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**The Symbolic Politics of the State of
Emergency: Images and
Performances**

State of Exception – An Overview

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4 **Images and Performances**

5 This presentation has the ambition to fill a gap in the growing
6 discourse and analysis of contemporary and historical instances of
7 the state of exception: The recent applications of this instrument
8 (since 9/11) have put the competitive relation between law and
9 politics on the agenda, the constitutional frame of a basically extra-
10 legal measure, the fear that states of exception could become a
11 novel “paradigm of government” (Giorgio Agamben) and the
12 normalisation of the state of exception in penal law within the
13 paradigms of security and prevention (Günter Frankenberg). Despite
14 this rich and well-developed debate, the symbolic side of the
15 suspension of normality has only very rarely been scrutinised by
16 philosophers, legal scholars and social scientists so far. Thus, I am
17 going to analyse several instances of the symbolic embedding and
18 symbolic performance of the state of exception in order to argue in
19 favour of a general sensitivity to this dimension. Cultural studies have
20 contributed a lot to the insight that symbols and rituals are essential
21 for the empirical validity of law, for the assertion of authority, the
22 construction of social order and the formation of identities – in pre-
23 modern and “traditional” societies, obviously, but no less, albeit in
24 another form, in the politics of contemporary nation states. Moreover,
25 these studies have corrected a simplistic understanding of the term
26 “symbolic politics” which confines symbolism to the realm of
27 deception and delusion in contrast to the “real” and “factual” word of
28 political decision-making; such a rather coarse dichotomy was

29 present in Murray Edelman’s classic studies on political symbolism in
30 the 1960s and 70s, which have been very influential in political
31 science, in part until today, while other social sciences as sociology
32 or anthropology had a much more elaborated conception of
33 symbolism.

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

44 One example of the fact that symbolic politics can refer to factual
45 political measures can be taken from François Hollande’s reaction
46 after the terrorist attacks in Paris in November 2015. In his speech in
47 front of the Congress of the French Parliament in Versailles, he
48 announced the will to expatriate terrorists (provided, with respect to
49 international law, that they are in possession of dual citizenship) even
50 if they were born French citizens. Although this project failed due to a
51 dissent between the National Assembly and the Senate, this attempt
52 showed the will to symbolically exclude terrorists and to demonstrate
53 that their acts were not compatible with the values of the French
54 Republic. Furthermore, symbolic politics can be expressed in political
55 rhetoric: In the very first sentence of the same speech, then president
56 Hollande declared France to be at war. There are a lot of reasons to
57 discuss if this framing of the aggression was a lucky one, given the
58 fact that it implicitly followed the example of George W. Bush’s
59 infamous declaration of the “war on terror”, a war which can never be
60 won – in contrast to conventional warfare – because there can never
61 be an ultimate prevention of terrorist attacks. While Bush’s rhetoric –

62 which should not be reduced to manipulation, as it has often been
63 read as the expression of a genuine Manichaeian worldview opposing
64 good and evil – served to win support for the wars in Afghanistan and
65 Iraq, Hollande’s words were sometimes qualified as misplaced, given
66 the fact that most of the terrorists were from France or Belgium.¹ But
67 Hollande’s bellicose rhetoric served a different purpose, aiming at the
68 transformation of his public image. The Guardian commented on his
69 Versailles speech with the title “Hollande completes transformation
70 from ‘marshmallow’ to ‘chief of war’”,² describing his personal re-
71 invention from a weak and indecisive politician to a fierce political
72 and military leader – an attempted re-invention which did not
73 succeed as we know from the end of the time of his presidency and
74 his disastrous numbers in opinion polls.

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

¹ See Charlotte Klöckner: *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>.

92 citizens on the one side to the barbarian and subhuman creatures in
93 certain quarters on the other side, revitalising clichés from colonial
94 times. Matthias Lemke has analysed this in detail in his last book.³ I
95 would like to add that Sarkozy still tried to profit from this excessive
96 rhetoric in the course of the electoral campaign for the presidency in
97 2017 in another way: Being confronted in an interview in June 2016
98 with the heavy criticism his words provoked during the 2005 riots, he
99 tried to justify them by presenting himself as the spokesman of the
100 real French people, who had totally understood his words whereas
101 only the “little world of Paris” had been shocked⁴ – a classically
102 populist strategy of constructing a symbolic dichotomy of the
103 authentic people on the one hand and a detached elite on the other.

104 But I would like to come back briefly to the declaration of the state of
105 emergency in 2005: It was heavily charged with a specific symbolic
106 meaning. While every declaration of the state of exception is not only
107 a speech act with political and legal consequences but a symbolic act
108 which suspends normality in a performative way, the 2005
109 declaration brought back memories of the Algerian War, leaning on a
110 1955 law exactly from this period. In combination with the excessive
111 rhetoric I mentioned a minute ago, it becomes clear how much
112 symbolic politics was involved in this intricate situation of exception.

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

³ Vgl. Matthias Lemke: Demokratie im Ausnahmezustand. Wie Regierungen ihre Macht ausweiten, Frankfurt am Main/New York 2017, 241ff.

⁴ See Etienne Girard: Nicolas Sarkozy “fier” de ses propos sur “la racaille” et le Kärcher, <http://lelab.europe1.fr/nicolas-sarkozy-fier-de-ses-propos-sur-la-racaille-et-le-karcher-2782717>, 26 June 2016.

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

135 To be sure, demonstrating national identity, unity and solidarity was
136 no exceptional measure but a very common strategy of communal
137 self-assurance after a terrorist attack. As Charlotte Klonk has argued
138 in her recent book on the battle of images inherent to terrorism and
139 the reaction to it, the images distributed by the media usually follow
140 the same logic: The display of disturbing pictures and sequences of
141 the attacks is answered by the broadcast of surviving victims and the
142 large scale operation of the rescue service.⁵ Thus, the images of the
143 ambulances taking care of the wounded of the Bataclan massacre
144 and of the tricolour Eiffel Tower are not essentially different from the
145 pictures of flag-waving Americans and especially the efforts of the
146 firefighters at Ground Zero.

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

⁵ See Charlotte Klonk: *Terror*, S. 86f.

154 “Homeland Security Act” which implied a deep intrusion into the
155 sphere of fundamental rights. A lot has been written about the “war
156 about images” during the Iraq war, including iconoclastic measures
157 like the occupation of Saddam Hussein’s palace and the careful
158 staging of the destruction of the Saddam statue in Bagdad, followed
159 by the symbolic destruction of the real Saddam pulling and arresting
160 him from a hole in the ground.⁶ Gerhard Paul is certainly right when
161 he says that this war was not waged entirely, or perhaps even
162 primarily, for military reasons (and neither just for economic ones, as
163 it is sometimes claimed), but that the fight in Afghanistan and Iraq
164 involved “operations of symbolic politics to overwrite the images of
165 America’s defenceless and unprotected condition, to overcome the
166 American trauma and to ‘heal’ the hurt body of the nation”.⁷ In
167 general, terrorism as well as the military and political response to it
168 have meanwhile reached the status of world image war, a
169 “Bilderweltkrieg”, as Horst Bredekamp has analysed.⁸

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

⁶ See Gerhard Paul: *Der Bilderkrieg. Inszenierungen, Bilder und Perspektiven der „Operation Irakische Freiheit“*, Göttingen 2005.

⁷ Gerhard Paul: *BilderMACHT. Studien zur Visual History des 20. und 21. Jahrhunderts*, Göttingen 2013, 592 (my translation).

⁸ Horst Bredekamp: *Der Bildakt*, Berlin 2015, 223ff.

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

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

⁹ Günter Frankenberg: Im Ausnahmezustand, in: Kritische Justiz 50/1 (2017), 3-18 (here 3, my translation).



213

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

¹⁰ See Peter Dausend: Der gestiefelte Kanzler, in: Die Zeit, 16. August 2012.

232 Christian Democratic Party, who had been considerably leading in
233 polls before the flood, and to earn another term as Chancellor.
234 Stoiber's loss, on the other hand, was partly explained by the fact
235 that he did not have the advantage of incumbency which the
236 confronting of states of exception often produces, but also by his
237 unwillingness to appear on the emergency scenes.

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

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

¹¹ See Thomas Birkner: Mediatization of politics: The case of the former German chancellor Helmut Schmidt, in: *European Journal of Communication* 30/4 (2015), 454-469.

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

¹² See Bredekamp: *Der Bildakt*, 225.

¹³ See *ibid.*

294 I want to end my presentation with a brief look on some icons of the
295 security paradigm the state of emergency is closely connected to. In
296 her book “Walled States, Waning Sovereignty”, published in 2010,
297 Wendy Brown scrutinizes the proliferating construction of new walls
298 and security fences around polities, which are – such as in the case
299 of the Israeli wall – often not legitimized as routine acts of border
300 control, but as temporary remedy made necessary by a state of
301 emergency.¹⁴ According to Brown, these walls have material as well
302 as theatrical effects, symbolizing the will to demonstrate security and
303 sovereignty; in fact, however, they have become icons of waning
304 sovereignty, signifying “the ungovernability by law and politics of
305 many powers unleashed by globalization and late modern
306 colonialization, and a resort to policing and blockading in the face of
307 this ungovernability”.¹⁵ This iconography is somehow condensed in
308 the case of the border between the USA and Mexico:

309 “[T]he U.S.-Mexico barrier stages a sovereign power and control that
310 it does not exercise, is built from the fabric of a suspended rule of law
311 and fiscal nonaccountability, has multiplied and intensified criminal
312 industries, and is an icon of the combination of sovereign erosion and
313 heightened xenophobia and nationalism increasingly prevalent in
314 Western democracies today. The state of emergency out of which
315 the wall’s construction is authorized also gives it political standing
316 independent of its material functions.”¹⁶

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

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

¹⁴ Wendy Brown: *Walled States, Waning Sovereignty*, New York 2014, 28ff.

¹⁵ *Ibid.*, 24.

¹⁶ *Ibid.*, 38.

325 important contribution by Stephen Graham dealing with the “new
326 military urbanism” the security paradigm has brought about. Graham
327 convincingly shows how “contemporary warfare and terror now
328 largely boil down to contests over the spaces, symbols, meanings,
329 support systems and power structures of cities”,¹⁷ thus blurring the
330 classical distinction between the inside and outside of nation-states
331 as well as the military and the civil spheres by regarding citizens and
332 non-citizens as a potential threat.¹⁸ As necessary as some preventive
333 measures may be in dealing with terrorism, Graham argues that the
334 excessive will to security ironically leads to an assimilation of
335 terrorism and political counterstrikes as to the political demonization
336 of cities. Hence, while images of this new urban militarism might be a
337 necessary symbolic demonstration of state power and sovereignty for
338 some spectators, others – like Graham – see them as dangerous
339 symbols of “urbicide”:

340 “Are cities [...] becoming little more than a series of interconnected
341 ‘camps’ organized through militarized and surveilled passage-points,
342 where all presences and circulations are pre-screened and pre-
343 approved through continuous electronic calculations? What becomes
344 of the ‘right to the city’ and the politics of urban citizenship in a world
345 of ubiquitous borderings that threaten to render urban life
346 increasingly passive, consumerized, surveilled and algorithmically
347 marshalled? Will these trends fatally undermine the roles of cities as
348 the main centres of political, cultural, social and economic
349 innovation?”¹⁹

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

¹⁷ Stephen Graham: *Cities under Siege. The New Military Urbanism*, London/New York 2011, 36.

¹⁸ *Ibid.*, 21.

¹⁹ *Ibid.*, 149.

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