

Philosophy of Nonviolence:

How Judith Butler sacrifices the universal argument for a leftist agenda

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On Judith Butler's *The Force of Nonviolence*, New York: Verso 2020, 2021 (2021 Kindle edition)¹

I read Butler's book with an open and eager mind. Speaking of nonviolence in times of Da'esh and the internment of a million Muslim Chinese triggers an oft bemused look or a strongly dismissive reaction not only from the man on the street, but also, and much more doubtfully, from entrenched policy-makers and the more general body-intellect in the world. When a writer of the stature of Butler addresses nonviolence, such cynical and/or short mindedness gets at least a well-deserved comeuppance call.

I embarked several years ago on a germane journey into a philosophical understanding of nonviolence.² The only living thinker whose writings carries weight on a theoretical level is Adam Roberts, and I had a privileged occasion to work with him on a book on the Arab revolutions.³ His conclusions still stand as the most useful placeholders for pressingly needed thought on what he prefers to call 'civil resistance'.⁴

¹ Cited here with the Kindle edition 'location' and page number, in parenthesis. For a more effective identification of my critique, some of her phrases within the citation are italicized.

² The journey culminated (but did not end) in *Philosophy of nonviolence: Revolution, constitutionalism, and justice beyond the Middle East*, Oxford University Press, New York 2015 [Hereinafter PNV]; In the progress of my thought into nonviolence, see 'Non-violence et Etat de droit', *Travaux et Jours* (USJ, Beirut), 64, 1999, 29-41. (Also published in English, 'Non-violence and the rule of law', in Thomas Scheffler ed., *Religion between violence and reconciliation*, Beirut 2002, 419-31, and in Arabic); [March 2221. Lebanon's Cedar Revolution- An essay on justice and non-violence](#), [Lir], Beirut, 2007; 'Breaks and continuities in Middle Eastern law- Women after the 2011 Revolution', in Nadjma Yassari ed., *Changing God's law: The Dynamics of Middle Eastern family law*, UK, Ashgate, 2017, 17-33; 'From Amnesty International to Right to Nonviolence: Theory and practice in the Arab Spring context', in Muriel Schmid ed, *Religion, conflict, and peacemaking. An interdisciplinary conversation*, Salt Lake City, University of Utah Press 2017, 115-27.

³ Adam Roberts, Michael Willis, Rory McCarthy and Timothy Garton Ash eds., *Civil Resistance in the Arab Spring*, Oxford, OUP, 2016. The first chapter was written with my late, cherished friend, Edward Mortimer, 'The background to civil resistance in the Middle East', id., 1-29.

⁴ Adam Roberts, 'Civil resistance and the fate of the Arab Spring', Id., 270-326, framework set at 272: 'The very achievements of the Arab Spring, and the scale of the subsequent reverses, suggest a need to look rigorously at the phenomenon of civil resistance, its relationship to other forms of power, and its capacity to achieve goals and also to bring about unintended change. There has been little discussion of this matter, and it is hard to identify anything like received wisdom on it.' See also his introduction to Adam Roberts and Timothy Garton Ash eds., *Civil Resistance and Power Politics: The Experience of Non-violent Action from Gandhi to the Present*, Oxford: OUP 2009, at 2 for a definition of civil resistance.

Other works on nonviolence operate usually on a less rigorous plane, including an array of sociological and political investigations after two main fashions. Either the author provides empirical work on nonviolent movements, including successful and less successful revolutions.⁵ Or the reflection tends to come from policy advocates, from the 19th century ‘pacifists’ through to Gandhi and Martin Luther King, rightly famous for their extraordinary political achievements, but lacking in that abstract thinking exercise.⁶ One learns a lot from what they do and write. But they do not rise to the rigorous quality of Butler’s or Roberts’ work.

Butler’s philosophical approach was sufficient to trigger my interest not only in what she says, but also on the necessary refashioning of the field as a consequence. As the title of this longish review suggests, I am concerned by the limiting scope that her reasons compel. I will piggyback on *the Force of Nonviolence* with conclusions reached in my own enquiry, along two parts: In the first part, I engage fully with her Introduction to comment on those definitional passages that I strongly disagree (or agree) with. I will then proceed with a more general critique of the five or so chapters in the book.

I

The Introduction is mostly definitional. What are we talking about when we speak of nonviolence?

From the outset, the software underlines ‘nonviolence’ as incorrect. Is it nonviolence or non-violence? A decision was made by Butler, clearly, in favor of the former. The title includes Nonviolence, no hyphen. In the blurb of the publisher, however (Location 2), non-violence appears several times with a hyphen. I had a similar discrepancy with my own book, where a good friend from Princeton wrote a blurb that spells “non-violent origins” with a hyphen while the title has it in one word. And I had myself used a hyphen in a previous book, on Lebanon’s Cedar Revolution, where the subtitle was “An Essay on Non-violence and Justice”.⁷

Nonviolence/non-violence tomato tomatito? One grows tired from endless discussions on defining democracy, the rule of law, republicanism, good governance, and their corresponding nemeses. I share by-and-large such impatience and would short-circuit the reader’s unease by suggesting that she put his all-too-parsing mind aside and think of the most common use of the terms in an interchangeable, relaxed way. Assuming the largest common denominator and the

⁵ For instance, Erica Chenoweth and Maria Stephan, *Why Civil Resistance Works: The Strategic Logic of Nonviolent Conflict*, New York: Columbia University Press 2011.

⁶ In a large literature, the most important works are by Gandhi, Thoreau, Tolstoi, more recently Gene Sharp, Jack Duvall and Peter Ackerman, see a general overview in PNV, ch.1, nn.11-14 and accompanying texts. While a similar intellectual caliber to Butler can be found in James Tully’s introduction to his edition of Richard Gregg’s *The Power of Nonviolence*, Cambridge: CUP 2018, xxii-lxx, Tully is still operating on the margins of Gandhi and Gregg’s legacy (‘moral jiu-jitsu’ is the most alluring concept in the introduction, entitled ‘integral nonviolence’). Other recent theoretical contributions include Iain Attack, *Nonviolence in Political Theory*, Edinburgh University Press, Edinburgh, 2012; Todd May, *Nonviolent Resistance: A Philosophical Introduction*, London: Polity 2015.

⁷ Above n.2.

Gestalt that goes with the penumbra of words helps eschew Byzantine discussions that hamper the imagination and stifle the argument. Both Butler and I have settled consciously on nonviolence without the hyphen.

Without dwelling too long on the difference therefore, a nuance is worth pursuing in what appears to be our common preference for the one word. It derives from the philosophical scope of the field covered. Nonviolence is not the antonym of violence, and the absence of the hyphen underlines the autonomy of the concept. Nonviolence is not the opposite of violence conceptually defined. I agree therefore with Butler's choice, which is informed in the increasing autonomy of the term in my own thinking between the first book in 2007 and the second book in 2015. In this evolving enquiry, the difference however between Butler and me is that nonviolence as a philosophical concept operates in an authoritarian/dictatorial environment tied to a ruling system where opposing and changing the ruler/dictator are key, from my perspective. It does not operate in a democratic system where the rule of law is conditioned on the state's monopoly over violence being hemmed in with an array of electoral and judicial safeguards. I would add that nonviolence as a philosophical concept differs from pacifism in radical ways, because it arrives at dusk, like the owl of Minerva, to explain and probe a worldwide phenomenon generally described as 'color revolutions', in contrast with the tragic failures of 19th century-style and inter-world wars' pacifism. Nonviolence is a characteristic trait of a philosophy of history that seeks to account for the failures and successes of various such revolutions, many ongoing, to which should be added various forms of daily resistance that are not critical enough to aggregate into a revolution. Color revolutions constitute a second wave after those in Eastern Europe which collapsed a superpower's entire dictatorial system and closed a century of brutal state socialism. While Butler does not say so in so many words because she does not address the hyphen straight on, I suspect that she would not differ from my keeping the world whole because of its potential philosophical pith, but her philosophical probe entails premises which I do not generally share and does not stop at the division democracy/autocracy. For beyond agreeing on nonviolence as a self-standing concept of wide philosophical importance, such that it should not be hyphenated, we then quickly diverge.

Chapter one includes the following passages with which I disagree:

What starts, then, as an apparently moral argument about whether to be for or against violence quickly turns into a debate about how violence is defined and who is called "violent"—and for what purposes. When a group assembles to oppose censorship or the lack of democratic freedoms, and *the group is called a "mob,"* or is understood as a chaotic or destructive threat to the social order, then the group is both named and figured as *potentially or actually violent*, at which point the state can issue a justification to defend society against this violent threat. When what follows is imprisonment, injury, or killing, the violence in the scene emerges as state violence. (p. 4)

This passage includes a major definitional distortion, for it papers over the otherwise clear distinction between "potentially" and "actually" violent. When the 'state' seeks to justify arresting participants in a 'crowd' because it has decided to call it a 'mob' on the basis that it is a "violent threat", the state (the government) is obviously wrong. A "mob" is an identifiable reality

irrespective of what a government calls it. Crowds and mobs differ. Only when the crowd uses physical violence, against police or soldiers or simple citizens, possibly even buildings, does it become a 'mob'. Only when the Trump crowd storms the Capitol on January 6, 2021 by exercising violence against police, staffers and ransacking the premises, does the group become a mob. The distinction is important and easy to make, intellectually and practically.⁸

The next passage is also wrong because her very premise joining 'potential' and 'actual' violence leads to confusing the practical consequences of her amalgam:

We can name state violence as "violent" even though it has used *its own power to name and to represent the dissenting power of some group of people as "violent."* Similarly, a peaceful demonstration such as that which took place in Gezi Park in Istanbul in 2013, or a letter calling for peace such as the one signed by many Turkish scholars in 2016, can be effectively figured and represented as a "violent" act only if the state either has its own media or exercises sufficient control over the media. Under such conditions, exercising rights of assembly is called a manifestation of "terrorism," which, in turn, calls down the state censor, clubbing and spraying by the police, termination of employment, indefinite detention, imprisonment, and exile. (pp. 4-5)

Contrary to what Butler seems to suggest, the example of the Turkish resistance to the autocrat who rules the country should not be confusing. It is not because the state "names and represents" a peaceful demonstration such as Gezi "violent" that it becomes violent. There is no doubt that Gezi was peaceful (let alone the letter of our Turkish colleagues), and Butler herself acknowledges it as a peaceful demonstration. The state (Erdogan's government) may call the Gezi demonstration/sit-in violent or terrorist violent or terrorist. That does not make it violent or terrorist. The distinction is easy to make and renders immaterial what the Turkish 'state' calls Gezi. There is no need to belabor this evidence, but the larger confused premise is worth dwelling on.

I am often struck by the knee-jerk reservation so often heard about nonviolent revolutions, namely that they cannot be violence-, bloodletting-free. And my reaction is: of course a nonviolent revolution is not violence- and blood-free, simply because the state (again rulers, government) acts repressively, i.e. uses violence to undermine, punish or stop a nonviolent protest, which invariably means shedding a lot of blood. The nonviolent revolution is never non-blood, non-violence filled. But blood or violence is not of its doing. It is the ruler's (and not really the 'state', but there is no need to get into this now). Conversely, in a more subtle consideration, a nonviolent revolution can *only* take place where the state is not democratic, i.e. only where the rulers are despotic therefore violent, and where the regime is therefore defined as a dictatorship. There is no need for a revolution in a democratic state. There are means to change the government without resorting to violence. Conversely, a non-autocratic government doesn't shed the blood of demonstrators when they are not violent. To give two simple illustrative

⁸⁸ I will, incidentally, refer to the infamous episode occasionally, partly because, like the towers on 9/11, a massive chunk of humankind has seen it live, so that we do not have to quarrel too much on factual basics. But we shall see as this review develops that I also have strong moral and practical views on January 6 [2021], as I did for 9/11 [2001], which I will provide when appropriate, relevant, or useful.

examples: when the G8 meeting led to deaths in the protesting crowd in Italy, and one demonstrator was killed, there was a huge outcry amongst the participating governments on that single death. When some of the police resisted the assault on the Capitol, five demonstrators were killed, no one, not even the groups supporting the demonstrations, argued that the response was excessive.

In short, and to repeat an argument made at the outset in PNV:⁹ nonviolence is meaningless in a democratic, rule of law state, where it is both unnecessary and an almost daily practice. This should be uncontroversial. The problem is elsewhere, in the fact that the state in a democratic society is also violent in repressing crime. There is no state that does not mete out violence, along with all its judges, everyday.¹⁰ This is a paradox of a far weightier nature which I examine more closely in PNV, and to which I will return in this review. But it is not relevant to Butler's two opening statements: in amalgamating "potentially" and "actually violent" she misses the evident reality that a "peaceful demonstration" such as Gezi's may not, under any rational configuration, be violently repressed by the 'state'.

This continues in the opening chapter in her self-declared confusion over the definition of nonviolence:

To argue for or against nonviolence requires that we establish the difference between violence and nonviolence, if we can. *But there is no quick way to arrive at a stable semantic distinction between the two* when that distinction is so often exploited for the purposes of concealing and extending violent aims and practices. (p. 6)

We can, and we need to establish the difference between violence and nonviolence. It is not hard. The distinction is simple: violence is physical. It is the use of physical force. Not the force of words, not the force of 'structure' or 'system', not the force of tradition, nor is violence psychological. Wider practices brought by Butler and others may be useful to consider occasionally, but this grey area is not nearly as extensive as she suggests. The difference is as simple as this: the kid who throws a small rock on an Israeli tank crushing his house and olive groves in the West Bank is violent. There are no two ways around it, and the great mistake of the Palestinian resistance movement is not to acknowledge it. Not only because such violence, however trivial the kid's rock against the tank, is ineffective and unproductive, i.e. empirically misconceived, but because throwing a rock is violent. Violence is a clear moral qualification to the act of throwing a stone, and it destroys the immense superiority of nonviolent resistance over decades of Palestinian courage in opposition to rock-throwing, knife-stabbing, bomb-planting episodes of the violent side of the movement.

This simple definition of violence as physical also explains my principled disagreement with Butler's following overbroad statement:

Whatever is called "violence" becomes regarded as violent from a particular perspective embedded in a defining framework, but those frameworks are also defined in relation to

⁹ Id., 35-7.

¹⁰ Id., Ch.5, "Nonviolence: The Central Philosophical Paradox." See below on Robert Cover and the judges' violence, n.16 and accompanying text.

one another and can be analyzed in relation to strategies of suppression and opposition. *The violence at issue is not only physical, though it often is. Even physical violence belongs to broader structures of racial, gender, and sexual violence, and if we focus on the physical blow at the expense of the broader structure, we run the risk of failing to account for those kinds of violence that are linguistic, emotional, institutional, and economic—those that undermine and expose life to harm or death, but do not take the literal form of a blow.* At the same time, if we immediately abstract from the physical blow, we fail to understand the embodied character of the threat, the harm, the injury. Structural forms of violence take their toll on the body, wearing the body down, deconstituting its corporeal existence. If irrigation systems are destroyed, or if populations are abandoned to disease, are these not rightly understood as operations of violence? *What about choke holds and forcible detention? Solitary confinement? Institutional violence? Torture? The figure of the physical blow cannot describe the full spectrum of violence; indeed, no one figure can.*¹¹

One can discuss the destruction of irrigation systems or the olives in Palestine (and I certainly agree that the latter is a violent action, albeit against trees), but there is no doubt that choke holds, forcible detentions, solitary confinement and torture constitute physical violence. I am not sure what ‘institutional violence’ means exactly here, but I guess the reference to a principled “anti-Israel/Zionism” advocate such as Butler is to the systematic, institutional violence meted out by successive Israeli governments on the Palestinians.

This is admirable in so many different ways. Here I am arguing here against Butler’s double confusion: the State of Israel (its successive governments since 1948) has exercised immense violation against Palestinians. This is in the nature of a colonial state developing into an apartheid system. But her question is irrelevant: what matters is the violent or nonviolent nature of the response. Second, more importantly, whether for Israel or other countries, the central question is whether they are democratic and observe the rule of law in their exercise of state violence. When the government of France confiscates half of the island of Hyères for a naval base, it exercises a violence which is legal and moral.

In the same passage appears also Butler’s argument over the ‘body’ common to modern Western philosophy since Descartes at least. She asks to revisit ‘self’ as body, individual, social unit, and ‘self-defense’ as one of its related areas of contention. “The body” goes to the heart of her argument, and I also disagree with it. Rather than critique it paragraph and verse here, I will address it, as it develops further in the crux of the book, in a more elaborate, second section, of this review. Not to keep the reader’s mind on hold, however, the point is that investing the body is a philosophical fad which obfuscates the simple equation of violence with physical harm. We can, we must limit the definition of violence to a physical harm done to the nonviolent demonstrator or protestor to harm done by the state apparatus to his or her body, with no particular layers included in what the body is constituted of.

¹¹ pp. 137-138, fn omitted.

Then we come to the end of the Introduction. She has four “conclusions.” I strongly disagree with two of three conclusions, which are important, and mildly agree (or mildly disagree with one). The fourth conclusion is less important.¹²

First, nonviolence has now to be understood *less as a moral position adopted by individuals in relation to a field of possible action than as a social and political practice* undertaken in concert, culminating in a form of resistance to systemic forms of destruction coupled with a commitment to world building that honors global interdependency of the kind that embodies ideals of economic, social, and political freedom and equality. (pp. 20-21)

Wrong. Nonviolence is as much a moral position as it is a social and political practice. Considering the subtitle of the book, *an Ethical-Political Bind*, it is strange to see Butler undermine by conceiving the field of nonviolence more as “social and political practice” than a “moral” one which the title of her book and second conclusion appear to defend.

She then provides another distinction:

Second, nonviolence does not necessarily emerge from a pacific or calm part of the soul. Very often it is an expression of rage, indignation, and aggression... [Even] passive resistance... of the body... requires suffering, yes, but for the purposes of transforming both oneself and social reality. (pp. 21-22)

This passage, with some reference to Gandhi’s Satyagraha (force of the soul) in the footnotes, suggests that nonviolence is not weakness, quite the contrary. I can’t agree more. But the use of the body in nonviolence is not one where, Descartes-like, a philosophical chasm between mind and body needs to be underlined. It is true therefore that “nonviolence is an expression of rage...”, but it is a moral expression of rage, as well as a philosophical one on a more abstract level. Reference to the body is unnecessary, *hors sujet*. Use of the body as concept has nothing to do with nonviolence, and the fad of the body one reads in contemporary philosophy is one that has never impressed me. The moral expression of nonviolence as a rational choice operates with regard to the body under a conscious do-no-harm principle, possibly the exact equivalent to Gandhi’s *ahimsa*, a-himsa meaning the avoidance or negation /a/ of /himsa/, harm. In a political context, it means specifically to do no physical harm to the violent ruler and its repressive apparatus (until accountability sets in when he is removed from power, but that is a different story). It does not operate, as Butler suggests, by the suffering of the body as the expression of the enraged, indignant or aggressive part of the soul. One can be ‘enraged’ and ‘aggressive’ (in the sense that a lawyer is aggressive) without hurting the one who harms one physically.

¹² The fourth conclusion is less interesting. Butler writes: “Fourth, there is no practice of nonviolence that does not negotiate fundamental ethical and political ambiguities, which means that “nonviolence” is not an absolute principle, but the name of an ongoing struggle.” (p. 23). Well, ok, nonviolence is relative and contextual -- although it seems the use of ‘ethical’ here is disorienting. I understand ‘ethical’ to be the equivalent of ‘moral’, and I do not think morality needs to be negotiated. Regardless of context, no violence means no physical violence, it can be set as an absolute principle, and there is no need for agonizing over it on account that it is part of a larger context, a *lapalissade*.

In short, there is no need to get into soul-body (or mind-body) dichotomies, especially since I prefer to read Descartes as the vindication of the “I” as cogito, not one as opposed to the body (as I admit it also appears in his work). The expression of the indignant and angry soul is nonviolent under the no-harm principle as a positive act, not from a “suffering” angle of the body.

Third conclusion:

Third, nonviolence is an ideal that cannot always be fully honored in the practice. To the degree that those who practice nonviolent resistance put their body in the way of an external power, they make physical contact, presenting a force against force in the process. *Nonviolence does not imply the absence of force or of aggression...When, for instance, bodies form a human barrier, we can ask whether they are blocking force or engaging in force.* (p. 22)

Wrong, both in practice and in theory. Again, her focus is on the “body”. The body forming a human barrier which does not seek to forcefully dismantle a police barrier is not engaged in violence. A nonviolent revolutionary knows his limits, as does the police in both a repressive or democratic state, with the difference that the police in an autocratic state willfully transgresses this limit. Butler is wrong to say that “obstruction *is* violence—we do, after all, speak about violent obstruction.” (p.22 emphasis in original) For it is not enough to speak about violent obstruction to make the nonviolent protestor who is standing her ground violent. Obstruction, simply observed, does not harm a policeman or a police cordon. Obstruction *is not* violence.

Let’s consider January 6, 2021 again. Had the Trumpists not used force, the police would have never moved on them in the first place, and very late at that after Trump finally asked them to leave. (Note to the Prosecutors: until Defendant Trump called the violence-meting demonstrators off, he encouraged them, supported them, engaged with them, *participated* in their violence) They “engaged in force”, not in an “obstruction”. This was plain to the naked eye. But let me indulge Butler and accept that there is an element of “ambiguity” in using one’s body in a sit-in, a march or an occupation of governmental premises. Yet it is not such a great ambiguity as she suggests in this third conclusion, because it is forbidden for nonviolent sitters, marchers or occupiers to do physical harm to the police, the army or whoever is in their way, including pushing them; nor can they destroy premises that they have occupied when that state force is absent or has retired. There is no ambiguity here, and January 6 is an easy counter-example, where the police failed to act in time to protect the Capital against its storming by violence demonstrators.

Let me engage a bit closer empirically and provide a positive example of nonviolence in action in a more subtle environment. Take the storming of a dictator’s palace, say the Egyptian revolutionaries in the last days of the Nile Revolution. They provide the world, and nonviolent theoreticians and practitioners alike, an important lesson for nonviolence on the march.

We have, between the 25th of January 2011 and the 10th of February 2011, a revolutionary situation in Egypt that succeeds in removing Mubarak. The first breach was in Tahrir square, on 25 January. People moved *en masse* (*en small masse* still) into the forbidden square, which is also the case also in the Pearl revolution in tiny Bahrain. By doing so, literally getting through a

breach, nonviolent marchers undermined a major taboo, the symbolism of which the rulers understood well and which they sought to repress violently. As the nonviolent revolutionary crowd (not the ‘mob’) grew, Mubarak ordered planes to fly over Tahrir, in an open threat to strafe or bomb the protesters. We don’t know why the threat was not acted on, probably because the army commanders disobeyed his orders, or maybe because there were no orders from him to shoot at the demonstrators. Then there was the infamous day of the Camel, where Mubarak’s agents of repression moved on Tahrir in a grotesque way and were defeated not because the revolutionaries shot at them, but because there was a crowd large enough to make a mockery of their brutal behavior.

Back to Butler’s statement that “[N]onviolence does not imply the absence of force or of aggression”: the reason why the Egyptian revolution succeeded was not in the bodies “engaging in force.” They first marched into Tahrir, then just sat there, harmless. The 800 or so people who were shot dead by the police over the three weeks of the Nile Revolution did not harm a single policeman. This is not the main point of my comment however. The point is that the Egyptian Revolution succeeded when the nonviolent revolutionaries stopped sitting on Tahrir, and marched across Cairo, in their hundreds of thousands, to various palaces which Mubarak used. He was not even there when they marched, since he escaped to some retreat hundreds of miles away. But it was those marches, in other words the dynamic creativity of nonviolence that sealed his fate when his army gave up on him, on February 11, even though he was out of physical reach of the revolutionaries.

In contrast to my strong disagreement with Butler’s above conclusions, she is right in the next paragraph when she writes that nonviolence is an immense force, an immense moral *and* political force that draws on the fundamentals of the end of history that we are living, and that the era of nonviolence is upon us to go for a world-historic change which one hopes to win. With one caveat, the following is a great Butler paragraph:

Nonviolence is less a failure of action than a physical assertion of the claims of life, a living assertion, a claim that is made by speech, gesture, and action, through networks, encampments, and assemblies; all of these seek to recast the living as worthy of value, as potentially grievable, precisely under conditions in which they are either erased from view or cast into irreversible forms of precarity. When the precarious expose their living status to those powers that threaten their very lives, they engage a form of persistence that holds the potential to defeat one of the guiding aims of violent power. (p. 24)

I applaud the philosophical scope of this conclusion (save the expression “potentially grievable, see below). But I would have liked her to stop there because I disagree again with the next sentence, where she self-deflatingly quotes Frantz Fanon, a wonderful anti-colonialist revolutionary perhaps, but a thoroughly violent one, in the last passage of her Introduction:

When nonviolent movements work within the ideals of radical egalitarianism, it is the equal claim to a livable and grievable life that serves as a guiding social ideal, one that is fundamental to an ethics and politics of nonviolence that moves beyond the legacy of individualism. (p. 24)

Moving beyond the legacy of individualism has nothing to do with the force of nonviolence. First stands a counterclaim with Antigone. And Victor Hugo. And Rosa Parks. You do not need to be more than one to adopt nonviolence. Secondly, you do not need to go beyond the legacy of individualism, and move toward a second set of 'social rights' to be nonviolent. I support social rights, including equality rights of the second large wave of democratic history, and the environmental rights of the third wave, *but not on the philosophical ground of nonviolence.*

I hope I was fair and thorough in this passage and verse commentary. Butler's writing is dense, and it is hard for a critical response not to be equally dense, but I wish to clarify the main agreements disagreements argued in this section:

My main points of agreements with Butler is that Nonviolence :

- a full philosophy of change which privileges life over suffering and death;
- a self-standing conceptual framework rather than a reaction to violence;
- an expression of just rage, discontent, anger against gross injustice because of the use of political violence, by individuals, organizations and states.
- I also agree that violence is a system under a despotic government.

As for my critique:

- Butler confuses the violence of the State and the nonviolence of revolutionary demonstrators. Demonstrators, revolutionaries, can be violent or nonviolent. The State is by nature violent, always. A line must firmly be drawn between the autocratic, despotic state, which uses violence to repress nonviolent demonstrations, and the democratic, rule of law state, which uses legitimate (and necessarily proportionate) violence against violent demonstrators. (PNV Ch.3)
- *Nonviolence is more of a moral position adopted by individuals in relation to a field of possible action than a social and political practice.* In that balance, the ethics of nonviolence prevails over the practice. In that balance also, practice is always evolving and proteiform expression of the philosophy of nonviolence.(PNV Ch.1)
- *Nonviolence does imply the absence of force or of aggression,* in absolute. No nuance needed. (PNV Ch.3) Obstruction need not include physical force or aggression.
- Nonviolence rejects violence as physical force fully and absolutely. (PNV Chs.1 and 3, with a caveat on different conceptualization of the international use of violence, PNV ch. 18)
- Butler misses the importance of dynamic as opposed to static nonviolence. Against the typical sit-ins and mass marches, nonviolence need to must think differently the tactics of removing dictatorship and replacing it with a democracy. In this dynamic, there is no place for any physical violence. Nonviolence is never expressed as physical force harming government agents of repression. (PNV passim)
- Individualism and the body are red herrings.

I will now move to the more general argument in the book, which represents my main disagreement with Butler's thesis. My main point against Butler is that a philosophy of nonviolence stops at 'the first set of human rights'. A wider scope of nonviolence, which she inscribes in the second set of rights, is the wrong philosophical premise at the center of the book.

As a consequence, Butler's philosophy of nonviolence loses its universal appeal by engaging in a second set of human rights defined historically by the left.

II

Let me now quicken the pace of this critique. The argument of Chapter 1 moves through three themes. First is a consideration of the state of nature in the common *topos* of luminaries of the 18th century, where Butler agrees with Rousseau's skepticism, since a Robinson Crusoe simply does not exist. A human being is always already (as French philosophy has it, "*toujours déjà*") inserted in a structure which predates her and forces its boundaries on her worldview. This is the premise for Butler to depart from the individual as a category to the individual as part of something larger, generally predetermined, and systematically unequal. So far so good, but the argument then moves from the independent individual, an incorrect prism according to her, to the interdependent one, triggering the passage to "global obligations" in which the fight against inequality takes, or must take place, "laying the groundwork for a practice of nonviolence within a new egalitarian imaginary." (pp. 48-49)

Nonviolence is considered by Butler as a means to an end, and the end itself. While this premise is correct in a moral approach to human action, it is not clear why nonviolence is needed as practice beyond the trite observation that to act nonviolently is the same as the universal or legal principle to do no harm. Butler is not persuasive on why a practice of nonviolence needs to derive from this notion of interdependency and globalism which is foisted on humankind as a fact of modern life, to nonviolence equated with the telos of ending inequality on earth, described variously as "the idea of equal grievability", "vulnerability", "radical democracy", and often dramatically coupled with collective "self-preservation." I find the advocacy either too basic, or unnecessary. It is basic because of its redundancy with the no harm principle, like equality and liberty, the principle of no harm has long been universally claimed. The advocacy is unnecessary because the use of nonviolence to correct the state of nature (or the myth of the state of nature) does not require a vindication drawn from "equal grievability".

Butler insists heavily throughout the book on the importance of grief, and the right to grief in this chapter.¹³ One of her illustrations comes from the women of the Argentinian Plaza de Mayo, another from Black Lives Matter. Hers is an enriching take on these important moments of nonviolence, when the parents of victimized civilians by the military junta in Argentina, and the racist system in the United States, are requesting their right to grief equally to other people who have lost loved ones. She therefore claims the universal expression of this right to equal grieving in order to establish a common, basic human right one.

¹³ "If all lives are considered equally grievable, then a new form of equality is introduced into the understanding social equality that bears on the governance of economic and institutional life, which would involve a wrestling with the destruction of which we ourselves are capable, a force against force." (p. 101)

While I like the idea's novel flavor, I must oppose it as dangerous, false, and misleading insofar as the focus on grief, or on 'equal grief', pushes back into oblivion the far more important assertion of the nonviolent demonstrators in South America and the streets of race discrimination in America to the victim's right to *justice*. Not some sort of pantheistic justice, but real, tangible justice. The right of the mothers of the disappeared is to be able to grieve over the bodies of their disappeared sons is important. But it is much more than that: it is the right to see their torturers arrested, tried publicly, and jailed. And the Argentinian women succeeded to a significant part, including by removing the autocracy altogether and seeing many of its leaders in jail, this is why they don't demonstrate in Buenos Aires any longer, while their counterparts are denied justice in the Beirut harbor explosion and elsewhere.

Her other US-exemplified illustration of grief, Black America, compels a different critique. It is not true, first, that the American families cannot express their grief. They do so all the time, and they do so nonviolently. But here again their exercise of grieving is not sufficient, nor is it the main objective of their nonviolent anger: their objective is the arrest and trial of those responsible in the system, the shooting policeman first and his commander next under the chain of command. Butler is right that this area is more complex. She puts into question the democratic nature of the United States in the light of the Argentinian mothers bringing down the Videla dictatorship and taking him and his underlings to trial. I will not venture further into this terrain here, for it deserves a serious probe for democrats and/or advocates of nonviolence on whether America is a democracy. I am not sure I am ready to accept that the United States is not a democracy, despite the terrible tort on black lives. In both illustrations by Butler, she misses the clamor for accountability for the ersatz of grief.

Chapter 2 is articulated on the question 'why do we need to preserve life', including another person's life. It posits first the realm of the question to be both psychological and moral. While this division is appealing, I found no useful answer in her treatment, which presents arguments of reciprocity, and again of "vulnerability" (meaning that there is no preservation of life which does not care for the most vulnerable, but also tentatively all life, including animal, insects, and the planet.) We need to preserve life, ours and others', Butler says, and the use of violence is antithetical to this principle. Adopting nonviolence under the overarching 'preservation of life' argument is the logical and moral position to segue. This is fine, but hardly novel. One can find it on Hammurabi's stela. Butler's argument appears no different to me than the substratum of most world religions, and she brings little philosophical allure in these opening pages of Chapter 2.

The rest of the chapter is more engaging, as she embarks on a series of detours through three great thinkers, Kant, Freud, and Klein, and solicits their contribution to the argument that 'we need', rationally, 'to preserve life'. From Kant come the great moral maxims of his three *Critiques*, which she adopts and varies slightly on. From Freud she draws various concepts from *Civilization and its Discontents*, in particular the ambiguity of the death drive which she supplements by the more general Freudian destruction of the ego with "identification". With Klein she draws the reader to the powerful image of the baby sucking his mother's breast with a pull for gratefulness and life, yet with an impulse to destroy the breast (and the mother). In all

three detours, the preservation of life finds non-religious support in a rational-moral argument, and this is fine.

But here also, the adoption of nonviolence as philosophy seems either trite, *pace* the Kantian moral imperative which includes not killing or harming your neighbor: one cannot raise killing into a universal maxim if you wish to preserve life, this is evident. As for Freud's ambiguities about the lure of death: yes, no decent European stomachs the absurd killing fields of World War I, and Freud did his best to underline the layers of violence underneath the ego to 'prove' the madness of so-called civilization, but there is little he or Butler add to the ambivalence of the death drive. Maybe there is a death drive, and maybe it is superior to the will for life. I am not sure where nonviolence sits conceptually here. As for her use of Klein, the nonviolence extrapolation she makes is even harder to accept. The image of the suckling baby loving and wishing to destroy his mother jars with the passage to adulthood as an individual. Society has long taught the child her limits. Butler making a further leap from the breastfeeding babe to groups' behavior is even less convincing in her overall philosophy of nonviolence. There are several more stages from the innocence of children and sometimes violent adolescence or adulthood.

In all three derivations lies the common problem of borrowing concepts from the psychoanalytical field which work grudgingly elsewhere, notably in the philosophical and political realms.

The order of investigation in psychology and related worlds has an autonomy in scientific terms that makes its passage to other disciplines fraught with dangers.

The scholar who has best expressed the need to respect these boundaries is Robert Fossaert, who separates between three realms of intellectual inquiry: N (for Nature), P (for Psychology), and S (for Social Sciences). N is for physics, biology, and hard sciences.¹⁴ P is for Freudian and other scientific analyses of the I and the ego layers. S is for Sociology and social sciences that address the terrain which Butler discusses in the book. Butler, like many other intertextual scholars, is not rigorous enough with her extrapolations. As a philosopher, she is of course entitled to move concepts across the three fields, but she does so at the peril of coherence in her philosophical outlook. When I practice political philosophy or law, I also like to borrow concepts that come from psychoanalysis (for instance 'overdetermination') or from math (for instance the 'spline curve'), but this must be done carefully, mostly metaphorically, and mostly with a ton of

¹⁴ This theoretical order suffuses the most important contribution of Fossaert, his summa entitled *La Société* (Paris: Seuil, first six volumes 1977-1983; two final volumes at Fayard in 1991 and Stock in 1996). The distinction is described in the very first pages of the first volume, *Une Théorie Générale*, 22: "La société est une réalité d'un autre ordre que la nature ou que l'homme. Chaque ordre de réalité a ses structures propres, ses lois propres. Les ordres de réalité sont discrets, les sciences qui visent à représenter chacun d'eux sont hétérogènes. On désignera ces ordres distincts de réalité par N pour nature, S pour société et H pour homme."

reservations and caveats.¹⁵ Transplanting them wholesale as she does in this second chapter turn her philosophical enquiry into senseless and chaotic substratum for nonviolence.

So much for Chapter 2. I should dwell more on Chapter 3, which provides the crux of the book, so I will quickly brush over Chapter 4 and the Postscript. Chapter 4 discusses Freud, including again mostly *Civilization and its Discontents*, and adds little to the death drive analysis of the previous chapters. Butler's treatment of Freud's epistolary exchange with Einstein over the vacuity of war, and its cruelty, comes into what I just described as the P/psychology realm, in the case of Einstein's letters a very basic one set against excessive nationalisms and evidently insufferable brutalization of minorities. Ego, Superego, the death drive, the ambivalence of love and hatred, all of this is irrelevant to the quest for a philosophy of nonviolence. The elaborations of the chapter may explain a lot in the individual's interpersonal relationships, but these categories and borrowings do not add much to Chapter 2. They have little to say on the larger scale of the exercise of violence, even in matters for which Butler cares particularly, like the structural injustice against Black people in the US, brown women in Latin America, or destitute migrants drowning in the Mediterranean. As for the Postscript, it mostly adds to the catalogue of social categories suffering from the harsher side of the current stage of capitalism. This is admirable for injustice, it is irrelevant and distracting for nonviolence.

It is Chapter 3 which provides the core of Butler's philosophical-legal perspective, dealing with state violence, nonviolence, and law. The writers Butler chooses to discuss the nexus of law and nonviolence, directly or indirectly, are very much those who have provided the framework of an important part of my own investigation in PNV: Foucault, Walter Benjamin, and Robert Cover.¹⁶

I agree with the need to discuss all three. Butler has elaborate reflections on each, premised on the difficulty she sees in the exercise of violence by the state, any state. I don't think we can make the economy of what sort of state is at stake, more accurately what sort of political regime and government, specifically whether it is democratic and respects the rule of law. We are back here to the premise that there is no violence in the first place against nonviolent demonstrators in a democratic state, even if the demonstrators call for an overhaul of the whole system.

But let me dwell more closely on her discussion of the three authors.

Butler devotes much attention to Walter Benjamin, especially to his article "Critique of violence." (1921) "Benjamin's text", she already wrote in the Preface, "arouses anxiety among many readers precisely because they do not want to suspend the question of what does, and does not, justify violence." (p. 19).

¹⁵ Mallat, *March 2221. Lebanon's Cedar Revolution*, above n.2, on (regional) "overdetermination", 77-88. More recently the use of "spline curves" as aide to understanding Saudi law, *The Normalization of Saudi Law* (OUP 2022, in press, cover and chapter 1).

¹⁶ See PNV, index for Cover whom I discuss extensively, and Foucault, whom I discuss in less detail, and Benjamin (passing mention at PNV, 7 fn 8.) Butler also references Etienne Balibar and Frantz Fanon, but they remain peripheral to the legal nexus which she discusses here. In the case of Balibar (pp.133-4, Butler citing *Violence et civilité*, 2010), he blurs the concept of violence when it comes to the State very much like Benjamin. In the case of Fanon (pp. 112-3, citing *Peau Noire, Masques Blancs*, 1952), Butler's treatment is a racialist variation on Foucault's focus on the body.

This anxiety, in fact, comes from the blindness of Benjamin in his essay on nonviolence towards a concept of nonviolence that is not merely the opposite of violence. In the essay, nowhere is nonviolence as a philosophical concept even mentioned. It was beyond Benjamin's intellectual world, and that of post- World War I, to conceive of nonviolence as a self-standing concept. His "critique of violence" flounders naturally because he is asking the question of the use of violence both by the state and the general revolutionary strike (imprinted then as a tool of Rosa Luxemburg and the Spartakist Revolution). It departs from the premise that the general revolutionary strike is entitled to use violence in ways similar to the state's. The article, while powerful like Benjamin's general work, is inapposite to thinking nonviolence. A 'general revolutionary strike' is justified in his view in using violence, which one can read in Benjamin's contortionist argument comparing it with the 'state' using violence. The simple fact is that a general revolutionary strike can perfectly be nonviolent, as in the set of various strikes provided an antecedent of and premise for the Nile Revolution of 2011, for instance. Conclusion: I agree with Butler that the essay is befuddling, and that Benjamin was unable to transcend his context.

But not for the same reasons as hers, which are wrong because she does not see that general or partial revolutionary strikes can be perfectly nonviolent. Benjamin is confusing because his critique of violence does not amount to an advocacy of nonviolence. His views are dim because of the amalgam of all statal regimes with a coercion to which the only philosophical response is anarchy. There is no possible bridging between anarchy and the rule of law, this is also why the title he chose ("critique of violence") is disappointing to advocates of nonviolence. And while Butler notes that he uses the word nonviolence only once in the longish article,¹⁷ she supplements what Benjamin obviously misses by another article of his, one where he hypostatizes violence into some divine utterance.¹⁸ This is a further flight of fancy which I fail to see connected to the topic of nonviolence. There are tons of articles and books on violence, very few on nonviolence. Benjamin belongs methodologically in the former lot.

Then there is Butler's emphasis on the "body". Like most of what I called "the philosophical body fad", I am not enthusiastic about the late and posthumous Foucault with his focus on the history of sexuality or on Biopolitics. His works on carceral conditions are different, especially *Surveiller et Punir* (1975), but it engages us in a quest that can at best alleviate the *unnecessary* physical violence exerted against the prisoner by the legal system. As I noted in PNV, he was disappointed with the lack of penal reform resulting from his work, despite their immense embrace in France and elsewhere.¹⁹ This, Butler misses mostly through her excessive focus on the body.²⁰

¹⁷ p.124.

¹⁸ Focusing on Benjamin's 1921 essay on "The Task of the Translator", and on his 1916 essay "On Language as Such and the Languages of Man," at 127-30.

¹⁹ PNV 6, 42-3, 204, 346 (on Foucault).

²⁰ It may be unfair to criticize Butler's extensive writings on the body, including her attention to it in this book (see the many references in the Index to *Force of Nonviolence*.) I would need to take up a more comprehensive critique of this 'fad' elsewhere, not so much because as all fads, time will take care of it, but because the soul/body dichotomy is a defining taxonomy of Cartesian and post-Cartesian philosophy which cannot be discarded in just a few lines.

Foucault is particularly powerful in his depiction of the carceral universe as *unnecessarily* violent. *Unnecessarily* is key here, and this brings up Robert Cover, who rightly revealed to jurists the trite evidence of their daily life in “Violence and the word” (1986): every single judgment issued every day on earth, in both democratic and authoritarian governments, is physically coercive. In that memorable trope of his, “the judge deals pain and death”, “every day”.²¹ Not only is a judge coercive, I would add, but all laws, meaning statutes, are coercive. A stop sign stops you coercively. You are coerced to break until full stop or face an arrest and a fine. This is the practical aspect of Weber’s brilliant definition of the state as the holder of monopoly over violence.

In sum, Butler’s use of the three luminaries is philosophically misguided for a philosophy of nonviolence. She misreads the First World War/Spartakist context of Benjamin’s article, which has little to do with nonviolence; she privileges Foucault’s body fad over his far more important critique of prison and the Western criminal system by-and-large; and she does not engage Cover where Cover matters most, in reminding us that our democratic state is also premised on a daily use of violence, which, as I argued at length in PNV, is a central philosophical paradox when set against Kant’s *Project for Perpetual Peace*. None of this is discussed by Butler.

Instead, her focus is on police brutality in the US, more specifically against black people, and even more specifically against black women.²² Considering the reality of US racism, it is hard to disagree with her revolt against the structural injustice which prevails in America since before the 1787 Constitution carved it into its text. The question is, where does a philosophy of nonviolence stand within that narrow perspective? Butler’s argument is again one of “grievability”, which echoes the powerful slogan ‘Black lives matter.’ True, the powerful ring of this slogan is that all lives are equal, so that nonviolent action to restore equality is legitimate. But I don’t think it necessary to have these lives considered “equally grievable”, which adds an unnecessary layer of emotional lamentation rather than the rational expression of legitimate anger claiming judicial (and political) accountability under equal laws.

I am of course sympathetic to her argument about the immense injustice meted out to the black citizen of America, as well as to the one she makes of the migrants drowning in their hundreds in the Mediterranean Sea,²³ or the Palestinians.²⁴ But not for the same philosophical reason, not because of nonviolence philosophy. In the examples she chooses, we have three completely different contexts, the first in a country generally considered democratic, the second in countries with a sovereign border standing up to an external community pouring its destitute population on them, and a third in a country including people discriminated against in law at several levels. Butler loses the thread of the profound difference between the three cases, and the general

²¹ Robert Cover, “Violence and the word”, *Yale Law Journal*, 95, 1986, 1601-29, at 1609 and passim: “We begin, then, not with what the judges say, but with what they do. The judges deal pain and death.”

²² pp. 11, 24 (Black Lives Matters), 117-9 (on black women).

²³ pp.120-1, 184.

²⁴ pp. 2, 23, 144, for references mostly in passing, but Butler has addressed the issue in a masterful book on the Jewish/Israeli conundrum, theoretically and practically, *Parting Ways: Jewishness and the Critique of Zionism*. New York: Columbia University Press 2012.

irrelevance of nonviolence in her treatment of humanity's failure towards victimized minoritarian groups.

For Butler's concern is about the legitimacy of state violence against them, not their action against the state. After all, all three categories of people are acting *nonviolently* for their rights, antiracism in the first case, the right to move freely across the planet in the second, and the right to oppose occupation and displacement in the third. Blacks, especially black women, are perfectly entitled to act nonviolently against the American system, as do Palestinians of various denominations against the Israel political-repressive apparatus. In the case of the migrants, the problem is different, for they are rarely if at all accused of violence. It is their simple movement across borders which generates violence against them.

Butler's argument is not concerned by the mostly nonviolent fight of these groups, which should be the core of the enquiry. Instead, her focus is about the violence of the state towards each of them groups, the USG (mostly local police) in the case of US Black citizens, the EU states in the case of the refugees, and Israel with the Palestinians. Again, I agree with her denouncing all three intolerable injustices. Let's leave Israel aside for now, for I have long argued that it is not a democracy under universal standards. But nonviolence is not really at issue in the first two cases, for the US and the EU are democratic regimes, and one does not expect democratic regimes to use force against their population (minorities in the US) or migrants (at the EU border). But where does the use of force by the state against the Blacks and against the migrants find legitimacy across the North Atlantic world unless and until right wing extremes take over, locally or nationally? Nowhere.

Beyond the basic legal response that the police is not entitled to use force in the absence of violence exercised against it, there is a factual evidence in the American police shooting of black people at the root of local and world anger. Any violence by the state must be commensurate with the violence against it, even when a law is breached. Whatever the lure of doctored police tv series depicting the tortured souls of the white policeman in the city, the police in the US is massively biased and brutal against Black citizens. As for the police of EU governments, it may not shoot a migrant who infiltrates the border, but it is entitled to use, in a world of nation-states, enough violence to arrest the illegal migrant, deport him etc., and there must be due process at each and every stage, including correcting a systematically breached right to be a refugee.

This is where my unease stands with Butler's examples, which miss the battle for liberty in the millions of people standing against dictatorships where the police shoots at demonstrators because they are demonstrating, arrest them, and imprison them. Her examples are marginal, if not misguided under a philosophy of nonviolence. No amount of nonviolence theory can solve the problem of the racist criminal system in the US or the great migration of political and economic refugees to the North in the EU. A proper application of basic criminal law in the first case, and of immigration and refugees treaties in the second, provide the answer.

Going beyond the traditional anti-racist framework is what Butler proposes in her philosophy of nonviolence. But this adjusted focus is immaterial however to the philosophical concept of nonviolence, because the response is necessarily nuanced, and needs to focus on a full spectrum

of the expressions of that injustice in the US legal system or at the EU borders, and in social practice beyond the law, within societies terrorized by the influx of Africans and Muslims from the Southern and Eastern shores of Europe.

One can only agree that the incarceration of black people in the US is a “natural” trait of the system, and that it triggers issues of injustice which go beyond the individual black person, usually a young man, onto a massive structural scale.²⁵ But for the rapist and the killer, be he a black or a white man, I do not see how the use of force to arrest and try them can be gainsaid. If black men are shot in the back, or choked after being arrested, as happens so often, then the problem is with a policeman and his superiors acting illegally in the use of force. If the issue of structural injustice concerns the discriminatory treatment of black people with Covid, and the far larger rate of death amongst them, the issue is not really the ‘violence’ of the state. It is the structural matter of social neglect, a cruel reality of unequal opportunities, problems of ghetto and education, and a myriad other issues. But it is not a matter of nonviolence. Neither is the EU immigration (non)policy a central piece of nonviolent philosophy. There is a serious gulf between sinking a boat full of refugees and leaving the wretched souls on it to the ire of the Mediterranean storm and the callous criminal treatment of the human traffickers. I could go on with other examples, but the reader will have noted the return of my narrow definition of violence as exclusively ‘physical’.

The upshot is that you don’t need to be “radically egalitarian” to adhere to a philosophy of nonviolence. One has been supportive of equality since the French Revolution, this is not the issue. Butler is pushing the advocacy of nonviolence where it is not needed, and where such a philosophical stretch harms its far more universal embrace. Nonviolence is not an agenda limited to the left. Its philosophy is universal, across right-left categories, across the political spectrum save its extremes, across the colonial and post-colonial divides.

III

Some reviewers have, in passing, talked about a slim book.²⁶ I don’t share their concern. This is the average-length book current nowadays, and *Force of Nonviolence* reads as a solid, thought-provoking, well-written, rich essay. That Butler does not engage my own, extensive efforts to put a philosophical canopy over movements that continue to fill the planet with tens of millions of nonviolent demonstrators in a book published five years earlier, is only marginally disappointing (and personally limited, esp. since she does not even acknowledge correspondence with a colleague 😊). It is telling however of a more fundamental difference between our philosophical perspectives: the missing piece in her analysis of a democratic regime against which nonviolence

²⁵ See e.g. my *Democracy in fin-de-siècle America*, Beirut: Dar al-Bada’e’ 2016, ch. 6, “Social fabric: Crime and community.”

²⁶ Masha Gessen, “Judith Butler Wants Us to Reshape Our Rage”, *The New Yorker*, 9 February 2020.

is exerted, as opposed to a nonviolent uprising to bring down a non-democratic regime in my philosophy.

In a way, her philosophy could be considered more universal since that distinction does not matter for her. As a consequence, her investigative terrain is a much wider terrain of injustice, which incorporates such intolerable scenes of the 21st century as systemic police brutality in the US or the migrants drowning in their hundreds trying to seek a better life for themselves and their children in the EU and elsewhere. I like the power of her expansive imagination. Yet as noble as her quest can be, and I share it wholeheartedly, it does not address the philosophy of nonviolence as the preferred means, ethically and politically, to bring a dictatorial system down over the use of revolutionary violence. Her amalgam destroys the universal search which was set on in the 18th century for ‘eternal peace’ on the basis of democratic republics by an agenda which encompasses all forms of injustice. By doing so, the quest might appear more capacious, but it is wrong in theory, and practically deleterious to the nonviolent tide that has taken over resistance in the world since it excludes a wide range of participants, amongst whom religiously inclined movements, state-averse capitalists, a sizeable middle class, and a huge reservoir of women. Context is not the main problem, and my disagreement goes to the wrong universal used in her philosophy.

This is also where my disappointment with such an important figure of feminist struggle surfaces upon reading her book. Butler has just a few lines in what I consider to be the most powerful vector of nonviolence, at present and in the future: women. Where she could have enlarged our philosophical views on nonviolence, namely the peculiar irruption of women on the world scene as the privileged vector for carrying it through, the great feminist philosopher has only a few, marginal words: “Similarly, the prejudice against nonviolence as passive and useless implicitly depends upon a gendered division of attributes by which masculinity stands for activity, and femininity for passivity.” (p. 184) Instead of investigating further the prejudices of activity and passivity in a gender context, which remain mysterious for lack of detail, she quickly moves on to other concerns which drown the hope of seeing the gender dimension of nonviolence better explored.²⁷

Butler’s philosophy is moved by a radical critique of injustice, which is fine. Fighting injustice nonviolently is not the point, of course all forms of injustice can or should be fought nonviolently. American citizens in their millions on the US street for Black lives are nonviolent, and no one is advocating that they should take up arms, at least not Butler or me. Migrants are dying in their dozens every month, but there is not a single trace of violence exercised by them against the guards or the border policemen who are preventing them from reaching a safe shore. And Palestinians are learning the hard way that the long haul is nonviolent, however much of an open-air prison Gaza or the West Bank have been turned into by the ruling group of Israel.

²⁷ *Contra*, PNV passim and 344-7, also my ‘Breaks and continuities in Middle Eastern law- Women after the 2011 Revolution’, above n.2, and some of my journalistic writings on the nature of the 2019 nonviolent revolution in Lebanon.

Butler, I fear, is missing the universal argument of nonviolence for the tree of a leftist, third-worldish, anti-colonialist agenda. Laudable and generous as this fight is, I don't believe that a philosophy of nonviolence is apposite in advancing it. In that sense, social rights are *hors sujet* in my philosophy of nonviolence, which is far more capacious, because its concept straddles the left and right fracture, colonial and post-colonial perspectives, and racial and post-racial realms. One does not need to be on the left-liberal side of politics to adopt it in philosophy and engage in it in practice. Judith Butler sacrifices the universal argument on the altar of a leftist agenda.

Beirut, mostly Sep-Oct 2021, slightly revised Paris October 2023