*. Edited by John Fletcher. Translated by Routledge. Routledge, London and New York 1999 [1992].

Lopez, Kathryn Jean: 'An American in Baghdad: L. Paul Bremer III on his Year in Iraq'. *NRO's Q&A*, January 10, 2006. Available on <http://old.nationalreview.com/interrogatory/bremer200601100900.asp> (visited 1 March 2011).

McCarthy, Conor: 'The Paradox of the International Law of Military Occupation: Sovereignty and the Reformation of Iraq'. 10 (1) *Journal of Conflict and Security Law* (2005) 43–74.

Mégret, Frédéric: 'International Prosecutors: Accountability and Ethics'. *Katholike Universiteit Leuven, Leuven Centre for Global Governance, Working Paper* no 18, 2008. (Also available on SSRN: <http://ssrn.com/abstract=1313691>).

Merry, Sally Engle: 'Ethnography in the Archives'. In June Starr & Mark Goodale (eds): *Practicing Ethnography in Law: New Dialogues, Enduring Methods*. Palgrave Macmillan, New York 2002, 128–142.

Nietzsche, Friedrich: *The Genealogy of Morals*. Translated by Horace B. Samuel. Dover Publications, New York 2003 [1913].

Orend, Brian: 'Justice After War'. 16 (1) *Ethics & International Affairs* (2002) 43–56.

Orford, Anne: 'The Destiny of International Law'. 17 (3) *Leiden Journal of International Law* (2004) 441–476.

Orford, Anne: *Reading Humanitarian Intervention: Human Rights and the Use of Force in International Law*. Cambridge University Press, Cambridge 2007.

Orford, Anne: 'International Territorial Administration and the Management of Decolonization'. 59 (1) *International and Comparative Law Quarterly* (2010) 227–249.

Orford, Anne: *International Authority and the Responsibility to Protect*. Cambridge University Press, Cambridge 2011.

Parsley, Connal: 'Seasons in the Abyss: reading the void in *Cubillo*'. In Anne Orford (ed): *International Law and its Others*. Cambridge University Press, Cambridge 2006, 100–127.

Roberts, Adam: 'Prolonged Military Occupation: The Israeli-Occupied Territories Since 1967'. 84 (1) *American Journal of International Law* (1990) 44–103.

Roberts, Adam: 'Transformative Military Occupation: Applying the Laws of War and Human Rights'. 100 (3) *American Journal of International Law* (2006) 580–622.

Said, Edward W.: *Culture and Imperialism*. Vintage Books, New York 1994.

Shaskolsky Shejeff, Leon: 'The Illusions of Law - Psychoanalysis and Jurisprudence in Historical Perspective'. 9 (2) *International Journal of Law and Psychiatry* (1986) 143–158.

Schmitt, Carl: *Political Theology: Four Chapters on the Concept of Sovereignty*. Translated with an introduction by Georg Schwab. Chicago University Press, Chicago 1985 [1922].

Schmitt, Carl: *The* Nomos *of the Earth in the International Law of the* Jus Publicum Europaeum. Translated and annotated by G. L. Ulmen. Telos Press Publishing, New York 2006 [1950].

Stirk, Peter: 'Schmitt, the Law of Occupation, and the Iraq War'. 11 (4) *Constellations* (2004) 527–536.

Stahn, Carsten: '"Jus ad Bellum", "jus in bello"…"jus post bellum"? – Rethinking the Conception of the Law of Armed Forces'. 17 (5) *The European Journal of International Law* (2007) 921–943.

Stahn, Carsten & Jahn K. Kleffner (eds): *Jus Post Bellum: Towards a Law of Transition From Conflict to Peace*. Cambridge University Press, Cambridge 2008.

Stahn, Carsten: *The Law and Practice of International Territorial Administration*. Cambridge University Press, Cambridge 2010.

Stewart, Rory: *The Prince of the Marshes: And Other Occupational Hazards of a Year in Iraq*. Harvest Books, Orlando, Austin, New York, San Diego, Toronto, and London 2007.

Stoler, Laura Ann: 'Colonial Archives and the Art of Governance'. 2 (1–2) *Archival Science* (2002) 87–109.

Veitch, Scott: *Law and Irresponsibility: On the Legitimation of Human Suffering*. Routledge-Cavendish, London 2007.

Voruz, Véronique: 'Psychosis and the Law: Legal Responsibility and Law of Symbolisation'. 13 (2) *International Journal for the Semiotics of Law* (2000) 133–158.

Wilde, Ralph: *International Territorial Administration: How Trusteeship and the Civilizing Mission Never Went Away*. Oxford University Press, Oxford 2008.

Wolgast, Elisabeth: *The Ethics of an Artificial Person: Lost Responsibility in Professions and Organizations*. Stanford University Press, Stanford 1992.

CPA regulations

Coalition Provisional Authority Regulation Number 1 The Coalition Provisional Authority (also named on the bottom of each page of the regulation document CPA/REG/16 May 2003/1, also named in the Archive 'Reg 1 The Coalition Provisional Authority 16 May 2003', also named as a pdf copy '20030516_ CPAREG_1_The_Coalition_Provisional_Authority__.pdf'). Available on <http:// www.iraqcoalition.org/regulations/> (visited 1 March 2011).

Coalition Provisional Authority Regulation Number 2 Development Fund for Iraq (also named on the bottom of each page of the regulation document 'CPA/REG/10 June 2003/02', also named in the Archive 'Reg 2 The Development Fund for Iraq**Amended per Reg 11 Sec 1** 18 June 2004', also named as a pdf copy '20030615_CPREG_2_Development_For_Iraq.pdf'). Available on <http://www.iraqcoalition.org/regulations/> (visited 1 March 2011).

Coalition Provisional Authority Regulation Number 3 Program Review Board (also named on the bottom of page 2–8 of the regulation document 'CPA/REG/18 June 2003', also named in the Archive 'Reg 3 Program Review Board**Amended per Reg 11 Sec ** 18 June 2004', also named in the Archive 'Reg 3 Program Review Board**Amended per Reg 11 Sec 1** 18 June 2004', also named as a pdf copy '20030619_CPAREG_3_Program_Review_Board_.pdf'). Available on <http://www.iraqcoalition.org/regulations/> (visited 1 March 2011).

Coalition Provisional Authority Regulation Number 4 Establishment of the Iraqi Property Reconciliation Facility (also named at the bottom of each page of the regulation document 'CPA/REG/25 June/04', also named in the Archive 'Reg 4 Establishment of the Iraqi Property Reconciliation Facility 14 January 2004', also named as a pdf copy '20040114_CPAREG_4_Establishment_fo_the_Iraqi_Property_Reconciliation_Facility.pdf'). Available on <http://www.iraqcoalition.org/regulations/> (visited 1 March 2011).

Coalition Provisional Authority Baghdad Iraq Regarding the Council for International Coordination June 18, 2003 (also named the Archive 'Reg 5 Council for International Coordination 17 June 2003', also named as a pdf copy '20030617_CPAPN_Council_for_International_Coordination.pdf'). Available on <http://www.iraqcoalition.org/regulations/> (visited 1 March 2011).

Coalition Provisional Authority Regulation Number 5 Council for International Coordination (Amendment) (also named at the bottom of the document 'CPA/REG/17 August 2003/05/AMENDMENT', also named in the Archive 'Reg 5 A Council for International Coordination (Amendment) 18 August 2003', also named as a pdf copy '20030818_CPAREG_Council_for_International_Coordination_and_Amendment.pdf'). Available on <http://www.iraqcoalition.org/regulations/> (visited 1 March 2011).

CPA-related material

Ambassador Bremer: Daily Schedules May 14, 2003–June 30, 2004. Available on <http://www.dod.gov/pubs/foi/cpa-orha/> (visited 1 March 2011).

Index of Unclassified CPA Documents. Available on <http://www.dod.gov/pubs/foi/cpa-orha/> (visited 1 March 2011).

Memorandum for Presidential Envoy to Iraq, 2003. Available on <http://www.dod.gov/pubs/foi/cpa-orha/> (visited 1 March 2011).

International statutes

Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land. The Hague, 18 October 1907.

Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949.

UN-related material

Security Council resolution 1483 (2003) The situation between Iraq and Kuwait, 22 May 2003.

Letter from the Permanent Representatives of the UK and the US to the UN addressed to the President of the Security Council, S/2003/538, May 8, 2003. Available on <http://www.globalpolicy.org/security/issues/iraq/document/2003/0608usukletter.htm> (visited 1 March 2011).

The Bangalore Principles of Judicial Conduct 2002. The Bangalore Draft Code of Judicial Conduct 2001 adopted by the Judicial Group on Strengthening Judicial Integrity, as revised at the Round Table Meeting of Chief Justices held at the Peace Palace, The Hague, November 25–26, 2002. Available on <http://www.unodc.org/pdf/crime/corruption/judicial_group/Bangalore_principles.pdf> (visited 1 March 2011).

Web material

'Bremer answers questions'. *US Today*, June 17, 2004. Available on <http://www.usatoday.com/news/world/iraq/2004-06-17-bremer-qanda_x.htm> (visited 1 March 2011).

'The Lost Year in Iraq: Interview with Paul Bremer'. *Frontline* October 17, 2006. Available on <http://www.pbs.org/wgbh/pages/frontline/yeariniraq/interviews/bremer.html> (visited 1 March 2011).

'Transcript: Paul Bremer, Former U.S. Administrator in Iraq'. *Fox News*, July 6, 2004. Available on <http://www.foxnews.com/story/0,2933,124608,00.html> (visited 1 March 2011).

<http://www.helsinki.fi/nofo/exlegpos/> (visited 1 March, 2011).

<http://www.iraqcoalition.org/regulations/> (visited 1 March, 2011).