

Epilogue

AFTER CRUELTY

The Last Subject of Cold War Humanism

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The problem of the Twentieth Century is the problem of the color-line.

—W. E. B. DU BOIS, *The Souls of Black Folk*

The important point for liberalism is not so much where the line is drawn, as that it might be drawn, and that it must under no circumstances be ignored or forgotten.

—JUDITH SHKLAR, “The Liberalism of Fear”

It is quite conceivable, and even within the realm of practical possibilities, that one fine day a highly organized and mechanized humanity will conclude quite democratically—namely by majority decision—that for humanity as a whole it would better to liquidate certain parts thereof.

—HANNAH ARENDT, *The Origins of Totalitarianism*

It is by now clear, despite the pervasive denialism that marks the contemporary political condition, that we have entered a planetary age. It is an age inaugurated by the convergence of the voracious human will to colonize land and expand in space, on the one hand, and the increasingly destructive unfolding of natural events and transhuman forces that are altering the physical face of the planet, on the other. The effects of this convergence are not being tempered, let alone ameliorated, by

the worsening norms of moral and political conduct in global affairs. Quite the opposite: international institutions and law—whose power to mine, extract, railroad, and police the earth was defined, *at their very origin*, by punitive imperial interests and juridical visions drafted in nineteenth-century capitals of European nation-states—continue to haunt the planet today. The colonial origins and neocolonial restructuring of international legal and economic institutions have only aggravated the disparity and neglect that, for over three centuries, afflicted the human condition. That Euro-American desire for sovereignty over the globe now casts, in even more brutish and brazen forms, a long and dark shadow over the future of the planet itself.¹

One deceptive name for this postimperial shadow is the “Cold War.” Notwithstanding the ideological weight and obfuscating moralism that the term carries, the Cold War, in starkly human terms, was a bloody theater mounted worldwide through the postwar rearrangement of land and sea by those great European powers that were, by the middle of the twentieth century, weakened by their greed overseas and yet not weakened enough to stop leaving a trail of displaced postcolonial populations in their wake. For over four decades after the end of the Second World War, the Cold War became a gladiatorial fight set up to redefine and decide, once and for all, the meaning of liberty and of *human freedom* for the globe. But this was a fight at once so bloody and farcical that it excluded from the world of ideas that very swathe of humanity that had just wrested back the idea of freedom—and its profoundly moral and constitutional practice—from the Europeans.²

Some of the most exemplary thinkers of human freedom were to be found, by the second quarter of the twentieth century, not in mainland Europe but instead in the anticolonial bloodlands of the Global South. By the 1960s, this constellation was transformed further, pulled radically back into the Black Atlantic by those thinkers who, in the sacrificial prime of the 1960s civil rights *revolution*, converted the racialized landscape of the American South into a stage for their own militant retelling of the modern epic of freedom and tyranny. This intellectual shift occurred not because Europe (or the West) had set the South and its moral imagination free. If anything, decolonization in Asia and Africa proved as deceptive as the Civil War had in America a century earlier: both epochs had changed the world but not its interpreters. Despite the mid-twentieth-century wave of self-determination and civil rights victories, the ideals and institutions of postwar democratic practice continued to be warped by a racial philosophical mindset and brutal military infrastructure whose coordinates still ran through the capitals of postimperial Europe.

The southern theory of political freedom emerged despite Europe's foot-dragging withdrawal from the Global South, not because of it.

Much of Cold War humanism and the study of the humanities in Euro-American institutions that grew out of this postimperial stasis have remained trapped in the warp of this farce. On the one hand, Cold War humanism trafficked in the myth that Europe had ceased going to war and that there was indeed, after the Second World War, something like a *postwar*. This myth of peace, put in place by postwar military treaties and alliances, seemed to be true, but only because the postwar battlefields were to now be increasingly found in the decolonized regions of the Global South: that savage hemisphere where the violent puzzles of human freedom and dehumanizing inequality were being solved by the barbarians themselves and with which Europe—either in its thinking of independence or in its violent demise—had purportedly nothing to do. On the other hand, Cold War humanism gave political theory of the Global North credit for thinking about care, welfare, and justice even though the intellectual firepower behind these questions—the moral commitment to an archaeology of freedom in the face of tyranny, archaic and new—had shifted dramatically to the South.

For all this, as the contributors to *Cold War Refugees* have shown in uncompromising detail, the price of this farce—the disjuncture between the *intellectual* and the *political* and the asymmetry between *theory* and *practice*, which underwrite Europe's philosophical amnesia—was no less tragic. The Cold War was, after all, not merely a chapter in the global history of ideas, much less a struggle merely over the contours of late modern humanism and its ends. Neither its promise of perpetual peace (liberalism) nor total equality (Communism) ever rang true in the Global South. It wasn't surprising, then, that its end would fail to bring upon the southern horizon the promised freedom from global war. Instead, it would only reinforce a cold historical fact: that the Cold War was a brutish affair whose human price, for a long time, felt cheap and distant to the Global North simply because much of it was paid for in Asia and Africa.

This global inequality is what James Baldwin calls, in his searing critique of postwar American power, "the price of the ticket." An intellectual history of that price, which cut away a vast swathe of humanity from the very idea of being human, is yet to come.³ *Cold War Refugees*, with its unsparing retelling of that story and its contributors' painstaking attentiveness to historical facts and numbers, makes that intellectual history unavoidable.⁴

In what follows, I make a beginning toward that genealogy of the human—and

the price of human freedom—from the South. My primary concern in this epilogue is not to reiterate and reinforce what the preceding chapters have already argued and accomplished (even if I do refer to them where necessary to substantiate my point). Rather, my aim is to probe, in all its moral and political depth, *the weight of inequality* and the histories of dispossession that the pervasive condition of modern statelessness continues to carry in itself, especially as its shapes change under pressure from the mutating strains of late liberal democracy. In doing so, I hope to bring into sharper conceptual focus this book’s commitment to asking not simply why the figure of the refugee matters now—for this concern is not new—but, instead, why we are unable to get past cycles of moral indifference and political violence against them worldwide. Who—or *what*—is it that we attack when we attack the refugee?

I argue that this cycle perpetuates itself—and that the law willfully neglects this last *infrabuman* subject of neoliberal jurisprudence—because of an obdurate moral and juridical split in our conception of the *figure* of the refugee. We see *internal frontiers* and segregationist legislation within modern nation-states—in the form of their racial apartheid or caste laws—as belonging to a different, almost unrelated, juridical order, distinct from interstate delusions or international visions of border making, line drawing, and partitions. Both orders are equally arbitrary, equally violent, equally formed and stained by the planetary history of colonization and slavery. And one relentlessly haunts the other. Yet we see these as two different orders: one as a strain of “the social question” at home (a question driven by primal human compulsions and “need,” of which Hannah Arendt writes in her treatise *On Revolution*) and the other as an international, political, and legal question (with the refugee seen as a figure in the punishing story of human greed—a subject worthy of punishment). This modular *judgmentalism*—or epistemic prejudice—is the legacy of the Cold War. But its ideological anchors are dug deep into the moral psychology of both archaic nationalisms and ultramodern racisms of the last two centuries.⁵

It is to this nexus that the constellation of thinkers in the brilliant firmament of the American civil rights tradition would respond, poetically and uncompromisingly, in the second half of the twentieth century. And it is in their wake that I argue that the cruelty of *segregation* (perpetrated within borders) and the compulsions of *statelessness* (faced beyond borders, or, better still, on the outer edge of borders) are morally inextricable and legally conjoined. For unlike snobbery, from which it ensues, cruelty is not the province of the smug affluent alone; it is the kingdom of the disdainful misanthropes. Only societies in which to be born poor or to seek



Figure E.1. W. E. B. Du Bois (1868–1963). How must we deepen our archaeology of “the color line” that Du Bois spoke of at the turn of the twentieth century now that the pernicious force of that line has penetrated even deeper into the twenty-first? What might come after it? Source: W. E. B. Du Bois Papers, Robert S. Cox Special Collections, University Archives Research Center, UMass Amherst Libraries, University of Massachusetts.

refuge elsewhere amounts to having committed a crime worthy of hatred can the weaponization of hunger—killing unprotected populations on the borders by starvation and famine—be deemed perfectly permissible under the law. Only societies with life-numbing inequalities can let refugees drown—in full and plain sight of the law—just a few miles off their coast, punishing strangers for their own misfortunes at home. This is perhaps why such a wide range of states—countries as starkly different in their economic and political stability as Greece and the United States, as incommensurable in their political beliefs and histories as China and Italy—are nonetheless so dramatically and equally consumed by their indifference toward refugees, asylum seekers, and religious minorities (to which all these states and their majorities respond with laws of detention, deportation, and disposal).

This paradoxical nexus of segregation and statelessness, caught in a relation of force and counterforce—one packing human bodies together and the other abandoning them altogether—is what W. E. B. Du Bois compresses, with unmatched diagnostic—and, if you will, *prophetic*—power, in his formula of the global “color line.” It is in Du Bois that *force* first appears, in its most primal form, as an attribute of *color* and color appears, in its most veiled form, as an attribute of force. And it is Du Bois, who begins with this archeology of the line in his 1903 classic *The Souls of Black Folk* and then deepens it in his 1920 essay “The Souls of White Folk” in *Darkwater: Essays from within the Veil*, to whom we must always turn for the intellectual and moral history from the South I propose here.

A Planet of Migrants

The scale and sweep of the forces that today imperil the planet might seem unfathomable. But their origins are of recent vintage, unleashed by the massive industrial depredation and militarized partition of the globe by European powers that marked the beginning of the capitalist and colonial age. This does not mean these forces have not started to dangerously tower beyond the standard rules and norms that the modern world had invented to measure its life, liberty, and happiness, if such a measure of life were possible. The truth is these forces now brush past the profoundest extremes of technological imagination about what the human is, where its boundaries—old and new—are, and what life as such might soon become.

To speculate about humanity’s afterlife—*the human after the exhaustion of life*—is no longer an exercise in mystical theology. It has now become an urgent experiment in philosophical realism.⁶ Humanity—the moral and political figure or law-abiding species upon which modern jurisprudence had built the language of natural and human rights and upon which our ethics and politics of shared fate and common finitude had come to rest for over three centuries—has been pushed across the threshold of scientific certainty, righteous individualism, and mystical comfort of the earlier ages. Humanity seems to have found itself bound again into one common, uncertain, and planetary fate, although the sharing of these commons remains divisively and violently unequal.

Speculations about planetarity tend to quickly devolve into abstract rhetorics of sharing and the commons. But they are empty without a critique of its history. After all, things that are today shared under duress, when they are shared at all, have *never* been equally given or held in common. Neither natural resources nor

moral sentiments have ever been equally given to—or seen as being equally bestowed upon—the world. What is deemed sharable, including human freedom, has always been unequally inherited—often marked by segregation and hierarchies of birth, skin, and hemisphere.

It is a matter not of insignificant historical detail that the earliest language of liberty in the Atlantic world found its first constitutional expression among the slaveowners of the American South. It was the enslavers who first laid claim to the language of liberty, which to them meant their invincible right to own other human beings as property. “*Rights* was their favorite word,” Judith Shklar writes of the slave-owning masters in a sharp ironic moment in her genealogy of American conscience.⁷ What is even today experienced as life lived in proximity with others—separated by a barbed wire fence, a postwar freeway, a militarized strait, a racialized peninsular, a relentlessly surveilled waterfront, or an invisible latitudinal line—has never felt like a life equally worthy of living on both sides of the color line. Worse, like the plantations of the South, life itself never seemed equally bearable or livable to everyone on the planet that emerged from that predatory economy.⁸ To be sure, today, the global color line is vacillating and unstable, pushed to the ends of the earth. But its unlivable disparity and cruelty have by no means disappeared from the heart of the modern social contract.

If anything, the human body today encounters the extremes of what the “unlivable” looks like even more unequally than it did when the planet was mildly cooler and income inequality, more tolerable. None of this makes the deep history of inequality and heat, which today push millions of people into migrancy worldwide, excusable. But it is equally true that human beings respond to this inequality not by more openly and voluntarily sharing things that belong, at least in principle, to the commons. Instead, they respond—even and especially under conditions of liberal democracy—with even more brutal, segregationist legislation and democratically sanctioned judicial barbarism, all directed against those strangers, aliens, and migrants who, uprooted from their homes or dispossessed of their land or expelled by their own national states, need the commons the most. Now as ever before, what belongs to the commons, at least in principle, remains accessible to the powerful and the vulnerable only unequally. The rhetoric of planetarity is no substitute for an equality that must be freely shared.

This brings us to the starkest reality about the contemporary human condition, of which the *refugee* has emerged over the last century as the most unrelieved figure. In a world where every human being seems—or is deemed self-evidently to be—

equally mortal, equally capable of being injured, and equally perishable as others, the disappearance of the refugee from the world has come to be seen as even less worthy of being mourned. The human that perishes without even being mourned or even counted—that is the *last subject of modern humanism*, by which I mean the refugee is not simply a function of asymmetrical juridical power—or total domination—of some over many; it is also the figure of *mutation in the human* as such.

So normal and pervasive has this inequality become worldwide that it would almost seem that humanity has survived on earth precisely because of this violent inequality, this absolute command of a few over the many in a manner reminiscent of an earlier archaic age, not despite it.⁹ And in the act of staring unflinchingly at this moral inversion, perhaps even recognition of what the human has become—under the stress of an unequal planetarity—might lie our capacity to look at our cruelty in its face and overcome our desire for it.¹⁰ “We first become aware of freedom or its opposite in our intercourse with others, not in intercourse with ourselves,” Arendt writes.¹¹ If she is right, then there is no freedom worthy of the word on an unequal earth; there is only the license to violate others in its name.

At its heart, *Cold War Refugees* is a global story of this unforgiving kinship between inequality and violence and of the insoluble bond between dispossession and democracy, forged at their very origins in the anticolonial South. It is also an uncompromising prehistory of that with which, more than three decades after the formal end of the Cold War, we are now confronted: the weaponization of unbearable planetary heat against over 150 million human beings, who will be forced to leave the unlivable, blistering parts of the globe—many of them from the neocolonial and paramilitarized regions of the Global South—only to be met by armed police and naval guards on the borders of the southern United States and the shores of Mediterranean Europe. These are borders policed by armed forces with unprecedented technological capabilities, along with a brazen will to violate international laws of amnesty and asylum. Their arbitrary, lawless sense of righteousness on land and sea alike are so infinite that they in fact seem, as if pulled out from Walter Benjamin’s worst nightmare, “mythic” beyond limits.¹² Thousands every year are left “unprocessed,” their wait for a visa or search for paperwork suspended in an abyss, which increasingly looks like a strip of quarantined land in the desert. Neglect has become the compulsive fuel of this righteous humanism of care and its security apparatus.

This contemporary implosion of the postwar regime of human rights into a “jurisprudence of neglect”—which I call the *neodemocratic condition*—is barely

happenstance. If anything, it is a symptom of the slowly metastasizing degeneracy of sovereign power into autonomous spheres of detention and surveillance that invoke national security in principle but, in practice, have become completely independent of the judicial limits imposed by those national states themselves. Such implosive sovereignty—the independence of paramilitary law from sovereign guarantees of life—was all that remained in the Global South during and after the withdrawal of European imperial states in the middle of the twentieth century. And while there were exceptions to this late-colonial pathology of sovereignty, their mechanics were going to always be inadequate to the task of national restoration in the former colonies and theaters of war. The postwar tumult that produced the mass of stateless populations in Asia and Africa and turned them into refugees was not an aberration. Instead, it was a function of the bloody and botched decolonization overseen by European powers on three continents, beginning just as the Cold War set in.

Neglect and Freedom

By the late 1940s, well before decolonization swept the Global South, the stage was already set for this postimperial stasis. What would come to define the Cold War most fundamentally was not an eradication of conventional interstate military conflict but instead the consolidation of a global police and *paramilitary logic*, as Yumi Moon subtly shows in her introduction. Such a force would achieve a level of juridical independence—*the sovereignty to punish*—that civil institutions, even inside of nation-states, have rarely had in modern times. “The nation-state, incapable of providing a law for those who had lost protection of a national government, transferred the whole matter to the police,” Arendt argues in *The Origins of Totalitarianism*. And this meant that, for the first time in Western Europe, the police now held “the authority to act on its own, to rule directly over people; in one sphere of public life it was no longer an instrument to carry out and enforce the law, but had become the ruling authority independent of government and ministries.” Most strikingly, Arendt observes, the power of the police and “its emancipation from the law and government grew in direct proportion to the influx of refugees.”¹³

It is in the paramilitary law that the time of decolonization meets and merges with the postwar epoch. Or better still, *it is through its police logic that the Cold War aggressively mutates into global civil strife*. And in so becoming, this mutant blurs the classical boundaries between international border forces and domestic police

apparatuses in the postcolonial South, on the one hand, and promises of immigration and doctrines of deportation in the postimperial North, on the other.

In the first half of 2023 alone, the United Nations Refugee Agency reported that 2,500 migrants, trying to cross the Mediterranean, went missing or perished in the sea.¹⁴ Those who survive or wash ashore are met not by civil guards but armed police with modern weaponry and neocolonial attributes. *Cold War Refugees* is a textured hemispheric understory of this archaic brutality and its doctrine of neglect that has shaped our neodemocratic condition—a condition that historians continue to almost casually brush under the more celebratory term “decolonization” and that political scientists had long ago moved on from under the pretext of the more pressing concerns of the “Cold War.”¹⁵

Neglect here is not passive abandonment. It is a structure of violence built on the theologico-juridical will to punish by making the border police exempt from all political control, an island of sovereign jurisdiction unto itself. It is a function of sustained punishment, a painstaking craft of making the inequality of the stateless hurt. Sometimes, neglect amounts to making the stateless disappear altogether, either through institutionalized indifference toward those who perish on the seas or through an exhaustive countermeasure: the science of settlement—*ekistics*—and sheltering the refugee. That is, neglect can sometimes involve giving the refugee temporary shelter, if only to launch them into the abyss of an unending wait for the paperwork that might testify to their humanity. In that sense, neglect is less a consequence and more a counterpart of the modern biopolitical logic, which sees keeping life safe and bodies usable as the sovereign purpose of politics.¹⁶ It is also an inversion of the sanctity granted across religious traditions to the preservation of life as such, which, since Thomas Hobbes, has morphed in the modern age into the founding logic of sovereign power—both in the protective guarantees that sovereignty provides and in the penal rights over life it claims in general.¹⁷ And this has tragically meant that the late modern doctrine of neglect can express a society’s civic or political will to punish the stateless—through legitimate *majoritarian decision* and its inverted jargon of religious piety and purity—only under liberal democratic conditions, because no choice as such exists under tyranny.

Neglect is now the unspoken doctrine of the neodemocratic condition. It has no preservative function, only a punitive one. In fact, neglect does not even carry with it a society’s interest in oppressing the illegal immigrant, the asylum seeker, or the refugee. Its only interest resides in discarding and bussing them off to their doom or letting them drown on the high seas or airdropping them back in lands

they had fled in terror, thus shredding the very border between war and peace, refugee and citizen. In its abyss of moral bottomlessness, it is not only the classical definition of the citizen—and thus of the *stranger*—that neglect today leaves obsolete. It is also the juristic notion of classical civil war that it renders unusable for our time.¹⁸ For political neglect is the infiltration of barbarism into citizenship itself, rendering all conventional theories of fratricidal combat and hostility pointless. It is a war without end.

For too long, the Cold War has been celebrated, in some quarters, for eliminating war altogether, even if only through its introduction of radioactive weaponry into modern warfare and its use of deterrence based on fears and hopes of mutually assured destruction. At the most fundamental level, *Cold War Refugees* offers a tragic reminder that, in fact, the Cold War neither exorcized the counterrevolutionary specters haunting the long decolonization in Asia and Africa nor marked the definitive end of European imperial hubris on those continents.¹⁹ Instead, from the very beginning, it masked the long aftermath of decolonization for what it was: a civil war of colonial origins with global sweep, which would never really cease to smolder. If there is a twentieth-century example of what Hannah Arendt might have called a “global civil war”—a sort of moral and military grey zone where war and revolution, violence and justice, and, above all, racism and humanism become ideologically indistinguishable from each other and, under the sheer burden of their joint brutalities, engulf the entire planet in it—the Cold War is quite literally that cold bloody specter, *the antirevolutionary counterpart to decolonization*.²⁰

Arendt comes close to identifying the morphology of planetary conflict that might produce this new paradigm of statelessness. “A world war appears like the consequences of revolution, a kind of civil war raging all over the earth as even the Second World War was considered . . . with considerable justification.”²¹ Beyond doubt, the Second World War, for all the human and material price it extracted, did carry the revolutionary air of self-determination to Asia and Africa. Despite her formidable insight about this kinship between war and revolution, however—and to be sure, one turns into the other as frequently in the real world as it does in humanist visions of the world—Arendt barely pauses to note that it took merely the *threat* of liberation within their own colonies to spur the victorious, freedom-loving, “revolutionary” European powers of the Second World War to unleash their entire military might against their colonial subjects. In fact, the revolutionary and victorious powers of the Second World War quickly morphed into executors of a barbaric and counterrevolutionary suppression of independence in the colonies.

That this reversal is a phenomenon to which Arendt is oblivious perhaps reveals her failure—or studied unwillingness—to fully theorize what a twentieth-century civil war with global sweep—only, now, with America’s humane constitutional tradition behind it—would look like.

More crucially, however, Arendt misses entirely why this cold war had come to be called what it came to be called, if only to force the world to forget what it truly meant in the colonies. “In its bare reality, decolonization reeks of red-hot cannonballs and bloody knives,” wrote Frantz Fanon in his unsurpassed indictment of a failing humanism that, with its one hand, ratified a Universal Declaration of Human Rights (1948) and, with its other, soon sanctioned the most violent assaults on the very notion of life and living in the colonies.²² But it is only when its ideological hubris (or, to marshal Judith Shklar, its postimperial “hypocrisy”) is breached from Asia that Cold War humanism appears on our horizon in its true planetary gambit: as a politically unstable backstop to human liberation, its (ideological) content and (geopolitical) form built around the neocolonial and sometimes neo-Socialist scaffolding that took shape in the Global South under *anticolonial* and, at the same time, *antirevolutionary* pressure. In its tragic moments and in unfortunate places, the long anticolonial dream would itself morph into a soul-crushing counterrevolutionary force.

The Cold War, then, which was pegged on the wobbly balance of this strife in Asia and Africa, was not a world-making story of human freedom ideologically conceived in Europe and globally realized in liberal ideals and institutions championed by postwar American imperialism overseas. Nor did its end mark the worldwide triumph of neoconservative values rooted in virtues of the market, let alone the “end of history,” as Francis Fukuyama had ambitiously declared.²³ Instead, the opposite was true. The war was given its global structure as much by the universalist promises of liberal democracy and ambitious international legalism as by the unpredictable geopolitical contingencies created by mass dispossession and movements of displaced populations upon whose bodies the helpless language of human rights grew.

In turn, with its moving frontiers and strategic linchpins, the Cold War itself dramatically restructured ideas of democracy and internationalism, of jurisprudence and political thought, and of the moral contours and shapes of postwar liberalism at large.²⁴ And all this occurred even as war continued to be waged through barely covert means, with unmitigated racial brutality at home and vicious racial prejudice abroad. The ideological mutations in Cold War humanism, the rising

concern with care and welfare as a function of human freedom, all occurred in the midst of sustained weaponization not only of human hunger and child poverty—economic inequality turned into military strategy—but also in the regulated torrent of invention, sale, supply, and use of weapons that were designed to biologically deform the genetic constitution of the human as such.

The irony, of course, is that when added as a descriptor of war, the adjective “cold” forces a conceptual backslide and reverses its meaning. It insinuates into the notion of war at once a rhetorical fallacy and a legal fantasy. It achieves the first—*rhetorical fallacy*—by falsely intimating that this was a war that did not really happen, that this was a war that cannot be located or traced back to the postcolonies, as if its trail had forever been left cold. It unleashes the second—*legal fantasy*—by suggesting that this was the war that coldly outlawed, through moral calculus and nuclear deterrence, all future possibility of war as such. It is a testimony to Western liberal amnesia and of its narrative power that this fantasy has managed to sometimes entirely write off the presence of European powers—if not of postwar international coalitions—from the scene of twentieth-century revolutionary wars in postcolonial theaters, some of which smoldered on and reached genocidal proportions. It was there that much of the Cold War’s human price was extracted in the service of a fading imperial consensus, which the aging, inept, and senseless bureaucratic machinery of European colonialism directly fueled.

This is why each chapter in *Cold War Refugees* is so careful to disinter the movements of that ghosted transcontinental war. Each contributor does so to reanchor those movements into the wider world and inscribe Asia at the heart of a planetary story. As the chapters show, the Cold War was not one monolith of a bipolar conflict between two world powers divided by incommensurable visions of human freedom. It was, instead, a global civil war that produced more borderlines, more settlements, and more refugees than any other nonevent or ghost war in modern history. Ultimately, this ghost war coldly rejected the vision of an equal, shared life on the planet even as it raged on in the name of liberty and life. And it coldly entrenched a racialized disparity across the globe in whose tentacles, at the beginning of the century and in a moment of prophetic anticipation, Du Bois had already seen the surreptitiously rising power and deepening militarization of the color line.

Cruelty and Transcendence

Today, in light of our most recent experiences, cherished concepts of life and humanity (which emerged in the wake of the modern scientific revolution and its philosophical anthropology) seem inadequate and impoverished, if not entirely drained of their moral stability and social legitimacy. This exhaustion is not merely a function of philosophical anxiety about the human form and its future but a consequence also of cold realities of the recent past. Exhaustion does not mean that notions about creaturely life in general and the human being in particular have lost any of their punitive scaffolding and police logic. It only means that, having once put the “citizen-subject” at the center of the modern moral, juridical, and political universe,²⁵ the humanist vision of life—and its separation of the human from nature, of machines from sentient creatures—today seems overwhelmed by relentless pressure from humanity’s own insatiable appetite for space and violence. This has destabilized the very ontology—which is to say, border—between the human and nonhuman, persons and things. Political cruelty is, at its core, this *force* that reduces persons to things.

Exorbitant demands are now made upon the planet and upon human beings by destructive drilling, policing of land, and even interstellar ambitions in space. Such demands are exacerbated by militarized segregations on sea, where hundreds perish every year on rickety crammed boats, left to set sail and capsize in full view of a morally shambolic global legal system. All these conditions pose devastating ethical and legal questions about the limits of being—and remaining—human. How much violence can a form and *figure* of life bear until it simply ceases to be? And if life as such turned into a strife with the unlivable and the barely alive, what would be left of the human? What might become of life when the human is finished with itself and others and done with (leaving) the earth?

Paradoxically, life—and the living—can often find itself trapped in conditions that are “unlivable.” For the truth of the matter is that the unlivable, too, is lived; it too must be stared at and survived, even if in inexcusable proximity with death. Consider a refugee trapped in a boat, unsure of reaching southern Europe, *willing to drown in order to live*. Such a figure perhaps demonstrates the unlivable in international law. And yet, in our political imagination no less than our moral psychology, something still marks out and separates the subject who lives on the threshold of the unlivable from the subject who is either brutalized by the law directly or violated in full view of it. The distinction is not that these two deformed figures of the

living are subject to cruelty differently from each other or that they are violated in varying degrees—sometimes they might even be cared for or tended to. Instead, the distinction is that the brutalized subject, even if it perishes, still finds itself within the web of the law, while the subject who survives at the threshold of the unlivable, one who perishes on the high seas, does so in *oblivion*.

Is there one figure that truly embodies the history of this unbearable suffering and its familiar oblivion? One in whose tragic resilience we might still be able to recover the seeds of a new political and ethical responsibility? One who would reveal a force that might even help us salvage the rough drafts of a democracy without violence or, better still, of a politics that might leave violence behind? What might that figure be?

Perhaps this is the profoundest task that *Cold War Refugees* undertakes. It is certainly the most demanding task it sets for us. For the book seeks nothing short of returning the figure of the refugee to the moral center of global affairs, calling them back from the margins and borders of liberal democratic thought, where it has languished as a helpless bearer of human rights guaranteed by those nation-states that have already abandoned them. As each chapter in this book shows, the refugee is not simply a figure of statelessness. It is the figure of the last human stuck at the limit that we have been calling the unlivable. As if trapped in a tragic fight for survival and a dizzying flight for transcendence at one and the same time—now from heat and now from war—this last subject might have morphed into a refugee on its own warming planet. Its physical, moral, and psychological limits are tested, on the one hand, by shrinking spaces for habitation on land and, on the other, by the rapid unraveling of previously settled boundaries between artificial intelligence and sentient life. Meanwhile, technocratic brutalism has not only made the slow liquidation of populations theoretically possible, as Arendt had already warned in the 1950s. It has also rendered a large swathe of humanity practically disposable.

One might argue that human beings have entered the age of cruelty—an age whose hubristic delusions and violent compulsions are mandated not solely by the gods but bolstered by machines, sanctioned not by the political theology of kings but by the postconstitutional fantasies of neodemocratic supremacist majorities. Perhaps human beings never leave one age entirely when they enter another. It is just that the current age is marked not only by the archaic, ritualized, sacrificial violence of the earlier ages but by a new theologico-juridical will to make the living pay the price just for trying to survive on an unequal, segregated earth.²⁶ In one fundamental way, older theologies of sacrifice have indeed survived and even

thrived in the global age of mechanical reproduction and artificial intelligence—as a collective and organized will to extract a price from the most vulnerable human beings for humanity’s self-inflicted wounds, sometimes by walling them off from humanity altogether.

Along the lines of this resurgent segregationist war, *Cold War Refugees* proceeds one chapter, one region, one peninsula, and one port city at a time. Each contribution probes in startling detail how systematically, to paraphrase Arendt, “the condition of rightlessness was created before the right to live was challenged.”²⁷ Examining how laws of design follow political history, for example, Ijlal Muzaffar, in his chapter, rewrites the postcolonial narrative of imperial design, whose broad strokes have been prevalent since Paul Rabinow’s *French Modern*.²⁸ Muzaffar does so by offering a scrupulous archaeology of Cold War ekistics, the science of settlement—with its view of space scaffolded in five dimensions, constituted around humankind, society, shell, nature, and network—in Pakistan, of which the Karachi Development Authority emerges as the linchpin. Looking at the spatial transformation of the port city under neocolonial conditions—its drafts and sketches generated under the geopolitical dynamics of the Cold War but whose effects were felt on every livable and wasteful dimension of the city—Muzaffar carves out a space for writing a labyrinthine counterhistory of violence. This is a slow-burning violence that becomes invisible and endemic *after* the historian’s genocide has passed—a violence whose subject is not the citizen alone but also the permanently unsettled refugee, trapped in a land of cold, vacillating borders, in a city built around moving settlements and unsettling colonies inside the postcolony. Thus excavated, even the waterfront returns from the topographical edge (where the city literally ends) back to the center—an *internal frontier*—of its tenuous identity. Could it be that it is now the sea, contra Carl Schmitt, that shapes the segregationist logic and law of postcolonial lands?

Racialized segregation is seen as the partition running through or inside of sovereign borders, quarantining even those human beings who, at least formally, are construed as citizens by birthright. But even citizens by birthright, if born of a wrong race or caste or skin, are not safe from the paramilitary law and its apparatus of detention and expulsion. For this is the very logic of paramilitary law that has gone independent of sovereign and even constitutional guarantees of life: its will to segregation within borders is governed by the same structure of penal power that makes the refugee waiting outside the borders illegal. Urban segregation may seem distinct from the general criminalization of migrancy. But this is so not because it

belongs to another order—or because it is meant to evoke another scale of strife—but because it is simply the more obstinate, more pernicious side of the same apparatus. If rightlessness is a consequence of the sovereign state making a criminal out of the refugee, then segregation is the sovereign state abandoning and making an outlaw out of the citizen inside of them. And both compulsions demand sacrifice or, worse, as Grégoire Chamayou puts it in his galvanizing account of migrancy, a “manhunt.”²⁹

This unity of penal logic binds the national-social and international legal regimes into one punishing whole, entrenching the global color line across sovereign borders and states. Since the end of the Cold War, this logic has only deepened its footprint on the planet. Racial segregation is the quiet vacillating face of the civil strife that the earth today faces. And like a classic civil war, it will yield no new political formation when it is done, only a deformed idea of the human. We can grasp the contours of this theologico-juridical entrenchment of a worldwide web—at once religious and racial—only when we are willing to understand that “segregation” now observes no limits of either legal order or of terrestrial scale set upon it by the modern nation-state. Instead, it drives the logic of a global civil war, waged in full view and with the full might of the law mobilized against citizens and refugees equally, on land and sea alike.

Arendt is strikingly prescient about this inextricable relationship between expulsion and segregation, between eviction and immobilization at one and the same time. “The first loss,” she points out, “which the rightless suffered was the loss of their homes, and this meant the loss of the entire social texture into which they were born.” But the second loss, she observes, was the end of government protection, which truly undid the hope that at least an abstract, formal sanctity of human life could be guaranteed by international law. “Treaties of reciprocities and international agreements have woven a web around the earth that makes it possible for the citizen of every country to take his legal status with him no matter where he goes. . . . Yet, whoever is no longer caught in it finds himself out of legality altogether.”³⁰

Here appears the most oblique but unifying thread of *Cold War Refugees*—one that runs through every chapter in this remarkable volume. Looking out from Asia, where much of humanity today lives, the classical distinction between civil conflict and world war has always been hard to maintain. After all, the World Wide Web of postwar legality was put in place there by the withdrawing powers of the European colonial age. The result was that theologies of transcendence, which in an earlier age involved moving collectively past suffering and sharing the commons in the

name of liberal universalism, democratic solidarity, or even religious redemption, were already ensnared into an archaic logic of cruelty on a planetary scale.

The postwar global order, built on the presumption and promise of this redemption—an overcoming of suffering and evil delivered through humanitarian universalism—had never rung deafeningly true in the Global South. But for some time now, its web has been threatened by another cruel delusion, another mad attempt at transcendence. This new drive is no less religious, no less sacrificial, no less sanctimonious. What makes it especially pernicious is the sheer array of tools and technologies at the command of the predatory overlords, who lead it with religious, neofascist zeal. The story of statelessness under late liberalism—and the Cold War humanism that birthed it—is also the story of cruelty in the age of technological reproduction.

Oligarchies: At the Edge of Oblivion

Across epochs and ages, humanity has expressed its timeless quest for transcendence through monastic rigor, through pursuits of excellence and happiness, and through sacrifice of worldly things and beings. Those earlier pathways of seeking transcendence, religious or otherwise, however, are not the antithesis of the new cruelty but its counterpart. Consider the intergalactic delusion of those who, while insisting on erecting lethal walls on earth and floating barbed wires on sea—both designed to physically hurt and trap immigrants and their children—would themselves rather live on another planet. They would rather take flight from land altogether if they could, docking their ships on an untraceable island or planet. But even before they leave, they are compelled to make movement treacherous and lethal for those who will have to stay behind on an unequal earth.

This oligarchic escape activates the religious grammar of an earlier age but feeds on the unprecedented technocratic power of its own. This *theological-technological* bond is the running underside of the age of cruelty, not its final solution. God knows, as the Hannah Arendt of *Eichmann in Jerusalem* might write today, the worst is still to come. Expulsion and flight, legalized banishment of “illegals” and the oligarchic will to leave earth—both these compulsions are supported by democratically elected governments across the globe. And they are today equal parts of what we glibly call the humanitarian crisis, if only because they have both been equally constitutive of the modern political world, of its humanist vision and its juridical apparatus. “Only with a completely organized humanity,” after all, Arendt

writes in a memorable line in *The Origins of Totalitarianism*, “could the loss of home and political status become identical with expulsion from humanity altogether.”³¹ The tragedy of an “organized humanity,” of course, is that its juridical institution, its political stability, and its moral legitimacy have been, from the beginning, tethered to the nation-state. And the total collapse of the national-social state, therefore, however desirable it might seem to some on the global Right and Left, will never be accompanied by anything short of total devastation of the human, of the reduction of the “person” into just another “thing,” teetering between moral and artificial life.

If these remarkable chapters in *Cold War Refugees* collectively tell us a deeper, colder story of our wars on the figure and idea of the human, it is that the refugee—who is exemplary of this deformation of the human—might be our first postplanetary universal: *the anticitizen*. It is this figure that today bears on its body both the sovereign memory of colonial empires of the past and the frightening intimations of “techno-feudal” islands of the future.³²

Even at the edge of this oblivion, the resemblances between the past and future are striking, if only because their genealogies are so profoundly entangled. Neither the colonial capitalist nor the techno-feudal overlord faces any limits on their openness to militarized violence. Both use expulsion as a punitive device to push humanity out of habitable zones on the planet: the capitalist to extract labor; the overlord to make (or steal) data out of the tragic patterns of human flight. Both approach the laws of earth on scales meant for “great spaces” (*Großraum*) rather than small-room (*Kleinraum*) activities of mortal human beings.³³ Both invest their theoretical energy in rescaffolding the globe—first, through railroads in the “heart of darkness” in colonial Asia and Africa, then through ports and docks in the postcolonial world, and, finally, since the end of the Cold War down to the techno-feudal epoch, through mazes of undersea cables and pipelines.

If we thought islands would disappear off the surface of earth, swallowed by rising seas and then off human consciousness itself, we were wrong. Islands are where refugees to Europe, which first produced them, try to land and survive. Islands are where decolonization today meets its Cold War ghost. And as this book shows, the Cold War was nothing if not the counterpart of this specter of decolonization in Asia. While decolonization forced European colonial powers to leave the Global South, the Cold War entrenched the North’s neocolonial infrastructure in the farthest, remotest islands of the planet, even as the powers themselves seem to have departed. The colonial and Cold War epochs are separated in time, but, between the two, there remains a tragically linear continuum—their fates bound

by the history that they (and their ideologues) seek to overwrite, their logics wound along the line Du Bois had begun excavating at the turn of the last century.

Decolonization formally put an end to the British and French colonial projects in Asia and Africa in the middle of the twentieth century. This left behind neo-colonial mandates and protectorates, straits and settlements, refugee colonies and apartheid townships across three continents. At times, the violence in the postcolony was barely distinguishable from the brutalities of the colonial overlords that preceded them. Half a century later, at the end of the 1980s, the Berlin Wall fell, which was deemed to mark the mythic end to the Cold War. And this, in turn, formally opened the floodgates to neoliberal consolidation in global governance, whose paradoxical effects play out today with a nearly uncontrollable intensification of antiglobalist and neoconservative compulsions.

Yet, as *Cold War Refugees* makes devastatingly clear, only from Europe do these epochs seem so dramatically different in their attributes and pathologies. Only from Europe does it seem that the world has generally stopped going to war (or that an invasion of one country by another is an exception to the rule). Elsewhere, beyond Europe—where much of the world today lives—politics has failed to move on from the smolders of colonial violence and police lines. If anything, the sacrificial energies of anticolonial politics let loose a suicidal strife in the postcolonies. Human and natural history were to get catastrophically entangled with each other in a manner sometimes so barbaric that they might have undone the founding moral certainties and technological assumptions that have anchored the idea of the human itself. The refugee today is that figure and effect of the entanglement between human will and technological counterforce. The refugee is the vanishing mediator—*the last man*—between dignified survival and pure power on a punishingly hot planet.

Whatever else might be said of Francis Fukuyama's zealous claim in *The End of History and the Last Man*, written in the heady early days of Cold War triumphalism, the fact is that the world now does live with the distinct possibility that the Hegelian metaphor of the "last man" might indeed become a reality in the foreseeable future.³⁴ If there are any lessons to be drawn from conservative storytelling about the end of the Cold War, it is an inverted one: that far from being over, the specter of the subject left stranded on the planet alone—the haunting possibility of being the last man on earth—today lives on like a bad colonial dream—a dream that in truth began with Euro-American vengeance on land and sea and one that has never really ended.³⁵

Only now, in place of a colonial penal officer, the anticitizen—this last subject

of Cold War humanism—awaits the catastrophic arrival of a planetary winter that will mutate life itself, if not altogether annihilate it. The disheartening truth also is that there is little moral high ground separating the colonial from that which came after it. The political universe has simmered to a point where a vast part of humanity, even in democratic parts of the globe, if given a choice between extinction and equality, might well choose extinction with a sacrificial glee—with a theologically charged suicidal delirium even—rather than choosing to live in an equal world. With his searing poetic insight, James Baldwin connects this drive to extinction with the raging anxieties of white—which is to say, *colonial*—fear of living in an equal world. “This cowardice, this necessity, of justifying a totally false identity and of justifying what must be called a genocidal history,” he writes in “On Being White . . . and Other Lies,” “have brought humanity to the edge of oblivion: because they think they are white.”³⁶

The New Segregation

In their remorseless commitment to inequality, both decolonization and the Cold War were moving parts of a violent continuum. Neither the revolutionary breeze of self-determination in Asia nor rhetorics of liberal universalism in Europe managed to conceal this shared love of inequality and predilection for judicial barbarism. The chapters above powerfully testify to how the Cold War set in precisely at this moment of late-colonial barbarity. It first appeared as a dispersed, slow-burning, racialized extension of a reluctant, bloody decolonization, unleashed by white fear in Asia and Africa and then, ideologically, as an indissociable counterpart to colonialism itself—each exactly like the other in its logic of rulemaking, in its persistent brutality, and in its cruel, lawless jurisprudence, which would continue to split the planet along an earth-wide color line. As Phi-Vân Nguyen shows above in her groundbreaking chapter on Vietnam (and India’s dubious role in the war there), even the doctrine of nonalignment championed by the newly independent nation-states flattered only to deceive.

It is not by chance that their aftermaths looked barely different. By the late 1950s in Asia and Africa, the ageing nineteenth-century version of colonial power amassed by imperial Europe was replaced by the penal power and apparatus of various revolutionary and neocolonial stripes, often with calculated spatial design and overt European sanction. Just forty years later, that same logic was replicated, with barely any difference, in the countries of the Eastern bloc after the Berlin Wall fell.

Indeed, in the 1990s, the brutal strife in Eastern Europe, punctuated only by ever worsening tales of ethnic cleansing and systematic torture of populations, gorily mirrored Europe's counterrevolutionary repressions in Asia and Africa earlier in the century—one whose fires had never ceased to burn and whose military infrastructure had never ceased fire. There has never been, to reformulate the terms of Tony Judt's influential account, a "postwar" outside of Europe.³⁷ Let me put this even more starkly: *there has never been a military or moral postwar outside of Europe precisely because of Europe*. This is a radically new story that requires a genuinely global vision, as Yumi Moon intricately lays out in her introduction to *Cold War Refugees*.

From the very beginning, celebratory chroniclers of both decolonization and the Cold War have employed the same devices for justifying the imperial reordering of the globe. Their protagonists have deployed similar strategies in the battlefields and refugee camps: expulsion and torture; forced dispossession and resettlement of populations; arbitrary drawing of lines, which, in some places in British South Asia, were several miles thick and belonged to nobody (and were therefore fair hunting ground for everyone); targeted starving of migrants and malicious rigging of grain trade; and sudden military withdrawals. The wounds of these tactics are indelible, fueling a system of archaic, brutal inequality that has outlived the worst excesses of colonial misanthropy. The Cold War has left a morbid shadow on the government of the living (and the barely living) in Asia. Its aftermath haunts the continent like a specter. But for that reason alone, its effects are no less real, no less burning. And only because we write its history rarely ever from Asia as its hot center that we deem that this is a cold specter of a finished war.

Underwriting this amnesia is an *inequality*, at once of epistemology and economy, now betrayed by surges in planetary heat and ocean levels, even as fantastic technologies of war obscure the decapitation of life and make invisible the place of Big Tech in the new oligarchic economy of barbarism. The refugee economy is an economy ruled by islands of oligarchic power that operate beyond the pale of national sovereignty and its norms—an economy that makes itself disappear in plain sight using the very liberties guaranteed by nation-states.³⁸ Meanwhile, refugees, the most fortunate among whom will be absorbed into the vast economy of invisible and punishing labor at wages lower than the minimum guaranteed by law, perish trying to reach islands and shores in numbers difficult to keep a statistical or moral measure of in even a remotely humane way.

Such moral decomposition in the age of global lawfare is also the story told by

Cold War Refugees. Henceforth, our philosophical history must contend with these futures of the human—and the humanity of this *thing* we are left with—mired in techno-politics and resurgent theologies alike. Such futures, indeed, might come after the end of this life and perhaps after the end of the earth as we know it. There is after all, on the one hand, the irreversible and catastrophic warming of the planet that imperils the very survival of human life. There is, on the other hand, the unfolding spectacle of a delusion and quest for afterlife, immortality even, of a will to transcendence that is reminiscent of an archaic political theology—one that runs in the direction opposite of the looming extinction as if it were in denial about this coming catastrophe while being inextricably related to it. These are marks of an insatiable will to technological domination and dreamy habitation on distant planets, whose surfaces are yet to even show any proof of life.

This ultrahumanist will to domination today fuels a new regime of moral and artificial intelligence that has mutated the boundaries of the human and the ends of earth as such. Even extinction seems just another frontier of the will to capture and conquer space. But the theologico-juridical vectors of this will—the will to make laws and draw lines for all of humanity all the while seceding from it—is barely new. Not for the first time in the past century has humanity traced its path back into “world alienation,” as Arendt called it in 1958, in the wake of the first Soviet space missions and American atomic explosions, describing it as humanity’s “twofold flight from the earth into the universe and from the world into the self, to its origins.”³⁹ Both movements occur simultaneously; both constitute humanity equally, with equal grandeur and violence. For humanity, it has always been a theologically charged and sacrificial flight to origins, Arendt might well have added—one that has plagued the human condition from its beginning. It is a flight shorn not one bit, even today, either of its earlier creativity—What else were the atomic explosions proof of?—or of its timeless temptation to vengeance.

And yet, for all its ambition to become equal to the universe and God himself, the ultrahuman will to transcend the finitude of earth is, unfortunately, no less segregated, no less hostile, and no less punitive than it was in an earlier age, especially toward those “undesirables” and “displaced persons” who must still inhabit it to be able to live. Among other things, Du Bois was masterful in identifying the global color line—cutting right across Asia and Africa, through the racialized, militarized depths of the Pacific and the overpoliced macabre that is the contemporary Mediterranean—as the decisive twentieth-century impasse.⁴⁰

It is an anchorless, placeless impasse (an *aporia*, pace Derrida), but not because

human beings did not ever cross it. Thousands have, even if they have barely survived their fragile capsized boats and empty liberal solace. It is an impasse because *the color line is a moral blockage lodged at the very heart of the liberal democratic vision of equality*. Should we leave it free to gnaw at civilization—in the manner liberal humanism has for the best part of the last century, as Du Bois anticipates—it would metastasize. Pushed too far, the color line would become a threshold, beyond which humanity itself—victim, perpetrator, and bystander alike—might become something monstrously unrecognizable to itself.

We simply cannot let that line metastasize into a normalized threshold or an oblivious fold of cruelty—one that we cross in our sheer indifference every time an innocent child is found dead, his face buried in sand on Europe’s policed shores, his only crime being born Kurdish or Muslim or just nothing other than stateless. “The important point for liberalism is not so much where the line is drawn, as that it must be drawn,” Judith Shklar writes in a moment of striking resonance with Du Bois, “and that it must under no circumstances be ignored or forgotten.”⁴¹ It is important that there be a line, in other words, even if this line is mostly an exception that proves the neocolonial logics of rule with which we are left to contend.

Violence without Theory

While giving us a powerful textured prehistory of this barbarism, *Cold War Refugees* also retraces, through the decidedly cosmopolitical chapter on Afghan imaginaries, the long aftermath of the postwar impasse confronting us. The chapters here also remind us that, for all its universalism, what we today call planetarity marks the return of an unforgiving inequality among human beings rather than the dissolution of their segregated differences into a purportedly common fate. As Sabauon Nasser and Robert D. Crews demonstrate, Afghan refugees—now citizens of the world audaciously hoping to remake lives elsewhere—do not stand as examples of the endurance of global institutions. Instead, they exemplify the indomitable stamina and sheer human will needed to withstand the disdain of contemporary neocolonial institutions, all the while fighting a concerted indifference that is equally political and militarized in scale.

Far from deploying instruments of total domination, Nguyen indicates in her probing analysis of India’s dubious moral aspirations to emerge as a continental power in Southeast Asia, neocolonialism—in and of the South and North alike—has often sought power through passivity: stalling of help or, worse, sudden with-

drawal, leaving vast populations at the mercy of bigoted elites. Eight hundred thousand Vietnamese migrated from the North to the South of the country in roughly ten months between July 1954 and May 1955. In that sense, militarized indifference observes no political or moral limits, because it draws its lines only to brutally destroy them, sometimes within the ambit of the law and more often through strategic recession. If military invasion is unequivocal war, *military withdrawal*—as the American departure from Afghanistan showed as recently as 2022—is pure power. Both produce the condition and sense of statelessness among those who have already been rendered homeless by invasion and war in their own land. Only now, their utter desolation and despair can be met with a vengeance altogether of a different—or indifferent—kind, one to which international law is capable of offering no response.

Military withdrawal, then, is *violence without a theory*, an effect of the worst chasm between power and responsibility. The reasons and conditions for waging “just and unjust wars” find themselves at the center of Western moral and legal philosophy from Immanuel Kant down to Michael Walzer.⁴² This is because even the most brute exercise of military power assumes some sense of obligation toward its victims. By contrast, there is absolutely nothing in the modern political tradition, beginning with Machiavelli, that lays down rules to leave war, except that suddenly leaving war, whether out of moral anxieties or military concerns or simply strategic impatience (as Nguyen demonstrates in the case of the French), unleashes an abandoned display of power for its own sake. Leaving behind straits and settlements and islands in disarray can itself be a formidable show of colonial and neocolonial force. This withdrawal without framework and without responsibility—*militarism without war*, as it were—is one of the great blind spots of postwar jurisprudence. Its tenets were put in place neither for the first time nor the last—but indeed, they were articulated most arbitrarily—at the end of the Second World War and through the early years of decolonization in Asia and Africa.

Whatever else it was, then, this untheorized violence of Cold War humanism was not a doctrine. It was even less of a moral line that the colonial powers (including America) might have found hard to transgress; on the contrary, pace Shklar, this was *violence without the line*. It was also the beginning of a twofold flight of the idea of the human from the earth—set in accelerated motion by the horror of the atomic explosions, on the one hand, and the international declarations made by postwar states to uphold human rights, on the other.

Of that paradoxical legalism and the universal rights that it bestowed upon the

inhabitants of an unequal earth, thinkers of modern constitutional thought, like Judith Shklar in America and Bhimrao Ambedkar in India, had never been too hopeful. In fact, it was precisely the legal “web around the earth”—the racialized, juridical color line—that produced the specter of recurring statelessness among vast populations in the Global South. “We became aware of the existence of a right to have rights (and that means to live in a framework where one is judged according to actions and opinions) and a right to belong to some kind of organized community,” Arendt posits in that decisive passage of *The Origins of Totalitarianism*, “only when there suddenly emerged millions of people who had lost and could not regain these rights because of the new global political situation. The trouble is that this calamity arose not from any lack of civilization, backwardness, or mere tyranny, but on the contrary, that it could not be repaired, because there was no longer any “uncivilized spot on earth, because whether we like it or not, we have really started to live in One World. Only with a completely organized humanity could the loss of home and political status become identical with the expulsion from humanity altogether.”⁴³

These rightless millions were sometimes rendered stateless, sometimes segregated. The tragedy of the latter, of these segregated millions, Ambedkar would tell Gandhi in 1931, was not that they had no homeland even in their own home but that there was no *language* to theorize their rightlessness. For the segregated lose not simply their abstract legal personhood; they lose their *civil rights*: the very fabric, the common social bond—which is to say, political speech—that might hold their humanity and homes together. In their case, “what is unprecedented is not the loss of a home but the impossibility of finding a new one.”⁴⁴ What is impossible to overcome is not just the loss of dwelling but the loss of a sense of being useful to the world, of being of any use to fellow human beings. The segregated thus lose their humanity not as refugees from elsewhere but instead as outcasts—*pariahs*—in their own home, at the very heart of the national social state that promises to give them shelter (even if it leaves them with no land). Modern statelessness and a segregated, civic rightlessness could indeed be, if only under very specific certain conditions, distinct calamities. But the nature of their expulsion would still be similar. Unlike the stateless, the segregated might have a state. And yet they might still not have even the barest of protections under its laws, thus reduced to abject rightlessness—*homelessness*—by the perversion of the domestic law itself. One name for this calamity without refuge, *shelter without amnesty*, is caste.

Inasmuch as there is a jurisprudence of caste—perhaps the most ancient of all

moral and punitive canons—this jurisprudence is held together by a science of shelter, a sort of scaffolding ekistics for a reason, then, which also explains Ambedkar’s radical claim that with millions of outcastes turned into mere fractions at once by the lawless monstrosity of untouchability and the legal sanction of caste, India has barely ever been a society. To Ambedkar, its civilization was founded less upon an aspiration to a moral life and more upon the concealment—or *amnesia*—of an original felony. The outcaste, devoid of personhood and dignity, is simultaneously beyond the intricate legality and lawless excesses of caste. Precisely because of this aporia, Ambedkar argues, the outcaste’s fate might be worse than even that of an enemy combatant trapped on the most brutal of battlefields. Which explains, too, why victims of caste atrocity, left without shelter, are rarely seen in the same legal terms as refugees.⁴⁵ They live in the unlivable, abject state of rightlessness but are not yet expelled from the law fully enough to be deemed stateless. Caste is that cruel juridical anomaly: no law exists for its redress because it is the law. It is violence without a legal theory.

The real calamity of the pariahs—Arendt might concur—is “not that they are deprived of life, liberty, and the pursuits of happiness, or of equality before the law and freedom of opinion—formulas which were designed to solve problems within given communities—but that they no longer belong to any community whatsoever. Their plight is not that they are not equal before the law, but that no law exists for them; not that they are oppressed but that nobody wants even to oppress them.”⁴⁶ The analogue of this catastrophe is to be found, ironically, in the idea of human rights. The idea failed not because of the lack of theoretical imagination of its signatories but because its globalist framers placed their faith in the ability of states to guarantee human rights—the very states that had already abandoned their subjects, turning them into a disposable mass of rightless, superfluous humanity.

Today, planetarity—a vision of the world that takes as its frame of reference an entire globe devoid of that incurable, forgotten inequality—clamps back in place again, steadily but not slowly, invisibly but not impalpably, a new regime of borders and islands on earth. The mundane social realities of this unraveling planetarity, perhaps for the first time in recorded history, bend our politics and morals away from the punitive borders of sovereign states and empires—as was characteristic of the modern age—and thread them along the warming curvature of the globe. But it is by no means clear who the citizen-subject of this age would truly be. Even more perplexing is the question of who rightfully belongs to this age. To whom does this age—one of shrinking governments and expanding islands, anchored by data

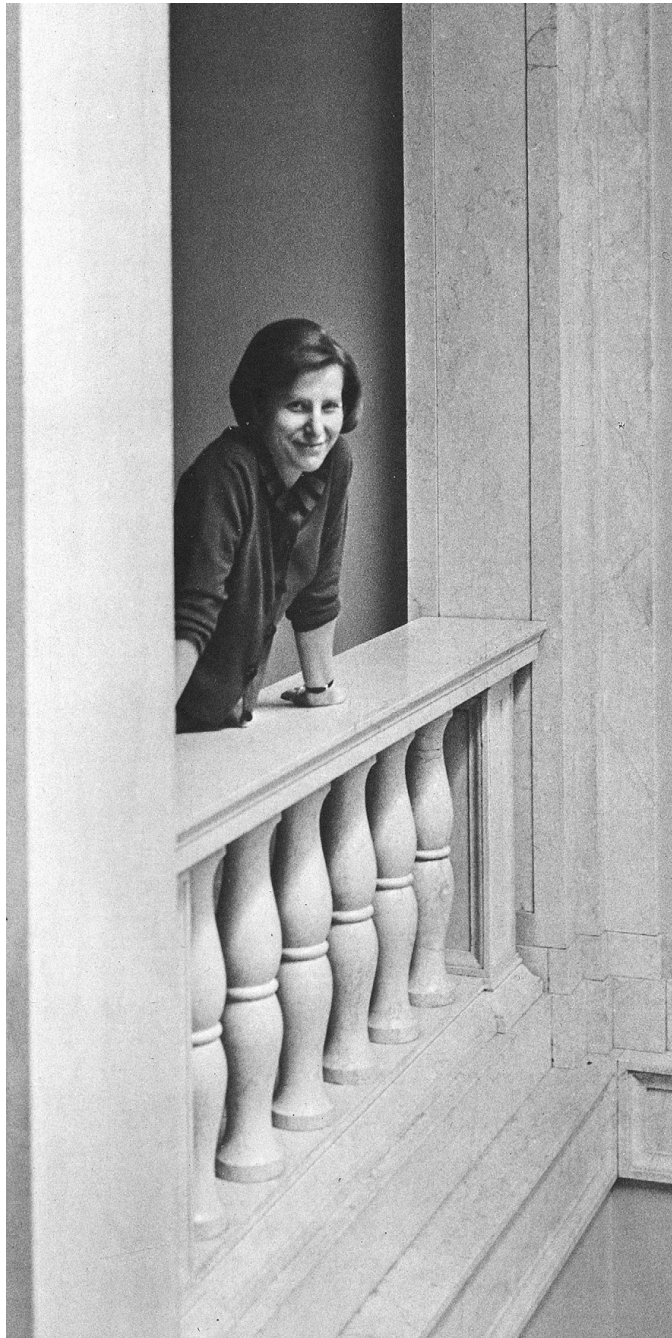


Figure E.2. Judith Shklar (1928–1992). Among all the postwar thinkers of the modern liberal experiment, Judith Shklar stood in singular solitude for her refusal to think of human freedom along any “line” that wasn’t first made to pass through the South. “Putting the South first” was fundamental to Shklar’s moral psychology and, even more, to her archaeology of political cruelty. Like Bhimrao Ambedkar and Frederick Douglass before her, she was fearless in her critical constitutionalism, willing to call out caste as a system of lethal fear in a manner few liberals even today can. Source: HUD 366.04, p. 48, Harvard University Archives. Courtesy of Harvard Yearbook Publications.

cables, optical fiber, and nuclear waste of an earlier era—now rightfully belong?
Who is the new subject of the right to earth?

Amnesia and the Island

As early as 1927, Ambedkar had launched, in the Bombay Presidency, a militant anticaste movement for access to public waterworks as a civil right of the outcastes. Even then, it has remained difficult to fully contend (from inside the modern legal tradition for much of the twentieth century) with the fact that the most timeless struggles for human dignity, on land or sea, have always involved water. If anything, for much of the modern age, the sea has stood as an analogue of a lawless nature, an antithesis of the terrestrial, humane rule of law. And there, the island too has since sat—tethered precariously to the vast blues of the planet as a necessary reminder of the oblivion that water is (and a cautionary tale of what the earth itself might become if not for laws of the land). The island is the living void, a remainder of the law, and thus a discarded fragment of life that is forgotten precisely because it is so easy to punish it—and its people—for indescribable crimes. The island is an inanimate pirate.

For the breathtaking simplicity of its violence, as if written for schoolchildren, Carl Schmitt's *Land and Sea* today reads like a troubling if still profound testimony to this enigmatic place of the sea—and of the fabled Leviathan—in the modern political imagination. “How can I dare tell,” Schmitt asks, “in an adequate way, of the two wonders of the sea, of the most powerful of all living beasts and of the most cunning of human hunters?”⁴⁷ The normalized indifference toward refugee boats capsizing in the Mediterranean barely miles off mainland Europe today is indissociable from this enigmatic imaginary of the sea that sits at the bottom of modern political consciousness—the sea as the home of exemplary beasts at once sovereign and indomitable (beasts from whom, since Hobbes, all lessons of sovereignty have been drawn), on the one hand, and, on the other hand, the sea as the discarded birthplace of the law for the globe at large, upon which—and this is why it is discarded from the republic—no law as such holds. *Cold War Refugees* shows, with an unwavering eye to detail, how this enigma is further entrenched, lodged even deeper in the heart of the postwar global imagination. Excising it requires a new planetary alignment of Cold War history—and the place of the Atlantic and Pacific in it—away from the modes in which it has been until now written.

Not without reason, these modes of resolute, searing counterhistory seem to

appear on the islands. When liberal democratic politics can only stare at the unlivable, frozen into inaction by its own indifference, it is poetry that must respond to it, as it has often, with lyrical intensity, in the stanzas of those who come from the islands, refusing to be erased by history. A radical vision of the sea is opened, for example, by the Puerto Rican Jewish poet Aurora Levins Morales in “Red Sea.” Her poetry of refugee freedom offers a vision of the ocean freed of debt and bondage, if only because, as she writes, “we cannot cross until we carry each other.”

This time we are tied at the ankles.
 We cannot cross until we carry each other,
 all of us refugees, all of us prophets.
 No more taking turns on history’s wheel,
 trying to collect old debts no-one can pay.
 The sea will not open that way.

This time that country
 is what we promise each other,
 our rage pressed cheek to cheek
 until tears flood the space between,
 until there are no enemies left,
 because this time no one will be left to drown
 and all of us must be chosen.
 This time it’s all of us or none.⁴⁸

If to be a part of humanity means to be bound together by a common fate, Morales reminds us, then, this bond does not have to be forged by the pernicious exclusions, banishments, and chains of the law. Humanity, after all, has also always been forged around that other equally common, equally mortal, and equally fatal striving—the striving to seek *refuge* elsewhere, somewhere, anywhere that is not ruled by the endless cycle of debt and death.

The sea is also a reminder of this other humanity—the humanity in us that came *before the law* and might still come *after its cruelty*, the humanity that was *anarchic without being lawless* and that might still open itself to becoming a community—a country even—without being barbaric. And yet the sea, from where these last splinters of human hope might emerge, still seems like a groundless ground, a limitless limit, a “flood of tears,” where the war between nature and humankind has never ceased. For all the chatter about trade, traffic, and corridors, for all the

arguments about sovereignty and possession, for all the treaty negotiations about rights and rites of passage that it today generates, the sea remains a zone of barbaric abandonment—the space where death ceases to trouble the law.

In the Samoan imaginary that she simply calls, in a flourish of revolutionary irony, “Atlas,” the poet Terisa Siagatonu cuts open the lacerating violence of this enigma.

If you open up any atlas
 and take a look at a map of the world,
 almost every single one of them
 slices the Pacific Ocean in half.
 To the human eye,
 every map centers all the land masses on Earth
 creating the illusion
 that water can handle the butchering
 and be pushed to the edges
 of the world.
 As if the Pacific Ocean isn't the largest body
 living today, beating the loudest heart,
 the reason why land has a pulse in the first place.

The audacity one must have to create a visual so
 violent as to assume that no one comes
 from water so no one will care
 what you do with it
 and yet,
 people came from land,
 are still coming from land,
 and look what was done to them.

When people ask me where I'm from,
 they don't believe me when I say water.
 So instead, I tell them that home is a machete
 and that I belong to places
 that don't belong to themselves anymore,
 broken and butchered places that have made me
 a hyphen of a woman:
 a Samoan-American that carries the weight of both

colonizer and colonized,
both blade and blood.⁴⁹

Thus begins, with these devastating two stanzas, Siagatonu's epic poetry of strife—and *amnesia*—that plagues the idea of being human without land, of that fragment of humanity that leaves the island in order to live and that descends upon land from water. This human being—the last subject to arrive on land—comes from the unlivable island that simply does not exist in terrestrial consciousness; it is simply not seen as a part of the worldwide legal web Arendt wrote about in the middle of the last century. Thus, one receives, in an utter daze, the redemptive exemplarity of the Samoa for our time, the indomitable will of its American citizens, who, because they come from nowhere and because they sail from beyond the farthest horizon of American consciousness that the Pacific can absorb, are neither stateless nor rightless, simply *hemispheric*. They come from water, which renders them incommensurable with the terrestrial imaginary—the *violence*—that frames the ideals and institutions of American citizenship.

If we could place at the heart of our political thought this other, incommensurable swathe of humanity from the islands as fellow persons seeking a humane sanctuary state—as opposed to what Daniel Heller-Roazen calls “absentee persons,” that subhuman species of the islands subject to the brutality of a sovereign, militarized, suburban America—how radically could the theory of liberal democracy (and of humanism as such) change?⁵⁰ If we placed at the heart of our moral thinking not our pejorative denunciation of those displaced persons “clamoring” for land but instead our firm solidarity with those who tread the perilous sunbathed path of migration from sea just to get to land, how could our vicious and collective refusal to give asylum change? Above all, how might our moral history and imaginary of homeland itself alter, curving away from the terrestrial xenophobia whose bloody rhetoric, stained by theologies of white supremacy, was set in place by the colonial nineteenth century?

There are, let us note, two *figures* and *imaginaries* of the island. Sometimes, as Moon shows above, this imaginary is built on a peninsula, cut arbitrarily along the imaginary curves of a punitive latitudinal line, the crossing of which is a matter of life and death. On the one hand, there is the island that belongs to those who have always lived in the vast unnoticed blues of the Pacific and southern Indian Ocean—as if they come from nowhere—and who must now leave the rapidly submerging islands (and thus their very dignity) behind so as to come ashore on lands

where they shall never belong but whose violence they shall always bear on their bodies. The island of Terisa Siagatonu's imaginary splits open the wounds of this anticitizen surviving an unequal earth—a people who have never had any part of landmass for themselves because they come from “nowhere” and because the neo-colonial atlas has never seen them arrive or depart, alive or dead.

On the other hand, there is the heavily surveilled, watchful island of the yacht docks and data centers, of detention camps for uncharged terror suspects and metallic shelters for unprocessed refugees, who must confine themselves in cells constructed out of decommissioned ships and barges (such as the one the United Kingdom pressed into housing service for legal asylum seekers in 2023).⁵¹ This other island is the *archipelago of inequality*—the entrenched sea link of unprecedented oligarchic disparity and technological power concentrated in the hands of the few who are determined to alter the fate of the planet. In his unsparing work *Techno-feudalism*, Yanis Varoufakis paints a radical picture of capitalist demise and the splintering of its global value system into feudal attributes. The planet, he argues, is now governed, for all practical purposes, not through the financial system overseen by sovereign nation-states—whose age of manufacturing might have already passed—but through island-like fiefdoms ruled by tech giants, who simply process data and identity, acting less like manufacturers of value and more like rentiers who hoard it.⁵² This is the other island that dots an unequal earth. This inverted island of late techno-capitalism is a fiefdom where nobody ever arrives or docks without being seen and where no refugee is to be washed ashore or be caught on its white sands, alive or dead.

It is in this haunting sense that inequality has today made a return—unprecedented in its segregationist structure, legitimized by an indifferent planetary talk, and unsure, as Siagatonu devastatingly reveals, of what to do with the islands. The questions her revolutionary irony leaves in its wake are no less haunting than the inequality of the modern humanist calculus—and its blind *atlas*—that she lays threadbare.

Can we be excused for doubting that there is anything to be said anymore to the blind, murderous indifference of Cold War humanism? To the hijacking of human dignity by the most depraved, who now need but a keyboard and screen? Is there anything—perhaps just a word—that might cut through this impenetrable wall of moralism that today hides its own monstrous appetite for insult? Whose rhetoric of dignity excludes those who die on seas just miles off Europe's fabled coastlines, left to drown in the familiar oblivion of organized, tactical neglect? What is the word

for this urbane depravity that sees no deprivation around it? And where will it take us in the end? How, if at all, would nation-states themselves lower their cruel walls?

When I say “neglect,” I don’t simply mean abandonment of citizens deemed so barely human that, to paraphrase Arendt, “nobody wants to even oppress them.” By “neglect,” I mean a sacrificial architecture whose sole aim is the management of populations (rather than redistribution of public goods); a technocratic competence backed by an archaic theological energy; a brutalist awareness of space, design, and matter scaffolded around a merciless religious zeal; and, above all, a collective willingness to punish citizens and strangers alike, fueled by a majoritarian pursuit of power that is delusional in its quest for a corrupted—or, as Benjamin might say, “rotten”—transcendence. This appetite for power is infinite. And yet it frequently takes on the language of monastic renunciation, substituting the shared vulnerability among human beings with an ascetic disregard for life itself—one’s own life and that of the other. They do not believe her when she says she comes from water, Siagatonu reveals. But perhaps they do when “I tell them,” she says, “home is a machete.” This is the poetics of counterpower—a lyric of brutal hope—that is still to come. But it is already a testament to the obstinance with which jargons of sacrifice haunt Cold War humanism.

As *Cold War Refugees* testifies, there are two sacrificial vectors along which postwar power has grown and gnawed at humanity in the Global South. One vector is the delirious randomization of historical time—the complete breakdown of any sense that humanity has ever been secular or modern. The other vector is the complete embrace of a religious charge taken to a fanatical extreme—only this time, by its side is a new language, a new competence and skill, and, most importantly, a new love of technology. As Jacques Derrida cautions, religion and technology have always been meant to travel happily together.⁵³ And when they combine thoughtlessly, there is very little that separates a society that despises the refugee or the migrant from a society that hates its own outcastes, minorities, women, waterborne, and even the infirm. Such a society simply signs up to a murderous consent, setting its eyes on those who are most vulnerable, most capable of being injured, most easily allowed to perish. This is what we might call, following Achille Mbembe, “the society of enmity.”⁵⁴

Ends: Of Flight from Earth

The number of people migrating on account of climate events, the World Bank's *Groundswell* report estimates, will be 216 million by 2050. The very nature of human mobility and arguments about the right to move—in effect, the future of human freedom as such—are now unthinkable unless we reconceptualize the relationship between politics and the planet, between borders and heat. Whether it is overcrowding in the megacities of the rapidly industrializing South or the endemic violence associated with racially segregated housing in the developed North, nothing aggravates the partitions of the globe more glaringly than the disparity that human beings are confronted with when they face increasingly unbearable heat. Every inequality is today magnified under the stress of a warming planet. Every escape route that a migrant takes as she becomes a refugee might flow directly from the suffering unleashed by changing oceanic currents. Far from a safe dwelling, home itself, as Siagatonu writes, must be a machete—a curved, cutting, sacrificial shot at life.

Power, meanwhile, now comes not only from domination over earth. Its fantasies, potentialities, and ambition extend to outer space and other planets. Marked by the desire to supersede earth and turn the globe into just another frontier of human will and of what it can next conquer (or where it will forever perish), the rhetoric of planetarity—despite its resemblances to colonial and neocolonial universalisms of an earlier age—today threatens to render modern conceptions of the border wholly irrelevant. Yet it does so, tragically or otherwise, not by liberating itself from the *logic of the border* but precisely by reenacting and intensifying the effects of a theologico-juridical drama, reminiscent of the worst traits of religion's earlier tryst with capitalist modernity.

Although some would have us believe otherwise, planetarity—the moment at which the earth becomes a mortal, perishable thing—is not an epochal break with earlier regimes and laws of suffering. Instead, it is an epochal intensification of the pain inflicted upon mortals that, in an earlier colonial era, accompanied the Kantian dream of “perpetual peace.” Only now, Cold War peace has given way to cold borders over the high seas. And the last subjects of this theologico-juridical order of things, permanently estranged from their homelands and thrust out frequently onto the sea that they must cross, are barely containable within the limits of the nation-state. The populations of the planetary age are overwhelmingly stateless. And this is so even as citizens within sovereign states are left morally placeless and

unresponsive, unable to offer any meaningful response other than mere solace to those who arrive on their borders seeking a home on a “planet of slums.”⁵⁵ The refugee is this figure of arrival on a segregated planet, constituted as much by its own statelessness as it is by its universality, trapped no less in its rightlessness as it is in its ubiquity, superfluity even. The refugee, I argue, is our first postplanetary universal: a remnant of an exhausted modernity and a memory of its endless violence. It is the exemplary anticitizen from our future.

Today, what we need is an ethics of migration in active synchrony with the question of technology. We need this synchrony simply because, on the one hand, new technologies enable new forms of surveillance of those who want to move across borders and thus directly assist in their detention and killing and, on the other, because, while turning migration into a prohibitive paramilitary question, technology is itself implicated in encouraging another form of migration: extraterrestrial flight fueled by the belief that an affluent chunk of humanity can leave the earth itself. Investigating the coming forms, compulsions, and duress of human movement—which is to say, of *refugees still to come*—requires that we pay attention to the language of international institutionalism and its rhetoric in times of war and peace alike. But it also demands a new international focus on the depredations of those armed asymmetrically with new unregulated technologies.

When one reads *Cold War Refugees*, one notices a series of questions waiting to be asked. Where are the limits to the law, if any, that today governs the great spaces on earth (and thus, in a tragic irony, also determines the shapes of planetary segregation)? How did the disposability of human life—and the regime of penal power that now sees in the refugee less an asylum seeker and more an enemy hostage—come to be braided with the disregard for the planet’s future at large, even as this disregard now finds its expression in the desire to leave the earth? And then there is the recognition this book leaves us with. No matter how many or how few manage to leave earth (before the earth abandons humanity), human beings are now bound to inhabit a planet of refugees. It is to the postwar history of this abject equality—one that is forged across national boundaries not by redistribution of public goods by the equality of exposure to extinction—that *Cold War Refugees* so forcefully draws our attention.

Probing this relationship between disposability and transcendence, between lawlessness and the law, requires an archaeology of not only the natural rights tradition from its European vantage—there is only that much this history now explains—but also the conditions of its reformulation in the wake of Europe’s

imperial expansion into the Global South from the eighteenth century onward. It demands not only charting commercial and philosophical liberalism's complex relationship to anthropological notions of movement and unrest but also probing the structure of anxieties around technology and its effects on warfare and identity and, above all, the system of normative values anchored in exhausted ideas about human agency.

Are those who move, migrate, and seek refuge across the seas less worthy of the right to live? Has technology deformed the punitive impulse of modern sovereignty and international legislation so irreversibly that states can now respond to movement—which is the foundational principle of human freedom—only by criminalizing those who come from the seas? And what of those who seem, on the surface of the seas, free to move? Are they really free? Or have we moved entirely past the humanist burden that we once carried of at least trying to make human freedom equal and equality of human beings self-evident?

Cold War Refugees shows the value of cold history in reanimating these questions of freedom and violence, tracking, one chapter at a time, how inextricably planetary anxieties about the human today are linked to the punishing counter-revolutionary violence of colonial feuds and decolonization in Asia and Africa. Only now, three quarters of a century later, at stake—in the checkered global history of rights and migration, in the rapacious international division of land and sea, in Euro-American delusions of sovereignty over the entire planet whose beginnings are so often located in Hobbes's seabound imaginary that is the *Leviathan* (1651) but whose intensity had not subsided until as late as the end of the Cold War—is not merely the virtues of citizens and the criminality of migrants or the brutalism of racial, caste, and religious segregations or the institutional fate of civic identity and civil rights. At stake are the moral and biological frontiers of the human as such—a *figure* torn between sentient intelligence and artificial, mechanical life.

It might be paradoxical, but this violent tear in the idea of the human, its “two-fold alienation,” as Arendt calls it, does echo the general history of humanity and its striving for immortal transcendent deeds.⁵⁶ Only now, cruelty and transcendence have mutated into one whole so that humanity's most powerful oligarchs try at once to wall off refugees *and* to take flight from the planet, leaving humanity out in another dark, cold, but by no means unfamiliar oblivion. Of that oblivion, the Mediterranean is today the primal scene. “The sea rises, the light fails, lovers cling to each other, and children cling to us,” James Baldwin writes in his crushing med-

itation on faith “Nothing Personal.” “The moment we cease to hold each other, the moment we break faith with one another, the sea engulfs us, and the light goes out.”⁵⁷ Perhaps the refugee today is a remnant of this failing light of humanity at sea. It might also be the last bearer of human freedom before the light goes out entirely.

59. “Afghanistan Situation,” Operational Data Portal, UNHCR, accessed January 10, 2025, <https://data.unhcr.org/en/situations/afghanistan>.

60. On Iranian authorities’ violence against Afghan refugees, see, e.g., Charlotte Greenfield and Mohammad Yunus Yawar, “UN Seeks Probe into Reported Mass Killing of Afghans Migrating to Iran,” Reuters, October 17, 2024, <https://www.reuters.com/world/un-seeks-probe-into-reported-mass-killing-afghans-migrating-iran-2024-10-17/>. On shifting Pakistani policies, see Alimia, *Refugee Cities*.

61. Former president Hamid Karzai, e.g., lobbied the US government to come to power and remained in his post without any danger to his immediate family. See, e.g., Matthew Rosenberg, “With Bags of Cash, C.I.A. Seeks Influence in Afghanistan,” *New York Times*, April 28, 2013, <https://www.nytimes.com/2013/04/29/world/asia/cia-delivers-cash-to-afghan-leaders-office.html>. In present-day Washington, some Afghans who have lived most of their lives outside of Afghanistan have formed an anti-Taliban lobbying group. See Kenneth P. Vogel, “Struggle for Control of Afghanistan Comes to K Street,” *New York Times*, September 15, 2021, <https://www.nytimes.com/2021/09/15/us/politics/afghanistan-taliban.html>. Followers of the late Afghan leader Ahmad Shah Massoud (1953–2001) established a foundation in his name, with offices, e.g., in the United States and Australia. It is largely run by Afghans born in the United States or by those with dual citizenship. “Foreign Offices,” Massoud Foundation, accessed December 12, 2021, <https://massoudfoundation.org/foreign-offices/> (site discontinued). For the Taliban leadership’s long-distance politics, see Ahmed Rashid, *Taliban: Militant Islam, Oil and Fundamentalism in Central Asia* (New Haven, CT: Yale University Press, 2010).

62. The quote is from Benedict Anderson, who presents a similar argument in the context of Southeast Asia. See Anderson, “Long-Distance Nationalism,” 74. This especially holds true for many Afghan politicians today, from the Taliban in Pakistan to diaspora activists in Iran, India, and the United States.

Epilogue

1. For long, historians have given several names to this emergence of a common world bound by overlapping webs of colonial jurisdictions and institutions. “Globalization” is one such descriptive notion, among others. See, e.g., Jean L. Cohen, *Globalization and Sovereignty: Rethinking Legality, Legitimacy, and Constitutionalism* (Cambridge: Cambridge University Press, 2012).

2. For important exceptions, see Susan Buck-Morss, *Hegel, Haiti, and Universal History* (Pittsburg: University of Pittsburg Press, 2009); and the more recent Elizabeth R. Anker, *Ugly Freedoms* (Durham, NC: Duke University Press, 2022).

3. James Baldwin, “Black English: A Dishonest Argument,” in *The Cross of Redemption: Uncollected Writings*, ed. Randall Kenan (New York: Vintage, 2010), 156.

4. For a sensitive articulation of this problem, see Vinh Nguyen, *Lived Refuge: Gratitude, Resentment, Resilience* (Berkeley: University of California Press, 2023).

5. For a powerful examination of this nexus, see Étienne Balibar and Immanuel Wallerstein, *Race, Nation, Class: Ambiguous Identities* (London: Verso, 1991).

6. See, e.g., Alan Weisman, *World without Us* (2007; New York: Picador, 2022); Eugen Thacker, *After Life* (Chicago: University of Chicago Press, 2010).

7. “In some ways the most extreme defenders of negative liberty in our history were the slave-owning planters of the pre–Civil War era,” Shklar writes, reconstructing this founding irony in her essay “Conscience and Obligation.” “*Rights* was their favorite word.” Of course, slavery “was the specter that haunted them all, but which also defined their liberty.” Slavery not only was to remain indissociable from claims of political freedom in the South, it also came to define the meanings and limits of human freedom (and its withholding) in liberal thought at large. Even and especially because of her profound liberalism, Shklar does not flinch from the consequence of such an origin. “The chief use of negative liberty was to enslave the black population.” See Shklar, *On Political Obligation*, ed. Samantha Ashenden and Andreas Hess (New Haven, CT: Yale University Press, 2019), 11.

8. For the ethical stakes for life at this extremity, see Judith Butler and Frédéric Worms, *The Livable and the Unlivable* (New York: Fordham University Press, 2023).

9. One example of fearlessly staring back at this moral inversion that I have in mind here, which recenters human *temptation*—as opposed to human *nature*—at the core of a world turned into an unlivable hole of oblivion, appears in the final passage of the ninth chapter of Hannah Arendt’s *Eichmann in Jerusalem*, under the timeless title “Duties of a Law-Abiding Citizen.” An “overwhelming majority” of Germans, Arendt writes there, “must have been tempted *not* to murder, *not* to rob, *not* to let their neighbors go off to their doom . . . not to become accomplices in all these crimes by benefiting from them. But, God knows,” she concedes as she finishes the paragraph and chapter, “they had learnt how to resist temptation.” Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil* (New York: Penguin, 1963), 150.

10. In trying to understand how global political thought might succeed in “putting cruelty first” and what such a radical liberalism might look like, I draw from Judith N. Shklar, *Ordinary Vices* (Cambridge, MA: Harvard University Press, 1984).

11. Hannah Arendt, “Freedom and Politics: A Lecture,” *Chicago Review* 14, no. 1 (Spring 1960): 29.

12. Walter Benjamin, “Critique of Violence,” in *Reflections: Essays, Aphorisms, Autobiographical Writings* (1921; New York: Schocken Books, 1978), 277–300.

13. Hannah Arendt, *The Origins of Totalitarianism* (New York: Harcourt, Brace, 1948), 287.

14. “U.N.: Over 2,500 Migrants Have Died or Gone Missing This Year Trying to Cross the Mediterranean,” Democracy Now!, September 29, 2023, https://www.democracynow.org/2023/9/29/headlines/un_over_2_500_migrants_have_died_or_gone_missing_this_year_trying_to_cross_the_mediterranean.

15. For an examination of the landscape of postwar liberal democratic legalism, which has only deepened the theological strains of modern judicial and extrajudicial practice, see Aishwary Kumar, “A Jurisprudence of Neglect: Arendt, Ambedkar, and the Logic of Political Cruelty,” in *Faith in the World: Post-secular Readings of Hannah Arendt*, ed. Ludger Hagedorn and Rafael Zawisza (Chicago: University of Chicago Press, 2021), 2023–32.

16. The classic here is Michel Foucault, *The Birth of Biopolitics: Lectures at the Collège de France, 1978–79*, trans. Graham Burchell (New York: Palgrave, 2008). See also the more recent Achille Mbembe, *Necropolitics*, trans. Steven Corcoran (Durham, NC: Duke University Press, 2019).

17. It is no coincidence that among all the parts of Hobbes's *Leviathan*, it is the chapter on punishment that the Indian moral philosopher and constitutional theorist Bhimrao Ambedkar trains his eyes on as he sets out to deconstruct the intricate juridical logic of caste and its indivisible, invisible sovereignty beyond social norms and the law.

18. On some of these issues inflected through the Roman political and imperial tradition, see David Armitage, *Civil War: A History in Ideas* (New York: Alfred Knopf, 2017).

19. Thus, in his classic work on postwar Europe, James J. Sheehan legitimately asks, "Where have all the soldiers gone?" See Sheehan, *Where Have All the Soldiers Gone? The Transformation of Modern Europe* (New York: Mariner, 2009), front matter. The postwar reduction of the military footprint as a sign of European peace—or, even relatively speaking, of Europe's decreasing dependence on war—seems nonetheless out of joint with the reality of the twentieth century. Beginning with the brutal "counterinsurgency" operations that European powers undertook in midcentury Asia and Africa, followed by the revolutionary (civil) wars in which first the European states and then the United States actively participated, sometimes despite international condemnation and often on dubious legal grounds, most soldiers were already not in or from Europe. And the millions who fought a few decades earlier on behalf of European colonial powers during the two world wars—which also were essentially colonial wars waged for colonial possessions—did not come from the continent either. Over 1.5 million Indian soldiers are reported to have fought as part of the British effort in the Great War alone, spanning theaters across the Middle East, North Africa, and Asia.

20. The expression "global civil war" is Giorgio Agamben's. See Agamben, *Stasis: Civil War as a Political Paradigm* (Stanford, CA: Stanford University Press, 2015), 2.

21. Hannah Arendt, *On Revolution* (New York: Penguin, 1963), 8.

22. Frantz Fanon, *The Wretched of the Earth*, trans. Richard Philcox (1961; New York: Grove Press, 2004), 3.

23. Francis Fukuyama, *The End of History and the Last Man* (New York: Free Press, 1992), front matter. I return below to the tragic salience of the figure of the "last man," which we nonetheless must subject to a closer reading today, if only for its inverted relevance to the philosophy of planetary history.

24. Samuel Moyn offers a strong counterhistory of this turn in American political thought. See Moyn, *Liberalism against Itself: Cold War Intellectuals and the Making of Our Times* (New Haven, CT: Yale University Press, 2023). But even in Moyn's iconoclastic retelling, the question of the color line and of civil rights—which was to emerge as the most formidable site of American racial reckoning at home at the height of its criminal misadventure abroad—does not get a central place. I am not sure it is Moyn's

focus on Jewish liberals that leads him to this silence on civil rights; if anything, the exact opposite should have been the case. The point is these two movements are philosophically indissociable: Cold War liberalism, even though it dissociates itself from the savagery abroad and even makes concessions for it—this is Moyn’s signal insight—could not have acquired its structure and form without being profoundly affected by Black thought. Even if they take incommensurable forms, examples of this influence on structure—and the place of the South—in the intellectual trajectories of Judith Shklar and Hannah Arendt, abound. Others, like Isaiah Berlin, chose a closely cultivated ignorance of their own country’s barbarities—one whose silent legacy is to be found more recently in the work of Quentin Skinner. For a rare examination of this moment in the itinerary of liberal constitutionalism as one whole, see Aziz Rana, *The Constitutional Bind: How Americans Came to Idolize a Document That Fails Them* (Chicago: University of Chicago Press, 2024).

25. On the institution of the modern citizen-subject, see Étienne Balibar, *Citizen-Subject: Foundations for Philosophical Anthropology* (New York: Fordham University Press, 2016).

26. Marc Crépon, *Murderous Consent: On the Accommodation of Violent Death* (New York: Fordham University Press, 2019).

27. Arendt, *Origins of Totalitarianism*, 296.

28. Paul Rabinow, *French Modern: Norms and Forms of Social Environment* (Chicago: University of Chicago Press, 1995).

29. Grégoire Chamayou, *Manhunt: A Philosophical History* (Princeton, NJ: Princeton University Press, 2012), front matter.

30. Arendt, *Origins of Totalitarianism*, 294.

31. Arendt, *Origins of Totalitarianism*, 297.

32. On contemporary forms of this economy, for which he uses this term, see Yanis Varoufakis, *Technofeudalism: What Killed Capitalism* (New York: Melville House, 2024).

33. Carl Schmitt turns the German term *Großraum* into a category for theory of international law. See Schmitt, *Nomos of the Earth in the International Law of the Jus Publicum Europaeum*, trans. G. L. Ulmen (1950; New York: Telos Press, 2003).

34. Fukuyama, *End of History*.

35. For Africa, this continuum of colonial darkness—despite the redemptive interregnum of decolonization—is made graphically salient in Achille Mbembe, *Out of the Dark Night: Essays on Decolonization* (New York: Columbia University Press, 2021).

36. James Baldwin, “On Being White . . . and Other Lies,” in *The Cross of Redemption: Uncollected Writings*, ed. Randall Kenan (New York: Vintage, 2011), 169.

37. Tony Judt, *Postwar: A History of Europe since 1945* (New York: Penguin, 2005).

38. On this deep history, see Thomas Nail, *The Figure of the Migrant* (Stanford, CA: Stanford University Press, 2015).

39. Hannah Arendt, *The Human Condition* (Chicago: University of Chicago Press, 1958), 6.

40. On this history of islands and waste, see Lauren Hirshberg, *Suburban Empire: Cold War Militarization in the US Pacific* (Berkeley: University of California Press, 2022).

41. Judith Shklar, “The Liberalism of Fear,” in *Liberalism and the Moral Life*, ed. Nancy Rosenblum (Cambridge, MA: Harvard University Press, 1989), 24.

42. On this hemispheric tradition, see, most recently, Murad Idris, *War for Peace: Genealogies of a Violent Ideal in Western and Islamic Thought* (New York: Oxford University Press, 2018). The legal and liberal democratic scaffolding for war—while scrupulously preserving its autonomy from the law as such—is thoroughly scrutinized in Christopher Kutz, *On War and Democracy* (Princeton, NJ: Princeton University Press, 2016).

43. Arendt, *Origins of Totalitarianism*, 296–97.

44. Arendt, *Origins of Totalitarianism*, 293. On this surreptitious distinction between the rightless and stateless, see Yumi Moon’s unsparing chapter on the moral and military tragedy of the Korean peninsula in this volume.

45. On the moral and political implications of this moment, see Aishwary Kumar, *Radical Equality: Ambedkar, Gandhi, and the Risk of Democracy* (Stanford, CA: Stanford University Press, 2015). Despite Judith Shklar’s powerful opening three decades ago in “The Liberalism of Fear,” we are yet to fully mine the implications of caste law for liberal jurisprudence (and for neoliberal planetarity itself).

46. Arendt, *Origins of Totalitarianism*, 295–96.

47. Carl Schmitt, *Land and Sea: A World-Historical Meditation*, trans. Samuel Garrett Zeitlin (New York: Telos Press, 2015), 25. For a phenomenological reading of this view, see Daniel Heller-Roazen, *The Enemy of All: Piracy and the Law of Nations* (Cambridge, MA: MIT Press, 2009).

48. Aurora Levins Morales, “Red Sea: April 2002,” Aurora Levins Morales (website), April 2002, <http://www.auroralevinsmorales.com/red-sea.html>.

49. Terisa Siagatonu, “Atlas,” *Poetry*, April 2018, <https://www.poetryfoundation.org/poetrymagazine/poems/146222/atlas-5a944cf31dad>. As Arendt writes at a searing moment in her examination of the ultranationalist production of stateless populations, leading up to the catastrophic disposal (and disposability) of the *idea* of the human itself,

new refugees were persecuted not because of what they had done or thought, but because of what they unchangeably were—born *into* the wrong kind of race or the wrong kind of class or drafted by the wrong kind of government (as in the case of the Spanish Republican Army).

The more the number of rightless people increased, the greater became the temptation to pay less attention to the deeds of the persecuting governments than to the status of the persecuted.

See Arendt, *Origins of Totalitarianism*, 294; emphasis added.

50. For this other defining and damning fold of penal power—*paperwork*—as it

functions on the idea of the human, see Daniel Heller-Roazen, *Absentees: On Various Missing Persons* (Cambridge, MA: MIT Press, 2021).

51. Stephen Castle, “UK Moves First Group of Asylum Seekers onto Barge,” *New York Times*, August 7, 2023, <https://www.nytimes.com/2023/08/07/world/europe/uk-migrant-berge.html>

52. Varoufakis, *Technofeudalism*.

53. Jacques Derrida, “Faith and Knowledge: The Two Sources of ‘Religion’ at the Limits of Reason Alone,” in *Acts of Religion*, ed. Gil Anidjar (New York: Routledge, 2002), 1–39.

54. Mbembe, *Necropolitics*, 42–65 passim. The provocative power of Mbembe’s critique comes from the attention he pays to the place of movement—which is to say, of *repetitive displacement*—in the consolidation of older colonial apartheid in contemporary global and neocolonial forms. Less through fixing and detention of populations, it is now by raising collective panic around the specter of unstable marauders, invaders, pirates, and abductors—around visions of a volatile, destabilizing movement of the stateless, who are, by their very *birth*, criminals—that nationalist and religious rhetorics of immigration in liberal democracies today take shape. As Nasser and Crews trace in their sensitive counternarrative of Afghan globality in this volume, however, nomadic movement (as opposed to *fratricidal stasis*) and transnational travel (as opposed to *national territory*) have also emerged, for better or worse, as the new crucible of moral and revolutionary claims of civic belonging, conflict, and identity.

55. Mike Davis, *The Planet of Slums* (London: Verso, 2006), front matter. It is illuminating how little room there is for the poor, the migrant, and the refugee in the comforting liberal talk of the “planetary age,” which sees in the inauguration of the Anthropocene the dissolution into irrelevance of all existing categories of thought produced by capitalism, its conception of humanity now hinged upon an abstract common future that binds all of humanity into one equally imaginary whole. See Dipesh Chakrabarty, *The Climate of History in the Planetary Age* (Chicago: University of Chicago Press, 2021).

56. Arendt, *Human Condition*, 6.

57. James Baldwin, *Nothing Personal* (Boston: Beacon Press, 2021), 50.