

# State of Exception? When Theory Meets Its Walls: A Rejoinder

Written by Toni Čerkez and Martin Gramc

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TONI ČERKEZ AND MARTIN GRAMC, APR 6 2020

On February 26<sup>th</sup>, just at the beginning of the COVID-19 (known as Coronavirus) outbreak in Europe (Italy being the center of the outbreak), Giorgio Agamben treated us with his own reflections on the state of emergency introduced by the Italian government under Conte. In 'Invention of an Epidemic', published originally in Quodlibet, he argues that the measures undertaken by the government constitute the use of 'the state of exception as a normal paradigm for government' and that they also constitute an exacerbation of the 'state of fear' that 'in recent years has evidently spread among individual consciences and that translates into an authentic need for situations of collective panic for which the epidemic provides once again the ideal pretext'. This reflection will follow Nancy and Esposito, alongside others, like Žižek, who have responded to Agamben and try to illustrate two points: the limit of Agamben's theoretical reach in this case and the lack of respect awarded to the concept of agency.

In the first instance, the limit of Agamben's theoretical reach is illustrated in the idea that the state of exception is becoming normalized as a paradigm of government in a society inundated by fear. And while one can definitely agree that there are risks of crisis governance becoming normal, especially in countries like Hungary, where institutions have been weakened by years of strongman policies of the PM Viktor Orbán, it seems exaggerated, if not "theoretically blind" (to borrow from Arendt), to claim that emergency measures adopted in the face of the Coronavirus outbreak are 'irrational and entirely unfounded'. As Nancy, in a response published just a few days after Agamben's article, says; the difference between Coronavirus and a normal flu is that there is no vaccine against Coronavirus and the mortality rate of Coronavirus in relation to the normal flu is 30:1. Therefore, we ought to look at what kind of conception of power made it possible to claim "exaggeration" in the face of something completely logical and justified, even if unnerving.

Agamben's position can be seen through two models present in Foucault's thought. The leprosy model, developed in Foucault's *Madness and Civilization*, and plague model, developed in *Discipline and Punish*. As Philipp Sarasin has recently pointed out, the former model is based on isolation of the infected who are left to die so the uninfected remain healthy and alive. According to the latter model, the population is divided, controlled and disciplined. Agamben's consideration centers the power in the wielder; the government that promulgated the 'state of exception' and by extension introduced it 'rashly' as a normal political procedure. The disproportionate measures, according to Agamben, were introduced due to 'hygiene and public safety reasons' in order to prevent the spread of the virus. This is based on the leprosy model: isolating the infected for the sake of sustaining (bare) life. Once the infected are isolated, the government introduces the plague model: strict control and discipline of the population, cessation of public life and physical distancing become 'normalized' and may be prolonged indefinitely. In that scenario, the wielder of power affirms its sovereign hold over political life by exercising exceptional policies.

However, might it be that the theoretical limit of Agamben's thinking rests precisely there? The Italian government, facing powerlessness before the mighty virus, had to respond in order not to risk losing its job and wider societal damage. The public authorities were faced with a breakdown, as Esposito has remarked, and as we argue further below, because of the virus and due to erosion of the welfare state after years of devastating neoliberal policies. Therefore, it seems that the Italian government had to react exceptionally because it faced powerlessness. Therefore, the state of exception here would not constitute an act of sovereign power but an admission of the limit of

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such a power. The mighty virus seems to have drawn the line where sovereignty stops, and risk management begins. That is, power is not concentrated in biopolitical measures but precisely outside of them.

As Lazzarato points out, biopolitics is embedded in social relations, it serves them. It serves the political economy. Foucault pointed to it in several places in *Discipline and Punishment* and signalled the entanglement of capitalism and biopolitics: in the 19<sup>th</sup> century, capitalism needed a healthy population in order to sustain its mode of production. Social relations, modes of production and political economy have changed substantially since the 19th century: physical work is not much needed anymore, automatization has replaced many blue-collar jobs, cognitive work has become an important segment of the economy, financialization has taken over markets and monetization logic has permeated into all pores of social life. All of these factors contributed to the erosion of the welfare state; the healthcare system is one of the social subsystems that has suffered the most because of it and the virus is now showing the consequences of these processes. Therefore, while we can claim that Agamben's analysis itself lacks a focus on capitalism, it seems also pertinent to argue, with Nancy, that the dispersion of power here is even greater; in this case its reach goes to the non-human virus as a disruptively performing political agent. In short, the ruptured healthcare systems have been exposed by the disruptive performativity of the virus. This conceptualization allows us to think beyond the domination-obedience model and see power as much more relationally distributed outside of the government.

In the second instance, what seems to emanate from Agamben's theoretical approach, apart from the suggestion of centralization of power in governmental hands through normalization of the state of exception, is that there is a complete lack of agency on the part of the citizens. Do we really believe that the normalization of the state of exception can happen in a vibrant and active civic society so quickly? Perhaps yes, if we consider with Agamben that same society as completely fearful and powerless in the face of the government.

Indeed, by turning to Foucault, helped by Sarasin, we can elucidate that in the liberal forms of government, such as in the *smallpox* model, the power is not fully centralized. In short, because the care of the self is framed as also care for the others (the smallpox model), the mode of governing makes the power internalized in the conduct of the self (i.e. social distancing). This could mean that the internalization of governance makes it easier for the government to exercise the state of exception (e.g. citizens obeying decrees, emergency provisions etc.), but, as we can see from the field, this is not so straightforward. Citizens have agency to break the state of exception and not care for others (and there are cases of such behavior) but they also have agency to exercise solidarity (which would, in this case, be symptomatic of the internalization of the "smallpox model") thereby helping to fight the pandemic. Agamben seems to ignore this and presents citizens merely as fearing subjects ruled over by the government. Secondly and luckily, we do not believe that the normalization of the state of exception could happen so easily in a vibrant and active civic society. As Patricia Owens writes, the "bare life" hypothesis of powerlessness unjustly ignores the strength and agency of people coming together in a public space.

In that sense, the state of the exception cannot just be observed as one in a series of ever-growing encroachments of government(s) on people's lives because a) the power seems to come not from the government but from elsewhere (e.g. COVID-19) and b) basing the analysis in the centralized view of power ignores ways the people are empowered (e.g. solidarity). And given the mounting reactions and increased sensitivities to what has been happening in Hungary, one can say that there would have to be a lot more concentrated power in government(s) to make us fall back on our *zoe*, on our bare lives. That seems unlikely and the claim that it is already happening seems exaggerated. Last but not least, as Žižek reminds us: keeping the distance and thereby obeying the law is not mere obedience to the law but it also shows my respect and love for the Other whose life I want to preserve.

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