Bush had instituted this State of Exception in a world in which two of the constitutive norms of American exceptionalism—rule of law, free markets—had become the planetary norm. In order to see to it that they remained the norm, Bush’s State of Exception enforced the planetary conditions that rendered them normal. But in instituting exceptions to the norms of U.S. political governance, Bush’s State of Exception had also suspended the U.S. Constitution that had defined the terms of the state’s relationship with U.S. citizens in terms of shared sovereignty.

The State of Exception operated in a sphere that was separable from the logics of the nation and that was irreducible to its terms. Bush’s State of Exception suspended the laws that protected civil liberties and the metanarrative frameworks through which citizens internalized these laws as ruling norms. Bush’s State of Exception in effect placed the state and the nation into two separate and mutually exclusive spheres. In relegating U.S. citizens to a Homeland that it secured and defended against terrorist attacks, Bush’s State of Exception repositioned the national community within the equivalent to that exceptional space that Justice Marshall had called a “domestic dependent nation” in his 1831 ruling on the rights of the Cherokees. Rather than sharing sovereignty with the state, U.S. citizens were treated as denizens of a protectorate that the State of Exception defended rather than answered to.

Bush disassociated the State of Exception from the normalizing powers of the discourse of American exceptionalism because he wanted to render the state exempt from answering to its norms. In declaring the United States The Exception to the rules and treaties governing other nations, the Bush administration redefined sovereignty as predicated less upon national control over territorial borders than upon the state’s exercising control over global networks. The United States did not want territory. It wanted to exercise authoritative control over the global commons—the sea and the air—in the interests of guaranteeing the free movement of capital, commodities, and peoples. It was the putative threats that terrorism and rogue states posed to global interconnectivites that supplied the United States with the planetary enemy that it required to justify its positioning of itself as The Exception to the rules that it enforced across the planet. In justifying the U.S. monopoly over all the processes of global interconnectivity, the war on terrorism...
enabled the Bush administration to arrogate to itself the right to traverse every national boundary in its effort to uproot international terrorist networks and to defend the Homeland against incursions of Islamic extremists.

From the eighteenth century through the cold war epoch, nationalism and imperialism contributed to global capitalism by dividing the globe into national and colonial enclaves. International capitalism appealed to the nation-state’s powers of regulation and distribution. However, the economic demands of the global marketplace have redefined the state’s mission, requiring that it downplay its obligations to the constituencies within a bounded national territory so as to meet the extranational needs and demands of global capital. The unruly capitalism that globalization has sponsored would strip nation-states of their regulatory powers and reinstate an earlier alliance between capital and the state that restricted the states to the role of protecting the newly emerging regions and local outposts of the global economy.

In an era when market priorities have reshaped sociopolitical agendas, the nation-state’s social and political commitments are perceived as impediments to the efficient functioning of the global marketplace. The state has aspired to exempt itself from its contractual obligations to the national community and to dissever its ties with every constituency except the entrepreneurial capitalists responsible for managing the global economy. Rather than representing the interests of the entire nation, the selective interests of this managerial elite has bifurcated nation-states into capitalist sectors that are integrated into the global capitalist order and regions whose premodern economic practices are subjected to the exploitative forces of the capitalist sector.

Describing it as a justification of America’s having taken up the task of policing the globe, President George W. Bush turned 9/11 into the opportunity to reshape the configuration of global power relations. Bush associated America’s monopoly on the legal use of global violence with the intervention in human time of a higher law (what he called his “higher father”). He thereby endowed the doctrine of American exceptionalism with a metaphysical supplement that enjoined the belief that the preemptive violence through which the United States would defend the globe against the threat of Islamic terrorism was metaphysically superior to that of other nation-states. The apocalyptic register of Bush’s invocation of this higher law was not intended to reestablish America’s claim to historical uniqueness, however. This higher law had positioned the United States outside the World of Nations as The Exception.

In what follows, I will discuss Bush’s State of Exception and the Homeland fantasy through which it was hegemonized in the context of the extranous elements that unsettled its jurisdiction and the state fantasy that has emerged to supplant the Homeland.

Abu Ghraib: The Biopolitical Unconscious of the Injuring State

The detainees who disappeared into the maze of an unaccountable juridical system and into the cages on Guantánamo Bay represented the Other to and within “We the People.” The state proffered this spectacle of sublegal persons being stripped of all rights and liberties as symbolic compensation for the Patriot Act’s drastic abridgment of civil liberties. “We the People” indirectly authorized the state’s detainment policies in their dual offices as (1) secondary witnesses to the legality of the governmental operations that accomplished these infernal rites of passage and as (2) informal signatories to the discourse of legalized illegality crystallized in phrases like “enemy combatants,” “material witness,” and “persons of interest.”

After 9/11, Bush made reference to the vulnerability rather than the sovereignty of the people. Representing the U.S. peoples as exposed to a biopolitical threat, Bush represented “We the People” in the image of vulnerable biological bodies in need of the protection of the Homeland Security State’s emergency workers Bush had designated as the people’s representatives. In celebrating emergency workers as the representatives of the Homeland Security State, President Bush produced an equivalence between the nation and the Emergency State.

The Emergency State expropriated sovereignty from the Homeland people so as to establish sovereignty as the rationale for the state’s construction of the category of this Other to the people. Bush’s declaration of a “War on Terror” disrupted the entire social edifice by undermining the mores that regulated the intersubjective relations of the polity. The people were asked to identify with the urgency that expropriated “We the People” from their rights. Lacking the ground from which “we” might respond, “We the People” were made to identify with the security priorities of the Emergency State.
But the denizens of the Homeland Security State withdrew their indirect authorization for what went on inside the state’s security encampments on April 28, 2004. On that date Sixty Minutes broadcast a series of photographs that displayed an orgy of penal violence perpetrated by military police guards at Abu Ghraib prison in Iraq. The photographs depicted male and female American soldiers playing various roles in a theater of cruelty that was designed to make the prisoners under their charge feel as if they were extraneous to the human condition. In one of the photographs a female guard was depicted holding a leash tethered to a dog collar that had been placed around the neck of an unclothed Iraqi man groveling at her feet; another snapshot represented the same woman locked in melodramatic embrace with a grinning male MP standing behind the naked bodies of Iraqi male prisoners who had been stacked on top of one another; another pictured a guard forcing a hooded prisoner to simulate oral sex with another prisoner; still another Polaroid represented an Iraqi prisoner precariously perched on a chair with a sandbag over his head and electrical wires attached to his hands.

After they were transmitted globally, the photographs of the abuse at Abu Ghraib prison became the space in which the spectatorial public refused the complicity that the security state had solicited. Whereas Bush’s biopolitical settlement had set the populations it secured and defended in a relation of opposition to the Muslim extremists imprisoned at Abu Ghraib, the photographs of these vulnerable, unprotected bodies evoked in their viewers the collective desire to shield this unprotected population from continued brutality. Rather than lending the actions represented in these photographs their visual approval, the viewers of these images galvanized a morally authorized, global opposition to the war. World opinion condemned the Bush administration for arrogating to the Homeland Security State the power to violate internationally agreed upon rules of engagement with prisoners of war.2

In remaking the internees at Abu Ghraib in the image of what Giorgio Agamben has called homo sacer (persons who could be killed without the accusation of murder), the guards had set the images of persons whose lives were not worth living in a relation of opposition to the images of the peoples whose lives must be defended. Through their staging of scenarios designed to terrorize their Iraqi prisoners, the military police at the Abu Ghraib prison exacted revenge for the thousands who had lost their lives in the Twin Towers. In revealing the biopolitical imperatives that informed the guards’ optical unconscious, the photographs reproduced Bush’s biopolitical settlement reduced to its simplest visual terms.

As we have seen, the Bush administration had defined the Homeland Security State as populated by a vulnerable people whose biopolitical security depended upon the state’s defending them against a people that was negatively represented as posing a biopolitical threat. But the Abu Ghraib photographs renegotiated the relationship between these two biologized populations. The photographs represented a way of looking at the prisoners that the guards had staged for the visual pleasure of the members of the Homeland society as well as one another. The photographs depicted Iraqi prisoners visually cast into subjective positions that the guards had constructed to do violence to their Muslim identities. Their digital cameras transmitted the gaze through which the guards aspired to propagate their extravagant enjoyment of this violation.

The photographs depicted the soldiers deriving spectatorial pleasure from quite literally stripping their prisoners of their human rights as well as their right to be human. In deriving pleasure from these scenarios of retributive violence the guards represented the gaze of the spectatorial public for whom the Bush administration had staged its military operations. But instead of identifying with the guards’ visual perspective, upon bearing witness to the prisoners’ suffering, the spectatorial public protested against these obscene acts of state violence. “How can someone grin at the sufferings and humiliations of another human being?” Susan Sontag asked representatively in “Regarding the Torture of Others,” an essay she published for The New York Times Magazine on May 23, 2004: “is the real issue not the photographs themselves but what the photographs reveal to have happened to ‘suspects’ in American custody? No,” Sontag responded. “The horror of what is shown in the photographs cannot be separated from the horror that the photographs were taken—with the perpetrators posing, gloating, over their helpless captives.”

If the Abu Ghraib photographs represented the guards exacting retributive violence against the enemies of American freedom, however, why did not the Homeland population, on whose behalf the guards reputedly acted, share their visual pleasure in these photographs? The military prison guards at Abu Ghraib had not in fact acted against orders, and Abu Ghraib prison was not an anomaly. Abu Ghraib was one of the manifestations of a distinction the Bush administration had introduced
between two different biopoliticized populations—a Homeland population that was comprised of citizens who were represented as temporarily dissociated from their civil and political rights and the "subhumans" that constituted the prison population at Abu Ghraib who were represented as permanently lacking the right to have human rights. The military prison guards' intercultural relations with their Iraqi prisoners at Abu Ghraib followed the regulations spelled out in Bush's biopolitical settlement. The guards' treatment of the Iraqi prisoners at Abu Ghraib established and policed the disjunction between the embodiments of bare life populations imprisoned at Abu Ghraib and the Homeland people.

But the photographs of the horrific means whereby the guards regulated the distinction between these two populations instead opened a space in between the war on terrorism and the inhuman violence it legitimated. The photographs that drew the most notice from the international press were the six photographs taken of a figure that Pentagon officials designated as "Detainee Number 15." These photographs depicted a hooded man who was made to stand precariously on the edge of a box, sprouting wires from his hands and from under the poncho that covered his torso. 4

The voluminous commentary on this hypercanonized photograph positioned the "Man on the Box" within a series of preexisting images from religious and political typologies that memorialized socially sacralized acts of martyrdom. The photographic memories that the "Man on the Box" recalled—of African-Americans lynched during the era of Jim Crow, of Jesus Christ crucified—reactivated traumatic memories of slavery, the violent history of the civil rights movement, and a scene of venerated self-sacrifice. The historical personages with whom the "Man on the Box" solicited comparison would most likely have been unimaginable to the Abu Ghraib guards who took the photographs. But in discussing the family resemblance between the guards' photographs of their victims at Abu Ghraib prison and the photographs of the victims of lynching taken between the 1880s and 1930s, Susan Sontag characterized both sets of images as "the souvenirs of a collective action whose participants felt perfectly justified in what they had done. " 5

In a lecture that he delivered at Dartmouth on July 21, 2004, the iconologist W. J. T. Mitchell interpreted the "Man on the Box" in terms of religious rather than political typology. Mitchell described the theatricalization of pain common to both image repertoires as the basis for the comparison he adduced between the guards' photographs of this figure and Christian iconography. Mitchell elaborated upon the implications of these shared traits when he interpreted the hooded figure in terms of artistic representations of a devotional image of Christ as he was stationed between the crucifixion and the resurrection. The box on which the man in the photograph stood resembled the pedestal upon which Christ was placed in that both pediments at once mocked yet elevated the figures standing upon them, and like the "Man on the Box," the devotional image of the "Man of Sorrows" too was either hooded or blindfolded so as to ensure the invisibility of his torturers. 6

The power of Christian iconography may explain why this photograph was reappropriated by western commentators to fashion their political condemnation of torture. But in turning the hooded Iraqi prisoner into the double of the tortured and sacrificed Christ, these western commentators utterly ignored the perspective of the Iraqi Muslims who regarded these worshipful comparisons with the Christian "Man of Sorrows" as culturally demeaning. The photograph's significance to the Iraqis' lived history was brought to an apocalyptic pitch by an Iraqi street artist who placed the photograph of the "Man on the Box" next to his sketch of the Statue of Liberty caught in the act of pulling the lever that would send a fatal electrical charge coursing through the hooded man's body. To make certain that this pictorial irony was not lost on the viewer, the Iraqi artist added a caption to his portrait that read "That Freedom for Bush. " 7

When they superimposed this representation of an "enemy of American freedom" upon the photographic memories of persons who had died in their effort to achieve the freedom of the West, the western commentators on "Man on the Box" reconstituted it as the limit figure in the Homeland Security State's visual imaginary. Insofar as it brought the United States' official policy of delivering freedom to the Iraqi people into proximity with its unacknowledged technologies of torture, this limit figure brought the spectacle of socially gratifying acts of violence to an abrupt conclusion. They also quite literally short-circuited the media relays through which the Pentagon conducted its war of images. At the site of this short-circuit a very different attitude toward the photographs emerged.

But if the image of the "Man on the Box" recalled images from Christian iconography as well as from the fraught history of the civil rights
movement in America, what about the other photographs? Were the images of the Iraqi prisoners who were forced to masturbate publicly or simulate oral sex with one another solely informed by the information about Muslim phobias that the guards had learned in their one-week crash course on the culture and history of Iraqi Muslims? The phobias—bodily nudity, homosexual touching of male genitals, appearing naked before a woman—conventionally attributed to Muslim men may have informed some of the staged settings in which the guards conducted their photo shoots. But these scenarios have solicited political decodings in which the guards were accused of having drawn from the image repertoires of feminist and gay liberation for the props and behaviors through which the guards terrorized these suspected Muslim terrorists.

Some of the poses that the guards forced their captors to assume mirrored sexual practices that have in other contexts been represented as possessing an emancipatory social value. Indeed if they were recontextualized within the manifestos of these social movements, some of these photographs could have been interpreted as expressive of demands for liberation from the recalcitrant order of the male patriarchate, or from the imperatives of heteronormative social order. The emancipatory value of these alternative sexual practices was premised on the right to self-fashioning and the autonomy of individual choice. Upon imposing the bodily practice of gays, feminists, and lesbians on Iraqi prisoners who experienced them as painful impositions rather than liberating rights, the guards turned these emancipatory practices into a means of nullifying the Iraqis’ way of life. But why did they turn these sexual practices into weapons of biopolitical warfare?

Gayatri Spivak has suggested a possible basis for the guards’ having correlated the image repertoires of contemporary social movements with their theater of cruelty when she remarked that “it has seemed increasingly clear to me, that ‘terror’ is the name loosely assigned to the flip side of social movements—extra-state social action—when such movements use physical violence. (When a state is named a ‘terrorist state,’ the intent implicit in the naming is to withhold state status from it, so that, technically, it enters the category of extra-state collective action.) ‘Terror’ is also, of course, the name of an affect. In the policymaking arena, terror as social movement and terror as social affect come together to provide a plausible field for group psychological speculation. The social movement is declared to have psychological identity. In other words,
the ways in which the technologies of American freedom had become indistinguishable from American oppression. The images mobilized opposition to the occupation in the name of the Abu Ghraib prisoners who had been victimized by this oppression. The viewers who posed this spontaneous global demonstration on behalf of the human rights of the prisoners at Abu Ghraib transformed their right to human rights into the representative demand of the peoples of the Global Homeland State.

Awakening the Interrogator Within

Abu Ghraib’s significance resided in its restoration of the memory of a history of national shame that met with the disapproval or condemnation of the entire political spectrum. The restoration of this memory laid the groundwork for a possible hegemony that perceived the welfare of the vulnerable, the homeless, the unprotected as the principal cause of the antagonism in the social order.

I concluded the preceding chapter with the observation that, insofar as the Homeland Security State’s exceptions to the rules of law and war were themselves based upon a force that lacked the grounding support of norms or rules, they resemble the traumatic events upon which they depended for their power to rule. Such exceptions could maintain their power to rule only as long as U.S. publics remain captivated by the spectacles of violence the state had erected at the site of Ground Zero.

The people of the Global Homeland may have lacked a part to play in the governance of the Homeland Security State, but after the photographs of the prison abuse at Abu Ghraib circulated worldwide, they did what the photographs of Rodney King had done earlier. Insofar as these extraneous elements could not be included within Bush’s biopolitical settlement, the Abu Ghraib photographs exposed the Homeland Security State as the cause of the traumas it purported to oppose, and rendered the Global Homeland State indistinguishable from the punctum out of which it had emerged.

After 9/11, the state was involved in a battle for the hearts that preoccupied the minds of the American people. When President Bush invested the American people’s collective feelings of grief and rage in a Global War on Terror, he delegated the emotional authority to act out their grief and rage to the state’s acts of revenge. In enlisting the U.S. public’s collective work of mourning into this alternative mode of affective expressivity, he intended to supply the war with moral clarity. After 9/11, many U.S. citizens felt all right about going to war. But the pictures of these repugnant forms of violence severely complicated the terms of this emotional compact and threatened to shift the balance of emotional authority away from revenge and onto compassion. Through its photographic representations of the victims of the guards’ torture, Abu Ghraib seemingly included these figures among the community of the 9/11 aggrieved.

The interpretive commentary on these photographs marked Abu Ghraib as the site that facilitated the return of national shame from within the very gaze that was designed to ward it off. Instead of captivating its viewers as subjects who were supposed to enjoy the torture and destruction of the terrorist enemy’s way of life, the Abu Ghraib photographs turned the gaze of the spectatorial public inward. The state’s response was to change the perspective on this crime scene by representing it as a restricted aberration as opposed to a generalized violation of the law. After describing the photographs as evidence of prisoner abuse, the state reduced its legal status to that of a correctible violation of prison rules.

By turning them into instruments of prison torture, the Abu Ghraib guards were acting out their moral panic about the sexual dimension of emancipatory social movements. At first they displaced this panic into the technology of torture. Then they communicated it to their Muslim prisoners. The spectators who condemned the actions that took place within Abu Ghraib were in a sense identified with the political unconscious of the guards’ behavior. As long as they remained tethered to the emotional contract Bush had forged after 9/11, U.S. citizens would remain fascinated with these repugnant spectacles to which they were ostensibly opposed. While their condemnation was consciously directed against the guards’ brutality, it also included the rejection of these “terrorizing” instruments within its ambit. By restricting his attention to their means of torture, President Bush turned this aspect of the photographs into the basis for his description of the guards’ behavior as “un-American.”

The U.S. public’s opposition to the guards’ acts of torture presupposed the war in Iraq as its spectral term of comparison. Through their continued support of the war in Iraq, U.S. citizens acquiesced to the belief that the war in Iraq constituted the legitimate form of state punishment.
in contrast to which the despicable scenes depicted in the Abu Ghraib photographs were describable as serious transgressions. Indeed the public's spontaneous collective condemnation of the illegality of the guards' actions tacitly produced a legitimation for the continuation of the Iraq War. The photographs turned Abu Ghraib into an obscene supplement to the war in Iraq, in the sense that it recorded the extralegal violence that supplemented U.S. soldiers' legal violence on the battlefield. The revelation of the excess violence there established a strong contrast with the legitimate forms of state violence that the state exercised in the war effort. The fact that the photographs called attention to the failure of even those horrific acts of brutality to break the enemy's will tacitly corroborated the state's explanation for the longevity of the war. If U.S. enemies were so "barbaric" that they would not surrender even in the face of these acts of degradation, U.S. troops were in it for a very long haul.

The Abu Ghraib images underwent a related transformation during the presidential campaign of 2004 when the Swift Boaters resurrected the memories of POWs and MIAs from the Vietnam era to discredit John Kerry's opposition to the War in Iraq. John Kerry, who had received the Medal of Honor for his display of valor during the Vietnam War, was reconstructed as a traitor by the Vietnam veterans who retrieved the memories of the prisoners of war and the mythology of the MIAs to propose that America had once again become hostage to the Vietnam Syndrome. Their recollections of the Viet Cong's brutal treatment of the POWs were designed to erase, if not justify, what had taken place at Abu Ghraib. But like the Abu Ghraib photographs, the Swift Boat war of images also split their spectators into surrogate interrogators of the guards' brutality and interrogators as well of their own reaction to these images.12

Cindy Sheehan: Devastating the Fantasy of the Homeland at Its Limits

Symbolic death usually comes after real death—with the burial of the dead. But the symbolic death of the state fantasy of the Homeland took place when Cindy Sheehan, the mother of a soldier killed in Iraq, protested against the war by publicly refusing to mourn in the terms of the state discourse that justified the continuation of the violence. Cindy Sheehan's son Casey had been killed while on a mission in Sadr City on April 4, 2004. When she traveled to Crawford, Texas, on August 6, 2005, to set up a camp memorializing the death of her son, Sheehan turned the U.S. public's internal interrogator into the juridical instrument with which she connected the state's official act of mourning with the 9/11 crime scene it was supposed to avenge.13

After 9/11, the Bush administration drew upon the generalized anxiety and panic generated by this historic catastrophe to declare a state of permanent emergency domestically through the initiation of a Global War on Terror. The Bush compact was designed to establish an alliance between national security and the aggressive drives of the U.S. people so as to incriminate dissent as a minor form of treason and to eliminate any loyalty that was more cosmopolitan than the defense of the homeland.14

The Bush administration forged a justificatory discourse to legitimate the Global War on Terror. The grounds for its new compact with U.S. populations required the invention of a series of novel symbolic representations (Ground Zero, Homeland, Enemy Combatants, etc.) to accomplish a reorientation of the perspectives through which U.S. citizens were supposed to make sense of the events taking place within the newly organized geopolitical situation. The administration's efforts to solicit the U.S. people's consent to this new compact was accompanied by legislation (the USA Patriot Act, Campus Watch, revisions to the Higher Education Title VI legislation) that regulate the knowledges produced about this new form of governmentality. The legislation that the Bush administration installed to propagate its policies characterized anyone who questioned either this form of governmentality or the discourse that justified it as posing threats to homeland security.

The introduction of the signifier of the Homeland to capture this experience of generalized trauma recalled events from the historical archive that it significantly altered. The Bush doctrine of preemption can be traced to the colonial adventures of Anglo-American colonial settlers and the forms of warfare in which they were engaged. Whereas the myth of Virgin Land produced historical continuity by suppressing the traumatic memory of the lawless violence that colonial settlers had perpetrated against indigenous populations, the Bush administration recovered the memory of colonial aggression so as to reverse the national people's relation to the history of colonialism and imperialism. The National Security State required that the state dissociate from the history
of U.S. imperialism so as to oppose the ambitions of the imperial Soviet, but the Homeland Security State's forcible depopulation of peoples from their homelands in Afghanistan and Iraq recovered memories of settler violence as the appropriate forms through which U.S. freedom could now be practiced.

The state fantasy of the Homeland took hold by rendering the U.S. people a captive audience to the spectacular shows of force through which the state violently changed regimes in Afghanistan and Iraq. The people's consent to the new symbolic dispensation assumed the form of their participation in the state's power to impose this newly forged symbolic order upon the populations of Afghanistan and Iraq.

The term Homeland was the keystone that anchored all of the other terms in the Bush administration's new symbolic arrangement insofar as it performed the double function of structuring the placement of all the other terms (Ground Zero, Enemy Combatants) within the new compact, and of serving as the object cause of the Homeland Security State. The Homeland named the locale the security apparatus was pledged to protect and defend against terrorist attack.

The Homeland did not name a place within the social order so much as the condition produced through the violent desymbolization of the order of things. It was the efficacy of its absence from any locatable place within the symbolic order that enabled the Homeland to determine the entire structure of assigned places. The placeholder for a place that was produced out of violent subtraction from all locatable places, the Homeland exercised a structural causality for all of the other terms within the newly symbolized order.

Because this compact with the Homeland was about who would make the rules and who would enforce them, it could not warrant criticism of the ethical or juridical values of those rules. Despite the state's efforts to discredit them, however, increasing numbers of citizens criticized the state's policies. But rather than taking such critiques of its policies and discourses that would justify them seriously, the Bush administration characterized any criticisms directed against its terms either as anti-American or as guilty of violating the memory of the soldiers who had "paid the ultimate price" in their loyalty to the country.  

Despite numerous exposés of the administration's rationale as well as its conduct of the war—the revelation of prisoner abuse in Guantánamo and the Abu Ghraib scandal, the discovery that Saddam Hussein possessed neither weapons of biological destruction nor nuclear devices, the exposure of the fact that the Bush administration had distorted or manufactured evidence to garner public support for the war, the growing numbers of military and civilian casualties in Iraq, the publication of the Downing Street memo—and despite the fact that more than 60 percent of those surveyed by the Pew Center endorsed the belief that President Bush lacked a clear plan to bring the war to a successful conclusion, as of August 3, 2005, over 50 percent of the American public continued to support the decision to use military force against Iraq. Three of the misrepresentations fostered by the Bush administration—that Saddam Hussein conspired with Al-Qaeda in the 9/11 bombings, that he trained and harbored Al-Qaeda terrorists in Iraq, and that he had weapons of mass destruction—were believed to be true by comparably large percentages of the U.S. population.  

However, after Cindy Sheehan traveled to President Bush's home in Crawford, Texas, on August 3, 2005, she set up a camp site on which she staged a scene that radically challenged the Homeland's legislative authority. Crawford, Texas, was itself founded by Texas settlers in their prolonged frontier campaign against native tribes. After opening up Camp Casey within the precincts of the terra nullius that the myth of Virgin Land had covered over, she installed a necropolis there in which she kept public track of the numbers of U.S. troops who had died in Iraq. As she did so, she represented herself to President Bush and to the U.S. public as a mother whom the Bush Settlement had forcibly dispossessed from her home and land. 

When she opened up Camp Casey, Sheehan suspended her bonds with the Homeland compact and inaugurated an alternative fantasy. Camp Casey instituted a different representation of the meaning of the people's relationship to the state and to the dead. It restaged emancipation from the Homeland in the space where U.S. civil liberties had been disallowed. In pronouncing the terms of her resistance to the Bush Settlement, Cindy Sheehan spoke in the name of the global homeland peoples who had been left insecure at home and abroad. 

Cindy Sheehan's protests against the state assumed the form of a series of open letters. She published the first open letter to President Bush entitled "What Noble Cause?" on August 6, 2005. The letter began with two acknowledgments: that she was furious about the horrible loss of life and that she felt heartbroken for the families whose homes...
had been wrongly devastated. She located the source of her indignation in the language George Bush used to justify the death of her son: "The families of the fallen can rest assured that your loved ones died for a noble cause," and "We have to honor the sacrifices of the fallen by completing the mission."7 Sheehan found this last phrase especially offensive.

The key phrase in the state’s emotional contract with the American people—"We have to honor the sacrifices of the fallen by completing the mission"—demanded that the American people give the military branch of the government the monopoly over the public expression of grief. But Cindy Sheehan refused to obey President Bush’s demand that she justify the death of her own son by honoring the nobility of the “cause” for which he died. Rather than accepting the terms of this contract and mourning her son’s death by authorizing the continuation of the war in Iraq, Cindy Sheehan formulated the following series of responses to President Bush:

First of all what is the noble cause? The cause changes at will when the previous cause has been proven a lie.... What did Casey and over 100,000 wonderful human beings die for? What exactly is, George, the "noble cause"? And I demand that you stop using my son’s name and my family’s sacrifice to continue your illegal and immoral occupation in Iraq.18

Cindy Sheehan’s letter to the president upset the balance of emotional power that the Bush administration had introduced in relation to the public’s attitude toward the war. If politics can be described as in part a battle to change the public’s feeling about a political question, Cindy Sheehan turned Camp Casey into a scene of emotional contestation. In undertaking this struggle, Cindy Sheehan did three things: she refused to grieve through revenge, she turned the state’s acts of revenge into the target of her grievance, and she thereafter included the soldiers and civilians who were killed in Iraq, the Abu Ghraib prisoners, and the 9/11 dead as intertwined effects of the state’s aggression. In so doing, Sheehan revalorized critique and dissent as patriotic forms of grieving.

The state’s imperative to “support our troops” had constituted the limit to freedom of expression beyond which opposition to the war could not tread. The figure that the administration had erected to protect this borderline was fashioned in the image of a grieving mother, who represented the unappeasable losses that the families of soldiers killed in Iraq had suffered. To secure the symbolic value of this figure of the grieving Mother of the Homeland, the administration fostered the inauguration of the Gold Star Mothers, an association comprised of mothers whose sons and daughters had been killed in Iraq or Afghanistan. Bush’s Homeland Security State depended upon their public demonstrations of maternal grief as the emotional legitimation of its campaign of vengeance.

Cindy Sheehan’s identification with the maternal role did not merely enable her to confront President George W. Bush with the recognition of the outcome of the state’s shameless acts of violence. When she publicly condemned the war in Iraq, condemning it as the cause of her son Casey’s death, she did not merely violate the state’s prohibition against protesting the war. She enunciated her repudiation of the state’s “cause” as a Gold Star Mother and in the name of honoring her son.

When President Bush declared war on Iraq, he enlisted the family in the service of the state’s militarization. The state normally receives its army from the family, which encounters the limits to its continuation in the state. The young men and women families furnish for war become the patriots who define the values of the nation by sacrificing their lives for them. The family structure figures the mother as the basis for the reproduction of this kinship system. Since the state is dependent upon this kinship structure for its emergence and maintenance, the state must expropriate the maternal function and reproduce itself through the acquisition of her kin. After the state substitutes itself for the mother it sublates the maternal imago within the security aspect of the state. The mother is supposed to show her love for the nation-state by sacrificing her progeny to the state for the purpose of its reproduction. But after the state separates her from her children, the mother is supplanted by the homosociality of the state’s desire.19 Luce Irigaray has aptly described the state’s violent foreclosure of the maternal bond as the act that inaugurates the basis of its masculine authority.20

After 9/11 the state doubled itself. In one of its aspects it wore the face of a grieving mother that the Homeland symbolized. In its other face, the state bore the terrifying countenance of the patriot who would avenge the mother’s losses. At Camp Casey, Cindy Sheehan assumed the persona of a grieving mother within the Homeland. But she then dissociated her grief from the militarism through which the state enacted its official work of mourning. In refusing to surrender her feelings
of grief to the state's terrorism-security complex, she contested the emotional legitimacy of the war in Iraq. After she refused to cede the state the authority of her sorrow in the name of a child whose death the state had identified as an emotional warrant for war, Cindy Sheehan characterized her grief as ungrievable in the terms of a militancy that turned grief into a motive for war.

By refusing to submit to the official rites of mourning, Cindy Sheehan had placed her grief outside the borders of the aggrieved Homeland community. She articulated what she found affectively unintelligible in the state's demand that she surrender her relations of kinship for the sake of a war by explaining that it had made her life unlivable. In deforming and displacing the norms of emotional intelligibility of the state of the Homeland she brought its emotional compact into crisis.

This enactment confounded the symbolic position that mothers were compelled to represent and refused to authorize the transition from the order of kinship to the order of the state. Rather than aligning her work of mourning with President Bush's justification for the compulsive cycle of state violence, Cindy Sheehan's articulation of her maternal grief within the idiom of political dissent introduced an alternative emotional compact. After Cindy Sheehan treated the body of her dead son as the occasion for dissolving her bonds with the Bush Homeland Security State, she also transformed Camp Casey into the site for an alternative juridical-political order.

Antigone in Crawford, Texas: Changing the State Fantasy

Analysis of the juridical and political dimensions of Cindy Sheehan's confrontation with George W. Bush at Crawford, Texas, requires a return to the logic of the primal scene— in which the founding words of the culture had themselves become stakes of the encounter—for its comprehension. To facilitate an understanding of the stakes of their encounter, I would propose that Cindy Sheehan's encounter with Bush be imagined as a reenactment of Antigone's with Creon.

President Bush explained his actions in terms of the reason of the Emergency State. In the letters she addressed to the president from Camp Casey, Cindy Sheehan opened up the limit site to the provenance of his rule. The statements she published there and the site from which they were enunciated, in lacking a position within the existing symbolic field, demanded the formation of an alternative.

When it is not overridden with crises, the symbolic order forms an implicit backdrop to an individual's embeddedness in socially mediated reality. It tacitly informs everyday behavior and understanding. But during times of crisis, inconsistencies within the symbolic order open up opportunities for momentary breaks with its overdeterminations and introduce occasions to separate from its foundational fantasies. Jacques Lacan has described the outcome of this separation as an example of what he calls "traversing the fantasy," which he has defined as becoming "destitute" to the subject positions the fantasy authorizes. Lacan has also explained the infrequency of this event by correlating it with the death drive.

According to Lacan, to desire something other than the continued existence of the social order is to fall into a kind of death. But to risk this desire, by means of which death is courted, also constitutes the elementary precondition for a truly ethical act. Lacan maintains that there can be no ethical act that does not entail the momentary suspension of the socio-symbolic network of intersubjective relationships that guarantees the subject's identity. This means that an authentic ethical act can only take place if its subject is willing to risk the gesture that suspends the authority of the symbolic order.

Lacan made these observations in the course of his commentary on Sophocles' Antigone. By defying Creon's edict, Antigone also repudiated the symbolic order of the city that Creon personified. Following her decision to disobey Creon, Antigone was excluded from the social symbolic order, and she found herself in a realm in between two deaths: the death of her mandated social position and the death of the symbolic order that had guaranteed its continuation.

Slavoj Žižek returned to Lacan's discussion of Antigone to spell out a crucial distinction between the radical aspect of Antigone's ethical act and a merely performative reconfiguration of one's symbolic condition. In conducting a war of positions that would turn the terms of the hegemonic field against itself, Žižek explained, such a marginal reconfiguration of the predominant discourse would nevertheless remain within the social order that it would simply reorganize. But Antigone's more radical
act involved a thoroughgoing transformation of the entire field in that it redefined the very conditions of socially sustained performativity.26

I have invoked Lacan’s and Žižek’s discussions of Antigone as an interpretive context for Cindy Sheehan’s actions at Camp Casey in order to draw attention to the radical dimension of Sheehan’s ethical actions. Although she was embroiled in a conflict with the state over how to mourn a son rather than a brother, Sheehan resembles Antigone in that she encountered a comparable deadlock in the surrounding symbolic order. This deadlock assumed the form of a forced choice that compelled her to decide between the state’s demand that she bury her dead son in terms that ratified the war in Iraq (as the state’s work of national mourning) and her felt obligation to grieve him in terms that refused to cede the power to kill her child to the state. Sheehan’s way out of this deadlock inspired her to constitute an alternative to the state’s juridical and political order.

Sheehan’s experience of this rupture in between her child’s death and the demands of the state interpellated her to the traumatic foreclosed dimension of the Homeland, the disallowed knowledge of the history of violence condensed within its “fatal environment.” The state fantasy of the Homeland was founded upon this foreclosure. Her experience of being hailed by this foreclosed dimension of the Homeland opened a primal scene that might be described as the underside of an Althusserian interpellation. According to Althusser, interpellation designated a process wherein the positive functional dimension of the state’s ideology imprinted itself on an individual so as to subjugate her to the preconstituted order of things. But Cindy Sheehan had undergone a process of interpellation wherein an extraneous object within the order—the gap between the Homeland and the traumatic element that located what structurally decompleted the order—has hailed her. The demand that she herself subjectivize this Thing that lacked a recognizable position within the symbolic order plunged her into an abyss of ethical freedom devoid of the solid ground of the social norms and directives that the Homeland Security State had taken for granted.27

Cindy Sheehan placed the edge of President Bush’s Crawford estate under the shadows of the Valley of Death. While sojourning through this domain, she represented her relation to her son as a primordial attachment that exceeded the reason of state. In refusing to take up her “proper” maternal position within the state fantasy, Cindy Sheehan lived the equivocation that unraveled the figure of grieving Mother of the Homeland.28 As we have seen, this maternal figure had been assigned the quasi-military responsibility to enforce President Bush’s edict setting the limits to dissent: “Do not mourn the deaths of the sons of the Homeland in ways that undermine the memory of their sacrifice.” By drawing the Mother of the Homeland Security State into crisis, Cindy Sheehan undermined this foundational prohibition of the Homeland Security State.

Her performance of this act of refusal voided her relationship with Casey of the condition of the mother–son kinship bond that the state had consecrated in its representations of the war effort. By standing in the place of her dead son’s unexpressed opposition to the war, she protested in his stead. Her extrication of her son from Bush’s “cause” did not merely result in the dissolution of his and her bonds with the Homeland Security State; it also invoked a juridical realm beyond the Homeland’s jurisdiction. Like Antigone’s, Cindy Sheehan’s kin emerged at the juncture where her biological blood relations encountered the state’s imagined kinship community so as to detach one from the other around the more primordial question of the law that can bind persons to one another.

Her speech acts might be described as having emanated from another order of legal rationality that the public reality of her speech acts had presupposed.29 Although the higher law Sheehan invoked did not have the power to rewrite public law, the incommensurability between the two spheres of law transformed her scene of address into a tribunal of justice. In struggling to give expression to a law of a different order, she grounded her acts in a law that the juridical order did not yet count as law. Speaking in the name of this future juridical order, she performed the legality of what did not legally exist in the form of a law to come whose claims to justice marked the limit condition of the Homeland’s jurisdiction.30

Members of the Bush administration represented her actions in Crawford, Texas, as a degradation of her son’s valor and as the violation of his memory.31 But to whom does the memory of her dead son belong? The war in Iraq redefined maternity as sacrifice for the cause of the nation. But since she refused to sacrifice her bond with Casey to that cause,
Sheehan's act of refusal brought the sacrificial order to its limits. In place of sacrificing him to the state, she spoke in the name of a grievance directed against the complex interdependency of law, militarism, and grief upon which the Bush Homeland Security State was founded.

Hurricane Katrina and the Exodus from the Homeland

In breaking the emotional compact with the Homeland Security State, Cindy Sheehan effected a turning point in the public's support of the war. When she began her "peaceful occupation" of Crawford, over 50 percent of the public surveyed continued to express their belief in the legitimacy of the war (a comparable percentage expressed their dissatisfaction with Bush's handling of the war). By August 15, more than 50 percent of the U.S. citizens surveyed expressed their opposition to the war. During her stay in Crawford, Texas, she turned grief into an emotionally legitimate resource for giving expression to grievances against the state. The camp that Cindy Sheehan erected at Crawford, Texas, represented the shift from the nation to the Homeland in terms of the state's abandonment of the welfare of the people. By speaking on behalf of the figures who had been left behind by the Homeland Security State, Cindy Sheehan gave expression to the emotions it disallowed. But it took the landfall of Hurricane Katrina on the city of New Orleans on August 29, 2005, to produce unforgettable representations of the vulnerable and homeless persons that the Homeland had abandoned.

If the Global Homeland has erected an order in which the people played no part, the people who lacked a part in the New World Order came into stark visibility on August 30, 2005, when photographs of the disastrous effects of Hurricane Katrina on the Gulf Coast flashed into view. The desolation that overtook the city of New Orleans when the levees broke supplied the ideological representation of a terrified Homeland population with an all too literal referent.

The Bush administration delayed sending assistance and emergency supplies for weeks after the event. In the days after Hurricane Katrina, the government declared martial law but had no effective police presence to enforce it, and the people of New Orleans whom the storm had forcibly removed from their homes and lands were ignored rather than protected by the Homeland Security State. As people ran out of food and water, they entered flooded stores and markets for provisions to survive. Described as looters by the National Guardsmen who occupied the city, most of New Orleans's residents were forced to gather up what was left of their belongings, evacuate their homes, and move into the Superdome for temporary shelter.

Bush sent in a military force to protect private property and to arrest and shoot the survivors who were struggling to find food and shelter there. As an increasingly large military force moved in to forcibly depopulate the residents of their Homeland, it appeared to these observers that New Orleans in the wake of Hurricane Katrina bore uncanny resemblance to the city of Baghdad after the U.S. invasion. After the state placed it under the rule of martial law, New Orleans had itself become a space whose inhabitants lived under the imagined conditions of death. New Orleans also "proved" the accusation that Cindy Sheehan had directed against the Bush administration: the state had indeed produced the traumatic site against which it purported to defend the Homeland.

In making the state feel shame at the abandonment of its people, Hurricane Katrina transformed the homeless people in New Orleans into the transitional objects who changed the dominant structure of feeling from vengeful aggression to profound compassion. Hurricane Katrina had disfigured the U.S. people's bond with Bush's Homeland Security State by revealing how the administration had reneged on the core promise that was crucial to the continuation of the compact—to secure the U.S. domestic population through the forcible depopulation of Homelands elsewhere. Photographs that circulated worldwide in the wake of Hurricane Katrina brought with them unforgettable images of a vulnerable domestic population whose members had been forcibly separated from their homes and of a Homeland within the territorial United States that had quite literally been devastated. These images meant that the state fantasy of the Homeland Security State had been drowned in the same waters as the city of New Orleans. After the New Orleans streets and neighborhoods were deluged, the utter emptiness of this space produced representations of peoples of the Global Homeland included but with no part to play in the existing order yet empowered to demand an alternative to it.

Despite the ethical work she had accomplished in exposing the devastating consequences of Bush's policies for the national population,
Cindy Sheehan was not in a political position to replace his regime with an alternative configuration. Her refusal to take up any of the mandated positions within the Homeland had enabled her to traverse Bush's state fantasy, but it took a young African-American senator from Chicago to put an alternative fantasy in its place.

Changing the State of Fantasy

Throughout this book, I have explained the legislative work state fantasies perform in terms of the identifications those fantasies enable their addressees to take up in the symbolic order. I have directed most of my attention to the difficulty in completing the transition from the cold war's state fantasy to a New World Order. Although it has had the most disastrous consequences, it was actually George W. Bush's inauguration of the Homeland Security State that was most successful in establishing a state fantasy that was as encompassing and inclusive as the cold war state fantasy. Rather than restricting it to the dimensions of the Persian Gulf, as his father did, George W. Bush's declaration of a Global War on Terror had extended the reach of the U.S. war mentality across the globe. It conscripted the Christian fundamentalists and the national militia to its war effort, and it incorporated what one Bush official described as the victim mentality of the Democratic Party within the emotional logic of the state.

Bush's Homeland fantasy depended on U.S. citizens' acquiescence to their places within the reconfigured Homeland for the continuation of its cultural dreamwork. But Hurricane Katrina had not merely denaturalized the power of Homeland Security to acquire the people's consent to President Bush's policies. This traumatizing event also brought this national compact to the limits of its provenance.

After President Bush declared a Global War on Terror, he turned the State of Exception into the Other to the nation that the state must enter to exercise the extralegal powers necessary to defend the people against terror. In executing this war, the state was neither within the constitutional order nor altogether outside of it. But while the war supplied the occasion for the state to enact extraconstitutional, illegal violence, it also rendered the sites at which the state exercised this violence vulnerable to being declared an illegal usurpation of the people's sovereignty. The State of Exception imposed limitations on the people's rights. However, at the site of those imposed limits the people could inaugurate a praxis that declared their right to question the state's right to inaugurate a State of Exception. But the people who declared the right to question the state's arrogation of the power to speak and to act in their name could no longer be described as a people whose sovereignty was represented by the existing state.

By claiming the right to say and do what the state would not, this people would question the legitimacy of the state's extralegal violence. Indeed this inaugurative practice would produce a people who, in lacking any part in the order over which the Homeland Security State ruled, could not demand the state's sovereign power as the guarantor of their right to question the state's violence. Insofar as they have questioned the state's sovereign powers, the people could not represent their demands within the context of the sovereign rights authorized by the state. As a people who have added a right that the Homeland's people are lacking, this singular people's infinite demand for rights could not be met within a nationalist provenance. This other to the national heritage could only be met through and as the emergence of the political formation of an America that is to come.

As we have seen, the state attributed the sovereign power through which it regulated them to the people so that the people would construe their authorization of the state's actions as the precondition for the state's enacts. In questioning the state's right to introduce exceptions to such authorizations, the people inaugurated an utterly different sovereign right—the right to question the state's sovereignty. Because this right was claimed at the moment at which the state has exercised extraconstitutional power, the people's claiming of it would constitute legal grounds to call for an alternative constitutional congress in which the people could reconstitute themselves.

In the preceding chapters of this book, I attempted to explain how one state of fantasy was dismantled and to demonstrate how it was supplanted by antagonistic state fantasies. I have also analyzed the ways in which President George W. Bush established a new state of fantasy by subsuming these antagonistic state fantasies. But I have not yet described how a state fantasy can undo another and then replace it.

In taking up this task, I want to turn to two of the interlocutors whose work has proven crucial to my understanding of the relationship between the State of Exception and the law as well as the legislative
powers of state fantasy. When Carl Schmitt argued that the law would never tolerate the existence of a violence that lay outside of the law's jurisdiction, he was constructing a response to Walter Benjamin's notion of pure violence. Benjamin arrived at the notion of pure violence within the same set of reflections that led him to install a distinction between law-making and law-preserving violence. He defined pure violence as a violence that "lies absolutely outside and beyond the law and that as such could shatter the distinction between law-preserving and law-making violence." This definition also enabled Benjamin to imagine a violence that inhabited a zone of pure anomic that not only lay apart from the jurisdiction of the State of Exception, but that possessed the potential to create an utterly different form of legality from that which was already constituted and that the State of Exception claimed to defend. If violence was assured "an existence outside the law as pure immediate violence, this furnished proof that revolutionary violence—which is the name for the highest manifestation of pure violence by man—is also possible."

Schmitt found these speculations repugnant to his conceptualization of the law's sovereignty, and he reiterated his conviction that the law could tolerate no violence outside the law's monopoly. In his response to Schmitt, Benjamin invoked the State of Exception as the appropriate context for understanding the stakes of their dispute. Observing that "the tradition of the oppressed teaches us that the state of the exception in which we live is the rule. We must attain to a concept of history that accords with this fact. Then we will see that it is our task to bring about the real state of exception and this will improve our position in the struggle against fascism."

With this observation Benjamin has also produced an utterly factual account of the existing state of affairs: "Now that any possibility of a fictitious state of exception—in which exception and normal conditions are temporally and locally distinct—has collapsed, the state of exception in which we live is real and cannot be distinguished from the rule." Since the State of Exception has effaced any possibility of a correlation between existing constitutional law and the violence it would either regulate or redeploys, "there is nothing but a zone of anomic, in which violence without any juridical form acts." With this sentence, Benjamin has unmasked any attempt by the state to annex anomic through the State of Exception as a sheer fiction. As the generalized suspension of the law, the State of Exception itself constitutes a form of anomic rather than a form of law that is capable of regulating another form of anomic that Benjamin calls pure violence. What now takes the place of already constituted law, Benjamin concludes this line of legal reasoning, "are civil war and revolutionary violence, that is human action that has shed every relation to law."

In rendering Benjamin's argument with Schmitt applicable to Barack Obama's "movement," I wish to substitute what Antonio Negri calls "constituent power" in place of what Benjamin terms "anomic." Negri invented the concept of constituent power to allow us "to think political freedom in terms of its separation from the social and in terms of its rejection of synthesis with the political for the power to constitute or to begin anew ex nihilo a new state of affairs is grasped in its nonsynthetic character—this new state cannot be acquired by its social basis, but comes about through a cutting off from that basis, a loss of ground which bespeaks the fact that political freedom is also an abyss. While at the same time this constituent power does not stand in a synthetic relation to what is constituted by or through it: political freedom is the ungrounded ground of every constituted power."

In the first chapter of this book, I proposed that the extralegal power of the State of Exception could only be unsettled through the incitement of a movement to reconvene the constitutional convention and reconstruct the people's relation to their constitutive agreements. Such a movement would act upon what Negri calls constituent power by calling attention to the permanent crisis to the Constitution that the State of Exception has effected.

Barack Obama inaugurated a presidential campaign that possessed the symbolic force of a constitutional movement and the political force of an antiwar movement. At the level of the law, Obama incited the constituent power of "We the People" to animate the constitutional power of a movement that would succeed in overthrowing Bush's State of Exception by redefining it as the permanent crisis of the state of constituted power.

Obama inaugurated this movement at the very site where Bush's fantasy was washed away. His movement opened up a symbolic site in which the constituent powers of the peoples of the New Covenant and the peoples of the Contract with America could reunite America by reconstituting its bases.
In The Audacity of Hope, Barack Obama wrote an account of the origins of his movement at the moment of his spontaneous recollection of post-Katrina New Orleans at a memorial service President George H. W. Bush led to commemorate Rosa Parks. While listening to President Bush’s father celebrate her memory, Barack Obama recalled images of the abandoned and homeless people of New Orleans after Katrina as the sites of memory that this memorial service had foreclosed from recognition.

As I sat and listened to the former President, my mind kept wandering back to the scenes of devastation when Hurricane Katrina struck the Gulf Coast and New Orleans was submerged. I recalled images of teenage mothers weeping or cursing in front of the New Orleans Superdome, their listless infants hoisted to their hips. And old women in wheelchairs, heads rolled back, the withered legs exposed under soiled dresses. I thought about a solitary body someone had laid against a wall, motionless beside the flimsy dignity of a blanket, and the scenes of shirtless men in sagging pants, their legs churning through the dark waters, their arms draped with whatever goods that they had managed to grab from nearby stores, the spark of chaos in their eyes.

Listening to their stories it was clear that many of Katrina’s survivors had been abandoned before the hurricane struck. They were the faces of any inner-city neighborhood in any American city, the faces of black poverty—the jobless and almost jobless, the sick and soon to be sick, the frail and the elderly. A young mother talked about handing her children to a bus full of strangers. Old men quietly described the houses they had lost and the absence of any insurance or family to fall back on. A group of young men insisted that thieves had been blown up by those who wished to rid New Orleans of black people. One tall, gaunt woman, looking haggard in an Astros tee shirt two sizes too big, clutched my arm and pulled me toward her. “We didn’t have nothing before the storm,” she whispered, “now we got less than nothing.” Stories drifted back from the Gulf that big contractors were landing hundreds of millions of dollars worth of contracts, circumventing prevailing wage and affirmative action laws, hiring illegal immigrants to keep their costs down. The sense that the nation had reached a transformative moment—that it had had its conscience stirred out of a long slumber—this could not die away.

In this passage, Obama has identified himself with the Homeland people who quite literally had no part in the New World Order, and he has transformed their dream for a different America into the object cause of his presidential campaign. While President Bush was paying lip service to the memory of Rosa Parks, Obama’s memories of the living dead were returning from New Orleans.

These spontaneous recollections reversed the effects of the state’s commemorative ritual. President Bush assumed reconciliation between the memory of Rosa Parks and the official state symbols through which she was memorialized. But the undead images that flooded into Obama’s consciousness could not find their proper places in existing historical symbolizations. Like the image of Rodney King during the Persian Gulf War, these images performed the dialectical work of inciting a whole series of associated images—of the Middle Passage, the Great Migration, the Trail of Tears, the Iraqis and Afghans in flight from their homelands—that inflowed Obama’s consciousness, and continue to haunt us still.

Obama seized the revolutionary moment that surged up in this space when he linked the images of Katrina with this montage of associated images to position this “moment of danger” as the origin of his movement. At the level of the law, Obama personified sheer anomic or constituent force—neither constituted not constituting power—of what Benjamin referred to as pure, revolutionary violence. This revolutionary violence undermined Bush’s State of Exception. But Obama also worked with and through the fantasy of American exceptionalism.

Obama aspired to change America through a radical transformation of three of the grand themes of American exceptionalism—the American dream, the perfectible Union, the land of promise—organizing the “positionality” of the nation’s citizens. In undertaking this transformation, Obama identified with figures who were excused from this state of fantasy rather than the state doing the excusing.

Throughout the discussion of the mythological foundations of Bush’s Homeland, I called attention to its anomalous relation to the national myth of the Virgin Land. The Homeland named the place either from which the colonial settlers and slaves and immigrants and indigenous populations emigrated or from which they were involuntarily uprooted in moving into “America.” The fantasy Barack Obama has installed through his oratory and his actions is directed to the people who have become stranded within the Homeland Security State. In claiming the power to lead the people out of the Homeland protectorate, Obama has drawn upon multiple and contradictory American fantasies and offered his movement as the site at which they could converge.

After identifying with the figures who had been structurally excluded, he produced subject positions for the addressees of his discourse
to establish symbolic identifications with blacks, gays, the disabled, minoritized ethnics, and other members of the internally excluded population. The tidal shift in the national self-regard that Barack Obama's fantasy engendered was not the result of the restriction of his identification to the homeless peoples of New Orleans. His "movement" was grounded in a much more pervasive fantasy of dispossession—of citizens stripped of their constitutional rights by the Patriot Act, of parents separated from their children by war, of families forced from their homes by the subprime mortgage crisis—that was already inscribed and awaiting enactment in the script responsible for the production of the Bush Homeland Security State.

Obama stood in the place of all of the figures who, in having been dispossessed of their positions within the social order, now lacked a place. As the placeholder for all who could not be constitutively included within the social order, Obama became the originary lack out of which our individual desires arise, as well as the object cause of the missing America through which we grasp our desires. Desire takes off when its object cause embodies or gives positive existence to the void that animates desire, and Obama, the odd man in, is the embodiment of the void introduced by desire into objective reality. As the placeholder for all who could not be included within the social order, Obama embodied the object cause of the missing America through which "we" grasped those desires.

If the psychic reality of America comes into consciousness through the American Dream, the figures through whom we become conscious of that dream can only be apprehended through the heterogeneous desires that have been caused by the dream's anamorphoses. Barack Obama holds the position of the figure onto whom those unamorphic desires got projected.

Born two years before Martin Luther King Jr. delivered his "I have a dream" speech, in Dreams from My Father, Obama represented his life as itself the outcome of the confluence of three heterogeneous American lineages—the immigrant's dream of escape from economic poverty and political persecution, the minoritized American's endlessly deferred dream of "one day" being included within the American dream, and the white middle-class Americans' dream of future prosperity—and he promised to open up a future for all three of them. The son of a black African father and a white American mother, Barack Obama was raised by his mother's parents in the American heartland state of Kansas. In identifying himself as the inheritor of the dream of his father who emigrated to America from his African homeland in the tiny African village of Alego, Barack Obama has also opened up a fantasy space for non-black subjects to imagine their own resilience in the face of impossible global conditions and to hope that things will get better through their hard work and resolve.

Navigating in between the Scylla of U.S. identity politics and the Charybdis of state fantasies of colorblindness, Obama's constituent movement started from the ground up. In his autobiography, Obama identified with his Kenyan father's race, but in his movement he turned this identification into the precondition for building cross-racial relationships by passing through the complexities of U.S. race politics. He then connected the consciousness of the realities of racial inequality to class and gender issues as the critical precondition for realizing democracy. Rather than either excluding whites or validating the entrenched distinction between white Americans' governmental belonging and the passive belonging of minoritized populations, Obama situated himself in the rift in between these constituencies. He did so to enable those who are raced white to enter into solidarity with people of color in a constituent movement that disrupted previous assumptions about social change.

In the Introduction, I described the figure that underwent the metamorphoses within the American Dream as a transgenerational trauma. Transgenerational haunting would also be the appropriate term to describe the strand of fantasy that coursed through Obama's contest with Hillary Clinton during Democratic primaries as well as during the campaign he waged against John McCain for the presidency. This fantasy resembled a family secret in that it hovered in the space in between social shame and psychic disavowal.

During the primaries a history that was not of the candidates' choosing unfolded in the deepest recesses of the minds of its viewers. After the airing of the advertisement that represented a white woman rushing into the bedroom of her sleeping daughter after a 3 a.m. emergency call, political commentators accused Hillary Clinton of retrieving a racist representation of black men—as terrorizing night-time intruders—that had historically resulted in lynching. Her husband Bill Clinton's comparison of Obama's presidential run with that of Jesse Jackson during
the 1980s was likewise condemned for its racist subtext. Jesse Jackson subsequently received public rebuke for failing to recognize the difference between Obama’s movement and the Civil Rights movements of the 1960s and 1970s. When she needed to justify the continuation of her campaign long after it was clear that she lacked the votes to win, Hillary Clinton delivered a speech in which she impersonated Harriet Tubman admonishing fugitive slaves to “keep running.”

Obama’s candidacy aroused memories of the assassinations of revered leaders—Lincoln, Martin Luther King, the Kennedys—even as Obama was associated with assassins and terrorists like Osama bin Laden and William Ayers. Gary Wills compared Obama’s relationship with his black separatist minister Jeremiah Wright to Lincoln’s with the violent abolitionist John Brown.

John McCain ended his speech at the Republican convention by recalling his experiences as a prisoner of the Viet Cong during the Vietnam War. His campaign was premised on a “Country First” platform that was designed to draw correlations between Obama and leftist extremists who resembled the Viet Cong and Muslim terrorists in their hatred of America. His running mate Sarah Palin personified the ethos of a pioneer woman from the western frontier. Her self-reliance was expected to appeal to Hillary Clinton’s disgruntled supporters. Representations of her willingness to sacrifice her children for her country were designed to render her the antithesis of Cindy Sheehan.

But Obama’s campaign successfully laid the transhistorical ghosts haunting the relations between generations to rest. Hillary Clinton’s prolonged competition with Obama enabled her supporters to work through the issues that separated them from Obama’s post-1968 generation. Although McCain recalled the memories of POWs and MIAs from the time of the Vietnam War, his campaign provided him with the opportunity to work through his wartime trauma. McCain publicly accomplished this working through by discovering (in his “my fellow prisoners” parapraxis) that the “message” his handlers imposed upon him during his campaign was comparable to its impeding his “straight talk” to the false confessions he was compelled to deliver during his imprisonment in North Vietnam.

The turning point in the campaign took place when the subprime crisis enabled the U.S. public to reinvest the credibility they had withdrawn from the economy onto the wish for a transgenerational dream to come true. The need for this fantasy became starkly evident after Bill Clinton described Obama’s campaign as “nothing but a fairy tale.” The public outcry that arose in the wake of this dismissal faulted Clinton for having deprived the country of the empty space of fantasy where U.S. citizens could project their desires and enter into the consciousness of their dreams.

The mirrors that Obama had added to the U.S. political culture did not merely reconfigure the existing field. They also took the ground out from under the already positioned field, and they brought an entirely different field into view. The acceptance speech that Obama delivered at the Democratic National Convention on August 29, 2008, the third anniversary of Hurricane Katrina, associated his presidential campaign with the audacious hope for this alternative future. In his victory address at Grant Park, he associated that hope with the nonsynchronous aspirations from 1968.

Obama’s hope was audacious because it was virtually impossible to say ahead of time what the outcome of this hope might be. The speech inspired the courage to act in the face of all the uncertainty that results from not being able to ascertain the shape of the order such hope might bring about. Obama urged the multiple constituencies he has addressed to gather up their resolve and prepare to emigrate from their involuntary exile within an intolerable Homeland and to migrate to a new and yet unimagined America that he described as rising up again in the West. Whether that state of fantasy is a sign of the audacity of hope or a symptom of cultural despair is a question that remains to be answered.
boom's childhood. In the male version of that reverie, some nameless reflex had returned us to that 1950s badlands where conquest and triumph played and re-played in an infinite loop. . . . From deep within that dream world, our commander in chief issued remarks like 'We'll smoke him out' and 'Wanted: Dead or Alive,' our political candidates proved their double-barreled workhorse for post-9/11 office by brandishing guns on the campaign trail, our journalists cast city firefighters as tall-in-the-saddle cowboys patrolling a Wild West stage set, and our pundits proclaimed our nation's ability to vanquish 'barbarians' in a faraway land they dubbed 'Indian Country.' The retreat into a fictional yesteryear was pervasive, from the morning of the televised attack (ABC news anchor Peter Jennings called the national electronic enclave 'the equivalent to a campfire in the days as the wagon trains were making their way westward') to the first post-9/11 supper at Camp David (the war cabinet was served a 'Wild West menu' of buffalo meat), to our invasion of Iraq (which tank crews from the Sixty-fourth Armor Regiment inaugurated with a 'Seminole Indian war dance') to our on-going prosecution of the war on terror (which Wall Street Journal editor Max Boot equated with the small-scale 'savage wars' waged in the republic's earliest days and which Atlantic Monthly correspondent Robert Kaplan hailed as 'back to the days of fighting the Indians' and 'really about taming the frontier') (4-5).

17. Agamben examines the transformation of politics into biopolitics through a reconsideration of Foucault's account of this mutation in the essay "Form of Life," in Means without End, 3–14. See Agamben's discussion of homo sacer in ibid., 3–9.

18. This formulation derives from Agamben's discussion of the State of Exception in "What Is a Camp?" in Means without End, 43.

19. Agamben describes the prefigurations of the detainees in the Nazi camps with great eloquence in Means without End: "Inasmuch as its inhabitants have been stripped of every political status and reduced completely to naked life, the camp is also the most absolute biopolitical space that has ever been realized—a space in which power confronts nothing other than pure biological life without any mediation." (40)

20. My understanding of the empty or singular universal draws upon Slavoj Žižek's discussion of this concept in The Ticklish Subject: The Absent Center of Political Ontology (New York: Routledge, 1999), 187–239.

21. Jacques Rancière elaborates upon the importance of the phrase "the part of no part" to political contestations in Disagreement: Politics and Philosophy (Minneapolis: University of Minnesota Press, 1999), 1–60.

6. Antigone's Kin


2. The standard of acceptability for what counts as cruel, inhuman, and degrading treatment changes in response to changing circumstances. The structure of debate invoked a series of clauses from international treaties and agree-ments to which the United States had been a signatory that valorized the violation of bodily rights negatively. Article 5 of the Universal Declaration of Human Rights reads: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." The 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment defines torture as "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on another person for such purposes as obtaining from him or a third person information or a confession." The 1984 Convention seemed to address the emergency state justification head on when it further declared that "No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture."


4. The Abu Ghraib Investigations: The Official Reports of the Independent Panel on the Shocking Prisoner Abuse in Iraq, ed. Steven Strasser (New York: Public Affairs, 2004), designated as "Detainee Number 15." "These photographs were taken between 2145 and 2345 on 4 November 2003. Detainee-15 described a female making him stand on the box, telling him if he fell off he would be electrocuted, and a 'tall black man' putting the wires on his fingers and penis." (132).


6. In his lecture Tom Mitchell also proposed an imperial theme linking the historical occasion for both figures (MACS Symposium, Dartmouth College, July 21, 2009).

7. A photograph of this piece of Iraqi street art can be found in Abu Ghraib: The Politics of Torure (Berkeley: North Atlantic, 2004), 143.

8. In his essay "The Logic of Torture," in Torture and Truth in America: Abu Ghraib and the War on Terror (New York: New York Review of Books, 2004), 18, Mark Danner reports that in addition to the week-long course on Iraqi history, the Marine Corps distributed to its troops a pamphlet that spelled out the following codification of prohibited behaviors: 1. Do not shame or humiliate a man in public. Shaming a man will cause him and his family to be anti-Coalition. 2. The most important qualifier for shame is for a third party to witness the act. If you must do something likely to cause shame, remove the person from the view of others. 3. Shame is given by placing a hood over a detainee's head. Avoid this practice. 4. Placing a detainee on the ground or putting a foot on him implies you are God. This is one of the worst things you can do. The manual also explained that Arabs consider the following things unclean: 1. Feet or soles of feet. 2. Using the bathroom around others. Unlike marines who are used to open-air toilets, Arab men will not shower/use the bathroom together.

9. In his talk, Mitchell mentioned that Berkeley artist Gay Colwell reconfigured several of the Abu Ghraib photographs to reveal their resemblance to gay and lesbian liberationist practices. Barbara Ehrenreich discussed the ways
in which the photographs of Lynndie Engeldis disfigured feminist prerogatives in “Feminism's Assumptions Upended,” in Abu Ghraib: The Politics of Torure, 65–70.


11. I am indebted to Tony Boggis for this insight into the relationship between liberation in the first world as a technology of oppression in another culture. This seems to me the crucial way in which Enlightenment ideals get linked to imperialism, which imposes those ideals as the rule of law.


13. Amy Goodman provides a fine account of the political significance of Cindy Sheehan’s public drama that bears on this discussion in Goodman and Goodman, Static.

14. For an example of the kind of censorship directed against Cindy Sheehan, see Letters to Cindy Sheehan: Messages to the Left on America’s Noble Cause in Iraq, by http://www.TownForumPress.com.

15. Amy Goodman devotes several chapters to these structures of censorship in Goodman and Goodman, Static.

16. Accounts of the change in the public attitude toward the war can be found in ibid.


19. Susan Faludi has correlated what I am calling the maternal imago of the state with what she has dubbed the mythical figure of the security mom who “seemed to have a life beyond the reality—in fact, independent of reality.” To Faludi, the security mom was a character “crucial to the restoration of that larger American myth of invulnerability, and documenting her existence mattered less than mobilizing her image in our dream life.” Faludi, Terror Dream, 162.

20. For the role played by the foreclosure of the maternal bond in the formation of the state, see Luce Irigaray, This Sex Which Is Not One, trans. Catherine Porter with Carolyn Burke (Ithaca, N.Y.: Cornell University Press, 1985). Throughout this account of kinship and Antigone’s performance of an alternative I have drawn upon Judith Butler, Antigone’s Claim: Kinship Between Life and Death (New York: Columbia University Press, 2000).


22. I am indebted to Renata Salecl, Spots of Freedom, 32–37, for my understanding of founding words.


24. Žižek elaborates on this notion in his engagement with Judith Butler’s notion of passionate attachments in ibid., 247–300.

25. See ibid., 235.


27. See ibid., 145 for a meditation on subjectivisation to the Thing.

28. I have already mentioned Susan Faludi’s account in Terror Dream of the return of this mythological figure. President Bush also officially recognized a group called Gold Star Mothers comprised of women who had lost sons in the Iraq War.

29. This line of speculation draws upon Judith Butler’s discussion of Antigone and the law in Antigone’s Claim, 2–27.

30. Ibid., 30–58.


33. Benjamin, “Critique of Violence,” 283. I am indebted to Giorgio Agamben, State of Exception, 51–57, for my understanding of the debate between Schmitt and Benjamin. See also Schmitt, Concept of the Political.


36. Ibid., 251.

37. Ibid., 267.


40. As if inspired to add to the series, Slavoj Žižek, Violence: Six Sideways Reflections (New York: Picador, 2008), has drawn parallels between the looting after Katrina hit on August 29, 2005, and the aftermath of the shelling of Kabul and Baghdad. He arrived at these associations after he watched the TV reporters compare events in New Orleans to images from third world cities descending into chaos during a civil war (Kabul, Baghdad, Somalia, Liberia ...)—and this accounts for the true surprise of the New Orleans eclipse: “What we were used to seeing happening THERE was now taking place HERE” (93–94).