

State of emergency - the stakes: *Pro Agamben*

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This piece is an echo of my participation in the online discussion entitled "What does a state of emergency mean?" with which Sofia University's Cultural Centre launched its series of online events on 15.04.2020 under the headline, "The New Meaning of Old Things" since I represent Giorgio Agamben's Bulgarian publisher, the Critique and Humanism (CH) Publishing House, which most importantly put out Agamben's *Homo Sacer II.1. The State Of Emergency* among some other of his works. So here I will be trying to emulate Agamben's perspective, of which I am personally a devout follower anyway.

A state of emergency is what we have all gained empirical experience during the last two months in the context of the Covid-19 pandemic: at least this is what common sense would say. From here on, commonsense could do no better than question the relevance or otherwise of the state of emergency, given the magnitude of the biological threat to our bodies, i.e. the relevance or otherwise of its very introduction (was it based on extreme necessity?) as well as the specific forms it took. (In other words, were the measures proportionate?) In outline, the considerable share of the public debate on the topic still sits in this field of everyday empiricism, medical (dis)information and (quasi)legal terminology.

However, the processes in which we are both witnesses and participants can also be a window to and a magnifying glass for much more fascinating epiphanies, if we decide to try different perspectives while viewing them, thinking of them as a topic in itself or as a means of deliberation on other topics. To this end, it is good to go one level deeper and question the concepts that most often remain intact in the public conversation: (1) the concept of "social distancing" – because as a phenomenon it has a huge potential to begin to change or even be a signal for an already changing form-of-[social]-life; (2) even more basic: the very notion of "state of emergency", which the vast majority of people accepted as the self-evident vagueness of "what we live in because it was necessary (was imposed on us)." Which, in turn, suggests groping for theoretical tools to analyse the "state of emergency" at our disposal and whether they are still relevant at all. These questions can be enlightening for processes, and perhaps for trends, that we would not otherwise notice; so if we try to "make lemonade out of the lemon" that the situation has handed us, we can say at this level: we may be currently gaining a more direct and clear view of some aspects of where we are headed as a society.

Among the authors from different fields – theorists, writers, practitioners – who abundantly talk on the subject (I tried to trace dozens of them in the languages available to me, but I am aware there may be thousands of them; and that what is happening today, judging by the intensity of the reflexive energy it generates, and by its power of changing society before our eyes, is probably only on a par with the phenomenon of terrorism), few discuss the very essence of the "state of emergency" as a concept.

But if we take as a criterion what connection they make between what is happening and its consequences in a broad cultural (civilisational) plan, we will see they can be bunched up into three types of positions (as long as we limit our observation to the world's most prominent names in the social sciences and humanities): (1) those who believe that nothing unique has happened alongside the pandemic and the related national emergencies – and therefore nothing special will follow (I would count here, for example, Alain Badiou with his publication from 26 March); (2) the second type still fail to see a change underway, but they nurture high hopes that what has happened will change – radically and redeemingly for humanity – specific mentality regimes and social behaviours (here I would point to, for example, Bruno Latour, who, in a piece from 29 March, even gives practical advice on how to jumpstart this process; or Baudrillard follower Franco "Bifo" Berardi, who said – as early as 4 March – that perhaps our confrontation with a common "invisible enemy" will create nostalgia for the lost social solidarity and work towards its recreation); (3) and a third type of observers, who diagnose signs of an already ongoing change with probably far-reaching consequences - among them is, perhaps first and foremost, the Italian philosopher Giorgio Agamben. His reactions to what was happening in most cases were, alas, reduced by commentators only to his first piece on the pandemic, from late February 2020. However, he has after that penned several remarkable short texts, which are more important in my opinion and which I consider to be the most profound and philosophically the most promising diagnosis of the present. The second finding about the reactions to Agamben's analyses is that, alas, in very few cases they were read in the context of his, if not grandiose, then at least admirable book, *Homo sacer II.1: The State of Emergency*. It should be the key benchmark in any discussion of the topic today.

A step aside: If we are to follow our Bulgarian present closely, we should already be discussing what an "emergency epidemic situation" is and how, say, it relates to the "state of emergency". At the moment, our everyday life is governed by the former, it was stipulated by a decision of the Council of Ministers and, we ought to note this, is an act of the executive

rather than a law – another confirmation of the classic number one sign of "emergency" according to the tradition of its theory culminating in Agamben.

An emergency is governed by acts of the executive rather than by laws put in place by a legislature, as dictated by the democratic division of powers. This *de facto* calls the latter into question – and democracy as well as its embodiment (i.e. there is a blurring of the line between democracy and dictatorship). This government act aims to settle the "exit from" the state of emergency (although it is not known whether this will be the last step in returning to the "old normality" if such a return occurs at all). Still, it also prolongs the state of emergency, albeit by abruptly mitigating its measures and actions. Incidentally, our local state of emergency was also regulated by a special Law on Measures and Actions during the State of Emergency of 24 March 2020, which "blithely" (in the eyes of legal lay observers like myself) did not try to define the state of emergency itself, probably implicitly resting on a few vague mentions, again without definitions, in our Constitution.

But let us hark back to those mentioned above and, in my opinion, most important, scrutinising of the concepts we use. In this case, let me reiterate that Agamben is not just useful but unavoidable. His book on the state of emergency was published in Bulgarian about a year ago, without, of course, anyone suspecting that we would soon face a *de jure* "state of emergency", which would make Agamben's work a handy reference point. It is at least a set of ideas, without which no humanitarian and social reflection on what is happening should do without.

In an interview with *Le Monde* in late March, Agamben said that the Covid-19 epidemic clearly showed us that "the state of emergency has become a normal state of affairs." E.g. the normal state of governance. We will add: if up to that point it had been here *de facto*, with increasing intensity, although hard to spot, now, albeit briefly (but is it briefly?), it already exists *de jure*, i.e. clearly visible, but also clearly illuminating (illuminating what?). In fact, this is one of the main points of Agamben's book: the transformation of the state of emergency from an exception (emergency and exception are synonymous) into a *de facto* rule of governance in general. This assumption is, of course, theoretically based on one stroke in Walter Benjamin, but historically it sits on rich material from the twentieth century, especially after WW1r.

By the way, here we are obviously at a level different from everyday common sense: the book's very subtitle specifies the "state of emergency" not as a temporary measure, but as

a *paradigm of governance*, and one that dominates Western democracies in the modern world. With this, we abandon, so to speak, the easy-to-understand, everyday layer of Agamben's ideas to focus on the most interesting part of his analytical set (I intentionally avoid calling it 'a theory') related to the use of the "emergency" phenomenon for conclusions about the state and direction of our type of society. (It is this manner of Agamben's – to operationalise the "state of emergency" for broader conclusions – that is also currently applicable!)

To put it curtly, *Homo Sacer II.1: the State of Emergency* scrutinises the relationship between 'politics (political fact, human life) and law (order)'. In this relationship, the state of emergency turns out to be the boundary between them, a kind of attempt to give a "legal form to what is free of legal form [life]" and in this sense – an instrument designed to arrange the clutching of the law (order) onto life (political fact), which defines its biopolitical meaning. How does this clutching work? Through the suspension of law (namely the "state of emergency"!) as a precondition for defining the relationship between the two: politics/law, life/order. In this peculiar topography of Agamben's analysis, the state of emergency gradually transits from a "border" or a "threshold" between life and order to a zone of indistinguishability between the two and from there on to a symbol of a "hollow" in law – an emptiness is the very, so to speak, condition for the possibility of law.

Let us simplify this in order to be able to utilise it in our present: what happens to the "state of emergency" itself in its capacity as, by definition, the cessation of the law in the name of saving lives? What happens to our actions, our practices, when they hang in a legal void, as a "pure" state of emergency should be? And why the power "battle" for this empty space, i.e. for this anomie (absence of "normal law") becomes a battle for the political?

Let me reiterate that this line of thought goes far beyond the day-to-day. But can't we overturn the perspective and use our extraordinary life today as a means, as more light to cast on our situation as human beings? We can. This is where Agamben's diagnoses, and, I would say, his predictions, from his recent texts, diagnoses and prognoses about the trends in modern society are neatly arranged:

- The extraordinary means introduced by various governments today point to a more comprehensive experiment that outlines a new paradigm of governance: biosecurity. Its effectiveness in taking away freedoms surpasses all known forms of government in political history, e.g. the so-called "health terror" becomes an increasingly important

part of political strategies. And, prompted by Agamben, we inevitably ask ourselves: how has a fundamental good like health imperceptibly morphed into a tool of governance, of power?

- A new policy model is beginning to emerge through "social distancing", a euphemism aimed at avoiding the harshness of the term "closure" and pointing, according to Agamben, to a forthcoming principle of societal organisation.
- The emerging danger of losing a fundamental right that is not enshrined in any constitution - the right to the truth (which we relinquish, laying back uncritically in the hands of authorities of various orders). Leaving aside the complex, legendary debate over "what is truth?", we can at least grasp today, through the magnifying glass of the state of emergency, Agamben's warning that humanity is probably entering a phase in its history where truth is reduced to a "moment in the march of untruth."
- "Bourgeois democracies based on rights, parliaments and checks and balances enter the end of the world", heading out towards a new form of despotism, worse than the totalitarianism we know and characterised by pervasive control (it is inevitable to recall Deleuze's warnings on the subject!), as well as our silent acceptance of any restrictions on individual freedoms in view of "public health".

We can't but admit that this horror image of the immobile individual, cooped up at home, stiff with fear for his/her life and unconditionally subjected to the general measures designed to shield the latter, which precisely because of this immobility is easier to manage – a picture, brightly lit and accelerated by today's events – is appealing to almost no one. It is quite far from the perverse little cosiness of, let's say, the middle class, locked in their snug homes with internet access, full bank accounts and full refrigerators. That is what we are saying, but Agamben will tell us that what is really scary is not the present, but what comes next.

As is clear, Agamben's mode of thinking about the state of emergency points to a more comprehensive concern for the fate of human society. To what extent can the latter, sacrificing everything in the name of biosecurity, will still be able to be called human? Can abstract health security compensate for the possible loss of love, friendship, of all sundry ties among us that pass through the senses, i.e. I would say, of all those things, which Mauss, Derrida, and many others have in various ways described as the only ones left outside the realm of market exchange? In other words, doesn't today's situation lay bare, among other

things, a slow process of 'the economic' finally invading the last remaining enclaves of 'non-economy'? However, this question would send us in a radically different direction. One way or another, for Agamben – as well as for those willing to think in a similar spirit – today's emergency caused by a biological threat (tomorrow it may be caused by an environmental one) can be considered a laboratory where new political and social structures are being concocted.

This is where I see the heuristic value of Agamben's positions, which remain relevant to this day, literally to this day: the inexorable motion and change of perspectives (everyday/civilisational, common sense/theoretical), the fluctuating attitudes to the state of emergency as an object of thinking and as a tool of thinking of other objects, and the constant shift from general to specific contexts. Even if a paranoid interpreter might suspect Agamben of an overpowering impulse to see an ever-increasing will to power in the latter's agents and agencies – a will to expand "in itself," because that is the proper way to speak if we choose to be true to the Fukoyan standard of regarding power as fundamentally "agent-free" – even then Agamben supplies good tools to that inevitable reflexivity that accompanies even our daily individual practices. Never mind the theoretical and reflexive ones.

But behind every conversation about the ethical, legal, political, cultural, civilisational, if we will, aspect of the rolling avalanche we live in, trying to deter and shape it, there is always something unavoidable that is hidden and pops up: the psychic. Engrossed in bare life and survival, relinquishing our rights and freedoms for the sake of its preservation, unconsciously surrendering to the anyway ascending state of emergency, threading through "crisis after crisis", from one situation of insecurity to another, we hear a powerful and often forgotten "brake" coming into rumbling action. It is precisely the one that can strike the sharpest and most powerfully halt what is underway in its tracks: the capacity of our psychic machines, our psychic potential. Our psycho abilities will likely be superseded (and already might be?) by the constant entry into and exit from – if not de jure, then de facto – emergencies, i.e. situations of crisis and uncertainty. In an interview a few years ago, Hartmut Rosa, the theorist of acceleration, said that the structures of the individual psyche and personality could not remain intact from acceleration. Therefore, it is reasonable to ask what amount of social acceleration (let us reinterpret: what amount of insecurity and fear) are individuals capable of enduring before they collapse?

If we try to match Agamben and Rosa at this particular point, we could ask: is it not true that if anything can put an end to this current regime (performing by dint of emergencies)

of increasing mobilisation through fear in the name of survival, in the name of some constantly adjourned peace and security, it is precisely the depletion of individual psychic energy. As Franco (Bifo) Berardi asked in late February, didn't a psycho-epidemic virus originate from a physical one? Doesn't "a semiotic virus in the psychosphere" really block "the abstract functioning of the [social] system by removing the bodies"? In the seemingly overwhelming care only for them, we would add.