

From *Broken: Thought-Images of Life in the State of Exception*  
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## INTRODUCTION

Poets—witnesses—found language as what is left, as what  
actually survives the possibility, or impossibility of  
speaking  
—Giorgio Agamben

The political theory of the exception is another way of continuing to develop what Michel Foucault called the concept of, “post-disciplinary societies,” and what Gilles Deleuze called our emerging “societies of control.” Michael Hardt and Antonio Negri, following these two thinkers, have recently thought our contemporary experience as one of “empire.” The uniqueness of the exception as a conceptual tool for thinking contemporary global politics lies, I think, in the intimate level of theoretical abstraction and analysis that it opens up for us: one that challenges virtually all post-war ethical and political thought. This fine level of philosophical abstraction makes any effort to translate this thought to a general audience all the more difficult. This is truly frustrating, given the urgency of its concerns and their applicability to our everyday lives. Moreover, despite the fact that the exception is an old concept, its usage and development within contemporary thought remains in its infancy. For this reason, I will endeavor to articulate some of the key concepts in the political, philosophical, and existential thought of the exception, wherever possible, through the use of specific examples in the historical present. The reader should be aware, however, that all good intentions have their limits. Below are seven conceptual innovations in contemporary social and political thought that can be found in Agamben’s work on the exception. These conceptual innovations will be used and developed further in the main body of the text below. They are presented in contracted form, here, by way of an introduction. The first four examples, the camp as a paradigm, the end of classical politics, the limit concept of the law, and the theory of

potentiality, are presented for the sake of the reader who is unfamiliar with Agamben’s work. The last two concepts, the prior movement of the exception, and the failure of the political will be our first entry into the main themes discussed and developed in the book as a whole.

1. *The camp is a paradigm for how we are governed in the post-war era.* To think the exception is to locate the political on the terrain of modern *biopolitics*; a politics in which life has increasingly become the object of modern forms of power.<sup>1</sup> Perhaps the most important example of modern biopolitics is the creation of the concentration camps and the extermination of the Jews. On February 23, 1933, Hitler issued a declaration “for the *protection* of the people and the State.” This declaration—named a statement of “protection”—simply states, “articles 114, 115, 117, 118, 123 124, and 153 of the constitution of the German Reich are suspended until further notice.”<sup>2</sup> This simple suspension, which was guaranteed by article 48 of the Weimar constitution, remained in force throughout the Nazi’s rule and was, as Agamben reminds us, all that was needed in order for the concentration camps to happen. The camps and what happened there could not have happened, legally, without this suspension of the rule, which allowed for the emergence of a space—the camp—in which anything, quite literally, was possible. It was this juridical act that made the impossible—the previously unthinkable atrocities committed at Auschwitz and elsewhere—possible. For Agamben, “*The camp is the space that is opened when the state of exception begins to become the rule.*”<sup>3</sup> Here, the term

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<sup>1</sup> *The History of Sexuality: Volume I: An Introduction*, trans. Robert Hurley, (New York: Pantheon, 1978).

<sup>2</sup> *Homo Sacer*, 167-68—emphasis mine.

<sup>3</sup> *Ibid.*, 168 – 169.

“camp” is used as a paradigm for the present, showing us how its juridical structure exposes the hidden foundation of our social and political lives. Just as Foucault used the paradigm of the *panopticon* in order to show us the power at work in disciplinary societies, and as Benjamin used the paradigm of the *arcades* to show us what was new in the modern, so too, Agamben treats the *camp* as a paradigm for *our* modernity, our present.

The clearest recent example of the concept of the exception is President George W. Bush’s military order of November 13, 2001, creating the United States’ prison at Guantánamo Bay, Cuba, as a space outside the reach of all civil rights and international law. “What is new about President Bush’s order,” according to Agamben, “is that it radically erases any legal status of the individual, thus producing a legally unnamable and unclassifiable being.”<sup>4</sup> The use of the term “enemy combatants” to refer to U.S. citizens, and the refugees of New Orleans indicate that this exclusion is operative not only with respect to the “third world,” but to the excluded of the first world, as well. As Agamben noted as early as 1994, in the creation of a space of exception we are “facing a camp virtually every time that such a structure is created . . . an apparently anodyne place . . . delimits a space in which for all intents and purposes the normal rule of law is suspended and in which the fact that atrocities may or may not be committed does not depend on the law but rather on the civility and ethical sense of the police that act temporarily as sovereign.”<sup>5</sup> This almost perfectly describes the political space of the Superdome, the New Orleans Convention Center, the Astrodome, and even the entire city of New Orleans

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<sup>4</sup> *State of Exception*, 3.

<sup>5</sup> “What is a Camp?” in *Means Without End: Notes on Politics*, trans. by Vincenzo Binetti and Cesare Casarino, (Minneapolis: University of Minnesota Press, 2000), 41 – 42.

in the aftermath of hurricane Katrina. It seems increasingly clear that what the United States “has,” at this point in time, is not any (functioning) idea or concept of “democracy,” but a whole lot of bombs and a paradigm of the exception. This is even more obvious in the Bush administrations defense of its domestic spying operations, which began immediately after 9/11 in direct violation of the U.S. Constitution. The defense and rationalization for President Bush’s “sovereign decision” mirrors the theoretical arguments made by Carl Schmitt in his 1932 treatise, *Legality and Legitimacy*, for the establishment of a presidential power without any legal limits.<sup>6</sup> These arguments have been supported through the legal memos of Professor John Yoo, a legal scholar at UC Berkeley.<sup>7</sup> The modern history of juridical exclusion, both in Nazi Germany and the U.S., has been based, in part, on the racial exclusion laws enacted previously in the U.S., such as the Jim Crow laws and the Chinese Exclusion act of 1882. The later act prevented

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<sup>6</sup> *Legality and Legitimacy*, translated and edited by Jeffrey Seitzer, introduction by John P. McCormick (Durham: Duke University Press, 2004).

<sup>7</sup> In a particularly chilling exchange with Notre Dame Professor Doug Cassell, Woo stated the following:

Cassel: If the President deems that he’s got to torture somebody, including by crushing the testicles of the person’s child, there is no law that can stop him?

Yoo: No treaty.

Cassel: Also no law by Congress. That is what you wrote in the August 2002 memo.

Yoo: I think it depends on why the President thinks he needs to do that.

See “Bush Advisor Has Legal Power to Torture Children” by Phillip Watts at Information Clearinghouse, 1/08/06. <http://www.informationclearinghouse.info/article11488.htm> (Accessed January 12th, 2006). An audio file of this exchange can be downloaded at: <http://dc.indymedia.org/media/all/display/28613/index.php> (Accessed January 12th, 2006).

Chinese laborers from entering the U.S. based solely on their “race”.<sup>8</sup> Of course, we are all familiar with the fact that Japanese Americans were interned in camps on the West Coast during WWII, based on a similar “suspension” of civil liberties.<sup>9</sup>

2. “*There is no return from the camps to classical politics.*”<sup>10</sup> The paradigm of the political subject is no longer the “citizen,” but the refugee. The people abandoned in the Superdome, Convention Center and the city of New Orleans were nothing if not refugees: that is, a completely stateless people. They were abandoned by “their” government. Hundreds of people in hospitals, nursing homes and prisons (the old spaces of disciplinary confinement, as it were) were simply abandoned to die: in the case of the prisons, these people were locked in their cells. The U.S. media, despite itself, got it right, when it initially named these abandoned beings *as refugees*. But precisely because the events in question were taking place in the “first world,” there was an immediate objection to the use of this term. The far less accurate, and more politically neutralized, term “evacuees” was substituted in its place. However, just as every thinking person was able to see through the media’s depiction of African-American survivors as “looters,” and

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<sup>8</sup> For a copy of this act on-line see, <http://www.mtholyoke.edu/acad/intrel/chinex.htm> (Accessed January 12, 2006). Although the act expired in 1892, many of its provisions were extended in various, subsequent, acts, and the provisions of this act were not fully repealed until 1943. Even then restrictions on Chinese immigration remained, with a cap of 105 immigrants per year for the entire U.S. This led to the creation of a barracks on Angel Island in San Francisco Bay in which all Chinese immigrants seeking to join family or friends entered a kind of no-man’s land (which could only be circumvented through the elaborate creation of fake identities with the help of sympathetic figures in San Francisco’s Chinatown, all the way up through the Mid-Twentieth Century).

<sup>9</sup> One of these camps was located at a racetrack in San Bruno, CA, which is now the site of a shopping mall.

<sup>10</sup> Agamben, *Homo Sacer*, 188.

white survivors as “scavengers,” in a similar way, the substitution of “evacuee” for “refugee” only served to demonstrate the correctness of the original term and the status of this new paradigm.<sup>11</sup> These events, of course, are perfectly in keeping with the decision by the U.S. Supreme Court to allow President Bush to treat U.S. citizens as “enemy combatants” ( as well as Congress’ subsequent suspension of “habeus corpus” for those “combatants” at the request of the Bush administration, under the Military Commissions Act of 2006).<sup>12</sup> It is clear from these preliminary remarks that the exception provides us with a framework for thinking the movement of the U.S. and countries around the globe towards a state of permanent civil war. This antagonism appears to be manifesting itself in all areas of civil and public life.

3. *The state of exception is the limit concept of the law.* The paradox of the exception is that the simple act of suspending the law *makes the law all the more pervasive and powerful*. In the declaration of a state of exception the “norm” no longer defines the law: rather, it is the exception—in which anything is possible—that now defines and becomes the norm. In this way, the law becomes all the more pervasive, coinciding, as in Kafka’s *Trial*, with *life* itself. “The state of exception is not a special kind of law (like the law of war); rather, insofar as it is a suspension of the juridical order itself, it defines law’s threshold or limit concept.”<sup>13</sup> Perhaps the simplest formulation of

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<sup>11</sup> For Agamben on the “refugee,” see “Beyond Human Rights,” in *Means Without End: Notes on Politics*, especially 16, and 19.

<sup>12</sup> See *Rasul v. Bush*, *Hamdi v. Rumsfeld*, and *Rumsfeld v. Padilla*, June 28, 2004. It still appears to be an open question as to whether or not the Military Commissions Act of 2006 doesn’t suspend *habeus corpus* for U.S. Citizens. See the Military Commissions Act of 2006 [http://www.loc.gov/rr/frd/Military\\_Law/pdf/PL-109-366.pdf](http://www.loc.gov/rr/frd/Military_Law/pdf/PL-109-366.pdf) (Accessed October 1, 2007).

<sup>13</sup> *State of Exception*, 4.

the paradox of the exception can be found in Carl Schmitt’s opening sentence to his *Political Theology*: “Sovereign is he who decides on the exception.”<sup>14</sup> The simple act of the suspension of the rule requires, as a condition of its possibility, that the sovereign be, “at the same time outside and inside the juridical order.”<sup>15</sup> Thus, the sovereign “captures” what is outside the law within the law itself. Schmitt calls this a “taking of the outside.”<sup>16</sup> What is excluded is excluded *in relation to* the rule. As Agamben writes, “the rule maintains itself in relation to the exception in the form of suspension. *The rule applies to the exception in no longer applying, in withdrawing from it.*”<sup>17</sup> In this way, the exception to the rule paradoxically grounds the rule or *nomos* itself: the exception is the basis for the law, and not the other way around.<sup>18</sup> The exception concerns, not merely the

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<sup>14</sup> 5. This decision is not merely circumstantial, but exposes the paradox of sovereignty within the theory of the State, itself. It is the “limit-concept” of the State. As Schmitt points out on the same page, “the exception is to be understood to refer to a general concept in the theory of the State, and not merely to a construct applied to any emergency decree or state of siege.”

<sup>15</sup> Quoted in Agamben, “The Messiah and the Sovereign” in *Potentialities: Collected Essays in Philosophy*, 161.

<sup>16</sup> Agamben in *Homo Sacer*, 19.

<sup>17</sup> *Ibid.*, 162.

<sup>18</sup> See Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*. Trans. George Schwab. (Cambridge: MIT Press, 1985): 15. As Schmitt writes, “The exception is more interesting than the rule. The rule proves nothing; the exception proves everything: It confirms not only the rule but also its existence, which derives only from the exception.” See, also, Agamben’s treatment of the question of the origin of the concept of the exception in Benjamin and Schmitt in his *State of Exception*, Chapter 4, 52 – 64. See, also, the comments on Schmitt and Benjamin that appear in Jacob Taubes, *The Political Theology of Paul*, trans. by Dana Hollander, (Palo Alto: Stanford University Press, 2004).

declaration of a “state of emergency” or “martial law,” but the limit concept of the law itself. This is the case because the “exception to the rule” becomes the foundation of the rule or law itself. As Agamben makes clear, it is the “constitutive paradigm of the juridical order.”<sup>19</sup> The word *nomos* is instructive here. Usually translated as “law,” it has an original meaning as “to divide.” It seems especially important for us to think this meaning not only in relation to the division involved in the exception, but also to the division or, separation of potentiality from itself which marks our era. The *nomos* bears within its very name the radical separation and exclusion of the exception. Once again, President George W. Bush provides the clearest recent example of this suspension. In authorizing “illegal” domestic spying operations after 9/11, the president simply suspended, by executive decision, the privacy rights of the U.S. Constitution.

*4. The exception is a theory of potentiality.* The exception is predicated on a relation of separation between *life* conceived as the simple fact of our existence (*naked life*) and our *ways of living* that life (our public *forms of life*). Agamben traces this antagonism to classical Greek politics, which was predicated on the seldom-noticed exclusion of *zoe* (simple, natural, naked life) from *bios* (a qualified, particular, and public form of life)<sup>20</sup> in the *polis*. Here, natural life (*naked life*) was abandoned—placed in a state of exception—to public life. With this exclusion, public life became predicated on the exception of *naked life*, and politics became the increasing reduction of life to mere survival. The 20<sup>th</sup> century is the experience of this antagonism at its extreme limit; life as mere survival has become the norm and, “the dominant form of life everywhere.”<sup>21</sup> This

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<sup>19</sup> *State of Exception*, 7.

<sup>20</sup> *Ibid.*, 1.

<sup>21</sup> “Form-of-Life” in *Radical Thought in Italy: A Potential Politics*. Paulo Virno and Michael Hardt. Trans. Michael Hardt. (Minneapolis: University of Minnesota Press,

is precisely what the spectacular image of Terri Schiavo’s “living death” exposed. Moreover, this experience of a “living death” cannot be limited to those who are *literally* on life support. It speaks to us of a more generalized loss of life—of what it might mean to truly live, as opposed to merely survive in the present. For Agamben, this separation of life from itself *is* Western politics. The development of this separation in the 20<sup>th</sup> and 21<sup>st</sup> centuries is one way of thinking the extremity of the current social and political world, in which anything new, different, outside, “other” than the present order of things is simply absorbed or “taken,” often *before it even has a chance to emerge in the first place*. This is another way of thinking the “taking of the outside” of the exception.

In two interviews from the 1980’s that appear in *Negotiations*, Gilles Deleuze begins to diagnose the loss and destruction of potentiality as a problem. The first of these important statements can be found in an interview from 1980, which is worth quoting at some length:

What now seems problematic is the situation in which young philosophers, but also all young writers who’re involved in creating something, find themselves. They face the threat of being stifled from the outset. It’s become very difficult to do any work, because a whole system of ‘acculturation’ and anticreativity specific to the developed nations is taking shape. It’s far worse than censorship. Censorship produces a

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1996): 153. As he writes in the introduction to *Homo Sacer*, “bare life . . . gradually begins to coincide with the political realm, and exclusion and inclusion, outside and inside, *bios* and *zoe* right and fact, enter into a zone of irreducible indistinction” 9.

ferment beneath the surface, but reaction seeks to make everything impossible.<sup>22</sup>

These comments reappear in different form in an interview from 1985 entitled “Mediators” (of particular interest are the sections “The Conspiracy of Imitators” and “The Proletariat in Tennis”). He concludes the interview with the following comment: “What’s really terrible isn’t having to cross a desert once you’re old and patient enough, but for young writers to be born in a desert, because they’re then in danger of seeing their efforts come to nothing before they even get going.”<sup>23</sup> This problem has only gotten worse since the time of Deleuze’s initial diagnosis in the 1980’s, with such explicit efforts of prevention and control now assuming openly political and juridical forms throughout all aspects of contemporary life. One can assume that had Deleuze lived longer, he would have continued to look at this problem, so that this question of the radical destruction of potentiality would have come to occupy a much greater place in his thought. It is precisely here that Agamben’s work marks an intervention.

As a teenager in the 1970’s, I was exposed to the idea, just by living in the world, of living one’s life as a work of art; as a new and absolutely different creation that would be one’s contribution to the world. In the late 1990’s and at the turn of the century, I have asked my students at San Francisco State University, many of whom are the excluded of our present, what they think of this idea. Their response to me has been: this was the first time they had ever heard of this idea, or even considered it. They were, they said, much too busy working and going to school, and just trying to survive in the world, to even consider such a concept. To them, this idea seemed positively utopian—and completely

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<sup>22</sup> Gilles Deleuze, *Negotiations*, trans. Martin Joughin, (New York: Columbia University Press, 1995), 27.

<sup>23</sup> *Ibid.*, 134.

disengaged from the world they knew. This idea, that there would be no separation between one’s life and one’s thought, between one’s existence and one’s expressions or creations, remains a powerful idea, to this day. And it is precisely the separation of this potential from itself that Agamben’s work is concerned with. This is one way for us to enter into Agamben’s work: as an ethics, following Deleuze, of the immanent potential of *life as thought*. And it is, precisely because the potential for *life as thought* and *thought as life*, has never been greater than at any time in the history of the West that such a potentiality would be so radically policed. One of the consequences of the thought of the exception is that it enables us to rethink the place of potentiality in contemporary thought. If power is located at the site of potentiality, as would seem to be the case, and if resistance is primary in relation to power, as Foucault taught us, this means that we need to look to potentiality as the site or location for radical thought and politics *today*. What I would like to suggest is that Agamben’s work, and this is just a thought, may be pointing us in the direction of a new concept of *force* or meaning itself: as neither power (Foucault, Nietzsche), nor desire (Deleuze and Guattari), but as potentiality.

5. *The exception concerns a “prior movement”—one that precedes all of our ways of thinking about ethics and politics in the post-war era.*<sup>24</sup> The “prior movement” of the exception is not an *apriori* movement. Rather, it is the case that the “taking of the outside” of the exception is so intimate that it happens *before* we are used to thinking the ethical and the political. Post-war thought has been heavily influenced by Nietzsche’s concept of the “eternal return,” in which the ethical takes place in an “abyssal” moment, with the throw of the dice, the affirmation of chance, chaos, and all that exists. The exception, according to Agamben, *precedes* this “abyssal” moment. This obliges us to think ethics *before* the abyss because the exception precedes and, therefore, is capable of

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<sup>24</sup> *The Time that is Left, passim.*

“taking” this ethical relation. No other sign has had more of an influence on post-war social and political thought than Nietzsche’s eternal return. And this is especially the case with regard to the work of Deleuze and Guattari. Thus, to think the exception as a political and ethical problem is to confront something that precedes virtually all of our ways of thinking and doing the political. This is the case despite, and even because of, the important work that has been done since May ‘68 on a radical non-dialectical politics. We need to think about this “prior movement “and how it effects what we take for politics and thought, including what Deleuze called our “image of thought.”<sup>25</sup> This concept will be discussed in more detail in Chapter One, particularly in relation to the problem of subjectivity, and illustrated with examples throughout the text below.

6. *The exception is a theory of the failure of the political.* The apparent dismantling of civil liberties in the West has happened at such an alarming pace that keeping up with these developments has proved difficult, if not impossible, in the realm of social and political thought. The seminar on *The Time That is Left*, which took place in 1999 immediately prior to these developments, was an effort to pose and develop the problem of the exception in the time that was left before our civil liberties were lost. Since then, we have to ask ourselves whether or not this loss of civil liberties has not become permanent. The fact that there has been absolutely no practical response to these developments is even greater cause for dismay. This points us to the larger problem of the failure of the political. Agamben asks us to consider what has been the practical effect of poststructural social and political since May ‘68. Given the importance of the development of this thought, particularly in the work of Foucault and Deleuze and Guattari, how are we to account for the lack of any appreciable effect on the ground of

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<sup>25</sup> For Deleuze on the “image of thought” see his *Proust and Signs*, trans. by Richard Howard, (Minneapolis: University of Minnesota Press, 2000), and *Difference and Repetition*, trans. By Paul Patton, (New York: Columbia University Press, 1994).

contemporary politics? Might this not have something to do with the generalized separation of the exception? How do we account for the failure of all of our work on the political in the period surrounding May '68 to think the problem of the exception? This failure is instructive.

The concept of “lines of flight” in the work of Deleuze and Guattari can be taken as an example of this problem. In *A Thousand Plateaus*, they articulate this concept as a micropolitics: “From the viewpoint of micropolitics, a society is defined by its lines of flight, which are molecular. There is always something that flows or flees, that escapes the binary organizations, the resonance apparatus, the overcoding machine: things that are attributed to a ‘change in value,’ the youth, women, the mad, etc.”<sup>26</sup> The problem with this formulation is that the radical destruction of potentiality, and the failure of every leftist political project in the history of the West, cannot even be posed as a problem from within this perspective. The “taking” accomplished by the exception simply doesn’t matter because this is what “always” happens: it is simply a matter of negotiating the varying levels of re- and de-territorialization characteristic of global capitalism. Moreover, the exception points to a problem that *precedes* the creation of every “line of flight” precisely because it is that which is capable, eventually, of “taking” any such movement. The concept of lines of flight is, on its own terms, incapable of accounting for how those lines, which are always supposed to be available, are “taken” before they have a chance to be written, mapped out, and created in the first place. The consequences of the reception of this thought, *unmodified* by scholars who have come in the wake of Deleuze and Guattari—and, I might add, during a time in which the exception has been radically unmasked as a problem in our everyday lives—has been the radical exclusion of the problem of the exception. This is because articulating the problem of the exception,

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<sup>26</sup> *A Thousand Plateaus*, 216.

even existentially, is impossible within the terms available to this concept. This is neither Deleuze nor Guattari’s fault, but rather a symptom of how their thought has been received; in a manner that has been wholly separated from life. The concept of “lines of flight” is, for many, the predominant “image of thought” in the work of Deleuze and Guattari; an image associated with thought itself. One of the unintentional consequences of this has been the exclusion and policing of any other image of thought (e.g. that of “bearing witness”). This illustrates the previous conceptual innovation discussed above: the “prior movement” of the exception and the implications of this for Nietzsche’s thought of the eternal return. Moreover, this exposes the larger problem of the reception and usage of Nietzsche’s thought—and what *it* excludes—within poststructuralism. This concept of the failure of the political will be developed and discussed further throughout the text below, particularly in relation to modernism and modernity in chapter three.

Despite these negative examples of the failure of the political, Agamben’s startling interpretations of the concept of “weakness” in Paul and Benjamin powerfully suggest that failure harbors an unknown potential that can be used against the exception. This positive relationship to failure, which will be discussed at length in chapter one below, is instructive in relation to Agamben’s project in *Homo Sacer*. This project is an effort to go on thinking with Deleuze, Foucault, and Benjamin at the final point of their work; to pick up their thought where it left off, where it remained incomplete and unfinished, in order to continue their projects, for us, today. And it is precisely to the “final” texts of these three thinker’s that Agamben’s work points: “Immanence: A Life . . .” (Deleuze), “Experience: Life and Science” (Foucault), and “On the Concept of History” (Benjamin). In the work of the seminar on *The Time that is Left*, this is how Agamben characterized his own work. Perhaps a quote from each one of these texts can help us as we prepare to enter into this project. Foucault: “In this sense life—and this is

its radical feature—is that which is capable of error.”<sup>27</sup> Benjamin: “Then, like every generation that has preceded us, we have been endowed with a *weak* messianic power, a power to which the past has a claim.”<sup>28</sup> And Deleuze: “*A Life* is everywhere, in all moments that a given living subject goes through that are measured by given lived objects: an immanent life carrying with it events or singularities that are merely actualized in given subjects or objects.”<sup>29</sup>

Posing these questions and problems of the failure of the political after the events of the past few years seems, at once, both positively utopian and increasingly vital. The conceptual innovations of the exception listed above will be used and developed throughout the text. What follows is my effort to enter into Agamben’s project of developing the concept of the exception. And I do this, primarily, by rethinking the concept of *affect* in the work of Gilles Deleuze. *Affect*, in Deleuze, is the sign under which we have come to think that absolutely intimate concept of thought, being, and politics as an *a*-subjective experience, encounter, or relation with the outside. Exposure, passivity, and vulnerability are the conceptual signs under which the radical intimacy and fragility of this thought has emerged. But how can we think, and account for, radical exteriority, predicated as it is on an *a*-subjective *encounter* with the outside, if we remain separated from our “experiences,” encounters, and relations in the exception? To think

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<sup>27</sup> “Life: Experience and Science,” *Aesthetics, Method and Epistemology*, ed. by James D. Faubion, trans. by Robert Hurley and Others, (New York: The New Press, 1998), 476

<sup>28</sup> “On the Concept of History,” *Selected Writings Volume Four: 1938 – 1940*, trans. by Edmund Jephcott and Others, ed. by Howard Eiland and Michael W. Jennings, (Cambridge: Harvard University Press, 2003), 390.

<sup>29</sup> “Immanence: A Life,” in Gilles Deleuze, *Pure Immanence: Essays on A Life*, trans. by Anne Boyan, into. By John Rajchman, (New York: Zone Books, 2001), 29.

the problem of the exception in relation to *affect* means to rethink the theory of radical exteriority in poststructural thought. I will not consider the work of Maurice Blanchot in relation to this problem because it occupies a unique position with regard to this thought and the concerns of trauma and bearing witness raised here. Psychoanalysis is a theory of *interiority* founded within the thought of the dialectic, and already has a built-in capacity for thinking “bearing witness”—something that appears to be missing in the philosophical tradition of the thought of the outside from Nietzsche to the present. Although a serious consideration of what the theory of radical exteriority, and non-dialectical thought, generally, has to offer the psychoanalytic tradition would be a welcome development. Rather, I will focus my efforts on the work of Deleuze and Guattari, which is, arguably the most recent, and thus fully developed concept of radical exteriority in poststructural thought. And its most intimate expression remains, for me, Deleuze’s concept of *affect*. If the exception is a prior limit on our thought and experience, then it has the potential to radically displace our basic assumptions about the limit itself: to displace the limit of the limit. This is one of many instances in which the thought of the exception presents a radical critique of all post-war thought, insofar as it brings about a clearing away of presuppositions.<sup>30</sup> It seems especially important for us to make use of such a critique in the time that we have left.

This book is composed of four “thought-images” (*Denkbilder*) in Benjamin’s sense, modified as subjective thought-images: affective experiences, encounters or relations with the global state of exception.<sup>31</sup> Two of these chapters are dedicated to the

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<sup>30</sup> *The Time that is Left, passim*. This is also Deleuze’s definition of “critique” in *Difference and Repetition*.

<sup>31</sup> This is a translation of *Denkbilder* in Benjamin’s work. The usage of *Denkbild* (thought-image) goes back to the 18th century, with antecedents in the Baroque “emblem.” It was picked-up again by Benjamin, Bloch, Adorno, Kracauer, and Brecht, in the 1920’s and 30’s as a way of thinking about materialism and modernity. See, for example, the selection of works under the heading “Thought Figures, 1933,” in *Walter*

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*Benjamin, Selected Writings: Volume Two: 1927 – 1934*, trans. by Rodney Livingstone and Others, ed. by Michael W. Jennings, Howard Eiland, and Gary Smith, (Cambridge: Harvard University Press, 1999). The return to the thought-image in the 20’s and 30’s may (or may not) have been the result of the appearance of Franz Rosenzweig’s earlier work, *The Star of Redemption* in 1919 (which creates a philosophical system based on the image or, paradigm of the “Star of David”). Though the exact influence of this text, in this respect, is difficult to determine, the figures named above not only had access to this text, but, in the case of Benjamin and Brecht, clearly had read and studied it. See, for example, Stephane Moses, “Walter Benjamin and Franz Rosenzweig,” in *Benjamin: Philosophy, Aesthetics, History*, Ed. Gary Smith, (Chicago: University of Chicago Press, 1989): 228 – 246. In general, the term *Denkbild* points to Benjamin's unique form of prose-philosophy, as collected in his many fragments, the *Arcades Project*, and works such as *One-Way Street*. Such work can be viewed, I think, as a precursor to the concept of "theoretical fictions" or "critical fictions" that have emerged in the wake of the work of Gilles Deleuze (and this is precisely how I am using the concept here). I do not think, however, that Benjamin's usage of the *Denkbild* can be separated from his concept of the "dialectical image." For example, the use of the Paris arcades as a paradigm for modernity, and the use of Klee’s “Angelus Novus” as a paradigm for history. As a materialist concept, the dialectical image has the advantage of including the immateriality of the image within the material (and all of the abstraction, with regard to thought, that this allows). To my thinking, the "dialectical image" is a way to not only create a connection with the past, but as an image, it also creates a desire to do so in all those who encounter this unique thought-image *in thought* (to enter into and participate in, its abstraction, its thought, its desire . . . if you will, the life of the image or form, which for Benjamin is history). It is precisely here that I find it difficult to meaningfully distinguish between the thought-image as a form of philosophical prose and the dialectical image as a “paradigmatic” thought-image (a way of thinking-in-images). This appears, to me, to be Benjamin’s approach, as described in his “Convolute N” of the *Arcades Project*. “Method of this project: literary montage. I needn’t say anything. Merely show” [N1a8] 460. Benjamin is one of those cases, Foucault is another, where “style and form” coincide, in a very unique way, with “content.” Not only is this based on a critique and even destruction of the representative (dialectical) distinction between these two terms, such as one finds in Deleuze (a direct influence on Foucault’s work), but it also points us to the very problem of the exception as a theory of the separation of life and thought. This way of doing philosophy is closer to all of our lives because of the proliferation of the image in “postmodern” capitalism. In other words, thinking-in-images is also a way of thinking the inseparability of thought and life (which is to say, immanence) in the present. This thinking above, in any event, is behind my own rather modest stylistic choices in the present text. The *musselmanner* in *Remnants of Auschwitz*, it should be noted, is also a subjective paradigm in Agamben’s work

*singular* intelligence and sensibility of a life—as Deleuze defined that term—but which, nevertheless, points to a real person whose intelligence subtends its thought.<sup>32</sup> Furthermore, this real person with an immanent thought, experience, or sensibility, does not have a voice within the horizon of contemporary thought, because they remain separated or excluded from what we take for contemporary thought, or because their voice has, in some way, been radically silenced. The entire project is an effort *to bear witness to the intelligence of a life*—immersed in the exception, but rendered mute and speechless within it—that *does not exist* in the realm of expressions and public gestures. It is my hope that this will aid, however slightly, those forms of life to begin to realize or accomplish even a part of themselves. The following is also a unique experiment in, and contribution to, Agamben’s developing concept of a “paraontology”—the thought of the paradigm as a theory of being “beside itself,” showing, or exposing itself by means of its example.<sup>33</sup> It seeks to think this not only in relation to the Berkeley seminars on *The Time That is Left*, and the lives of the friends whose names bear the dedications to each chapter, but also in relation to my own life. This is not an exhaustive treatment of the concept of, and philosophical foundations for, the thought of the exception. Rather, it is a

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<sup>32</sup> Deleuze, “Immanence: A Life . . .” in *Pure Immanence: Essays on a Life*, 25 – 33. This concept of an *a*-subjective individuation is what Deleuze calls a “singularity.” (In the simplest of terms, we can think of singularity as the concept of the *event* in Nietzsche’s thought with regard to individuation.) While I am not using these terms interchangeably, the connections between them are, by now, fairly obvious: the theory of transcendental empiricism in Deleuze is a theory of affect, which is also a theory singularity. For an interesting perspective that draws out these connections at the same time that it presents a meditation on the problem of belonging,” see Agamben’s *The Coming Community*. The misunderstandings surrounding the intellectual trajectory of Agamben’s usage of the term “singularity” highlights the need to read Agamben *with* Deleuze.

<sup>33</sup> In “What is a Paradigm?” Agamben states, “The paradigm is neither universal nor particular, neither general nor individual, it is a singularity which showing itself as such, produces a new ontological context.” HTML <http://www.egs.edu/faculty/agamben/agamben-what-is-a-paradigm-2002.html> (Accessed March 14, 2004). (Please note that there are amusing transliterations of Agamben’s speech in this text. For example, Canguilhem is rendered as “Kandellam”.) See, also, Agamben’s comments on the difference between the paradigm and the exception on page 22 of *Homo Sacer*.

thought-experiment: a singular effort to enter into the development of this concept, and, in so doing, bring a little of its potentiality back to life. This is particularly the case with regard to the thought of Deleuze and Guattari. Another way of thinking about this text is to say that it has set for itself the problem of how to go about writing a critical fiction—in the sense of Deleuze’s “transcendental empiricism”—of life in the state of exception. As David Wojnarowicz once wrote about his relation to the existential landscape of AIDS “I want to know what the structure of all this is in the way only I can know it.”<sup>34</sup>

In chapter one, “Apocalypse,” I use the image of the end of the world to think radical exteriority in the exception. Through a discussion of the problem of the prior movement of the exception in relation to Nietzsche’s thought of the eternal return, I articulate our contemporary relation to the world as one which is profoundly and irreparably broken. The outside, the world, radical exteriority, can only be thought as the broken. Blurring the distinction that Agamben makes between the ethical thought of the eternal return and its epistemological thought, and making productive use of Agamben’s research on messianic time and subjectivity in Paul and Benjamin, I rethink affect in Deleuze as a radical *non-encounter*; a *failed encounter* that *precedes* every encounter in the exception. This introductory chapter lays out the philosophical groundwork for a new way of thinking radical exteriority in the exception, and sets up the work that follows. This chapter is concerned with largely epistemological considerations of the exception, even as it draws from and explores the ethical, political and aesthetic implications of this thought.

In chapter two, “Urgency,” I use the image of the subjective experience of urgency found among individuals living with HIV to articulate the concept of the state of

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<sup>34</sup> *Close to the Knives: A Memoir of Disintegration*, (New York: Vintage Books, 1991), 116.

exception pragmatically, and to show how, in the example of AIDS, the exception has become the norm. This chapter presents a reading of the discourse of HIV/AIDS—particularly in its relation to questions of extremity, law, right, and radical exclusion—through a usage of the work of Foucault, Agamben, and Benjamin. More importantly, this chapter seeks to give expression to an ethics immanent to gay men living in the time of AIDS. This chapter is largely concerned with the ethical thought of the exception, particularly the project of thinking an ethics without relation and its connection to the problem of messianic subjectivity.

In chapter three, “Failure,” I present a philosophical reading of modernism according to a paradigm of failure. This chapter thinks the relation between the exception and the modern. How can failure, as a political and philosophical concept, enable us to think the excluded of modernity? And what can this teach us about the failure of our contemporary conceptions of the political, today—particularly with regard to the work of Deleuze and Guattari? This problem is briefly sketched out in relation to the work of Benjamin and through reference to the work of Franz Kafka and Robert Walser: three exemplary figures of modern failure. Drawing on recent scholarship on the philosophical concept of the modern, particularly works that make productive use of Deleuze and Guattari, and building on the previous two chapters, I highlight the need for maintaining a “redemptive” relation to the excluded of modernity in any effort to write a history of the present. That is, in any effort to create new ways of thinking and living, as Deleuze and Guattari propose in *A Thousand Plateaus*, in the present.

In chapter four, “Spiral,” I use the image of the spiral to express the subjective experience of radical complicity with the forces of power that mark the post-war era as the “horror” of the “taking of the outside.” Reading select examples from contemporary Japanese film, film noir, Kathryn Bigelow’s *Strange Days*, and the films of Tsai Ming-Liang, I formulate a new way of thinking affect and narrative cinema according to my concept of the *failed encounter*: a cinema of bearing witness. Utilizing the work of

Deleuze, Benjamin, and Agamben, I ask how it is possible to experience filmic meaning in a world defined by relations of radical separation and dissociation. This chapter is concerned with the relation between the exception and cinematic thought. Rather than a usage of Agamben’s work on cinema and gesture, this work goes in a slightly different direction to consider the compatibility between the theory of exteriority in poststructuralism and a rethinking of filmic experience, and cinematic thought, according to my concept of the failed encounter. It presents another way of thinking affect in the exception, and highlights the problem with theoretical engagements, inspired by the work of Deleuze, that attempt to think filmic meaning based on the exclusion of the problems of radical separation and dissociation.

This book is both philosophically speculative and expressive in nature. Every aspect of its thought, despite its inseparability from *a* life, in Deleuze’s sense, is bound-up with Agamben’s work and the project of developing the concept of the exception. The formulations that I present here would be impossible to develop outside that work. At the same time, it is a kind of testimony, a bearing witness, to my own life. A reader of my work once asked me what literary figures I could think of that would stand-in for the image of failure that I present below. While I gave this reader the list of my usual suspects, Robert Walser, Jack Smith, Tsai Ming-Liang —and as narratives of bearing witness in the post-war era, David Wojnarowicz, Primo Levi, and Ota Yoko—none of these figures could be said to fully “inhabit” the figure of radical failure that I develop here. The reason for this is simple: the concept of the “failed encounter” that I develop in the next chapter and use throughout the text is also a conceptual account of my own life and, as such, cannot be separated from that life. It is *a* life giving an account of itself, exposing itself in the exception. The only figure who could possibly stand-in for this thought would be my “self.” In this respect, there is a unique convergence or, “secret agreement,” as Benjamin would say, between Agamben’s theoretical formulations on the state of exception and the existential conditions of my life over the past ten years.

Agamben refers to the exception as an “empty space.” All the ways we have of thinking radical exteriority are theories of that abstraction that is “no thing”—not something literally, or “really” there—but which cannot, at the same time, be reduced simply to “nothing.” Here, perhaps, the image, itself, remains the paradigmatic example. During the seminar on *The Time that is Left*, Agamben kept reminding me that the exception was not a thing. Yet I had this way of speaking about and seeing the exception as something that was “really there” or “experienced.” This is because the experience of radical separation conceptualized by the thought of exception has had a profound effect on my life. I reserve the right, throughout this text, to occasionally make this “error” where I think this *indistinction* is appropriate or illuminating. Perhaps, and this is only a thought, this “error,” this mistake, this failure, exposes something to us about the exception. The reading of Agamben’s work that I present here fulfills itself in the radical failure of a life lived in the state of exception that has become the norm. In this sense, it is an account of a life lived in relation to that outside which is broken.