



Urizen and the Image of the Refugee: The refugee crisis from an aesthetic perspective

by Aurélie Duchesne

Abstract

Ever since 2015, Europe has seen the number of asylum seekers increased as a consequence of the situation in the Middle East. The situation, now known as “the refugee crisis”, has had major repercussions on the political and social European landscape. From a legal perspective, the unwillingness of European states to welcome refugees led part of the legal community to talk about the failure of international refugee law. This paper aims to challenge such statement by critically analysing one UNHCR’s artistic project implemented in a refugee camp. By looking specifically at the project “Exile Voices” and the subsequent photo exhibition that took place in Paris in 2015, it argues that that international refugee law has not failed in dealing with the refugee crisis. Rather, the crisis revealed the limits of the international and European legal frameworks subsumed within the concept of the Nation-State. Despite the increasing internationalization of governance through the multiplication of regulatory tools in a growing number of areas, domestic interests still prevail over international legal obligations because of the Nation-States struggle for power. Drawing on the work done by scholars in the fields of legal aesthetic and legal iconology, I will explain how visual arts are being enrolled by international law in order to bypass those limits and in fact, act as a technique of legal authorization.



(William Blake [Public domain or Public domain], via Wikimedia Commons. “The Ancient of Days”, used as a frontispiece to his book, *Europe a prophecy*, 1794. In the collection of the Fitzwilliam Museum, Cambridge University)

1. Introduction

From August to October 2015, the banks of the Seine in Paris welcomed a photo exhibition entitled “Dreams of Humanity¹”. Under the patronage of the United Nations High Commissioner for Refugees (UNHCR) and the Paris city council, it displayed the results of a joint project between the UN agency and the artist Reza, featuring portraits of refugees and photos taken by Syrian children refugees. The project, “Exile Voices²” was held in December 2013 and consisted of photography workshops for children living in the Syrian refugee camp of Kawergosk, in Iraqi Kurdistan. In the artist’s own words - besides the therapeutic value of art - the end-goal of the project was to empower children refugees and provide them with a platform to tell their own stories in a universal language.

The terrible events that took place at the beginning of the 20th century make it almost impossible to talk about “camps” without having images of concentration camps, ghettos and emaciated faces coming to our mind. The Holocaust iconography is now part of our common imaginary. Somehow, artwork emerged out of this; Felix Nussbaum, Ludwig Meidner, Karl Robert Bodek or Kurt Conrad Loew are but a few examples of artists whose works were produced whilst they were hiding or being detained in concentration camps³. The German Historical Museum recently hosted an exhibition of “Art from the Holocaust” that ran from January 26th to April 3rd 2016 and displayed some of their pieces. I do not wish, here, to engage in a comparative analysis between refugee and concentration camps in details. Yet, the concept of refugee camp cannot help but be informed by the events of WWII and the Nazi practices. They both are places of loss and despair. Such events had Theodore Adorno claim the impossibility of any future for art as “any work of art makes an unthinkable faith appear to have had some meaning; it is transfigured, something of its horror is removed, this alone does injustice to the victims⁴”. Harries warns in his turn of the harming potential of art and states his belief “in the capacity of genuine art to transfigure its object. But there is always a danger”, a danger of giving it meaning, reason, and therefore of losing sight of “the crisis of anguish [...] all forms of sufferings” provoke.

In the present case, art was introduced into camps willingly by the UNHCR official authorities and had both therapeutic and educational purposes. Yet, whilst not outwardly denying the valuable social functions of art, in this paper, I offer an analysis of the political and legal dimension of the “Exile Voices” project in the context of the so called failure of international law⁵, and more specifically, of international refugee law. Through the case study of the “Exile Voices” project, I will argue in this paper that the use of art by the UNHCR in refugee camps amounts to the enrolment of visual art by law in its struggle for power. From this perspective, law becomes art and art becomes law. Visual arts are revealed as a technique of re-authorization of the corner stone claim of the international legal discourse about the refugee that is the promise of universal humanity. In doing so, international refugee law ultimately succeeds in reasserting its power by overcoming its main opponent, the Nation-State, who with its domestic interests, tries to shape and influence the implementation of the International Refugee Law for its own interest-based scopes.

In the first part I will provide a critical analysis of the very idea of failure of international refugee law, and a fortiori, of international law. By doing so, I will also recall the nature of the motivation that underpins each and every action of law as such: the quest for power.

¹ Celine Schmitt, Zeinab Abouquir and Fadma Moumtaz, ‘Reza’s “A Dream of humanity” opens on the banks of the Seine in Paris, 5th August 2015, UNHCR, <www.unhcr.org/55c1ed7b6.html> last accessed 5th September 2016

² Maptia, a world of stories, <www.maptia.com/reza/stories/exile-voices> last accessed 5th September 2016

³ Paintings and drawings were not, of course, the only form of artistic expressions. See for example, Frieda W. Aaron, *Bearing The Unbearable – Yiddish and Polish Poetry in the Ghettos and Concentration Camps*, (Albany, State University of New York, 1990) 242

⁴ Cited in Richard Harries, *After Evil : Christianity and Judaism in the shadow of the Holocaust*, (Oxford University Press, 2003) 30

⁵ I will provide further references in chapter I when addressing the issue of who exactly is talking about a failure of international law ? For now, suffice it to say that the idea of failure of international law should not be taken for granted and is in fact, specific to a positivist vision of law.

In part two, I will enrich the theoretical framework on which this paper rests by recalling the forgotten visual life of law as well as its ambiguous relationship to art thanks to specific bodies of literature reclaiming their affiliation to a law and the humanities approach. I will dwell more specifically on the work of scholars done in the field of legal aesthetic and legal iconology as well as the writings of artists and philosophers in critical art theory. This approach will reveal the contingency of lawyers' lack of visual literacy as well as the interests international law can have in resorting to visual art to restore its authority. This chapter is, therefore, essential to understand the core argument of the paper, which is that visual arts in this context, act as technique of legal authorization which enable the realization of international refugee law's promise of universal humanity and undermine the identified threats questioning law's authority.

I will then bring my argument to full circle in chapter three by explaining how the UNHCR Innovation project, "Exile Voices", allows the emancipation of the refugee by the image and its artistic realisation as a legal subject. Such a claim requires a close analysis of the meaning lying behind each of these words in order to critically evaluate the success of the project's purported ethical claim. By the end of this chapter, the assumption that international law has failed to deliver its promise will be critically re-evaluated in the light of its visual avatar, therefore providing a new perspective on the idea of failure. The promise has been delivered but the ethical promise of diversity has failed.

In conclusion, I will take stocks of the findings of this work and unveil the intention behind my choice of cover picture.

2. The Scriptural Regime of Law: The Limits of the Word

This first part aims to position the terms of the debate by replacing the refugee crisis in its broader political context. I will pay attention particularly to the aspect relevant to my argument, which is the accusation that international law is embedded in cultural bias towards "the other", the Muslim, with a focus on France where the project's exhibition took place. This re-contextualization⁶ of the crisis will allow me to take a closer look at the notion of "failure" and provide the beginning of an answer to simple questions such as "who" is talking about failure and "why".

This process will be the first step that will help taking a first step back from the "failure claim" and set the scene to understand the rationale underpinning my argument. This will be done here by highlighting in particular that the idea of failure is mainly relevant to a certain positivist branch of the legal scholarship, whilst another, more critical, will consider the current situation to be merely the work of law and another expression of international law's limits taken to their stretch. Nevertheless, such a conclusion can only be intermediary. Whether it is a question of failure or of limits, international law is, from both perspectives, at best inefficient at worst, useless. Ultimately, the idea that international law, be it humanitarian or human rights, has failed is based on the belief that its end goal is the realization of universal humanity. However, this assumption reveals a misunderstanding of what law, and a fortiori, international law really is seeking is power.

2.1 A Critical Legal Perspective on the Refugee Crisis: from Failure to Limits

In the first section, I will simply recall the general pieces of information needed to understand the political context within which the refugee crisis is unfolding, focusing on France for the purpose of the case study. Moving from there, I will explain that international refugee law will mainly appear to have failed to the eyes of the legal positivist scholar because of his habit to decontextualize law and sees it as objective and apolitical. In the second part, I will rely further on the critical legal approach in order to reveal the persistent weigh of Nation-State within the mechanic of the international legal

⁶ I mean looking at the refugee crisis not as an isolated event, but as a consequence of a chain of causes.

community. By the end of this first section, it should become clearer why one should be talking about “limits” rather than failure of international refugee law.

2.1.1 The limits of legal positivism: the necessity of law and politics

As the Mediterranean Sea is being transformed from cradle to graveyard, and images of the “boatpeople” invade our screens, voices emerge, denouncing the failure of international law⁷: the incapacity or unwillingness of Western states to reform the legal framework⁸, whether the EU or the UN legislations, the recourse to a third country like Turkey to host the supernumerary, the lack of uniform interpretation and application of relevant international instruments⁹. As much as it is hard to disagree with the fact that what is happening right before our eyes is indeed horrendous, these positions have all in common that they oversee the stringent component of the domestic interests of the state. Such a perspective is characteristic to the positivist legal scholarship’s tendency to decontextualize law to make it fit the conditions for objectivity¹⁰. Through the lens of critical legal scholars, I will argue that what we are witnessing is rather the consequences of international refugee law’s limits than its failure.

As the recent mass migration movements of people coming from the Middle East¹¹ to seek refuge to Europe sparked a profound institutional crisis with regard to the European Union¹², they also gave momentum to far-right affiliated political parties and ideas with increasing instantiations of hate crimes and hate speech¹³. Attempts to call for a ‘rational’ answer on the part of States led to arguments framed in economic terms: refugees are welcome depending on the demographic situation of the country¹⁴, or as long as they represent a potential and valuable work force¹⁵. In an already uncertain economic context, it did nothing but give water to the mills of nationalist and populist discourses.

Proof is the growing presence of far rights parties in the political spectrum, anti-immigration and anti-Muslim movements such as PEGIDA in Germany, the Front-National in France; the rise of hate crimes, topped by the creeping and pervasive security threat posed by Daesh. In a certain popular imaginary – and increasingly predominant, as suggested by the recent Brexit referendum -, refugees are associated with “terrorists” or “job-stealer”. These multiple factors helped Europe’s entrenched difficulty to deal with its “others” to resurface¹⁶, and in the case of France, led to the

⁷ Although this paper is very much dealing with the legal concept of the refugee, I will sometimes myself resort to this uniting label as I consider international law at large to be underpinned by the same power dynamics.

⁸ Jehanzeb Jehangiri, ‘European Refugee Crisis: Failure of International Legal Instruments Pertaining To Rights and Status of Refugees’, (Courting the law, 12th May 2016,) <<http://courtingthelaw.com/2016/05/12/commentary/european-refugee-crisis-failure-of-international-legal-instruments-pertaining-to-rights-and-status-of-refugees>> accessed 30th August, 2016

⁹ Hamid Yazdan Panah, ‘The refugee crisis : A failure in international law and morality’ (The Hill, Monday 16th May, 2016) <thehill.com/blogs/congress-blog/foreign-policy/279719-the-refugee-crisis-a-failure-in-international-law-and >, accessed August 30th 2016.

¹⁰ Hans J. Morgenthau, ‘In Defense of the National Interest : A Critical Examination of American Foreign Policy’, (New York, Alfred A. Knopf, 1951) quoted in Myres S. McDougal, ‘Law and Power’, (1952) Faculty Scholarship Series, . « ‘The facts of life to be dealt with by the legal decisions are’, he amplifies, ‘artificially separated from the facts that precede, accompany, and follow them and are thus transformed into a ‘case’ of which the law disposes’ on its merits’ ».

¹¹ The dynamics of migration movements are obviously more complex and by no means do I intend to reduce them to refugees or asylum seekers. Yet, given the location of the case study, I constrain myself to this geographical area.

¹² Especially with regards to the limits in the implementation of Dublin II and the necessity of it reforms.

¹³ Initiatives of international organisations such as the Council of Europe’s No Hate Speech movement targets specifically this aspect.

¹⁴ Alberto Nardelli, ‘Refugee influx helps halt decline in Germany’s population’, (The Guardian, 6 January, 2016) www.theguardian.com/news/datablog/2016/jan/06/refugee-influx-helps-halt-decline-in-germanys-population accessed September 3rd, 2016.

¹⁵ Julien Marion, ‘L’accueil des réfugiés: une opportunité économique’, (BFM TV 9 September 2015) (www.bfmbusiness.bfmtv.com/observatoire/l-accueil-des-refugies-une-opportunit-economique-913532.html) > accessed September 3rd, 2016.

¹⁶ European Commission, *Fundamental Rights Colloquium, ‘Joining forces against antisemitic and anti-Muslim hatred in the EU : outcomes of the first Annual Colloquium on Fundamental Rights’*, 9 October 2015.

resurgence of institutional anti-muslim and anti-islam manifestations.¹⁷ Such biases weigh on the domestic political context and the decision-making process of national leaders; avoiding social unrest and preserving State's integrity are indeed key factors to be considered by the executive, arguably along with their electoral strategy¹⁸. It is now of essence to understand why domestic politics impacts so much on the international order whilst Nation-States are supposedly bound by the international conventions they have ratified.

2.1.2 Behind the word of international refugee law: the European Nation-State

Indeed, to the extent that the above point is conceded, it remains nonetheless true that France, as well as other European countries, have the responsibility to respect the international legal obligations and duties they contracted when ratifying the Geneva Convention. Arguably, the foundational idea of the modern international legal order was precisely to set up a superior level of governance that would allow overcoming the interests of Nation-States when global peace and humanity's welfare were at stake¹⁹.

Similarly, with regards to international refugee law specifically, Canefe explains that although "[i]t is true that the current international refugee regime, built upon the premise of universal jurisprudence, clearly implies that the "international community" is meant to be a forum of resort for the persecuted²⁰", it remains a branch of public international law which is built upon Westphalian foundations - she incidentally recalls the interesting fact that the first refugee regime aimed to deal with religious minorities, especially the French Protestants known as Huguenots²¹. According to her, this background is the main challenge to the realization of a universal jurisprudence²² since it is there that lay the reasons of "the fragmented nature of the international refugee regime²³". The consequences of international law being historically a *jus publicum europeum*²⁴ are even more flagrant when it comes to the definition of the refugee.

As Patricia Tuitt explained, "it was mainly within Europe that the refugee as a legal construction was born, and at the imperative of European States that the association of the refugee with her legal identity has been sustained²⁵". She emphasizes the importance to acknowledge that "contrary to popular belief, refugee law is not motivated by exclusively humanitarian concerns-indeed, if the concerns of the law are humanitarian this is only marginally and incidentally so²⁶".

The initial goal was to strike a balance between the loss of sovereign power and the administrative cost weighing on the Nation-State. She further argues that the construction of the refugee shifted from an ambassadorial role to one of criminal after the end of the Cold War as the victory of the West and neoliberalism ended the ideological fight and, along with it, the necessity to compete for the title of the most virtuous. Henceforth, the legal definition of the refugee is, according to Tuitt, "intimately bound up in the desire to exclude²⁷", and therefore, intimately antinomic to the promise of universal humanity.

¹⁷ On this issue see Joan Wallach Scott, *The Politics of the Veil*, (Princeton University Press, 2010) 224.. See also St Loytomaki, *Law and the Politics of Memory : Confronting the Past*, (Routledge, 2014) 176.

¹⁸ A classic reference when dealing with the modern « raison d'Etat » is Michel Foucault, *Naissance de la biopolitique : Cours au Collège de France 1978-1979*, (2004, Seuil).. For a more appropriate link with the refugee, see Elspeth Guild, 'Asymmetrical sovereignty and the refugee' in James C. Simeon, *Critical Issues in International Refugee Law, Strategies toward Interpretative Harmony*, CUP : '...States bow to the superior sovereignty claims of a stronger state power, which are expressed in security terms'..

¹⁹ Atlantic Charter, 14th August 1941

²⁰ Nergis Ceneffe, 'The fragmented nature of the international refugee regime and its consequences' in James C. Simeon, *Critical Issues in International Refugee Law, Strategies toward Interpretative Harmony*, (CUP, 2014).

²¹ Ibid n(22)

²² Ibid n(22)

²³ Ibid n(22)

²⁴ Antony Anghie, *Imperialism, Sovereignty and the Making of International law*, (CUP, 2005)

²⁵ Patricia Tuitt, *False Images, The Law's Construction of the Refugee*, (Pluto Press, 1966).

²⁶ Ibid n(27)

²⁷ Ibid n(27)

3. A Perpetual Quest for Power: the Necessity to go beyond the limits²⁸

At this stage of the analysis, the current situation and the idea of failure appear to be but the manifestation of the consequences of international refugee law's denial of its own limitations. Since my account so far aimed to underline how the Nation-State and its domestic and prevalent interests obstruct the possibility of the realization of the law's promise, the camps, the water supplies, the mass migration movements, misery etc. must now be seen as the works of law, the logical results of its static and cultural structure, and ultimately, the visual manifestations of its presence...only, it is not international refugee law as we like to see it.

Indeed, the mainstream argument that international refugee law has failed is an effect of the popular imaginary. Acknowledging these limits and the extent to which they have the resource to frustrate its claim to hegemonic power would immediately discredit and render purposeless the furtherance of international law's agenda, which is to become the letter all stakeholders should eventually stick to, universally. However, the idea that the end purpose of the international legal discourse is the creation of an ethical world should be handled with caution. Indeed, the soteriological promise of law is but a means to an end; the only –rational–hope left of a “better world to come²⁹”, after religion was cast out of the range of different possibilities. Consequently, the realization of this promise is, in fact, the condition of its power and losing faith in the law's capacity to keep its word is tantamount to question it.

Further critical enquiries into what genuinely motivates international law uncover what lays at the very origin of the promise, namely power. Many critics of the critical legal scholarship misunderstand the ambition of such an attempt³⁰ and tend to impugn on them anarchic tendencies, as though a critic of the established order was automatically tainted by the desire to bring it down. However, in the words of McDougal, “a conception of law which focuses upon doctrine to the exclusion of the pattern of practices by which it is given meaning and made effective, is, therefore, not the most conducive to understanding”.³¹ He considers, and rightly so, that law is an integral part of the “world power process³²”. This statement takes on all its meaning especially with regards to refugee issues. By looking at the iconology of the refugee projected by the “Exile Voices” project, this paper ultimately aims to challenge the very, and widely agreed upon, notion of failure of international refugee law in dealing with the crisis and helps understand the visual as another authoritative practice of legal governance.

3.1 The Aesthetic Regime of Law: Visual Arts as a Technique of Legal Authorization

In this part, I will engage in a necessary detour from the case study to provide a general overview of this paper's theoretical background. Indeed, in order to accept the claim that international refugee law is being (re³³)authorized via the use of visual arts in refugee camps, it is first necessary to rekindle with the tradition of law's practice of visual governance, whose awareness has been lost as a result of Modernist and Enlightenment revolutions. Turning then to the artistic dimension of the projects, I will elaborate on the conditions that render such collaboration possible. More specifically, I will argue that it is the creative-destructive potential of art that interests international law, at a time when its authority and legitimacy is being questioned.

²⁸ This section will not have subsections since power is the one core concept I have to address here, one could say it is at the image of international law's power, whole, hegemonic and unrefined.

²⁹ To paraphrase Derrida

³⁰ JM Balkin, *Ideology as Constraint* (1991) 43 *Stan. L.Rev* 1133

³¹ Myres S.McDougal, *Law and Power*, *The American Journal of International Law*, 1 January 1952, Vol. 46(1),

³² *Ibid* n(33)

³³ This will depend to what extent the reader agrees to the “crisis” label.

3.1.1 The Image: the Forgotten Visual Life of Law

In this section, I will explain that the focus on the written life of law is merely a historical contingency, resulting from the major epistemological shift provoked by the Enlightenment revolution. Blind-sided by history, lawyers and legal scholars have become forgetful of an entire pan of legal practice and the life of law. The invasion of the image and its presence in our everyday life makes it vital to reconnect with this forgotten tradition and restore the visual literacy of the lawyer. The development of legal iconology as a legal scholarship aims to fill this gap and appears as the appropriate venue to engage critically with this sea of visual stimuli we are subject to on a daily basis³⁴.

3.1.2 The origins of legal iconophobia

Today, the material reality of law is traditionally located in the text as the primary source of knowledge, to the detriment of the visual³⁵. Yet, back in Ancient Rome, students practised the *ars memoria*, the conjuration of “elaborate mental images of roomy palaces or public spaces in order to memorize lengthy and complex discourse”.³⁶ Lawyers were not estranged either to the power potential of the image, be it mental or material. In fact, Peter Goodrich hints at the irony that, “it was a lawyer, Andrea Alciato [a legal humanist] who in 1531 devised this extraordinary pictorial turn³⁷” by publishing the Book of Emblems or Emblemata

“[I]t was equally recognized by its principal authors, lawyers of both traditions, ecclesiastical and civil, that the devising of imagery was crucial to government and connected most closely to justice in its Aristotelian sense as the banding and bonding of friends³⁸”.

Indeed, for legal humanists, the emblem was “the condition of the possibility of law³⁹” and, as pointed out by Goodrich, was by one visual legal medium amongst a palette of varied tools: architecture, spatial ordering of the Court space, robes and wigs, in the Common Law tradition, worn by lawyers and judges participate in the visual authorization of law. Furthermore, it is not entirely accurate to say that law categorically rejects all forms of images. Visual evidences are also accepted in trials, to the extent that they successfully pass the law’s test of scrutiny.

So why, if the visual life of law used to be so inextricably linked to its performance, have we lost sight of it?⁴⁰ Legal history tells us that the law’s iconophobia⁴¹ is due to the radical epistemological shift brought about by the rise of Modernism and the spread of Enlightenment’s’ ideals in the 17e and 18e. Disappointment and defiance towards religion formed a fertile soil for the rejection of the theological, icons included. The relation between law and religion had to be severed if law was to embody objective and superior reason. The iconoclastic movement was concomitant to the scientification of truth, evidenced in law, by the positivist movement and the eventual victory of the written over the visual. Law’s scriptural reason is, therefore, the fundamental premise of our contemporary legal order and reason, as Pierre Legendre recalled, has become the condition for humanity⁴².

³⁴ Peter Goodrich, *Legal emblems and the art of law : obiter depicta as the visual of governance*, (CUP, 2014).

³⁵ Peter Goodrich and Valérie Hayaert, *Genealogies of Legal Vision*, (Routledge, 2015)

³⁶ Anne Teresa Demo and Bradford Vivan, *Rhetoric, Remembrance and Visual Form, Sighting Memory*, (Routledge, 2012), pp260, p2.

³⁷ Goodrich (n 36)

³⁸ Goodrich (n 36)

³⁹ Goodrich (n 36)

⁴⁰ Zenon Bankowski and Maksymilian Del Mar, ‘The torch of art and the sword of law, between particularity and universality’ in Oren Ben-Dor, *Law and Art, Justice, Ethics and Aesthetics* (Routledge-Cavendish, 2011).

⁴¹ Goodrich (n37)

⁴² Peter Goodrich and Ronnie Warrington, ‘The Lost Temporality of Law: an interview with Pierre Legendre’, trans by Alain Pottage, (1990) *Law and Critique* Vol 1 n°1

3.1.3 “Nothing is neutral⁴³”: the necessity of legal visual training

The absence or scarcity of visual literacy comes crashing where the development of visual media, including social media, thanks to the democratization of the internet and the digitalization of our lives, exposes us on a daily basis to the power of the image⁴⁴. Such a disinterest for the visual is inherited from a certain episteme⁴⁵ underlying our current mode of knowledge, and therefore, our mode of engaging with the world. It is sustained by the marketization of the image in a digital era that will confer value only to that which is rare; being constantly bombarded by visual stimuli, we have become passive consumers of the image, enduring its effects unconsciously. Yet, the past decade saw the emergence of a category of images disrupting the norm of the visual landscape. Indeed, as Groys notices, wars’ visual strategy forces us to reconsider traditional beliefs about the seemingly innocuousness of the image⁴⁶ by subtly reviving the idea that the visual can represent the real. Indeed,

“How can we say that a videotaped beheading is not a real beheading? Or that a videotaped ritual of humiliation in the Abu-Ghraib prison is not a real ritual? (...) The hidden reality behind the image is shown to us as ugly as we expected it to be. So we have a feeling that our critical journey has come to its end that our critical task is completed, that our mission as critical intellectuals is accomplished⁴⁷”.

In the meantime, debates about whether or not media should publish photos of the attacks’ perpetrators and of the victims’ bodies are emerging in the public forum⁴⁸, forestalling the prospect of a much more key debate about educating and enhancing one’s critical visual literacy. In the wordy world of law, Peter Goodrich, whom I have already mentioned⁴⁹, but also Costas Douzinas, to name only but few, initiated a scholarship of legal iconology. Indeed, if one ignores the influence of the visual life of law, its emblems, its visual governance and authority, she will fall from reason to emotion.⁵⁰ Fall from superiority to equality and surrender to what Sartre called the illusion of immanence⁵¹ procured by the image. This paper aims to reinforce the claim that “the stakes behind the close link between law and vision are high⁵²”, because, like Harries said, nothing in life is neutral.

4. The Rule of Art: Breaking Free from the Scriptural

A wide array of tools are at the disposal of law in order to preserve its authority as dominant and prevalent discourse: amongst which figures the image. Having said that, not all images are art, nor all arts are images. Therefore, there must be a reason why international law calls on to art, specifically, in order to restore its authority in the context of the refugee crisis.

4.1 Art and Law: from rivals ...

The relation between art and law is as troubled as the one between law and the image. Yet, art can bring much more to law than contracts. The fact that both worlds are conceived as antinomic also stems from a philosophical tradition inherited from Plato. Indeed, he banned arts for they were

⁴³ Harries n(4)

⁴⁴ Julie Stone Peters, ‘Theatrocracy Unwired: Legal Performance in the Modern Mediasphere’ (2014) *Law & Literature*, Vol. 26 Iss 1. See also the Lebanon War photographs controversies.

⁴⁵ Michel Foucault, *The Order of Things, An archeology of the human sciences*, Routledge, (Routledge, 1989)

⁴⁶ Boris Groys, ‘Art at War’ in *Art Power*, (Cambridge, Mass; London:MIT, 2008)

⁴⁷ Ibid n(48)

⁴⁸ Aubrey Allegretti, ‘Le Monde Won’t Publish Terrorists’ Pictures in New Policy Aimed At Preventing ‘Posthumous Glory’, (The Huffington Post, 27 July 2016) < www.huffingtonpost.co.uk/entry/le-monde-france-isis-attacks-editorial-newspaper_uk_5798698de4b02508de479585 > accessed 5th September 2016

⁴⁹ Goodrich (n 36) he calls it “obiter depicta”

⁵⁰ Alison Young, ‘The Waste Land of the Law, The Wordless Song of the Rape Victim’ (1998) 22(2) *Melbourne University Law Review* 442

⁵¹ Jean-Paul Sartre, *The Imaginary: a phenomenological psychology of the imagination*, (London: Routledge, 2010).

⁵² Costas Douzinas, ‘Sublime Law: On Legal and Aesthetic Judgements’, (2008) *Parallax*, 14:4, 18-29

“the charm of a semblance of (an outside) truth⁵³” and as such, had to be banned from the Republic. The theatrocratic regime of arts was a threat to the necessary hegemonic nomocracy of law. “The sovereignty of the audience” had to give way before “the measured and rational rule of law, kept pure of theatrical taint⁵⁴”. However, Plato’s initial ban on arts⁵⁵ owed to the fact that lawyers and artists are “rival artists and rival actors⁵⁶”; both write tragedies⁵⁷. In other words, art and law are rivals inasmuch as they both create and order life.

Yet, law and art have more in common than positions and bodily movements, bodies, functions of speech and distribution of the visible and invisible⁵⁸. They share more than a poiesis, they share an autopoiesis, and manage to reproduce and maintain themselves as independent order. They both create life and preserve their own life. For law, this is achieved by a constant reauthorization of its power as superior scriptural reason. Understanding the dynamic resorting to by art in order to preserve its autonomy will bring forth the terms on which law and art can work hands in hands, and go from rivals to allies.

4.2 ... To Allies

The autopoiesis of art initially answers to a different dynamic. Whilst it may have been easy to agree on a definition of law, it is less straightforward to repeat this process for art. Nevertheless, as lawyers and rule worshipers, there is one thought we should hold on to, that will help us understand what ultimately renders possible a collaboration between law and art: artists are rule-breakers.

The artistic power is a power where creation and destruction cohabit in equal measure. As such, art is emancipation and freedom as new movements emerged from a desire to break free from social conventions, in reaction to an environment that is no longer satisfactory. The artist is a revolutionary, his “negative reaction to repressive, state-organized power is something that almost goes without saying⁵⁹”. Paradoxically, this constant opposition of art to dominant discourses, along with its aspiration to autonomy, ultimately indicates the possibility of its dependence.

Boris Groys explores this issue and ultimately questions the possibility of the autonomy of art⁶⁰. He indicates that, today, art struggles against two all-encompassing entities, the universality of the market or the universality of a certain political discourse; “Both, the modern state and the contemporary market - are equally universal⁶¹”. Those are therefore art’s potential captors, from which it must escape if it wants to preserve its autonomy⁶². For him, most of the contemporary critics of art focus on the - alleged- perversion of art by the market⁶³ and show comparatively little interest to the relation between art and politics. He explains that, “art becomes politically effective only when it is made beyond or outside the art market in the context of direct political propaganda⁶⁴” and this is essentially because:

⁵³ Alain Badiou, translated by Alberto Toscano, *The Handbook of Inaesthetics*, (Stanford University Press, 2005), p3.

⁵⁴ Ibid n(55)

⁵⁵ His concerns were primarily about theatre and tragic artists

⁵⁶ Costas Douzinas, ‘A legal phenomenology of images’ in Oren Ben-Dor, *Law and Art: Justice, Ethics and Aesthetics*, (Routledge- Cavendish, 2011)

⁵⁷ Badiou n(59)

⁵⁸ Jacques Rancière, *Le Partage du Sensible*, (Paris: Fabrique: Diffusion Les Belles Lettres, 2000),

⁵⁹ Groys n(48)

⁶⁰ Groys n(48)

⁶¹ Groys, *Beyond Diversity: cultural studies and its post-communist other*, n(48)

⁶² For him, this can only be achieved by the artist self-institutionalization. Cf Boris Groys, Translation by David Riff, ‘The Promise of Autonomy’, <<http://www.conceptualism-moscow.org/page?id=1567&lang=en>>. See also Gustav Metzger, *Manifesto World, “The artist must destroy art galleries. Capitalist institutions. Boxes of deceit. (...) Artist cannot compete with reality”*. 1962

⁶³ Groys n(48): “*The dominating art discourse identifies art with the art market and remains blind to any art that is produced and distributed by any mechanism other than the market.*”

⁶⁴ Groys n(48)

“The power of an ideology is always ultimately the power of a vision. And this means that by serving any political or religious ideology an artist ultimately serves art...An artist operates on the same territory as ideology⁶⁵”.

The conclusion is that if art's existence is conditioned by the existence of a dominating power, it is because creation is destruction, and the extent of that destruction can ultimately be controlled. Hence this statement of Jacques Rancière that arts can only give to enterprises of domination or emancipation what they have in common⁶⁶.

The reason why would international law needs art's power owes to the nature of the aesthetic regime. The word aesthetic, Rancière explains, does not refer to a theory of the sensible, of the taste and pleasures of art amateurs. As such, the aesthetic regime abolishes all sense of hierarchy and places on an equal footage all modes of representations, of subjectivity. The aesthetic state is pure suspense, the moment of the creation of a particular humanity⁶⁷ and temporality⁶⁸. Therefore, art enables international law to break free from its scriptural constraints, where there only, its promise can be realized. The destruction of the word of law gives rise to the creation of an aesthetic legal order where the universal discourse is being reauthorized thanks the mimetic image, that is, an image of the refugee vouched and produced by law.

Law is Art and Art is Law. This new paradigm opens the door to an extended reality for law to do its work, the creation and ordering of subjectivities, as well as the new promise of emancipation by the image. It is to this process of creation of an “artistic legal subject” that I shall now turn to.

5. The Emancipation of the Refugee by the Image and its Realisation as an Artistic Legal Subject

The claim of the “Exile Voices” project, which is to use photography as a platform for refugee children to tell their story in a universal language, is heavily coded. Indeed, the very idea of the image as a universal language raises a number of issues that, once being addressed, will bring forth the political project underpinning the conceptual framework of the UNHCR art initiatives. The emancipation of the refugee by the image, mimesis of the international law discourse, and its full realisation as a legal subject via art, and more particularly the exhibition.

5.1 The Image as Universal Language: Making International Law Visible

In order to understand how and why I am arguing that emancipation of the refugee is being achieved by the image, it is first necessary to recall and agree on the meanings of the key concepts at play in the project.

5.1.1 Understanding the language of international law

To think the possibility of the image as a universal language is linked to the humanist school of thought. Reading Goodrich, one is reminded that, for the humanists, “The image, [...] was never subject to the catastrophic confusion of Babel, and so could serve didactic, moralizing and publicizing purposes that words cannot⁶⁹”. Unfortunately, everyday life provides countless examples of the contrary: the image is culturally coded, as much as language is. For a language is a set of shared

⁶⁵ Ibid n(66)

⁶⁶ Ibid n(66)

⁶⁷ Rancière n(60), ‘L'état esthétique est pur suspens, moment où la forme est éprouvée pour elle-même. Et il est le moment de formation d'une humanité spécifique’.

⁶⁸ Rancière n(60). Translation by the author.

⁶⁹ Goodrich and Hayaert n(37)

social conventions.⁷⁰ The world, therefore, is destined to be a Babel Tower.⁷¹ Yet, while it is everyday easier to communicate, reality provides constant examples of the growing apart of modern society. There is no such thing as a universal language⁷².

Yet, international law aims to be a universal language, and the consequences thereof are perhaps more significant in its human rights or humanitarian branch, since it is dealing undeviatingly with life on a global scale. Indeed, “reason and human rights, on the other hand, are universal, they are supposed to transcend geographical and historical differences⁷³”. International law, therefore, is the only possible and true meta-narrative⁷⁴.

Nation-States, by ratifying international conventions, signify their agreement to speak the language of international law. Both causes and consequences of international law, they are the primary actors of this community since they create and speak the language of international law. However, with the advent of the international human rights movement, individuals were progressively granted the status of legal subject and contributed to the verticalization of legal relations. Individuals can now be part of the international community, as soon as they learn the language of international law. But what does “learning the language of international law” exactly mean? It means to speak the language of international reason, and even more so, of universal reason. This is the condition for emancipation.

Indeed, as Douzinas explains, emancipation means the “progressive abandonment of myth and prejudice in all areas of life and their replacement by reason”.⁷⁵ In the world to come, there will be nothing “alien or hostile” anymore. This can be achieved in two ways: whether the alien becomes familiar by a process of acknowledgement and incorporation of the difference, or it is being erased, hidden in favour of the familiar. Here, it is crucial to remember what Legendre said about reason; it is the condition of humanity. Humanity, in the language of international law, is clothed of a specific meaning that will make the choice between the two aforementioned options straightforward. To be human in the eyes of the law means to be rational.

In his book, *The End of Human Rights*⁷⁶, Costas Douzinas explains that the subject is the “engine and symbol of modernity⁷⁷” and “there can be no legal system without a legal subject⁷⁸”. Its contemporary acceptance is inherited from the Enlightenment’s philosophy and the veneration of reason. This has two main consequences.

First, if the law is reason, as I have already mentioned, the legal subject must be a rational subject. As such, the legal subject is a Kantian subject who acts in pursuance of the moral imperative: “Act in such a way that the maxim of your will can always be valid as the principle establishing universal law⁷⁹”.

Second, the legal subject is also human, a humanity won as a result of its political and secularised redefinition⁸⁰, and bestowed on all individuals. However, as Douzinas explains, this humanity is of a particular nature

⁷⁰ Frances Wilson, ‘The Impossible Exile : Stefan Zweig at the End of the World by George Prochnik, review : ‘essayistic and unusual’ (The Telegraph, 16 November 2016).< www.telegraph.co.uk/culture/books/bookreviews/11228236/The-Impossible-Exile-Stefan-Zweig-at-the-End-of-the-World-by-George-Prochnik.html > accessed 5th September 2016

⁷¹ Cildo Meiress, *Babel 2001*, Tate Modern

⁷² Besides, who speaks Esperanto ?

⁷³ Costas Douzinas, *The End of human rights : critical legal thought at the turn of the century*, (Oxford, 2000) p6

⁷⁴ Stiina Löytömäki, *Law and the Politics of Memory : confronting the past*, (Abingdon Oxford, 2014).

⁷⁵ Douzinas n(75) p5

⁷⁶ Douzinas n(75)

⁷⁷ Douzinas n(75) ‘Subjectum and Subjectus: The Free and Subjected Subject’

⁷⁸ Douzinas n(75)

⁷⁹ Immanuel Kant, *Critique of Practical Reason*, (London Macmillan 1956)

⁸⁰ Alain Supiot, ‘Imago Dei’ in *Homo Juridicus : on the anthropological function of the law*, (London :Verso, 2007)

“A minimum of humanity is what allows man to claim autonomy, moral responsibility and legal subjectivity. Man enters the historical scene by philosophically severing his ties with family, community, kinship and nature and by turning his creativity and wrath against tradition and prejudice, all that created, nourished and protected him in the past⁸¹”.

The humanity of the human as a legal subject is therefore “deprived of substantive characteristics”⁸², in order to be universal. For the universal of international law is ambiguous in its capacity to welcome the difference. Boris Groys, again, resumes eloquently the paradox,

“Every logically coherent definition of a cultural identity presumes that other cultures are different but of equal value. If, however, the particular European values are defined as universal humanistic values, that can only mean that other non-European cultures must be considered antihumanistic by nature, that is, as inherently inhuman, antidemocratic, intolerant, and so on. In view of this diagnosis, it is clear that the European cultural and political sensibility is necessarily ambiguous⁸³”

From this point of view, the outcome is that what is deemed universal is in fact what is identical⁸⁴ to European liberal values. Therefore, to provide a platform to tell their story in a universal language essentially means to use the image as a medium of emancipation, an emancipation that will be gained by erasure of the difference. It is now time to look at the images.

5.1.2 Seeing through the words

It is by visually representing the universal of international law that full realization of the refugee’s legal subjectivity will be possible. In the present context, a successful emancipation is facilitated by different factors: the child⁸⁵, the refugee, the camp. All carry with them a symbolic of transition, of bare life and/or of naked surface, that makes easier the process of metanoia, of transition from an identity to another, the identity of the refugee. I will not be able to address each of them in details within the frame of this work. I will merely put emphasis on previous works done on those subjects. Thus, I will particularly focus on another contributing factor, which is the quality of the visual representations showed by the images: What is visible? What is not?

The photographs displayed and taken by children refugees stand out by representing them in their normality. Pictures of kids bathing and playing with water, toys, birthday celebrations, a wedding, a market-place, see-saws.... those are scenes of a normal life, scenes that “we” could be living too, as westerners. Intellectuals like Guy Debord have engaged with this issue and evidenced the political consequences those in power could benefit from a society of dumbing down leisure activities⁸⁶. In that aspect, those pictures reflect the western part of their identity, the similar (to us) rather than the different (the alien).

From another perspective, they also represent the innocence of children, but then the question becomes why them, and not mature people? It is important to keep in mind who is given the capacity to speak, in words or in images. Ultimately, it is only once one is aware of what is visible that one can start questioning the invisible. The image as a technique of storytelling can only benefit from the ethical seal once it represents the difference. Here, what is distinctive about their humanity is not made visible: worship, cultural practices, characteristic traits of their former identity. Besides, images are silent.

⁸¹ Douzinas n(75)

⁸² Douzinas n(75)

⁸³ Boris Groys n(48), ‘Europe and its others,’

⁸⁴ Douzinas n(75) : “*But liberal philosophy... artificially erases the traces of otherness and imagines self as identical with itself*” p271

⁸⁵ Children, one of the latest creations of international law since its status of legal subject was made official in 1990 with the UN Convention on the Rights of the Child. Furthermore, as children refugee, they cumulate the features of vulnerability and innocence, as well as the – alleged- abilities for adaptability and regeneration.

⁸⁶ Guy Debord, *Towards a Situationist International*, 1957

In the movie, “Requiem for Syrian Refugees”, Richard Wolf renders audible refugees, who, when given the opportunity to talk, explain that, “most refugees are jobless and can’t leave the camps. The old and young spend their times playing games⁸⁷”, and that, in fact, they feel like they are “the chess pawns⁸⁸” between the hands of Western powers⁸⁹.

The UNHCR representative in France said they “hope that the exhibition will invite visitors to reflect on the situation of refugees, create awareness, empathy and actions of solidarity”. I have no room here to study the images’ potential impact on the spectator and can only hint at the phenomenological philosophy of Jean-Paul Sartre and his work on the imaginary⁹⁰. What matters here is to note that the reproduction of the language of international law by the image allows the emancipation of the refugee. However, that emancipation is acquired at the cost of, in a certain sense, oppression. Therefore, it might be argued that this condition might undermine the ethical ambition the project claims to have. In other words, the refugee will obtain recognition, provided he/she impersonates the criteria necessary to achieve the scope of these images.

6. The Exhibition as Recognition: The Refugee, from Emblem to Subject

Throughout this paper, I have argued that the use of art by the UNHCR in refugee camps was contributing to the re-authorization of international refugee law’s discourse. I have specifically addressed one of the key obstacles, which is the ambiguity in dealing with “otherness”, entrenched in western liberal philosophy, and therefore, reflected in both, European societies and international law. The tension arising from this ambiguity is brought to its maximum stretch when facing the refugee, reduced to its alienness in a context of perceived crisis.

Although art is traditionally valued for its capacity to depict and represent the other⁹¹, it is also sometimes subject to domination. In this part, I will explain how, thanks to exhibition, visual arts eventually allow international refugee law to deliver its promise by completing the legal subjecthood of the refugee. From this moment on, there is a turnaround, international refugee law is victorious but the promise of an ethical recognition is now forfeited.

6.1 The victory of international law and the end of art

Logically, the “Exile Voices” project has been documented by newspapers but, what is perhaps more interesting, is what was made of these photographs, their “devenir”.

During August 2015 up until October 2015 on the banks of the Seine, in Paris, a photo exhibition took place called “A Dream of humanity” representing “humanity and diversity as well as seven key words translated into languages from all around the world: respect, peace, solidarity, friendship, dignity, hospitality and hope⁹²”. In his work on legal emblems, Goodrich explained that an emblem was, an image, accompanied by a motto and a vernacular explanation⁹³. From this account, it does not take long to understand that the images displayed on the occasion of the exhibition participate to that tradition of legal emblems. The motto, “A Dream of Humanity” names what should be seen while the text ultimately gives life to the promise of international law: humanity and diversity, for all and everywhere. Thanks to the exhibition, the promise is fulfilled and law’s power is restored. The banks of the Seine become the site of enunciation, where the story or history unfolds⁹⁴. The emblem does its job.

⁸⁷ Richard Wolf, *A Requiem for Syrian Refugees*, 2014

⁸⁸ *Ibid* n(89)

⁸⁹ *Ibid* n(89) Quoting one of the refugee interviewed, “Enough of making fun of us. Enough of treating us as a game »

⁹⁰ Sartre n(53)

⁹¹ Groys n(47)

⁹² Schmitt n(1)

⁹³ Goodrich and Hayaert n(37)

⁹⁴ Or were they turned into a museum? Indeed, as Hooper said, everything can be a museum, a place where a specific form of knowledge is being displayed. Yet, the consequences for the project would be of an entire different nature. A museum

Yet, I would like to take my argument a bit further and push it to advance that, more than displaying an emblem, the exhibition ultimately contributes to the recognition of the refugee as such, which means as a legal subject. Indeed, as Douzinas explains, the legal subject is both cognitive (rational) and active (seeking recognition). The refugee is, strictly speaking, already a rational legal subject since its desire to find a refuge has been positivised already⁹⁵. However, the recognition by the others of its rights⁹⁶, essentially, the right to live in a safe and secure environment, to have a home, is being denied due to superior, or at least, stronger oppositional forces. Thus the refugee, at least the one living in a camp, is not an “active” subject yet. He will only become so once he is fully recognised by the community he aspires to belong to. Recognition is the condition for belonging and even for existing in a peaceful environment.

From this moment on, the exhibition acquires a supplementary significance since it is how the legal subjectivity of the refugee is being completed. Here again, the intention behind the location is symbolically powerful. France, the enlightened nation, homeland of human rights. Paris, city of light and artists. France, the country of the Calais’s Jungle, the country of the far right party Front National registering an increasing number of sympathisers and voters. The exhibition is, therefore, not anecdotal and must be considered as an integral part of the use of visual arts as a legal technic of authorization. From the perspective of art, the consequence is one that Hegel had already reached. As Groys explains,

“[F]or Hegel himself, the end of art, as he argues in his lectures on aesthetics, takes place at a much earlier time: it coincides with the emergence of the new modern state which gives its own form, its own law, to the life of its citizens so that art loses its genuine form-giving functions. The Hegelian modern state codifies all visible and experiential differences- recognizes them, accepts them, and gives them their appropriate place within a general system of law. After such an act of political and judicial recognition of the other by modern law, art seems to lose its historical function, which as to manifest the otherness of the other, to give it a form, and to inscribe it in the system of historical representation. Thus at the moment at which law triumphs, art becomes impossible. The law already represents all the existing differences, making such a representation by means of art superfluous”. ... or serving the law... “the genuine role of art which consists, for Hegel, in being the mode by which differences originally manifest themselves and create forms is, in any case, passé under the effect of modern law”.

There is a final point that needs addressing, which is the evaluation of ethical dimension of the project.

6.2 The failure of the ethical promise

If art has lost its autonomy and its capacity to represent the difference, the extent to which the project can prepare the grounds for an ethical relationship to come is thwarted.

Indeed, according to Douzinas, “the movement of recognition that forms the basis of an ethical relationship between subjects consists in a process of alternating stages of both reconciliation and conflicts”.⁹⁷ In that respect, where is the possibility of conflict and, therefore, of reconciliation in the present situation? In accepting what is similar, what is universally human (children etc). There is no recognition of the uniqueness of the other human, its identity as Syrian, only as a refugee.

represents death and past history, things and events that no longer are and should never be again, a sites of memory and/or conscience (Sierra Leone Peace Museum). Cf Eilean Hooper-Greenhill Dawsonera, *Museums and the shaping of knowledge*, (London: Routledge, 1992).

⁹⁵ The 1951 Refugee Convention, Article 1A(2)

⁹⁶ Douzinas, n(75): « Rights are the legal recognition of individual will »

⁹⁷ Douzinas n(75)

Consequently, paraphrasing Douzinas, the project sets the grounds for a recognition that forms the basis of a legal relationship, not an ethical one. Ultimately, the counterpart of legal recognition is legal oppression, “the recognition denied by oppression is not that of mutual respect or of political participation. Oppression denies the much more specific recognition enjoyed by a person in his uniqueness and integrity, the acknowledgement of his specific capacities and aspirations, and of his singular needs and desires”,⁹⁸ his original identity.

In considering the work of the aesthetic regime of international refugee law in the emancipation and the realization of the refugee as a legal subject, I offered an analysis of the techniques international law can resort to in times of necessity, that is when its authority is being threatened. It is necessity, the necessity of power that governs all actions of international law.

In order to understand the stringency of necessity, John Berger can be of help here. In an article initially published in 1991⁹⁹, he discusses a painting by Géricault, *the Kleptomaniac*, and throws light on what it takes to look at misery in the eyes. Quoting the French philosopher Simone Weil, he explains that “knowing that the miserable exists as a human/man exactly similar to us requires a ‘certain regard¹⁰⁰’ of compassion laced with powerlessness. Compassion demands an attitude of identification to the alien and its full acknowledgement as such, it demands self-abnegation.

By talking about powerlessness, Berger more specifically refers to a process of acknowledgement or awareness of our impotence to explain pain, misery and the folly of the world we live in. To him, the painted image of the kleptomaniac by Géricault offers this possibility. The image of the refugee as artistic legal subject, by only creating the opportunity for compassion towards a similar and minimum humanity and counterbalancing a sense of powerlessness by the realization of the refugee’s full subjectivity via the exhibition, does not. And Berger to conclude that this is because to do so, would amount to defy necessity¹⁰¹, and ultimately here international law.

For this reason, from international law’s perspective, there is no room for compassion, and even less so, for powerlessness. As long as power and heterogeneity will be thought of as excluding each other, the promise of an ethical relationship will remain in the distant horizon. Therefore, what the aesthetic regime of international law offers is the image of hope, the hope of a justice to come but also of a justice being made. Such hope is instilled and restored by the legal aestheticization of the refuge, an aesthetic that, as we now understand, is defined by reason, and even more so, by law’s reason. As Plotinus said,

“All shapelessness whose kind admits of pattern and form, as long as it remains outside of Reason and Idea, is ugly from that very isolation from the Divine-Thought. And this is the Absolute Ugly: an ugly thing is something that has not been entirely mastered by pattern that is by Reason, the Matter not yielding at all points and in all respects to Ideal-Form. But where the Ideal-Form has entered, it has grouped and coordinated what from a diversity of parts was to become a unity: it has rallied confusion into co-operation: it has made the sum one harmonious coherence: for the Idea is a unity and what it moulds must come into unity as far as multiplicity may¹⁰²”.

By this process, art becomes the last refuge for law and the international legal order eschews the ethical necessity of a reflective and self-questioning process. A crisis requires actions, not questions. Some argue that it is impossible to welcome the misery of the world. However, international law, by making a promise to the universe, should expect the universe to hold it accountable when it fails to keep its word.

⁹⁸ Ibid n(75)

⁹⁹ John Berger, ‘Regarder le malheur en face’, in *Le Monde Diplomatique*, (December 1991), 32. Re-edited as ‘La fraternité des égarés’ in *Manière de Voir* 148, ‘*Artistes, domestiqués ou révoltés ?*’, (August-September 2016) p 86.

¹⁰⁰ Simone Weil, *Attente de Dieu*, 1942

¹⁰¹ Berger n(101), translation by the author.

¹⁰² Plotinus, 22 [Ennead I, 6] quoted from Simon Stern, ‘Effect and Technique in Legal Aesthetics’, (2015) 2 CAL 496

7. Conclusion

During summer 2016, the Turner Contemporary Gallery in Margate, held an exhibition called “Seeing Round Corners, The Art of the Circle”. It aimed to explore the symbolic of the circle, which “as a form and as an idea, is at the heart of our relationship to the world”¹⁰³. On this occasion, I had the occasion to discover an illustration by William Blake entitled “The Ancient of Days”, used as a frontispiece to his book, *Europe a prophecy*¹⁰⁴. It represents Urizen who, in Blake’s mythology, is the god of law and conventional reason.

He is depicted as an old white bearded man, down on one knee, sitting within what looks like a red and shining sun surrounded by dark clouds. He is looking down to Earth, holding a compass, adjusting the human world to its standards of measure. In Blake’s illustration, the compass forms a perfect alignment with Urizen’s fingers; each branch of the instrument is but an extension of each finger. The hand and, in fact, Urizen himself represents the point towards all things converged, the vanishing point. Daniel Arasse¹⁰⁵, commenting on Alberti’s treaty ‘De Pictura’, explains that the perspective builds a forum, a space within which history is unfolding, where freedom is decided and represents the world as it is commensurate to the man. In Blake’s illustration that man, Urizen, is Law and Reason; this work has, hopefully, demonstrated that the world, and in the present case, the refugee of the “Exile Voices” project, is constructed and shaped, not by human’s standard, but by law and law’s reason.

In light of the previous part, Urizen appears now as a rational choice but, the case study being the “Exile Voices” project, a logical choice would have been to pick one of its images: the image of the refugee legally aestheticized by the reason of the law, who can only whether exists within the place created by the two branches of the compass or not to be part of the world and remains in the camp’s limbos. However, doing so would have been repeating the same process I was ethically questioning. This reflection was mainly informed by readings done on the role of the curator and art documentation and its impact on our vision of the work of art/ world¹⁰⁶. The choice really was between an image of law and reason or images of the reason of the law.

Since part of the argument is mainly about the partial and one-sided legal visual of the refugee the project offers, this paper equally offers a critical analysis of the project and, therefore, can only be seen partial too. However, this work initially offered to put the failure of international law into perspective, it ended with providing an insight into international law’s perspective, how it conceives, measures, shapes, as a geometer, identities and the world we lived in. Conclusively, as much as the content of the paper focused on the visual equivalent of international refugee law, the illustration of Blake acts as the visual counterpart of this paper.

Aurélie Duchesne

(University of Kent, Canterbury)

¹⁰³ Turner Contemporary, Seeing round corners, <www.turnercontemporary.org/exhibitions/seeing-round-corners> last accessed 5th September 2016

¹⁰⁴ William Blake, *Europe a prophecy*, 1794.

¹⁰⁵ Daniel Arasse, *Histoires de peintures*, (Folio, 2006)

¹⁰⁶ Eilean Hopper-Greenhill, *Museums and the Shaping of Knowledge*, (Routledge 1992), see also, Boris Groys, « Art in the age of biopolitics : from artwork to art documentation’ in *Art Power in Art Power*, (Cambridge, Mass; London:MIT, 2008)