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“An Absurdly Quiet Spot”: The Spatial Justice of WW1 Fraternizations

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Abstract

Recent research on WW1 shows that incidents of fraternization across enemy lines took place regularly. However, fraternization remains a taboo in many contexts. The fact that the 2005 film *Joyeux Noël* by Christian Caron, which explicitly deals with the subject, encountered resistance from the authorities, is an indication of the kind of difficulty associated with the issue. I am drawing my inspiration from the way fraternizations are depicted in the film and in the literature in order to explore the concept of spatial justice. I define spatial justice as the question that emerges when a body desires to occupy the same space at the same time as another body. Defined like this, the question of spatial justice opens up in the dread of *No Man’s Land* and in particular the exchange of affects, objects and narratives that went on during fraternizations. I trace the movement of spatial justice as one of withdrawal from the asphyxiating atmosphere of the war and the propaganda machine. This withdrawal is not one of unpatriotic stance but of a courageous and difficult detachment from the supposed legality of the war that could only function on the basis of hate and demonization. While fraternizations did not end the war, they allowed for the possibility of spatial justice to emerge, as an opportunity to reorient the space and the bodies within.

I. Breaking the Taboo

If there are still taboo topics about WW1, fraternization is certainly one of them. Fraternization took place across enemy lines between the British and the German, the French and the German, the Italian and the Austrian, the Italian and the Hungarian, the Russian and the German, and so on. Depending on the combination, the fraternization ranged from ceasefire to repeated football matches or to a state of affairs that the British called “egg and chips” sector.¹ Whatever the combination, fraternizations were illegal, contrary to the various military penal codes, tantamount to treason or flight from the battle, punishable often with capital punishment. There are very few scholarly works on fraternizations and although their veracity is not doubted, they have not managed to enter the canon of WW1 literature. A 2014 TV ad by the UK supermarket chain Sainsbury’s depicting the fraternizing sides exchanging a Sainsbury’s chocolate bar, divided the nation, not only on the basis

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¹ Tony Ashworth, Trench Warfare 1914-1918: The Live and Let Live System (1980).

of its glossy aesthetics or its blatant commercialization of WW1, but also because of its controversial fraternization incident.² The reaction to fraternizations is still strong, not only from the various current national governments but also from the soldiers themselves who might have taken part in them.³ An atmosphere of hatred and intensified ethnic belonging was cultivated at the time by the newspapers, the military leaders, and by pressure from peer soldiers and civilians who came into contact with the soldiers. This pressure was so considerable that any fraternization, however meager, constituted a movement of withdrawal from the existing atmospherics of hatred. This withdrawal was driven by the soldiers' desire to reorient the way they were facing each other day after day, in often atrocious trench conditions, exacerbated by bad weather, long spells away from home, constant losses of life, and no visible end of the war on the horizon.

In this article, I look at WW1 fraternizations through the lens of spatial justice. I define spatial justice as the question that emerges when a body desires to occupy the same space at the same time as another body.⁴ It is not a solution to a problem but a question that attempts to reorient the spatiolegal conditions from which it emerges. The possibility of spatial justice emerges when withdrawing from existing spatiolegal conditions that force bodies to behave in a certain way. It is not a recipe for a better, fairer, just world, but a continuing questioning that tries to avoid the naturalization of an atmosphere that represses any desire not fitting in with the atmosphere. In order to demonstrate this, I employ Christian Carion's feature film *Joyeux Noel* ("Merry Christmas"; English distribution as *Noel*), a film based on in-depth research in WW1 fraternizations.⁵ In what follows, I focus on the way spatiality, corporeality and the legal regimes of war are depicted in the film, building an argument of how withdrawal from the spatiolegal conditions of the trenches constitutes an emergence of spatial justice.

The film shows how the infamous No Man's Land is reconfigured as a space of withdrawal from the military norm, giving way to a new, different code. The soldiers in their correspondence often talked about the emergence of the human face of the enemy. When fire shots become chocolates and cigarettes, the enemy lines become flesh and the trenches skin that does not separate but brings together. This does not mean that an end to the war was brought by fraternization events—on the contrary, it has even been argued that fraternizations prolonged the war, which would have ended earlier if all parties stuck to the military direction of the war, which was to annihilate the other side as quickly and

² Paul Cardwell, Poll: Is Sainsbury's WW1 Christmas advert distasteful?, Third Force News (Nov. 18, 2014) (<http://thirdforcenews.org.uk/polls/poll-is-the-sainsburys-WW1-christmas-advert-distasteful>).

³ "Veterans of the war assured me that the Christmas Truce did not take place." Malcolm Brown, The Christmas Truce 1914: The British Story, in Meetings in No Man's Land 13, 76 (Marc Ferro et al. eds., 2007) [hereinafter Meetings in No Man's Land].

⁴ Andreas Philippopoulos-Mihalopoulos, Spatial Justice: Body, Lawscape, Atmosphere (2014).

⁵ *Joyeux Noel* (Christian Carion dir., Nord-Ouest Productions 2005).

as efficiently as possible.⁶ But the final solution is not relevant for the emergence of spatial justice. As I argue, the movement of withdrawal from the spatiolegal atmospherics that led to an oppression of any differentiated desire, *is* the locus of spatial justice, whose questioning emerges as a rupture of the previous spatiolegal conditions

II. Joyeux Noel

When the French film director Christian Carion decided to make the film *Joyeux Noel*, he did not expect the reaction he received by the French government. A good ninety-odd years after the event, namely in the early 2000s when Carion was gathering support for the film, the reaction remained not only unsupportive but positively inimical to the project: “[W]e don’t want to be partners to this rebellion.”⁷ The film relates a (fictionalized yet based on facts) fraternization that took part between Germans, Scottish and French during the first Christmas of the war in 1914. What has been widely called “The Christmas Truce” was largely a spontaneous, un-coordinated event across enemy lines in varying degrees, treated as illegal and indeed unpatriotic ever since. In parallel to his film, Carion initiated a scholarly project, inviting experts from various jurisdictions to write about the Christmas Truce and WW1 fraternizations in general. The result of this is currently the main book on the topic, looking at the issue from a multi-ethnic approach.⁸ The approaches include the British-German fraternizations (often the most extensive ones), the French-German ones (which were a little more hesitant), and the Italian-Austrian-Hungarian ones (which are not so extensively documented). The Russian-German-Austrian ones represent a particular case because they were linked to the Soviet revolution and took on a specific political, anti-militaristic meaning.⁹

The film draws its inspiration directly from the rather rare Franco-Germano-British fraternization that took place in Northern France on the Christmas Eve of 1914. Olaf Mueller describes the event through the diary entries of a German officer cadet: “Christmas Eve was very strange here. A British officer approached with a white flag and requested a truce from 11 in the morning until 3 in the afternoon to bury the dead.”¹⁰ The truce was granted but normal business was not resumed. According to the same officer, soldiers on the frontline came to a mutual understanding. When the German officer sent a message across, warning the British to go back to their trenches because they would fire, “the officer responded that he was very sorry, but that his men were no longer obeying him. The soldiers no longer wished to fight. They stated that they could not stay any

⁶ Christoph Jahr, *Gewöhnliche Soldaten: Desertion und Deserteure im deutschen und britischen Heer 1914-1918* (1998).

⁷ The Christmas Truce, *The Week*, Dec. 21, 2013, at 13, 13 (quoting Christian Carion).

⁸ Meetings in No Man’s Land, *supra* note 3.

⁹ Marc Ferro, *Russia: Fraternization and Revolution*, in Meetings in No Man’s Land, *supra* note 3, at 212.

¹⁰ Olaf Mueller, *Brother Boche*, in Meetings in No Man’s Land, *supra* note 3, at 167, 186.

longer in the waterlogged trench and that the French were done for.”¹¹ The French were involved also later on, when in view of the reluctance of the British, the French artillery was called upon. But the truce carried on and was only interrupted days later and in a rather peculiar way: a British officer approached the German trenches and warned them about the French artillery, urging them to take cover. No losses were recorded.

The truces often began as an arrangement to bury the dead of all sides that were typically lying for days in No Man’s Land. The side most regularly documented as the initiator of the truce was the German—and in that sense the film’s narrative is untypical. It is important, however, to remember that often officers and soldiers alike had to conceal the true conditions for fear of court martial proceedings. There were various disciplinary measures, both threatened and enacted. Not only self-censorship, but also official censorship was very much practiced. Indeed, Remy Cazals draws his references from censored correspondence of the French soldiers, retained by postal surveillance.¹² These letters and cards never reached their original addressees and for this reason we now have access to them and the fraternization stories that have met with such political resistance ever since. In every case, the fear of disciplinary measures was very real and kept on being either inflicted or at least rehashed by the officers on duty (unless they were also complicit in the truce).

Another reason for which the truce would begin was trench maintenance. The trenches required regular attention that could not be physically done from within. The soldiers had to show themselves above the trenches and repair the wires, empty the trenches from rain and flood water, rebuild the collapsing mud walls and so on. There were regular cases of mutual understanding of ceasefire while both sides were busying themselves with maintenance. This is particularly relevant in view of the proximity of the trenches: often they were situated so close to each other that one could virtually see the whites of the enemy’s eyes.¹³ In some instances, the trenches were about six meters away from each other.¹⁴ In such cases, the space among the trenches co-mingled with that of the trenches. Each side could hear the other side talking, laughing, coughing, snoring, breathing. These were neighborly orders of the highest intimacy.

Under such conditions, exchanges and crossings were unsurprising. The first objects to be exchanged were breaths. The air of a shared humanity was impossible to avoid. Smoke from fires in or just behind the trenches with smells of cooking, percolated across.¹⁵ Mutual coughing pointed to the shared conditions of cold and humidity, to the point that a German soldier asks the French coughing soldier: “ill, *Kamarad?*”¹⁶ “Kamarad” was often

¹¹ Id. at 187.

¹² Remy Cazals, *Good Neighbours*, in *Meetings in No Man’s Land*, supra note 3, at 78.

¹³ Malcolm Brown, *Introduction*, in *Meetings in No Man’s Land*, supra note 3, at 1, 7.

¹⁴ Louis Barthas, *Les carnets de guerre de Louis Barthas*, Tonnelier, 1914-1918 (1978).

¹⁵ “[T]he pacifist cooks on either side were left in peace with their cooking pots.” Id. at 68.

¹⁶ Cazals, supra note 12, at 154.

the word that bridged ethnic differences. Brother was another.¹⁷ War sobriquets (the Tommies, the Boches, the Poilus) were often removed from the offensive, derogative context and used in a context of sympathy and community across the trenches, and sometimes even as new hybrids (the “Poilu-Boche”¹⁸). It is important to consider this in context: WW1 is still understood to be one of the most violent and protracted conflicts, with brutal quotidian conditions accentuated by frantic nationalistic propaganda on all sides. Despair was rife, not just because of the bodies of killed fellow soldiers and indeed friends left lying on No Man’s Land for long periods, but also because of the atrocious conditions such as the constant noise of the fire exchange, the flooded trenches that meant that the soldiers had to spend most of their time waist-deep in water, the lack of hygiene with excrement and other waste emitting unbearable odors, and so on.

Air and utterances were accompanied by another shared element: water. Unofficial but regular and mutually respected truces were happening every day in some cases where trenches had to share the same water stream located between them: “[A]t the centre is No Man’s Land, with a stream running through it. The water is used by both sides. The place where the stream is easiest to reach has become a place for fraternization. Dusk falls, we go for water.”¹⁹ Air, water and words were often accompanied by the exchange of tools, cigarettes, biscuits and other objects that covered everyday necessities.

Elemental affects shared across bodies are the first gestures of withdrawal from the military atmosphere. This affective transmission is captured in the film *Joyeux Noel*. Sounds and smells slide from one trench to the other, both as inevitability in view of the absurdly short distance between the trenches, and as strategic necessity to prevent the enemy’s action by eavesdropping on their routine. Unsurprisingly, the first and most prominent objects exchanged at the Christmas Truce of 1914 were Christmas songs. The Christmas exchange built on previously established exchanges when “on calm evenings the songs from one line floated to the trenches on the other side, and were there received with applause and sometimes calls for an encore.”²⁰ In the film, the tension of hearing movement on the other side is swiftly replaced by relief and even amusement: it is only singing. Christmas carols represented another opportunity for rapprochement. Several Germans were eager to show off their familiarity with English culture, either because they had worked in Britain before the war or had travelled there, or were in some way educated *à l’anglaise* (“I’m a German, I’m a German Londoner”²¹). Differences were unfolded on the basis of the same music, since a lot of Christmas songs shared notes: “[W]e started up ‘O Come All Ye Faithful’ [and] the Germans immediately joined in singing the same hymn to the Latin words ‘Adeste Fideles.’ And I thought, well, this was really a most ex-

¹⁷ Mueller, *supra* note 10.

¹⁸ Cazals, *supra* note 12, at 159.

¹⁹ Id. at 119 (quoting Roger Dantoine).

²⁰ Brown, *supra* note 3, at 20 (quoting British soldier diary).

²¹ Id. at 43 (quoting German soldier speaking to Graham Williams, rifleman).

traordinary thing—two nations both singing the same carol in the middle of a war.”²² It is an important detail that the songs and rituals which constituted the main object of rapprochement in the film and in real cases were, in their origin, German. This is remarkable because the whole war machine was turned against the Germans. The newspapers, magazines and posters of the era vilified them, and the image of the Crucified Soldier, supposedly crucified by the Germans, beyond any doubt sided the Germans with the devil and rendered the whole endeavor a holy war.²³ This is shown eloquently in the film’s opening minutes, where three boys, each in a separate classroom, sing respectively actual French, English and German propaganda songs demonizing the other ethnicities. For these soldiers, heavy with propaganda and indoctrination, to resist and withdraw from the almost innate urge to hate must have been completely unanticipated.

Carols were followed or accompanied by the quintessential Christmas object: Christmas trees. The German army was meticulously furnished with small lit-up Christmas trees, which they would place on the parapet of their trenches. In the film, the gesture is hesitant, shaky, at first instance looking irrelevant, even ironic. Yet this seemed to have started most Christmas fraternizations. The other side would respond by placing candles on their bayonets and raising them above the trenches: “[T]he whole place looked like a regatta”,²⁴ “it was a curious scene, a lovely moonlight night, the German trenches with small lights on them It is weird to think that tomorrow night we shall be at it hard again.”²⁵ Lights and songs only punctuated what must have been the most extraordinary element of the night: silence. After months of non-stop rifle firing, plane flying, bombs exploding, officers’ ordering, soldiers’ shouting, this one night was silent: “just an occasional lark overhead.”²⁶ Amidst this newly found silence, the exhaled air of the last note of *Stille Nacht* is picked up by the Scottish pipe players to carry on with *Silent Night*. The emotional peak of the film is reached when a German soldier dares to walk up the parapet, small Christmas tree in hand, finally stopping when he has reached the middle of No Man’s Land. He is unarmed but with his tenor voice is singing a Christmas carol. The film character is a famous opera star but a reluctant soldier (the equivalent real person was the tenor Walter Kirchhoff, who indeed walked unarmed on No Man’s Land²⁷). His foray into No Man’s Land is triggered by his need to reach across people with whom he used to communicate before the war, fans across the various nations, audiences in the various metropolises. His stage fright this time is visibly bigger, but so is his rapture. At the end, he

²² Id. at 29 (Graham Williams, rifleman).

²³ Oliver Wilkinson, A Fate Worse Than Death? Lamenting First World War Captivity, 8 J. War & Culture Stud. 24 (2015).

²⁴ Brown, *supra* note 3, at 58 (quoting Sir Morgan Crofton).

²⁵ Id. at 31-32 (quoting Captain R.J. Armes, letter).

²⁶ Id. at 44 (quoting Sergeant Self).

²⁷ Interview with Christian Carion, *Joyeux Noel* DVD (Christian Carion dir., Nord-Ouest Productions 2006) (UK version).

retorts to his commanding officer who sternly criticizes him for action (“This is not the Berlin Opera”): “[I]t is better than Berlin.”

It got noisier after that but not in the usual way. The film documents what was the case in most Christmas Truces: the carol-singing, lights-decorating mood replaced any residual desire for fighting. Christmas Day was the day in which No Man’s Land turned into “Every-Man’s Land.”²⁸ Once again, it is objects: alcohol bottles propping up on the trenches, cigarette packs flying over to the other side, bread loaves, chocolates (so the Sainsbury’s ad did not get it that wrong—except that usually the chocolates would come from the German side since they were infinitely better than the English), newspapers replacing rifle fires. The braver ones showed their faces, the even braver ones their whole bodies. Some walked up the other side, holding a white flag or gesticulating in a friendly way. Many reciprocated. Officers climbed up and shook hands with the officers of the opposite side. A British soldier whose name is unknown writes about the scene he encountered when walking on Christmas Day near the trenches:

Here I found about 200 English drawn up across it and twenty yards further down about 300 Germans looking at each other, in the end they all mixed up and started exchanging fags and buttons. . . . It seemed the weirdest things in the world that you should be talking to the men you were trying to shoot the day before and, to crown all, a German officer got a camera and took our photos in a group. All tonight there wasn’t a shot fired.²⁹

The soldiers were chatting away to each other, not always understanding each other’s language, but still communicating. A British soldier met his German barber from London, and apparently had a haircut on No Man’s Land.³⁰ On the Swiss frontier a Swiss band appeared at the point where the Swiss, the German and the French lines met, and all came out to listen to the concert.³¹ On another occasion, French soldiers were dancing on No Man’s Land to the accordion music coming from the German trenches.³² Famously, football matches sprouted up in various No Man’s Lands, with spontaneous German v. British teams or indeed just general kicking around without specific teams. Finally, and quite decidedly for the film, opera singers were performing on demand:

The shells howled their monotonous and hideous melody, and from time to time the sacred silence was rent by the burst of a machine gun’s fire. . . . Kirchhoff, our concert singer . . . sang his Christmas songs on that same sacred evening in the front line trenches of the 130th Regiment. And on the following day he told me that some French soldiers who had climbed up their parapet, had continued to applaud, until at last he gave them an encore.³³

The Christmas Truce of 1914 was a spontaneous, unpredictable, affective event that spread imitatively throughout the trenches. It did not happen everywhere and indeed

²⁸ Brown, *supra* note 3, at 75 (quoting Wyn Griffith).

²⁹ Id. at 37-38.

³⁰ Id. at 43.

³¹ Cazals, *supra* note 12, at 131.

³² Id. at 132.

³³ Brown, *supra* note 3, at 65 (quoting German Crown Prince Wilhelm, Commander of the German Fifth Army).

there are reports of truce that describe how firing would go on in adjacent areas. Everyone who heard of it wanted to experience it.³⁴ Interestingly, Pope Benedict XV expressed his hope that some sort of truce would take place at Christmas. As Brown writes, however, things were not that simple. Christian Orthodox armies have different Christmas dates; in the Middle East and Asia, Christmas has no meaning. What is more, official religious institutions and newspapers were fiercely opposed to what they thought was the unpatriotic practice of fraternization.³⁵ At one point in the film, a Church of Scotland bishop urges the soldiers to treat this war as “a crusade, a holy war” and kill all Germans so that evil is eradicated. The speech had actually been delivered by a Church of England Bishop at Westminster Abbey in 1915, as the interview with the director of the film reveals.

In many cases, in its own minor way, the truce managed to reorient the everyday business of war: an understanding developed between the trenches where no shooting was going on unless ordered by officious officers, and even then in a way that would not cause damage. The film builds on this and opens up the space between the trenches over three days, where all the above activities take place: tending to the dead, exchanging gifts and stories, finding connections through civilian pasts, learning a bit of the others’ language, even creating a diversion for the tenor and his (female) beloved who managed to reach him at the trenches in order to spend time with him (as some women managed to do during the war) and eventually elope and even defect to the other side. In reality, and as far as we know, things were less spectacular but still intriguing in their ingenious way of dealing with, on the one hand the demands for warlike behavior, and on the other the human need for communication, rest, peace. Thus, in some cases, No Man’s Land was timed. In his diaries of war, Louis Barthas writes how mines and other weapons were only exploding between two and six a.m., allowing everyone to go about their business unencumbered during the rest of the day and night, and making sure that all front lines were evacuated during those times.³⁶ On January 24, 1917, a French soldier writes in his letter: “It’s only the artillery who are making war now, and we and the Boches [Germans], all day long and all night we walk about on top of the trenches. If anyone wanted they could fire at point-blank range but we don’t do it any more.”³⁷ “We are good friends with the Germans,” another one writes. “It’s the same on both sides, people say good morning, we’re all comrades.”³⁸

III. Withdrawal

Fraternization was an emphatically soldier-led, spontaneous movement. The opening scene of Malcolm Brown’s 1981 BBC documentary *Peace in No-Man’s Land 1914*, featuring the

³⁴ Id. at 49.

³⁵ Cazals, supra note 12, at 162.

³⁶ Barthas, supra note 14.

³⁷ Cazals, supra note 12, at 104.

³⁸ Id.

WW1 soldier and survivor Graham Williams, put it most beautifully: “How it ever happened of course, I don’t know that anybody can explain it, it did just happen, nobody ever said definitely we will all have a truce . . . it just occurred.” The bodies of the soldiers spoke vociferously when they withdrew from the oppressive atmosphere of hatred, relentlessly incited by every institution on all sides. Brown writes: “[W]hat was especially remarkable was that this was happening in a conflict in which from the outset the governments and the press of the nations involved had been engaged in a sustained campaign of vilification and hatred, which had been strongly supported by the civilian populations on both sides.”³⁹ Most officers who were not involved in the process of fraternization were against it and, although in some cases eventually protecting their soldiers from serious legal repercussions, they often enforced orders in a forceful way:

“We can’t—they are good fellows and we can’t.” Finally, the officers turned on the men, “Fire, or we do—and not at the enemy.” Not a shot had come from the other side, but at last they fired, and an answering fire came back, but not a man fell. “We spent that day and the next day,” said Herr Lange, “wasting ammunition in trying to shoot the stars down from the sky.”⁴⁰

Lieutenant Morin described fraternizations thus: “I found this unexpected situation exceptional, paradoxical, disconcerting, disarming.”⁴¹

Many justifications have been given for the withdrawal, such as the connection to international proletarianism, a revival of the chivalry code, even the British love for sports! But the most important thing, I think, is the geographic proximity that allowed an affect to be shared, in its turn leading to a withdrawal. I am employing the term deliberately: although a typical military withdrawal from a battle would bear the mark of a humiliating event, this withdrawal is a strong assertion of a questioning process. There is nothing passive, cowardly or retreating in this. Withdrawal is a profoundly courageous and difficult move. The French used the word *culotté* (“brave,” indeed “ballsy”) for the man who withdrew first, namely who stepped on No Man’s Land and exposed himself in full fragility. To ignore the threat of Military Courts and the general military justice who would consider even a simple conversation as fraternization,⁴² requires courage that is anything but passive and scared-for-one’s-life. Soldiers were imprisoned for several years and heavily fined for acts of bread exchange or even simple words.⁴³

The fraternizing soldiers withdrew from an atmosphere of hatred, military discipline, and oppression. This atmosphere was exceptionally powerful, self-perpetuating and self-sustaining through the very bodies of its emergence. It requires enormous lucidity and

³⁹ Brown, *supra* note 3, at 54.

⁴⁰ *Id.*

⁴¹ Cazals, *supra* note 12, at 161 (quoting Lieutenant Morin).

⁴² Mueller, *supra* note 10, at 174.

⁴³ To not shoot at the enemy however, who reads his newspaper on top of the trenches or walks about during the day was *not* found to be fraternization, even for the strict Italian military justice. Nor was the prescribed capital punishment inflicted upon any fraternizer. *Id.* at 184.

courage to resist its enfolding effect. Atmospheres are treacherous things. They can work positively or negatively, in the service of “good” or “bad” political and legal purposes. My aim is not to judge atmospheres from a moral perspective but to think of their force. Atmosphere is an affective occurrence that relies on the circulation of affect.⁴⁴ Drawing on the sizeable literature on affect, I have defined affect as the multidirectional sensorial, emotional and symbolic flow between bodies.⁴⁵ In the case of fraternizations, bodies are not just the soldiers and the officers but the church, the press, the local populations, the national governments, the cold, the mud, the rifles, death, family, future horizon and so on. In its turn, every body is an assemblage of other bodies, at various points gathering itself in the form of identifiable, separate identity. Every body moves along space in full assemblage paraphernalia, clashing with other bodies, displacing them or allowing them to pass, setting up tents and castles, excluding or including other bodies. Bodies are fully material, spatially and temporally locatable, and at the same time immaterial, involving a potentially infinite amount of ideas, regimes of signs, emotional and sensorial responses and so on.

Bodies slide in corridors of affects. Affects are generated on a shared skin, caressing, scenting, beating, hunting, spreading, leaking, leaning, biting spaces and bodies and holding them together in an atmosphere. Atmosphere is embodied by each body yet exceeds the body because it cannot be isolated. An atmosphere spreads through and in between a multiplicity of bodies like a sticky substance. *Atmosphere is the excess of affect that keeps bodies together.* And, further, *what emerges when bodies, human and nonhuman, are held together by, through and against each other.* It is important to clarify that an atmosphere is affect transmitted, as well as affect directed. Atmosphere is *both emergent and engineered*.⁴⁶ For this reason, atmospheric engineering must take place on a bed of dissimulation, for otherwise the illusion will not be complete and resistance to it will be cropping up at an uncontrollable rate. The perfectly engineered atmosphere is one that appears spontaneous (ethnic belonging, patriotism, hatred), necessary (our land is/might be taken away from us) or even unavoidable (it is the war, everything is permitted), and above all sensorially and emotionally responsive in that it makes bodies move in pre-specified ways. This means that atmosphere dissimulates itself only as *emergent and not engineered*. This is possible because an atmosphere relies on the desire of the bodies of its emergence. The coup of an atmosphere is that it generates the very affects that desire its continuation. Not only is there no way out, but significantly there is no desire for a way out. The atmosphere is not the trench (most wanted to escape that) but the whole institutional atmosphere that forced bodies against each other while making them feel that *this is what they desire*. This is an engineered atmosphere, one that eliminates whatever does not fit with its perpetuation.

⁴⁴ See Ben Anderson, *Affective Atmospheres*, 2 *Emotion, Space & Soc'y* 77 (2009).

⁴⁵ Philippopoulos-Mihalopoulos, *supra* note 4.

⁴⁶ My definition of atmosphere differs from existing definitions. See *id.* For the intriguingly parallel concept of the enclave, also from the point of view of a film about war, see Shulamit Almog & Amnon Reichman, *Casablanca: Judgment and Dynamic Enclaves in Law and Cinema*, 42 *Osgoode Hall L.J.* 2 (2004).

There is no law in the atmosphere, at least in the sense of a law that allows one to think in terms of just or unjust and take decisions according to it. Law in the atmosphere of the war becomes weapons, trenches, No Man's Land, killing. Everything is replaced by the omnipresence of this unidirectional, obsessive law, to the point that space becomes entirely juridified, with no margin of difference. There is no room for maneuvering, no negotiation, no conflict resolution process. The future, along with any desire for a different future, is captured. This is the time of atmosphere: a non-negotiable, constant and unchangeable present that demands the total presence of bodies. There can be no questioning.

From this atmosphere, the bodies of the soldiers withdrew. Through the air they breathed, the words they uttered, the goods they exchanged, and the photographs they took together, the soldiers removed themselves from their own embodied desire to kill, and gave way to another desire: an affirmation of life. The Italian poet Giuseppe Ungaretti who fought in the Austro-Hungarian war, wrote in 1916:⁴⁷

In the spasm of air
Involuntary revolution
Of the man who is present at its
Fragility

Atmosphere partitions air by enclosing it in containers of illusionary desire.⁴⁸ But there is air outside an atmosphere, and it is a different air. To come out of an atmosphere is a process of air-changing, a withdrawal from the air-conditioned atmospherics of directed desire and out in the crisp air of questioning, exposure, fragility and uncertainty. One becomes blinded by the new conditions away from the sheltered atmospherics. One has to reconstruct desire. But how to choose between desire and desire? How to tell which desire feeds the atmospherics and which withdraws from them? This is one of the hardest questions that can be found in the core of all questions of claiming. The desire to remain (order-obeying, patriotic, nationalistic) needs to be constantly examined by the bodies of its emergence. Otherwise, things become fixed, frozen into their own self-legitimation. The desire to withdraw is a desire to move independently, to attempt an overview of the situation: in short, to escape the atmosphere. Constant re-examining of one's emplacement is the only way of avoiding the naturalization of an atmosphere as the sole alternative.

Where does one end up when withdrawing from an atmosphere? There is no guarantee that one will not end up in yet another atmosphere. Indeed, all spatiolegal conditions are naturally in the process of consolidation and perpetuation. This is the *conative* core of every actual or potential atmosphere.⁴⁹ When the soldiers withdraw from the at-

⁴⁷ Mueller, *supra* note 10, at 172.

⁴⁸ Andreas Philippopoulos-Mihalopoulos, *Withdrawing from Atmosphere: An Ontology of Air Partitioning and Affective Engineering*, Env't & Planning D: Space & Soc'y (forthcoming 2015).

⁴⁹ From the Spinozan *conatus*, the drive of self-perpetuation. See Baruch Spinoza, *Ethics* (2000); Jane Bennett, *Vibrant Matter: A Political Ecology of Things* (2010).

mosphere of WW1, they land on No Man's Land, which is a legal *terra nullius*. Removed from the atmospherics of hatred and annihilation, No Man's Land becomes the space of a new law, a law open to reorientation, distanced from received judgment. Fraternizations were without a doubt emanations of humanity. At the same time, however, they were contractual events: strict codes were developed on how to fraternize, with whom, for how long. "Of course, we did not talk about who was going to win or anything touchy like that."⁵⁰ How to signal truce? "When the truce is on the Saxons have put up the Kaiser's flag, also a red and white one . . . in front of this also a small white flag and . . . there is also a tiny Union Jack put up."⁵¹ Carry on using rifles and bombs but only at specific times or in specific, non-harmful ways. Shoot at the other side while mutual trust has been established? It is just not done, it would be "contrary to custom."⁵² Withdrawing from the atmosphere, one lands on the beginnings of another atmosphere. Except that this time, some things are still flexible, fresher, not tied down to atmospheric historicity but to spatial emergences. This is the locus of spatial justice.

IV. Spatial Justice

Spatial justice is the ultimate expression of one's spatial and legal claim to a unique corporeal position which by necessity excludes all others: *the question of spatial justice emerges from the fact that only one body can occupy a specific space at any specific time*. In other words, *spatial justice is the struggle between bodies to be in a specific space at a specific time*. Spatial justice is neither a simple question of local democracy, nor however a utopia, something-to-come, a messianic solution. It is at the same time less and more mundane than the above. Because of the way defined here as an open corporeal gesture, spatial justice brings to the fore the relevance, in addition to spatiality, of corporeality and more generally materiality.

Spatial justice discounts the possibility of ever arriving at "the" solution. Rather, the concept takes the form of a question mark. It demands continuous assessment and negotiation of where one positions oneself (where one finds oneself positioned) and the responsibility of situatedness. Spatial justice emerges as the movement of withdrawal from the atmosphere. But this is not easy. *Atmosphere brims with spatial justice*. Every body is emplaced in full accordance to its desire to carry on fighting for freedom in the trenches. But bodies become isolated in atmosphere, only communicating with the grand glasshouse around them and made incapable of apprehending their position in relation to their assemblage. Atmosphere removes responsibility: blame the officer, the orders, the newspapers, the other soldiers. Responsibility is passed over to a centralized point of atmospheric engineering. Yet, at the same time, responsibility is seemingly fully accepted because of the driving desire that feeds in the self-perpetuating nature of atmosphere. I want to carry on, says the body. The psychoanalytical Father appears everywhere in the

⁵⁰ Brown, supra note 3, at 36 (quoting Leslie Walkinton, rifleman).

⁵¹ Id. at 69 (quoting Captain Guy Goodlife).

⁵² Cazals, supra note 12, at 165 (Jean Galtier-Bossiere).

atmosphere, but nowhere entirely, nowhere totally visible. He appears in small, bite-size effigies, easy to ingest but with gaseous aftermath. In offering the *illusion* of spatial justice, atmosphere excludes spatial justice, retaining its allure for as long as possible, as long as the bodies desire it. One needs to break the atmosphere in order to move and to begin claiming one's position.

Spatial justice is the questioning of one's corporeal emplacement. Such a questioning can only happen if the atmospherics of emplacement in their collective affectivity are questioned and re-examined. In withdrawing from an atmosphere, one (whether individually or collectively) opens up the possibility of an affective imitation, in its turn gearing towards an atmosphere. This is a risk one has to take. The difficulty of extricating themselves from the atmospherics of the truce is evidence of the force of atmospheres. But in the crossing (from one atmosphere to another, or simply moving outside an atmosphere), the possibility of reorientation of the spatiolegal conditions arises, behaviors change and taboos are broken. In a performative manner, Carion's film itself breaks a taboo and withdraws from an atmosphere of concealment and repression of the very thing that it tackles. In questioning such notions as military discipline, ethnic and nationalistic differences, the futility of war and the paradox of protracted inimical corporeal proximity, the film generates a space of withdrawal and a possibility for further attempts at spatial justice. The role of the film as a counter-narrative to the dominant patriotic narrative of WW1 points to ways in which withdrawal can be initiated from other avenues, such as cultural and artistic production that is at least expected to resist the atmospherics of the given spatiolegal parameters.

Fraternization did not bring about the end of war. Can we still talk about spatial justice? Yes. It helped save thousands of lives. It reoriented, however momentarily, the military landscape. It populated No Man's Land with human bodies and other objects in an illegal, unpatriotic, anti-nationalistic, humane rapprochement. The question of who gets this space remains. The parameters though, at least in some cases, had changed. Over the blustering clamor of war, between rifle shots and bombs, a silence spread. Captain F.E. Black, expressing his pleasure at encountering an area where even as late as the 19th of March 1914, fraternization was under way, writes: "[T]here was very little firing by day and never really heavy by night . . . an absurdly quiet spot."⁵³

⁵³ Brown, *supra* note 3, at 70.