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## Zones of indifference

*The world in a "state of exception": On the relations of "populism", "public sphere" and "terrorism"*

The events of 9/11 introduced a "state of exception". As a result, the social and political struggles of the de-classed now operate in a zone of indifference which threatens democracy.

The theme of this essay is the relations between the bio-political forces that shape our lives and the systems of rule based on the "state of exception" that have prevailed since 9/11; the zones of indifference between politics and society — ultimately between life and death — that arose after 9/11 and have rapidly grown since; and, finally, it is concerned, on the one hand, with understanding Giorgio Agamben's definitions of terms, but, on the other, with submitting their general tendency to the apocalyptic (and indirectly to the apolitical and naturalistic) to critique. Although Agamben's description of the "state of exception" as a new paradigm of the bio-political order in Western societies seems well grounded and evident, the political consequences to be derived from it seem strangely diffuse and indifferent. Against the backdrop of a critique of Agamben's "state of exception", the following discussion will focus especially on articulating a perspective of resistance against the installation of the "state of exception" as a long-term provisional measure that threatens democracy, as well as on repudiating an emotionalization of politics that has determined political debates since the end of the confrontation between the East and West blocs (one consequence of which is the suspension of historical categories that were once central, like "class struggle", and the inauguration of such effectual measures as "populism").

### "Class Struggle" and Globalization

Social revolutionary and socialist movements have repeatedly attempted to change social relations in a fundamental way. The central category with which they have attempted to grasp historical development is "class struggle". At least since the fall of the Berlin Wall and the discrediting of the socialist utopia by state socialism of a Soviet bent, the class struggle is no longer self-evident. In Western societies the workers' movements that are represented by the unions have long ago, since the end of the Second World War, decided to cooperate with the capitalist system of domination and subordination. Already in the 1970s the non-dogmatic left began to dismiss deterministic depictions of history that viewed the "workers" as necessarily revolutionary subjects. Social movements supporting women's rights, ecology and black civil rights, among others, strengthened political rights. These struggles for political and cultural recognition, however, lost sight of the capitalist bases of Western democracies or were put in the service of capitalist modernisation — as is

evident from the Green Party's rise to the ruling coalition in Germany.

Whereas Adorno after Auschwitz saw the possibility of an emancipatory practice as blocked (in part in order to separate the idea of emancipation from a blind — that is to say, "terroristic" — activism), Bourdieu, Negri, and Hardt, the latter of whom are currently prominent in theoretical discourse, clung to the idea that the class struggle is the motor of history, even if the classes have become fragmented and struggles have multiplied ("multitude"). On a global plane, however, the question arises whether the fragmentation of classes and the multiplication of struggles have advanced to a point where the emancipatory perspective of the anti-capitalist struggle is losing ground rather than spreading. However one assesses the anti-globalist movement, it is clear that the social and political struggles of the declassed, of migrants, of workers, of antiwar protesters and so on, currently operate in a zone of indifference in which there is not only a lack of visible opponents, but they are fundamentally distinct from that which in times of open conflict was called the "public sphere".

Globalization is defined by the free flow of goods, capital and information across national borders. This process — which is directed by institutions with global scope like the World Bank, the WTO, and the IMF, and which is lent political legitimacy by the leading industrial nations — tends to create a supranational capitalist state that occupies no particular territory and evades any political control; this supranational capitalist state settles, to some degree, in politically exterritorial zones where it operates on society from outside, but nonetheless eludes the reach of that society. This process of denationalizing the world economy, which is accelerated by the global exodus of capital, produces an emotionalization of politics inside society — a supremacist transfer effect of the economy to bio-politics that is increasingly subject to the powers of the populist. The emotionalization of politics by means of populism is a technology of domination, and it represents a social "state of nature" that permeates both institutions and interpersonal relationships and tends to escape all criticism because a "state" knows no periphery from which its centre could be attacked. The emotionalization of politics by means of populism ignites a core element of capitalism: the vertical reproduction of the economic relationships that exist on increasingly deep layers of the subjects involved since capital became nomadic.

Several of the central debates of recent years in Western societies — the crisis of work, immigration policies, the legitimacy of the wars in Iraq and Afghanistan, Islam, questions of cultural hegemony in the face of a concept of multiculturalism that has been declared a failure and so on — signal the process of emotive charge that is becoming dominant in the political praxis in the age of globalization at the cost of the "rational", which had previously been considered the guiding political criterion. Gradually, the most sensitive point of Western democracies — the core of identity that is held together by political legitimacy and a culture's image of itself — is transforming.

It is at this point that the "state of exception" comes into play as the ordering principle of situations of social crisis. The "state of exception" administers the zones of indifference that it created itself; "administrative" [*verwaltend*] and "sovereign" [*waltend*] are by no means merely features of government, but rather, as Walter Benjamin described them, fundamental social powers that affect their objects and alter them. Anyone who is sovereign rules. The order (rule) that is produced in the "state of exception" is based on violence. The agenda of violent practices in Western democracies has long since ceased to be

restricted to the deployment of military and police but is gradually expanding into the bio-political field where both the political and the socio-personal fall within the discretion of the "state of exception". Profiling [*Rasterfahndung*] of members of the Muslim faith after 9/11, and the discussion of a limit on religious freedom for Muslims after the assassination of Theo van Gogh are examples of such interventions well into the socio-personal sphere; to continue with examples from the conflict around "Islamism" in these debates, the "public sphere" is no longer the classical realm of conflict management and political independence, but an arena of the populist element, in which the manipulation of opinions and mobilisation of cultural attributions overlap with free speech and freedom of opinion, and are ultimately intended to repress them. The populist element is thus directly related to the "state of exception" created by the zone of indifference (formerly known as the "public sphere") that it might be sovereign there. The populist element is a tool of the "state of exception" with which both the discourse and the praxis are emotionalized in order to marshal a double legitimacy for the new order: directed inward at the "community" and outward at the "society". I will return later to this split of the "public sphere" into "community" and "society" in the "state of exception".

### "State of exception" and bio-politics

Giorgio Agamben, Jean-Luc Nancy and Antonio Negri are considered the three meta-philosophers of our time. Whereas Antonio Negri holds to the idea that the multitude (as the globalized form of the class struggle of the declassed, the socially fallen, the repressed and the exploited) are the motor of history, Nancy's interest is in the body, which he separates conceptually from its religious, philosophical and scientific codifications in order to gain a new, liberated perspective on its being and acting. Giorgio Agamben, by contrast, who in recent years has occupied a prominent reference position in the philosophy of law, is exploring the bio-political energy field between politics and law that, in his view, shapes our lives. In his book *Homo Sacer: Sovereign Power and Bare Life*, part of a philosophical project that is to extend to four volumes, he presents the provocative theory that human rights and concentration camps have the same origin, namely, state sovereignty; the sovereign power, according to Agamben, produces the *homo sacer*, a figure without rights that traces its descent from ancient Roman law — naked and powerless, at the mercy of state power. Agamben is concerned with the location of zones of indifference — on the one hand, in medicine (the human being as an object of research and organ bank) and, on the other, in politics (the human being deprived of his or her rights and reduced to bare existence). Whether an internee at Auschwitz or political refugee, all that remains to the *homo sacer* is bare life. In Agamben's view, Western thinking since Aristotle has been characterised by the opposition between the "political" and the "biological" body, and only the "political" body has rights. The democratic order of law is merely a facade: the true paradigm of the modern age is the "camp", where violence is done to human beings outside the law.

As fundamental the arguments and as well read the historical analysis may be (even if he uncritically follows on the work of Martin Heidegger and Carl Schmitt, whose affinity to National Socialism is obvious), Agamben's comments on the political consequences to be drawn are unclear. If just and unjust derive from the same state sovereignty, then ultimately it becomes equally impossible to distinguish between democracy and dictatorship. Precisely because of this justified criticism of Agamben's *homo sacer*, his *State of Exception* has been eagerly awaited, as it was hoped it would provide clear answers rather than apocalyptic prophecy. However, *State of Exception* too is

ambiguous and polarising in its core statements and only of limited use for everyday political use; although the slim volume does contain a justification based on the philosophy of law for the suspension of the legal system in order to retain order, from antiquity to the present, once again the author's attitude towards the object under discussion is ambiguous. As he had already done in *Homo Sacer*, Agamben locates the origin of the "state of exception" — which was originally intended to suspend the law only briefly and then return to the old order once the crisis had been successfully normalised — in the "camp". Agamben's basic thesis is that the "state of exception" is proving increasingly to be "the dominant paradigm of government".

In *State of Exception* Agamben refrains from any commentary on the politics of our time, but in newspaper articles and interviews he leaves no doubt whom he sees as today's primary champion of the "state of exception": the United States and the security policies of the Pax Americana. Shock and rejection were reserved in particular for his comparison between Nazi concentration camps and the American base at Guantánamo Bay in Cuba, where alleged Islamic terrorists are held in a provisional arrangement outside of the law: "The situation of the prisoners in Guantanamo is indeed, from a legal point of view, comparable to that of the Nazi camps. The detainees of Guantanamo do not have the status of prisoners of war; they no longer have any legal status. They are subject only to a de facto rule; they have no legal existence."

This analogy clearly shows where Agamben's generalizations and abstractions can lead: reducing Auschwitz to a metaphor, blurring the difference between perpetrators and victims, but also denying the worsening relationship of oppression and exploitation between rich and poor, between north and south. Despite all the contradictions and ambiguities — for example, the philosopher Astrid Deuber-Mankowsky accuses him of having taken over anti-Semitic polemical concepts from Carl Schmitt's theory of sovereignty — Agamben struck a sore point; after the attacks in New York and Madrid his concept of the state of exception makes it possible to understand politically how authoritarian forms of government that suspend law can be institutionalised over the long term, undermining democratic legal principles and oppressing life itself.

### **"Terrorism" and the "Public Sphere"**

The "state of exception" needs hysteria (fear and horror) to assert its discretion; public hysteria, in turn, is a populist technique of domination. The rapidly growing zones of indifference in Western democracies that followed the attacks in New York and the assassination of Theo van Gogh (restrictions and suspension of civil rights, climate of fear, prohibition of criticism, evocation of the "other") were accompanied by a politics of images and language based on appeals that address the "public sphere" in a specific way — as a threatened "community" not an open "society". The conflict is not supposed to be argued openly but rather should feed a community identity that is aimed at fending off the threat and securing the collective canon of values. The "biological" bodies fuse to some degree with the "political" bodies and form an imaginary community of equals. In the sinister-looking and "strangely" dressed Bin Laden they have found an iconic image of the enemy; in the phrase "international terrorism" they have drawn a catch phrase for the threatened community. Accompanied by media campaigns against "Islamists" and debates about a "battle between cultures", so-called "international terrorism" has advanced to become the most important current theme in the Western "public sphere"; however, it has long since ceased to interact with those in power as a

kind of political corrective, having become a zone of indifference in which the principle of the community is edging out the principle of the society. (The roots of "community" in the word *völkisch* [populist/nationalist] that the Nazis conceived as an ideological counterpart to "class" deserve a separate study, as it would lead us too far afield here. In particular, it would be revealing to explore the more recent constructions of "community" not only in the context of "international terrorism" but also more fundamentally in the context of the "discourse on normalization" or, more precisely, of the intergenerational discourse by which the generation of the perpetrators is excused by the generation of their grandchildren.)

Since the attacks in New York and Madrid, there is a "war on terror" in progress that covers not just Afghanistan and Iraq but also the domestic fields of the democratic nations — with consequences for the restriction or suspension of civil rights (such as the "Patriot Act" in the United States) and the militarization of the social (such as the profiling of people of Muslim faith in Europe). The vulgar interpretation of "terrorism" as a weapon of the poor is oversimplified. "Terror", as is clear from a glance at the history of the development of modern "terrorism", is rather a residual product of a destroyed social movement and thus an act of revenge and desperation. "Terrorism" experienced its first heyday in the late nineteenth and early twentieth centuries. Heads of state, kings and capitalists were shot or blown up one after the other. In 1892–93 Paris was shaken by a real wave of terror. The "terror" was attributed to anarchists; the assassins were old Parisian communards, who after years of forced labour and exile had returned, filled with hate, to the world of the bourgeoisie. Their social movement had fallen apart, and all that was left to them was nihilist revolt. Rather than combating the nihilism of the "terrorists", the central source of their motivation, with soft power, that is, by cultural means, a fully armed "war on terror" unintentionally and indirectly produced precisely the reverse of what it pretended to redress: it extended and renewed the desperation of the "terrorists" and handed them legitimation for their "terror".

"Terror" only has a chance when it can institutionalise itself, when it is supported by a social movement. Paradoxically, the "war on terror", as one of the central tools of the current "state of exception", produces two diametrically opposed movements: a militarised and concentric community of equals in the Western democracies that aims at defence and protection; and an a-centric collective movement of "Islamists" who consider themselves politically and culturally patronised and oppressed by the West. (The image of "Islamists" as "freedom fighters" is spread, in rare unanimity, by extremists on both the right and left who have been assigned the role of the "internal enemies" who threaten the community in Western democracies.) Bin Laden and his supporters are by no means declassed and oppressed. Al Qaeda is in fact an example of the use of force by elites who are too weak to topple the regimes that rule Arab states but who nonetheless retain excellent contacts with those in power. Although the attack on the Twin Towers was motivated by anti-Semitism and anti-Americanism, it was also an expression of a deep crisis within the Arab states themselves that has been going on for more than twenty years now. The "Islamists" have not been able to topple those in power, not in Algeria, not in Egypt, not in Saudi Arabia and certainly not Saddam Hussein in Iraq. Bin Laden's calculation — an uprising of the Arab masses, the resignation of the hated oil sheikhs and feudal lords — has not come to pass, but that should not be seen as a success of the "war on terror" but as an indication of weaknesses among the "Islamists" in the Arab states themselves. The horror of the car bombs and suicide attacks in Iraq is intended to cover up

the fact that the United States cannot be moved to retreat and cannot be defeated. Conversely, the torture practised in American prisons and prisoner of war camps is a product of a "state of exception" that has become an active subject of history; it is not seeking the pacification and democratization of the administrative territory in question (Iraq, in this case) but its domination.

### "Law" and "Justice"

What are the consequences now of the "state of exception" having become a long-term provisional measure that threatens democracy or of the emotionalization of politics by means of "populism" as a social "state of nature"? How can the "public sphere" be separated from the ideological clench of the "community", to be recharged with resistance and made capable of conflict management?

The "war on terror" appears to be ringing in a long "state of exception" in the early twenty-first century; the major cities of Western democracies are turning into temporary high-security zones for survival. Political analysts predict a period of increasing military actions over the next thirty years; future forms of domination will not, however, be based exclusively on military power and economic strength but increasingly on cultural soft power. The wars in Yugoslavia, Afghanistan and Iraq that appear to be territorially limited, as well as the conflicts in Kashmir and the Caucasus, will extend to the Western democracies in the form of terrorist attacks; the world finds itself in a state of war, even if for now there will be no open military actions on western soil in the near future, at least in the form of soldiers standing eye to eye. The "state of exception" has been institutionalised in Colombia, Chiapas, Guatemala, Afghanistan, Indonesia, Angola, Congo and Turkey. In the former Yugoslavia the normal state of affairs has turned from war to conflicts between warlords, in which political and military aspects, as well as mafia-like and entrepreneurial ones, have come together. The European military presence in the Balkans ensures that the "state of exception" will become the rule, which benefits above all the hegemonic ambitions of the leading European states, Germany and France.

The controversial discussion of recent years about the basic conflict between politics and morality, which briefly threatened the material interests and cultural-ideological hegemonic ambitions of the elites, has since died down; instead, the politics of security have been promoted to the central focus of action in the democracies. The conservative zeitgeist — shocked by the world bestseller *Empire* by Antonio Negri and Michael Hardt, which inspired again the worldwide movement of the critics of globalization — longs for a bio-political order for the world that Agamben's political conception of the "state of exception" provides by asserting the primacy of a "sovereign" philosophy for politics. Whether referring to refugee camps in Australia, *sans papiers* in France, the torture of immigrants on the borders of the European Union or the torture of Taliban and Al Qaeda prisoners, Agamben's analysis may comprehend the increasing loss of rights and degradation of human beings today, but he refrains from a call for resistance and rebellion, and seems to argue for the irreversible historical necessity of injustice and oppression. The difference between "law" and "justice", however, remains, now as ever, the basis for a political critique of violence. Continuing to recognise this difference is synonymous with a battle against injustice and oppression.

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