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SUSPENDED LIVES: INDEFINITE DETENTION AND LEGAL MANIPULATION IN CONTEMPORARY ANGLOPHONE FICTION

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ABSTRACT

This paper uses Judith Butler's idea of "indefinite detention" to analyze the legal manipulation used by brutal regimes in Palestine and Kashmir. Butler contends that indefinite detention is a bio-political tactic that revokes people's legal rights, leaving them permanently exposed to state authority without a trial or access to justice. Palestine and Kashmir are prime examples of situations in which the rule of law serves as a tool of dominance rather than protection: emergency laws, military orders, and anti-terrorism policies establish an ongoing "state of exception" that permits arbitrary detentions, monitoring, and extrajudicial actions. In order to examine how military tribunals, bureaucratic opacity, and enforced disappearances prolong cycles of indefinite waiting and suffering for families—especially mothers, widows, and children—the study examines Shahnaz Bashir's *The Half-Mother* and Mirza Waheed's *The Collaborator*, as well as Mahmoud Darwish's poetic elegies *State of Siege* and *Memory of Forgetfulness* and Ghassan Kanafani's narrative *Men in the Sun* and *Returning to Haifa*, depictions of displacement. By contrasting these situations, the study makes the case that indefinite detention serves as a means of destroying community resilience, and erasing histories in addition to being a political weapon of control. The intersection of Palestinian and Kashmiri narratives reveals a shared language of pain, defiance, and perseverance, establishing literature as an essential repository of state brutality and the ability of people to bear testimony in the face of systemic silence. The paper illustrates how extended imprisonment blurs the line between legality and criminality, normalizing institutional repression by examining the intersection of law and violence.

Keywords: Indefinite detention, legal manipulation, emergency laws, state of exception, violent regimes.

Introduction

Law is frequently viewed as the defender of justice and as a structure intended to protect human rights and dignity; however, the law is a tool of control rather than a protection in situations of colonial dominance and occupation. Legal frameworks are deliberately manipulated by violent regimes to create environments in which some groups are denied rights, denied respect, and reduced to their most basic existence. Palestine is the place where this deception is most obvious. Governments in occupied regions suspend the rule of law. Butler criticizes the Bush administration's military trials for the detainees at Guantanamo Bay, pointing out that the detainees were left to rely on "managerial officials" because they were denied access to legal representation and a trial. She is worried because these tribunals are essentially administrative processes rather than actual courts of law, making arbitrary decisions about who will face trial and who will just be placed on indefinite suspension. According to Butler, the "emergence of state sovereignty is conceived" and laws are suspended in the name of security warnings and national emergencies, which amounts to the "elaboration/extension of the administrative bureaucracy" (54). Butler challenges the "legal innovation" through which officials have the right over life and death of the detainees; the petty officials decide over whether detainees will face trial, or held indefinitely (54). In these regimes: "sovereignty and governemntality are reconfigured to suit the needs of new prisons," according to Butler (54). Acts that suspend and restrict the authority of the law itself are considered to be an "exercise of sovereignty" (55).

While sovereignty is expressed explicitly in laws that suspend and restrict the authority of the law itself, governance is a late modern type of power that involves using strategies to control and manage the populace. Butler challenges the legality of detention centers, and concentration camps that "operate outside the jurisdiction of law" and without juries. Not only do the management officials make decisions about who will be tried and who will not be, but they also determine who will be detained and for how long (54). In the course of a war/conflict, Butler questions "the legitimacy of the institutions that subject law to its instrumental uses" (54). In this case, the law is regarded not just as a strategy but also as a tool of oppression (54). Butler states: "Discretionary power of the officials who are accorded the status where they rely on their own judgment to decide the very basic matters pertaining to justice, life, and death of the prisoners" is extended when the law is suspended. The existence of "prerogative power," which is either reserved for the government's executive branch or for managerial officials who lack a clear claim to

legitimacy, is the main way that this resurgent sovereignty manifests itself. "Sovereignty is reintroduced by suspending law or controlling law to its uses" (54), notes Butler.

In all such cases, "the state is not subject to the rule of law, but law can be suspended or deployed tactically and partially to suit the requirements of a state that seeks more and more to allocate sovereign power to its executive and administrative powers. The law is suspended "in the name of sovereignty of the nation" (54). Suspension of law means disarticulation of the state into a set of administration of the state itself" (55). Butler exposes the mechanism of these sovereign states where: "petty sovereigns abound, reigning in the midst of bureaucratic army institutions mobilized by aims and tactics of power they do not inaugurate or fully control" and yet such figures are delegated with the power to render unilateral decisions, accountable to no law and without any legitimate authority ... it is, rather, a lawless and prerogatory power, a "rogue power par excellence" (56).

Butler is interested in finding out how the state suspends the legislation and what kind of explanation is provided for this suspension; she asks: "Under what circumstances do human lives lose their eligibility for fundamental human rights ... and to what degree is there a racial and ethnic framework through which these incarcerated lives are perceived and assessed as less than human, and how do these lives diverge from the "recognizable human community?" She further asks: "The law itself is either suspended or regarded as an instrument that the state may use in the service of constraining and monitoring a given population" (57).

The state then uses its own authority to imprison a group of people "indefinitely without a trial" under the guise of sovereignty. Under these circumstances, national security serves as the rationale, but population monitoring is the true goal (57). This is an executive branch that collaborates with a more powerful administrative branch of the military, not the "State in Toto" (57). There is no semblance of separation of powers in these situations since the detainees are not entitled to these trials and are instead offered at "the executive power's will (58). Furthermore, a group of administrators who are given wide policy strategy to work within, determines who is detained indefinitely rather than through "judicial review" (58). Officials, not courts, periodically evaluate the cases of those who are detained for an indefinite time frame. Therefore, neither the "choice to detain" nor the "choice to use military tribunals" are supported by the law (58). They are decided by "discretionary judgments that manufacture law as they are performed or that function within a manufactured law" (58).

Accordingly, both of these rulings are already: "outside the sphere of law, since the determination of when and where, for instance, a trial might be waived, and detention deemed indefinite, does not take place within a legal process, strictly speaking; it is not a

decision made by a judge for which evidence must be submitted in the form of a case that must conform to certain established criteria or to certain protocols of evidence and arguments" (58). Hence, a "unilateral judgment made by the government officials who simply deem that a given individual, or indeed, a group poses a "threat to the state"" is what "lead to the decision to hold and to keep detaining some people indefinitely" (59). The state exercises "prerogative power that involves the suspension of law, including due process for these individuals" during a declared "state of emergency," which is when this act of "deeming" occurs. "A person can be considered dangerous just by being deemed so, which justifies their indefinite detention" (59). In addition to "denying an incarcerated human being the possibility of a trial, in clear defiance of instrumental law" the state of emergency invests the "governmental bureaucrats with an extraordinary power over life and death": the person who makes this decision assumes a form of power that is both lawless and incredibly effective (59) according to Butler. Those who are a part of the government system have the authority to make life-or-death decisions. "A ghostly and forceful resurgence of sovereignty in the midst of governemntality" (59) is the emergence of sovereign authority. Butler refers to it as "Reanimation of a spectral sovereignty within the field of governemntality". She further writes: "By withdrawing, the state creates a law that isn't a law, a court that isn't a court, and a process that isn't a process" (62).

Tribunal rules are "wholly discretionary, even arbitrary, and wielded by officials who interpret them unilaterally and decide the conditions and form of their invocation" (62). Since their authority is delegated and they have limited influence over the goals that motivate their acts, these officials are not sovereign; they are "sovereign" because power is invested arbitrarily in them. It makes sense for the state to hold those against whom there is proof that they intend to commit acts of violence against the state, but this does not imply that suspected should be presumed guilty or that they should not be given due process, according to Butler. "The state grants its officials the authority to unilaterally determine when and where to suspend rights that are guaranteed by the constitution" (63). During emergency, neither the detainees are referred to as prisoners, nor the detention centers are referred to as prisons; which implies that rights that are globally acknowledged in relation to the treatment of prisoners of war should be taken into consideration" (64). Instead, the inmates are "detainees," "held in waiting," and those for whom waiting might be "without end" (64).

The detention for an indefinite period implies that "the law does not apply, not only in the present but also into the indefinite future", to the extent that it sets up the pre-legal state as "indefinite" one (64). In this way, the condition for the indefinite use of extra-legal state power is provided by indefinite detention (64). Since terrorism is no longer a historically or geographically restricted issue, it is limitless and unending. As a result, the state of emergency may also be limitless and unending, and the possibility of

the state using its power to impose lawlessness on the future is always present. Thus, the future turns into a lawless one (64). The future of these unfortunate detainees is left up to the “judgment of a group of chosen sovereigns” (65); the sovereigns are only answerable to their own decision-making authority (65).

DISCUSSION AND ANALYSIS

The Israeli government normalizes indefinite suspension of rights through citizenship legislation, military decrees, and administrative detention. Judith Butler's idea of indefinite detention, which was proposed in reaction to the 9/11 "War on Terror" but has strong resonance with colonial occupations, offers a potent theoretical framework in these situations. According to Butler, indefinite detention leaves people permanently at risk of being imprisoned without charge or trial, trapped in a situation where right and wrong merge into one another. The leading Palestinian poet, Mahmoud Darwish, acknowledges this judicial violence in his works. Darwish documents how the law becomes the handmaiden of occupation; which displaces, imprisons, and deprives Palestinians of even the dignity of a human existence. Darwish's works like *State of Siege* and *Memory of Forgetfulness* are interventions into the daily realities of indefinite detention rather than merely literary observations.

Military courts are the "default forum" in Palestine; nearly all Palestinian prosecutions in the West Bank take place in military courts, where conviction rates are extremely high (96–99%) and most cases are settled through plea agreements. This pattern is incompatible with a strong adversarial defense. Administrative detention orders that are renewable indefinitely are the legal basis for indefinite detention in Palestine, which permits a prisoner to stay behind bars without ever being charged. Butler's idea shows how this method organizes the existence of an entire population—“Palestinians are all potentially detainable”—rather than just targeting individuals. A legal system that operates by denying legitimacy suspends their freedom of movement, residency rights, and even the right to return to their country of origin. In this way, indefinite detention is a condition—a whole way of life—imposed by occupation rather than only an occurrence.

Often referred to as the "poet of exile," Mahmoud Darwish chronicled how the law institutionalizes displacement in addition to writing songs on loss. Exile, identity documents, incarceration, and the never-ending waiting required by vocation are all prevalent themes in his writing. His famous statement, "the identity card in my pocket is stronger than the poem in my heart," (64) highlights the harsh reality that one's survival under occupation is determined by legal paperwork rather than one's personal dignity. Palestinians are caught in a vicious loop of legal maneuvers, as Darwish's books demonstrate. Recurring themes in his writing include land seizure, deportations, denial of the right to return, and incarceration without trial. What Butler refers to as the reduction

of people to detainable bodies—deprived of legal personhood but always subject to legal authority—is expressed in his voice.

Memory for Forgetfulness: Siege as Indefinite Detention

In his interviews and written works, Darwish discussed the experience of administrative detention, which involves holding people without charge or trial for years at a time with an order that is renewable indefinitely. Choosing who will be tried is a technique that is similar to Butler's "managerial officials." Darwish describes his experiences during the 1982 Israeli siege of Beirut in *Memory for Forgetfulness*. The text documents the siege's suspension of normal legislation in addition to the actual bombardment. "For us, prison is the horizon, not the exception," (84) he notes. Food, water, safety, and even breathing become uncertain, and life becomes a sequence of indefinite postponements. "The siege is waiting: waiting for what is not coming," writes Darwish. Butler's idea of incarceration without end—a temporality in which justice, resolution, and the future are suspended—is mirrored in this endless waiting. He writes: "The judge is the pilot in the sky, and the law is what the canon says" (88). Here, the very idea of tribunal dissolves into the military power, reflecting Butler's argument that tribunals are not actually courts of justice. The city is turned into a massive prison during the aforementioned siege. Darwish notes that people lived "between two deaths: one that comes slowly and one that comes quickly," (95). The essence of indefinite detention is encapsulated in this: "life is reduced to survival without autonomy" (61).

The occupation is able to transform everyday life into a form of permanent imprisonment by using the "law of war" as an excuse to suspend civil law. Butler demonstrates that this kind of suspension is structural rather than incidental, as the legal manipulation that permits endless waiting is fundamental to occupation. More incisive testimony can be found in Darwish's subsequent work, *State of Siege* (2002), which was published during the Second Intifada. "Here the prisoners test the script of the trial: will be tried or not tried?" is the title of this lengthy poem. Due to the lack of access to legal counsel, detainees are always waiting. The poem encapsulates the sensation of being trapped in "a never-ending state of checkpoints, surveillance, and home demolitions" (98). He writes: "We are under siege here Here, on the hillside, facing the twilight and the passage of time" (98).

In Darwish's depiction, the siege becomes a permanent way of life rather than a passing phase. We can better comprehend this position as one of endless detainability according to Butler's theory. They live as though they are constantly under suspicion, even though they are never officially charged with any crimes. Their very existence is preemptively criminalized. This dilemma is encapsulated by Darwish: "To resist is to exist" (42). Existence entails resistance, because life itself is made questionable by the

law, and existence itself turns into resistance. Every Palestinian body is a possible detainee under such circumstances.

Exile—the legal prohibition on Palestinians' return—is another type of captivity that Darwish laments. The impossibility of homecoming haunts his poetry. He states in "Passport": "Write down! I'm Arab. Without my passport, I don't have a name" (34). In this case, the legal document serves as both an erasure mechanism and proof of existence. Palestinians are citizens of nowhere, denied the right to return, and perpetually suspended in a legal limbo. Butler clarifies exile as a type of imprisonment that does not include incarceration. Being continuously prohibited from going back to one's native country is equivalent to being kept in a state of "perpetual waiting", neither entirely outside nor inside the law. Similar to the jail facility, the refugee camp is a place where lawlessness dissolves into its antithesis. Butler's theory—that the ego is perpetually held captive by legal frameworks that both name and deny it—is echoed in Darwish's poetry, which changes this lived state. Darwish spent a large portion of his life in exile. The identity card concept appears often in Darwish's writing, most notably in his poem "Identity Card" where he writes: "My roots took hold before the birth of time" (84). The poem illustrates how Palestinian existence is defined and constrained by legal documents. The ID card is where the law turns a person into a number, making them permanently susceptible to incarceration. Butler's concept of indefinite detention as a prerequisite for detainability is instructive in this regard. Not all Palestinians are imprisoned; rather, the system is set up to allow for their arbitrary and unjustified detention at any time. Therefore, the identity card serves both a tool of subordination as well as proof of existence. In defiance of this legal manipulation, Darwish insists that he is anchored beyond legal categories—"before the birth of time."

What is constantly evident in Darwish's writings is the breakdown of legality into illegality. The law is used to expose Palestinians to violence rather than to provide protection. According to Butler, indefinite imprisonment demonstrates how the law functions by suspending itself, making it impossible to discriminate between legality and transgression. "We do what prisoners do, we do what the jobless do, and we plant hope," (76) is how Darwish encapsulates this dichotomy in *State of Siege*. The distinction between a free person and a prisoner dissolves here. All are indefinitely held, all are captives, and all are unemployed under occupation. Butler's criticism is around this universalization of detention: under violent regimes, indefinite detention is not an exception to the law, but rather how it operates. His frequent references to pictures of imprisonment, exile, siege, and papers show how the law uses classification to maintain oppression.

As we read Darwish through Butler, we discover that "indefinite detention" is a "lived temporality" as well as a legal category. It is the perpetual siege waiting, the

permanent exile ban, and the identity card's conditional recognition. "We are alive, as long as we are able to die," Darwish says, giving voice to those who are imprisoned in this suspension. The paradox is visible as the state only provides life in the form of basic survival, depriving people of their rights and dignity. Indefinite confinement, according to Butler, is essentially a legal requirement; according to Darwish, it is existential: a suspension of meaning, history, and the future in addition to the law. Even in the face of suspended legality, his poetry asserts that human dignity endures. Darwish turns indefinite incarceration into a site of resistance where the act of surviving itself becomes defiance by sowing hope "as prisoners do."

SUSPENDS LIVES: INDEFINITE DETENTION AND LEGAL MANIPULATION IN THE FICTION OF GHASSAN KANAFANI

One of the most significant Palestinian authors and thinkers, Ghassan Kanafani (1936–1972), documents this legal manipulation in his fiction. His writings, including *Men in the Sun* (1962), *All That's Left to You* (1966), and short stories like "Letters from Gaza" (1956), portray Palestinians who are ensnared in existential, political, and legal labyrinth. The literature of Kanafani attests to the manner in which the law is used as a weapon against defenseless individuals, depriving them of agency and leaving them vulnerable, in exile, and waiting indefinitely. In addition to recounting the actual experience of extended incarceration, Kanafani's works foreshadow Butler's theoretical observations. In his fiction, Palestinians live in a state of perpetual confinement, where the law is indistinguishable from violence. Kanafani's life was influenced by his relocation. He spent a large portion of his life in exile after being expelled during the 1948 Nakba, having been born in Acre in 1936. He worked as a political activist, journalist, and teacher until his assassination in 1972. Both individual and societal experiences of indefinite suspension are reflected in his writings. His stories are filled with refugees, exiles, and inmates who represent what Butler refers to as the condition of detainability. Kanafani famously said, "My writing is a weapon" (88), indicating that politics and literature in Palestine are inextricably linked.

His novella *Men in the Sun* illustrates the vulnerability of Palestinians through legal developments, including their denial of citizenship rights, imprisonment in refugee camps, criminalization by occupation, and permanent detention. Three Palestinian refugees—Abu Qais, Assad, and Marwan—try to cross the desert in a water truck in search of employment in Kuwait. Abu Khaizuran, the driver, bemoans their quiet as they suffocate to death within the tank. As a condemnation of passive endurance under oppression, the phrase "Why didn't you knock on the walls of the tank?" (54) reverberates. The men's fate serves as two examples of extended confinement from the butler's point of view. First, the fact that they are stateless, denied citizenship rights, and compelled to engage in desperate crime in order to exist makes their refugee status itself

a type of suspended legality. Secondly, the tanker turns into a jail metaphor. Their existence is tethered between legality and illegality, life and death, and confinement without trial. Their deaths' silence is a reflection of the silence Butler talks about: "captives are uncounted lives lost to judicial manipulation, existing outside the realm of recognition". He thought of his wife, his son, and the tin and rag-hut that was their home in the camp," says Kanafani of Abu Qais. This picture connects the tanker and the refugee camp, both of which are places of indefinite incarceration where life is suspended yet survival is conceivable. The men's terrible asphyxia is a metaphor for the legal erasure that suffocates an entire people. The three refugees in *Men in the Sun* are suffocated while attempting to cross a border illegally rather than being arrested. They lack legal personality because they are refugees. Their lack of legal voice is symbolized by the water tank, which serves as a tribunal; they are unable to appeal or seek protection.

Kanafani examines the idea of boundaries as places of suspension in *All That's Left to You*. The book tells the story of two siblings- Hamid and Maryam, who live in Gaza and whose lives are influenced by the legal restrictions put in place after 1948. Maryam is stuck in a controlling marriage, and Hamid tries to cross the desert into Jordan. In this book, borders are legal constructs of violence rather than neutral boundaries. Unending waiting, uncertainty, and perpetual pursuit characterize Hamid's desert voyage. He is in a transitional state, neither inside nor outside the law. "The desert swallowed him, and he was neither here nor there," (65) writes Kanafani. Butler's explanation of indefinite detention as a state of being suspended between categories and deprived of recognition is echoed here.

Although Kanafani does not specifically depict military trials in his literature, his works consistently show Palestinians stranded without legal protection, where the law is only an enemy's tool. *The Emergency Regulations* (1945) and subsequent military orders in the occupied territories led to regular subjection of Palestinians to Israeli military courts between the 1950s and 1970s, when this novel was written. In this book, Hamid is sought down rather than arrested as he makes his way across the desert while being followed by armed patrols. He doesn't anticipate a trial or the court system: "he was swallowed by the desert that recognized no law but death,"(68) writes Kanafani. The fact, that there is no mention of a court or trial because Palestinians are not recognized as prisoners by the law, is striking in and of itself. Maryam, his sibling, is denied agency by colonial and patriarchal legal structures, which dictate her life. Her marriage turns into a kind of imprisonment, a home counterpart of the more general legal changes that Palestinians must deal with. Kanafani uses these figures to show how the law results in indefinite suspension in exile, borders, and gendered lifestyles in addition to prison.

In "*Letters from Gaza*," his short fiction, Kanafani speaks directly about the issue of exile. The narrator explains his inability to leave Gaza in a letter to his friend Mustafa,

who has moved to California. He learns that emigrating people would entail leaving his people behind while visiting his wounded niece, whose leg has been amputated due to Israeli bombing. Exile as a type of “indefinite incarceration” is dramatized in the narrative. The narrator writes: “I saw her face, pale, thin, her eyes filled with questions that I could not answer” (77). The wounded state of Palestinians, whose futures are cut short by legal erasure, is symbolized by the amputated leg. In this instance, exile equates to another jail rather than freedom: leaving Gaza would mean entering a state of perpetual waiting between one's native country and a foreign one. Butler's approach enables us to understand how legal frameworks that forbid return keep Palestinian refugees imprisoned even outside of the camp. The existence of the refugee is both confirmed and refuted by their passport—or lack thereof. Refugee camps are frequently portrayed by Kanafani as areas with a suspended legality. Abu Qais remembers his family's camp hut in *Men in the Sun*; whereas in other tales, the camp serves as the setting for hopelessness and longing. International law established refugee camps with the intention of providing short-term solutions, but for Palestinians, they have turned into long-term, generational places of captivity.

According to Butler, the camp is a model of indefinite detention: its inhabitants are not free but also not prisoners; they are subject to international law but not granted citizenship. This paradox is encapsulated in Kanafani's statement that “the camp was like a barren womb, birthing only despair” (78). The camp represents the breakdown of law and order, as people are reduced to their most basic existence. Silence—the silence of the guys in the tanker, the silence of the refugees awaiting justice—recurs frequently in Kanafani's writing. What Butler refers to as the denial of recognizability is reflected in this silence. Indefinite incarceration renders inmates uncountable and unreliable by erasing their voices in addition to imprisoning their bodies. Kanafani, however, also maintains that words have power. “Why didn't you knock on the walls of the tank?” is a heartbreaking scream that both serves as a lament and a call to action. It implies that speaking up against unending suffering is a way to express resistance. Butler highlights the necessity of making detainees visible and able to be grieved in order to thwart the obliteration that is enforced by legal manipulation. Thus, Kanafani's writings breach the silence enforced by legal erasure and become an act of defiance. The British mandate and later Israeli authorities' use of emergency legislation and military courts to prosecute Palestinian resistance is something that Kanafani specifically mentions in his essays, *“The 1936-39 Revolt in Palestine.”*

There are strong parallels between Palestinian literature and this architecture of suspended kinship—a motherhood that is denied closure. In a social context of camps, borders, and disappearances, moms are portrayed in Ghassan Kanafani as resilient figures. A vanishing—the state's expulsion of Imran from the legal realm—organizes

Haleema's life in *the Half- Mother*. Because the law denies her son a definitive status, she is "half," caught between hope and grief. The social conditions of mothers' waiting permeate the narrative universe even in cases where a mother is not the main character (such as in *Men in the Sun*): boys disappear across borders and checkpoints; news never return; and state authority claims their corpses before any court can.

The mother in Darwish's verses bears the burden of both the political (homeland, siege, interruptions) and the intimate (food, shelter, childhood). His famous lyric "To My Mother" begins:

"I long for my mother's bread

My mother's coffee

My mothers' touch",

The verse condescends mother and homeland into a single address. The love ballad is also a political elegy: separation is the administrative reality of exile, permits, checkpoints, and jails rather than romantic distance.

Haleema in *Half- Mother* supports the detainees not because the situations are the same but rather because the state uses its discretion to decide whether a son is legally visible or remains a file without a body. The key issue is not whether a trial would be fair, but rather whether there will be one at all, as Judith Butler argues against indefinite imprisonment. Mothers move from unwavering determination to unachievable recognition. The comparison is accentuated by Kanafani texts: *Umm Saad* (1969) features a mother in the center who is impoverished, unwavering, and camp-rooted. Her motherhood turns into a waiting game in public, after her son joins the Fedayeen. The strength of the novella is found in the way that militaristic time recodes everyday activities such as waiting in line for water, cleaning the room, and telling stories. The text asks certain questions: will the son return? Will there be news? Will a body arrive? The mother lives inside a trial-that-never-convenes, where the state determines what can be disclosed, even if Kanafani does not have a courthouse. Mothers' indefinite waiting insists that the future is still open, and transforms waiting from a passive lament into a political pledge.

Without ever obtaining the legal finality that grieving requires, Umme Saad's voice transforms "mourning" into "Sumud," or constancy. When Haleema keeps Imran's belongings ready and practices the return that the state withholds, she is practicing Umm Saad's ethic, which is the same planting—daily futurity under suspended legality. In *Returning to Haifa*, Safiyya and Said, the parents, encounter their lost child, who is now an Israeli soldier, after returning to the house they had to leave in 1948 following 1967.

Sovereignty has renamed the relationship, reassigned kinship to the child, and denied acknowledgment, making the mother's predicament more than just a personal one. Similar to Haleema, who is unable to convince the state that Imran is a captive, Safiyya runs across a state that maintains her assertion is no longer readable. Safiyya faces a legally-engineered postpartum life, while Haleema remains motionless in pre-mourning. Both texts put "the mother" in the middle of the legal remaking of intimacy.

Kanafani's reality makes it apparent that a decision on whether or not a mother and son can appear to one another as relatives is made prior to any trial. The similar threshold is used in Kashmir in Haleema's line of offices and petitions. Darwish's lyric, "I long for my mother's bread...", is interpreted as being solely personal. Forced separation, however, structures the poem's pain. The mother is administratively distant in life but close in memory. The speaker promises to become "the shawl of your lashes" and return as the child of thanks, but the poem never offers the typical route back. This encodes indefinite waiting. This reunion has been delayed by the world's hardened frontiers. This clarifies Haleema's waiting: her house is ready for a son that the government would not deliver or declare dead. Both writings ritualize the daily work of optimism under legal non-recognition.

The poem, *In the State of Siege* was written during curfew and encirclement, portrays the commonplace as criminal. Its most famous line, "we do what prisoners do, we do what the jobless do, we plant hope," refers to the economy of mothering while in indefinite incarceration. This includes cooking, cleaning, folding a shirt for the next day, and listening for knocks. The poem's calendar is messed up; raids, permits, and closures—rather than holidays and schools—count time. This siege-time is exactly what Haleema's "every dawn-every dusk" rhythm is about. Darwish also makes clear how the rule of law collapses under military control, turning the law into a weapon's dictate. A mother's inquiry, "Where is my son?" is already political speech in such a world since it questions the sovereign's authority to keep someone untraceable.

INDEFINITE MISERY OF MOTHERS IN KASHMIRI LITERATURE

According to Butler, "indefinite detention" is a normalized condition of exception, when managerial officials determine who is "triable," who is merely detained, and whose legal personhood remains suspended. The disappeared and their families, communication voids and blackouts that obliterate legal addresses, and carceral procedures that reduce trials to administrative fiat—creating a social moment of eternal waiting—are all examples of how this logic manifests in Kashmiri literature. Kashmiri writers so effectively depict this temporal captivity. Imran, Halima's son in *The Half Mother* is taken by security personnel and vanishes; there is no charge sheet, no council access, and no court that renders a decision—only officers who reroute, renew, and postpone the juridical process.

Tribunal power can be thought of as information gatekeeping: the state determines whether Halima will even find out whether a case is pending, much less see a lawyer or a courtroom. The end effect is a life structured on quiet, questions, and pleas.

One of the most potent literary expressions of the ongoing pain of militarization in Kashmir is found in Mirza Waheed's 2011 book *The Collaborator*. The story centers on an unidentified narrator who is forced to work as a "collaborator" for the Indian army by gathering the decaying remains of Kashmiri terrorists killed at the border. It is set in a remote Kashmiri village close to the Line of Control. Waheed exposes the brutality of a militarized government, especially its denial of justice and judicial machinations, through the narrator's experiences. The community and the nameless narrator are always afraid of being called by the army, being questioned without reason, and being imprisoned without charge or trial. Butler is concerned about tribunals that function outside the rule of law, which is similar to this discretionary structure of power.

After crossing the border, the narrator remembers that his buddies were "picked up, taken away, and never heard of again" (Waheed, p. 87). The erasure caused by indefinite imprisonment is summed up in the expression "never heard of again": a disappearance into military and bureaucratic quiet. Captain Kadian, who stands in for the Indian army's leadership, forces the narrator into service. Butler's observation that "inmates are deprived of their legal agency" is echoed by the fact that his function as "the collaborator" is a forced condition rather than a choice. Because resistance could result in disappearing into the legal void of indeterminate imprisonment, the narrator is compelled to comply. Butler notes that the "indefinite waiting" of families is another aspect of the brutality of indefinite incarceration that is depicted in Waheed's book. Families wait for loved ones who might never come back, leaving them in abeyance. "There are mothers who wait endlessly at the doors of their homes, peering down the lanes, hoping their boys will come back," the narrator muses in one of the most moving passages in the book. They have no idea if they are living or dead (Waheed, p. 142). Butler's idea of interminable unhappiness, in which the law produces areas of perpetual uncertainty rather than closure, is reflected in this suspended state.

The narrator's forced burial of dead bodies serves as a metaphor for this judicial manipulation. The state refuses to recognize them, deny them identification, and deny them funerary privileges. They were excluded from the political recognition framework. According to Waheed (p. 174), "they lie there, nameless, faceless, their families never knowing where they rest." The erasure created by military tribunals, when legal subjects are converted to non-persons, is comparable to this imposed namelessness. The narrator becomes a witness to the extralegal and legal violence occurring all around him, which is one of the collaborator's most striking features. His voice turns into a kind of testimony opposing the suspension of the law. Despite being forced into collaboration,

his story captures the cruelty of extended confinement and its effects on Kashmir's social structure. We live in fear because we don't know who might be abducted next or disappear without a word, he muses. Gunfire was not as loud as the silence (Waheed, p. 201). According to Butler's paradigm, military tribunals create an environment where the law itself turns into a weapon of silence. Waheed depicts this quiet through the waiting and absences that characterize his characters' lives rather than through court documents.

The blatant arbitrary nature of military force is what makes the scenario relevant to Butler's criticism. "People were summoned, sometimes beaten, sometimes released," (Waheed, p. 98) the narrator remembers. Only the officer's will was present; there was no pattern or justification. Butler recognizes this arbitrary nature—the lack of a universal legal process and the reduction of justice to administrative fiat—in the discretionary powers of military courts. This entails living in constant precarity for Kashmiri people, where one's life may be halted, one's body may be detained, and one's death may go unrecognized. Waheed's narrator refers to his community as "a place of ghosts," where both the living and the dead are imprisoned in perpetual ambiguity, echoing Butler's concern with the dehumanizing logic of indefinite detention—where inmates are neither convicted nor acquitted. This indefinite suspension is rendered in visceral, human terms in Shahnaz Bashir's novel *Half-Mother*, which places Haleema at the center of Kashmir's "half-widows" and "half-mothers"—women who are unsure of whether their loved ones are alive or dead. According to Butler, the main consequence of indefinite detention is that their lives become perpetually waiting: "Detention without trial suspends life in a permanent interim, producing indefinite waiting without closure" (92). This structure fits in perfectly with Bashir's depiction of Haleema's never-ending quest for her son via the maze-like military trials that provide no avenue for access to justice, which takes her from police stations to military camps to courts.

Butler emphasizes in her criticism of military tribunals that they are extraordinary institutions that suspend the rule of law rather than functioning as courts of justice. "What is concerning about these tribunals is that the majority of the detainees have been denied access to legal counsel and the right to a trial," she notes. The half-mother echoes the same criticism. The opaque procedures of military courts, where relatives of detainees are not even permitted to know where their sons are being imprisoned, continuously thwart Haleema's pursuit of justice. When Bashir writes, "The camp officer waved her away," he encapsulates this. "No record of your son can be found here. Go check somewhere else" (121). The decision of whether someone will be recognized as a captive, tried, or simply wiped is up to military personnel, and this denial demonstrates the very arbitrariness Butler criticizes. The court of law is replaced by the military camp, but unlike the court, it has no accountability. Haleema's frequent experiences with these terminations are indicative of how the law is being turned into managerial violence, where legal

recognition is subject to "security" narratives and becomes contingent and changeable. In this case, the military tribunal's basic design works to prevent rather than to allow a trial. It casts doubt on whether the prisoner is still alive, deceased, detained, or has been put to death. The detainee is caught between life and death, visibility and invisibility, and legality and illegality, which is the core of Butler's indefinite imprisonment policy. Bashir writes: "Every morning she would rise with a hope that today she might hear something of Imran, but every evening the hope died in her heart like the dying light"(131). Butler notes that lengthy incarceration creates a political condition that is exactly this rhythm of waiting without arrival. Not only has Imran been held without charge or trial, but Haleema's life has been put on hold as a result of his arrest. Bashir refers to her as "the half-mother" because she is caught in a never-ending cycle of expectations and parenthood that is unfinished. This expression itself is a metaphor for waiting interminably. Butler notes that lengthy incarceration creates a political condition that is exactly this rhythm of waiting without arrival. Not only has Imran been held without charge or trial, but Haleema's life has been put on hold as a result of his arrest. Bashir refers to her as "the half-mother" because she is caught in a never-ending cycle of expectations and parenthood that is unfinished. It describes a state in which a person is caught between wholeness and absence, neither a mother nor a non-mother. Butler's theory that "indefinite lives" result from indefinite confinement has a striking parallel in this situation: Haleema's life is perpetually postponed, and her identity as a mother is shattered.

It describes a state in which a person is caught between wholeness and absence, neither a mother nor a non-mother. Butler's theory that "indefinite lives" result from indefinite confinement has a striking parallel in this situation: Haleema's life is perpetually postponed, and her identity as a mother is shattered. Butler points out that the legal hole created when emergency legislation take the place of constitutional rights makes indefinite detention plausible. This gap was formalized in Kashmir by legislation such as *the Public Safety Act* and *the Armed Forces Special Power Act*. This is demonstrated by Bashir when Haleema confronts officials who use "security concerns" as an excuse for remaining silent, saying, "These are dangerous times, woman... You should be grateful that your excessive questioning has not resulted in your imprisonment" (90). In this case, the legal terminology is reversed, threatening additional confinement rather than granting rights. Fear of being engulfed in the same emptiness that has engulfed her son silences Haleema. This encapsulates Butler's argument that the law does not provide protection under the regime of indefinite incarceration; rather, it criminalizes inquiry and discredits those who seek justice.

Butler's approach also emphasizes how "indefinite mourning" results from this indefinite confinement. Mourning cannot be finished without a body and proof of death.

Like thousands of women in Kashmir, Haleema is reduced to what Butler refers to as a "subject suspended in mourning." "At night, she spoke to Imran as if he were sleeping in the next room," Bashir says, eloquently capturing her anguish. She waited for him to knock on the door in the mornings. This incapacity or refusal to fully mourn is a political condition rather than a personal failing. Butler contends that states that refuse to acknowledge their victims create such unbearable existence. Since Imran has not been pronounced dead, he cannot be grieved, and Haleema cannot enjoy her life to the fullest since she is not permitted to accept her loss. The community of Kashmiri half-widows, who are all caught between hope and sorrow, reflects this unending mourning. The book serves as a protest against this political and judicial brutality. In addition to narrating Haleema's narrative, Bashir universalizes her as the metaphorical "half-mother." The innumerable Kashmiri women whose lives have been stalled indefinitely are symbolized by this figure. Butler's remark that "indefinite confinement creates a social reality characterized by waiting rooms, lines, and unanswered petitions" is echoed by Haleema's ceaseless wandering between offices. Crucially, Bashir emphasizes the pointlessness of these searches by saying, "Every shout was met with silence, every knock with closed doors, and every tear with uncaring faces"(67). Institutional silence is a weapon in and of itself; it is not neutral. Butler reminds us that the institutionalization of silence that deprives individuals of their legal and grievable status is just as much a part of indefinite incarceration as the lack of a trial. Just as Imran has disappeared into the jail system, Haleema's petitions disappear into administrative holes.

In addition to narrating Haleema's story, Bashir paints a picture of a larger social ecology of perpetual grieving. Women with pictures of their missing husbands and boys march in protests or wait outside camps in villages. In a scene where hundreds of women suffer the same fate, Haleema joins *the Association of Parents of Disappeared Persons*: "Each woman held a picture of a young man, and each face was etched with years of waiting" (*the Half Mother*, 163). These women's combined presence demonstrates that prolonged incarceration is a pervasive practice that systematically undermines family and community life rather than being a singular tragedy. Butler notes that one way to "extend military sovereignty into the most intimate dimensions of social life" is through the indefinite temporality of imprisonment. This extension is vividly depicted in Bashir's book, as the soldier's act of vanishing men has an impact on marriages, classrooms, kitchens, and dreams. Haleema's life story serves as an example of how, under a violent system, hope can give way to despair. At first, she thinks justice will be served by the law. She learns later that the law is suspended. This insight changes Haleema. She changes from a mother pursuing justice to a representation of hopelessness: "She kept all of Imran's books, his clothes, his notes, waiting for him to come back. But the years passed, and the clothes gathered dust" (*The Half Mother*, p. 175). In the novel, the dust

presents infinite temporality, in which things stay motionless while they await an unfulfilled return.

Conclusion

It becomes evident that the experiences of these two regions—which are separated by thousands of miles—are connected by a common grammar of occupation when the threads of Kashmir and Palestine are examined through the prism of Judith Butler's concepts of indefinite detention, indefinite waiting, and indefinite misery. Butler's observations in *"Indefinite Detention"* regarding the extrajudicial tools of state power—such as military courts that circumvent the law, the denial of legal representation, and the suspension of trial rights—do not just apply to the post-9/11 American environment. They discover eerie resonances in Palestinian literature, especially the writings of Mahmoud Darwish and Ghassan Kanafani, as well as Kashmiri fiction, like Mirza Waheed's *The Collaborator* and Shahnaz Bashir's *Half -Mother*. Like the innumerable "half-widow" husbands in Kashmir, Imran's disappearance in *the Half-Mother* encapsulates Butler's never-ending longing. Haleema's life is a protracted vigil—"waiting by the widow, looking at the bend of the road"—for the unfulfilled promise of a return. The opaqueness of military justice adds to her pain. She is confined to a transitional condition where she is unable to grieve or reunite with her son, is never told of his fate, and is never granted access to the legal channels that could ensure his release. This is similar to the perpetual legal suspension Butler talks about: a life that has been put on hold but is nonetheless filled with sorrow and unresolved.

By describing the military terrain of Kashmir and showing the narrator the dead bodies of young men scattered across the meadow—a mute testament to extrajudicial executions and unreported detentions—Mirza Waheed's *The Collaborator* broadens this framework. Recalling that "some of them were mine," the narrator emphasizes how both individual and public anguish crumbled into the occupied society's collective pain. Waheed's art subtly alludes to the realities of military tribunals, which are extensions of military authority rather than operational courts where the military has the final say over who will be prosecuted, put to death, and simply "disappeared." Butler warns against this very arbitrariness: justice itself is suspended when managerial authority takes the place of the law.

Ghassan Kanafani's fiction, especially in pieces like *Men in the Sun* and *Returning to Haifa*, portrays a similar immobility brought on by incarceration and indefinite displacement in the Palestinian context. The impacts of military tribunals are present throughout Kanafani's short fiction, despite the fact that they are not as explicitly described: dads looking for sons they are unable to contact, men stuck in administrative voids where neither legal recourse nor return is feasible. Bashir's description of

Haleema's lonesome search is reminiscent of Kanafani's account of missing bodies and never-ending searches. These living circumstances are transformed into poetic evidence in Mahmoud Darwish's poetry. Darwish describes mothers "waiting by the door for thirty years" and "the absence of a son's face behind the bars of an unnamed prison" in pieces such as *A State of Siege* and in *the Presence of Absence*. His poetry turns into a kind of protest against the military's enforced quiet. According to Darwish, the mother is a political figure as well as a private mourner; her waiting serves as a metaphor for the country's pending emancipation. The Kashmiri half-mother or half-widow, whose existence is split between presence and absence, love and loss, is comparable to this peptic figure.

A cross-reading of these texts reveals that military occupation creates a psychological and temporal state that differs from typical grieving in both Palestine and Kashmir. The way these persons and societies live in a constant state of emergency is encapsulated in Butler's observation that indefinite incarceration "suspends life without ending it." In addition to being lawful, the suspension is existential because people are stuck in the present and unable to go on. Haleema in *The Half -Mother* is unable to forget, remarry, or bury her son. The narrator of *The Collaborator* is unable to act against the system that consumes them or make peace between the living and the dead. This same suspension shows up in Darwish and Kanafani as exile, the impossibility of returning, and the ongoing delay of justice. The Israeli administrative prison system, the army interrogation centers in Kashmir, and the military tribunal in Butler's account all function on the tenet of denying due process, which further demonstrates the convergence of political systems. Instead of being legal subjects, the detainees are become the target of military management. The families left behind are dragged into the machine of endless waiting, which results in a cascade of emotional destruction. As a result, literature from both areas serves as a chronicle of these lives in suspension, revealing the personal toll that geopolitical conflict takes on people.

The reluctance to let the disappeared to merely fade into silence is ultimately what ties *the Half-Mother*, *the Collaborator*, Kanafani's story, and the Darwish's poetry together. They elevate the voices of those left behind and preserve the memory of those who were imprisoned, slain, or banished without charge or trial. They translate Butler's theoretical ideas into tangible human realities through their stories and poetry, where waiting takes precedence over other modes of life, mourning never ends, and lawlessness is institutionalized. By doing thus, these pieces not only bear witness to past injustices, but they also force the reader to face the political structures that enable indefinite incarceration and the suffering it causes.

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