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Exemplary Violence in the War on Terrorism

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See, it's a different kind of war. We're in a different era. We need to view law differently. [1]

Just ten months after the US invasion of Iraq, George Bush made this statement, suggesting that the world was no longer the place that it once had been. We were told that indeed, a new era had begun, one in which law as such no longer meant what it once had. This era began on September 11, 2001 when, what the Bush Administration designated as an "act of war," was carried out on US soil. It was this designation of the World Trade Center attacks as acts of war that then allowed the President to announce only hours later that the "war on terrorism" had begun. As Bush later put it, "The terrorists and their supporters declared war on the United States, and war is what they got."[2] A *war* on 'terrorism' has proved to be a highly problematic formulation, however, as it is not clear what exactly 'terrorism' is. In fact, this was the case from the very moment that Bush first publicly uttered this phrase that evening, when no evidence was yet available to prove who was actually responsible for the "acts of war;" there were only the acts themselves and those who had died carrying them out. This legacy of indeterminacy has followed the word 'terrorism' to this day. Four years on now and the "war on terrorism" is still going strong,

while the definition of this term is as empty as it was on 9/11: we still can't figure out what exactly the Bush Administration means by this word, or more crucially, what one has to do in order to fall under it, but we are re-assured by the Administration that this is for our own good, for our security. We have, however, been given plenty of *examples* by the Administration of exactly what it means to fall under this term - to be named 'terrorist'. It is this paradigm of *exemplary violence* that in the "war on terrorism" comes to replace the *law* as that which establishes a relation between violence and justice. It is not the law, but he who makes examples that is sovereign here. In the "war on terrorism," justice is served in the form of examples, made by the United States, of what it means to fall under the word 'terrorism'. This means that what Bush refers to as "the word of America," has undergone a change in the way in which it signifies. That is, as the Bush Administration's vocabulary has become increasingly limited (so that a single word, "freedom," has become the answer to virtually every question), their battery of examples has grown (Afghanistan, "enemy combatants," Iraq...).

The world is changing for the better. The world is getting more free and peaceful and less dangerous. Recently, Moammar Qadhafi made a wise decision to show and get rid of his weapons of mass destruction programs. The British government and the American government worked for nine months to convince in negotiations with Qadhafi about what to do with his programs. You want to remember, I want to contrast that with the 12 years of diplomacy that took place at the United Nations, when nothing happened. I mean, we had resolution after resolution after resolution just totally ignored by Saddam Hussein. Sometimes not ignored, but played with, is a better way to describe it. Nine months of intense discussions with Qadhafi worked because the word of the country -

word of this country matters. When you say something, you better believe it. People now trust the word of America. People now understand.[3]

This particular articulation of the "word of America," as something that "matters," should be taken literally: the word *matters*, that is, it *becomes matter*. The "war on terrorism" is the place where the "word of America" matters, literally - the place where the word itself becomes matter - or rather, where matter comes to stand in place of the word. In this configuration, where signifier and signified coincide, and thus where all mediation via language (the law) disappears, justice and violence immediately coincide in specific examples (such as that of Iraq) which serve to guarantee the law through its momentary suspension. This moment of the suspension of law in order to uphold it must be presented as an example, that is, as a substitution of action for word, an action standing in place of the word. The example here is an expression of potential force, as Bush has stated, "Iran and other nations have an example in Iraq."[4] Iraq shows the potential of the US ability to exert force. It shows this potential to "Iran and other nations." In Iraq, however, the invasion could not serve as an example as it did not merely *show* the potential of US force, but rather, directly applied such force there (in the moment - an extremely long one - of the law's suspension). This is the crucial point of examples: "On the one hand, every example is treated in effect as a real particular case; but on the other, it remains understood that it cannot serve in its particularity."[5] In Iraq, the invasion was not an example, but a purely inarticulate expression of force through destruction, while at the National Defense University, where Bush later stated that "Iran and other nations have an example in Iraq," articulating Iraq as an example by calling it such, or on television where one could only see a kind of generalized series of explosions in the

distance, and then buildings collapsing, the Iraq situation no longer serves in its particularity, indicating instead what *could* happen to those countries whose leaders refuse to give in to US demands. In being articulated as an example, the war in Iraq is situated in the place of the word; it is framed as a linguistic unit. Here the incredibly destructive reality of the invasion in Iraq, its particularity, has disappeared or rather, *has become a mere potential* for other countries named 'terrorist' and it is this potential that is seen to make the word of the United Nations meaningful:

Had we failed to act, Security Council resolutions on Iraq would have been revealed as empty threats, weakening the United Nations and encouraging defiance by dictators around the world.[6]

The Bush Administration views the Security Council resolutions as pure and simple threats, a written representation of *potential* force which can only work if that force is expressed, or realized in some violent way (a way that *matters*). An example of this power must be made somewhere. When Bush claims that "[n]ine months of intense discussions with Qadhafi worked because the word of the country - word of this country matters," while twelve years of diplomacy through the UN accomplished nothing, he is stating directly that diplomacy (the word) alone will not work, some (violent) *thing* must take the place of the *word* (diplomacy) here. The 'word of the UN' is not enough without the 'word of America'. The "war on terrorism" is precisely the place where the force of law is expressed through the (re)presentation of (US) violations of this law as examples of its being-upheld. In this context,[7] the relation between violence and justice assumes an immediate form in the example.

Producing the (un)civilized

An implicit argument of the Administration's is that examples *must* be made in order to specify, to determine, these "shadowy forces" with which it is at war. The argument is that "terrorist networks" are resistant to language - they indicate precisely the place where language, and thus law, proves to be inadequate. This articulation of a group of people as resisitant to language has a long history. It is the history of colonial states depicting those who occupy lands, which these states wish to colonize, as savages - animals. The assertion that a group of people are resistant to language or that they "cannot be negotiated with," is the placement of these people outside of language, and thus outside of the law. In this way, the mode of engagement with such a people will necessarily be one of brute force. The ability of a state to place persons outside of language and thus outside of the protection of the law - the power to produce a group of human beings who are considered animals - is an indication of the limitation of the notion of 'human rights'. Once a state can declare a person to be beyond the most basic rights of a human being established by the Geneva Conventions, as the US has done in the "war on terrorism" through their novel term "enemy combatant," the meaning of this set of Conventions becomes conditioned by an absolute sovereign (here, the Bush Administration) who decides on what is and is not human.

This is why, although necessary, the criticism of the United States treatment of prisoners, or "detainees" held in Abu Ghraib seemed to fall short of an effective target. The criticism of this most obvious instance of abuse, complete with photographs taken by those who were carrying out the abusive acts, seemed to suggest another way of handling prisoners, one seen to be more 'humane'. But the choice between these two modes of detaining bodies

against their will, due to suspected terrorist involvement or to actual capture in combat, is strictly undecidable from the Bush Administration's standpoint, as in having fallen under the word 'terrorism', these persons detained by the military were no longer considered human, or part of the "civilized world." Without any concrete evidence to link these 'detainees' to 'terrorism', the soldiers in charge of the prisoners along with the 'intelligence' interrogators were then given the task to produce such evidence through the extraction of information from those detained as suspected terrorists. One of the key tactics employed by the suspects' captors is that of humiliation. The images of the abuses served as proof of the systematic nature of this approach: the subtraction of dignity in order to produce a pure body, no longer a part of 'humanity', who thus occupies the proper place of terrorist (animal outside of law) and can then serve as an example, to future "enemy combatants" captured of what will happen to them, while showing the rest of the world what a terrorist actually is. A norm of *animalization*[8] was being produced. This production of a norm was part of the strategy, supposedly for extracting *information* from these bodies, but the subtraction of dignity or 'humanity' was seen as a *precondition* to the extraction of such information. The Bush Administration's term "enemy combatant," which strips suspects designated as such of all protection under the Geneva Conventions, and thus considers them to be literally (legally) inhuman, is the legal articulation of this precondition. "Enemy combatant" inscribes a place for the production of the inhuman within US law. The systematic torture serves to realize this designation of humans as below or outside of 'humanity'. The set of actions that are explicitly prohibited in the law in order to protect human dignity, become, in the place of "enemy combatant," the set of actions to be carried out in order to subtract that very dignity which is to be left in tact in the 'civil' situation. The set of protections that the law

draws out become the programmed set of targets in the place of 'terrorism'. As such, the primary condition to be met before extracting information from those named 'terrorist', is the production of an animal in the place of the human who has been named "enemy combatant," thus justifying the suspension of this body's 'human rights'.

Giorgio Agamben has suggested an "essential proximity" between the spheres of language and law in that they both operate by presupposing an outside with which they then maintain a relation: "just as language presupposes the nonlinguistic as that with which it must maintain itself in a virtual relation [...] so that it may later denote it in actual speech, so the law presupposes the nonjuridical (for example, mere violence in the form of the state of nature) as that with which it maintains itself in a potential relation in the state of exception."[9] The presupposition of a state of nature in which unjustified acts of violence are carried out - a kind of violence before the law - with the Bush Administration has been re-named as 'terrorism'. 'Terrorism' holds the place of "state of nature" in this Administration's rhetoric. Terrorism is the outside with which the law must maintain a relation and the Administration has become the sovereign who decides what exactly is to be considered terrorist, and thus, as they so often put it, not a part of the "civilized world." In this way, it is the Administration who decides the relation between law and life.

The paradoxical structure - of violating the law in order to make it meaningful or of suspending the law in order to indicate precisely where it is applicable - is what Agamben refers to as a "relation of exception," which he considers to be the "originary formal structure of the juridical relation." As he explains, "[t]he particular 'force' of law consists in this capacity of law to maintain itself in relation to an exteriority. We shall give the name *relation of*

exception to the extreme form of relation by which something is included solely through its exclusion."[10] In the "war on terrorism," the very word 'terrorism', indicates the place where the law maintains a relation to that which is outside of it. In this sense, to fall under the word 'terrorism' - to be called a terrorist - is to fall outside of the juridical order and to thus be subject to the pure 'force' of law, or, what Agamben has referred to more recently in *State of Exception* as "Force-of-Law," 'Law' being crossed out to indicate that "what is at stake is a force of law without law." [11] The incredibly broad set of definitions of 'terrorism' employed in the "war on terrorism," which allows for almost any activity to be capable of being considered terroristic, has meant that the Bush Administration has come to occupy a position in which, by naming people 'terrorists', they have been able to wield that pure force of law without law, which Agamben locates in the "state of exception," where "a pure violence without *logos* claims to realize an enunciation without any real reference."[12] An instance of such an enunciation without reference is the pure, inarticulate, brute force applied on Baghdad in the US "shock and awe" attack there, which only acquires a reference retrospectively at the Pentagon's National Defense University, where Bush presents it as an example of the force (of law without law) which the US is capable of exerting on "Iran and other nations."

It is at this point, in being named "terrorist," that what is named such can no longer be adequately represented by a name - a word - in language (by the law). Rather, that which is named 'terrorist' must come to occupy the very place of this word/name in language, immediately, as an example. This is precisely what 'terrorism' designates: *the taking place of language* - the place where all that appears, appears as an example, and thus in the place of the word. Once one has been named a terrorist, all of his or her actions and

words will be seen as examples of terrorism. This indicates the degree to which the US has come to occupy an absolute position of power: ultimately the Bush Administration decides what will fall under the name 'terrorism' and will thus be simultaneously *cast outside of language* (in the sense that whoever is named such is immediately considered to be without language and thus cannot question this most basic fact of having been named terrorist)[13] while being *condemned to the "purely linguistic"* (in that everything s/he does becomes an example of terrorism; all actions come to occupy the place of the word 'terrorism'). This is precisely what Agamben describes as exemplary being: "purely linguistic being. Exemplary is what is not defined by any property, except by being-called. Not being red, but being-*called*-red, not being Jakob, but being-*called*-Jakob," not being terrorist, but being-*called*-terrorist "defines the example."[14] In this way, 'terrorism' holds the place where the decision by the sovereign is made regarding that to which the law can be applied: whomsoever is named terrorist is outside of this sphere and serves only as an example of 'terrorism' and the *force of law without law* which the sovereign can exert upon those designated as outside of the law.

The 'Good War'

The fall of the Berlin Wall and the fall of the World Trade Center were the bookends of a long transition period. During that period those of us who think about foreign policy for a living searched for an overarching, explanatory theory or framework that would describe the new threats and the proper response to them. Some said that nations and their militaries were no longer relevant, only global markets knitted together by new technologies. Others foresaw a future dominated by ethnic conflict. And some even

thought that in the future the primary energies of America's Armed Forces would be devoted to managing civil conflict and humanitarian assistance.[15]

I would like to turn to this statement of Rice's and suggest here that the Bush Administration's immediate response - to the attacks on September 11, 2001 - of putting the nation at war, despite the lack of any specific enemy at that point, has something to do with "those who think about foreign policy for a living" that Rice mentions here, searching for an "overarching, explanatory theory or framework that would describe the new threats and the proper response to them." This search for a way of naming the enemy is here delivered in the typical defense and security jargon, but we only have to skip a few lines down in Rice's speech to find the standards by which the Administration is evaluating this particular enemy: "America faces an existential threat to our security - a threat as great as any we faced during the Civil War, the so-called 'Good War', or the Cold War." Here she compares the current "war on terrorism" to three other major wars in which the US was involved. Her reference to the Second World War as the "Good War" and her reiteration of this comparison of the Second World War and the "war on terrorism" through her suggestion of a relation between the attack on Pearl Harbor and the World Trade Center in other speeches points to a strategy of legitimization which belies a more profound desire on the part of the Bush Administration as a whole, all of whom seem to suggest a relation between the two wars. Bush himself has put it this way,

Like an earlier generation, America is answering new dangers with firm resolve. No matter how long it takes, no matter how difficult the task, we will fight the enemy, and lift the shadow of fear, and lead free nations to victory.

Like an earlier generation, America is pursuing a clear strategy with our allies to achieve victory.[16]

For all their talk about this new kind of war that the US is involved in, deep down, there's a connection between it and the "Good War," and this connection is articulated not only as one of legitimacy in terms of security threats and an attack on the "homeland," but also as one of values: both wars are said to be about liberation and freedom and thus ultimately fought in the name of the Good.

This notion of engaging in the Good by means of a war of liberation is precisely the *fundamental fantasy* of the Bush Administration. The "Good War" is after all, the war that none of the Bush Administration was able to participate in. It is the war of that "earlier generation," that Bush refers to and which has been famously hailed as "The Greatest Generation" by newsman Tom Brokaw, in his book by that title. To be a part of such a generation - made up of "ordinary Americans making extraordinary sacrifices" in the name of freedom (the Good) - this is what structures the symbolic framework of the Bush Administration's 'vision' of the world. It is not that the Administration is in-itself evil, but rather that their fundamental fantasy demands an articulation of evil as such. As Bush puts it, in a plea to that new generation which he sees his Administration leading,

I ask our youngest citizens to believe the evidence of your eyes. You have seen duty and allegiance in the determined faces of our soldiers. You have seen that life is fragile, and *evil is real*, and courage triumphs. Make the choice to serve in a cause larger than your wants, larger than yourself and in your days you will add not just to the wealth of your country, but to its character.[17]

This assertion that "evil is real" is the very centerpiece, the absolute condition, of being able to "serve in a cause larger than your wants," according to the Bush Administration's fantasy of being a great generation involved in a 'good war'. As Bush put it in a photo opportunity on the day after 9/11, "This will be a monumental struggle of good versus evil. But good will prevail." [18] 'Terrorism' is the word which occupies this place of evil, it is the *sign* that evil is real.

The Fantasy of a 'Good War'

In her book, *Ethics of the Real*, Alenka Zupancic describes Jacques Lacan's notion of "fantasy" as "the fundamental relation between the subject and her desire."[19] In this sense, the fantasy of the Bush Administration is their relation to the desire to lead "The Greatest Generation," to be on a mission in the name of the Good, by eradicating evil as terrorism. This relation takes the form of a *war* in the name of the Good. Such a fantasy can be seen as posing an ethical problem in that it seems to require, in its current configuration in the "war on terrorism," the killing of large numbers of innocent people and the accompanying invocation of terror throughout the globe, on a scale that may come to exceed both the First and Second World Wars (here it is significant that the body developed in order to prevent such a catastrophic global war after the Second World War, the UN, is the very body which the US has now deemed incapable of dealing with terrorism). In this scenario, we have the paradoxical outcome of the "war on terrorism"
producing that very thing which it claims to be fighting.

It is this paradox that Lacan's conception of "the ethics of desire," articulated by Zupancic as "the ethics of fantasy," takes up. As she states, "we cannot deny all ethical dignity to someone who is ready to die (and to kill) in order to realize his or her fantasy."[20] Here we can see a profound identification of the Bush Administration with those terrorists whom they claim to be fighting in the "war on terrorism" in this regard, along with a point of distinction between them: while it seems that this description of one "who is ready to die (and to kill) in order to realize his or her fantasy" perfectly fits the image of 'terrorist' that we are generally presented with through Western media, with the Bush Administration, the formulation should be altered slightly: they are "ready to [have others die] (and to kill) in order to realize his or her fantasy."

Zupancic goes on to say that, "We are (post)modern, we know a great deal, we know that all these people are dying and killing for something that does not exist."[21] It is precisely *this* "we" from which the Bush Administration is differentiating itself. One only needs to catch the tail end of any speech given by Bush, particularly his more ambitious ones, to hear him invoke "that greater power" (God) to know that with the Bush Administration, the fantasy they are caught up in is one which positions them as subjects serving "the cause of all mankind," right next to that other, "greater power:"

The cause we serve is right, because it is the cause of all mankind. The momentum of freedom in our world is unmistakable - and it is not carried forward by our power alone. We can trust in that greater power who guides the unfolding of the years. And in all that is to come, we can know that His purposes are just and true. May God continue to bless America.[22]

The willingness to do anything in order to realize one's fantasy, this "ethics of fantasy" is an ethics, Zupancic claims, practiced by those who are "called terrorists, fanatics, fundamentalists, madmen..."[23] The Bush Administration's ethics are not quite so self-less, however, as they are indeed "ready to kill in order to realize their fantasy" (this in fact is their fantasy: to kill in the name of the Good), but they are not willing themselves to die for it, although they have no problem inciting others to ("we're in a war... and I've asked these young ones to sacrifice for that.").[24] This is precisely how the plea to America's "youngest citizens" should be understood: "Make the choice to serve in a cause larger than your wants, larger than yourself and in your days you will add not just to the wealth of your country, but to its character." That is, this is a direct call for young Americans to practice an *ethics of the Bush Administration's fantasy* by "serving a cause larger than your wants" in the "war on terrorism," "you will add to your country's character" as a nation that fights the good fight, or rather, as a nation that fights in the name of the Good, serving in "the cause of all mankind." This of course implies that those upon whom war has been declared are not a part of mankind. In fact the desire to define mankind should itself be considered a necessary part of the Bush Administration's fundamental fantasy, as was suggested above regarding the Administration's will to decide this very question. "To define mankind" should be seen as a way of articulating "to do the Good" otherwise.

Zupancic describes Lacan's "ethics of desire," as an "ethics of the preservation of fundamental lack that introduces a gap between the Thing and things." In the situation of the Bush Administration's desire to engage in a war in the name of the Good, this suggests that the notion of 'the Good' (the Thing) must remain empty; it should not refer to a specific set of contents (things) deemed to be

good by the Administration, such as the set Rice has suggested, "democracy, the rule of law, a market based economy, and open trade."[25] Keeping in mind that the *fantasy* of the Bush administration, as its relation to that which it desires (the Good), is that of the "Good War," and making all of the appropriate substitutions now, we can say that *the desire for the Good, articulated by the Bush administration as democracy, the rule of law, a market based economy, and open trade, is structured by the fundamental fantasy of the "Good War" wherein extreme acts of violence such as the nuclear attacks on Hiroshima and Nagasaki, or today the "Shock and Awe" campaign in Iraq, can be seen as necessary in relation to achieving the Good (democracy, the rule of law, a market based economy and open trade).*

If, however, we take away the Good for which the Good War is being fought, we simply have war. As Zupancic claims, "the lack is simultaneously constitutive of all ideology as well as being the essential support of fantasy, [and thus] we can suggest a truly subversive stance towards all ideological configurations: 'Take their lack away from them and they will collapse.'"[26] This works in precisely the same way for those labelled as terrorists waging jihad on the United States and its allies. Their calls for jihad always invoke a conception of the Good for which they are fighting. If we take away this good, we have unjustified acts of aggression. That is, the US argument for their "war on terrorism" as based on values which they deem to fill out the Good, is structurally identical to the radical Islamic calls for jihad. "its goal is remaking the world - and imposing radical beliefs on people everywhere" George Bush said this about Al Qaeda on September 20, 2001, but the same could be said about the Bush Administration. Both lack an ethical perspective regarding the means by which these values are spread.

If you are not a believer, these positions are identical, that is, they are calls for war, nothing more.

In taking up the "example in Iraq" that Bush claims to have provided, we can see that the argument for war there was not, however, made primarily in terms of the Good, at least initially, but rather, in terms of the threat Saddam Hussein posed to the security of both the US and the world as a whole: "the possibility remained that he might use his weapons of mass destruction or that terrorists might acquire such weapons from his regime, to mount a future attack far beyond the scale of 9/11. This terrible prospect could not be ignored or wished away."[27] That is, the argument for war was justified on the basis of the threat of terrorism (evil) and not on the basis of liberation or the spread of freedom (the Good). Of course, when the weapons of mass destruction could not be found, liberation was used as yet another way of justifying the war, but the primary argument was based on the existence of evil, that Saddam Hussein was part of the "Axis of Evil" (another reference to the 'Good War' proper).

Recently, the Administration has tried to identify these two lacks, the Good and Evil. "The survival of liberty in our land increasingly depends on the success of liberty in other lands. The best hope for peace in our world is the expansion of freedom in all the world. *America's vital interests and our deepest beliefs are now one*."[28] Having been given an example, or rather, two examples, we know what "the expansion of freedom" entails. That "America's vital interests and deepest beliefs are now one" simply means that to fight terrorism is to spread the good. Invading Iraq in the name of the "war on terrorism" meant that both Evil would be fought and Good would be spread in one fell swoop. Now that evil has been fought and good spread in the wake of this battle in two separate nation-states, we can assume that wherever the US is fighting

'terrorism' and by whatever means, they are simultaneously spreading the Good. However, if we remove this lack, the Good, as Zupancic has suggested, the "expansion of freedom" turns into mere expansion: the illegal, violent invasion of nation-states by the US.[29] Or, if we remove that other lack, evil, the "defense of peace"[30] becomes pre-emptive violence under the Bush Administration formula *possible threat = imminent threat*.[31] All of the Administration's rhetoric employs a lack that it claims to either be fighting in the name of (the Good: freedom), or to eradicate (evil: terrorism). These lacks are how the Administration explains their suspensions of law: *the law is suspended in the name of* _____ (freedom) or *in order to eradicate* _____ (terrorism).

Status and Function of 'Terrorism'

Zupancic suggests that the lack must be approached from two different perspectives, that of its status and of its function "on the one hand the lack is an inscription of an impasse or an impotence in the symbolic order," and on the other, it holds a "constitutive function for the symbolic order and for reality as well - without the lack, there is no reality." Both 'freedom' and 'terrorism' could be seen as the "inscription of an impasse in the symbolic order" of the Bush Administration's reality (fantasy). However, if we return again to Condoleezza Rice's claim that those who think about foreign policy were searching, before 9/11, for "an overarching, explanatory theory or *framework* that would describe the new threats and the proper response to them," we can see that the world view of the Bush Administration, their reality, is dependent upon the articulation of "new threats," something which was lacking after the Cold War, when communism no longer held the place of that lack which is constitutive of the reality of "those who

think about foreign policy for a living." As soon as the attacks on September 11th occurred, the threats were "crystallized" in a single name, which at the point at which the "war on terrorism" was announced by Bush, had no actual referent 'out in the world'.[32] That is, *the lack of an enemy* that Rice had expressed was named 'terrorism' on September 11, 2001, significantly, before any specific terrorists were even determined. There was suspicion, of course, regarding bin Laden especially, but no proof. This lack of evidence regarding whom the name referred to was resolved at this very moment when war was declared and the US was put into a state of emergency, thus removing civil protections in the name of security and allowing the Administration to search for something or more precisely, some *people* to which this name 'terrorism' could refer. Thus began the war on *terrorism*, an empty signifier holding the place of that lack which constitutes the reality (fantasy) of the "war on terrorism." Without terrorism (the lack), there is no war (reality).[33]

This is the *function* of 'terrorism', the word which holds the place of the lack described by Rice: to constitute the reality of war: the war on _____. However, what is the *status* of 'terrorism' *within this reality* that it serves to constitute? If we look at the definitions of 'terrorism' given by the United States, we can see that it is, precisely as Zupancic describes the status of the lack, "the inscription of an impasse or an impotence in the symbolic order." This is to say that terrorism constitutes the reality within which it then appears as the absolute condition, and is thus incapable of signifying as other signifiers within this reality do because its *function* is not primarily to signify, but rather to ground the very structure of signification - to guarantee the symbolic framework of the war (on terrorism).

According to the US Federal Bureau of Investigation (FBI), acts that "are a violation of the criminal laws of the United States or any state, or that would be a criminal violation if committed within the jurisdiction of the United States or any state"[34] can be considered acts of international terrorism. This second part of the clause, "that *would be* a criminal violation *if committed within the jurisdiction of* the United States or *any state*" effectively states that *any* act committed *anywhere* in the world which breaks *any* law of *any* state whatsoever can be considered an act of terrorism. Basically *anything* can be considered terrorist according to this definition.

To be called 'terrorist' here, is to be put in that place which establishes the very framework of the reality of the "war on terrorism," that place on the edge of this reality, the position in which those who stand, literally bear the weight of this reality, this world, on their shoulders. The war on terrorism depends on people-being-named-terrorists. The invasion of Iraq and that of Afghanistan depended on those countries being-called-terrorist (via their respective leaders). All those detained in the camps and prisons of the US military, named "enemy combatants," called terrorists, their situation outside of the protection of law depends on this naming. There are no official criteria (accessible to the public),[35] which would indicate a logic behind such naming. 'Terrorism' is, strictly speaking, an empty signifier and as such, it indicates precisely the location of the sovereign as he who wields this name, he who can call people 'terrorist', for in being called such, one is no longer merely a part of this reality, but rather this reality's *presupposition*. This means that in the "war on terrorism," 'terrorism' is the precise location of what Carl Schmitt called the "sovereign exception," which Giorgio Agamben reads as holding the utmost importance in Schmitt's *Political Theology*. As Agamben

puts it, "what is at stake in the sovereign exception is, according to Schmitt, the very condition of possibility of juridical rule and, along with it, the very meaning of State authority. Through the state of exception, the sovereign 'creates and guarantees the situation' that the law needs for its own validity."[36]

To articulate this in terms of the Bush Administration's fantasy of a war in the name of the Good, we could say that all that falls under 'terrorism' becomes the very substance which ensures the consistency of the Bush Administration's subjectivity within their fundamental fantasy. That which is named 'terrorism' becomes the very stuff by which the Administration enjoys a position of absolute sovereignty within their fantasy of a war in the name of the Good. But this 'Good War' that they claim to be fighting is, as we have seen, not that by which the Administration primarily justifies its suspensions of law. Instead, 'security', 'terrorism', and 'evil' are the names that situate precisely where sovereign power is exerted outside of the law. The search for "a framework to describe threats" that Condoleezza Rice describes is significant here. According to her formulation, even before 9/11, foreign policy experts were searching for 'evil', to put it in Bush's crude terminology, rather than 'good' and, as the logic of the "war on terrorism" indicates, it is precisely such evil (as terrorism) which is able to keep the war going. How can this thing, 'terrorism', which has given the Administration such power *merely be the means* by which they carry out this fantasy of being on a violent mission in the name of the Good? This is precisely where the Lacanian distinction between the *fundamental fantasy* and *symbolic identification* proves useful.

Slavoj Zizek points out that Lacan differentiates between "the *fundamental fantasy* that serves as the ultimate support of the subject's being, and the *symbolic identification* that is already a symbolic response to the trauma of the phantasmic 'passionate

attachment'."[37] In this light, we can re-define the Bush Administration's *fundamental fantasy*, as being that of "*isolating the nonhuman within the human*,"[38] to which the Administration's symbolic response has been to articulate such a desire in terms of the Good War. That is, the "war on terrorism" as a 'good war' is the *symbolic identification* of the *fundamental fantasy* of "isolating the nonhuman within the human." The "war on terrorism" depends on that empty space of exception, held by the word 'terrorism', where the Administration can justify suspensions of law and thus exert a pure force of law without law upon whatever it is that falls under this term. However, the Administration's desire is not, strictly speaking, for such a power, but rather, for the *nonhuman* or in their own words, "the uncivilized," which 'terrorism' comes to signify. This is the very thing that structures their entire fantasy of operating that "modern anthropological machine" through which they "isolate the nonhuman within the human," and thereby decide exactly what it is to be human. This fantasy is articulated as the 'reality' of the "war on terrorism," namely that, as Bush puts it, *evil [the nonhuman within the human] is real*, that we live in a world where the nonhuman 'infects' humanity.

The re-naming of the Second World War as "The Good War" is in itself worth considering in this regard. From what perspective can the Second World War be considered good? If the fantasy of a war in the name of the good is the Bush Administration's *symbolic identification* of that more traumatic phantasmic attachment to "animalization," that is, if the underlying Thing (*objet a*) which structures their fantasy of a 'Good War' is a drive to "isolate the nonhuman [terrorism] within the human," then the proximity of the "war on terrorism" to the Second World War is quite other than they may be capable of admitting. Was not the Nazi 'experiment' the ultimate project of isolating the nonhuman (the

Jew) within the human (the German people)? If a war in the name of the good (as the "war on terrorism") is the *symbolic identification* of the drive to "isolate the nonhuman within the human," then this ultimate motivation behind the "war on terrorism" is identical to what is commonly thought to be the 'evil' of the 'Good War' proper. This is to say that either the National Socialist's 'final solution' was good or the "war on terrorism" is evil, for in both instances, what Agamben refers to as the "modern anthropological machine" is at work. The fantasy of operating such a machine, is precisely the underlying structure of the "war on terrorism," which is visible in all those places that have fallen under the word 'terrorism', where brute force is exerted by the US upon human bodies deemed to be "uncivilized," part of the "Axis of Evil," "terrorists," or "enemy combatants." All of these names indicate the places where the Administration carries out its fantasy, not of a good war (which is what they tend to claim all of these things are *examples* of), but rather, of "isolating the nonhuman within the human," and thus producing an enemy/outside to 'mankind' - whose eradication becomes "the cause of all mankind."

What is really at stake here, what the ultimate support (*objet a*) for the Bush Administration's fantasy is, is not 'terrorism' as such, which is merely the specific name they have chosen to designate what Giorgio Agamben has referred to as "bare life." The 'symbolic identification' of the Bush Administration's fundamental fantasy may very well be the "war on terrorism" as a war in the name of the Good, but this is only a particular identification of the underlying fantasy of "isolating the nonhuman within the human," a particular manifestation of what Agamben refers to as the "anthropological machine," which can be seen at work not only in the "war on terrorism," but also in the recent Terri Schiavo case, the Administration's stance on abortion ("the right to life" as they call

it), their legislation against stem cell research, and support of the death penalty. In each of these arenas, the same demand for the state to decide on what is to be considered human, and thus in posession of fundamental "human rights," and what is not, and thus subject to absolute force up until death, is being made by the Bush Administration. This place where one can decide on the boundary between man and animal is the place of absolute sovereignty which the Bush Administration, in their assertion that the "word of America matters" - that it is what guarantees the law - has come to inhabit. It is this very position of the sovereign who decides on the 'undecidable' that the anthropological machine makes possible through its production of *bare life* as the undecidable. 'Terrorism' here functions as "a zone of indifference" at the center of this anthropological machine where "the articulation between human and animal, man and non-man, speaking being and living being, must take place." Whatever comes to be in this place "is neither an animal life nor a human life, but only a life that is separated and excluded from itself - only a *bare life*." And as Agamben makes clear, the challenge is not to search for the least "lethal and bloody" of these machines, but rather "understanding how they work so that we might, eventually, be able to stop them."[39] Such an understanding of the anthropological machine at work in the "war on terrorism" could perhaps begin by taking the examples (of the spread of 'democracy', 'peace', and 'freedom' in the fight against 'terrorism') that the Bush Administration claims to have given to the world, as examples of this very machine (driven to isolate the nonhuman, to produce bare life). In this light, the shock and awe military campaign in Iraq, carried out by the US, should be read as an example of the fantasy of the "war on terrorism," as the drive to define civilization by producing the uncivilized (reducing a major city to mere rubble). That the Bush Administration refers to this as an example of 'the

spread of democracy' indicates precisely how the Administration has defined democracy through its symbolic identification with their fundamental fantasy of "isolating the nonhuman within the human" as the "cause of all mankind." It is in this sense that the spread of democracy by the US military continues to produce 'terrorism' as its necessary condition.

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[1] George W. Bush, January 22, 2004

[2] Bush, January 20, 2004

[3] Bush, January 22, 2004.

[4] Bush, March 8, 2005.

[5] Giorgio Agamben, *The Coming Community*, Minnesota, University of Minnesota Press, 1993, p. 10.

[6] Bush, January 20, 2004.

[7] When asked, “How do you respond to critics who say that you brought the nation to war under false pretenses?” Bush responded, after having just admitted that they could not find any weapons of mass destruction in Iraq, “We were attacked, and therefore every threat had to be reanalyzed. Every threat had to be looked at. Every potential harm to America had to be judged in the context of this war on terror.” (“Interview with President George W. Bush” on *Meet the Press with Tim Russert*, February 7, 2004.)

[8] This is precisely how Giorgio Agamben describes “the anthropological machine of the moderns [...] it functions by excluding as not (yet) human an already human being from itself,

that is, by animalizing the human, by isolating the nonhuman within the human." And it is significant that the desire to differentiate man from animal ends up requiring the supposition of a "non-speaking *man* – *Homo alalus*, precisely – who would function as a bridge that passes from the animal to the human." It was Ernst Haeckel, Agamben tells us, who made such an assertion: that the evolution of man from apes required a transitional "ape-man without speech (the *Pithecanthropus alalus*)," what Agamben then refers to as "Homo alalus," which "all evidence suggests [...] is only a shadow cast by language, a presupposition of speaking man, by which we always obtain only an animalization of man (an animal-man, like Haeckel's ape-man) or a humanization of the animal (a man-ape)." This presupposition of speaking man is, in the "war on terrorism," the terrorist as the shadow cast by Bush Administration rhetoric, which then gives this rhetoric meaning. It is the outside that the Administration produces "by animalizing the human, by isolating the nonhuman within the human." Giorgio Agamben, *The Open: Man and Animal*, Stanford, Stanford University Press, 2004, pp. 36.

[9] Agamben, *Homo Sacer: Sovereign Power and Bare Life*, Stanford, Stanford University Press, 1998, pp. 20.

[10] *Homo Sacer: Sovereign Power and Bare Life*, 18

[11] Giorgio Agamben, *State of Exception*, Chicago, University of Chicago Press, 2005, p. 39.

[12] *Homo Sacer: Sovereign Power and Bare Life*, 40.

[13] Terrorist suspects are denied access to the legal apparatus through which they could challenge the charges, leveled against them by the US, of their being a terrorist.

[14] Agamben, *The Coming Community*, p. 10.

[15] Condoleezza Rice, October 1, 2002.

[16] Bush, March 8, 2005, *emphasis added*.

[17] Bush, January 20, 2005, *emphasis added*.

[18]"Remarks by the President In Photo Opportunity with the National Security Team" available at http://www.whitehouse.gov/news/releases/2001/09/20010912-4.html *accessed June 3, 2005*.

[19] Alenka Zupancic, *Ethics of the Real: Kant, Lacan*, New York, Verso, 2000, p. 243.

[20] Ibid, 254.

[21] Ibid.

[22] Bush, January 20, 2004.

[23] Zupancic, 254.

[24] "Interview with President George W. Bush" on *Meet the Press with Tim Russert*, February 7, 2004.

[25] Rice, October 1, 2002.

[26] Zupancic, 241. Slavoj Zizek makes a similar point: "the task of today's critique of ideology: to unearth beneath any semblance of a 'reified' ontological order, its disavowed 'political' foundation: how it hinges on some excessive 'subjective' act." *The Ticklish Subject: the Absent Centre of Political Ontology*, New York, Verso, 2000, p. 169.

[27] Rice, October 8, 2003

[28] Bush, January 20, 2005 *emphasis added*

[29] This was considered by the Nuremberg Military Tribunal as 'the supreme international crime'... As the Tribunal stated 'To initiate a war of aggression, therefore is not only an international crime, it is *the supreme international crime* differing only from other war crimes in that it contains within itself the accumulated evil of the whole.'" (The Center for Economic and Social Rights Emergency Campaign on Iraq, "Tearing Up the Rules: The Illegality of Invading Iraq," March, 2003, p.5, 7)

[30] Condoleezza Rice, October 1, 2002.

[31] "I believe it is essential – I believe it is essential – that when we see a threat, we deal with these threats before they become imminent. It's too late if they become imminent. It's too late in this new kind of war, and so that's why I made the decision I made." ("Interview with President George W. Bush" on *Meet the Press with Tim Russert*, February 7, 2004.)

[32] This is precisely the "excessive subjective act" which Zizek describes as the "disavowed 'political' foundation" of a given situation. This act of declaring war on nothing and thus creating a pure empty signifier is the subjective (speech) act *par excellence* and it is precisely the political foundation of the so-called dangerous world we live in where we must be guaranteed security through the US military's violent invasions of countries and the opening up of an empty space (terrorism) where the law no longer applies.

[33] It is on this point, of the substitution of 'war' for 'reality' – that war is the only acceptable reality for the Bush administration – that Alain Badiou makes a strong point: "the American imperial power, in the formal representation it makes of itself, has war as

the privileged, indeed unique, form of the attestation of its existence. Moreover, one can observe today that the powerful subjective unity that carries the Americans away in their desire for vengeance and war is immediately constructed around the flag and the army." *Infinite Thought: Truth and the Return of Philosophy*, London,
Continuum International Publishing Group, 2003, p. 154.

[34] 18 U.S.C. § 2331(1)

[35] As Bush clarified in an interview with Tim Russert on Meet the Press, "And see, the danger of allowing for information that I get briefed on out in the public arena is that it could mean that the product that I receive or future presidents receive is somewhat guarded for fear of – for fear of it being revealed, and for fear of people saying, 'Well, you know, we're going to second-guess that which you told the President."

[36] *Homo Sacer: Sovereign Power and Bare Life*, 17.

[37] *The Ticklish Subject: the Absent Centre of Political Ontology*, 265. Zizek is here referring to Judith Butler's notion of 'passionate attachments' in relation to primordial repression in order to show that Lacan introduces "a distinction between two terms that are identified in Butler:" the fundamental fantasy and the symbolic identification.

[38] Agamben, *The Open: Man and Animal*, 36.

[39] Giorgio Agamben, *The Open: Man and Animal*, pp. 37.