

Lost in Exception: Accelerating and Decelerating History in Agamben's State of Exception

“History is moving, and it will tend toward hope, or tend toward tragedy.”

-- George W. Bush, quoted in “Excerpts from the President's Remarks on Iraq and the War on Terror,” White House Press release, 2004.¹

According to Giorgio Agamben the experience of time is often concealed by conceptions of history and culture, and yet it is nonetheless an implicit, conditioning force embedded within both.² Altering the course of history or affecting cultural change thus amounts to launching a revolution, for such tasks demand more than the ability to “change the world”, but also – and above all – to change time.”³ As such, this presents no small challenge. Any attempt to revolutionize the experience of time as it is typically thought of in the Western European tradition inevitably confronts a prevailing ideology of historicized time perceived solely as a continuous, linear progression from pre-history through modernity. Moreover, what is carried along on this chronological path-- indeed its prime currency-- seems to be nothing short of human life, tracked first by early metaphysics and then later culminating in contemporary politics. What we are left with, Agamben asserts, is an empty and vulgar pseudo-history marked by the entanglement of life and politics.⁴ In his view, this entanglement is at the heart of a tension that has become paradigmatic of our present age; namely, the struggle of bare life against sovereign power.⁵ It is a struggle personified in the figure of the *homo sacer* or “sacred man” who, stripped of all civil and religious status by Roman law, “may be killed and yet not sacrificed” (*HS* 8).

Drawing upon Agamben's work, I wish to point to what appears to be a peculiar phenomenon within the current climate of political discourse. That is, when political leaders evoke the term “history” in public forums, their usage often exhibits a temporal element. Depending upon how it is referenced by representatives of a sovereign state,

“history” may either convey a sense of the immediacy of “now” or quite contrarily suggest an ambiguous, seemingly irrelevant orientation to the distant past or future.

To the extent that rhetoric has the ability to lend a sense of legitimacy to situations that perpetuate oppressive practices or abandonment of human life, it becomes possible to view time and history as rhetorical tools employed in the service of constructing zones of biopolitical indiscernibility. Hence, I argue that temporal rhetoric has the capacity to create false impressions of either urgency or complacency, the effects of which should not be ignored. For if the meaning of history can in fact be manipulated in order to bring about specific actions or attitudes, then this raises some potentially disturbing questions, particularly in regard to the role of temporal rhetoric in relation to human life that is, like *homo sacer*, caught within states of exception or emergency, excluded from participating in a culture at large yet nonetheless held within its grip.

II. Future history determined by a present urgency?

“Freedom itself was attacked this morning by a faceless coward, and freedom will be defended.”

-- George W. Bush, statement at Barksdale Air Force Base following the terrorist attacks on the United States on September 11, 2001.⁶

“This is a very unusual period in American history, obviously. We've never been attacked like this before. We're still being attacked.”

-- George W. Bush, October 31, 2001.⁷

The myth of the werewolf, Agamben asserts, bears a remarkable resemblance to the Germanic and Anglo-Saxon accounts of the bandit who, having been declared a menace to society, is therefore banished into exile from society (*HS* 105). Both are abandoned to a form of civil death. For that which is neither completely human nor beast, however, this civil death lacks finality. Despite being excluded from the city, as long as the citizens continue to regard the werewolf as a monstrous threat to their welfare, it consequently still exists, albeit in a metaphorical zone of indistinction between city and nature (*HS* 107).

Although this illustration of the werewolf is specific to the European medieval epoch, numerous shape-shifting myths can be found across a number of cultures. It should be noted, however, that in many cases “human-beast” incarnations are presented primarily as animals that temporarily imitate human form. Not always portrayed as dangerous, they instead may appear as mere tricksters or even aides to humans in need. At times, animal-beings serve as spiritual protectors to certain clans and, as Boucher, James, and Smallwood explain, “Beliefs of this kind carry us into a world of ideas very familiar to anthropologists under the general name of totemism.”⁸ In the totemic sense, the non-human being is first and foremost a god, even as its followers come to identify with it to the point of believing that humans could be transformed into the animal associated with the totem-deity.⁹ Given such variations, a good deal of caution must be exercised in conflating similar human-animal chimera narratives such as, for example, those found in Native American or Mayan shamanist folklore with the particularity of European werewolves.

By positing a connection between the werewolf and the bandit, Agamben aims to demonstrate that certain characteristics of banishment and abandonment can be traced back to an earlier history as well as carried forward to a surprising number of present day practices and laws. Within the organized structure of the state, we allegedly have autonomous control of our own lives and still, we surrender a great deal of that power over life and death to the hands of a sovereign. Foucault has argued that a key facet of

the structure of modernity is biopower and the degree to which the human body becomes the archetypal model for discipline and regulatory control.¹⁰ Taking Foucault's work to be both a starting point and a guide, Agamben explicitly ties biopower to the politics of the state while also attempting to account for what he views as a lacuna that appears to emerge between these biopolitical structures and a sense of self-constitution, which results in an inability to think of ourselves as singularities (*HS* 119-120). This missing singularity becomes exemplified by "bare life," or life stripped of all its humanity by the sovereign power; it is the figure of the *homo sacer* who, by Roman law, may be killed at any time but never sacrificed (*HS* 120). The concept of sacrifice bestows at least a modicum of symbolic value onto life that, unlike killing in general, would run counter to the devaluation that social banishment seeks to achieve. Thus, the banned *homo sacer* is excluded from the protection of the law and yet is still bound by it, becoming an exception in that the rule only applies insofar as it no longer applies. The rule withdraws from itself. The *homo sacer*, like the werewolf, can neither remain within the state nor fully transcend it and so becomes relegated to a nebulous zone, a state of exception, neither sanctified nor profane.

A crucial factor to take into account here is the element of fear. When "bare life" crosses the threshold into the political sphere in this way, it is not a move that is solely forced upon us by the sovereign but may instead be viewed as one in which we are complicit. It is bare life that seeks the protection of the state, but in doing so simultaneously subjects itself to the possibility of death at the hands of the state. In order to illustrate this point Agamben makes reference to Hobbes's state of nature, which I believe will be helpful for the purpose of understanding the motivational efficacy that can attach to the notion of history.

Even though the state of nature is a Hobbesian invention, employing the image of a lawless populace nonetheless suggests that without the heavy-handed rule of the Leviathan, members of society would swiftly revert to the kill-or-be-killed nature of wolves (*HS* 105). Facing such a possibility, real or hypothetical, it appears as though a self-interested individual should willingly submit to the social contract of the

commonwealth.¹¹ The sovereign state offers protection from the possibility of being killed by one's neighbor, but in exchange for quelling such fears it is granted the authority to exclude bare life from this security.

Agamben stresses that this is not a unidirectional move but instead involves the, "lupinization of man and humanization of the wolf" (*HS* 106). That is, the paradoxical nature of sovereignty is that it is both inside and outside of juridical order. As Andrew Norris remarks, "In identifying the threshold between legal and nonlegal, sovereignty defines them both."¹² Norris also notes that this becomes especially apparent in Carl Schmitt's writings on states of emergency wherein Schmitt opposes chaos to the norms of order, thus making the sovereign the decisive factor in determining what falls on either side of this threshold of collapsing borders.¹³ In order to apply the rule, the standardizing, regulatory element embodied in the sovereign creates the exception to the rule, continuously vacillating between these two extremes in an attempt to appropriate and interiorize that which what exceeds itself (*HS* 18). The law creates and maintains a sphere where law is suspended. Consequently, Agamben asserts, in the form of the sovereign, "the werewolf, the wolf-man of man, dwells permanently in the city" (*HS* 107).

The proclivity toward National Socialism in Schmitt's thought provides a striking example of the potentially sinister possibilities that are posed by his attempts to substantiate a link between society's urge to exclude and confine what allegedly threatens it and the violence without impunity that this sanctions. By taking a closer look at Schmitt's claims we may recognize the way in which rhetoric is employed as a means to generate a sense of urgency.

During a straightforward state of siege, such as when one nation is attacked by another, a government might impose a state of "martial law" which, in effect, defers the rights of its citizens to military control until the threat has been eliminated and order is reestablished. In addition to naming external threats, Schmitt goes one step further by identifying internal threats within that state itself that he claims also necessitate the temporary

suspension of the law.¹⁴ Presented as a state of emergency, the suspension of legal rights guaranteed to citizens or perhaps even the revocation of citizenship itself, is allegedly justified on the grounds that the situation at hand represents not simply a threat to the state but an *immanent* threat. Hence, an atmosphere of urgency is attached to an emergency. One way of communicating this urgency is by employing temporal rhetoric as a means to evoking strong reactions, such as by insisting that action must be taken now, immediately, before the danger grows too large and becomes unstoppable. Perhaps a group will be told that it must rise to the occasion and steer the future course of history, for there is little time to act. Time appears to increase in speed, to be “of the essence.” The proverbial wolf is said to be at the door and must be contained.

Yet a potential consequence of demanding immediate action, particularly when an enemy is not clearly identified, is that a great many people may find themselves suddenly placed within an indeterminate zone of exception, without recourse to legal defense or perhaps even official acknowledgement of their existence. As *homo sacer* or, as Hannah Arendt similarly describes as humans stripped of human rights, their lives are denied the significance of sacrifice and yet they are subject to being killed at any time (*HS* 170-171). The definitive case is that of the Nazi concentration camp but the structure of exception that renders life bare is also exhibited elsewhere, as Agamben shows by pointing to the internment camps for Japanese-American citizens and resident aliens which had been hurriedly assembled in order to address a perceived internal threat within the United States during World War II (*SE* 24).

Agamben has been critical of the contemporary political climate in the United States for such actions as passing the Patriot Act in the wake of the September Eleventh bombings, the creation of military judicial commissions, and the ongoing internment of suspected enemy combatants at Guantanamo Bay, all of which appear to exhibit a characteristic ability to suspend laws that would otherwise apply to those who are caught within the sovereign ban (*SE* 3-4). It would also seem to be the case that each was implemented in a relatively short period of time and, I believe it would be fair to add, within the context of appealing to an urgent necessity to protect the nation.

Setting evaluation of Agamben's criticisms aside, it is still possible to consider the role of temporal rhetoric in establishing an overall climate of urgency. Consider, for example, the remarks of President George W. Bush in his 2003 State of the Union address in regard to what has been termed the global War on Terror. Although President Bush asserts that, "We have the terrorists on the run. We're keeping them on the run," he nonetheless expresses the importance of allocating nearly six billion dollars in spending to Project Bioshield, an initiative that he claims would:

...quickly make available effective vaccines and treatments against agents like anthrax, botulinum toxin, Ebola, and plague. We must assume that our enemies would use these diseases as weapons, and we must act before the dangers are upon us.¹⁵

While President Bush does declare that perseverance will be required for a fight of unknown difficulty and duration, shortly after insisting that "free people will set the course of history," he again urgently warns that previously defeated historical ideologies of domination have recently returned and are actively seeking:

...to gain the ultimate weapons of terror. Once again, this nation and all our friends are all that stand between a world at peace, and a world of chaos and constant alarm. Once again, we are called to defend the safety of our people, and the hopes of all mankind.¹⁶

Lastly, after briefly discussing tense diplomatic relations with Iran and North Korea, the President turns to what was at that time the possibility of a pre-emptive invasion of Iraq. Interestingly, despite referring to Saddam Hussein's alleged ownership of weapons of mass destruction and purported links to al Qaeda, the latter of which prompts the President to ask a post-911 public to, "Imagine those nineteen hijackers with other weapons and other plans -- this time armed by Saddam Hussein," President Bush does not assert that any of these pose an immanent threat to the security of the United States.¹⁷

To the contrary, the President builds the case for a potential invasion of Iraq by stating that action is called for even *prior to* imminence:

Some have said we must not act until the threat is imminent. Since when have terrorists and tyrants announced their intentions, politely putting us on notice before they strike? If this threat is permitted to fully and suddenly emerge, all actions, all words, and all recriminations would come too late.¹⁸

In sum, within this address to the nation, the use of temporal rhetoric as a means to conveying a sense of urgency becomes difficult to ignore. Nonetheless, it may perhaps be objected that my examples are overly biased and represent false concerns or accusations. I should probably make clear, therefore, that I am not intending to deny that real threats do exist in the world or to imply that every act done in the name of national security should be viewed with suspicion and examined for underlying manipulative intentions. Rather, what I am attempting to demonstrate is the way in which temporal rhetoric can be employed in such a way that it creates a climate of urgency. Yet I do believe that a legitimate sense of unease emerges in considering the prospect that such climates create environmental contexts in which the suspension of certain human rights paradoxically comes to be viewed as justifiable, if not vital, to the defense of freedom. In the next section, then, I will continue to explore Agamben's work on the state of exception by examining the way in which the urgency that appears to initially lead to the hasty acceptance of exceptional structures is soon replaced by a decreased likelihood to question who is in fact contained within them and why.

III. Climates of Complacency: Decelerating History

“First of all, there's no such thing as short-term history as far as I'm concerned. I think that you can't judge a presidency based upon a moment's notice... eventually my standing in history will be judged by people 30 or 40 years from

now who will be able to take an objective look, at whether the decisions I made led to peace and prosperity.”

-- George W. Bush, in an interview conducted on the one-year anniversary of Hurricane Katrina, August 29, 2006.¹⁹

Largely influenced by Arendt's work on totalitarianism, Agamben aims to determine how it could be possible that, at the very same period in history when democracy seemed to be approaching the pinnacle of acceptance, there still remained a place in the world for the unspeakable horror of the Holocaust's death camps. Despite the avowed differences between democracy and dictatorship, Agamben claims, both represent sovereign powers defined by the limits demarcating, on one hand, the amount of force they may legitimately employ and, on the other, their freedom to suspend these limitations through the exclusion of bare life (*HS* 6-7). If he is correct, then what constitutes tyranny may be a matter of degree rather than kind. In identifying connections between what appear to be widely disparate ideologies, Agamben wishes to disclose that the structure of the camp is anything but an anomaly. "Insofar as it is founded solely on the state of exception," he asserts, the camp is in actuality, "the hidden paradigm" of contemporary biopolitics (*HS* 123). These states of exception are not limited to specific military threats. The structural model also begins to appear in conjunction with natural disasters, in the fields of science and medicine, as informing judicial punishment, and in any number of other applications with which bare life becomes increasingly entwined.

In Schmitt's formulation of the state of exception, the sovereign decisively moderates the temporary suspension of the law only to return it to its normal state of affairs once the emergence has past (*SE*, 10). It is a process analogous to the werewolf of medieval folklore who, having completed the transformation back into human form, knocks three times upon the door and is once again allowed back into the city (*HS* 107-8). However, a distinctly different view, emphasized by Agamben and originally presented by Walter Benjamin in his *Philosophy is History*, rejects the claim that the state of exception is a temporary condition. On Benjamin's account, once the state of exception is created no movement is made to return it to an allegedly normal order. Having arrived at the

position of the *homo sacer*, the inhabitants of such zones seemingly exist in something of a timeless state of suspended animation. Attention shifts as one crisis is inevitably followed by a new crisis close on its heels. Gradually, the exception has become the rule; moreover, Agamben alleges, this is not a situation limited to an unfortunate few but is instead one with the potential to capture any and all within it.

Take into consideration the catastrophic situation created by Hurricane Katrina in 2005. Finding itself woefully un-prepared to respond to such a natural disaster, the United States government's response to the people of New Orleans was to declare a state of emergency and urge evacuation. Most of those with financial means and available transportation did evacuate, while thousands of people with limited resources were unable to leave. Despite being unable to provide adequate food, water, shelter, or medical support to the citizens that remained, the government's declaration of martial law initially prioritized protecting businesses from looters. As the severity of the situation escalated so did the violence; and, amidst the swelling floodwaters, New Orleans became a lawless zone of exception within which anyone, it seemed, could be killed at any time.

Millions of people watched the human drama unfold on television for several long, painful days, utterly dismayed by what appeared to be the government's total lack of response to the horrific events that were unfolding. Contrary to the myths of sovereign protection that so often motivate an acceptance of biopolitic regulation, Hurricane Katrina exposed the paradigmatic structure of the camp by unmasking the law as being little more than a technicality, a force that is felt only in its withdrawal and, ultimately, its total abandonment.

This permits us to once again speculate on the temporal rhetoric of urgency that always seems so insistent on carving out an isolated space of exception. The temporal element that was so fleeting prior to the exception appears to metaphorically change speed again. For it seems as though often, once the state of exception is achieved, the call of future history that was so desperately in need of action seems noticeably less pressing, perhaps even a distant possibility. For example, by having gone through with the invasion of Iraq

but in not being able to establish lasting order there, the nation of Iraq came to mark a territory of exception. Curiously, the rhetoric of time employed by the Bush administration also appeared to “slow down” considerably in concurrence with these events. Moving away from continuing to call upon the American people to become the pre-emptive authors of their own history, within the next few years the President would frequently make remarks that expressed longevity, perhaps even complacency, rather than urgency:

Imagine a world in which they were able to control governments, a world awash with oil and they would use oil resources to punish industrialized nations... If we allow them to do this, if we retreat from Iraq, if we don't uphold our duty to support those who are desirous to live in liberty, 50 years from now history will look back on our time with unforgiving clarity, and demand to know why we did not act.²⁰

It seems as though the message of “staying the course” began to replace the immediacy of affecting the course of history in Iraq. Although at times the President would attempt to reject this characterization, rhetoric reflecting a protracted view of history would still be articulated in relation to the legacy of his presidency, as when he stated that it was myopic of biographers to write books during his time in office because, “The true history of my presidency will not be reflected until way after I'm gone.”²¹

Such shifting accelerations of history are not uncommon to temporal rhetoric related to states of exception. In comparison, while there was very little hesitation involved in declaring a state of emergency in New Orleans, the response it inspired appeared feeble and ineffectual. Time apparently continues on as planned for those outside of the realm of exception, yet it all but stands still for those imprisoned inside it. Even considering the amount of disaster relief that eventually did arrive in the hurricane-stricken area, one survivor's statement, which became a *Washington Post* headline, seemed to sum up the sentiments of the thousands who had been abandoned to their fates: “It was as if all of us were already pronounced dead.”²²

IV. Conclusion

In this paper I have discussed the changing senses of time and history in the temporal rhetoric that frequently accompanies situations that Agamben describes as states of exception. This rhetoric, I have claimed, helps to create climates of urgency or complacency that have the potential to color a culture's judgments in regard to the degree of urgency or the true level of threat presented by different situations. This rhetoric is not sufficient in and of itself to make blanket judgments about political realities. However, given that the concentration camp model maps so congruently onto the structures of exception, it is important to recognize them at every turn.

While employing temporal rhetoric in different ways can play a large role in clouding political perceptions, this should not be confused with the revolutionary act that Agamben has referred to as changing time itself (HS 89). On the contrary, its manipulative force is only symptomatic of what he asserts is our inability to represent time and while simultaneously experiencing it.²³ That is, our conceptions of time tend to either negate the existence of the present or attempt to postpone it till a later date, thus we often fail to adequately perceive the relationship of time and history to the state of exception. Temporal rhetoric, though telling in its own right, nonetheless remains on the surface of this inadequately formed conception. What is required, Agamben maintains, is a radically new way of thinking that, following the "messianic" conceptions of Benjamin and Pauline scriptures, could place us squarely in the now (*SE* 63-64). Bringing together the force of the historical past and the immanent potentiality of the present must be transformative and irreducible to any rhetorical type. There is indeed an increasing sense of urgency that concerns Agamben, but it is not a false one created in the service of a structure whose principle purpose is to bracket bare life into a figure that can be killed at any moment but never sacrificed. Rather, the urgent need is for a new politics wherein bare life re-emerges as a vital force that shatters the oppressive, biopolitical structures of exception.

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¹ Bush, George W. "Excerpts from the President's Remarks on Iraq and the War on Terror." Press release, Office of the Press Secretary, The White House, Washington, D.C., May 24, 2004.

² Agamben, Giorgio. *Infancy and History: The Destruction of Experience*. Liz Heron, translator. London & New York: Verso, 1993, p. 89.

³ Ibid, p. 89.

⁴ Ibid, p. 105.

⁵ Agamben, Giorgio. *Homo Sacer: Sovereign Power and Bare Life*. Trans. Daniel Heller-Roazen, translator. Stanford, California: Stanford University Press, 1998, p. 8. Hereafter cited in text as HS.

⁶ Bush, George W. "Remarks by the President Upon Arrival at Barksdale Air Force Base." September 11, 2001. The Papers of George W. Bush, transcription from speech archived by The Avalon Project at Yale Law School, The Lillian Goldman Law Library in Memory of Sol Goldman.

⁷ Bush, George W. "President Bush Talks About Economy and Economic Stimulus Plan." October 31, 2001. Transcription of speech digitally archived and copyrighted by CNN, Cable News Network LP, LLLP, a Time Warner Company.

⁸ Boucher, David, James, Wendy, and Smallwood, Philip. *The Philosophy of Enchantment: Studies in Folktales, Cultural Criticism, and Anthropology*. Oxford: Oxford University Press, 2005, p. 250.

⁹ Ibid, p. 250.

¹⁰ Foucault, Michel. *The History of Sexuality, Volume I*. R. Hurley, translator. New York: Pantheon Books, 1978, p. 136, 143.

¹¹ Although Hobbes has often been deemed a psychological egoist in the past, one need not assume such a claim about human nature to understand the motivation for individuals to enter into this type of social contract with one another. See Hobbes, Thomas. *Leviathan: Or, the Matter, Forme & Power of a Commonwealth, Ecclesiasticall and Civill*. Cambridge: Cambridge University Press, 1904.

¹² Norris, Andrew. "Giorgio Agamben and the Politics of the Living Dead." *Diacritics*, 30.4, Winter 2000, p. 46.

¹³ Ibid, p. 46.

¹⁴ Agamben, Giorgio. *State of Exception*. Kevin Attell, translator. Chicago and London: The University of Chicago Press, 2005, pp. 18-19. Cited hereafter in text as SE.

¹⁵ Bush, George W. "President Delivers 'State of the Union'." Press release, Office of the Press Secretary, The White House, Washington, D.C., January 28, 2003.

¹⁶ Ibid. In the paragraph preceding this quote President Bush describes this "ideology of power and domination" as follows: "Throughout the 20th century, small groups of men seized control of great nations, built armies and arsenals, and set out to dominate the weak and intimidate the world. In each case, their ambitions of cruelty and murder had no limit. In each case, the ambitions of Hitlerism, militarism, and

communism were defeated by the will of free peoples, by the strength of great alliances, and by the might of the United States of America.”

¹⁷ Ibid. Full paragraph: “Before September the 11th, many in the world believed that Saddam Hussein could be contained. But chemical agents, lethal viruses and shadowy terrorist networks are not easily contained. Imagine those 19 hijackers with other weapons and other plans -- this time armed by Saddam Hussein. It would take one vial, one canister, one crate slipped into this country to bring a day of horror like none we have ever known. We will do everything in our power to make sure that that day never comes.”

¹⁸ Ibid.

¹⁹ Williams, Brian and Bush, George W. “President Bush talks to Brian Williams: An exclusive conversation on the one-year anniversary of Katrina landfall.” The NBC Nightly News with Brian Williams, August 29, 2006. Transcript archived and copyrighted by MSNBC Interactive.

²⁰ Bush, George W. “President Discusses Global War on Terror.” Press release, Office of the Press Secretary, The White House, Washington, D.C., September 5, 2006.

Omitted section: And they would use those resources to fuel their radical agenda, and pursue and purchase weapons of mass murder. And armed with nuclear weapons, they would blackmail the free world, and spread their ideologies of hate, and raise a mortal threat to the American people.

²¹ Bush, George W. In an interview with George Stephanopoulos, This Week with George Stephanopoulos, ABC news, October 22, 2006. Transcription archived by Media Matters for America.

²² Haygood, Wil and Tyson, Ann Scott. "It was as if all of us were already pronounced Dead." *The Washington Post*, September 15, 2005, p. A01

²³ Agamben, Giorgio. “The time that is left.” *Epoche*, 7:1 Fall 2002, p. 4.