

Are we in a war? Do we have an enemy?

BY SLAVOJ ZIZEK

When Donald Rumsfeld designated the imprisoned Taliban fighters 'unlawful combatants' (as opposed to 'regular' prisoners of war), he did not simply mean that their criminal terrorist activity placed them outside the law: when an American citizen commits a crime, even one as serious as murder, he remains a 'lawful criminal'.

The distinction between criminals and non-criminals has no relation to that between 'lawful' citizens and the people referred to in France as the 'Sans Papiers'. Perhaps the category of homo sacer, brought back into use by Giorgio Agamben in *Homo Sacer: Sovereign Power and Bare Life* (1998), is more useful here. It designated, in ancient Roman law, someone who could be killed with impunity and whose death had, for the same reason, no sacrificial value. Today, as a term denoting exclusion, it can be seen to apply not only to terrorists, but also to those who are on the receiving end of humanitarian aid (Rwandans, Bosnians, Afghans), as well as to the Sans Papiers in France and the inhabitants of the favelas in Brazil or the African American ghettos in the US.

Concentration camps and humanitarian refugee camps are, paradoxically, the two faces, 'inhuman' and 'human', of one sociological matrix. The logic of homo sacer is clearly discernible in the way the Western media report from the occupied West Bank: when the Israeli Army, in what Israel itself describes as a 'war' operation, attacks the Palestinian police and sets about systematically destroying the Palestinian infrastructure, Palestinian resistance is cited as proof that we are dealing with terrorists. This paradox is inscribed into the very notion of a 'war on terror' - a strange war in which the enemy is criminalised if he defends himself and returns fire with fire. The al-Qaida terrorists are not enemy soldiers, nor are they simple criminals. What is emerging in the guise of the Terrorist on whom war is declared is the unlawful combatant, the political Enemy excluded from the political arena. We no longer have wars in the old sense of a conflict between sovereign states in which certain rules apply. Two types of conflict remain: struggles between groups of homo sacer - 'ethnic-religious conflicts' which violate the rules of universal human rights, do not count as wars proper, and call for a 'humanitarian pacifist' intervention on the part of the Western powers - and direct attacks on the US or other representatives of the new global order, in which case we merely have 'unlawful combatants' resisting the forces of universal order. We no longer have an opposition between war and humanitarian aid: the same intervention can function at both levels simultaneously. Perhaps the ultimate image of the 'local population' as homo sacer is that of the American war plane flying above Afghanistan: one can never be sure whether it will be dropping bombs or food parcels.

Homo sacer

This concept of homo sacer allows us to understand the numerous calls to rethink the basic elements of contemporary notions of human dignity and freedom that have been put out since 11 September. Exemplary here is Jonathan Alter's *Newsweek* article 'Time to Think about Torture' (5 November 2001), with the ominous subheading: 'It's a new world, and survival may well require old techniques that seemed out of the question.' Even the 'liberal' argument cited by Alan Dershowitz is suspect: 'I'm not in favour of torture, but if you're going to have it, it should damn well have court approval.' When, taking this line a step further, Dershowitz suggests that torture in the 'ticking clock' situation is not directed at the prisoner's rights as an accused person (the information obtained will not be used in the trial against him, and the torture itself would not formally count as punishment), the underlying premise is even more disturbing, implying as it does that one should be allowed to torture people not as part of a deserved punishment, but simply because they know something. Why not go further still and legalise the torture of prisoners of war who may have information, which could save the lives of hundreds of our soldiers? It is absolutely crucial that one does not elevate this desperate choice into a universal principle: given the unavoidable and brutal urgency of the moment, one should simply do it. Only in this way, in the very prohibition against elevating what we have done into a universal principle, do we retain a sense of guilt, an awareness of the inadmissibility of what we have done.

Admitting torture as a topic of debate changes the entire field, while outright advocacy remains merely idiosyncratic. The idea that, once we let the genie out of the bottle, torture can be kept within 'reasonable' bounds, is the worst liberal illusion, if only because the 'ticking clock' example is deceptive: in the vast majority of cases torture is done for quite different reasons (to punish an enemy or to break him down psychologically, to terrorise a population etc). Any consistent ethical stance has to reject such pragmatic-utilitarian reasoning. Here's a simple thought experiment: imagine an Arab newspaper arguing the case for torturing American prisoners; think of the explosion of comments about fundamentalist barbarism and disrespect for human rights that would cause.

State of emergency

But is today's rhetoric not that of a global emergency in the fight against terrorism, legitimising more and more suspensions of legal and other rights? America is, after all, as President Bush said immediately after 11 September, in a state of war. The problem is that America is, precisely, not in a state of war, at least not in the conventional sense of the term (for the large majority, daily life goes on, and war remains the exclusive business of state agencies). With the distinction between a state of war and a state of peace thus effectively blurred, we are entering a time in which a state of peace can at the same time be a state of emergency.

Such paradoxes provide the key to the way in which the liberal-totalitarian emergency of the 'war on terror' relates to the authentic revolutionary state of emergency. When a state institution proclaims a state of emergency, it does so by definition as part of a desperate strategy to avoid the true emergency and return to the 'normal course of things'. It is a feature of all reactionary proclamations of a 'state of emergency' that they were directed against popular unrest ('confusion') and presented as a resolve to restore normalcy. In Argentina, in Brazil, in Greece, in Chile, in Turkey, the military proclaimed a state of emergency to curb the 'chaos' of overall politicisation. Reactionary proclamations of a state of emergency are in actuality a desperate defence against the real state of emergency.

Lesson to be learned

There is a lesson to be learned here from Carl Schmitt. The division friend/enemy is never just a recognition of factual difference. The enemy is by definition always (up to a point) invisible: it cannot be directly recognised because it looks like one of us, which is why the big problem and task of the political struggle is to provide/construct a recognisable image of the enemy which will make it into an appropriate target of hatred and struggle. After the collapse of the Communist states which provided the figure of the Cold War Enemy, the Western imagination entered a decade of confusion and inefficiency, looking for suitable schematisations of the Enemy, sliding from narco- cartel bosses to the succession of warlords of so-called 'rogue states' (Saddam, Noriega, Aidid, Milosevic) without stabilising itself in one central image; only with 11 September did this imagination regain its power by constructing the image of bin Laden, the Islamic fundamentalist, and al- Qaida, his 'invisible' network. Our pluralistic and tolerant liberal democracies continue to rely on the binary logic Friend/Enemy and add a reflexive twist to it. This 'renormalisation' has involved the figure of the Enemy undergoing a fundamental change: it is no longer the Evil Empire, i.e. another territorial entity, but an illegal, secret, almost virtual worldwide network in which lawlessness (criminality) coincides with 'fundamentalist' ethico-religious fanaticism - and since this entity has no positive legal status, the new configuration entails the end of international law which, at least from the onset of modernity, regulated relations between states.

When the Enemy serves as the 'quilting point' (the Lacanian point de capiton) of our ideological space, it is in order to unify the multitude of our actual political opponents. Capitonage is the operation by means of which we identify/construct a sole agency that 'pulls the strings' behind a multitude of opponents. In today's 'war on terror', the figure of the terrorist Enemy is also a condensation of two opposed figures, the reactionary 'fundamentalist' and the Leftist resistant. The ominous feature underlying all these phenomena is the metaphoric universalisation of the signifier 'terror'. 'Terror' is thus elevated to become the hidden point of equivalence between all social evils. How, then, are we to break out of this predicament?

An epochal event took place in Israel in January and February: hundreds of reservists refused to serve in the Occupied Territories. These refuseniks are not simply 'pacifists': in their public proclamations, they are at pains to emphasise that they have done their duty in fighting for Israel in the wars against the Arab states, in which some of them were highly decorated. What they claim is that they cannot accept to fight 'in order to dominate, expel, starve and humiliate an entire people'. Their claims are documented by detailed descriptions of atrocities committed by the Israel Defence Forces, from the killing of children to the destruction of Palestinian property. Palestinians, and even Israeli Arabs (officially full citizens of Israel), are discriminated against in the allocation of water, in the ownership of land and countless other aspects of daily life. More important is the systematic micro-politics of psychological humiliation: Palestinians are treated, essentially, as evil children who have to be brought back to an honest life by stern discipline and punishment. Arafat, holed up and isolated in three rooms in his Ramallah compound, was requested to stop the terror as if he had full power over all Palestinians. There is a pragmatic paradox in the Israeli treatment of the Palestinian Authority (attacking it militarily, while at the same time requiring it to crack down on the terrorists in its own midst) by which the explicit message (the injunction to stop the terror) is subverted by the very mode of delivery of that message. Would it not be more honest to say that what is untenable about the Palestinian situation is that the PA is being asked by the Israelis to 'resist us, so that we can crush you'? What if the true aim of the present Israeli intrusion into Palestinian territory is not to prevent future terrorist attacks, but effectively to rule out any peaceful solution for the foreseeable future?

The point is not the cruel and arbitrary treatment of the Palestinians in the Occupied Territories but that they are reduced to the status of homo sacer, objects of disciplinary measures and/or even humanitarian help, but not full citizens. And what the refuseniks have achieved is a reconceptualisation of the Palestinian from homo sacer to 'neighbour': they treat Palestinians not as 'equal full citizens', but as neighbours in the strict Judeo-Christian sense. And

there resides the difficult ethical test for contemporary Israelis: 'Love thy neighbour' means 'Love the Palestinian,' or it means nothing at all. This refusal, significantly downplayed by the major media, is an authentic ethical act. It is here that there effectively are no longer Jews or Palestinians, full members of the polity and homines sacri. An awareness of moments like this is the best antidote to the antisemitic temptation often clearly detectable among critics of Israeli politics.

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