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The Symbolic Politics of the State of Emergency: Images and Performances
State of Exception – An Overview

A Conference Organized by
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Paper No 15

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# Table of Contents

1. The Symbolic Politics of State of Exception – Images and Performances ........4

The Author ........................................................................................................................................... 16
This presentation has the ambition to fill a gap in the growing discourse and analysis of contemporary and historical instances of the state of exception: The recent applications of this instrument (since 9/11) have put the competitive relation between law and politics on the agenda, the constitutional frame of a basically extra-legal measure, the fear that states of exception could become a novel “paradigm of government” (Giorgio Agamben) and the normalisation of the state of exception in penal law within the paradigms of security and prevention (Günter Frankenberg). Despite this rich and well-developed debate, the symbolic side of the suspension of normality has only very rarely been scrutinised by philosophers, legal scholars and social scientists so far. Thus, I am going to analyse several instances of the symbolic embedding and symbolic performance of the state of exception in order to argue in favour of a general sensitivity to this dimension. Cultural studies have contributed a lot to the insight that symbols and rituals are essential for the empirical validity of law, for the assertion of authority, the construction of social order and the formation of identities – in pre-modern and “traditional” societies, obviously, but no less, albeit in another form, in the politics of contemporary nation states. Moreover, these studies have corrected a simplistic understanding of the term “symbolic politics” which confines symbolism to the realm of deception and delusion in contrast to the “real” and “factual” word of political decision-making; such a rather coarse dichotomy was
present in Murray Edelman’s classic studies on political symbolism in
the 1960s and 70s, which have been very influential in political
science, in part until today, while other social sciences as sociology
or anthropology had a much more elaborated conception of
symbolism.

Hence, when I speak of “symbolic politics” with regard to the state of
exception, I imply, firstly, the deliberate and strategic use of images
and performances without accepting the distinction between the
symbolic and the real because the former is nothing but real itself
and can have very real consequences; and, secondly, it should
become clear that images and scenes cannot always easily be
designed at will, as they are contested. Thus, I want to present at
least some images of the state of exception that have, to my mind,
become iconic insofar as they visually condense what is at stake in
emergency politics without prescribing a definite interpretation.

One example of the fact that symbolic politics can refer to factual
political measures can be taken from François Hollande’s reaction
after the terrorist attacks in Paris in November 2015. In his speech in
front of the Congress of the French Parliament in Versailles, he
announced the will to expatriate terrorists (provided, with respect to
international law, that they are in possession of dual citizenship) even
if they were born French citizens. Although this project failed due to a
dissent between the National Assembly and the Senate, this attempt
showed the will to symbolically exclude terrorists and to demonstrate
that their acts were not compatible with the values of the French
Republic. Furthermore, symbolic politics can be expressed in political
rhetoric: In the very first sentence of the same speech, then president
Hollande declared France to be at war. There are a lot of reasons to
discuss if this framing of the aggression was a lucky one, given the
fact that it implicitly followed the example of George W. Bush’s
infamous declaration of the “war on terror”, a war which can never be
won – in contrast to conventional warfare – because there can never
be an ultimate prevention of terrorist attacks. While Bush’s rhetoric –
which should not be reduced to manipulation, as it has often been
read as the expression of a genuine Manichaean worldview opposing
good and evil – served to win support for the wars in Afghanistan and
Iraq, Hollande’s words were sometimes qualified as misplaced, given
the fact that most of the terrorists were from France or Belgium.¹ But
Hollande’s bellicose rhetoric served a different purpose, aiming at the
transformation of his public image. The Guardian commented on his
Versailles speech with the title “Hollande completes transformation
from ‘marshmallow’ to ‘chief of war’”,² describing his personal re-
invention from a weak and indecisive politician to a fierce political
and military leader – an attempted re-invention which did not
succeed as we know from the end of the time of his presidency and
his disastrous numbers in opinion polls.

Another prominent example of the symbolic force of rhetoric, again
from France, stems from the 2005 riots in several Parisian suburbs
which ultimately led to the declaration of the state of emergency.
Nicolas Sarkozy, who was Minister of the Interior at that time, used
the riots to cultivate his image of a rigorous guarantor of law and
order. Part of this strategy was to react to the exceptional instances
of violence (whose genesis and history I cannot analyse here) with
the fierce symbolic degradation of the population in the respective
suburban quarters. Even before the riots, he spoke of a “gang of
scum” (bande de racaille) he would get rid of, a formulation he
repeated several times after the revolt had broken out. And his
infamous announcement in another speech in La Courneuve, also
before the riots, to cleanse the city by means of a “Kärcher” (a high
pressure cleaner) was considered by many commentators as being
close to fascism, even insinuating practices of “ethnic cleansing”.
Moreover, with these words Sarkozy triggered a larger political and
societal debate which opposed the decent and civilized French

¹ See Charlotte Klonk: Terror. Wenn Bilder zu Waffen werden, Frankfurt am Main
2017, S. 80f.
² Angelique Chrisafis: Hollande completes transformation from ‘marshmallow’ to
‘chief of war’, The Guardian, 16 November 2015,
https://www.theguardian.com/world/2015/nov/16/hollande-transformation-
marshmallow-to-chief-of-war.
citizens on the one side to the barbarian and subhuman creatures in certain quarters on the other side, revitalising clichés from colonial times. Matthias Lemke has analysed this in detail in his last book.\(^3\) I would like to add that Sarkozy still tried to profit from this excessive rhetoric in the course of the electoral campaign for the presidency in 2017 in another way: Being confronted in an interview in June 2016 with the heavy criticism his words provoked during the 2005 riots, he tried to justify them by presenting himself as the spokesman of the real French people, who had totally understood his words whereas only the “little world of Paris” had been shocked\(^4\) – a classically populist strategy of constructing a symbolic dichotomy of the authentic people on the one hand and a detached elite on the other.

But I would like to come back briefly to the declaration of the state of emergency in 2005: It was heavily charged with a specific symbolic meaning. While every declaration of the state of exception is not only a speech act with political and legal consequences but a symbolic act which suspends normality in a performative way, the 2005 declaration brought back memories of the Algerian War, leaning on a 1955 law exactly from this period. In combination with the excessive rhetoric I mentioned a minute ago, it becomes clear how much symbolic politics was involved in this intricate situation of exception.

A lot more could be said about this concrete political conflict and the identity effects of the involved symbols and narratives, but I will rather focus now on selected images and sceneries different states of exception have been accompanied by. I already mentioned Hollande’s speech at the Congress of the French Parliament in November 2015. This pompous venue certainly underlined the gravity of the situation and gave Hollande’s address a solemn character. Furthermore, the gathering at Versailles underlined the exceptionality of the situation as the assembly of the Congress of

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Parliament is not a ritual demonstration of national unity which is resorted to very often; on the contrary, it is assembled just on very rare occasions, usually when changes of the constitutions are adopted. Hollande’s speech marked only the second time that a French president seized the opportunity to address the Congress (Sarkozy was the first), a decision which had been made possible in the wake of the constitutional reform in 2008. Emmanuel Macron announced after his election to address the Congress once a year to explain his policy, but before this move Versailles had been a symbol of exceptionality. Hollande was not only aware of that but emphasized in his speech that “at this exceptionally solemn moment, I wanted to address a joint session of Parliament to demonstrate our national unity in the face of such an abomination”.

To be sure, demonstrating national identity, unity and solidarity was no exceptional measure but a very common strategy of communal self-assurance after a terrorist attack. As Charlotte Klonk has argued in her recent book on the battle of images inherent to terrorism and the reaction to it, the images distributed by the media usually follow the same logic: The display of disturbing pictures and sequences of the attacks is answered by the broadcast of surviving victims and the large scale operation of the rescue service. Thus, the images of the ambulances taking care of the wounded of the Bataclan massacre and of the tricolour Eiffel Tower are not essentially different from the pictures of flag-waving Americans and especially the efforts of the firefighters at Ground Zero.

Other images do not serve the purpose of creating a feeling of communality and solidarity, but are used to underline political leadership. While François Hollande, as I mentioned before, availed himself of a militaristic rhetoric, he was reluctant to underline this by personal self-staging, in contrast to George W. Bush after “9/11”. Bush’s emergency politics entailed the “war on terror”, conducted abroad in Afghanistan and Iraq as well as at home with the

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5 See Charlotte Klonk: Terror, S. 86f.
“Homeland Security Act” which implied a deep intrusion into the sphere of fundamental rights. A lot has been written about the “war about images” during the Iraq war, including iconoclastic measures like the occupation of Saddam Hussein’s palace and the careful staging of the destruction of the Saddam statue in Bagdad, followed by the symbolic destruction of the real Saddam pulling and arresting him from a hole in the ground. Gerhard Paul is certainly right when he says that this war was not waged entirely, or perhaps even primarily, for military reasons (and neither just for economic ones, as it is sometimes claimed), but that the fight in Afghanistan and Iraq involved “operations of symbolic politics to overwrite the images of America’s defenceless and unprotected condition, to overcome the American trauma and to ‘heal’ the hurt body of the nation”. In general, terrorism as well as the military and political response to it have meanwhile reached the status of world image war, a “Bilderweltkrieg”, as Horst Bredekamp has analysed.

But I want to concentrate on a specific episode of this war. On 1st May 2003, then president Bush was flown to the aircraft carrier U.S.S. Abraham Lincoln to give a televised speech declaring “Mission Accomplished” – visually emphasized by a large banner decorated in his back. Actually, he never used these very words in his speech, once stating that the American mission had to continue while later claiming that “in the battle of Iraq, the United States and our allies have prevailed”. In the aftermath of this speech, Bush and other officials claimed that the message “mission accomplished” had only been meant to refer to the concrete deployment of the aircraft carrier which had just returned from a ten-month mission; the banner, however, clearly conveyed the message that the war in Iraq was over – an act of symbolic politics which backfired when insurgencies and civil war spread in Iraq in the following years and the number of dead

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8 Horst Bredekamp: Der Bildakt, Berlin 2015, 223ff.
American increased as well. But at the time of his visit of the carrier, Bush’s speech was rather well-received in the USA (at least with certain parts of the population), helping him to design his image of a determinate leader and the commander-in-chief. To this purpose, his performance on the carrier was carefully staged. He landed there with a jet instead of taking the usual helicopter, which would have been the much cheaper but also less theatrical way to get there. Bush’s taking of a jet, accompanied by his wearing of pilot uniform, had two advantages: First, it contributed to the impression that the aircraft carrier still floated somewhere in the Persian Gulf and not, as it actually did, near the coast of California; and second, it fed the illusion that Bush had piloted the jet himself given the fact that he had served as a jet pilot in the Air National Guard. Most spectators did not know, however, that Bush had not been trained to land on a carrier and mistook him for the pilot. All in all, these images were meant to show the deliberation of a president who did not limit himself to giving orders but who led the way with his own military experience and courage in exceptional times. Finally, his posing in uniform neatly fitted the symbolism of the exception, which Günter Frankenberg has critically described as a “moment of raw masculinity”⁹ in which force prevails over law and normal politics.

There are many other instances in which politicians tried to present themselves as “men of action” in exceptional times (by the way, if Frankenberg is right that the state of exception is somehow sexually coded as moment of masculinity, it might be rewarding to ask if there are special strategies to successful symbolic politics by female politicians or officials, which I cannot do here). States of emergency are not only declared in times of terror or war, but also in the face of natural catastrophes. This image

might not be the most sublime picture in the history of political iconography, but it was very influential nevertheless. In August 2002, heavy rain falls had culminated in an aggressive flood that devastated larger parts of Middle and Eastern Europe. In many German cities, an emergency alert was issued. The government led by Chancellor Gerhard Schröder from the Social Democratic Party initiated the largest domestic deployment of the Army (Bundeswehr) since the Second World War, a means which had been made possible by the German Emergency Acts (Notstandsgesetze) passed by the first Great Coalition in Germany in 1968. Schröder provided the affected communities and households with generous financial means and made sure to underline these measures by multiple appearances in the flooded areas. While these mediatized performances were later often ironically commented on – German weekly newspaper *Die Zeit* looked back on this episode ten years later under the heading “Der gestiefelte Kanzler”\(^{10}\) – they proved very effective in 2002. Just a few weeks before the national elections, they helped Schröder to overtake his contender Edmund Stoiber from the

\(^{10}\) See Peter Dausend: Der gestiefelte Kanzler, in: Die Zeit, 16. August 2012.
Christian Democratic Party, who had been considerably leading in
polls before the flood, and to earn another term as Chancellor.
Stoiber’s loss, on the other hand, was partly explained by the fact
that he did not have the advantage of incumbency which the
confronting of states of exception often produces, but also by his
unwillingness to appear on the emergency scenes.

Perhaps even more memorable is the performance of one of
Schröder’s predecessors as Chancellor, Helmut Schmidt. In 1962,
the city of Hamburg and other regions were struck by a storm flood,
the destructive force of which caused the death of hundreds of
people and further severe damage. Schmidt, the then young Senator
of the Interior in Hamburg, made himself a name as an effective
crisis manager who did not care about legal, even constitutional
provisions by giving commands independently of the usual
procedural paths, hierarchies and the separation of powers (e.g. the
very important separation between the police and the military – like
Schröder after him, he sought help from the then newly established
Bundeswehr, but without constitutional backing). His pragmatic
mastering of the situation earned him a reputation as reliable and
resolute man of action which later paved the way for the
chancellorship, a reputation which was certainly due to his effective
orders, but also fostered by the media coverage which had their
share in cementing Schmidt’s image as “master of realpolitik”.11

All these instances of visual politics I have mentioned so far should
not, however, convey the impression that such images can always be
produced at will, as they are often contested and sometimes can
change their message in the course of time. The case of George W.
Bush has already been discussed, and there are a lot more
examples that support the thesis that the media strategy of US
politics in the “war on terror” has often been misconceived. When the
Pentagon published images from the alleged terrorists imprisoned in

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Guantanamo Bay, the reasoning behind that might have been to demonstrate resoluteness and superiority as part of a larger strategy of expressing the retrieval of sovereignty. The showing of the kneeling prisoners in orange overalls, however, rather provoked sympathy for the humiliated captives regardless of their deeds, as Horst Bredekamp has argued.\textsuperscript{12} Thus, these pictures have become icons of the arbitrariness to which states of exception can easily succumb and, what is more, they have, often unconsciously, framed all discussions and opinions about the complex of Guantanamo afterwards. Hence, all US-American attempts to point to the ameliorated conditions of detention at Guantanamo Bay were overshadowed by the initially published images. Even more disastrous were the images from the Abu Ghraib prison which have become public bit by bit since 2004; I will not show them due to their atrocity, but all of you have certainly been confronted with those pictures showing prisoners tortured by electric shocks, being put on a leash like a dog, or even images displaying prison guards posing happily beside the corpse of an inmate tortured to death. These pictures had to be interpreted as signs of a totally demoralized US Army and severely damaged the remnants of legitimacy of the Iraq war. I cannot decide if the images can be seen as acts of mere sadism fostered by total disinhibition, as a product of the contemporary selfie culture that takes only that for real which has been documented by picture, or as an apotropaic protection against the unseizability of the enemy, as Bredekamp suggests,\textsuperscript{13} a cultural technique known from the Second World war, when German soldiers carried a large amount of pictures showing the execution of guerrilla fighters in their pockets. In any case, these images have become iconic of the state of exception and its danger of ultimately leading to the production of “bare life” (in Agamben’s words), detached from all legal rules and the most basic moral and human conventions.

\textsuperscript{12} See Bredekamp: Der Bildakt, 225.
\textsuperscript{13} See ibid.
I want to end my presentation with a brief look on some icons of the security paradigm the state of emergency is closely connected to. In her book "Walled States, Waning Sovereignty", published in 2010, Wendy Brown scrutinizes the proliferating construction of new walls and security fences around polities, which are – such as in the case of the Israeli wall – often not legitimized as routine acts of border control, but as temporary remedy made necessary by a state of emergency. According to Brown, these walls have material as well as theatrical effects, symbolizing the will to demonstrate security and sovereignty; in fact, however, they have become icons of waning sovereignty, signifying “the ungovernability by law and politics of many powers unleashed by globalization and late modern colonialization, and a resort to policing and blockading in the face of this ungovernability.” This iconography is somehow condensed in the case of the border between the USA and Mexico:

“[T]he U.S.-Mexico barrier stages a sovereign power and control that it does not exercise, is built from the fabric of a suspended rule of law and fiscal nonaccountability, has multiplied and intensified criminal industries, and is an icon of the combination of sovereign erosion and heightened xenophobia and nationalism increasingly prevalent in Western democracies today. The state of emergency out of which the wall’s construction is authorized also gives it political standing independent of its material functions.”

As convincing as these reflections may be, the last presidential elections in the USA have demonstrated that the theatrical and symbolical effects of the wall is not only contested but at the heart of politics, as Donald Trump made the expansion and new construction of the wall a successful key massage of his campaign.

Even more iconically striking than the new state borders is the securitization of cities. I would really like to dwell on this important subject a little longer, but can only reference here instead the

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15 Ibid., 24.
16 Ibid., 38.
important contribution by Stephen Graham dealing with the “new military urbanism” the security paradigm has brought about. Graham convincingly shows how “contemporary warfare and terror now largely boil down to contests over the spaces, symbols, meanings, support systems and power structures of cities”, thus blurring the classical distinction between the inside and outside of nation-states as well as the military and the civil spheres by regarding citizens and non-citizens as a potential threat. As necessary as some preventive measures may be in dealing with terrorism, Graham argues that the excessive will to security ironically leads to an assimilation of terrorism and political counterstrikes as to the political demonization of cities. Hence, while images of this new urban militarism might be a necessary symbolic demonstration of state power and sovereignty for some spectators, others – like Graham – see them as dangerous symbols of “urbicide”:

“Are cities […] becoming little more than a series of interconnected ‘camps’ organized through militarized and surveilled passage-points, where all presences and circulations are pre-screened and pre-approved through continuous electronic calculations? What becomes of the ‘right to the city’ and the politics of urban citizenship in a world of ubiquitous borderings that threaten to render urban life increasingly passive, consumerized, surveilled and algorithmically marshalled? Will these trends fatally undermine the roles of cities as the main centres of political, cultural, social and economic innovation?”

Whichever position one might take in this debate, it should be clear that these urbanistic developments with all their material and symbolic effects are very political and should not be left out in the analysis of emergency politics, which sometimes seems, in my view, to focus too narrowly on the assumedly imageless relation between political empowerment and constitutional provisions.

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18 Ibid., 21.
19 Ibid., 149.
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