State of Exception
State of Exception
Cultural Responses to the Rhetoric of Fear

Edited by

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PREFACE

The following papers were inspired by the conference *State of Exception: Cultural Responses to the Rhetoric of Fear*, hosted by New York University’s Department of Italian Studies on April 21-23 2005. The conference was sponsored by New York University’s Graduate School of Arts and Science, the Dean’s Office of the Graduate School of Arts and Sciences, and Casa Italiana Zerilli-Marimò. We would like to thank prof. Ruth Ben-Ghiat, Chair of the New York University Department of Italian, and prof. Virginia Cox, Director of the Graduate Students, for their generous help in organizing the conference.

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Unless otherwise noted, all translations from Italian are by the chapters’ authors.
The US administration's response to the terrorist attacks of September 11, 2001—a response that aims at making a generalized state of fear and confusion the basis for far-reaching legal transformations—rendered the debate at NYU particularly lively. Our discussion of what the “state of exception” implies both on the macro and on the micropolitical level was strongly informed by an awareness of Italy's long history of exceptional uses of power.

Italian philosopher Giorgio Agamben has widely elaborated on the historical effects of the juridical concept of the state of exception, recalling the definition of this concept formulated during the early 1920s by German legal theorist Carl Schmitt. According to Schmitt, the state of exception implies a “suspension of the entire existing juridical order.”¹ Agamben underscores the uncertain and paradoxical character of the resulting condition. The state of exception presents itself as an inherently elusive phenomenon, a juridical no-man's land where the law is suspended in order to be preserved. The state of exception “is neither external nor internal to the juridical order, and the problem of defining it concerns a threshold, or a zone of indifference, where inside and outside do not exclude each other but rather blur with each other.”² In this sense, the state of exception is both a structured or rule-governed and an anomic phenomenon: “The state of exception separates the norm from its application in order to make its application possible. It introduces a zone of anomic into the law in order to make the effective regulation of the real possible.”³

Agamben argues that the state of exception was already codified in Roman law. The Roman iustitium—literally, “suspension of the law”—can indeed be seen as an archetypal state of exception. Whenever it judged the Roman republic to be seriously endangered, the senate could pass a decree allowing for the imposition of extraordinary legal measures. The iustitium was characterized by the same paradoxical void that is the defining feature of the state of exception conceptualized by Schmitt. The indeterminacy of this void raises questions about the nature of the crimes perpetrated during the iustitium: the suspension of the law turns these crimes into mere facts, whose definition lies outside the sphere of justice. It is also suggestive that the iustitium was typically declared following the death of the sovereign; the iustitium was a period of juridical instability resulting from the loss of the person thought to embody the law. In general, every period of mourning can be said to be characterized by a suspension of ordinary human interaction.
On the basis of his analysis of the *iusstitium*, Agamben identifies four central features of the state of exception. Firstly, the state of exception is “a space devoid of law, a zone of anomie in which all legal determinations are deactivated.” Secondly, “this space devoid of law seems [...] to be so essential to the juridical order that it must seek in every way to assure itself a relationship with it.” Thirdly, the actions committed at this time cannot be legally judged because they are situated in “an absolute non-place with respect to the law.” Finally, the undefinability of the absence of law generates a “force or a mystical element...that both...the constituted power [and] the constituent power seek to appropriate.”

The juridical tensions inherent in the state of exception necessitate a constant interplay of anomie and nomos, an ongoing interaction between order and the suspension of order that can be used to justify every conceivable abuse of power. Such interplay, epitomized by the aftermath of the 2001 terrorist attacks in the USA, has become a central—and perhaps even the defining—element in today’s geopolitical scenario. As Agamben points out:

> The state of exception has today reached its maximum worldwide deployment. The normative aspect of law can thus be obliterated and contradicted with impunity by a governmental violence that—while ignoring international law externally and producing a permanent state of exception internally—nevertheless still claims to be applying the law.

In a globalized world exposed to ever more dramatic dangers, the established legal order goes into crisis and the rhetoric of fear is deployed to legitimate a seemingly endless series of states of exception. The papers collected in this volume explore the ways in which human and civil rights are suspended as fear is used to justify exceptional legal procedures. Throughout the centuries, Italy has experienced many such historical moments of crisis—moments in which political, economic, and cultural authorities have made fear a central component of their strategies for producing consensus. Italy also has a rich tradition of intellectuals subverting such strategies by turning the rhetoric of fear back upon itself and against power. The papers collected here explore some of the most important aspects of such cultural responses to the rhetoric of fear. Most papers focus on the second half of the twentieth century, a period that was particularly troublesome for Italy.

This book is divided into three parts. The first part explores philosophical issues related to the history of the state of exception within the frame of juridical, political, and economical principles. The second part focuses on cultural and literary production during times of socio-political crisis, devoting special attention to the ways in which history may interact with its fictional representations. The third section is devoted to the literary and cinematic
representations of the biopolitical effects of the state of exception on urban areas and the spectacularization of terrorism in Italian cinema.

Karen Pinkus opens the first part with a careful investigation of how the state of exception functions not just on the levels of juridical and executive power, but also on those of the aesthetic and the symbolic. In “$, Anomie, State of Exception,” Pinkus reflects on the stock market crash of 8 July 2002—the most dramatic since September 11—in order to analyze the ways in which anomie manifests itself on the marketplace, in relation to money, and in production. Pinkus examines how issues related to anomie have been analyzed and represented at different moments in the history of Italian cultural production, from Cesare Beccaria’s economic treatises to the films of Antonioni.

Paolo Matteucci explores the relationship between the juridical concept of the state of exception and the production of space. In “Sovereignty, Borders, Exception,” Matteucci reflects on the new nature of borders in the aftermath of September 11, relating these claims to the transformations the concept of the border has undergone since antiquity. The Roman concept of terminus becomes a theoretical tool for analyzing the spatial actualization of the state of exception.

Andrea Benino brings Antonio Negri into the debate on the state of exception, drawing a comparison between Negri’s operaista analyses and Agamben’s reflections on biopolitics. In “From Stato-Piano to Stato-Crisi: Proletarian Self-Valorization and the State of Exception,” Benino discusses three militant works written by Negri in the 1970s—Partito operaio contro il lavoro (1973), Proletari e stato (1975), Il dominio e il sabotaggio (1977)— in order to explore the relationship between Negri’s concept of stato-crisi and Agamben’s reflections on the state of exception.

In “La morte come pena: Law, Death Penalty and State of Exception,” Maurizio Vito accounts for the introduction of the death penalty in the Italian penal system of the Middle Ages. Evoking a tradition of critical thought that ranges from Benjamin to Derrida, Vito's reading of La morte come pena. Saggio sulla violenza legale by Italo Mereu demonstrates how a practice such as that of the death penalty becomes possible only when the law opens up to the anomic space of the exception.

Max Henninger opens the second part by offering a thorough description of the prolonged state of exception undergone by the Italian republic during the 1970s. “Patchwork, 1979: Notes on Blackout by Nanni Balestrini” analyzes a poem written by Nanni Balestrini immediately before his escape to France; Balestrini had been charged with complicity in the activities of the terrorist Red Brigades. Henninger explores the peculiarities of Blackout by confronting the poem with its historical context and a variety of theoretical models ranging from
the Italian Marxism of the 1960s and 1970s to the theory of space elaborated by Gilles Deleuze and Félix Guattari.

In “Useppe’s State of Exception in Elsa Morante’s *History,*” Marisa Giorgi presents Morante’s novel as an emblematic case of how the state of exception may be represented in fiction. Set during the historical state of exception that was World War II, Morante's narrative also portrays exceptional social, physical, and mental conditions such as that of the character Useppe, a child whose inability to speak epitomizes the seclusion and irrationality generated by the suspension of order.

Chiara Sartori reflects on the construction of national identity, exploring the peculiar case of *triestinità.* In “Trieste Borderline Identity,” she analyzes important moments in the economic and literary history of Trieste, applying theories elaborated by Claudio Magris and Paolo Rumiz to the processes of cultural assimilation and interaction.

In the first contribution to the third section of this volume, Paola Bonifazio confronts the anomic space of the concentration camp with the suburbs of post-war Italian industrial cities, exploring the cinematic representations of those biopolitical areas where naked life becomes an object of power. Bonifazio analyzes state-sponsored documentary films on 1950s urban reconstruction, as well as Luchino Visconti’s *Rocco and his brothers* (1960) and PierPaolo Pasolini’s *Accattone* (1961), exposing the role played by state propaganda during a period of profound socio-economic transformation.

Alan O’Leary’s “Ordinary People (*Lest We Forget*)” focuses on the spectacularization of late-1970s terrorist violence. Recalling Guy Debord’s observations on the “society of the spectacle” and Agamben’s remarks on the inherently spectacular nature of terrorist action, O’Leary questions the representation of the 1980 bombing of Bologna's central train station provided in *Lest We Forget* (*Per non dimenticare*). This short film, sponsored by Italian national television, presents the paradox of a commemorative visual project setting out to condemn a terrorist massacre by means of an inherently spectacular medium—a medium that always risks becoming complicit with terrorism's own spectacularization of violence.

Investigating the mechanisms by which the suspension of order functions historically, politically, and culturally, these papers open up new spaces for debate on the role played by the state of exception in Italian culture.
PART I

STATE OF EXCEPTION: THEORY AND PRACTICE
CHAPTER ONE

KAREN PINKUS

$, ANOMIE, STATE OF EXCEPTION

Monetary Aporias

During the week of July 8, 2002 the U.S. stock market experienced its worst decline since the week following the terrorist acts of September 11. Analysts attributed this decline to a loss of confidence in corporate America following a series of high profile revelations of malfeasance in accounting. President George W. Bush gave a speech (orchestrated by Karl Rove) on Tuesday, July 9th, vowing to overhaul the practices of reporting, and proposed legislation that would force chief financial or executive officers of corporations to sign off on their quarterly and annual reports of income, suggesting a greater fiduciary relationship with the public. However, public reaction to the speech was lukewarm, and some critics argued that Bush and members of his administration (indeed, most of the political elites in the U.S.) are so thoroughly enmeshed in insider information that the President could not possibly speak clearly on the topic. In the wake of the plunge, analysts talked about the “disappearance of vast wealth.” Where did this wealth go? On one level, this is clearly a question for economists and not for humanists. They would have an answer—but it might not be the one to satisfy our pessimism. Rhetorically, at least, the market crash seems to satisfy a certain definition of dematerialization. Wealth that was previously there, present, in existence on the scene of the market disappeared. But what was this wealth and where did it go? It was nothing material, since as long as it was invested in equities listed on the stock exchanges, it was neither money nor commodities. So, once again, what is wealth? It is a potential for something not yet realized that was diminished, or indeed, entirely dissipated, after the week of red arrows. What was experienced was a dematerialization of something non-material inasmuch as not-yet-material. Wealth moved to a non-space and a non-time in which “inside and outside indetermine one another,” during a state of emergency, declared not by a single sovereign national figure, but by the sovereign conventionality of the community of international investors; not in response to any declaration of a (new) war, poor unemployment numbers, dipping consumer confidence, or disappointing earnings. Rather, as Christian Marazzi might say, investors performed an act that underscored their communal body as predominantly linguistic.
I type in my credit card number for an online purchase. In the temporal interregnum when my account is debited and the amount of the purchase credited to a service provider, my money, earned by my labor, academic as it may be, exists in that state known in economic terms as the float, an indeterminate non-time and non-space, apparently ephemeral, yet in global monetary terms, highly profitable and volatile.

The float, the dematerialization of wealth: what are the spatial or temporal boundaries that mark these conditions? In the infinite struggle to extend the nanometrics of the float, how do we know when it is over? Where is the threshold within which wealth can be said to have “reappeared”? I am interested in thinking about the monetary realm in general. The dollar sign in my title is there to signify money, but specifically the synecdochic relation of all money to the U.S. dollar. The interstitial space and time when money undergoes a syncope is quite mysterious, especially in the digital age. Can the concepts that Giorgio Agamben develops in *Homo Sacer* and *Stato di eccezione* help to demystify this realm?

Although complex and heterogeneous, at its core Agamben’s work on the “state of exception” lies in a conversation between Carl Schmitt and Walter Benjamin around the question of a pure, potentially revolutionary or divine violence (*reine Gewalt*) existing outside of any juridical context. Schmitt argues that there is no pure violence, because it is included in law by its very exclusion, by the sovereign decision, which Benjamin does not admit. Rather, for Benjamin, the state of exception is a zone of interdetermination and catastrophe, not part of the juridical order, yet increasingly common in the modern world. Writing in 1942, Benjamin notes that the “state of exception” has become the norm. Agamben continues that in the new millennium, it has become permanent. It is useless to try to delimit the state of exception by strengthening the spatial and temporal boundaries of law, since there is no law “out there” that exists independently of its dialectical relationship with the state of exception. In other words, any politics (neo) liberal or otherwise, that pretends to get rid of the state of exception or appropriate it for those against whom violence has been perpetuated is deluded. All we can do is to patiently unmask its fictiveness, and to “attempt to interrupt the machine that is leading us to a global civil war,” Agamben concludes. We will not return to a pure originary state, but rather a “new condition” of possibility.

**Extending the State of Exception?**

Before proceeding on this course, I must admit that for me the very question of the extension of the seductive concept “the state of exception” beyond the realm of the concentration camp, of juridical politics and executive powers into
spheres such as the aesthetic or the symbolic, is quite vexed. I use the term “seductive” because in one sense, this term would seem to open up significant temporal and spatial potentialities. It has been invoked, for instance, in the context of actual debates on the status of “exceptional” detainees in that exceptional place that is Guantánamo. Zygmunt Bauman has likewise utilized the “state of exception” to discuss refugees in Europe, especially those housed in what are called in Italian centri temporanei di permanenza (found in exceptional places like Lampedusa). But we should be cautious. The “state of exception” risks being applied indiscriminately to any irregularity, any moment of panic, any grey zone, such that it may be used by the “enemy” as well as by “us.” In other words, this term could shed its complex historical and philological genealogy and become, merely, a synonym for any ambiguity or ambivalence.

Similarly, “state of exception” could be a crucial concept for scholarly work around the “national languages.” We might use the term in a positive sense, to refer to research in areas such as border or postcolonial studies, diaspora or immigrant cultures; or in order to problematize the traditional and restrictive disciplinary divisions to which we might be forced to adhere in our institutional affiliations. At the same time, “state of exception” might fall into the hands of those “others”—such as university administrators—bent on extracting surplus value from scholars by supporting what they call interdisciplinarity at the expense of work, no matter how relevant, in a particular national idiom. In the American context, university administrators fixate on centers (overlapping areas of research) and sites of synergy. The potential violence that pertains to the Agambenian “state of exception” is nowhere to be found. Rather, the “center” is at best a purely interstitial zone. Our job, then, is to keep in mind the catastrophic and violent qualities of the state of exception that might be suppressed in everyday use of the term.

As so often in the work we do, we find ourselves facing a question of translation. That is, a literal translation of Agamben’s phrase, “state of exception,” places the emphasis on exceptionality, from the Latin ex+capere, to take hold of. Exceptionality supposes a seizing, rather than a passive acceptance of a state of being. As Agamben notes, it is not merely a drawing of boundaries but a forceful and willful taking out, that creates the exception.

If, rather than translating literally, we take up the equivalent English terms emergency powers, state of emergency (most notably seen on our television screens in the wake of Hurricane Katrina) or martial law, our sphere of operation seem to be more policy-oriented and less philosophical; more concretely contained and less abstractly potential. For instance, in the United States, the declaration of a state of emergency on the part of local governments functions at a practical level to open the way for state and federal declarations, for fast-track funding, to allow authorization of extraordinary allocation to first
responders, or to defer property taxes for the effected individuals, even in cases where there is no loss of life or apparent “tragedy.” The state of emergency has entered our everyday vocabulary as a synonym for “bureaucratic expediency.” The current “state of emergency,” then, far from being a suspension of law (“how can an anomie be inscribed within the juridical order?” Agamben asks with regard to the idea that the simple topography of “inside” and “outside” is insufficient to explain the phenomenon) would seem to be a heightened state of law in which governments work efficiently, cutting through red tape. The declaration of martial law, similarly, allows the military and authorized personnel to “do their jobs” as in New Orleans, when—at least according to media reports—“marauding gangs of looters” and gunshots fired in the Superdome seemed to impede progress.

So much depends, then, on whether we use the term “state of exception” as one with immediate, performative, and practical implications. The more we delve into Agamben’s work, the more it becomes clear that the temporal and the spatial intersect one another in complex ways, so they cannot authentically be separated. Moreover, we see that at the heart of the concept is the question of the place of an anomic violence. Inasmuch as a dictionary definition of anomie implies laziness, stupor, or lack of action, anomic violence might seem oxymoronic, or at least contradictory. But as we will see, in context, anomie does not mean a suspension of positive action so much as a suspension of law that is, however, included in law.

**Anomie and Money**

One of Agamben’s concrete examples in the temporal realm is the period of Roman law called *iustitium*. Acts performed during this period of juridical *tempus mortuum* can be said to be characterized by anomie. He who acts during the *iustitium*, “neither executes nor transgress the law, but inexecutes [inesegue] it. His actions, in this sense, are mere facts, the appraisal of which, once the *iustitium* is expired, will depend on the circumstances.” The *iustitium* is linked with a period of mourning, as for a dead king or pope, prior to the conclave to elect a new pope, for instance.

Anomie comes from the Greek *anomia*, meaning lawlessness, *a-nomos*. It is the opposite of the word nimble, in English. Nimble derives from *nemein*, to distribute or manage; to be quick, light, alert, responsive; linked to *nomos* as usage, custom, law. A-nomie, as in Durkheim, suggests a social instability resulting from a breakdown of standards and values; personal unrest, alienation, lack of purpose or ideals. In *The Division of Labour in Society*, Durkheim wrote that over time, as society becomes more complex social bonds break down. Periods of disruption (economic depression, for instance) bring about greater
anomie and higher rates of crime, suicide, and deviance. In one sense, anomie is unbridled desire. Durkheim writes:

If the rules of the conjugal morality lose their authority, and the mutual obligations of husband and wife become less respected, the emotions and appetites ruled by this sector of morality will become unrestricted and uncontained, and accentuated by this very release; powerless to fulfill themselves because they have been freed from all limitations, these emotions will produce a disillusionment which manifests itself visibly...

Durkheim is careful to assert that anomie is not the normal state of affairs in modern labor. It is a pathological psychological state, or, a state of exception, used in the most generic sense. Some readers have used Durkheim to support the idea that in the development of industrial production, such pathology was an innovation. Indeed, Durkheim is often credited with inventing the term, but this is, of course, a convenient fiction which would allow us to understand the social order resulting from the Industrial Revolution as something particular that might indeed disappear with new forms of production or new markets.

In reality anomie is an older word, used in a variety of contexts prior to the “invention of modern ethnography.” Mill, for instance, was preoccupied with the lack of desire of among the English in the mid-nineteenth century. Prior to Mill, the Italian Enlightenment thinker, Cesare Beccaria, best known for Dei Delitti e delle pene, also authored a lengthy work on political economy, Elementi di economia pubblica (based on his lessons of 1769 and years following but published later). The very definition of public economy, for Beccaria, lies, like all of the arts and sciences, in desire, or more precisely, the “desire of being distinguished, that of shunning what the French term ennui and so forth.” He goes on to explain: “For in the state of society, while we learn to supply our natural wants with more facility, the frequency of our intercourse gives new activity to our faculties, and augments the number of our desires.”

Beccaria notes that a nation which produces precious metals is fortunate indeed, and such nations have always been “either the manifest or secret conquerors of the universe.” But he consoles himself with the fact that the real politicians have always looked more favorably upon acquiring gold than upon possessing it as a natural resource since acquisition requires motion, action, labor, which are at the heart of any political body. “Those nations that possess gold as a natural resource can be said to possess a drug that numbs all industry or productivity.” In a discussion of the Spanish in his Treatise, he writes:

But the easy, though cruel acquisition of gold, soon rendered the immediate possessors of it neglectful of manufactures and agriculture. Mean while the other nations of Europe, though still excluded from America, were thrown into a ferment by the discovery; so that the riches the Spaniards acquired with so much
ease, obeying the infallible attraction of labour and industry, only passed through their hands in order to circulate in Holland, England, and France.¹⁴

On one hand Beccaria’s text sounds like an elaborate apology for colonialism, a form of racist anthropology that supposes that those nations which have mines will tend to be lazy and unproductive, and require only a productive nation to stir up the native labor force from its torpor. On the other hand, Beccaria expresses a typical symptom of European political economy: mine envy. Raw materials are ambivalent: they bear the danger of anomie.

Various biographical accounts by Beccaria’s contemporaries stress a personal mythology of ennui/anomie. In the introduction to his collected works we read: “He was…naturally taciturn and inclined to meditation…This character, which apparently seemed to be stupidity, remained constant for all of his life.”¹⁵ After Beccaria achieves fame and is courted by Catherine II of Russia, the imperial court of prince Kaunitz-Ritzberg sends a delegation to convince him to stay in Lombardy, since “consideration given to national individual talents stirs some from lethargy and slumber, and frees some others from despair.”¹⁶ Beccaria even participated in his own self-mythologization. For instance, he devised his epitaph to read: “vitam minus ambitiose quam tranquille vixit.”

At this intersection of embellished individual biography and national economical history, we find the collapse of anomie and ennui into a single figure. In other words, it is far too easy to psychologize anomie, to make of it an analogue for national or personal lack of desire. Such a slippage, or lectio facilior, suppresses the very potentiality of anomie in the sense that Agamben has been developing in his recent work.

Money and Sovereignty

In political economy, the sovereign oversees the minting of coins. His face is stamped on money to guarantee value and fidelity. The sovereign is the king, but also the name of the coin that is stamped under this authority and bears his mark (the sovereign, the crown, and so on). Similarly, it is the sovereign under whose auspices mining takes place. He declares the value of mining, making it his Other. The sovereign is outside of the law (he can declare the value of currency only as he does not engage with it in exchange), but he is also inside the law as he recognizes the value of currency and collects taxes from the people over whom he rules.¹⁷ The sovereign decides on the proportion of gold and silver in any monetary system, just as he guarantees the value of coins.¹⁸ As Marx outlines with great care in The Grundrisse, money as a medium of circulation—that is, as coin—loses its value as such. In order to be money, it has
to be melted down, or demonetized, it has to shed its merely symbolic value. Coins have national or local characters, but not universal ones. In Marx’s terms, “a coin acquires a political title, and talks, as it were, a different language in different countries.”

When melted down, gold, silver are no longer symbols, but quantities, universal commodities. Money is the negation of the medium of circulation as such, that is, of the coin; but it contains the potential to be turned into coin. Money inhabits a realm of anomie. As money it has value only as gold and silver, but the face that the state impresses on it has no importance.

If we extend the logic of money and acknowledge the Sovereign as “he who decides on the state of exception,” then he is the Other of monetary indeterminacy. He could be defined as non-float, as non-materialization of wealth. And in the contemporary world, he is no longer embodied in a single figure, but has become convention, but for that “he” has not lost his qualities as Sovereign.

The thinker who offers the most lucid meditation on the relation of money, sovereignty and anomie is Ernest Kantorowicz. In that classic of political theology, *The King’s Two Bodies*, we learn that the possessions of the demesne are unalienable, existing in a state of anomie. Roman and canon law give rise to the concept of a fisc that never dies. In the Middle Ages, taxation was ad hoc, *casus necessitatis*, and evoked in states of emergency. Over time, however, taxes are levied annually, *necessitas regis et regni*, even if the fiction of an unrepeatable event or emergency persists in monetary rhetoric. In other words, taxation undergoes a genealogy such that the state of exception becomes permanent.

According to Agamben, however, Kantorowicz undervalues the precedent of Roman law as embedded in English monarchic law. That is, the king’s two bodies should be understood in relation to the distinct Roman concepts of *potestas* and *auctoritas*, not just the office of the sovereign—the fisc that never dies—but the actual person. This principle extends also to Mussolini and Hitler. While these figures do hold the respective offices as heads of government (*potestas*), their peculiar power also comes from their bodies, so that they “belong to the biopolitical tradition of *auctoritas* and not the juridical one of *potestas.*” These leaders exercise extraordinary powers of personal charisma, and they are not substitutable with just any other persona. The implications of this for the state of exception are crucial: “The norm [of law, of the judicial] can be applied to the normal situation and can be suspended without totally annulling the juridical order because in the form of *auctoritas*, or sovereign decision, it refers immediately to life, it springs from life.” It is because of the biopolitical nature of the leader as *auctor*, in all of its specificity, deriving from Roman law, that the sovereign decision functions as a state of exception.
Representing the Market

Let us consider, then, two representation of the market that may help us think about the applicability of the “state of exception” and the sovereign decision in the monetary realm. Antonioni’s remarkable film *Eclipse* was released in 1962, toward the end of the economy boom of postwar Italy. The film opens with the breakup of a love affair, particularly painful because of the lack of any clear temporal or spatial boundaries. There is no law, no definitive marker, as Antonioni makes eminently clear through his slow-paced editing, shot selection, and minimal dialogue. Rather, the characters inhabit an anomic zone of indeterminacy where they are neither together nor apart.

Following this excruciating scene shot on location in EUR, we follow Vittoria (Monica Vitti) into the Rome stock exchange. She is looking for her mother, who, as an “individual investor” (and, probably, as a woman) remains excluded from the center of a series of concentric circles with progressively limited access. Indeed, the entire exchange is decentered inasmuch as the real market is in Milan (reached by analogue telephone), or better, in the United States. Rome is just a satellite market, and its marginality is crucial to the scene in question.

Vittoria’s mother is quite preoccupied with a potential crisis in the market and she has no time for her daughter. Rather, just as Vittoria attempts to speak with her mother, a bell rings loudly, signaling a moment of silence for a dead colleague, “like for soccer players,” as a broker, Riccardo, (Alain Delon), notes. Vittoria and Riccardo stand behind marble pillars, waiting for “time to resume.” Phones keep ringing, as if to emphasize that this “pause” is local to the Rome exchange and Milan isn’t even aware of it. In the pre-digital Roman market, price changes are reflected on a large board. There is a moment of blankness as the (automated) numbers flip over: one of several eclipses in the film, just like the clock suspended from the ceiling. In the digital world it is impossible to represent, filmically, the shift from one interval of time to another, the moment of transition when a stock rises or falls or price.

At the center—what should logically be the motor of the market—is a public address system that looks remarkably like an old-fashioned accountants’ lamp. The technology of this market seems nostalgic, perhaps for an era of face-to-face exchange. Antonioni makes it eminently clear that time does not stop during this full minute of on-screen time. In fact, the (nostalgic) center of the market is the place of the enunciation of death. This pre-post Fordist scene proves with remarkable foresight that the market is a perpetual motion machine that exists in a spatial and temporal no-man’s-land, a state of exception; a state of emergency that has become the norm.
The moment of silence in *Eclipse* is eerily echoed in a second scene, not from a film, but from “real life” (as broadcast on cable television or streaming on the Internet). The scene takes place at 9 a.m. on September 17\textsuperscript{th}, 2001, as Wall Street wakes up and reopens for business after 9/11. Traders crowd the floor of the exchange, filled with apparent anticipation. On the mezzanine above, a group of dignitaries stands with grave faces. A bell rings to signal a minute of silence, just as in Antonioni’s film. And as in the film, the camera pans over the bodies of the traders, making clear through micro-movements, nervous ticks, coughs, phones, computers buzzing—the soundscape of the infosphere—that time never stops. Some people shed tears. The silence is followed by an *a cappella* rendition of “God Bless America.” More shuffling, tears, buzzing. Finally, a fire captain representing the “heroes of 9/11” rings the opening bell. A collective exhalation is followed by the usual frantic movements. The herd had been trained during the week prior to think that buying was a sign of patriotism, a gesture of defiance against the terrorists. The market rebooting itself is the ultimate ritual of the permanence of “our way of life.” The scene stages an end of the state of emergency, a return to law.

In the new economy, “old wealth” or “blue chip” companies from a fantasized past actually manufactured things. That is, the brand name appeared on a building that was also the factory or plant. Now we realize that what the developed world can best focus on are value-added elements such as design and marketing, and therefore the actual production of goods is outsourced to subcontractors or EMSs (Electronic Manufacturing Services). These factories, as Naomi Klein has described them in depth in *No Logo* are, of course, known for their flexibility and low costs. They exist in non-spaces (enterprise zones that exist as places only in a dematerialized sense) and in non-times (work goes on constantly, without any break, and thus does not correspond to the lived time of human beings).

When people purchase securities today, they most often do so not using actual currency, but paying electronically or transferring funds. At times these funds exist in a non-state of suspension known as “the float,” but then they reappear, rematerialize, as it were. And even if the money exchanged never actually falls into the hands of traders as paper, even if traders never receive those engraved and ornate paper products known as stock certificates, it would seem that the emergence from the float, the electronic confirmation of the arrival of funds or the closing of a transaction could properly be called a rematerialization. Even quarterly reports are now offered electronically. So the entire transaction, from idea, research, buying, to owning, and eventually selling, is potentially dematerialized. Equities trading involves very little actual contact between human beings, and whatever face-to-face contact there is, it is of a fleeting nature. This goes to explaining why the markets have done as much
as they can to present a materialized image that will make people feel comfortable. The bull and the bear serve as totemic symbols of markets. Markets have bells rung by celebrities to signal the human presence on the floor. The mass of paper that is left to clean up after a day’s trading seems a necessary byproduct. The Nasdaq set up shop in Herald Square, literally in a store front that has nothing behind it, a “floorless” and fully digitized market. Reporters are said to be broadcasting live from the “Nasdaq market site.” The word “site” must be included since there is no market and indeed trades are done by a series of computers located miles away. In the background behind reporters, symbols and numbers scroll across hyper-modern screens. This is a nostalgic referent to an older form of exchange, a mere pointer to a site, but not a place that a human being could inhabit since it is space with no depth, only a consumer window out onto the world, a reflection.

Pure violence, money, anomie

I have already expressed a certain skepticism toward the enterprise of using Agamben’s work to think about a realm beyond law. Having said this, the “state of exception” remains a highly attractive concept for thinking about the complex interrelations of time, space, money, anomie; about personal (psychological) and national (in)action. Moreover, the law (of the state, the camps, and so on) could and should be thought in relation to money (law of the market). It is difficult to resist an easy fall into a psychology of ambiguity (the gray zone). Leaving aside the rather significant economic developments that separate Rome’s quaint exchange of the cold war era to the new economy market at the dawn of the war on terror, both scenes mentioned above represent—each in its own fictive manner—the state of exception as it pertains to the market.24 Like the circles that Agamben reproduces in Homo Sacer, the circles of the market contain what is not ex-cepted (ex-capere), that which is sovereign. But as in Agamben’s work, these scenes suggest a certain violence and fear. It is precisely in acting as a market-maker that the multitude becomes a community, just as the multitude becomes a people through the recognition of a sovereign, an action, that is itself potentially, purely, violent.25
Elaborating on Giorgio Agamben’s arguments, according to which, “faced with the unstoppable progression of what has been called a ‘global civil war,’ the state of exception tends increasingly to appear as the dominant paradigm of government in contemporary politics,” several intellectuals have analyzed the unfolding of the exception in the present geo-political scenario with the purpose of criticizing the most aberrant manifestations of contemporary politics, namely detention camps. While much has been made of the fact that contemporary camps, such as Guantánamo, appear to be zones of “suspension of the law” and that their existence is often justified in the name of emergency, an object of even more vehement criticism has been the fact that the camps are physically enclosed by a set of impenetrable borders and thus what happens within them ultimately remains unknown to the general public.

The problem of how to deal with the borders of the exception is not absent from Agamben’s writings. For instance, the opening pages of *State of Exception* suggest that, in elaborating a theory of the exception,

> The question of borders becomes all the more urgent: if exceptional measures are the result of periods of political crisis and, as such, must be understood on political and not juridico-constitutional grounds, then they find themselves in the paradoxical position of being juridical measures that cannot be understood in legal terms, and the state of exception appears as the legal form of what cannot have legal form.

Agamben’s allusion to the “question of borders” is not followed, however, by immediate clarification. It is specifically for this reason, I maintain, that it seems to disclose several heuristic points of departure. Agamben does not tell us, for example, if the most immediate concern should be to identify the limits that belong to the theory of the exception, or if it is more urgent that we ask whether or not (and in which ways) the category of “borders” can be applied to the state of exception. Since the state of exception is “neither external nor
internal to the juridical order,” I believe it is also crucial to consider the possibility that one should conceive not only the exception, but also its “borders,” in terms of ambivalence, that is to say neither inside nor outside their juridical, political, or spatio-temporal dimensions.

In the following pages, I will try to intervene on the current debate concerning the limits and borders of the exception. First, I argue that the relationship between norm and exception cannot be understood as a binary opposition because there is no such a thing as a boundary-line that separates the two. Second, I propose that in approaching the relation between exception and norm we need to abandon (or, at the very least, radically re-conceptualize) the notion of boundary in favour of an understanding of the border as a zone of topological indeterminacy and indistinguishableness. Eventually, it is my aim to call attention to the contradictory nature (if not the danger) of the attempts made, in the name of the “solemn invocations of the ‘sacred and inalienable’ rights of man,” to delimit the unfolding of the exception into a set of clear-cut boundaries.

To support my claims, I will make a move inspired by the work of Giorgio Agamben. In attempting “to untangle the aporias” of the modern theory of the exception, Agamben focuses on the iustitium and demonstrates how, by representing an “archetype of the modern Ausnahmezustand,” this Roman institution informs contemporary paradigms of governmental politics. In this essay, I propose to discuss an urgent problem in contemporary sovereignty (the “question of borders”) through an analysis of the depiction provided by Roman historiography of the terminus. Like iustitium, not only does the Roman terminus seem not “to have been given sufficient attention by legal historians and theorists of public law,” but it also provides us with “a miniature model” that illuminates, from a contemporary perspective, the topographic relationship between sovereignty and exception.

In Latin, terminus has three principal meanings. All three seem to be inherently related to the problem that Henri Lefebvre has called “the production of space.” The term indicates: (1) a series of material landmarks used to delimit the territories under the control of Rome; (2) a divinity existing on the Capitoline before and after the arrival of Jupiter on the hill; (3) a physical stone which was left inside the temple dedicated to Iuppiter Optimus Maximus at the moment of its construction. Whether taken into consideration separately or analyzed together, all three meanings of terminus reveal that, topologically, the exception is indistinguishable from the norm.

In its first meaning, the Latin terminus designates any physical instrument used to mark the border of a given portion of land. Typically in the forms of cippus, saxum, or miliarium, the Roman terminus appears as an active producer of space that simultaneously performs processes of territorial definition and
spatial partition. On the one hand, in marking the end (or the finis) of a territory, terminus functioned as a means of delimitation of the land. On the other hand, in dividing two or more pieces of territory, terminus also performed a process of separation. The termini separated the urbs from the pomerium, the sacred and the profane spaces, the city from the country, and the territories of the Empire from the rest of the world.38

As Giulia Piccaluga has demonstrated in a fundamental study published in 1974 and entitled Terminus: I segni di confine nella religione romana, it is crucial to understand that the Latin termini were not used to measure territorial extension, and they did not indicate geographical or cosmic coordinates.39 Other means, the limiti for example, were used for these purposes. The termini instead constituted, in Piccaluga’s words, “particular sacral means through which it was possible to exercise control over several aspects of reality.”40

Furthermore—and here we can observe the first valence of terminus as a dispositif of exception—the termini were not considered to be part of the territories to which they referred. The termini represented, as Piccaluga has argued, “external points” with respect to the field of which they delimited the extension.41

By viewing this feature of termini in light of Carl Schmitt’s statement according to which “the ‘ordering of the space’ that is...constitutive of the sovereign nomos is...not only a ‘taking of land’ (Landesnahme)—the determination of a juridical and a territorial ordering (of an Ordnung and an Ortung)—but above all a ‘taking of the outside,’ an exception (Ausnahme),” 42 it is possible to understand the Roman terminus, in this first sense, as a topological projection of the exception. Marking the border of a given extension of land, but not being part of the territory it refers to, terminus seems to spatially represent that point at which “in order to apply a norm it is ultimately necessary to suspend its application.”43

Incidentally, beginning with the reign of Numa Pompilius, Roman law severely punished those who moved or removed the termini. Any person found guilty of having displaced a terminus was, often alongside with his oxen, declared sacer. Anyone could kill such a person and not be considered a murderer.44

The termini, as Ovid explains in the Fasti, were also objects of worship and the sacrificial feast of the Terminalia was dedicated to them.45 While each boundary marker was given its own numen, all termini were considered the simultaneous expression of a single deity: the god Terminus who resided with Jupiter on the capitolium.46

Also in this second meaning—that is to say, as a deity—terminus appears to be related strictly to the notion of the exception. In order to fully grasp this relationship, it is necessary to look at how terminus, ambivalently located both
on the capitolium and in each boundary mark, is depicted in Roman historiography. According to several authors, before work could begin on Jupiter’s temple on the capitolium, it was necessary to interpellate the augures. On the old Capitoline, in fact, several sacred buildings dedicated to a series of deities had to be exaugurated in order to make room for the temple of Jupiter. When asked to express their approval of being moved out, the divinities of the capitolium agreed to leave with only one exception: Terminus.47

The moment of Terminus’ refusal, as Piccaluga has suggested, constitutes a crucial episode in the affirmation of the sovereign order brought by Jupiter. In introducing an element of ultimate “otherness” in the territories of Jupiter’s sovereignty, Terminus allows Jupiter to affirm his own sovereign power and “to sustain the whole reality.” Thanks to its immovability, for Piccaluga, Terminus functions as the guarantor of the “indestructibility of the capitolium.”48

It is important to highlight the fact that, according to Roman historiography, no punishment followed Terminus’ refusal. It is therefore problematic to interpret Terminus’ in-exaugurability as a simple act of transgression of the norm. Rather, recalling Agamben’s statement that, in the state of exception, the “application is suspended, but the law, as such, remains in force,”49 it is possible to see Terminus’ refusal as an archetypal moment of exception. At the moment of Jupiter’s arrival on the capitolium, it seems, “what cannot be included in any way is included in the form of the exception.”50

Incidentally, the feast of the Terminalia also seems to represent, this time in the temporal dimension, the insertion of an anomic element into the constituted order. The Terminalia was held every year on the 23rd day of February, at the “end” of the Roman solar-lunar year. It inaugurated a period of five days named regifugium, during which the rex sacrorum was required to leave the city in order to “demonstrate to the Roman people assembled in the comitium that there was no more a king to qualify and define the organization of time.”51 The anomic period of the regifugium, that Brelich and Sabbatucci have respectively defined as “a sort of temporal no man’s land”52 and “a no-one’s time,”53 continued until the appearance of the new moon, at which point the pontifex recalled the rex sacrorum into the comitium so that he could declare the beginning of the first month on the new year.54

In Roman historiography, terminus also held a third meaning. It referred to an actual stone, called Terminus, located in the Cella Iovis inside the temple of Juppiter Optimus Maximus Capitolinus. Today, to my knowledge, there is no available iconographic representation of this stone, but we know from Virgil and Lactantius that it was considered “immobile” and “shapeless.”55 We also know that a foramen (a hole) was left above the stone in the temple’s roof. In this way, Terminus could remain directly exposed to the open space of the cosmos.56
In its third meaning, the Latin *terminus* also seems to constitute a spatial projection of the state of exception. Simultaneously closed up inside the temple and exposed to the open space of the cosmos, *Terminus* does not appear to be properly located “outside” Jupiter’s law, but it is rather, to use Agamben’s words, “exposed and threatened”\(^57\) on “a threshold, or a zone of indifference, where inside and outside do not exclude each other but rather blur with each other.”\(^58\) The English translation of Agamben’s words (according to which inside and outside “blur with each other”), unfortunately, does not fully capture the meaning of the original Italian, which reads: “dentro e fuori non si escludono, ma s’indeterminano” (emphasis added)\(^59\).

In being simultaneously internal and external, essential and extraneous to sovereign space, the *terminus*, in all three of its meanings, seems to offer a topographic representation of the “relation of exception” described by Agamben in the first section of *Homo Sacer*. As the text states,\(^60\)

If one wanted to represent schematically the relation between the state of nature and the state of law that takes shape in the state of exception, one could have recourse to two circles that at first appear to be distinct (Fig. 1) but later, in the state of exception, show themselves to be in fact inside each other (Fig. 2). When the exception starts to become the rule, the two circles coincide in absolute indistinction (Fig. 3).

In reading this schema, it is important to keep in mind that *terminus* was located at the center of Rome (in the *Cella Iovis* of the temple of *Iuppiter Maximus* on the *capitolium*) as well as disseminated throughout the Roman territories (when used as a means of delimitation and separation of different properties) and placed at the ultimate geographical limits of Roman sovereignty (as in the case of the *termini publici* that separated the Roman territories from the rest of the world).\(^61\)

The inner circle represented in Figure 2, which we can read in relation to the in-exaugurability of the Terminus of the *capitolium*, contains in itself the potentiality to extend itself to the end frontiers of sovereignty—here represented by the external circle. At the same time, with its dissemination inside and
throughout Rome’s territories, *terminus* also embodies the condition of indistinctness and indetermination relating sovereignty and exception as represented in Figure 3.

The relationship between *terminus* and *Iuppiter* demonstrates how, in scrutinizing the complex relationship between sovereignty and exception, it seems necessary to first assess the reciprocal indeterminacy that characterizes the two terms. Secondly, reading *terminus* as a topographical model for the relation of exception seems to advance the possibility that, in addressing the contemporary unfolding of the exception, the notion of the boundary-line should perhaps be abandoned. It is useful to recall here that, for Agamben, “the originary relation of law to life is not application but Abandonment.”  

Furthermore, as Agamben claims in *Homo Sacer* when discussing “the camp as a bio-political paradigm of the modern,” the space of exception is placed outside the normal juridical order, but it is nevertheless not simply an external space. What is included … is, according to the etymological sense of the term ‘exception’ (*ex-capere*), *taken outside*, included through its own exclusion. But what is first of all taken into the juridical order is the state of exception itself.

The topographical model represented by *terminus* seems also to support the hypothesis that, from a contemporary perspective, it is urgent that we do not formulate and identify the series of (juridical, political, temporal, or spatial) limits belonging to the emergency and the exception, and instead accept the possibility that contemporary sovereignty has abandoned traditional notions of border in favour of spatial indeterminacy and indistinguishability.

In conclusion, I propose that in the future we do not follow the theoretical approaches that attempt to formulate a set of limits and borders with which to frame the unfolding of the exception. Rather than calling for the re-inscription of Guantánamo into the norms of the Geneva Convention, and rather than making an appeal to the “universal rights to humane treatment,” I propose that we instead concern ourselves with the past and present continuities between dictatorship and democracy.
This paper analyzes three works written by Antonio Negri during the 1970s: “Partito operaio contro il lavoro” (1973), “Proletari e Stato” (1975), and “Il dominio e il sabotaggio” (1977). It argues that, in these works, Negri formulates a militant account of how a political subject can be seen as a product of what Alain Badiou has called a “procedure of truth.” The essay also attempts to demonstrate the contemporary importance of Negri's analysis by relating it to Giorgio Agamben's reflections on biopolitics and the state of exception.

Negri's works belong to the tradition of operaismo, a current in Italian Marxism that identifies labor struggle as the driving force of capitalist development. One of the central documents of operaismo is Mario Tronti's collection of essays Operai e capitale. In one of the essays collected in that book, “Lenin in Inghilterra,” Tronti demands a reversal of the traditional view according to which labor struggles follow capitalist development. Tronti argues that when capital has reached a degree of socialization corresponding to what Marx calls the “real subsumption of labor under capital,” labor struggles become productive: capital can only react to these struggles by finding ways of instrumentalizing the demands advanced in them. In the words of Tronti: “Once capital has developed on a social scale, capitalist development is subordinate to labor struggles; it follows them and must make the political mechanism of its production process correspond to them.” Within this theoretical framework, Marx's Grundrisse becomes a privileged reference point. Marx's concepts of a “general intellect” and of the “social individual” are treated as a theoretical anticipation of mature capitalism and used to explore labor subjectivity.

In the works to be examined here, Negri invokes Marx's discussion of the tendential decline of the average profit rate, using this discussion to explore the transformations of Italian capitalism that resulted from the labor struggles of the