



## EDITORIAL PREFACE

### SPECIAL ISSUE ON BIOCONVERGENCE, VOLUME I

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In the summer of 2009, we conceived a special issue of *MediaTropes* on the theme of “bioconvergence.” We sent out an initial circular to measure interest and solicited abstracts from scholars across disciplines. We received so many engaging and excellent contributions that we decided to publish two volumes of this special issue. Volume I appears here, while the publication of Volume II is anticipated in early 2012.<sup>1</sup>

The contributions to this volume examine, from a range of angles, the ways in which living bodies, media, and technologies “converge.” The starting proposition of this special issue is that bodies are technologized and conceived increasingly in technical and biotechnological terms, while correspondingly, techniques and technologies have become increasingly “bodied.” Moreover, both tendencies are pointedly and pervasively mediatized as bodies and technologies constitute intercutting currents of spectacle and digitality in public and cultural life.

The possible meanings of the term “bioconvergence” are certainly neither self-evident nor, indeed, singular. In our call for papers, we asked contributors to deploy the concept analytically to consider case studies of their own choosing and, in so doing, to assess the extent to which “bioconvergence” might usefully describe key tendencies of the current cultural moment. Thus we asked contributors (and not necessarily in this order): to consider and explore “bioconvergence” as a social and cultural phenomenon; to elaborate analytic strategies that facilitate critical purchase on what they understood as the “bioconvergent tendencies” under scrutiny; and to fill out, by these means, a definition of “bioconvergence” as a critical-analytic tool in and of itself.

“Bioconvergence,” we suggested, has become a pervasive media trope and thematic referent. In the mediatized imaginary, biology, the “natural world,” and “humanity” are subjects of—and inescapably subject to—a technological *telos*. Media representations also provide a key site of cultural

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<sup>1</sup> To receive an email notice when it is published, please register as a Reader of the journal at [www.mediatropes.com](http://www.mediatropes.com).

seduction and projective phantasy for processes of bioconvergent life. Even dystopian visions understand this convergence as inevitable, if not desirable. Such an assumption can be seen to inhere as much to the seductions of the i-universe and the visionary impact of the late Steve Jobs as to the more equivocal social commentary of films like *Limitless*, which presuppose an emergent superhumanity out of the collision/collusion of science and capital (in this case in the wake of current fascinations with neuroplasticity), or the cynically laissez-faire political reception of the current global economic catastrophe.

Our own understanding of bioconvergence, which formed the starting point for this special issue and a point of critical interrogation by contributors, is in part inspired by Foucault's work on bio-power. On the one hand, Foucault argues that bio-power is capillary and dispersed. On the other, through genealogical critique, he demonstrates that bio-power also converges—as moments, as artefacts, and as infrastructures—crosscutting the terrains of politics, ethics, and culture. We sought to elaborate the manner and means by which bio-power is convergent today in our media-rich environments.

Second, we hoped to develop Haraway's concept of the cyborg, in which the processes of bioconvergence are implicit both as “enhanced humanity” and as disruptive, even heretical, subjectivity. The cyborg, however, is only one iteration of a bioconvergent world. Haraway's work emphasizes identity, embodiment, and personification. We wished to push this further, to examine the currents themselves of technological innovation as they articulate complexly and sweepingly with bodies and subjectivities.

Third, we asked contributors to draw out the specifically mediatized dimensions and implications of both Foucault's and Haraway's insights. Media have become ubiquitous elements of virtually every human endeavour and context imaginable. Media constitute divergent as well as convergent spaces, crosscutting biomedicine, education, entertainment, economics, informatics, politics, war, and work, to name only a few. We encouraged an expansive understanding of media theory and practice, articulating the following, among others:

- *Bioconvergent* subjectivities or identities
- *Bioconvergent* politics, ethics, economics or informatics
- *Bioconvergent* social movements, intersubjective relations or reconfigurations of kinship

- *Bioconvergent* methodologies in science, social science, the humanities
- *Bioconvergent* epistemologies, cultures, labours or organizational structures

Finally, we asked that contributors, by means of specific case studies, define the concept and deploy it as an organizing theme or problematic in their papers. How useful, we asked, is the concept as a theoretical category or analytical tool, and in what ways? What, for instance, are the capillary trajectories (capillary dispersal as well as capillary convergence) of bioconvergent phenomena? And what are the new or reconfigured norms, normative discourses, and normative imperatives produced, obviated or aligned with bioconvergence? To what degree and in what ways might we be amidst the (re)formation of biopolitical, bioethical, and biocultural life (*bios*) at the interstices of bodies, technologies, and media?



## **SPEEDING UP SLOW DEATHS: MEDICAL SOVEREIGNTY CIRCA 2005**

**LISA DIEDRICH**

In this essay, I explore the relationship between temporality and power in the practice of medicine, or what I call medicine’s temporo-politics. I propose that we attempt to think the time of clinical medicine differently, not, or not only, as an emergency time concerned only with the present moment, but as a variable time that can be extended into the near or distant past and future via a variety of practices—clinical, scientific, discursive, and political.<sup>1</sup> In order to explore the multiple temporalities of medicine, I take up the question of the time of medicine in relation to two events in the U.S. from 2005—the Terri Schiavo case and Hurricane Katrina and its aftermath. I consider both cases as “mediatized medical events,” that is, as events in which the practices of medicine received considerable media attention at a particular historical moment; or, we might say, as events that brought a convergence between media and medical practices.<sup>2</sup> I locate that moment as “circa 2005” to remind us of something fairly obvious: that the events many of us witnessed in the media in

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<sup>1</sup> By highlighting the emergency time of medicine, I do not mean to suggest that medicine is not sometimes practiced in other temporalities. Recent attempts to better treat and care for chronic illnesses and intractable pain acknowledge the need to shift from an acute to a chronic temporal register in treating many conditions. For an early text that provides a better clinical method for dealing with chronic conditions, namely a sort of clinical ethnographic method, see Arthur Kleinman, *The Illness Narratives: Suffering, Healing and the Human Condition* (New York: Basic Books, 1988). Another example of the recognition of the multiple temporalities of illness can be seen in the increased number of longitudinal, as opposed to case-control, studies of particular diseases.

<sup>2</sup> When I presented an earlier version of this paper at a seminar at Queen’s University Belfast on “Rethorising Women’s Health: Shifting Paradigms and the Biomedical Body” organized by Margrit Shildrick and Azrini Wahidin, one participant found my description of Hurricane Katrina and its aftermath as a “mediatized medical event” to be a bit of a stretch, arguing that Hurricane Katrina was about a lot of things, but not really about medicine. While I certainly agree that Hurricane Katrina is an event that cannot be encapsulated in any single phrase, and that its eventfulness cannot be characterized as solely, or even mainly, medical, nonetheless I do think we can, and indeed should, use the catastrophe of Hurricane Katrina as a lens through which we might view some of the practices of medicine, especially those that respond to crises. Keith Wailoo makes a somewhat similar point in his recent essay on dialysis patients after the storm, see Keith Wailoo, “A Slow, Toxic Decline: Dialysis Patients, Technological Failure,

2005 began long before that time, and did not end once the media coverage ended, but are ongoing in the present and into the future.<sup>3</sup> I also want to think about how both the Schiavo case and Hurricane Katrina might be understood as catastrophes—as events that produced a subversion of the order or system of things, at the level of both individuals (in the case of Schiavo) and populations (in the case of Hurricane Katrina). Yet, what was subverted and reordered, and how? This isn't entirely clear, even six years after the events and their prominent media coverage, and, thus, I want to think about the multiple ways power is exercised in times of subversion, reordering, and uncertainty, and after.

I juxtapose these two events because, placed side by side, they help make visible two stories of catastrophe, as well as the many difficulties of telling stories of catastrophe. In bringing together these seemingly divergent events, I hope to demonstrate the bioconvergent character of catastrophe, allowing me to draw connections that I hope will expand our bioethical imaginary beyond the reductive approaches that tend to dominate the practice of bioethics today.<sup>4</sup> I also juxtapose them to signal a bioethical tension at the

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and the Unfulfilled Promise of Health in America,” in Keith Wailoo, Karen M. O’Neill, Jeffrey Dowd, eds., *Katrina’s Imprint: Race and Vulnerability in America* (New Brunswick, NJ: Rutgers University Press, 2010), 34-44. In his essay, Wailoo considers what “the appearance of dialysis patients in the story of Katrina reveals about race, health, region, and the nation’s commitments” (34). Thanks to Margrit Shildrick and Azrini Wahidin for the opportunity to present my work in such an intellectually stimulating environment.

<sup>3</sup> My understanding of what I am calling the “circa-ness” of these events owes much to Kim Fortun’s brilliant study of the catastrophic poisonous gas leak in Bhopal, India in 1984, *Advocacy After Bhopal: Environmentalism, Disaster, New Global Orders* (Chicago and London: University of Chicago Press, 2001). In its approach, *Advocacy After Bhopal* considers how the disaster in Bhopal in 1984 reverberates beyond that particular moment and place, into the past and future. Organizations like the Bhopal Group for Information and Action and the Bhopal Gas Affected Working Women’s Union, middle-class advocates, including Fortun herself, and also the text of *Advocacy After Bhopal* all struggle to respond to the disaster. That disaster is not over and done with once the gas has stopped leaking, but continues in small things like mutated genes and damaged bodies and in large things like ethnic and religious conflict and grassroots challenges to corporate malfeasance. We can only respond, Fortun believes, “[t]entatively. Reaching for something that can’t yet be named. Pursuing new linkages, as a way around available—and obsolete—idioms and social forms” (194).

<sup>4</sup> The President’s Council on Bioethics, created by an Executive Order signed by President George W. Bush on November 28, 2001, and renewed every two years until the order was allowed to expire under President Obama on September 30, 2009, provides a useful institutional example of the hegemonic bioethical imaginary of recent years. The list of “Topics of Council Concern” and the transcripts and reports published on the Council’s website suggest that bioethicists are mainly preoccupied with questions concerning the proper use of medical technologies. Although there is material on “Health Care” and “Human Dignity,” the list is dominated by topics related to particular biotechnologies and their regulation,

heart of the neoliberal state's response to catastrophe in general, what Foucault might have diagnosed as the difference between making live and letting die. In these two events, we glimpsed—if only fleetingly—the state's operation of making live and letting die, and medicine's central role in that operation. In the Schiavo case, we saw making live in action, as a demonstration of the expertise of doctors. What we did not see was the day-to-day care of someone in Schiavo's condition—however we categorize it—since 1990, or what led to her catastrophic medical event in 1990. In the Katrina catastrophe, we saw countless images of weak, sick, and disabled people exposed to the elements, struggling simply to survive. We also saw—starkly, if again only fleetingly—the unequal distribution of health resources and the shocking inadequacy of care for our most vulnerable citizens.<sup>5</sup> The usually slow deaths of neglect were speeded up and in this way came to our attention. Or, put differently: because of the mediatized medical event arising from a supposedly natural disaster, the endemic of vulnerable citizenship—or “bare life” in the Italian philosopher Giorgio Agamben's terminology—became denaturalized and deprivatized for a brief time.

Through the convergence of these two cases, I want to problematize the relationship between what comes into view and what doesn't, and between the act of seeing and temporality. What is the difference, for example, between something that is glimpsed and something that is seen over and over again, and what happens when both of these visuo-temporal modalities (glimpsing and seeing over and over) are operating at the same time? As I will show, the most visible after-effect in the U.S. of the mediatized medical event of Katrina has been an increased concern with disaster preparedness, which I argue is a sign of a re-assertion of medical sovereignty. Institutes for crises, disasters, and risk management have popped up everywhere, and while their stated mission is to help us better prepare for the next catastrophe, an unstated mission seems to be to help medicine and the state better prepare for the next mediatized medical event, and to become immune from liability and obligation in such events. Meanwhile the slow catastrophes—of inadequate healthcare, endemic poverty,

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<http://bioethics.georgetown.edu/pcbe/index.html> (accessed September 8, 2010). For a fascinating look into the historical emergence of bioethics in the 1960s and 1970s, see Renée Fox and Judith P. Swazey, *Observing Bioethics* (Oxford and New York: Oxford University Press, 2008).

<sup>5</sup> Wailoo emphasizes the seeming contradiction in the relationship between technology and vulnerability: “The failure of dialysis technology—like failed levees, canals, and pumps—revealed the weakness in a technologically reliant society” (“A Slow, Toxic Decline,” 36). If we think in terms of the convergence between technology, bodies, and media, we can begin to understand this relationship as not so much contradictory as pervasive under neo-liberal regimes.

and the limited distribution of fresh and affordable food—continue. How do we attend to them?<sup>6</sup>

### **Biopower and bioethics: Promoting a culture of life**

Visitors to the official U.S. government website<sup>7</sup> in early 2008 would have discovered a fascinating document chronicling an impressive “Record of Achievement” of the George W. Bush Administration. Comprised of 19 short chapters, the Bush Administration’s “Record of Achievement” signaled its priorities in both its content and structure, beginning with chapters on security, then moving to chapters on economics, and finally covering other topics, including health, education, fighting crime, strengthening the judiciary, and protecting the environment.<sup>8</sup> Towards the end of the document are three chapters—“A More Compassionate America,” “Protecting Children, Strengthening Families,” and “Promoting a Culture of Life”—that clearly set out the Bush Administration’s conservative ideology. I will focus briefly here on the goal of promoting a “culture of life” in order to introduce the Foucauldian concept of biopower as it was practiced by the Bush Administration circa 2005.

In a speech in 2003, President Bush articulated his administration’s “culture of life,” the enactment of which is interesting in both spatial and temporal terms. He asked that we “broaden our circle of moral concern” to include the interests of the unborn, and he emphasized the founding democratic principles of the United States as providing a guide for building a culture of life in the present and for the future. At the annual anti-abortion march in January 2005, President Bush presented an image of a future America, telling marchers

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<sup>6</sup> This essay is part of a larger project that looks at what I see as two lacunae in medical education, thought, and practice: history and the politics of representation. The question the larger project asks is: How can we attend better to history and the politics of representation in medicine, and what benefit—clinical, methodological, and theoretical—might accrue from such attention? At the center of that larger project are the emergent health practices and institutions of the 1960s and 1970s, including the feminist critique of medicine that was a central plank in women’s liberation politics, along with the widespread development of community health clinics in communities of color. I explore the continuities and discontinuities between the health activism of this period and later AIDS activism in a work in progress entitled, *Underlying Conditions: A Prehistory of AIDS, 1960-1980*.

<sup>7</sup> <http://www.whitehouse.gov> (accessed February 21, 2008).

<sup>8</sup> The first three chapters are entitled “Waging and Winning the War on Terror,” “Strengthening our Military, Supporting Our Veterans,” and “Promoting Peace and Democracy—and Acts of Mercy.” Chapters of economic topic included: “Opening Markets” and “Expanding Homeownership.” From <http://www.whitehouse.gov> (accessed February 21, 2008).

via telecast, “The America of our dreams, where every child is welcomed ... in life and protected in law, may still be some ways away. But even from the far side of the river ... we can see its glimmerings.”<sup>9</sup> In that same speech, Bush also addressed his concern that scientific and medical technologies often advance more quickly than our ability to fully understand the ethical ramifications of such advances. Ethics moves at a slower, more deliberative pace than technology, Bush argued. Bush’s formulation of the concept of the culture of life was decidedly vague in January 2005, but by the end of that year, the contours of the concept and its practices would be more clearly mapped out for the American public. Indeed, from the far side of another river we did see its glimmerings, and it resembled, eerily, Foucault’s concept of biopower.

According to Foucault, biopower is comprised of the “numerous and diverse techniques for achieving the subjugation of bodies and the control of populations.”<sup>10</sup> In his lectures entitled, “*Society Must Be Defended*”, Foucault describes the transformation in the nineteenth century from a right of sovereignty to “take life or let live” to a new state right to “make live and let die.”<sup>11</sup> In this shift, which is facilitated by the emergence of new technologies and practices, like bio-statistics, the state becomes concerned with monitoring and maintaining the health of individuals and populations, and medicine is a— if not *the*—key site for the practice of making live and letting die. At the same time, I think not coincidentally, medicine itself professionalizes at the end of the nineteenth century, and begins to become the powerful profession it is today. In *Homo Sacer*, Agamben develops Foucault’s concept of biopower, exploring further its relationship to sovereign power. Agamben corrects a frequent misreading of Foucault, which contends that sovereign power disappears with the emergence of biopower. What Agamben demonstrates is not the way one form of power displaces the other, but the “hidden point of intersection between the juridico-institutional and the biopolitical models of power,” and he makes a compelling argument that, “the production of a biopolitical body is the original activity of sovereign power.”<sup>12</sup> Biopower might

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<sup>9</sup> David D. Kirkpatrick, “Bush Praises Anti-Abortion Rally,” *New York Times*. January 25, 2005. Accessed online on March 9, 2011 at: <http://www.nytimes.com/2005/01/25/politics/25abortion.html>.

<sup>10</sup> Michel Foucault, *The History of Sexuality, Volume I: An Introduction*, trans. Robert Hurley (New York: Vintage, 1978), 140.

<sup>11</sup> Michel Foucault, “*Society Must Be Defended*”: *Lectures at the Collège de France 1975-1976*, eds. Mauro Bertani and Alessandro Fontana, trans. David Macey (New York: Picador, 2003), 241.

<sup>12</sup> Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, trans. Daniel Heller-Roazen (Stanford, CA: Stanford University Press, 1998), 6.



be understood, then, as a bioconvergent form of power, not replacing an older form of power, but consolidating and transforming that power.<sup>13</sup>

In order to analyze the workings of biopower, Agamben, like Foucault, takes medicine as an exemplary domain in and through which life and death become politicized. As is noted by many commentators on his work, in the final section of *Homo Sacer*, Agamben discusses the concentration camp as the paradigmatic location for the exercise of biopower, and, bringing together Arendt's thought with Foucault's, he also identifies the refugee as a figure of bare life.<sup>14</sup> What is less frequently mentioned is that in this section Agamben also discusses the phenomenon of "*coma dépassé*" (a phrase he suggests might be rendered as "overcoma"<sup>15</sup>) as a new experience and event that redefines the threshold between life and death. For Agamben,

the hospital room in which the neomort, overcomatose person, and the *faux vivant* waver between life and death delimits a space of exception in which a purely bare life, entirely controlled by man and his technology, appears for the first time. And since it is precisely a question not of a natural life but of an extreme embodiment of *homo sacer* (the comatose person has been defined as an intermediary being between man and an animal), what is at stake is, once again, the definition of a life that may be killed without the commission of homicide (and that is, like *homo sacer*, "unsacrificeable," in the sense that it obviously could not be put to death following a death sentence).<sup>16</sup>

Agamben identifies new figures of bare life—the refugee and the overcomatose person—and new threshold spaces—the concentration camp and the hospital room in which a "brain dead" person is kept on a respirator to allow for organ transplantation—that emerge in the twentieth century. These figures and spaces will appear in the two cases circa 2005 that I discuss here. Whereas Foucault and Agamben frame their discussions of biopower mainly in spatial terms, I want to elaborate and extend their spatial analyses by focusing here on the temporal aspects of the exercise of biopower.

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<sup>13</sup> Thanks to Deborah Lynn Steinberg for this insight.

<sup>14</sup> In his introduction, Agamben calls it a "curious fact" that Arendt and Foucault never seemed to take note of each other's work. By reading them together, Agamben belatedly makes a connection between these two key twentieth-century thinkers on how power is enacted.

<sup>15</sup> Agamben, 1998, 160.

<sup>16</sup> Agamben, 1998, 165.

What I also want to think about with and through the two mediatized medical events circa 2005 is how in the cases of Terri Schiavo and Hurricane Katrina the usually invisible state practices of making live and letting die—“the hidden point of the intersection between the juridico-institutional and the biopolitical models of power”—came into view, if only fleetingly. In general, mediatization works to extend biopower and cover over sovereign power. But, in the images that circulated around these two events, the U.S. state in general and medicine in particular were exposed, even over-exposed, and the practices of diagnosis and treatment were deprivatized and denaturalized as they became subject to very public operations of interpretation. To put it simply: in the hallowed halls of the U.S. government and in the flooded streets of New Orleans, we saw medicine in action. Yet, for all we saw in 2005, we are still discovering much that was kept from view, never mind all that we are still *not* discovering, all that, as yet, remains out of view. How, then, do we keep open the space and time of this “as yet”? One way to do so, I think, is by bringing together two divergent cases that do not immediately seem to belong together, visually or conceptually, spatially or temporally. As a genealogical method, bioconvergence seeks to make linkages between and across disparate bio-medical events and practices in order to provide denser analyses of very particular problems. In what follows, I hope to do a bioconvergent genealogy that moves outward from the particular temporal site of the year 2005, and from the particular spatial sites of an embodied condition—in the case of Terri Schiavo—and a particular socio-environmental condition—in the case of New Orleans after Katrina.

### **Medicine in action 1: Making live and letting die**

There are many twists and turns to the Terri Schiavo case, and I cannot claim to do justice to the complexities of the case in this short essay. By focusing on some very specific events of 2005, I do not mean to reduce the long denouement of Schiavo’s life to a video clip and a speech on the U.S. Senate floor, although that reduction is also part of the story of Schiavo’s life. Rather, I hope to analyze these mediatized medical events to explore questions of temporality and medical sovereignty in a case that demonstrates both making live and letting die, and the essential relationship between the two in Foucault’s formulation.<sup>17</sup> Already in 2005 the medical and legal struggles between Terri Schiavo’s husband and legal guardian, Michael Schiavo, and her parents,

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<sup>17</sup> As Stuart J. Murray noted in a comment on an earlier version of this essay, for Foucault, “letting die” is conjoined with making live as “its morbid precondition.”

Robert and Mary Schindler, had been going on for over a decade.<sup>18</sup> Terri Schiavo suffered cardiac arrest and brain damage as a result of lack of oxygen to her brain on February 25, 1990. The apparent cause was a potassium imbalance, which was perhaps the result of an eating disorder.<sup>19</sup> From 1990 until her death in 2005, Terri Schiavo was kept alive by feeding her through a percutaneous endoscopic gastrostomy (PEG) tube. In 1992, Terri Schiavo was awarded over \$1.25 million in malpractice suits brought against two different doctors. Michael Schiavo received some of this award, and \$750,000 was placed in a trust for Schiavo's care. Disagreements between her parents and husband regarding appropriate care emerged shortly after the money was awarded, and the long legal saga began in 1993 with the Schindlers' first of many attempts to remove Michael Schiavo as guardian, despite the fact that they had not initially questioned this legal arrangement. In 1998, Michael Schiavo first petitioned to have his wife's feeding tube removed. Following many appeals, Schiavo's tube was removed under court order for several days in April 2001, before it was ordered that the tube be put back in. The feeding tube was again removed for several days in October 2003, which prompted the Florida State legislature to pass "Terri's Law," and Governor Jeb Bush to issue an executive order directing the reinsertion of the tube. In 2004, the Florida Supreme Court affirmed a lower court decision declaring "Terri's Law" unconstitutional.<sup>20</sup> In 2005, a story that had remained for the most part localized

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<sup>18</sup> The University of Miami Ethics Programs website provides an incredibly useful collection of "Schiavo Case Resources," including a 24-page timeline of "Key events in the case of Theresa Marie Schiavo," compiled by Kathy Cerminara of the Shepard Broad Law Center at Nova Southeastern University and Kenneth Goodman of the University of Miami Ethics Programs (<http://www.miami.edu/index.php/ethics/projects/schiavo/>; accessed September 7, 2011). The timeline is a fairly straightforward account of the countless legal actions taken by both sides in the case, with what I read as a mostly understated support for Michael Schiavo's position as legal guardian. This support is more obvious when one notices that Cerminara and Goodman are two of the signers of a statement from bioethicists at six Florida universities analyzing the ethical aspects of Florida House Bill 701, and determining, among other things, that the proposed bill, "Would impose impossible burdens on physicians and patient surrogates, proxies and guardians," "Florida Ethics Leaders' Analysis on HB 701, March 7, 2005," ([http://www6.miami.edu/ethics/schiavo/pdf\\_files/030805-HB701-EthicsAnalysis.pdf](http://www6.miami.edu/ethics/schiavo/pdf_files/030805-HB701-EthicsAnalysis.pdf); accessed September 9, 2010). There are, however, several somewhat odd glosses to the otherwise straightforward timeline, such as the addition to the entry about Terri Schindler and Michael Schiavo's marriage on November 10, 1984 that tells us, "The union is now among the 'celebrity marriages' featured at About.com, a website about marriage."

<sup>19</sup> Interestingly, the timeline on the University of Miami Ethics Programs website does not mention some of the speculation about what led to Schiavo's cardiac arrest in 1990.

<sup>20</sup> Cerminara and Goodman, "Key events in the case of Theresa Marie Schiavo," [http://www6.miami.edu/ethics/schiavo/schiavo\\_timeline.html](http://www6.miami.edu/ethics/schiavo/schiavo_timeline.html).

in the state of Florida became a national—even international—event.<sup>21</sup> I contend that it was George W. Bush's re-election in 2004, with the strong support of a large number of religious conservatives, a voting bloc widely reported to have swung the election to Bush, which explains, at least in part, the sudden barrage of media reports on the Schiavo story in the U.S. media in 2005. I want to look at one small story in this much larger, longer story in order to examine the Terri Schiavo case as a mediatized case of making live and letting die.

On March 17, 2005, Senator Bill Frist took to the Senate floor to publicly discuss the Terri Schiavo case.<sup>22</sup> From the beginning, he asserted his credentials, noting that he was “speaking more as a physician than as a U.S. Senator.”<sup>23</sup> His testimony is a fascinating example of what I call, paraphrasing Bruno Latour, “medicine in action,”<sup>24</sup> partly because in this instance medicine happened in a place we generally do not expect to see it happen, not in the privacy of the clinic but in the public spaces of Congress, and through mediatization, into our living rooms. Frist himself uses the term “fascinating” to describe the “course of events for us over the last 48 hours,” and admits to wanting “to know more about the case from a medical standpoint,” after having seen newspaper reports. In a lengthy discussion of persistent vegetative state that includes references to *Harrison's Principles of Internal Medicine*, Frist returns again and again to one key issue: the temporality of diagnosis. He asserts that while brain death is a clear, unequivocal diagnosis, “short of brain death” things are more complicated, and that distinguishing between the categories “coma,” “minimally conscious state,” and “persistent vegetative state” requires “a series of evaluations over a period of time because of fluctuating consciousness.”<sup>25</sup> Frist's distinction between “brain death” and “short of brain death” demonstrates quite evocatively, I think, the threshold

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<sup>21</sup> Searches in the Lexis-Nexis database demonstrate quantitatively that the story became a national media event only in 2005. Searches for the key term “Terri Schiavo” show the following: before January 1, 2000, only two articles appeared, both in the *St. Petersburg Times*; from January 1, 2000 to December 31, 2001, there are 103 results, 95 of which are in the *St. Petersburg Times*; from January 1, 2002 to December 31, 2003, 369 newspaper articles appear, 156 in the *St. Petersburg Times*; between January 1 and December 31, 2004, 134 articles appear, 73 in the *St. Petersburg Times*; and between January 1 and December 2005, 2844 newspaper articles appear, 439 from the *St. Petersburg Times*. Searches in Lexis-Nexis database on September 9, 2010.

<sup>22</sup> Bill Frist, “Terri Schiavo,” *Congressional Record (Senate)*, March 17, 2005, S3090-S3092. Accessed online at <http://wais.access.gpo.gov>, March 11, 2010.

<sup>23</sup> Frist, “Terri Schiavo,” S3090.

<sup>24</sup> I derive the phrase and concept “medicine in action” from Latour's science studies classic, *Science in Action* (Cambridge: Harvard University Press, 1987).

<sup>25</sup> Frist, “Terri Schiavo,” S3090.

conditions and mobile boundaries between categories that interested both Foucault and Agamben.

Frist further establishes his authority to determine what is “brain death” and what is “short of brain death” in the Schiavo case by discussing his experience as a transplant surgeon and former director of the transplant center at Vanderbilt University. He explains the procedures for procuring organs for transplant in this way: “in each and every case when you do a heart transplant or a lung transplant or a heart-lung transplant, the transplanted organs come from someone who is brain dead and death is clearly defined with a series of standardized clinical exams over a period of time, as well as diagnostic tests.”<sup>26</sup> What he doesn’t say in this context is that the time of diagnosis of brain death in the U.S. is now usually only six hours, and can, in some instances, be shortened to only two hours, between clinical exams, according to guidelines for determining brain death. What Frist also doesn’t say is that the diagnostic category “brain death” is not perceived as quite so clear and uncontroversial in many places outside the U.S. In *Twice Dead*, the medical anthropologist Margaret Lock discusses the historical emergence of the diagnostic category “brain dead,” and provides a revealing comparative history of organ procurement and transplantation in North America and Japan. Lock’s historical and comparative analysis calls into question Frist’s neat and tidy assessment that this is a “clear, unequivocal diagnosis.”<sup>27</sup> Lock discusses the advances in medical technologies, including the invention of the artificial ventilator, as well as the legal recognition (in the United States, though not in Japan) of a new category of death. Lock argues that death is not “an indisputable biological event,” and that “margins between life and death are socially and culturally constructed, mobile, multiple, and open to dispute and reformulation.”<sup>28</sup> And Lock, along with Agamben, notes the “historical coincidence that was perhaps accidental,” in Agamben’s assessment, that saw advances in life-support technologies and transplant technologies that made necessary a redefinition of death.<sup>29</sup>

Once Frist has established his expertise in determining categories of consciousness and death, he admits to being “a little bit surprised to hear a decision had been made to starve to death a woman based on a clinical exam that took place over a very short period of time by a neurologist who was called in to make the diagnosis rather than over a longer period of time.” According to

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<sup>26</sup> Ibid.

<sup>27</sup> Margaret Lock, *Twice Dead* (Berkeley: University of California Press, 2002).

<sup>28</sup> Lock, *Twice Dead*, 4 and 11.

<sup>29</sup> Agamben, 1998, 161.

Frist, diagnoses take time, and although the initial incident that led to Schiavo's condition in 2005 occurred in 1990, Frist argues that Schiavo has not been properly diagnosed because she has not been diagnosed over time. This sounds very much like the sort of argument that many disability activists and scholars make in response to many non-disabled people's certainty that they would rather die than be paralyzed, or blind, or live with other disabling conditions.<sup>30</sup> The problem is epistemological and temporal. How does one know how one will react to the loss of function or ability until one finds oneself in that particular situation of loss? And how do one's feelings change as the situation of loss changes, as it surely will for physical, emotional, economic, and social reasons?

In Schiavo's case, of course, there is also the cognitive question about what she herself knows and doesn't know, or is aware of or not, again, over time. Moreover, her experience of disability is never only her own. Schiavo's experience of disability—whether she has a cognitive understanding of it or not—happens in relation to others—her family, carers, and, in Schiavo's case in 2005 and after, the public. This too must be measured over time, and cannot be demarcated in any simple way.<sup>31</sup> A disability studies perspective extends and

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<sup>30</sup> Many autobiographical accounts by people with disabilities emphasize this point. See, for example, John Hockenberry, *Moving Violations: War Zones, Wheelchairs, and Declarations of Independence* (New York: Hyperion, 1996); Stephen Kuusisto, *Planet of the Blind: A Memoir* (New York: Delta, 1998); and Nancy Mairs, *Waist-high in the World: A Life Among the Nondisabled* (Boston: Beacon Press, 1998). Disability rights activists were, of course, some of the most committed supporters of Schiavo's parents' attempts to prevent her feeding tube from being removed. In 2004, Not Dead Yet and other disability rights organizations filed an amicus brief in the case of Jeb Bush (Governor of the State of Florida) v. Michael Schiavo (Guardian of the Person of Theresa Marie Schiavo) in support of the governor's and legislature's attempts to reverse the court decision in 2004 to remove Terri Schiavo's feeding tube. The brief argues that in the case of Terri Schiavo, the legislation "reverses only the consequence of a judgment for an incapacitated woman who may not want to die."

<http://www.notdeadyet.org/docs/bushvsschiavoamicus.html> (accessed September 12, 2010).

<sup>31</sup> For a fascinating example of how the experience of disability changes over time for the person who is disabled and for her or his family, see Anne Fadiman, *The Spirit Catches You and You Fall Down: A Hmong Child, Her American Doctors, and the Collision of Two Cultures* (New York: Farrar, Straus and Giroux, 1997). Part of the "collision of cultures" that this text demonstrates is the sharply contrasting ways that the American and Hmong cultures handle Lia Lee's declining condition. Eventually diagnosed as in a "persistent vegetative state," Fadiman writes that, "[f]or more than two years, her doctors had been waiting for her to die, and her parents had been confounding them with their ability to keep her alive. Although Lia was not dead, she was quadriplegic, spastic, incontinent, and incapable of purposeful movement" (210). And yet, her parents were able to continue feeding her without intervention. For more on the way the multiple experiences and events of cognitive disabilities challenge the emphasis on rationality in medicine and bioethics, see the work of Eva Feder Kittay and Licia Carlson,

complicates the practices of diagnosis and treatment, demonstrating that these are not simply medical, but also social, practices.

Yet, just when it looks like Frist might complicate our understanding of Schiavo's situation in particular and cognitive disability in general, he insists his own expertise allows him to see clearly what is more opaque to others, who have not been trained to see as he has. Immediately undercutting his own argument about the difficulty of diagnosis and his call to extend the time of diagnosis in this case, Frist then makes his own diagnosis on the Senate floor based on the videotape provided to the media by Schiavo's parents. Unaware or unconcerned that he is contradicting his own repeated assertions, Frist makes this statement: "Persistent vegetative state, which is what the court has ruled, I say that I question it based on a review of the video footage which I spent an hour or so looking at last night in my office here in the Capitol. And that footage, to me, depicted something very different than persistent vegetative state." Immediately after this statement, Frist cites the 16<sup>th</sup> edition of Harrison's textbook, which he defends as authoritative and up-to-date (it "was published just this year, 2005," he notes), to help him read the video footage, which he also reminds us "is the actual exam by the neurologist." There are multiple genres and effects of mediatization at work here, beginning with the neurologist's exam performed on camera, precisely so that the exam itself might circulate as evidence beyond the private space of the clinic.

Senator Frist was widely chastised and even ridiculed for his diagnosis of Schiavo via videotape, and also for his taking up of the case in the hopes of breathing life into his own political career. I want to bring up a slightly different critique here, however. Frist tells us we must diagnose Schiavo over time, and then proceeds to interpret a short video of Schiavo as though it provides sufficient evidence to make a diagnosis. What I'm concerned with is not so much the obvious contradiction in Frist's own diagnosis. The Schiavo case is clearly about the inextricable link between politics and medicine, and this link is revealed in all the twists and turns of the case, including its mediatization in 2005. What is missing from Frist's diagnosis of Schiavo, and also from the criticism of him, is a problematization of the visual evidence, the medical evidence, and temporality—and the inextricable relationship between these

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especially their recent edited volume, *Cognitive Disability and the Challenge to Moral Philosophy* (New York: Wiley-Blackwell, 2010); Carlson, *The Faces of Intellectual Disability: Philosophical Reflections* (Bloomington: Indiana University Press, 2009); and Kittay, *Love's Labor: Essays on Women, Equality, and Dependency* (New York and London: Routledge, 1998).

three things.<sup>32</sup> What did we see and not see—in the video in particular and in the mediatized medical event of the Terri Schiavo case in 2005 in general? Although the videotape certainly generated sympathy and support for Schiavo’s parents from some sectors of the American population, I would argue that, more generally, the videotape, parts of which were shown over and over on cable television, often in a constant loop, worked against Schiavo’s parents’ attempts to prove that their daughter was responsive—cognitively and emotionally—to them. Instead, as is signaled by the upsurge in living wills that resulted from this mediatized medical event, even more than sympathy and support, the videotape appears to have generated fear among a large segment of the U.S. population, as members of the public imagined themselves or their loved ones in Schiavo’s position, and found terrifying the possibility of becoming a public spectacle as they saw Schiavo become. The iteration and reiteration of Schiavo on videotape sedimented rather than complicated the public’s interpretation of Schiavo’s condition as permanent and unchanging, and led them to create advance directives in order to protect themselves and their families from such an experience and, perhaps most importantly, from such a public scene.

While I think Frist makes an important point regarding the temporality of diagnosis, I also think his analysis falls short, foreshortened as it is by his own faith in his capacity to determine whether or not Schiavo is in a persistent vegetative state based on his examination of the video evidence. The spectacle of Frist’s decisive diagnosis is misleading, not in the simple sense that it is either right or wrong, but because it too participates in the emergency time of state power. By asserting his expertise as a doctor, especially a transplant doctor trained in determining brain death, and by practicing medicine in the context of the U.S. Congress and not the clinic, Frist, unwittingly, conjures a specter of what Agamben calls “the medical politics of the Reich.”<sup>33</sup> I want to tread carefully here. I am not arguing that Frist’s position, or the conservative position on the Terri Schiavo case more generally, should be likened to Nazi

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<sup>32</sup> Many scholars have argued that visual and medical evidence cannot really be separated, and an important subfield of visual cultural studies explores the visual culture of medicine. Michel Foucault’s *The Birth of the Clinic: An Archeology of Medical Perception*, trans. A.M. Sheridan Smith (New York: Vintage, 1973; originally published in 1963), is one of the early texts in this emergent subfield. Other key texts in the exploration of this relationship between the visual and the medical include: Lisa Cartwright, *Screening the Body: Tracing Medicine’s Visual Culture* (Minneapolis: University of Minnesota Press, 1995); Joseph Dumit, *Picturing Personhood: Brain Scans and Biomedical Identity* (Princeton: Princeton University Press, 2003); and Jose van Dijck, *The Transparent Body: A Cultural Analysis of Medical Imaging* (Seattle: University of Washington Press, 2005).

<sup>33</sup> Agamben, 1998, 144.



medico-politics. And, indeed, considering that the conservative position here, at least rhetorically, emphasizes the value of all human life rather than making distinctions, as the Nazis did, between lives worth living and those deemed not worth living, it should be clear that any comparison with Nazism does more to simplify than complicate the difficult ethical questions that the case thematizes. Still, as should be clear from my earlier discussion of the Bush Administration's "culture of life," I take the "right-to-life" politics articulated by the religious right in the United States as participating in the exercise of biopower in its individualizing and massifying modes, rather than opposed to, or abstaining from, its exercise. As Foucault showed in his discussion of the emergence of biopower, life itself becomes an object of power, and in many ways the political right in the U.S. has been more adept than the left at practicing a medico-politics under the cover of a religio-cultural rhetoric—hence the Bush Administration's *culture*, not politics, of life.<sup>34</sup>

What I am concerned with here is the way that Frist's performance makes visible what Agamben describes as "one of the essential characteristics of modern biopolitics"—"the integration of medicine and politics."<sup>35</sup> According to Agamben, in modern biopolitics, as perhaps best exemplified in the medical practices of the Nazis, "the sovereign decision on bare life comes to be displaced from strictly political motivations and areas to a more ambiguous terrain in which the physician and the sovereign seem to exchange roles."<sup>36</sup> By emphasizing his dual role as physician and senator, Frist makes less ambiguous the interconnectedness between medical and political motivations, and, paradoxically, undermines his authority in both the medical and political domains. Politics, medicine, and media converge in the public scenes of the diagnosis of Terri Schiavo, and Frist, for one, is surprised not to be able to control the effects of this exercise of biopower in a bioconvergent field. In the mediatized medical event of the battle over Terri Schiavo's life and eventual death by starvation, biopower in its individualizing mode is demonstrated. This becomes especially apparent when the state of Florida passed, and the federal government attempted to pass, laws not just in her name after her death, as in the case of, for example, Megan's Law, which requires that information be made publicly available about where convicted sex offenders live, but in order to bring all legal, technological, political, and social resources to bear in order to keep her alive. "Terri's Law" was not a law that bore Schiavo's name as

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<sup>34</sup> For a discussion of recent examples of forms of biological citizenship and the politicization of life itself, see Nikolas Rose, *The Politics of Life Itself: Biomedicine, Power, and Subjectivity in the Twenty-first Century* (Princeton: Princeton University Press, 2006).

<sup>35</sup> Agamben, 1998, 143.

<sup>36</sup> Ibid.

representative of a class of citizens, it was a law that sought to keep her—and only her—alive. Terri Schiavo becomes an exemplary case of the Bush Administration’s “culture of life”—a culture that comes into being, paradoxically, through practices of individualization rather than by creating affinities between and among different peoples. Schiavo is individualized in and by the media event surrounding her case. She is both spectacularized and personalized, and we come to think we know something about who she is or was, and about her relationships with her parents, brother, and husband. This presumed knowingness contrasts sharply with the other spectacle of biopolitics from 2005—the letting die of populations in the wake of Hurricane Katrina. The death of populations is the other side of the “culture of life,” and even as the letting die comes fleetingly into view in a case like Hurricane Katrina and its aftermath, it is also always already becoming de-personalized and disappearing from our “circle of moral concern.”

### **Medicine in action 2: Speeding up slow deaths**

If the Terri Schiavo case is an example of the practices of making live and letting die in biopower’s individualizing mode, Hurricane Katrina and its aftermath is an example of the practices of letting die in its massifying mode. Within this mode of biopower as Foucault describes it, racism becomes the justification for “the need to kill people, to kill populations, and to kill civilizations.”<sup>37</sup> As Foucault asserts, “When I say ‘killing,’ I obviously do not mean simply murder as such, but also every form of indirect murder: the fact of exposing someone to death, increasing the risk of death for some people, or, quite simply, political death, expulsion, rejection, and so on.”<sup>38</sup> Achille Mbembe’s influential essay “Necropolitics” builds on both Foucault’s and Agamben’s analyses of biopower, and, like Agamben’s work, corrects the misreading of Foucault that states that biopower replaces sovereign power. According to Mbembe, “to kill or to allow to live constitute the limits of sovereignty, its fundamental attributes. To exercise sovereignty is to exercise control over mortality and to define life as the deployment and manifestation of power.”<sup>39</sup> Mbembe’s analysis of necropolitics is especially useful to me

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<sup>37</sup> Foucault, 2003, 257.

<sup>38</sup> Foucault, 2003, 256.

<sup>39</sup> Achille Mbembe, “Necropolitics,” trans. Libby Meintjes, *Public Culture* 15.1 (2003), 11-12. Some commentators have read Mbembe’s work and concept of necropolitics as fundamentally transforming Foucault’s concept of biopower. But, like Agamben, Mbembe does not so much overturn Foucault’s concept as make use of it in order to help him investigate the figure of the slave and the technologies of slavery and colonization.

because he makes clear in his first footnote that his “essay distances itself from traditional accounts of sovereignty found in the discipline of political science and the subdiscipline of international relations. For the most part,” Mbembe continues, “these accounts locate sovereignty within the boundaries of the nation-state, within institutions empowered by the state, or within supranational institutions and networks.”<sup>40</sup> In his classic delineation of what he calls the “risk society,” Ulrich Beck heralds the growing presence and importance of “the risk experts,” who “proclaim what one need fear and what one need not fear,” and in the case of the response to Hurricane Katrina, Beck’s much earlier description of an emergent social configuration proved prescient. As I will argue in detail at the end of this essay, sovereignty in a risk society is located in those persons who are in a position to make determinations about risk, who are able to assess, and at the same time, to avoid risk.<sup>41</sup> According to Beck, “the society of risk is also a catastrophe society. In it, a state of emergency threatens to become a normal state.”<sup>42</sup>

Many people have commented at length on the failures of the U.S. state to respond adequately to the devastation of Hurricane Katrina, and many have also pointed to the state racism and classism that, in one sense, so obviously explains this failure, and, in another sense, hides as much as it reveals in its pat, ready-to-hand formulations.<sup>43</sup> As with the Schiavo case, I want to shift the focus slightly by looking at the ways Katrina too was a mediatized medical event that, in the circulation of images of the event, made visible to the U.S. population in general the usually hidden effects of what Foucault called an endemic, by which he meant deaths that become naturalized and are deemed unpreventable.<sup>44</sup> In this sense, we might consider Hurricane Katrina as

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<sup>40</sup> Mbembe, 2003, 11.

<sup>41</sup> Ulrich Beck, “On the Way toward an Industrial Society of Risk?” *International Journal of Political Economy* (spring 1990), 57.

<sup>42</sup> Beck, 1990, 55.

<sup>43</sup> See, for example, Michael Eric Dyson, *Come Hell or High Water: Hurricane Katrina and the Color of Disaster* (New York: Basic Books, 2006); Christopher Cooper, *Disaster: Hurricane Katrina and the Failure of Homeland Security* (New York: Times Books, 2006); and Gregory Squires and Chester Hartman, eds., *There is No Such Thing as a Natural Disaster: Race, Class, and Katrina* (New York and London: Routledge, 2006).

<sup>44</sup> Spike Lee’s four-part documentary for HBO, *When the Levees Broke* (2006), takes a long look at the historical, economic, and social conditions that led to the levees breaking. According to Lloyd Pratt, in an introduction to a special issue of *differences* on “the event,” Lee’s film “represents a deliberate response to the naturalizing, ‘de-eventing’ of what happened in New Orleans.” Lloyd Pratt, “In the Event: An Introduction,” *differences: A Journal of Feminist Cultural Studies* 19.2 (2008), 5. For an analysis that makes a very useful strategic link between Hurricane Katrina and another supposedly “natural” disaster, the eruption of Mt. Pinatubo in the Philippines in 1991, see the brilliant concluding chapter, “‘Death Was Swiftly Running After

exemplifying medicine in inaction. But, as we are only learning now, belatedly and haltingly, this vision of Hurricane Katrina as a demonstration of the shocking failures of the U.S. state is something of a comforting illusion that covers over a less comforting story that signals for me a re-assertion of medical sovereignty via the discourses, practices, and institutions of crisis management. The mediatization of Hurricane Katrina and its aftermath enacts the convergence of sovereign power and biopower, and crisis management is the key modality of this bioconvergent mediatized power.

In a recent piece of investigative journalism, “The Deadly Choices at Memorial,”<sup>45</sup> first published on the webpage of the newly formed non-profit news organization, ProPublica, and also published in the *New York Times Magazine* on August 20, 2009, Sheri Fink revisits the crisis conditions at Memorial Hospital, a public hospital in New Orleans, and argues that these crisis conditions became the justification for the killing of particular populations—the sick, disabled, and obese.<sup>46</sup> This investigation into the events at Memorial Hospital during the period immediately following the hurricane suggests that sovereignty was not undermined, but emboldened by the crisis, and I contend that this emboldened exercise of medical sovereignty is a condition of emergency time; or, perhaps it is more accurate to say, medical sovereignty is the desired outcome of emergency time. Importantly, then, the investigation also does something more: it demonstrates another temporality of crisis by extending the time of emergency through the practices of investigative journalism.

In its statement of purpose, ProPublica explains and justifies its own emergence in 2008 in temporal terms. “Why Now?” it asks, and, in response, explains that,

Profit-margin expectations and short-term stock market concerns, in particular, are making it increasingly difficult for the public companies that control nearly all of our nation’s news organizations to afford—or at least to think they can afford—the sort of intensive, extensive and uncertain efforts that produce

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Us’: Disaster, Evil, and Radical Possibility,” in Dylan Rodriguez, *Suspended Apocalypse: White Supremacy, Genocide, and the Filipino Condition* (Minneapolis and London: University of Minnesota Press, 2010).

<sup>45</sup> Sherri Fink, “The Deadly Choices at Memorial.” *ProPublica*, August 27, 2009. Accessed Nov. 1, 2010 at <http://www.propublica.org/article/the-deadly-choices-at-memorial-826>.

<sup>46</sup> Sheri Fink won a 2010 Pulitzer Prize for Investigative Reporting for her coverage of the events at Memorial Hospital in the wake of Hurricane Katrina.

great investigative journalism.<sup>47</sup>

The ProPublica statement goes on to explain that, as a form, investigative journalism requires “a great deal of time and labor to do well ... because the ‘prospecting’ necessary for such stories inevitably yields a substantial number of ‘dry holes,’” or what we might call failed stories.<sup>48</sup>

“The Deadly Choices at Memorial” attempts to explain how and why 45 people died at Memorial Medical Center in New Orleans after Hurricane Katrina, “more than from any comparable-size hospital in the drowned city.” Were these extremely sick and elderly patients simply the victims of this catastrophic event? Did they simply run out of time, as they and countless others were left for days waiting to be rescued from a flooded hospital without power or sufficient provisions?<sup>49</sup> Or did doctors, who were in the untenable position of deciding who should be rescued first, speed their deaths by categorizing some as savable and others as not, and injecting lethal doses of drugs into those deemed not savable?<sup>50</sup> On the one hand, this is clearly a case of “letting die” as Foucault describes it: the most vulnerable exposed to harsh conditions, their options severely circumscribed by the state’s inaction. In this scenario, the doctors and nurses who endured the same conditions in an attempt to give care and save lives, might be seen as acting heroically to prevent the

<sup>47</sup> ProPublica website: <http://www.propublica.org/about/> (accessed August 20, 2009).

<sup>48</sup> ProPublica website: <http://www.propublica.org/about/> (accessed August 20, 2009). Five years later, ProPublica continues to investigate what happened in New Orleans in the aftermath of Hurricane Katrina. One of their recent major projects is an ongoing investigation into police violence after Hurricane Katrina called “Law and Disorder: After Katrina, New Orleans Police Shot Frequently and Asked Few Questions,” <http://www.propublica.org/> (accessed September 10, 2010).

<sup>49</sup> In “Waiting-to-death, or Security and Asylum-Seeking in a Hospital ER,” Victoria Pitts-Taylor presents a harrowing account of the death of Esmin Green in the waiting room of the psychiatric ER at Kings County Hospital in Brooklyn. Harrowing because Green spent twenty-four hours in the waiting room ignored by staff and security guards. Even when she collapsed to the floor, she continued to be ignored for over thirty minutes before a nurse nudged her with her foot, apparently as a means of determining if she was still alive. Pitts-Taylor cites a *New York Daily News* article that details the last hour of Esmin Green’s life, and the irony, along with the horror, is not lost on Pitts-Taylor: “Such a detailed description was made possible because Esmin Green’s death was videotaped. The security cameras, tracking from four different angles, watched and recorded every move of the patient and the staff.” Victoria Pitts-Taylor, “Waiting-to-Death, or Security and Asylum-Seeking in a Hospital ER,” *WSQ: Women’s Studies Quarterly* 39.1-2 (spring/summer 2011), 340.

<sup>50</sup> In 2006, the Louisiana Department of Justice arrested a doctor, Anna Pou, and two nurses, Cheri Landry and Lori Budo, in connection with the deaths of four patients. As Fink explains in her reporting, “After a New Orleans grand jury declined to indict [Pou] on second-degree murder charges, the case faded from view” (Fink, 2009, 30). Until, of course, Fink, through her reporting, reopened the case in the media.

inevitable endemicization of deaths after Hurricane Katrina. But, there is another story to tell, one that has been covered over by both the story of medical heroism and the story of letting die. Interestingly, this seems to me to be a story of both another temporality and another kind of power—a sovereign sort, as I will argue, with the authority to take life.

In her recent essay “Slow Death (Sovereignty, Obesity, Lateral Agency),” Lauren Berlant explores the relationship between temporality, biopower, health, and disability that I am also trying to grapple with here, although her object is different from mine. Her ultimate purpose is to challenge the temporality of crisis that certain events instantiate, and she does this by shifting her focus from moments of crisis, in all their eventfulness, to everyday episodes, in all their ongoingness, what she calls “the pragmatic (life-making) and accretive (life-building) gestures and . . . the relation of that activity to the attrition of the subject.”<sup>51</sup> Such ongoing, everyday episodes tend not to be mediatized, or, as happens in the iterative practices of reality TV or many daytime talk shows, by spectacularizing the everyday. Berlant wants to think about the different ways power is exercised, and, like Foucault, she argues that the concept of sovereignty does not really capture the practice of agency in daily life. And yet, Berlant’s description of sovereignty does seem to capture the power exercised by some of the medical staff at Memorial Hospital in the aftermath of Hurricane Katrina. For Berlant, sovereignty

encourages a militaristic and melodramatic view of agency in the spectacular temporality of the event of the decision; and, in linking and inflating consciousness, intention, and decision or event, it has provided an alibi for normative governmentality and justified moralizing against inconvenient human activity.<sup>52</sup>

At Memorial Hospital, certain medical practitioners took it upon themselves to determine the temporal parameters of the emergency; through their actions in the “spectacular temporality of the event of the decision” they asserted the sovereignty of medicine in the disaster. How did they do this? By deciding, without consultation with rescuers, that certain patients could not—or would not—be rescued.

Two types of patients seem to have been singled out as not rescuable: those patients with do not resuscitate (D.N.R.) orders and those patients who were obese. As Fink reports, a group of doctors at Memorial decided early on

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<sup>51</sup> Lauren Berlant, “Slow Death (Sovereignty, Obesity, Lateral Agency),” *Critical Inquiry* 33 (summer 2007), 757. Berlant’s essay is part of a special issue on the case study.

<sup>52</sup> Berlant, 2007, 755.

that people with D.N.R. orders would be among the last evacuated. Fink explains that a D.N.R. order “means one thing: A patient whose heartbeat or breathing has stopped should not be revived.”<sup>53</sup> Yet, Richard Deichmann, the hospital’s medical-department chairman, tells Fink that, “patients with D.N.R. orders had terminal or irreversible conditions,” and that “he believed they would have had the ‘least to lose’ compared with other patients if calamity struck.”<sup>54</sup> It seems doctors mistakenly interpreted these advance directives as about the patient’s immediate condition and will (or not) to live (in the event of a hurricane), rather than as an attempt on the part of the patient to maintain control over the actions of medical practitioners in certain critical situations. The irony is that in this instance the D.N.R. order gave the patients less, not more, control. In this case of the event of the decision, D.N.R. became “do not rescue,” “do not treat,” and “do euthanize.” Considering that do not resuscitate orders emerged historically as a result of a battle over who—doctors or patients and their families—makes decisions about end-of-life care, the interpretation by doctors in this instance might be read as a kind of willful obtuseness covering over a punitive response to an assertion of autonomy on the part of patients. And considering that the issue of advance directives had been in the news only months before because of the denouement of the Terri Schiavo case, one can begin to discern direct links between the two mediatized medical events that I have brought together in this essay.<sup>55</sup>

In the cases of Emmett Everett and Rodney Scott, two patients discussed by Fink in “The Deadly Choices at Memorial,” the decision about whether or not to evacuate them seemed to have everything to do with their obesity, and the judgment that they were too much of a burden, both literally and figuratively, for the doctors and nurses to carry. Although this was rationalized as a physical judgment, in the sense that doctors and nurses did not believe they could physically carry them up the stairs that led to the helicopter

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<sup>53</sup> Fink, 2009, 31.

<sup>54</sup> Ibid.

<sup>55</sup> The question of the patient’s desires in the case of extreme cognitive and physical incapacitation was also an issue in the Schiavo case. Michael Schiavo’s assertion that he and Terri had discussed her wish not to be kept alive should she become permanently incapacitated was one of the cornerstones of his legal argument to have her feeding tube removed. For an historical analysis of the emergence of the field of bioethics, and a discussion of the centrality of the Karen Ann Quinlan case and the formulation of advance directives to the field, see David J. Rothman, *Strangers at the Bedside: A History of How Law and Bioethics Transformed Medical Decision Making* (New York: Basic Books, 1991). The date of Schiavo’s death in 2005, March 31, is the same date in 1976 that the New Jersey Supreme Court ruled that Karen Ann Quinlan could be disconnected from her respirator, as noted in the timeline of “Key events in the case of Theresa Marie Schiavo” (*op. cit.*). Quinlan did not die until 1985.

pad, the fact that they never tried with Everett and were ultimately able to do so with Scott, belies the rationality of this judgment. In her essay “Slow Death,” Berlant discusses the phrase “morbidly obese,” and the fact that this phrase “seems so frequently to raise the African-American specter in ways that reinforce the image of African Americans as a population already saturated by death and available for mourning, compelled by appetites rather than by strategies of sovereign agency toward class mobility.”<sup>56</sup> One might question the association Berlant makes between race and morbid obesity, and her image of African Americans *as a population* is too monolithic. Isn’t class, not race, the unifying characteristic? Yet, what we saw in the mediatized medical event of Katrina was precisely the specter Berlant describes. What were and are the repercussions of such an event? How do we extend the story beyond the moment of crisis when death for some was perceived and presented as a rational choice?

In the crisis at Memorial in the aftermath of Katrina, doctors and nurses deemed the morbidly obese unsavable, and rather than simply letting them die, it appears they speeded up their deaths. This, it seems, was crisis management; and the doctors at Memorial were the crisis managers, those lonely sovereign agents making life and death decisions. The last—at least for the moment—twist in this tale is that Anna Pou, who helped so many patients “through their pain” by giving them lethal injections of pain medication, has become one of the key advocates for “changing the standards of medical care in emergencies” in order to protect the crisis managers from the burdens—ethical and legal—of their decisions.<sup>57</sup> As Fink explains, “Pou has helped write and pass three laws in Louisiana that offer immunity to health care professionals from most civil law suits—though not in case of willful misconduct—for their work in future disasters, from hurricanes to terrorist attacks to pandemic influenza.”<sup>58</sup>

### **Conclusion: Becoming immune**

The cases of Schiavo and Katrina gave us a glimpse into the production of biopower as the activity of sovereign power. These cases suggest the question is not, or not only, when or how did biopower surpass sovereign power, but who gets to claim sovereign agency in the enactment of biopower? By prolonging and therefore normalizing the time of emergency through the practices of crisis management, medicine expands its power to make live and let die. In the time

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<sup>56</sup> Berlant, 2007, 774.

<sup>57</sup> Fink, 2009, 30.

<sup>58</sup> Ibid.



of emergency, it seems, we revert to an older form of power, that of sovereignty, in this case a medical sovereignty, which produces the biopolitical body (both individually and socially) through the practices of crisis management, and which remains above the law through a condition of immunity that is naturalized. In his recent book *A Body Worth Defending: Immunity, Biopolitics, and the Apotheosis of the Modern Body*, Ed Cohen offers a genealogy of the concept and practices of “immunity.” Cohen explores immunity’s “hybridity,” bringing together one of Bruno Latour’s key concepts with Foucault’s genealogical method to create his own impure theory/method hybrid that opens up the conditions of possibility for other ways of understanding the modern body beyond the “immunity-as-defense” paradigm. Cohen notes that immunity was not originally a biological concept, but that the concept migrated from politics and law into medicine. Biological immunity only arrived on the scene in the late nineteenth century. Why and how this conceptual migration came about is one of Cohen’s key questions, not simply to make a causal argument about the disciplinary origins of a concept, but also to ask a question about effects: “how did we come to believe that as living beings, ‘the body’ separates us from each other and from the world rather than connects us?”<sup>59</sup>

One effect that Cohen doesn’t mention is the immunity of doctors through the convergence of law and medicine in the practice of bioethics. Since its emergence in the 1970s, bioethics, like medicine itself, has become increasingly concerned with rationalizing the use of medical procedures and technologies, and managing the risks of such procedures and technologies most effectively. Or, put differently, bioethics is one of the key means by which medicine rationalizes the reduction of its scope, and becomes immune, in both the legal and figurative sense: “Exempt from a charge or burden; free (from liability, obligation, or penalty); not legally subject (to a jurisdiction, law, etc.)” and “Wholly protected (from something injurious or distasteful); not susceptible or responsive (to something).”<sup>60</sup> By taking another look at two seemingly divergent events from 2005, my hope is to expand the space and extend the time of the project of bioethics—that is, to make medicine more susceptible and responsive, not less so. Taking account of the multiple spaces and temporalities of medicine complicates the practice of medicine, and attempting to account for complexity seems to me to be the most important task of ethics.

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<sup>59</sup> Ed Cohen, *A Body Worth Defending: Immunity, Biopolitics, and the Apotheosis of the Modern Body* (Durham and London: Duke University Press, 2009), 26.

<sup>60</sup> “Immune,” *Oxford English Dictionary*. Accessed March 12, 2011 at <http://www.oed.com>.



# THE BIOPOLITICS OF TRANSACTIONAL CAPITALISM

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By the spring of 2010, major newspapers, periodicals, and investment websites in the U.S. were calling the end of the recession. Stock and bond markets “flirted with milestones,” unemployment stabilized, the service sector expanded, and manufacturing increased. “Recovery,” it seemed, was imminent. This essay examines the biopolitics of recovery in the wake of the disaster capitalism of the financial meltdown. The financial disaster, it is argued, enabled the types of structural adjustments previously reserved for developing economies. The implications for western populations have yet to be fully examined; however, it is clear that twentieth century social-welfare biopolitics<sup>1</sup> that derived wealth from laboring populaces have been replaced by new forms of power whose global circulations and convergences in electronic exchanges exploit wealth informatically, through devices such as derivatives and mediated technologies such as high-frequency trading. Labor’s displacement as an important source of capital accumulation within western economies problematizes the *telos* of twentieth century Keynesian social-welfare biopolitics, which sought to enhance and regulate the biovitalities of national populations.

This essay argues that the convergence of power in financial services and entities, coupled with the informatic codification and circulation of wealth, have ominous implications for western biopolitical relations. Stripped of surplus value within economic calculi, the lives of the populace are transformed into liabilities as their resource consumption and effluents threaten the biosphere. Thus, aggregate consumption is now linked to depleted water tables, dwindling arable lands, and proliferating greenhouse gasses. Yet, efforts were made to transform even these threats into digitalized representations enabling

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<sup>1</sup> Biopolitics, according to Foucault (1990, 2008) concerns a politics aimed at regulating and governing the life forces of a population. Twentieth century liberal, social-welfare biopolitics aimed to enhance the biovitalities of the populace through the expansion of government sponsored social-welfare programs (such as free lunch programs and Head Start for low-income children) and through a Keynesian economic orientation that linked social welfare with economic stability. Neoliberal biopolitics, in contrast, attempt to de-collectivize risk, thereby shifting responsibilities for health and personal welfare away from collective apparatuses (e.g., public health programs) to responsibilized individuals (see Nadesan, 2008).

wealth accumulation. In concluding, this essay examines how carbon derivatives trading was used to expropriate wealth from a thanatopolitics of destruction.<sup>2</sup>

This essay develops these arguments by examining first the discourse and counter-discourses of recovery that have circulated in the U.S. news media across the last two years. The article then contextualizes the rationale for the counter-discourse of a non-recovery within the emergence of new forms for the creation, accumulation, and storage of wealth outside the circuits of manufacturing production. The argument will be made that the rise of computer-mediated and circulatory “transactional capitalism” has marginalized the interests and infrastructures of both workers and industrial capitalism in western nations (Keiser, 2010b, 2010c). Transactional, “virtual” capitalism has little need for the labor power of the developed world because wealth is generated from the sales transactions of computer-generated informatic products on global, electronic, financial exchanges, such as the New York Stock Exchange (NYSE).

The risk-seeking opportunism of this type of capitalism produced the financial crisis that rocked the world in 2008. However, this crisis and the subsequent economic recession have not led to the displacement of this accumulation regime; rather, the crisis enabled transactional capitalists to transfer risk and debt from private firms and corporations to governments. Accordingly, Prins and Ugrin (2010) contend that the value of the U.S. bailout to financial firms and government insurers of the financial system (e.g., FDIC) now totals \$10.4 trillion. The transfer of private losses to government balance sheets has coincided with public sector structural adjustment and austerity in economically advanced western nations. In effect, advanced western economies are now being subject to the very same type of economic reforms previously mandated for developing nations by the International Monetary Fund and World Banks. The structural adjustment programs required for lending by these entities dictated privatization, liberalization, and dismantling of government

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<sup>2</sup> Derivatives are contracts, such as a futures contract, derived from some underlying security, such as a bond. Forwards and options are derivatives, deriving “their value from the value of another asset that varies in price” (Gelderblom & Jonker, 2005, p. 191). A forward contract might specify future delivery of a fixed quantity of an asset for a fixed price. A futures contract derives from a forward contract when original contractors sell their contract, rendering it a tradable asset (ibid). Options, in contrast, provide a “right” to “buy (call options)” or “sell (put options)” but not an obligation during a set period at pre-specified price (p. 191). The buy/sell price for options is typically a fraction of the asset’s underlying price. Options provide a form of insurance against price changes without forced commitments to buy or sell (Gelderblom & Jonkers, 2005).

spending for public welfare. Now, these same types of reforms are being enacted willingly by developed economies through drastic cuts to their educational and social-welfare apparatuses. Although austerity measures compromise the capacity of western populations to accumulate more debt by shifting risk (and costs) to individuals, transactional capitalism found new terrain to colonize in order to extract and accumulate value. This essay argues that spectacles of climate change wrought disasters presented transactional capitalists new opportunities for accumulating wealth from a future necropolitics of destruction.

### **Recovery?**

On April 19, 2010 *Newsweek* magazine proclaimed in its cover story that “America is back,” supported by an article titled: “The Comeback Country: How America Pulled Itself Back From the Brink—and Why It’s Destined To Stay On Top” (Gross, 2010). The news media explained economic recovery using terms such as “gaining” and “accelerating” as illustrated here: “The American economy appears to be in a cyclical recovery that is gaining strength. Firms have begun to hire and consumer spending seems to be accelerating” (Norris, 2010). “The recession is over,” wrote Jeffrey Frankel of Harvard University, whose research contributes to the National Bureau of Economic Research. Stock and bond markets “flirted with milestones on Monday, as the outlook for economic growth brightened following a string of reports showing signs of a pickup in the labor market, service sector and housing” (Gongloff, 2010, p. A1). However, a closer look at the recovery data suggests recovery is not widespread across economic sectors, but rather is concentrated in the profits of the financial sector: Stephanie Pomboy of MacroMavens, an investment guidance firm, observed that although 2009 third-quarter U.S. corporate *profits* were up by \$109 billion, 90 percent of that growth came from the *financial sector* (Wheatcroft, 2009). In the second quarter of 2010, *The New York Times* reported that cost-cutting—particularly by eliminating labor—alone explained most corporate asset expansion (Schwartz, 2010). More pessimistically, a variety of observers representing the vast continuum of political orientations have concluded that there can be no recovery.

In January of 2010 the U.K. *Telegraph* ran an article by Ambrose Evans-Pritchard, titled, “America Slides Deeper into Depression as Wall Street Revels: December was the Worst Month for U.S. Unemployment since the Great Recession Began.” This headline captures the counter-recovery argument made by a wide variety of academic and financial analysts who contend that the current U.S. economic contraction has amplified and solidified three decades of

job losses stemming from the de-industrialization of the U.S. economy. Former Secretary of the Treasury now-turned civil rights advocate, Paul Craig Roberts, summarizes the idea that there exists little market infrastructure left in the U.S. capable of fostering recovery:

There is no economy left to recover. The U.S. manufacturing economy was lost to offshoring and free-trade ideology. It was replaced by a mythical “New Economy.” The “New Economy” was based on services. Its artificial life was fed by the Federal Reserve’s artificially low interest rates, which produced a real-estate bubble, and by “free market” financial deregulation, which unleashed financial gangsters to new heights of debt leverage and fraudulent financial products. The real economy was traded away for a make-believe economy. When the make-believe economy collapsed, Americans’ wealth in their real estate, pensions and savings collapsed dramatically while their jobs disappeared. (Roberts, 2009)

In essence, Roberts claims that the U.S. economy has essentially been hollowed out of key manufacturing infrastructures, which were replaced by fragile and boom-dependent financial, retail, and service sectors.

As automation and global outsourcing of production grew over the last 30 years, more Americans found work in the service economy described by Roberts, selling retail goods and services, or working in financial and insurance services. In 2009, only 15 percent of the U.S. workforce was directly involved in manufacturing production (Schulman, 2009). Work in the service economy tends to be bifurcated between (a) highly technical and educated service professionals such as computer engineers and health professionals, and (b) low-skilled, low-paid workers, such as retail and call center employees. This latter group of “flexible” employees rarely enjoys full-time work schedules and workers in this category are often replaced by cheaper workers abroad. In order to compensate for declining wages, the growing low-wage populace increased debt levels, drawing upon a credit-saturated market obligingly enabled by the U.S. Federal Reserve’s provision of historically low interest rates.

Citizens were exhorted to participate in conspicuous consumption despite stagnating or falling wage levels over the last 30 years (see Hacker & Pierson, 2010). For instance, consumers were encouraged to view housing as an investment and to extract “wealth” from home equity in the form of credit lines, which were typically rolled over, rather than paid off. The housing bubble derived from speculation and from the public’s unprecedented “trading up” of housing every five or so years. Other forms of debt also grew, including credit

card debt, auto loans, and student loans. By November 2006, U.S. consumers' spending exceeded their disposable income by 1 percent (Whitehouse, 2007, p. A2). The financial services industry fed on this debt, encouraging its growth, in order that the debt could be packaged and transformed into exotic securities/derivatives, which were sold around the world. In effect, the entire financialized economic and cultural system hinged upon the progressive expansion and securitization of credit/debt that enriched financiers while masking falling real wages for most Americans. The packaging of debt into ever more ephemeral forms produced unprecedented wealth for financial elites who peddled exotic securities abroad while purchasing insurance against the default of the assets behind the underlying bonds (see Pollin, 2007).

### **Where Wealth Resides:**

#### **Virtual Wealth Creation Through Circulation and Transaction**

Wealth has assumed many forms across time. In contrast to previous periods, much contemporary wealth is both ephemeral and circulatory. Prior to the industrial revolution, wealth in western nations was represented in relation to vast land holdings. Beginning in the era of state mercantilism, the conditions of wealth production were linked to the productive capacities of a nation. The growth of the "joint-stock" corporation in the nineteenth century occurred in tandem with the growth of forms of wealth tied to stock and bond ownership. However, wealth was still closely tied to the productive capacities of those corporations until the early 1970s, whereupon the "fulcrum of power and profit began to shift from the production of commodities to the circulation of capital" (LiPuma & Lee, 2004, p. 67). Higher energy prices, aging manufacturing infrastructures, and increasing global competitiveness lowered profit margins in the developed countries at the same time that the proliferation of petro-dollars encouraged the creation of new investment devices. The outcome of these shifts is the emergence of a form of capitalism that the financial journalist Max Keiser (2010b, 2010c) has coined "transactional" capitalism. This section chronicles the emergence of ephemeral and circulatory transactional capitalism, beginning with 1970s era neoliberal economic reforms that enabled this form of wealth.

Beginning in the late 1970s, neoliberal policy reforms and enhanced global communications networks enabled greater circulation of capital. Neoliberal de-regulation of finance in the 1980s contributed to the movement of credit into securities markets and financial services (Sassen, 1991). Security firms and financial services firms providing services in "stock broking (investment portfolio management) and investment banking (underwriting, structuring of mergers and acquisitions)" dominated global finance by the

1980s (p. 66). In the 1980s, massive increases in electronic, international securities transactions became the “main mode of cross-border borrowing and lending” and the key institutions were securities firms and investment banks (p. 65). The results of these changes included “growth of cross-border acquisitions of financial firms and sharp increase in the internationalization of mergers, acquisitions, and joint ventures among financial institutions” and the formation of an international equity market (p. 66).

In *Financial Derivatives and the Globalization of Risk*, LiPuma and Lee (2004) explain that computerization transformed the types of investment strategies pursued in the 1970s and after by enabling complex simulations of risk and profit, thereby promoting modern portfolio management based in the quantification and pricing of risk. Risk itself became reified into “‘things’ like commodities” (p. 81). Computerization also enabled more precise quantification of risk for more complex financial products such as derivatives. Derivatives, types of securities that derive their value from the “value of another asset that varies in price,” expanded as a result of new technologies for measuring risk (Gelderblom & Jonker, 2005, p. 191). A futures contract that allows the holder to purchase a commodity at a specific point in the future at a specific price illustrates a more basic type of derivative. Futures have been around for centuries but the reification and quantification of risk enabled by computerization expanded global derivatives trading and also enabled creation of more abstract derivatives based in bundled securities such as collateralized debt obligations (CDOs).<sup>3</sup> The financial guru, Warren Buffett, famously described derivatives as “weapons of mass destruction” because of their complexity and lack of regulation (cited in Levisohn, 2008).

Securitized financialization exploded in the U.S. in the 1990s and early twenty-first century as a result of massive banking de-regulation. In the mid-1990s financial authorities such as Federal Reserve Chairman Alan Greenspan pushed for passage of a series of legal acts in the U.S.—including the 1999 Gramm-Leach-Bliley Act (which overturned the Glass-Steagall Act), the 2000

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<sup>3</sup> Janet Tavakoli, a recognized expert on CDOs, defines them accordingly:

A Collateralized Debt Obligation (CDO) is backed by portfolios of assets that may include a combination of bonds, loans, securitized receivables, asset-backed securities, tranches of other collateralized debt obligations, or credit derivatives referencing any of the former... Up to the end of the 1990’s, collateralized debt obligations all used Special Purpose Entities (SPEs), also known as Special Purpose Vehicles (SPVs), that purchased the portfolio of assets and issued tranches of debt and equity. The special purpose entity purchased the assets from a bank’s balance sheet and/or trading books. (<http://www.tavakolistructuredfinance.com/cdo.pdf>)

Commodity Futures Modernization Act, and the 2004 Voluntary Regulation Act—which operated together to de-regulate commercial banks and securities markets (see Sherman, 2009). New unregulated vehicles for investment outside of banking also grew during this period. For instance, hedge funds that pool the resources of wealthy investors for arbitrage illustrate a new institutional form emphasizing risk in investment strategy (Jia-Ming & Morss, 2005). Hedge funds might, for example, “trade loans as part of arbitrage strategies that let them capture spreads in the credit-derivatives market” (Dale, 2007, p. C2). At the close of 2006, hedge funds controlled an estimated \$1.3 trillion in capital (Walker, 2007). By the end of 2007, the commercial banking sector in the U.S. had reached \$11.8 trillion in assets, equivalent to 84 percent of U.S. gross domestic product (GDP) and investment banks controlled another \$3.1 trillion in assets; altogether, all the debt (or debt-backed securities) held by the financial sector totaled “over \$36 trillion, or 259 percent of GDP, in 2007” (Johnson & Kwak, 2010, p. 59).

Wealth production and accumulation had been largely severed from the circuits of U.S. manufacturing production by 2007. Financialization dominated the U.S. economy and pervaded the culture. Yet, the investment products and processes were largely vacuous and, as it turned out, ephemeral, without the support of sovereign states whose bailouts backstopped securities that had lost value. The financial crisis that began in December of 2007 initially wiped out \$4.1 trillion, \$2.7 of which originated in the U.S. according to the International Monetary Fund in April of 2009 (Landler, 2009). In August 2010, Dr. William Black said that U.S. losses ranged between \$6 and \$15 trillion (Black, 2010b). As will be explained presently in more detail, changes in market-to-market accounting rules and U.S. Government bailouts enabled the financial sector to recover handsomely, at least on the formal ledgers, despite these unprecedented losses (see Norris, 2009). Still, many debt-based “assets” held by banks remain questionable in relation to their true market value, particularly as businesses and citizens continue defaulting on debt (e.g., see Black, 2010b; Lohr, 2009; Xie, 2009). Although most of today’s stores of wealth are fundamentally ephemeral, holders exert great power over economies and governments.

Goldman Sach’s Vice-President Fabrice Tourre’s email to his girlfriend illustrates both the arrogance of financial capital and the essential vacuousness of its products. Tourre referred to himself as “fabulous Fab” and described creating “Frankenstein” products that were nothing more than “pure intellectual masturbation” sold to naive widows and orphans (cited in Clark, 2010a). Tourre masterminded Abacus, a synthetic CDO, sold to clients who were not informed that the mortgages making up the CDO were expected to default (Clark, 2010b). The hedge fund Paulson & Co. had helped Goldman assemble the



CDOs and had bet against them by purchasing credit default swaps [a type of insurance] from the Royal Bank of Scotland, which incurred a \$840 million liability from backstopping the hedge funds deal (Goldfarb & Tse, 2010, p. A1). The U.K. Government subsequently bailed out the Royal Bank of Scotland, illustrating the suborning of public purpose to private wealth (“U.K. Bank,” 2008).

Yet, financial profits gleaned were not simply dependent upon the creation and creative packaging of more debt. High frequency trading (HFT) technology enables profits to be gleaned from “movement” itself within markets by skimming the purchasing and selling activities of other traders, especially large institutional investors such as pension funds (Brown, 2010). HFT involves powerful computers located immediately next to exchanges that rely on computer code to automatically purchase and sell vast quantities of securities. The speed and proximity advantages of computers used in HFT enable advantageous insight into sellers’ and buyers’ price points. HFT leverages privileged information using flash orders to outmaneuver other investors, by ferreting out price points and by subsequently buying and selling large quantities of orders in micro-seconds: “HFT allows the program trader to peek at major incoming orders and jump in front of them to skim profits off the top” from large institutional orders by pension funds, mutual funds, etc. (Brown, 2010).

Ellen Brown recently observed that HFT has become a major source of stock market trading volume: “High frequency trading firms now account for 73% of all U.S. equity trades, although they represent only 2% of the approximately 20,000 firms in operation.” It does not matter which way the stock market fluctuates: so long as stock markets “move,” high frequency traders make money. The role of HFT is demonstrated by the fact that in 2010 the average time a stock was held was only 22 seconds (Hudson, 2011). HFT illustrates how extreme capital accumulation can occur outside the circuits of production.

Critics of HFT refer to it as a parasitic process that essentially “taxes” slower trading entities (Brown, 2010; Keiser, 2010e). There is little doubt that high frequency trading privileges investors whose speed allows them to buy and sell before other traders. However, critics such as Max Keiser (2010d, 2010e) argue that HFT can manipulate markets by triggering other (slower) traders’ buy and sell protocols. Traders can, for example, precipitate a price decline in a stock by massively shorting it. Traders “short” a stock by borrowing it in order to sell it, because the trader anticipates a price decline that will allow the trader to repurchase the stock later at a lower price. Using HFT, a trader can stuff

enough shorts to impact institutional investors' automated sell points, precipitating major sell-offs. This process was responsible for the May 7, 2010 "flash crash." During flash crashes, day traders, pension funds, and investment firms lacking the computerized apparatuses of high-frequency trading run the risk of losing all in seconds, as their unwieldy, stop-loss programs dump securities for the HFT traders to pick up in micro-seconds at bargain prices.

HFT traders can even "short" stocks they do not own or possess. This is called naked short selling and it is a common variety of quote stuffing. "Quote stuffing" entails placing high volume, high frequency trades that are cancelled almost immediately after being placed. This type of activity is not intended to achieve actual transactions, but rather to manipulate slower traders' market activities by tipping activity toward buying or selling (Keiser, 2010e). When naked short selling and quote stuffing occur together, traders make massive HFT sell-offs of stocks they do not possess and then immediately cancel the orders. By cancelling the orders, the traders avoid having to sell stock they don't own or possess, but have accomplished their goal of influencing market activity (Lauricella & Strasburg, 2010). Naked short selling in the U.S. cash markets is technically illegal, but is commonly practiced in U.S. and European derivative markets (Denninger, 2010; Keiser, 2010a, 2010c). Naked short selling of derivatives created from stocks or bonds is not technically illegal, since the 2000 Commodity Futures Modernization Act deregulated the derivative market (Johnson & Kwak, 2010). Naked short selling can be used to manipulate markets for political purposes, including for the purpose of financial warfare.

Naked short selling of bonds and derivatives derived from bonds (e.g., CDOs) is both a lucrative strategy and a powerful tool capable of bringing down companies and countries (Keiser, 2010a, 2010b, 2010d). Traders who hold credit default swaps (i.e., insurance) on bonds (or other securities), profit from the bonds' default and therefore may actively "short" bonds, even if they do not have those bonds in their possession (in other words, "naked short selling" them). Insurance companies sell credit default swaps (CDS) to investment and commercial banks alike. They "insure" risky investments, often in excess of the value of the underlying insured investment. CDS were not regulated and companies that issued them typically failed to hold adequate reserves against outstanding contracts (see Levisohn, 2008). American Insurance General (AIG) sold credit default swaps to the large investment and commercial banks, among other buyers, on securities (particularly CDOs) derived from mortgages. The collapse of mortgage-backed securities that was precipitated by the subprime meltdown overwhelmed AIG's capability to pay out on credit default swaps to counterparties until the U.S. Federal Reserve

Bank of New York opened up a credit line to AIG that eventually exceeded \$182.3 billion (Teitelbaum & Son, 2009; Walsh, 2009). By virtue of this government lifeline, AIG paid out approximately \$13 billion in credit default swaps to Goldman Sachs alone (Dylan Ratigan Show, 2009). AIG's counterparties were not required by the Federal Reserve Bank to take a "haircut" (Teitelbaum & Son, 2009). Credit default swaps therefore continue to be a lucrative investment strategy for banks and hedge funds because they allow these entities to bet against leveraged companies, public entities, and countries without even owning their bonds (Levisohn, 2008; Rickards, 2010a, 2010b). There is no risk since governments continue to bail out CDS issuers, such as AIG. The capacity to naked short sell credit default swaps using HFT can be used as economic blackmail by economic elites against governments.

Together, naked short selling and credit default swaps allow investors to attack companies, countries, or even municipalities using electronic market exchanges. Naked short selling was implicated in driving down Bear Stearns' stock value (Taibbi, 2009a) and in the collapse of Greece's bond market, particularly when participating traders held CDS against the possibility of Greek bond defaults (Lawder & Youngla, 2010). Jim Rickards, a financial analyst who consults to the U.S. government on financial security, described the "weaponization" of finance (2010b) as banks and hedge funds in 2010 (naked) shorted sovereign debt (bonds) in Europe in what Rickards termed as "attacks on sovereign credit" (2010a). Rickards (2010a) explained that derivatives trades such as CDS allow speculators to short companies or nations on electronic exchanges with no money down: "You can attack a country with no money, no money down, just create a credit default swap out of thin air." Rickards observed that the European Union's \$1 trillion rescue package for nations facing exorbitant interest rates for refinancing their debts (due to these types of attacks) would easily be outmaneuvered by the banks and hedge funds, which are capable of naked shorting with essentially no financial backing. The deliberate and punitive (naked and legitimate) short selling of bonds or derivatives by acquisitive capitalists who lack national allegiance has been described by Max Keiser as "financial terrorism" (2010a).

Monitoring HFT is difficult for regulatory agencies such as the Securities and Exchange Commission (SEC) because a considerable portion of securities transactions no longer occurs within the formal exchanges, such as the New York Stock Exchange. Trading has moved from these transparent exchanges into "dark pools," or private trading platforms used by institutional investors and hedge funds, that are invisible to the public and to regulators. In fact, in 2009 only 36 percent of daily trades in stocks listed on the NYSE occurred on the exchange as the vast majority of transactions were executed in

dark pools or on new electronic exchanges (Bowley, 2009). As explained by Bowley, “These stealth markets enable sophisticated traders to buy and sell large blocks of stock in secrecy at lightning speed, a practice that has drawn scrutiny from the U.S. Securities and Exchange Commission” (p. 17). Dark pools also allow for naked short selling to occur, despite the practice being banned in domestic securities transactions.

One final way discussed in this paper for acquiring wealth through financial transactions, external to any productivity activities, entails carry trades. In 2008 and 2009 a “carry trade” enabled by the Federal Reserve’s low-interest lending within the U.S. also allowed considerable speculation and capital accumulation by investors. U.S. dollars, borrowed at low interest rates, were used abroad to purchase other assets whose values were appreciating. Appreciating assets could then be sold at a profit. Accumulated profits could be used to push up more asset bubbles overseas (Sheehan, 2010). In 2010, the European bank crisis precipitated in part by the naked short selling of Greek bonds produced a carry trade of the Euro (see Shah, 2010). Carry trades have the effect of producing downward pressure on the borrowed currency while inflating the value of the currencies or equities that are purchased (Shah, 2010). Carry trades undermine sovereign entities such as the European Union’s capacities to control currency values, but provide unlimited speculative opportunities for traders.

In sum, although sub-priming mortgages have been identified as the security base responsible for precipitating the financial crisis that began at the end of 2007, these instruments were merely the bottom of a speculative bubble of derivatives contracts and credit default swaps that were created out of, or that insured, debt-backed bonds deriving ultimately from mortgages, consumer loans, municipal bonds, etc. Len Bracken (2009) claims that the U.S. “banking system’s total notional derivative exposure (comprising interest rate, currency, and CDS derivatives) is estimated to be \$200 trillion” while the worldwide “notional value of outstanding derivatives is now estimated to be \$1.405 quadrillion, up 22 percent [in 2009] from the 2008 level.”<sup>4</sup> The quadrillion

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<sup>4</sup> I attempted to verify the amount of outstanding derivatives with the Bank of International Settlements’ data for 2009 published in the June 2010 *Quarterly Review* (pp. 121-126, [http://www.bis.org/publ/qtrpdf/r\\_qa1006.pdf](http://www.bis.org/publ/qtrpdf/r_qa1006.pdf)). I totaled the numbers provided in the BIS tables for derivatives to \$5626883 in billions. Wayne Madsen uses data from the U.S. Federal Reserve Bank to put the total outstanding derivatives value in the quadrillions (2010, [http://onlinejournal.com/artman/publish/article\\_5586.shtml](http://onlinejournal.com/artman/publish/article_5586.shtml)) and notes that “DK Matai of the Asymmetric Threats Contingency Alliance notes that a conservative 10 percent default or decline could result in \$100 trillion of payouts.” Although these numbers are simply

valuation (quadrillion equals  $10^{15}$ ) of outstanding derivatives compares with an estimated world GDP for 2009 of \$70.29 trillion (trillion equals  $10^{12}$ ) (CIA, 2010).

Efforts to investigate the causes for the crisis have discovered that the push for securitization by financial entities actually promoted outright *fraud* of the underlying assets (e.g., mortgages) that were bundled, spliced, diced, insured, and traded. To reiterate: much of the underlying consumer and corporate debt used as leverage for this mountain of securitization was infused with fraud (see Black, 2010a; Galbraith, 2010). William Black claims that the U.S. Congressional hearings on the crisis conspired to “cover up” the degree of fraud infused throughout the entire system (Black, 2010b). Hence, Max Keiser recently described business in America today as fraud (Max Keiser, 2010a). While Keiser’s quip may be an overstatement, it does capture the strong sense that the financial service sector’s dominance of the U.S. economy using ephemeral and circulating forms of wealth did not produce tangible rewards for the vast majority of the populace and, moreover, contributed to the working class’s impoverishment by facilitating *debt-based transactional wealth* creation outside of productive activities that employ the populace and by creating incentives for predatory lending and excessive consumption. To put this otherwise, one of the most important implications of the financialization of the U.S. economy is that citizens’ productive contributions to the national GDP waned in significance as more capital was generated from electronic transactional speculations upon ultimately ephemeral, debt-based securities, rather than from the profit margins of manufacturing activities. Although the underlying debt based assets continue to deteriorate as citizens and small businesses default, bank balance sheets appear to remain relatively impervious, due, no doubt, to the change in accounting rules, in addition to government bailouts (see Norris, 2009). Wall Street bonuses soared 17 percent in 2009 while compensation at three leading firms—Goldman Sachs Group, Morgan Stanley, and J.P. Morgan Chase and Co.—rose 31 percent from 2008 (Popper, 2010).

### **Austerity, Structural Adjustment, and Disaster Capitalism**

In a certain sense, the circulation of vacuous capital seems appropriate in a time of dwindling resources and environmental peril. Profiting from virtual products is the pinnacle of the capitalist fantasy. However, while wealthy capitalists and

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unintelligible, it is clear that the notional value of derivatives outstanding exceeds the world’s GDP exponentially.

their investment bank and hedge fund proxies continue to accumulate wealth through financial transactions, the vast majority of the world's populace suffers from its complete absence, mired in the materiality of scarcity and environmental limits and degradation, caused partly by the conspicuous consumption of the "developed" world. The previously privileged denizens of the colonial "developed" world long benefited from a global economic system that protected their labor (through tariffs and subsidies) while providing them cheap resources (oil) and manufactured products derived from the unprotected labor and/or environs of the developing world. Now, however, the previously privileged, western middle-class is experiencing a collapse of living standards ultimately resulting from neoliberal policy reforms that lifted Keynesian protections and "freed" capital from constraints. That collapse in living standards is going to be exacerbated by the resource scarcities (e.g., oil, fresh water, and rare earths) that were amplified and exacerbated by the neoliberal frenzy of extraction and accumulation.

The American and European middle-classes are going to be subject to the same types of neoliberal structural adjustment programs (SAP) aimed at social spending "austerity" that were previously imposed upon the developing world. Beginning in the 1970s, the International Monetary Fund (IMF) and World Bank began to make lending to developing nations conditional upon social austerity, privatization of public infrastructures and resources, "liberalization" of capital controls, and elimination of domestic subsidies and foreign tariffs. Developing nations had become vulnerable to the demands of international lenders by rising oil prices that were denominated in dollars. Higher interest rates set by the U.S. Federal Reserve under Volcker in the late 1970s and early 1980s made it more expensive for developing nations to purchase dollars for buying oil<sup>5</sup> and other imported commodities, producing a financial disaster for developing nations. Drought and subsequent crop failures exacerbated a human-engineered disaster for the developing world. These "disasters" coupled with the financial stress of U.S. currency appreciation ensured that developing nations succumbed to IMF austerity programs in the early 1980s.

Naomi Klein (2007) argues in *Shock Doctrine: The Rise of Disaster Capitalism* for an integral connection between disasters—both human-created and natural catastrophes—and the extension of neoliberal principles and practices of government. "Disaster capitalists" contracted to rebuild areas devastated by natural or human-caused disasters hope to implement neoliberal market practices in the process of their reconstruction (p. 9). It must be stressed

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<sup>5</sup> OPEC demands that oil be paid for in U.S. dollars.

that disasters need not be “natural” in origin. Indeed, globalization of the financial crisis that originated in U.S. securities is providing precisely the type of disaster amendable to enforced implementation of neoliberal reforms. For instance, the financial crisis has opened the door for disaster capitalism in Eastern and Baltic European nations, including Hungary, Estonia and Latvia (Hudson, 2010a, 2010b). In the wake of the financial crisis, these nations experienced capital flight and currency depreciations that undermined the ability of their populaces to repay foreign denominated debt. IMF loans made to these countries were made conditional on neoliberal reforms, or SAPs, which dictated austerity through cuts in public spending on social welfare and wages. Eastern European nations were also denied the ability to engage in counter-cycle stimulus spending by creditors and lenders to combat recessionary deflation.

The recent financial crisis in Greece illustrates how circulating transactional capitalism can produce disasters that open the door for enforced austerity. In the early part of 2010, the country of Greece was subject to assault by investment banks and hedge funds that (naked) shorted Greek bonds, causing credit default swaps on Greek debt to skyrocket. Skyrocketing credit default swaps caused Greek interest rates to rise, which compromised the nation’s ability to roll over its bonds (Schwartz & Dash, 2010).<sup>6</sup> A Euro-zone bailout was proposed conditional upon severe Greek austerity, an economic program that will only exacerbate economic contraction (Besancenot & Grond, 2010).

The crisis in Greece that provided the opportunity for imposing austerity was manufactured by the very same financial entities whose losses were socialized by governments in the U.S. and Europe. The first disaster—the financial crisis—was manufactured by the banks while the second crisis—the risk of sovereign default—was also manufactured by the banks as their losses were shifted to governments and by the financial entities’ attacks against Greek sovereign bonds (through naked shorting, for example).<sup>7</sup> Greece was essentially

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<sup>6</sup> Likewise, U.S. banks are currently being investigated by the SEC for deliberately short-selling and/or purchasing credit default swaps on municipal bonds sold to those banks’ investors (Dugan, 2010).

<sup>7</sup> At a more general level, the decision of national governments to assume the debt and risks of private banks based in their nations has produced risks for sovereign defaults by nations not at liberty to simply print money (a.k.a., quantitative easing). Member states of the European Union Monetary Zone, for example, may not print money to meet debts, even when those debts have been incurred by the sovereign (i.e., the nation’s) assumption of private debt. Rising rates for insuring sovereign default through credit default swaps have forced sovereign states to pay higher interest rates on the government bonds they issue.

subjected to “financial terrorism” (Keiser, 2010a). On May 17, 2010 Germany banned naked-short selling in order to ward off feared attacks against its bonds.

The U.S. has also been subject to disaster capitalism and it has not been spared from austerity measures (see Nadesan, 2010, in press). U.S. states, counties, and cities experienced significant declines in sales, corporate, and income tax revenues across 2009 and in the first half of 2010. These shortfalls exceeded expectations and are reaching crisis levels (Miller & Feld, 2010). Although federal stimulus helped states plug education and health care spending in 2009 and 2010, these funds are dwindling fast. Consequently, states are now engaged in massive public sector cuts to education, social-welfare and health spending, and infrastructural maintenance (Krugman, 2010; Miller & Feld, 2010). Additionally, it appears that states’ vulnerability has set them up for the same types of attacks launched against Greece. U.S. banks are currently being investigated by the SEC for deliberately short-selling and/or purchasing credit default swaps on municipal bonds sold to those banks’ investors (Dugan, 2010; Taibbi, 2009b).

The reduction in government spending in the U.S. on health care, education, and social services will traumatize a populace that has reportedly lost, on average, 20 percent of its household wealth from 2007 to 2009 (Pew Research Center, 2010). Additionally, over one half (55 percent) of Americans’ wages were affected in the forms of job layoffs, wage and hour cut backs, and unpaid furloughs. Thirty-two percent of Americans reported unemployment during the recession. The loss of household wealth, wages, and benefits is ongoing and points to the growing impoverishment of the nation at the same time that the federal government is proposing widespread cuts in social spending, particularly in the area of health (but not military spending or financial bailouts) (McKinnon, 2010).

In sum, the fiscal status of nations and other public entities has been complicated by financial “terrorism” of transactional capitalism exercised by hedge funds and investment banks, through the circulating financial products and technologies and through the specific strategies of high frequency trading, naked short selling, and credit default swaps. Structural adjustment programs imposed on crisis-stricken nations essentially force populations to accept lowered living standards so that financial creditors will be paid in full. These financial creditors can produce wealth outside of the traditional circuits of capital production and are capable of bringing down nations by manipulating equity markets through shorting, naked short selling, and high frequency trading. The circulation of ephemeral wealth forged outside of the circuits of



manufacturing or even the consumer services economy has continued after the onset of the U.S. financial crisis.

### **Carbon Trading Circulation of Ephemeral Wealth**

Global wealth has moved centripetally toward elite centers within and across nations as a result of de-regulation, corporate and government predation, and securitization (Vrabel, 2010). The potential for wealth to be digitalized and to circulate instantaneously has facilitated this centripetal action. The evolving computer-communication networks that enable this unprecedented accumulation of intangible wealth operate at unimaginable speeds. Wealth accumulation strategies that exploit virtual markets have a tendency to colonize all forms of sociality by attaching quantitative values to social phenomena, thereby enabling them to be traded in market transactions. So pervasive is this type of commoditization that it has captured public policy efforts to forestall climate change.

Climate change threatens many areas of the world. On May 19, 2010 the U.S. National Academy of Sciences (which advises the U.S. government) released an 869-page report asserting people's role in producing climate change and calling upon public policy to ameliorate its effects, including rising sea levels that could threaten coastlines globally (Naik, 2010). Concerns about climate change have been voiced in many discursive registers, but neoliberal problem-solution frames have dictated public policy toward climate change in western nations. As explained by Szerszynski and Urry:

Indeed, because "economics" got in first, it has largely monopolized the way that the social is conceived in the discourses of climate change. It has led to a focus on human practices as individualistic, market-based, and calculative, and has thus helped to strengthen a tendency towards a certain set of responses to climate change, ones based on individual calculation, technology and the development of new markets. (2010, p. 3)

The development of new markets, in particular, has relevance for this analysis.

The National Academy of Sciences report calls for a carbon tax or a cap-and-trade system employing financial incentives to cut emissions. The former, cap-and-trade, are preferred by industry. This type of system essentially commodifies pollution and encourages its trading in market exchanges. Carbon markets produce another context for accumulating wealth using many of the

same technologies and strategies already employed in the world's equity markets, especially derivatives speculation and high frequency trading: "Wall Street sees carbon trading and related derivative products as the next big thing in financial innovation. Critics say it's the next big financial mess" (Yakabuski, 2009, p. B3).

Carbon trading is already the fastest growing commodities market on the planet (Schapiro, 2010). Countries that signed the 1997 Kyoto Protocol implemented in 2005 adopted a cap-and-trade system that has already produced over \$300 billion in carbon transactions (Schapiro, 2010). Kyoto signatories agreed that their industries would reduce emissions approximately 5.2 percent below 1990 levels, or pay for the right to pollute by purchasing carbon offsets from energy-saving companies and/or nations that accumulate carbon credits (Weeks, 2010). Carbon offsets are financial instruments that commodify six primary categories of greenhouse gases measured in metric tons of carbon-dioxide-equivalent (CO<sub>2</sub>e) ("Carbon Offset," n.d.). Wikipedia explains that one carbon offset "represents the reduction of one metric ton of carbon dioxide or its equivalent in other greenhouse gases" ("Carbon Offset"). The Kyoto Protocol allows Clean Development Mechanism (CDM) projects in developing countries to generate offsets that can be sold abroad by reducing their own emissions (Weeks, 2010). Companies or countries not capable of reducing their emissions can purchase these offsets or can invest in CDM projects in developing nations. U.N officials are supposed to certify that energy-savers do indeed reduce emissions, thereby allowing them to sell "certified emission reductions," a.k.a., carbon credits or offsets (Weeks, 2010, p. 174).

Cap-and-trade represents a market-based environmental policy that is typically preferred by industry and financial speculators over a more direct penalty or tax for polluters (Weeks, 2010). European Union (E.U.) officials created the E.U. Emissions Trading Scheme (ETS), which covers six sectors including energy, iron and steel, cement, glass, ceramics, and pulp and paper. ETS currently account for 70 percent of carbon trades. The Clean Development Mechanism (CDM) accounted for 29 percent of trades (Weeks, 2010). Australia, Canada, and Japan are expected to produce their own emission reduction systems, which are likely to increase carbon trading. By 2007, the carbon trading market was valued at \$25 billion. In 2008, Commissioner Bart Chilton from the U.S. Commodities Future Trading Commission reported in *The Financial Times* that carbon might emerge as the world's biggest derivatives market by 2013 (Gettler, 2009). In 2009, estimates for the carbon market valued it between \$2 trillion and \$3.5 trillion (Gettler, 2009).

It is worth noting that carbon derivatives were invented in part by the same woman who helped invent credit default swaps, Blythe Masters

(Kassenaar, 2009; Washington's Blog, 2009).<sup>8</sup> Gillian Tett (2009) explains in *Fool's Gold* that Masters, when employed by J.P. Morgan, arranged the first credit default swap in 1994 with the European Bank of Reconstruction and Development (EBRD) in order to insure a line of credit J.P. Morgan was opening to Exxon in 1993, after Exxon was threatened with a \$5 billion fine for the oil spill. J.P. Morgan offered to pay a yearly fee to the EBRD if it assumed the risk of an Exxon default on the credit line, even while J.P. Morgan kept the loan on its books, thereby creating the first credit default swap. Masters went on to oversee J.P. Morgan Chase and Co.'s environmental businesses as the company's head of commodities (Kassenaar, 2009). Under her leadership, J.P. Morgan engineered carbon trading deals, as described here:

J.P. Morgan brokered a deal in 2007 for Land Rover to buy carbon credits from ClimateCare, an Oxford, England-based group that develops energy-efficiency projects around the world. Land Rover, now owned by Mumbai-based Tata Motors Ltd., is using the credits to offset some of the CO2 emissions produced by its vehicles. (Kassenaar, 2009)

Banks such as J.P. Morgan plan on serving as intermediaries in the growing carbon trading market. A *Bloomberg* article published in December 2009 illustrates how it will work:

The banks are preparing to do with carbon what they've done before: design and market derivatives contracts that will help client companies hedge their price risk over the long term. They're also ready to sell carbon-related financial products to outside investors. Masters says banks must be allowed to lead the way if a mandatory carbon-trading system is going to help save the planet at the lowest possible cost. And derivatives related to carbon must be part of the mix, she says. Derivatives are securities whose value is derived from the value of an underlying commodity—in this case, CO2 and other greenhouse gases. (Kassenaar, 2009)

Banks see carbon markets as a lucrative terrain and eagerly plan on creating the synthetic entities that encapsulate its biovitalities.

Recently, calls have been made to regulate the market because of the proliferation of carbon derivatives: "Carbon derivatives should be regulated to

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<sup>8</sup> I was alerted to Blythe Masters's role by an online post at *Zero Hedge* by Washington's Blog. I subsequently researched the relationship, finding the articles cited. However, I want to afford Washington's Blog credit for this analysis (<http://georgewashington2.blogspot.com/>).

stop the proliferation of instruments with the potential to wreak a subprime-style crisis, the head of chemicals group DSM said on Wednesday” (Hirschler, 2010). The Chief Executive of DSM was quoted as stating:

“There are now already in development derivatives of CO2 prices that are so complicated that I do not understand it any more,” he said. “If you get a reservoir of derivatives which becomes so big that it becomes an industry in itself that is very dangerous because you can get the tail wagging the dog.” (cited in Hirschler, 2010)

This concern that trading in carbon derivatives might drive the carbon market and eclipse the stated goal of reducing carbon emissions is widespread. In 2009 the U.S.-based environmental group, Friends of the Earth released a report, *Subprime Carbon*, emphasizing the dangers of the market-based cap-and-trade system.

Friends of the Earth condemned the proposed cap-and-trade system by publishing a report detailing the types of fraud and corruption already pervasive within carbon trading. Michelle Chan and Nick Berning, senior policy analysts, explained:

Carbon offsets are especially prone to corruption and fraud. Every offset deal requires a story indicating that the emissions reduction would not have been possible without offset revenues, or that emissions would have been higher without the project. Because of this, the offsets market is inherently rife with opportunities for truth stretching—and outright lies.

Also, much of the corruption that we have seen in the carbon markets involves bribes of consultants who are responsible for verifying emissions reductions from offset projects. Corruption risks are also high for the entities that grant carbon credits for offsets. (Chan & Berning, 2009)

Chan and Berning argue that the act will enable build-up of subprime carbon, which is “composed of carbon offset futures [derivatives] that, compared with regular emissions allowances, are at relatively high risk of collapsing in financial value because of failed promises to reduce emissions” (see also Chan, 2010).

Matt Taibbi wrote in his essay, “The Great American Bubble Machine,” that carbon derivatives are “the new game in town, the next bubble ... disguised

as an ‘environmental plan,’ called cap-and-trade.” Taibbi anticipates this market will eventually balloon to a trillion dollars:

If cap-and-trade succeeds, won’t we all be saved from the catastrophe of global warming? Maybe—but capandtrade [*sic*], as envisioned by Goldman, is really just a carbon tax structured so that private interests collect the revenues. Instead of simply imposing a fixed government levy on carbon pollution and forcing unclean energy producers to pay for the mess they make, cap-and-trade will allow a small tribe of greedy-as-hell Wall Street swine to turn yet another commodities market into a private tax collection scheme. This is worse than the bailout: It allows the bank to seize taxpayer money *before it’s even collected*. (Taibbi, 2009a)

Moreover, cap-and-trade is unlikely to deliver significant reductions in emissions. For these reasons, the New York University economist, Nouriel Roubini (2010), expressed his preference for a carbon-tax and his concern that cap-and-trade produced too much “rent seeking” activity.

Emission reduction schemes that rely on cap-and-trade also fuel “land grabs” (e.g., see Avril, 2010). Most cap-and-trade programs offer credits for Reduced Emissions from Deforestation and Forest Degradation (REDD). REDD has the potential to increase exponentially the value of undeveloped land. As reported by Chan in the 2010 Friends of the Earth report, *Ten Ways to Game the Carbon Market*:

Indigenous people have repeatedly voiced concerns about REDD because it could place enormous monetary value on their forests and spark a land grab. A large portion of the world’s forests, liable for inclusion in REDD schemes, are traditional indigenous territories. (p. 8)

Indigenous people often do not hold property titles to the land upon which they live. The International Monetary Fund, the World Bank, and “free trade” agreements such as NAFTA have operated in countries such as Mexico to erode indigenous people’s control over formerly collectivized land ownership (see Lewis, 2002; McMichael, 2008).<sup>9</sup> The role of international governmental and

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<sup>9</sup> A precondition of Mexico’s membership in NAFTA in 1992 was “reform” of Article 27 of Mexico’s 1917 Constitution, which guaranteed land reparations to indigenous people. In the wake of this “reform,” Mexico’s government sold off indigenous people’s land to Mexican and foreign agribusiness (McMichael, 2008).

trade organizations in privatizing land will no doubt be stepped up by the expansion of REDD protocols.

The value of land in REDD protocols is derived primarily from their capacity to provide carbon offsets. More recently, these protocols have enabled financial consultants to exact “exorbitant” consultancy fees from developing nations seeking to provide carbon offsets (Erich, 2010). The productive capacity of land matters not within REDD protocols as wealth is digitalized as offsets. Carbon offsets can be securitized and transformed into complex derivatives, just as mortgages were before the crash of 2008-2009. In effect, carbon-based finance and consultancy illustrate new avenues for capital accumulation in an era expected to be dominated by slowed economic growth in developed economies and resource shortages globally. Speculation is already rampant within the European carbon market (“Carbon Trading,” 2009). The creation of a cap-and-trade system in the U.S. would enhance opportunities for transactional capitalism to colonize efforts to contain the looming challenges of climate change. Thus, many observers were relieved by the failure of the proposed American Power Act of 2010.

The failure of this act coupled with the proliferation of offset credits that collapsed the Chicago Climate Exchange’s Cap-and-Trade system market have temporarily destroyed cap-and-trade trading based in the U.S. The Chicago Climate Exchange’s Cap-and-Trade System was closed as of December 31, 2010, although the European Climate exchange and the Chicago Climate Futures Exchange remain in operation (Gronewold, 2011). Proponents of cap-and-trade within the U.S. are optimistic that U.S. state-based emissions legislation may re-ignite the U.S. market.

### **The Politics of Death**

Foucault (2003) claimed that sovereignty in the modern period retains the power of death but has been subject to reformulation so that “the ancient right to *take* life or *let* live was replaced by a power to *foster* life or *disallow* it to the point of death” (p. 80). For Achille Mbembe (2003), necropolitics concerns a form of sovereignty involved in the “instrumentalization of human existence and the material destruction of human bodies and populations” (p. 14). Necropolitics subjugates life to the power of death, often producing death-worlds wherein vast populations are regarded with the status of “*living dead*” (p. 40). Murray (2006, 2008) explains that this “thanatopolitics” involving the letting die of dispossessed populations of *others* is the antithesis of the modernist impulse to cultivate life.

At first glance, the relationships among and across derivative-based, transactional capitalism, climate speculation, and necropolitics appear unclear. However, a homologous logic structures these diverse terrains that is predicated upon the dispossession of population. Today a globalized and circulating financial system composed of powerful, financially networked actors, such as banks and hedge funds, creates wealth from complex financial instruments. Complex securities such as derivatives are derived ultimately from debt. Circulating and virtual debts converge in electronic exchanges. In these electronic sites dispersed across the globe, vampire capitalists trade debt in transactions aimed at extracting value from the global population's biovitalities. Debt, rather than production, is the most effective mechanism for extracting value from populations in the twenty-first century (see Nadesan, 2008, in press). The financial crisis that began in the winter of 2007 did not destroy the debt-based derivative machine, or the agents that control them. Rather, sovereign states assumed private losses, transferring liabilities to the balance sheets of public entities. Populations in western nations that are unable to pay back their personal and government debts will be subject to ruthless "austerity" regimes that will drain resources from Keynesian, social-welfare biopolitics such as Social Security and Medicare. Formerly middle-class western populations will claw for survival while (formerly) "working" class populations will come to resemble the "living dead" whose rage will be controlled primarily by repressive, authoritarian sovereignty (see Nadesan, 2008).

The global circuits of debt-based transactional capitalism have found a new terrain to colonize in the wake of western deflationary depression. That terrain is climate. The financialization of climate has nothing to do with sustainability and everything to do with the extraction and accumulation of value. Extension of the cap-and-trade transactional model for "regulating" climate change in the U.S. would serve financial capitalists' interests because climate legislation would require U.S.-based transnational corporations to enter this market, exponentially amplifying demand for climate-based derivatives trading.

Carbon trading is not, however, restricted to cap-and-trade schemes. Melinda Cooper (2010) demonstrates how climate-based derivative swaps have grown exponentially in a context of future environmental uncertainty. Therefore, carbon trading is not necessarily constrained by lack of U.S. national legislation on cap-and-trade. Indeed, *The Wall Street Journal* observed the carbon market is expected to exceed more than \$1 trillion in value by 2020 (Bunge, 2010).

Transactional, financial capitalism has swallowed climate. Climate is commodified into calculable virtual entities that can be exchanged for profit. As with all other financial markets, climate trading is fraught with fraud, as illustrated by a recent “rogue-trading scandal centered on trading already-used carbon credits” (Bunge, 2010, p. B1). Fraud and corruption, endemic to current transactional capitalism, will continue unabated as climate change threatens human life by exacerbating desertification and, thereby, adversely impacting food production. The majority of the world’s population will be imperiled as the yields of crops wane and prices rise. The transactional capitalists who trade in climate derivatives across and within global exchanges will barricade themselves in plush enclaves. Their transactions will generate the capital necessary to maintain lavish lifestyles while the greater global populace languishes.

Efforts to reign in and regulate the excesses of transactional capitalism will fail in the absence of widespread popular resistance. Established governance institutions reflect the interests of elites who profit from speculative capitalism. For instance, in June 2010 the United Nations (U.N.) cautioned “against onerous restrictions on speculative investors in commodities markets” (Hotter & Raff, 2010, p. C2) despite conclusive evidence that speculation in food commodities in 2007 and 2008 massively increased global hunger (Kaufman, 2010).<sup>10</sup> Thus, the U.N. followed the rhetorical lead of the “chorus of authorities *challenging* the popular belief that financial investors were the primary culprits in the run-up in commodities prices that culminated in the middle of 2008” (Hotter & Raff, 2010, p. C2; my italics). Those that benefit

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<sup>10</sup> Speculation on increments of climate changing, hunger inducing gasses is tied in neatly with speculation on the most basic of foodstocks. In April of 2008, the World Bank estimated that global food prices rose 83 percent from 2005, while estimating increased pricing across 2008 of 7.4 percent (Batson, 2008). The price of rice, a food staple for much of the world’s poorest populations, rose 150 percent in 2008 alone (Hookway & Lane, 2008). Food riots erupted in Thailand, Egypt, and Haiti in April of 2008 in response to concerns about a 48 percent increase in food prices from 2006. Speculation on commodity index funds was widely attributed as causing the spike in prices. One analyst attributed up to 30 percent of the rising prices of food commodities, including rice and wheat, in the spring of 2008 to speculation (Epstein, 2008). In April of 2008, several large U.S. grain exchanges invited grain-market participants to express concerns about the destabilizing effect of grain speculation in response to grain buyers’ claims that speculation was causing extreme volatility in pricing and that futures trading was causing market distortions (Davis, 2008). However, by rejecting this explanation, the U.N. has lent credence to efforts to resist regulation of commodities essential to life itself. Most recently, financial speculators such as hedge funds have been involved in huge “land grabs” in Africa and South America (Avril, 2010). Hedge funds and other investors reason that future global food shortages will make the land appreciate significantly in value (e.g., see Avril, 2010). However, this type of land-grabbing is simply another form of neo-colonial pillaging.



from speculative capitalism will use political appointments and pressure to bend policy and popular rhetoric to justify the decisions of agencies enthralled by regulatory capture, or “control fraud” (Black, 2010).

Speculative, transactional capitalism has set the rules and decisional criteria adopted by international and national governance institutions. The politics of transactional capitalism is a circulating and computer-mediated politics of virtual wealth creation disengaged from the biovitalities of the majority of the world’s populace. Biopolitics, born in the eighteenth century, grew in tandem with the establishment and circulation of liberal capitalism. Biopolitics was a politics of life that fed upon and fostered economic productivity. Biopolitical regimes are always historically and political situated, but they are fundamentally implicated with enhancing the biovitalities that fuel and consume capitalist circuits of production and consumption. The growth and circulation of transactional capitalism dispenses with many of the material infrastructures of production located in “developed” western economies and therefore has little incentive for promoting “productive” biovitalities. The loss of purchasing power of western working and middle-class populations and their loss of access to credit have resulted in a demand fragility, which promises no simple resolution (see Rasmus, 2010, p. 2). These classes are thus becoming irrelevant to the interests of speculative capital, beyond any threats they might pose to stability.

Karl Marx’s dictum that the economic conditions of the laboring classes would deteriorate cataclysmically with the advance of capitalism looms as transactional capitalism discards the trappings of Keynesian social-welfare biopolitics in the de-industrializing western world. The “planet of slums” articulated by Mike Davis (2006) when describing the deleterious effects of neoliberalism in the developing world encroaches upon the now impoverished proles. The circulation of transactional capitalism erases and de-legitimizes the biovitalities of populations.

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# **GUANTÁNAMO BODIES: LAW, MEDIA, AND BIOPOWER**

**CARY FEDERMAN & DAVE HOLMES**

“What’s worse than a Muselmann?  
Does he even have the right to live?”  
—Agamben (1999, 171)

## **Introduction**

The purpose of this article is to explain the status of those who are detained at Guantánamo Bay. Stated broadly, in assessing that status, we will emphasize the connection between the altered meaning of sovereignty that has accompanied the placing of prisoners in an American penal colony in Cuba and the biopolitical status of the prisoners who reside there. More particularly, we will locate the points of convergence among the factors (the war on terror, sovereignty, and the media) that have produced and reconstituted the legal and ethical status of Guantánamo detainees. In this Introduction, we describe the three factors that have framed the detainees’ status as something other than prisoners of war by connecting the situation of the detainees to the idea of the Muselmann, the outcast of the Auschwitz concentration camp system.

First, the war on terror. Apart from the reality of war on the battlefield, the war on terror also exists within a discursive framework. The war on terror has revived an interest in the theological and political differences between Christianity and Islam. It has created a discourse of dangerousness based on the religion of those who hijacked the planes that crashed into the World Trade Center on September 11, 2001, as well as the religion of those captured in Iraq and Afghanistan (Sengupta and Masood, 2005). Casting the war on terror in theological and political terms, Alberto Gonzales, President George W. Bush’s Attorney General, told some journalists that al Qaeda is different from all other enemies America has faced because it does “not cherish life” (Hersh, 2004, 5). Indeed, President Bush went further than his Attorney General by characterizing the war against al Qaeda as only part of the larger global war on terror. For President Bush, the global war on terror is one that may never end,

because the enemy is stateless, relentless, and potentially everywhere. Consequently, President Bush, in an important address to the American people following the events of September 11, saw fit to flesh out the implications of fighting an enemy that does not cherish life by warning the American people that they “should not expect one battle, but a lengthy campaign, unlike any other we have ever seen,” because the global war on terror will not be limited by the requirements of the laws of war. Effectively, a state of emergency had created a state of exception, where the norms of lawful behavior recede in favor of the more pressing concerns over security and the meaning of life itself:

It may include dramatic strikes, visible on TV, and covert operations, secret even in success. We will starve terrorists of funding, turn them one against another, drive them from place to place, until there is no refuge or no rest. And we will pursue nations that provide aid or safe haven to terrorism. Every nation, in every region, now has a decision to make. Either you are with us, or you are with the terrorists. From this day forward, any nation that continues to harbor or support terrorism will be regarded by the United States as a hostile regime. (Bush, 2001)

In the second part of this article, we discuss the reconfigured meaning of sovereignty as a factor in the reconstitution of the Guantánamo detainee as an enemy combatant who can be denied the privileges of prisoners of war. The traditional goal of sovereignty is to “establish the essential unity of power” on three “elements”: “subject, unitary power, and law” (Foucault, 2003, 44). For Michel Foucault, however, the “juridical existence of sovereignty” no longer categorizes subjectivity. “For a long time,” Foucault writes, “one of the characteristic privileges of sovereign power was the right to decide life and death” (1990b, 135). Now, wars are “waged on behalf of the existence of everyone” (1990b, 137). He called this insight “biopower.”

Biopower deals with the social body and its effects in producing norms. Foucault recognized that life gained new meaning in the classical age and again during the advent of capitalism. The concern over life (its ordering, maintenance, and subsistence), for Foucault, is a modern invention, and biopower represents a positive force in the sense that it produces new meaning to life. It assembles the forces of power and the effects of knowledge operating on subjects. The alteration in the view of sovereignty, then, from an institutional structure (premised on natural balances) to that which “obliges obedience” (Foucault, 2008, 303) means that, today, it is less important to focus on sovereignty as a political and institutional structure than as one element among many that structures subjectivity.

There is, for Foucault, a clear movement in history and philosophy away from concerns over the best regime and the proper ordering of the soul to the various and unrestricted elements that constitute the soul. For Giorgio Agamben, similarly, but with significant differences in emphasis, the meanings of sovereignty and of subjectivity have been irredeemably altered; Agamben argues that the concentration camp has replaced the city as the paradigmatic object of inquiry into sovereignty, subjectivity, and citizenship (Ek, 2006). This alteration has as its most significant trope the Muselmann.

In the third part of our essay, we discuss not a factor in the reconstitution of the detainee but the outcome of the two factors mentioned above. The idea of the detainee as a Muselmann contains within it important implications for the new understanding of sovereignty in the era of Guantánamo, in an age of exception. In Arabic, one who submits to the will of God is a Muslim. However, in the argot of Auschwitz (but not in all the concentration camps of the Third Reich), the Muselmann is the one who was “given up by his comrades ... a staggering corpse, a bundle of physical functions, in its last convulsions” (Amery, 1980, 9). In Auschwitz, the Muselmann became a classification of a certain kind of person unworthy of life, a product of Nazism’s peculiar ordering of rank among human beings in confinement.

Yet rather than categorizing the Muselmann as an outlier who is brought within the “juridico-political order” (Agamben, 1998, 18), Agamben sees the Muselmann as the being that constitutes the political order in modern times because that order no longer lives by the distinction between inside and outside, between the political animal and the slave. Such distinctions have crumbled in the presence of the Nazi concentration camps. Thus, the state of exception which brought forth the Muselmann is neither a legal phenomenon nor a political one, strictly understood. It is, rather, the space which validates the juridico-political order (Agamben, 1998, 19). Sovereignty, Agamben writes, is reconstituted here, on the threshold of the new order of the ages, and whose symbol is the concentration camp. The camp and its effects have overturned all moral qualities, all distinctions between human and animal, particularly with the advent of the Muselmann, whose presence we are only beginning to witness, but whose affect on power we cannot avoid. “*It can even be said that the production of a biopolitical body is the original activity of sovereign power*” (Agamben, 1998, 6; italics in original). For Agamben, the Muselmann reframes sovereignty at the point of convergence within the liminal spaces of sovereignty, Guantánamo, and biopower.

Fourth, then, we turn to the final factor in the altered status of the detainee, bioconvergence. The Bush Administration's legal tactics regarding detainees took place, in part, under cover of the media's failure to report the full story of the war's effects, both in battle and at Guantánamo, which allowed the Bush Administration to implement policies that both ignored legal norms and stretched the meaning of legal norms (Kurtz, 2004, A1; John, Domke, et al., 2007). And yet, two years after the war began, the media's newfound focus on the arrests and the conditions of imprisonment of those deemed "enemy combatants" provided the public with insight into the Bush Administration's thinking regarding friends and enemies. Through published pictures in major newsweeklies, the shrouded detainees of Guantánamo have become (and continue to be) the site of convergence for the effects of biopower on those deemed unworthy of national and international legal protections. Thus, at the intersection of sovereignty, the war on terror, and the media lies a convergence of ideas and practices that fundamentally alter the meaning of being a detainee.

### **I. The War on Terror**

On December 28, 2001, the *New York Times* reported that, as a result of finding no suitable place to detain those captured in the war on terror, detainees would be held in "the least worst place" (Seelye, 2001), Guantánamo Bay, Cuba. In January 2002, the United States, which has jurisdiction over Guantánamo through a 1903 treaty with Cuba, opened a number of detention camps there for the express purpose of holding those captured in the war on terror in a place the law could not reach. The Bush Administration argued, as Supreme Court Justice Antonin Scalia later wrote, that Guantánamo "is outside the sovereign 'territorial jurisdiction' of the United States" (*Hamdan v. Rumsfeld*, 2006, 670). By the end of January 2002, the detention camps at Guantánamo were operating at full capacity and the military was planning to add 1,000 more prisoners within the next few months (Seelye & Erlanger, 2002). Overall, only five detainees have been convicted of terrorism charges. An unknown number have been released without trial, after years of confinement. As of November 2010, there were 174 detainees remaining (Williams, 2010).

Between the events of September 11, 2001 and the establishment of detention camps in Cuba, Congress passed a resolution, the Authorization for Use of Military Force (AUMF). Section 2(a) of the AUMF grants the president the authority to:

use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized,



committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons. (Authorization for the Use of Military Force, 2001)

On November 13, 2001, President Bush issued an executive order subjecting non-citizens captured by U.S. armed forces to detention and trial by military tribunals. Section 2(a) defines those subject to the order as follows:

The term “individual subject to this order” shall mean any individual who is not a United States citizen with respect to whom I determine from time to time in writing that:

(1) there is reason to believe that such individual, at the relevant times,

(i) is or was a member of the organization known as al Qaida;

(ii) has engaged in, aided or abetted, or conspired to commit, acts of international terrorism, or acts in preparation therefor, that have caused, threaten to cause, or have as their aim to cause, injury to or adverse effects on the United States, its citizens, national security, foreign policy, or economy; or

(iii) has knowingly harbored one or more individuals described in subparagraphs (i) or (ii) of subsection 2(a)(1) of this order. (Military Order, 2001)

The Bush Administration characterized the events of September 11, 2001 as an act of war by non-state actors against the United States, though “the use of force by private persons rather than organs of a state has not traditionally constituted an ‘act of war’” (Elsa, 2007, 14). Because of the ill-defined nature of the “global war on terror,” that is, that it is a war and not a legal strategy to contain terrorism, but it is a war fought against non-state actors, where the guarantees of the Geneva Conventions are lower than for state actors, the Bush Administration argued that: (i) those detained by U.S. armed forces in Iraq and Afghanistan would be subject to trial by military tribunals, where the protections of due process are lower than in civil courts; (ii) detainees would have no right to habeas corpus; and (iii) the detainees could be subject to harsh tactics, including torture, to elicit information, with the participation of health officials (Physicians for Human Rights, 2010).

By the end of 2002, those in charge of Guantánamo's prison camps had been given a "72-point matrix for stress and duress," which laid out types of coercion and the escalating levels at which they could be applied. These included the use of harsh heat or cold; withholding food; hooding for days at a time; naked isolation in cold, dark cells for more than 30 days, and threatening (but not biting) by dogs. It also permitted limited use of "stress positions" designed to subject detainees to rising levels of pain (Barry et al., 2004).

An investigation into claims of torture by U.S. soldiers at Abu Ghraib prison, in Iraq, revealed "the following acts":

- (1) Punching, slapping, and kicking detainees[, and] jumping on their naked feet;
- (2) Videotaping and photographing naked male and female detainees;
- (3) Forcibly arranging detainees in various sexually explicit positions for photographing;
- (4) Forcing detainees to remove their clothing and keeping them naked for several days at a time;
- (5) Forcing naked male detainees to wear women's underwear;
- (6) Forcing groups of male detainees to masturbate themselves while being photographed and videotaped;
- (7) Arranging naked male detainees in a pile and then jumping on them;
- (8) Positioning a naked detainee on a ... Box, with a sandbag on his head, and attaching wires to his fingers, toes, and penis to simulate electric torture;
- (9) Writing 'I am a Rapest' (sic) on the leg of a detainee alleged to have forcibly raped a 15-year old fellow detainee, and then photographing him naked;
- (10) Placing a dog chain or strap around a naked detainee's neck and having a female Soldier pose for a picture;
- (11) A male MP [military police] guard having sex with a female detainee;
- (12) Using military working dogs (without muzzles) to intimidate and frighten detainees, and in at least one case biting and severely injuring a detainee; and
- (13) Taking photographs of dead Iraqi detainees. (American Journal of International Law, 2004, 594-595)

In 2004, the Bush Administration repudiated a 2002 Office of Legal Counsel memo that had argued that the torture of detainees was legally permissible, provided that legal distinctions were made between acts that "constitute cruel, inhuman, and degrading treatment" and torture (Bybee, 2002, 31; Levin, 2004). Although the use of torture seems to have been more widespread in Iraq than at Guantánamo, the prison camps at Guantánamo remain places where torture and extreme punishment have occurred and those in charge have not been punished (Physicians for Human Rights, 2010;

Woodward, 2009). The Obama Administration had stated that it would close the prisons at Guantánamo (and relocate the prisoners to Illinois), but it missed its own deadline and later abandoned the idea that prisoners be moved to Illinois. It has also stated that it plans to keep using military tribunals to prosecute some detainees at Guantánamo Bay (Baker and Herszenhorn, 2009). The issue, then, of the status of those held at Guantánamo turns, to some extent, on the meaning of sovereignty, and has implications for understanding biopower in the age of the concentration camp.

### *Legal Exceptions*

In this section, we will examine two key cases that made their way to the United States Supreme Court from Guantánamo with much difficulty. In the first case, Salim Ahmed Hamden, who was not an American, was deemed by the Bush Administration to be an enemy combatant and denied the right to petition for his release. In the second case, the Bush Administration considered Yasir Hamdi, an American, an enemy combatant and denied him his rights to an attorney and to petition federal courts. The question in both cases is whether those captured in the war on terror have the right to petition federal courts for relief. But the answers are not simple. Traditionally, non-state enemy combatants, particularly non-American non-state enemy combatants, have not been accorded the full panoply of rights guaranteed by both the U.S. Constitution and the Geneva Conventions. Americans who engage in war against the United States are also in a gray zone of legal protections.

During the invasion of Afghanistan, U.S. armed forces captured Salim Ahmed Hamdan, a citizen of Yemen and a chauffeur for Osama bin Laden. In June 2002, Hamdan was transferred to Guantánamo Bay, Cuba, and subsequently charged with one count of conspiracy to commit terrorism. President Bush, acting under an order his office issued on November 13, 2001, declared Hamdan suitable for trial by military commission, despite Hamdan's claim that he was a civilian, not an armed soldier in the war between the United States and Afghanistan (Johnson v. Eisentrager, 1950, 765; Goodman, 2009). A Combatant Status Review Tribunal (CSRT) declared Hamdan to be an enemy combatant. Hamdan then filed a writ of habeas corpus in the United States District Court for the District of Columbia.

In state and federal criminal cases, a writ is applied for after conviction, to contest the legal grounds used to convict. If granted, the prisoner is either set free or retried according to a different set of legal criteria. Hamdan, however, applied for habeas corpus before the military tribunal convened, citing a

“substantial” claim that the commission lacked jurisdiction to try him. The district court ruled in Hamdan’s favor, on the ground that the government first had to prove that Hamdan was a prisoner of war before trying him by military commission. The United States Court of Appeals for the District of Columbia Circuit reversed the lower court’s decision. The appellate court ruled on a number of important legal issues, but for our purposes it is notable that the appellate court held that the Geneva Convention, as a treaty among nations, does not confer rights or remedies on individuals (*Hamdan v. Rumsfeld*, 2005, 38-39). The Supreme Court reversed the appellate court’s ruling (*Hamdan v. Rumsfeld*, 2006).

No straight line runs from Hamdan’s arrest in Afghanistan to his petition for habeas corpus from a cell at Guantánamo, Cuba, to a court in Washington, D.C. While Hamdan was at Guantánamo, Congress passed the Detainee Treatment Act. “Under the 2005 Detainee Treatment Act, detainees may appeal decisions of the military tribunals to the District of Columbia Circuit, but only under circumscribed procedures, which include a presumption that the evidence before the military tribunal was accurate and complete” (Stout, 2008). The government’s position regarding Hamdan’s claim was that the Supreme Court had no jurisdiction to review the appellate court’s ruling. In other words, Hamdan and other non-American detainees at Guantánamo have no right to petition American federal courts for habeas corpus relief from unlawful imprisonment because that right is reserved for Americans. The government also argued that Congress has the power to curtail the Supreme Court’s habeas jurisdiction, though this is a point of dubious legality. The government argued that it was free to hold Hamdan and all non-American detainees at Guantánamo until the cessation of the war on terrorism or until a court finds that the detainees are no longer a threat to American security interests (*Hamdan v. Rumsfeld*, 2006, 671; *Hamdi v. Rumsfeld*, 2004, 510-511). In an *amicus curiae* brief submitted to the Supreme Court on behalf of Hamdan, 304 British and European parliamentarians wrote that to deny detainees the right to contest their confinement in American courts would thrust them into a “shadow world where neither the Constitution nor the Laws of the United States nor the rules of international law ... afford any appropriate protection whatsoever” (Amicus Brief, 2006, 5).

Taking seriously the claim that Guantánamo could be considered “a geographic area in which certain legal rules, otherwise regarded as embodying fundamental policies of the larger legal system, are locally suspended” (Neumann, 1996, 1201), Supreme Court Justice John Paul Stevens, writing for the majority in *Hamdan*, said that military tribunals are “neither mentioned in the Constitution nor created by statute.” They were “born of military necessity”

(*Hamdan v. Rumsfeld*, 2006, 590), and have been used in every American war, including the American Revolution (Fisher, 2004). For Stevens, however, the context of the creation and use of military tribunals during war or war-like conflicts, rather than providing the Bush Administration with grounds to continue using military tribunals, created, rather, a reason to scrutinize the use of military tribunals for those detained at Guantánamo, particularly as the president claimed to have the power to create them as part of his constitutional powers during an emergency. Two important questions flow from Justice Stevens' opinion: Must military—not civil—courts try Hamdan out of a perceived necessity that Hamdan posed a national security risk? If so, what emergency has prevented Hamdan from obtaining relief in a civil court? (Relyea, 2001; Relyea, 2006).

The government argued, first, that Hamdan would be tried by a legally constituted military tribunal, complete with the possibility of making a defense, and in the event of failure, with the possibility of appeal. Second, the government argued that Hamdan had no claims as a prisoner of war under the Third Geneva Convention (Avalon Project, 1969). He was an enemy combatant, subject to military law. Although all signatories to the Convention are bound by its terms to respect prisoners of war, “there is no suggestion of judicial enforcement” outside the parameters established by American law, the government argued (*Hamdan v. Rumsfeld*, 2005, 40). Hamdan, in this view, is subject to “humane treatment” and the “judicial guarantees which are recognized as indispensable by civilized people” (*Hamdan v. Rumsfeld*, 2005, 41). But no more.

The Supreme Court disagreed with the Bush Administration's arguments. Apart from the procedural weaknesses that favor the prosecution's narrative over the defendant's—for example, statements made under duress or coercion can be admitted, witnesses need not be sworn, and guilt can be determined by a two-thirds vote—the Court made a number of important statements regarding the establishment of military tribunals. Although the Supreme Court declined to answer the question whether the president has the sole authority to establish military tribunals based on inherent powers bestowed on him by the Constitution and by the exigencies of war (*Ex parte Quirin*, 1947, 28), the Court was reluctant to accept the argument that the president can create “military commissions when he deems them necessary” (*Hamdan v. Rumsfeld*, 2006, 593). The idea that Congress, not the president, has the power to create military tribunals, Justice Stevens argued, has not been repealed by the executive orders and laws passed in the wake of September 11. Nor have the laws of war, to which the United States is a signatory, been repealed. Moreover, Congress never declared a state of emergency. Civil courts remained open

following the events of September 11, 2001. Regarding adhering to and implementing the Geneva Conventions, Justice Stevens rejected the court of appeals' opinion that "the war with al Qaeda evades the reach of the Geneva Conventions" (*Hamdan v. Rumsfeld*, 2006, 628).

Although the Supreme Court ruled against the Bush Administration regarding Hamden's status as a detainee with rights against his captors, the Bush Administration did not stray too far from a reasonable interpretation of how to treat non-Americans captured in a theater of war. The more difficult case is figuring out what rights Americans have when captured by U.S. forces in a theater of war, where the assumption is that the American had joined an enemy of the United States and had taken up arms against it.

Yaser Hamdi was born in Louisiana to two Saudi subjects. At the time of his capture in Afghanistan, he was an American citizen. He no longer is; he has been stripped of his citizenship and dispatched to Saudi Arabia. He was transferred to Guantánamo and, when it was discovered that he held an American passport, to a military brig in South Carolina. He was then held in solitary confinement for two years, never charged with a crime. He had little contact with lawyers and no military tribunal has ever determined his legal status. But because he was a fighter for the Taliban, he was designated as an enemy combatant.

The Department of Defense argued that American citizens who are considered to be enemy combatants could have access to an attorney, provided that "such access will not compromise national security" (Respondent's brief, 2004, 8). The government, moreover, argued that during times of war, "the President, as Commander in Chief, has the authority to capture and detain enemy combatants" (Respondent's brief, 2004, 9). The problem with this argument is the following: if the war on terror is endless, what use are the other institutions of government in the war on terror? Has the war on terror turned the United States into a presidential dictatorship? Has the exception overcome the rule? According to the Constitution, if the president wants to hold American citizens indefinitely during wartime, the remedy is simple: have Congress suspend the writ of habeas corpus by declaring, in accordance with Article I, section 9, clause 2—which grants (somewhat ambiguously) the authority to Congress to suspend the writ during times of rebellion—that the United States is under a state of emergency.

The United States District Court for the Eastern District of Virginia ordered Hamdi released but the United States Court of Appeals for the Fourth Circuit reversed this order, arguing that, as Hamdi was captured in a zone of conflict—which offered him only minimal legal protections, according to both

U.S. and international law—the district court needed to defer to the president’s war powers regarding detaining enemy combatants. The Supreme Court, however, was confident that the United States was not undergoing a rebellion, and therefore held that Hamdi was entitled to all the constitutional protections given to any American citizen. Although there was no clear majority on the Supreme Court for the position announced either by the district court or the court of appeals, eight justices agreed that the president does not have the sole authority to hold American citizens indefinitely without due process of law. Going even further than the majority, Justices Scalia and Stevens argued that:

Where the Government accuses a citizen of waging war against it, our constitutional tradition has been to prosecute him in federal court for treason or some other crime. Where the exigencies of war prevent that, the Constitution’s Suspension Clause, Art. I, §9, cl. 2, allows Congress to relax the usual protections temporarily. Absent suspension, however, the Executive’s assertion of military exigency has not been thought sufficient to permit detention without charge. No one contends that the congressional Authorization for Use of Military Force, on which the Government relies to justify its actions here, is an implementation of the Suspension Clause [i.e., the clause that allows Congress to suspend habeas corpus during times of rebellion]. (*Hamdi v. Rumsfeld*, 2004, 554)

In the eighteenth century, Britain created two “exempt jurisdictions” in which habeas corpus relief could not be obtained: the Channel Islands and India. Persons sent to those places could be detained indefinitely with no right to petition a judge for relief (*Boumediene v. Bush*, 2008, 2249). Is this the Bush Administration’s model, putting prisoners on an island off the coast of the United States, that the United States controls but does not possess, and making that island-prison a place where prisoners have no legal claims against their captors? (*Rumsfeld v. Padilla*, 2004, 465). In fact, the connection between the exempt jurisdictions of the British Empire and Guantánamo is thin, and also largely irrelevant. The British maintained some degree of control over their imperial possessions and courts were open but unavailable for certain detainees. By contrast, there are no federal courts at Guantánamo and the de facto captor is the Secretary of Defense or the President of the United States, who can only be reached by writs of habeas corpus filed in federal courts on the mainland of the United States. More important, as the Supreme Court stressed in *Boumediene*, “given the unique status of Guantánamo Bay and the particular dangers of terrorism in the modern age, the [British] common-law courts simply may not have confronted cases with close parallels to this one”

(*Boumediene v. Bush*, 2008, 2251). Although Cuba has ultimate jurisdiction over the island, the United States has effective jurisdiction over Guantánamo Bay. Therefore, it could be argued that Cuba has *de jure* sovereignty over Guantánamo, because it is part of Cuba, but the United States exercises “practical sovereignty” over Guantánamo because it has “maintained complete and uninterrupted control” over the bay for 100 years (*Boumediene v. Bush*, 2008, 2258).

To be sure, Guantánamo is not the legal void it once was (*Haitian Refugee Center, Inc. v. Baker*, 1992). “Guantanamo Bay is in every practical respect a United States territory” (*Rasul v. Bush*, 2004, 487). It is a place where the United States holds those (including civilians) it classifies as enemy combatants, whose rights are ranked lower than prisoners of war. And because of that juridical designation, the government has argued that those detained at Guantánamo have no rights against the United States, in part because of the government’s view that Guantánamo is outside the United States’ territorial jurisdiction, but also because those detained there are not state actors with definable rights under U.S. and international law (United Nations, 2006, 12).

It is not, however, the purpose of this paper to examine the rights of those detained at Guantánamo. Rather, we seek to situate the detainees within the broader discursive field that relegates them to a lower status than prisoners of war because of the state of exception that they inhabit. Following the events of September 11, President Bush characterized the war on terror as a war that demands the full strength and power of the national security apparatus. This would be a war like no other the United States has engaged in:

I know that some people question if America is really in a war at all. They view terrorism more as a crime—a problem to be solved mainly with law enforcement and indictments. After the World Trade Center was first attacked in 1993, some of the guilty were indicted, tried, convicted, and sent to prison. But the matter was not settled. The terrorists were still training and plotting in other nations, and drawing up more ambitious plans. After the chaos and carnage of September 11th, it is not enough to serve our enemies with legal papers. The terrorists and their supporters declared war on the United States—and war is what they got. (Bush, 2004)

In a situation governed by a war mentality rather than by the formalities of criminal justice, where the protections of due process are higher, the Bush Administration abandoned concerns for abiding by established judicial norms regarding prisoners of war (Mayer, 2007). Attorney General Gonzales argued



that “this new paradigm [the global war on terror] renders obsolete Geneva’s strict limitations on questioning of enemy prisoners and renders quaint some of its provisions” (Barry et al., 2004, 3). In this new configuration, Guantánamo is the rule by which the exception is defined. And because the status of the Guantánamo detainees signifies more than a legal void, in the next two sections, we turn to three key thinkers on the question of sovereignty, biopower, and the state of exception (Foucault, Agamben, and Carl Schmitt), to discuss the contested meaning of sovereignty and the implications for understanding the role of the excluded in an age of exception.

## II. Sovereignty

### *Friends and Enemies*

The German legal theorist, Carl Schmitt, is regarded as the first thinker to characterize modern society by the distinction “friend” and “enemy.” “War is the existential negation of the enemy” (Schmitt, 1996, 33, 26). Friends and enemies are to be “understood in their concrete and existential sense” (Schmitt, 1996, 27). Schmitt speaks of the “real possibility of physical killing” in the contest between friends and enemies (Schmitt, 1996, 33). He does so because the enemy is more important, existentially, than the friend. And this is so because for Schmitt, unlike for Thomas Hobbes, the state of war takes place not among individuals, but “of groups, and especially of nations” (Schmitt, 1996, 8, n. 14). Schmitt thus elevates the political existence of the state and of society above other forms of organization within the state and society. He attacks liberalism in the name of that to which it is most opposed: the centralization of power for the purpose of exposing the contradictions of the rule of law for governance. The enemy, and not an abstract pursuit of happiness, provides the state and its inhabitants with meaning. The exception—the suspension of the norm—is the ground upon which the political is restored. Thus, the political is not the equivalent of the “moral, aesthetic, and economic” ways of constituting the state. The political rests “on its own ultimate distinctions” (Schmitt, 1996, 26).

Because Schmitt invests the sovereign with the power to decide who are the friends and enemies of the state, the sovereign has the power to decide who lives and who dies. Schmitt sees the sovereign not as a judge, a legislator, or an executive. The sovereign is not a dictator. The sovereign stands outside of these categories even as it is invested in making decisions that involve legislative, executive, and judicial domains. The sovereign makes these decisions and distinctions but is not part of these decisions and distinctions. The sovereign

stands outside of law and yet is part of law. The peculiar position the sovereign has in regard to the law grants the sovereign a monopoly over decision making. The sovereign determines the qualities of the emergency, the limits of the crisis, and the state of exception. “Sovereign is he who decides the exception” (Schmitt, 2005, 5). The exception, the suspension of law in its crudest sense, creates the space for the sovereign to act against those who are not its friends. “The sovereign decides not the licit and illicit but the ordinary inclusion of the living in the sphere of law” (Agamben, 1998, 26).

Schmitt’s contention is that the modern state refuses to acknowledge the importance of violence to governance because it desires a peace established out of the fractured parts of a whole working antagonistically yet peacefully to achieve temporary power. This is untenable for Schmitt. In this view, modern liberalism transforms the enemy into a competitor for power; sovereignty is reduced to jurisdiction. Power means the separation of powers. The mantra of American separation of powers theory—“The government of the United States is supreme within its sphere of action” (*Dobbins v. Comm’rs of Erie County*, 1842, 447)—encapsulates the essence of modern liberalism’s desiccated understanding of power. To further divide sovereignty in the name of freedom, liberalism makes a distinction between normal and emergency powers (Lobel, 1989).

Attacking liberalism over these core issues, the true threat to peace, Schmitt writes, is not the economic competitor or the smaller jurisdiction. The enemy does not follow the logic of economic rationality or the constraints imposed by modern liberalism (Hobbes, 1962, part II, ch. 28). Because Schmitt sees the challenge to sovereignty as an existential and ontological threat, the outsider is not to be accorded any place outside the regime, as an effect of power, a remainder, which is how the law regards enemy combatants. To view the outsider this way is to downgrade the importance and the centrality of the enemy’s place in constituting the political. The outsider is not outside the political, “morally evil or aesthetically ugly.” The threat is moral, but not abstractly moral. The friend/enemy distinction is “specifically political” (Schmitt, 1996, 26). The enemy must be “the other, the stranger” (Schmitt, 1996, 27). The enemy is determined by the “mode of behavior” that clearly evaluates “the situation” and correctly distinguishes the friend from the enemy (Schmitt, 1996, 37). The enemy “is solely the public enemy” (Schmitt, 1996, 28). For this reason, the sovereign keeps its gaze on the “dire emergency” (Schmitt, 1996 105). The sovereign is free to create a state of exception in the presence of the enemy.

Schmitt empties modern political life of the vestiges of classic European rationality (Weber, 1958). The “glamorization of violence” (Scheuerman, 1997, 20) in Schmitt’s work leads to the abandonment of any ethic of responsibility on behalf of the state or state actors toward those previously deemed outlaws of “humanity” but now considered as enemies (Schmitt, 1996, 79). The violation of legal norms can now be discussed openly (Harris, 2005). Consequently, the resolution of the friend/enemy distinction is not a question of jurisdiction or of political competition. The question of friends and enemies cannot be resolved by discussion between parties or among those with shared convictions or those with conflicting interests in the governance of the state (Schmitt, 1988). Rather, the sovereign must make decisions; “the decision is the event through which the subject constitutes itself” (Papacharlabous, 2010, 57). The decision to act is best done in a moment of crisis for the state, when it confronts the enemy. “There exists no norm that is applicable to chaos” (Schmitt, 2005, 13).

Agamben asks, regarding Schmitt’s friend/enemy distinction: what is the structure of sovereignty that it “consists in nothing other than the suspension of the rule?” (Agamben, 1998, 17). For Agamben, the state of exception is not a state of chaos. The state of exception is the “situation that results” from the suspension of the rules (Agamben, 1998, 18). What defines chaos is not excess but its existence within a state. With the suspension of the law, the “juridical order’s validity” (Agamben, 1998, 18) is suspended, withdrawn, and abandoned; the outside and the inside collapse on each other. The sovereign has now created and defined “the very space in which the juridico-political order can have validity” (Agamben, 1998, 29). But the validity of the juridical order is, at the same time, ambiguous. What is outside and what is inside now exist in a “zone of indistinction” (Agamben, 1998, 19). Under these conditions, the state of exception moves to the forefront of politics, redefining norms along the way. And in this process of redefinition, the meaning of life for Agamben is clarified: the status of the enemy is one of bare life.

The state of exception “implicated bare life within it” (Agamben, 1998, 83). What is bare life? Agamben writes that in Roman law, *homo sacer* is the one who is both sacred and damned. *Homo sacer* can be killed but not sacrificed.

*The sovereign sphere is the sphere in which it is permitted to kill without committing homicide and without celebrating a sacrifice, and sacred life—that is, life that may be killed but not sacrificed—is the life that has been captured in its sphere.* (Agamben, 1998, 83; italics in original)

In a world bereft of nature, history, and a deity as a ground for ethics, life loses its meaning as a thing-in-itself. The sovereign is the “guarantor” of the situation of life (Schmitt, 2005, 13). But what does Schmitt mean by life? Agamben locates two meanings for life in modernity. “The Greeks had no single term to express what we mean by the word ‘life’” (Agamben, 1998, 1). They used two distinct terms for life: *zoe*, “which expressed the simple fact of living common to all living beings,” and *bios*, “which indicated the form or way of living proper to an individual or a group” (Agamben, 1998, 1).

For Agamben, the central image (and producer) of life during a time shrouded in the friend/enemy distinction is the concentration camp. The camp is a “no man’s land between coma and death” (Agamben, 1998, 161). The camp comes into existence as a political concept when the state of exception is normalized. The camp is not a temporary camp, a displacement camp for refugees on their way to someplace else, but a permanent feature of the modern world, modern politics, and of modern thought (Agamben, 1998, 174). It is a place to house the *zoes* of the world (Agamben notes that in Greek, *zoe* has no plural; 1998, 1). Because it houses the exceptional, it is a space of exception. When Heinrich Himmler created “a concentration camp for political prisoners,” Agamben writes, he placed it “outside the rules of penal and prison law” (Agamben, 1998, 169). With the construction of prison camps in Guantánamo as places outside the law, the exception once again becomes the norm.

Because the exception has taken over for the norm such that the two are “indistinguishable” (Agamben, 1998, 170), the camp is the realization of the normality of the exception. Guantánamo as a liminal space is the natural place for those held captive in the war on terror because those it holds “do not value life.” The inhabitants of the camp are those who have been denationalized, stripped of their “political status,” and “deprived of their rights and prerogatives” (Agamben, 1998, 171) to such an extent that any harm committed against them no longer appears as a crime (Bybee, 2002; Savage, 2010; Optional Protocol to the Convention on the Rights of the Child). The inhabitants of the camps are *zoe as such*. They are the remnants of the active life, made bare by their status as enemies of the sovereign. For Agamben, the creation of the friend/enemy distinction no longer relies on law (if it ever did). Rather, following Foucault, Agamben posits the creation of the *zoe* as an aspect of the onset of biopolitics. Biopolitics is the result of a certain “art of government” (Foucault, 2008, 2) that arose at a particular time in western history and thought as an effort to “rationalize the problems posed to governmental practice by phenomena characteristic of a set of living beings forming a population” (Foucault, 2008, 317). Biopolitics has no sovereign will driving its application; there is no Being behind it. Rather, it is an application of

rationalities and consequently, for Foucault, it has a contingent quality to it. For Agamben, however, it is a strategy for governance amid the presence of the enemy. Agamben actualizes the *homo sacer* because the *homo sacer* is “exemplary of biopolitics” (Ansah, 2010, 147).

### *The Suspension of the Norm*

Like the first Iraq war—which Jean Baudrillard famously argued did not “take place” (Baudrillard, 1995), by which he meant that the war was a media (and mediated) event—the current wars in Iraq and Afghanistan continue to be seen from a distance (Stolberg, 2004; Rhee, 2009). But these wars differ from the first Gulf war in that they are being fought between the army of a state and those who are seemingly stateless. More important, the second war in Iraq has revealed a problem—the management of prisoners—that is more than merely “organizational-technical” in nature (Schmitt, 2005, 65). To be sure, the prisoner problem is both old and new. It is old in the sense that all wars create prisoners and refugees and their concomitant administrative problems: where to put them, how long to hold them, and how to treat them, etc. (Arendt, 1994; Arendt, 1958, chap. 9).

What is new is that the Bush Administration intentionally placed prisoners captured in the war on terror in a “law-free zone, a place where the government could do whatever it wanted without having to worry about whether it was legal” (American Civil Liberties Union, 2008). The war on terror, then, has produced a different set of strategies for the containment of prisoners of war and enemy combatants than previous modern wars because it has removed prisoners of war and enemy combatants from the protections afforded by both the U.S. Constitution and by international treaties. It has reframed the conflict over prisoners as an existential struggle between friends and enemies. It has brought back the concept of executive decisionism and exposed the weaknesses of liberal thought on the rule of law (Schmitt, 1996, 35, 37), because the creation of a penal colony that exists in a gray zone of legality does more than highlight an administrative problem for the war on terror. The emergency created by the war on terror presents itself as the central meaning of the war because it turns a common administrative problem of war into the prime ethical problem that plagues modern thought: the management of bodies according to the valuation of their worth. It is in this sense that Guantánamo has reframed the identity and the status of the prisoners held there, legally and ontologically, by removing any stake they might once have had in a “qualified life” (Agamben, 1998, 1), that is, in a life beyond mere existence. Guantánamo has reduced its inmates to life as such, forcing these bodies to

exist at a point of convergence among biopolitical, bioethical, and biocultural realms.

For Agamben, the connection between life and sovereignty occurred not in the classical age, which Foucault understands as the sixteenth and seventeenth centuries, but in classical Greece and Rome. Agamben differs from Foucault in this respect, and the implications for their different understandings of sovereignty lie here. Because Agamben is not as reluctant as Foucault to approach a unifying theory, he writes that there is a “point at which the voluntary servitude of individuals comes into contact with absolute power” (Agamben, 1998, 6). Within a “zone of indistinction,” the norm and the exception collapse, and the emergence of biopower in history represents the true meaning of sovereignty because it connects the concern for life with the forces of power. Agamben then locates the origins of that concern in classical Greece. In this sense, Agamben’s ontology contains a critique of the concept of the political, but one that goes beyond Schmitt’s understanding of the limitations and possibilities of the political as such. The *zoe*, for Agamben, functions as a paradigm which he uses to explicate the meaning of sovereignty and subjectivity in the age of the camp. Biopolitics “fulfills the potential of its origin in turning against that origin” (Norris, 2000, 39). The emergence of the *zoe*, of the man who can be killed at will—the *homo sacer*—in the Nazi camps, as well as in all other places of confinement, is Agamben’s basis for his argument that “bare life has the peculiar privilege of being that whose exclusion founds the city of men” (Agamben, 1998, 7).

What, then, is Guantánamo’s place in the structure of Agamben’s thought? Guantánamo is not only a biopolitical space but also a place of anomie because, though the law has been suspended (the detainees have no legal classification outside of being enemy combatants, which means, despite some success in the Supreme Court, they can remain in confinement for the duration of the war on terror), it still exists as a reality (the rule of law is upheld in the absence of a law governing enemy combatants). What Guantánamo has created, in this view, is a peculiar hybrid: an institution of restriction and an entity that decides who lives, who is known, and who disappears (Meek, 2003). Guantánamo appears as the rupture in modern thought between the norm and the exception. Its appearance highlights the collapsed distinction between nature and law, and therefore represents the normality of the “state of exception as a permanent structure of juridico-political de-localization and dis-location” (Agamben, 1998, 38). As the state of nature always exists within the state of civil society, the state of exception exists within the norm.

To be sure, outside the camps, the prisoners exist as (not yet) legal entities pressing claims in American courts against their captors. But this situation only reduces them to life “purely insofar as it is political” (Rose, 1996, 26). In Agamben’s words, life and law (*bios* and *nomos*) become indiscernible in the state of exception, creating “*a juridical rule that decides the fact that decides on its application*” (Agamben, 1998, 171; italics in original). Law no longer has the force of law, insofar as law is no longer regarded as a set of institutions that act on the command of the sovereign. This is not lawlessness or anarchy. The law is being governed by a *biological* impetus that expresses the fragility of life and uncertainty of the modern condition. Speaking not of internment camps as such but of places that become places of internment, Agamben writes, “the normal order is de facto suspended,” and the determination of atrocities turns not on law “but on the civility and ethical sense of the police who temporarily act as sovereign” (Agamben, 1998, 174).

Whereas Foucault viewed the Nazi state and its camps as a “paroxysmal space in which sovereign power and biopolitics coincided” (Gregory, 2006, 406), Agamben views the camp itself, whether as an extermination camp or a detention center, as the “sign of the system’s inability to function without being transformed into a lethal machine” (Agamben, 1998, 175). Agamben reinterprets Foucauldian biopolitical sovereignty by collapsing any distinction Foucault made (or implied) between sovereignty and biopower, ancient and modern power. Agamben seeks to correct or complete the Foucauldian analysis of biopower and sovereignty by placing the camp within the concept of man’s being-in-the-world, and not by demarcating it as an extension of modern thought (Agamben, 1998, 9). “The politicization of bare life as such,” Agamben writes, “constitutes the decisive event of modernity and signals a radical transformation of the political-philosophical categories of classical thought” (Agamben, 1998, 4). This “transformation,” Andrew Norris writes, “is made possible by the very metaphysics of those very ancient categories” (Norris, 2000, 39). In other words, Agamben, unlike Foucault, sees the concern with the ordering of life to be without disjunction.

For Foucault, the rise of biopower is connected to the rise of the natural and social sciences in the nineteenth century. He saw an intensification of power over life during this period. But Agamben is in search of the “point of intersection” “at which techniques of individualization and totalizing procedures converge” (Agamben, 1998, 6). And once the paradigm is isolated in the camp and through the Muselmann, he can then connect the idea of the power over life and death from Aristotle to Auschwitz and through to Guantánamo. What Agamben sees in Guantánamo is biology, law, and humanity subjected to a relentless logic of exclusion, classification, and fear

that determine the outcome of events. The detainees are thus understood to “reside in the liminal, in-between spaces that survive at the borders and frontiers of the social order” (Nishime, 2005, 34). The Guantánamo detainees are the twenty-first century’s Muselmann.

### III. The Muselmann

Fleur Johns has argued that by anchoring Guantánamo securely within the American jurisdictional orbit, the Supreme Court has not imbibed “the language of Schmittian exceptionalism. Rather, it is suggestive of efforts to construct a series of normatively airtight spaces in which the prospect of agonizing over an impossible decision may be delimited, and where possible, avoided” (Johns, 2005, 631). In other words, the Supreme Court has responded to the Bush Administration’s argument for the inherent powers of the president during war time by forcing the executive branch into a legal battle, thereby denying any claims to a suspension of the norm (Johns, 2005, 614). The policies of the Bush Administration may have been done without regard for international law, but the law has not been overtaken.

To be sure, following the events of September 11, 2001, the Constitution was not suspended (though habeas corpus effectively was, for non-Americans, and some Americans, such as Jose Padilla, were held without charges and transferred between prisons without notice), courts were open, and those outside the orbit of American law were brought within it (though some remain at Guantánamo, in a legal limbo, while others have been sent home, mentally impaired from what they endured) (Cratty, 2008). While this view has a lot to recommend, there is another way to look at Guantánamo, using the insights of Agamben.

Whereas for Aristotle, the *polis* determined the line between *zoe* and *bios*, for Agamben, the Muselmann is the reconfigured sign of the times, the limit-figure of late modern thought. In other words, the dominant figure in modernity can no longer be the politically active man or the man of contemplation, but the one who is subject to disciplinary institutions and discourses that affect his being, whose life is solely determined by the act of the sovereign. With the Muselmann, action loses “its somatic prerequisites” (Sofsky, 1997, 201). In Auschwitz, action is not willed action, it is only reaction, and man is reduced to mere existence. The sacredness of life has no metaphysical content and no desired end. Rather, “Life is sacred only insofar as it is taken into the sovereign exception” (Agamben, 1998, 85).



Agamben sees a connection between the “structure of sovereignty and the structure of *sacratio*” (Agamben, 1998, 83) that “illuminates” the significance of *homo sacer* in modern thought. The affirmation of life is not because life is sacred of itself; rather, life gains meaning by being premised on the negation of the other. It has long been thought that every act of sovereignty requires the “concealment of impurities” (Connolly, 1995, 138). It is no longer possible to do so. With the presence of the Muselmann in the camp, Agamben turns upside down Aristotle’s elevation of the *zoon politikon* as a creature who leads his life according to reason.

Rather than accepting the idea that a clear line demarcates the state of nature from civil society (or reason from unreason), Agamben demonstrates how the existence of *zoe* presupposes the existence of a *bios*. “Bare life is a necessary part of the good life, in that the good life is what bare life is not and what bare life becomes” (Norris, 2000, 41). Once the traditional understanding of reason as that-which-is-not-unreason has been overturned, Agamben can then destroy the image of the best regime as an ahistorical trope, because the city no longer plays the defining role in structuring subjectivity. Along with this destruction, law too will lose its privileged place. The logic of sovereignty can no longer reside in the fictive creation of the best city whose likeness is reflected in the best man and remains so for all time, but in the negation of life. Death is “not an exceptional event in the camp” (Sofsky, 1997, 204).

The immiseration of the Muselmänner in Auschwitz (and perforce in any carceral sphere) represents a concomitant “destruction of the social sphere” (Sofsky, 1997, 200). Agamben provides us with a picture of the destruction of the city and of man’s degraded place in the city by the intensification of biopower on emerging subjects. His archaeological method reveals that the debased condition of the Muselmann has replaced as the limit-figure of thought Freud’s neurotic, Plato’s philosopher-king, and Aristotle’s *zoon politikon*. This is, Agamben writes, “a catastrophe” (Agamben, 2005, 56), which is why, in truth, “no one wants to see the Muselmann” (Agamben, 1999, 50). But it is a catastrophe that must be seen and understood, even if our understanding is circumscribed by our status as non-prisoners; we, being neither Muselmänner nor survivors, can only believe or disbelieve the witness (Lyotard, 1988, 42-43). The witness, therefore, occupies a privileged place in bringing into the light the meaning of the Muselmann. The camp survivor, however, is not the best witness, for he or she has not endured the full effect of biopower. It is the Muselmann who is the “complete witness” (Agamben, 1999, 165) because he has seen “the Gorgon” and has been rendered “mute” by the experience (Levi, 1989, 83-84). For Primo Levi, as for Agamben, it is the Muselmann who is the “complete witness,” for he is the “rule, we [survivors] are the exception” (Levi,

1989, 84). The Muselmann has been rendered visible by the forces that constitute sovereignty and subjectivity.

Their life is short, but their number is endless; they, the Muselmänner, the drowned, form the backbone of the camp, an anonymous mass, continually renewed and always identical, of non-men who march and labour in silence, the divine spark dead within them, already too empty to really suffer. One hesitates to call them living: one hesitates to call their death death, in the face of which they have no fear, as they are too tired to understand. (Levi, 1996, 90)

Not man as a social animal, nor man as a neurotic, nor law in its majesty, but the power over life and death pervades the idea of sovereignty. For Agamben, the Muselmann occupies the critical juncture in the development of the modern state. The forces operating on and against persons are no longer as they were in the eighteenth century, as Foucault has shown, “addressed to bodies,” but are now directed to “man-as-species” (Foucault, 2003, 242). For Agamben, this is more than a development of a new technology of surveillance. The existence of the Muselmann “inaugurates a new juridico-political paradigm in which the norm becomes indistinguishable from the exception” (Agamben, 1998, 170). The inhabitants of the camps are “denationalized” (Agamben, 1998, 171) denizens, whose lives are determined by the exigency of the situation. Not law, but the “extreme situation” (Agamben, 1999, 55) of the war against enemies determines the norm.

To be sure, the inmates of Guantánamo are not in the same situation as the inmates of the Third Reich (Agamben, 2005, 4). For the most part, the former have been captured on the battlefield and are not slated for death in gas chambers or forced marches. Many have been released. As the Supreme Court has made clear, detainees have rights against their captors. But the understanding of the meaning of Guantánamo cannot be restricted to the empirical or the literal. Nor can it be limited to what the law has allowed and restricted. Following Agamben, Guantánamo must be understood in its “coherent biopolitical meaning” (Agamben, 1998, 131). What this means is that the elaboration of power over those deemed unworthy of life must be understood as an unfolding of power that reveals itself with the “anatomopolitics of the human body” and the “*regulatory controls*” of a “*biopolitics of the population*” (Foucault, 1990b, 139; italics in original).

The long view regarding the evolution of Guantánamo as a species of biopower that has roots in the classical distinction between *zoe*, or bare life, and *bios*, a life within a political community, seems to us more appropriate than an

alternative view that sees Guantánamo as a site of power and resistance that tugs at, but does not question, the concept of the political. “The ‘body’ is always already caught in a deployment of power,” Agamben argues (1998, 187), and it is necessary to see how that deployment of power has turned into the concept of sovereignty where the *Muselmann*, and not the political animal, is the focal point. Indeed, to understand Agamben’s point, it is important to set Guantánamo within the context of the capillary nature of power, that is, by investigating the practice of power relations on and within the “social body” (Foucault, 1990a, 118). To concentrate on the detainees’ success in chipping away at the Bush Administration’s restrictive approach to legal remedies for detainees is to continue to operate within the “juridico-political discourse” (Foucault, 1990b, 88) that established Guantánamo in the first place. Power must be examined as something that is “always already there”; we must recognize that one is “never ‘outside’” power (Foucault, 1980, 141), a view not normally associated with legal liberalism.

It is, at the same time, important to recognize Guantánamo as one link in a biopolitical chain that has brought to light the effects of biopower on sovereignty. A more detailed exposition of this thought would have to include Agamben’s discussion, at the end of *Homo Sacer*, of the politicization of death in the field of health care ethics (Agamben, 1998, 160-165). But here let it suffice to say that the detainees’ debased moral standing, for Agamben, cannot be the result of a failed effort to establish the proper forum necessary for trying those held outside the territory of the United States. Rather, the *Muselmänner* are “the site of an experiment in which morality and humanity themselves are called into question” (Agamben, 1999, 63). As they move in an “absolute indistinction of fact and law” (Agamben, 1998, 185), Agamben understands their presence neither as an effect of war nor as a representation of a rupture in law, but in ontological terms, because the state of war or of exception has become the norm by which subjectivity is formed and reformed. In this very real sense, the camp has replaced the city as the paradigmatic structure of modern times that informs subjectivity.

Guantánamo is the outcome of a rationality that accelerated in the late nineteenth century, but whose origin can be traced back to antiquity. Both the attempt to restore the *polis* for romantic or antiquarian reasons, or the need to define the modern by contrasting it with the *polis*, represent examples of critical thought, but not the thought that is necessary to rethink ontological questions that inform the concept of the political, now that this concept is understood in biopolitical terms. For Agamben, we “no longer know anything of the classical distinction between *zoe* and *bios*, between private life and political existence, between man as a simple living being at home in the house and man’s political

existence in the city” (Agamben, 1998, 187). Because the break with the ancients is premised on their own terms over the meaning of life, Agamben’s archaeology of knowledge and genealogy of ethics reveal that there “is no return from the camps to classical politics” (Agamben, 1998, 187). The sovereignty of law is over. For Agamben, the core meaning of biopower is that it has forced an abandonment of the “juridical model of sovereignty” (Foucault, 2003, 265) and the political structure of the best regime. For this reason, Agamben argues that the bestowal of rights on the *zoe* is not, in itself, a negation of his argument that Guantánamo represents an anomic space. The *zoe* is not without rights. Once politicized, the *zoe* passes through the “boundaries separating life from death in order to identify a new living dead man, a new sacred man” (Agamben, 1998, 131).

#### IV. Bioconvergence

The popular image of Guantánamo detainees is of shackled, hooded men in orange jump suits, surrounded by barbed wire. The “space of the camp,” Agamben writes, washes up “against a central non-place, where the *Muselmann* lives” (Agamben, 1999, 51-52; italics in original). The camp is the place for bioconvergence, an intersection of image, biopower, and the law. For many Americans, these images have defined what it means to be Muslim (Sengupta and Masood, 2005). The images of Guantánamo have created, on a global scale, the meaning of the camp as a place of biopolitical convergence.

The *homo sacer* is the site upon which “sovereign power is founded” (Agamben, 1998, 142). The sovereign authority that governs Guantánamo has the power over life and death, the power to decide who shall become a *zoe* and who a *bios*. It is not a lawless entity, but a law-giving entity, even as it has suspended the law’s power. The force of law remains in effect “as the power that informs life from the beginning in all its extension, constitution, and intensity” (Esposito, 2008, 81). But other forces can be discerned that have produced counter-narratives. By creating an archive of the lost voices from the war on terror, the press and international organizations have revealed that Guantánamo is more than a prison; it is a “norm-producing” entity (Johns, 2005, 615). The prison camps in Cuba have helped frame the understanding of the war on terror as premised on biological-political rationalities. The ground of that reality is the value of life itself, measured by the body of the prisoner.

According to the Red Cross:

The detainee would be photographed, both clothed and naked prior to and again after transfer. A body cavity check (rectal

examination) would be carried out and some detainees alleged that a suppository (the type and the effect of such suppositories was unknown by the detainees), was also administered at that moment.

The detainee would be made to wear a diaper and dressed in a tracksuit. Earphones would be placed over his ears, through which music would sometimes be played. He would be blindfolded with at least a cloth tied around the head and black goggles. In addition, some detainees alleged that cotton wool was also taped over their eyes prior to the blindfold and goggles being applied....

The detainee would be shackled by [the] hands and feet and transported to the airport by road and loaded onto a plane. He would usually be transported in a reclined sitting position with his hands shackled in front. The journey times ... ranged from one hour to over twenty-four to thirty hours. The detainee was not allowed to go to the toilet and if necessary was obliged to urinate and defecate into the diaper. (Danner, 2009)

These detailed, biopolitical regulations over life and death at Abu Ghraib surpass any legal regulation of disciplinarity, of the regulation of bodies for the sake of greater productivity. These are willed regulations, staged for effect, and designed to diminish resistance. The prison camps of the war on terror do not represent the appearance of the extension of the legal bureaucratic matrix to the war on terror or to the application of those who are without a country. The camps mean that the realm of biopolitics, with its emphasis on the convergence of “medicine and politics” (Agamben, 1998, 143), seek to achieve the assimilation of biological existence with political existence (Foucault, 1990b, 142). They are sites for the re-formation of political, cultural, and ethical understandings of what it is to be human in the twenty-first century. But at their core, they look back to the twentieth century, not to the regulations of the self that Foucault detailed in his final works. They are, then, the final integration of the tactics, techniques, and strategies used during the Third Reich.

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# THE BOURNE TRAGEDY: LOST SUBJECTS OF THE BIOCONVERGENT AGE

DEBBIE EPSTEIN & DEBORAH LYNN STEINBERG

*Between the desire  
And the spasm  
Between the potency  
And the existence  
Between the essence  
And the descent*

—T.S. Eliot (1925)

## Introduction

Jason Bourne, the protagonist of the *Bourne* trilogy of films released between 2002 and 2007, embodies the equivocal characteristics of a postmodern, disenchanted and melancholic age. He is in some ways a classic tragic hero, here at the mercy of clandestine governmentality, surveillant geopolitics, and the encroaching sweep of technology—the late modern variant of the Fates and Gods. And he is fatally flawed in the manner of the Shakespearean tragic hero whose anguished dilemma is set in motion by his own character and actions. As we show in this paper, Bourne’s tragedy is, at least in part, his embodiment of these irreconcilable subject positions, which also constitute a tragic dilemma of the bioconvergent age.

In this paper, we examine the *Bourne* trilogy to explore three themes. First, we consider the imagined and actual interfaces of bioconvergence—of body, gadgetry, and electronic communications. We explore the ways in which the bioconvergent tendencies represented in and by *Bourne* reflect and cultivate a cultural unconscious deeply seduced by and imbricated in surveillant governmentality. Second, we consider the ways in which the trilogy achieves its effects through the deployment of both hyperrealism and verisimilitude. In this context, we explore the filmic interpellation of audiences into a fantasy of

omnipotence and omni-science, on the one hand, and the underlying phantasy<sup>1</sup> of a zero-sum world that uncouples morality from affect, on the other. Thus, we consider the ways in which *Bourne* articulates two interlinked phenomena—a distinctively American romance with the sociopathic/heroic subject and a paranoid, dystopic world that is and seems seductively real. Our third theme is the *Bourne* journey through an obsessional spiral of paranoia, action and reaction. Here we explore the trilogy as a social description of the expulsive and retentive tendencies of the bioconvergent age, where the demand for instantaneity drives out all other considerations (morality, reason, connection) and where the lost subject, in his interminable quest for himself, remains lost.

In the next section we outline our particular approach to media analysis, which draws on social semiotics, cultural theory, and cultural psychoanalysis. Moving into the main body of our argument, we begin with a brief consideration of the key theme of this special issue—bioconvergence and what we describe in this paper as the bioconvergent age. We then turn to a close reading of the trilogy. We consider the *automatonic* character of Bourne as a site of power and loss. We then move to the themes of iteration and perseverance. Here we interrogate the narrative arc of the *Bourne* saga in which he always ends where he began and must begin again. Thus, the *Bourne* journey is a melancholic, perpetual re-enactment of trauma. We argue that the trilogy provides a touchstone for a melancholic cultural unconscious. We then explore the question of paranoia and the affective and epistemic dimensions of paranoid governmentality and instantaneity, with their telescoping of time and imperative. We conclude the paper by returning to our title, *The Bourne Tragedy*, to bring our argument together in a consideration of bioconvergence's seductions and its lost subjects and subjectivities.

### **Specularity, Social Signification, and the Cultural Unconscious**

In her early work, Laura Mulvey (1975) argued that film provides a potent window on the patriarchal unconscious of a culture. Our longer-term project has been to build on this proposition, both by broadening the political considerations that fill out a “cultural unconscious” and by unpacking a wider array of component characteristics that underpin the relationship between media representations and their immediate cultural moments. What we are developing

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<sup>1</sup> In this paper we use both spellings of f/phantasy. Where we begin the word with ‘f’ we are referring to the more commonsense meanings of the term as something imagined, a story. “Phantasy,” in the psychoanalytic sense, refers to the underlying, unconscious investment in a surface fantasy. See, for example, Juliet Mitchell’s (1986) explanation.

further through this analysis of the *Bourne* films is a version of social semiotics that draws on particular strands of cultural and psychoanalytic theory.

First, we are interested in what we have termed elsewhere “the materiality of signification” (Epstein and Steinberg 2007: 4)—that is, the way that signification materializes and is materialized by historically located, embodied, and agentic practices as well as representational conventions of genre, trope, and text. A dimension of this is what Steinberg, elsewhere, has termed “filling-in”:

“Filling-in” ... along with spectacle, plays a part in forging what might be termed the *affective-epistemic contract* between film and film-viewer. To a significant degree, cinematic signification deals in narrative and semiotic *fragments* which are then *filled in* by the viewer.... [T]he more recognizable the fragment (the more commonsense it is), the more easily the audience can *fill in* the rest. (Steinberg 2009: 5; original emphasis)

This tells us something of the ways in which audiences invest affectively in particular moments or modes of representation and also something of the preferred knowledges and affectivities accruing to what might be termed the *interpretive contract* between text and audience. Thus, what audiences *fill in* occupies a terrain of (yearned for) familiarity, constituted both by knowledge and desire. In *Bourne*, these are explicit themes: these are films *about* filling-in. Indeed, there is a verisimilitude in the labours of Bourne as protagonist that mirrors the work of audienceship; both are bound in a compact born of spectacular loss, the seductions of technology, and the tensions and apprehensions of a totalizing political power. Consequently, we are able to find in the *Bourne* trilogy an insight into both the commonsense purchase, and the intimate effects, of paranoid governmentality.

Our second interest is in the operations of biopower and the bioconvergent body-ethic. In this context we draw on and interrogate a number of cultural theoretical perspectives concerned with governmentality (Nadesan 2008; Rose 1999 [2nd edition]), the production of post-cyborg subjectivities (Haraway 1991), and the iterative, embodied dimensions of the political realm (Butler 1993, 2009). These critical tools allow us to interrogate the films’ depiction of the interface of bodies, technology, and representation—and what this means for subjectivity.

Psychoanalytic theory provides our final critical resource. In this context, we wish to develop Mulvey’s understanding of the culturally sedimented character of spectacle and scopophilic desire. Our use of the notion

of a “cultural unconscious” thus also draws on and departs significantly from Jung’s (1991) structuralist notion of the collective unconscious, that is, the symbolic/archetypal imaginary distinctive of the human species that organizes and makes sense of human experience. The notion of a *cultural* unconscious posits a collective imaginary (operating at both conscious and intrapsychic levels) that is constituted through and subject to cultural practice, social relations, and representation.

The *Bourne* films offer an intimate portrait of the intrapsychic as well as social/representational subject position. We argue that Jason Bourne stands in for the troubled subject of a wider culture and a wider cultural moment. For this reason, a psychoanalytic reading of the character of Bourne and of the signification regimes of the films offers us the opportunity to explore two further aspects of the bioconvergent age: the role of narcissism in the neoliberal era and the place of mourning and not mourning<sup>2</sup> —melancholia—in the political realm.

There are, of course, frictions among the frameworks we bring together here. On the one hand, we have a set of concepts drawn, in the main, from Freudian and Kleinian psychoanalysis (phantasy, melancholia, fetish, repetition compulsion, and so forth), and on the other, a set drawn from positions that either reject psychoanalysis (e.g., Foucauldian governmentality theory) or have an ambivalent relationship to it (e.g., Butler). Bringing these resources together thus introduces some tensions. For example, a Kleinian account of unconscious phantasy implies a different kind of subject from the one envisaged by Foucault or Butler, who conceptualize personhood in different ways. We suggest that these tensions are productive, allowing us to understand subjectivity, social relations, and signification from distinct and unusual vantage points. Thus, for example, they allow us to consider more fully the affective constitution of the social as well as the representational realm, and to map, and thus more persuasively explain, the intrapsychic purchase of particular governmentalities and biopolitical genealogies.<sup>3</sup>

### **A Bioconvergent Age**

One of the underpinning assumptions of this special issue is that we are living in, or moving towards, a bioconvergent age. There are a number of distinctive

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<sup>2</sup> The question of *not mourning* as a political as well as an intimate, intersubjective affect is discussed in Johnson (1999).

<sup>3</sup> We would like to thank Peter Redman for his comments, which have helped us think particularly about this section of the paper.

trajectories of social, technological, and political transformations that could be said to constitute this age<sup>4</sup> and that are captured in the visual and narrative arcs of the *Bourne* trilogy, our central case study.

Film itself, for example, is and has been from its inception, a bioconvergent medium. It is constituted by technical, organizational, and artistic infrastructures and institutions that bring together, *inter alia*, bodies, technology, markets, and representation. Within the medium of film, the political thriller as a genre has characteristically articulated dystopic social commentary with complex technologies and extraordinary feats of stunt work. These have frequently been deployed both as tropes of visual content and as film production method. Furthermore, the genre's realist conceits have historically been achieved in part through the integration of live action with ordinary life.

Digitalization has taken this consolidation to the next level. If we compare two similar scenes, one from *North by Northwest* (Hitchcock 1959), the other from *Bourne Ultimatum*, we can trace the intensifying bioconvergent capacities of the film industry. In *North by Northwest*, secret service agents pursue Cary Grant's character through New York's teeming Grand Central Station. This is a location shot given its aura of immediacy and claustrophobic realism by the use of the handheld camera and the integration of the main action into the normal melee of station life. In *Ultimatum*, Jason Bourne and the journalist he is meeting are pursued through Waterloo Station in London, not only by agents, but also remotely through CCTV surveillance cameras positioned throughout the cavernous building. One of the extra features on the *Ultimatum* DVD minutely traces the making of this scene. We are told that the surveillance cameras are not merely a plot device but are, in fact, the surveillance system of the actual station. The filmmakers got permission to use the CCTV system to produce visual sequences for the movie, which was at this point in the plot about the power of surveillance *per se*. Thus, even while the fantasy of pursuit by embodied human agents remains fictional in both films, the fantasy of total surveillance by remote technology in *Ultimatum* is entirely real. If the claustrophobia of an earlier age concerned clandestine intrusions into intimate space, by the time of *Bourne* the agency of this effect is distributed,

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<sup>4</sup> We are not suggesting that bioconvergent trajectories are uniform in their distribution or totalizing in their praxes or effects. Bioconvergence is complexly subject to and in some respects has been unpredictably subversive or transformative of geopolitical inequalities, modes of governance, and political economy, as well as of modes of kinship and communication, interpersonal attachments, identity practices.



without the necessity of immediate presence and arguably all the stronger for that.

Thus, a second trajectory of convergence is technology qua technology through the medium of digitality. We are living in a time of ever more complex and telescoped integrations of machines and systems (audio, visual, informatic, biotechnical) disseminated and consumed as the gadgetry of everyday life. Integrated technology has become a globalized locus of recognition, expectation, and commonsense, even in contexts where relatively few can avail themselves of it. It is a growing means and medium of globalization, effecting and reorganizing identifications, intersubjective relations, social movements, and the political landscape itself.<sup>5</sup> Furthermore, technological integration is both the means for creating spectacle and is, in itself, spectacular in ways that rearticulate the field of scopophilic (and indeed audiophilic) desire and pleasure. The progressive integration of technology has heralded a transforming ecology of fetishized consumption, production, and capital. This process is graphically rendered in *Bourne*. The instruments of technological convergence (the computer, the cell phone, global positioning systems, even the old-fashioned fax that appears to redeem the CIA in *Ultimatum*) appear “democratized” as the fetish objects of both pursuers and pursued, “assets” and “targets,” agents and incidental passers-by.

The third trajectory is the imbrication of these technological tendencies in government and governmentality. This has particular salience on the terrain of institutions dealing in and deploying political paranoia. From the Cold War to the “war on terror,” from CCTV surveillance to biometric border controls, bioconvergent technology has transformed the panoptical and “thanatopolitical” (Murray 2006) potentialities of government as well as its more mundane disciplinary and regulative capacities.

This leads us to the fourth trajectory of bioconvergence, the interpellation of the human subject into the convergent bio-ethic, with distinct imperatives of action, affect, and agency. It provides a reinvented trope of the weaponized human subject bent on saving (or destroying) himself and the world. Therein, as we shall see, lies the ambivalent object lesson of Jason Bourne.

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<sup>5</sup> The *Arab Spring* of 2011, for example, relied on the use of digital communication through the technologies of social media.

### The *Bourne* Phenomenon

The *Bourne* films are loosely based on the political thrillers of Robert Ludlum.<sup>6</sup> While the novels are all set in the latter stages of the Cold War, the films track from the Cold War sensibility of *The Bourne Identity* (2002) to the post-9/11 sensibility of *The Bourne Supremacy* (2004) and *The Bourne Ultimatum* (2007). The films star Matt Damon as Jason Bourne and include major actors: Albert Finney (Albert Hirsch), David Strathairn (Noah Vosen), and Joan Allen (Pamela Landy), as well as the less well-known Julia Stiles (Nicky Parsons) and well-known German actress, Franka Potente (Marie Helena Kreutz). The *Bourne* trilogy has been a particularly successful and profitable<sup>7</sup> enterprise. *Supremacy* and *Ultimatum* have, between them, won a number of awards.<sup>8</sup> All three films are frequently replayed<sup>9</sup> on terrestrial and cable television.

The central plot conceit is that Jason Bourne has traumatic amnesia. The trilogy begins with the potent imagery of a man, unconscious and adrift in a rough sea, his body, we later discover, is riddled with bullets. He is picked up by an Italian fishing boat and revived, upon which he is immediately thrust into the primary motif of all three films—his unremitting, hypervigilant search for his “real” identity.

The films track three key plot trajectories. The first concerns Jason Bourne and our (his) emerging knowledge of himself. While he cannot remember anything about his previous life, we (and he) discover that he has embodied knowledges, reflexes, and abilities that verge on the superhuman. He has virtually no self-knowledge and yet is omniscient; he is sympathetic and yet will switch instantaneously into a mode of extreme and effective violence; he is one man cast adrift, and yet a prime mover within a maelstrom of corruption, international intrigue, and conflict. Finally, he is dissociated, yet anchored to reality not simply by the very real danger to which he is constantly subjected, but through his accidental meeting, in *Identity*, and growing relationship with Marie, his helpmeet and internalized good object. It is this relationship—even after she is killed at the beginning of *Supremacy*—that hauntologically<sup>10</sup>

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<sup>6</sup> The trilogy comprises *The Bourne Identity* (1980), *The Bourne Supremacy* (1986), and *The Bourne Ultimatum* (1990).

<sup>7</sup> According to Wikipedia the films’ profits have, so far, tripled the cost of making them.

<sup>8</sup> Both films won best picture at the Empire Awards and *Ultimatum* won three Academy Awards, including for best editing.

<sup>9</sup> During the writing of this paper, one or another of the *Bourne* films were screened on Canadian cable stations with notable regularity.

<sup>10</sup> The concept of “hauntology” comes from Derrida (1994).

signifies the possibility of redemption, both of Bourne and, symbolically, of the world.

The second plot trajectory concerns the world order surrounding Jason Bourne, which is in the decompensating throes of late capitalism and neoconservative governmentality. Bourne's is the drama of the singular, alienated, (un)common man in a struggle against a totalizing (if not totalitarian) state and, simultaneously, a parable about the seductive unreason of political as well as personal paranoia.

The third is a projection of visual spectacle and time. The scene constantly and instantaneously shifts between world cities: London, Paris, Zurich, Madrid, Marrakesh, New York. True to the contemporary mode of the political thriller, the films are in virtually constant motion cutting from car chases to crashes to fight sequences. This is particularly the case in *Ultimatum*. Even in moments of pause, there is the sense of menace, anxiety, and a gathering storm. These slower-paced scenes are disturbed by Bourne's visible hypervigilance, the pulse rate of the accompanying music, and the generic expectation of fast, "unexpected" action. Moreover, the span of the three films tracks the progressive integration, consolidation, and convergence of complex technologies and communication systems. Indeed, the films portray visually and through their plot the development and ubiquitous sedimentation of digital communication and smart technology. We witness the bulky, inelegant, flickering computer terminals of *Identity* resolve into flat screen aesthetics and the Motorola RZR cell phone, the primary and ubiquitous fetish object of *Ultimatum*. There is, thus, a powerfully evocative verisimilitude between the evolving capacities of surveillance and information gathering and their portrayals. In earlier action films, such as the James Bond series,<sup>11</sup> hyperbolic gadgetry was presented with irony and humour; in *Bourne*, the technology is dystopically "real."

### Automatonics

"You're a malfunctioning \$30,000,000  
weapon." (Ted Conklin, Head of  
Treadstone, *The Bourne Identity* 2000)

In 1960, Clynes and Kline (1960) introduced the notion of the cyborg, which, in an optimistic, modernist reading, they understood as machine enhanced humanity. As an integration of machine and man (*sic*), the cyborg, from this

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<sup>11</sup> The DVD cover for *Ultimatum* has the strap line, "Move over 007, Bourne is back."

standpoint, represented the augmentation of embodied reach, power, and capacity. This idealized version of the cyborg differs somewhat from the ways in which the cyborg has been taken up in popular culture. Here, typically, the cyborg's enhancement heralds a particular kind of dilemma as superlative power threatens to uncouple subjective personhood from its intersubjective and intrapsychic moorings. The cyborg dilemma is of the human being whose hybridization with technology threatens the loss of (usually) his humanity. Significantly, the dilemma does not go the other way. The machine typically does not mourn its loss as it is humanized.<sup>12</sup> *Star Trek TNG's* character Data, the Terminator, Yod in Marge Piercy's novel *He, She and It* (1993)<sup>13</sup> are all framed in this anthropomorphic, anthropophilic mode of yearning. The cyborg imperative, in some renditions, may be to annihilate humanity, but its underlying impetus is almost invariably to find its humanity or to rescue the humanity of others. The cyborg, in this context, is an outlying figure of self-mourning; its tragedy lies in its inability to become fully human and its ultimately irresistible drive to sacrifice itself in order to save humanity.<sup>14</sup>

In her landmark essay, Donna Haraway (1991) argued that in late modernity we are all cyborgs as the interface with technology is ubiquitous and virtually inescapable. Moreover, the cyborg for Haraway is an altogether more contrary and ironic kind of outlier—one that does not mourn its humanity, but revels in and is self-aware of its potentiality to disrupt the dominant order. Haraway's cyborg is the illegitimate child of the patriarchal, imperialist institutions that produced it. For Haraway, the cyborg is able to overturn the

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<sup>12</sup> An interesting exception is the character of Seven of Nine from *Star Trek Voyager*, whose subversive (and seductive) ambivalence is her continuing attachment to the imperialist Borg who took her captive, as formerly human, and assimilated her capacities to their own. Seven of Nine is visually presented as a classic cyborg—an enhanced articulation of machine and human. While the crew who rescue her attempt to restore her to human, they find that she cannot survive without a measure of her cyborg circuitry. Thus Seven of Nine is (and can be) only partially returned to humanity. However, her yearning, insofar as she has the capacity to feel it, is not entirely human and not, as with the earlier character Data, abject. Self-possessed and self-aware, she is drawn to, and mourns in, both directions. It is never clear what counts, for her, as her true home (as Borg or as human) as she rides, in some measure a captive herself, on the lost *Voyager's* unremitting journey back to earth.

<sup>13</sup> In the UK, this novel has the title *Body of Glass*.

<sup>14</sup> A related dilemma also emerges in this frame of cyborg representation, which is the contestation between the humanized and dehumanized cyborg. In the *Terminator* films, for example, there is a population of outlier cyborgs, an army gone rogue. In this frame, the cyborg has malfunctioned. It is redeemed by the recuperation of its purpose (to serve and save humans) by one of its own number. What is disturbing, then, about the machine-human hybrid is its latent tendency, always threatening even at its most docile, to displace its subordination to and sublimation of human will, including where that will is to kill other humans.

dominant, thus resolving the dilemma of the *human* outlier (in particular, the gendered outlier).<sup>15</sup> She writes:

Cyborg imagery can suggest a way out of the maze of dualisms in which we have explained our bodies and our tools to ourselves. This is a dream not of a common language, but of a powerful infidel heteroglossia. It is an imagination of a feminist speaking in tongues to strike fear into the circuits of the supersavers of the new right. It means both building and destroying machines, identities, categories, relationships, space stories. Though both are bound in the spiral dance, I would rather be a cyborg than a goddess. (p. 182)

Jason Bourne can be read as embodying the characteristics of both of these versions of the cyborg. He is superlatively enhanced. He is multiglossic—speaking every language he encounters indistinguishably from a native speaker. His physical prowess in combat, whether in the use of weaponry or hand to hand, is accelerated, indefatigable, and undefeatable. While not knowing himself, he is at the same time omniscient, always knowing the ways in and out, the hiding places, the labyrinthine articulations of every building in every city. Functionally, he is a global positioning unit, a central intelligence, a distributed agent. He is also rogue. He exists in an anomic limbo, yearning towards yet dis-integrated from his full humanity. At the same time, he is anarchic, a rogue agent born of and from a corrupt agency. Thus, he also bespeaks Haraway’s “powerful infidel heteroglossia.”

Yet Jason Bourne is also not a cyborg. Both his amnesia and hypermenesia are artefacts of an automatized (and atomized) humanity that does not graphically articulate body and machine. His bodily prowess is all flesh, conditioned. Like the other assassins of the CIA’s Treadstone project, Bourne is everywhere and nowhere, an unmoored being, an (un)free agent. Treadstone assassins are not assimilated; they are used, reduced, evacuated subjects, sleeper cells waiting for technologized activation, external to themselves, of their purpose.

This is not precisely a cyborg fantasy; it is instead a bioconvergent fantasy, an edifying and dystopic tale of what happens to human beings when they are captured, activated, and transformed in the network of technology but are not themselves hybrids of machine and body—notwithstanding that psyche

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<sup>15</sup> Ripley, in *Aliens 2*, is Haraway’s cyborg. In the final conflagration of the movie, as she integrates herself into the machine to fight the alien, it is a triumphal moment of revelry, superhumanity, and, significantly, the reversal of the gender order.

and soma are mechanized, technologized, and mediatized. If the classic cyborg fantasy only goes one way—the yearning towards humanness—the bioconvergent fantasy goes both ways—towards and away from humanness—as the drama takes place almost entirely on the terrain of the human. Bourne’s is not the cyborg’s but the automaton’s dilemma.

In the *Bourne* trilogy, the Treadstone assassins are referred to as “assets.”<sup>16</sup> What makes them assets is their capacity to be animated via technology in an instant, given a mission to kill their “target(s)” and then return to their previous, quiescent state without qualm, hesitation or morality. They are willingly and wilfully automaton, their agency confined to the method of murder, their reflexes instantaneously lethal and their bodies hardened. Indeed, they are without affect<sup>17</sup> and without pain.

The automaton’s dilemma is, in part, that of the weaponized human, yearning towards his superordinacy as much as defeated or disorientated by it; and yearning at the same time towards his humanity as much as wanting to repudiate the equivocal nature of being. This phantasy of omnipotence is that the expansive character of humanity and the repudiative character of automatonicity can be reconciled in the same body and person.

## Iterations

*Perseveration*: [pur’səvərə’shən]

Etymology: L, *persevero*, to persist ...

[T]he involuntary and pathologic persistence of the same verbal response or motor activity regardless of the stimulus or its duration.

(*Mosby’s Medical Dictionary*, 2009)

In *Bodies that Matter*, Judith Butler (1993) sets out her theory of performativity and iterative effects. Focusing on what she terms the “heterosexual matrix,” she makes a twofold argument. The first is that gender and sex are not separate, but are the linked products of discourse.<sup>18</sup> That is, gender is not a cultural artefact

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<sup>16</sup> The use of the term “assets” for operatives of this nature is not limited to the *Bourne* trilogy, but is characteristic of the wider spy/thriller genre.

<sup>17</sup> Most of the “assets” are also solitary. Only two appear “in the world” (one with a child and the other in a board meeting). The others appear only alone, either waiting in an anonymous hotel room, with few possessions and no other interests, for a call to action, or in the midst of action.

<sup>18</sup> This was Butler’s central argument in the earlier book *Gender Trouble* (1990).

imposed on the biologically sexed body. Rather, sex and gender emerge inseparably from discursive practices (bodies of knowledge, operations of power and regimes of truth).<sup>19</sup> Second, she argues that gender/sex become embodied and materialized through the reiteration of performative practices.<sup>20</sup> In this way, Butler retheorized our understanding of the relationship not only between gender, sex, and the body, but also between representation and materiality.

The *Bourne* films are iterative in a number of different ways. First, reiteration is the central motif of the series. Visually, this is played out in constant and nearly identical fight scenes; chases (on foot, by car, by moped); tropes of global positioning (interchangeable aerial shots of world cities); instantaneous transfers of activating information (by cell phone, terminal to terminal, via CCTV); opulent cosmopolitan settings (hotels, banks, the beautiful streets of Paris, London, New York). In narrative terms, Bourne's quest for the truth of himself is a constant repetition of events or movements, only slightly varied in each instance. Similarly, his CIA antagonists obsessively replay the same scenario in which they attempt to have him killed, only to have this foiled. Repeated too are scenes of drowning/rebirth that begin and end each film.

A notable and particularly revealing mirror scenario occurs first in *Identity* where Bourne is seen helping Marie dye and cut her hair to assist her in evading his CIA antagonists who are now after her too. It is this scene which binds Bourne to the world as he is bound to Marie—as equal, as capable of love, his humanity restored in his distance from the assassins' hypermasculine, automatic second nature. In *Ultimatum* this scene is replayed almost exactly with Nicky, the weak, minor agent in the CIA who was charged with tracking Bourne but instead helps him escape. However, here, Nicky is shown dying and cutting her own hair as Bourne sits deliberately away from her, examining his

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<sup>19</sup> Foucault's concept of "discourse" (1977) is particularly useful in linking these two aspects of human life. Discourses provide us with "regimes of truth" that define what is, or is not, thinkable or do-able in any particular context—though discourses are never totalizing and always contextual. What this means is that, as Dimen (2011) puts it:

Discursive formations ... are power structures. They are networks of socially located ideas, beliefs, behaviors, and action patterns that systematically fashion and inform subjectivity and its practices. (Dimen 2011: 5, qtd. in Epstein 2011)

<sup>20</sup> It is not that we *are* men and women, but that we become ourselves as men and women as we continually *perform* man and *perform* woman. In other words, gender is both culturally and individually realized through repeated gendered performance.

damaged hands. This scene too tells us of Bourne's outlier masculinity, this time in his restraint and his refusal of eroticized voyeurism.<sup>21</sup>

Iterative fetishes also punctuate the trilogy. There are the wads of cash, the multiple passports, the hidden guns. There is the ubiquitous digital and communications technology, with particular reference to multiple screens and the cell phone. Indeed, by *Ultimatum* the cell phone functions as a virtual protagonist in its own right, moving the plot—but more than that, rendered as a displacing focal object and object of desire, infiltrating the body-affective gestures of all the characters and dominating virtually every scene. Finally there is the fetishistic preoccupation with the childlike face and flamboyant hair of Nicky and the hair and body of the character of Pamela Landy (Bourne's almost-ally in the CIA). This hair, face, and body fetish is a primary site of gendered voyeurism in the Mulveyan (1975) sense; it is the quintessential male gaze. In Nicky's case, the camera's constant fixation on her face and hair visually undermines her credibility as a CIA agent, let alone one in charge of monitoring and stabilizing the psychological state of the Treadstone assassins, as she is identified in *Identity*. Her hair constantly compromises security; it is the visual trope of imminent and immanent next-victimhood. For example, in *Ultimatum*, in a protracted chase scene through the streets and alleyways of Marrakesh, her hair stands out as a beacon, calling on the assassin, Desh, and allowing him to track her intimately. But for the fetishization of her hair, it would be inexplicable that as she runs through a bazaar full of stalls and women with scarves, she does not grab one to tie around her head. In *Identity*, by contrast, before the hair-dyeing scene, Bourne asks Marie if she has a scarf, to which she replies, "to hide my hair." That Nicky is still alive and free at the end of *Ultimatum* is thus a twist on what we would generically expect. Indeed, this is one of the signals that this story has not ended; the logic of voyeurism demands an altogether different fate for her.

With Pamela Landy, the visual play of the camera on her face and the elegant lines of her body work against her position as a major player in the CIA. It is a key mode through which she is generically set up as an abject-object: ineffectual, weak, being played, primed for sacrifice. This camera gaze parallels and stands in for the gaze of the other (all male) CIA agents, who plan for Landy to take the fall for the Treadstone conspiracy. It is also what breaks the affective contract with the audience that would otherwise be positioned to understand Landy not merely as a parallel protagonist (she is the character who

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<sup>21</sup> With the character of Nicky, any eroticism on Bourne's part could only have been voyeuristic and objectifying because distinct from his relationship to Marie, he has no attachment to Nicky and Nicky could not be his equal.



redeems and figures out the mystery of Bourne at the end of *Ultimatum*) but the heroic protagonist.

Perhaps the most powerful and iconic of the iterative fetishes of *Bourne* are the meticulously choreographed hand-to-hand fight scenes. These scenes recur continually in a clash and blur of bodies in motion, rendered, particularly in *Ultimatum*, with hyper-speed intercut editing and jarring sound effects. In each such scene, Bourne's antagonist is another Treadstone assassin. Each is a mirror of himself and of the other—equally militarily primed, equally hardened, equally impervious to fear or pain, equally flat in affect, equally omniscient. This is a hyper-masculinity of a particular sort. It is pathologically iterative, born of compulsion. It perseverates. In visual terms, these scenes rehearse a fetish of lethal imperative and automaton affect. The ideal Treadstone agent inhabits an eroticized, antagonistic, and agonistic intensity and yet also an absence, an evacuation.

Freud (2006 [1914]) argued that “repetition compulsion” is the attempt to repair trauma:

The forgetting of impressions, scenes, experiences comes down in most cases to a process of “shutting out” such things ... we may say that the patient does not *remember* anything at all of what he has forgotten and repressed, but rather *acts it out*. He reproduces it not as a memory, but as an action; he *repeats* it, without of course being aware of the fact that he is repeating it. (pp. 392-394)

This describes the *Bourne* journey. And yet, the iterations do not repair, and indeed cannot repair. This is signalled pointedly at the end of *Ultimatum* when Bourne is confronted by his choice as David Webb to become Jason Bourne and his adamant repudiation of that fact. He says, “I remember. I remember everything. *I'm no longer Jason Bourne*” (emphasis added). This refusal means that he can neither integrate nor mourn, and thus his journey is ultimately melancholic. He must begin again.

### **Paranoid/Schizoid Governmentality**

“It changes things, that knowledge, doesn't it?” (Bourne in *Supremacy*)

Foucault's (1980; 2008) concept of governmentality refers to the normative exercise and deployment of biopower (the exercise of power over bodies and populations) through government and techniques of control; the processes that

produce normative political values, institutions, practices, and subjects; the production of ideal citizens; technologies of the self (the modes through which people enfold themselves in and inhabit particular discourses and regimes of truth); and the notion that power is capillary.<sup>22</sup> Nikolas Rose (1999 [2nd edition]) extends this notion to the governance of the soul—what Mitchell Dean (1999) called “governmentality.”

The power described through the concept of governmentality is minutely explored in the *Bourne* films. First, there is the interplay of central, distributed, and remote agency, with the CIA on the one hand and its dispersed “assets” on the other, all bound in an infiltrating network of electronic communications. Defining all of these are the operations of capillary power. In human *qua* human terms, there is a contract of governmentality here that produces a circuit of moral displacement. The CIA trains and deploys its “assets” not only to carry out missions but also to bear the primary moral responsibility for them. In turn, Treadstone agents suborn themselves to the ethos of the organization, which “frees” them to kill. Thus, the Agency is not responsible because the agents act “autonomously”; and the agents themselves are not responsible because they are carrying out centrally ordered missions. Both “assets” and the CIA move as ostensibly unrestricted agents and yet epitomize un-freedom. This is explicit in the interchange between Ted Conklin and Jason Bourne when they meet at the end of *Identity*:

*Bourne*: You sent me to kill Wombosi ...

*Conklin*: ... I sent you to be invisible. I sent you because you don't exist....

*Bourne*: I don't remember what happened in Marseilles.... I don't re—

*Conklin*: You brought John Michael Kane to life. You put together a meeting with Wombosi. You found the security company. You broke into the office. You're the one who picked the yacht as the strike point. You picked the boat. You picked the day. You tracked the crew, the food, the fuel. You told us where. You told us when. You hid out on that boat five days. You were in, Jason. You were in.

The contract of displacement is further dispersed in the operations of informatics. Information flows in logics and circuits unsutured from their

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<sup>22</sup> Power, in Foucault's understanding, is not monolithic, but rather is everywhere and flows in all directions.

origins and contexts. At the same time, this dispersed power consolidates and converges back to the centre. There is a conceit that even the most minute unit of information can be gathered, made sense of, and mastered. Thus, capillary power is not just in its dispersal but also in its congealing and in the centrifocal collision of bodies, data, and technology. In this context, remoteness is the privileged affect; an effect but also constituting the feedback loop of remote control and remote agency. This is reiterated in the visual trope of the “remote control” mobilization of “assets” as they move from quiescent waiting (embodied “sleeper cells”), to activation to their missions.

Second, the films are visually and narratively composed of myriad signifiers of paranoid surveillance. There are intertextual referents to the “war on terror” that lend verisimilitude to the narration of the making of Bourne—graphic scenes of water-boarding and other torture, of indiscriminate murder, of hooded prisoners, verbal references to rendition, the evocative panoply of Cold War and post-Cold War imagery. There is a sense of enormity and globality on the one hand and intimate (but “justified”) intrusion on the other. Thus we move from globe-hopping vistas to the ubiquitous wire-tapping of phones, to the cameras that perpetually watch all locations (the street outside the Zurich bank in *Identity*, where Bourne meets Marie for the first time; the offices of *The Guardian* newspaper in *Ultimatum*; the CCTV system at Waterloo Station, also in *Ultimatum*). Agents break into private homes, cars and offices, secret files are stolen and read, diaries and notebooks are combed. The CIA headquarters is a teeming hive of panopticism. Even Bourne covertly watches Pam Landy in her own office. Surveillance, and the anxiety that both produces and is produced by it, is thus an absolute and totalizing imperative.

Third, all of the action takes place through the compaction and telescoping of time. This is partly an artefact of cinematic convention (quick-cut editing, for example) and partly of the cinematic treatment of narrative sequence. In the editing of the fight scenes there is a jerking of time that evokes a sense of vertigo. Fragmented flashbacks also create a sense of destabilization. There is a compression of time with technology, as information is instantaneously and continuously transmitted. This temporal seamlessness is, at times, jarringly juxtaposed with old-fashioned realist time—Bourne eating breakfast with Marie at her ex-boyfriend’s house, dyeing her hair, even the on-foot rush to get to her car (*Identity*). The telescoping of time also produces a sense of globality and the imminence and immanence of catastrophe. The demand for instantaneity is perhaps the most forceful effect, symptom and source of paranoid governmentality. The films depict how the projection of danger produces the need for *now*. In turn, the need for *now* leads inexorably to violence, excess, and an unmooring of reason.

The character of Noah Vosen (the CIA agent in charge of “cleaning up” the Treadstone failure) embodies the escalating stakes inherent in the paranoid standpoint. The key early sequence in *Ultimatum* traces, through Vosen, the escalating frustration that moves from a demand to know now<sup>23</sup> to a demand and an entitlement to kill. When *Guardian* journalist, Ross, uses the word “Blackbriar” on the phone (which, along with all other phones worldwide, is being monitored) Vosen and his team at the CIA are instantly alerted. Vosen escalates rapidly from seeing Ross as an object of suspicion, to naming him a “target,” to ordering his assassination. This is a protracted scene of paranoid decompensation. Everything that Vosen does not know about Ross—why Ross gets up from his desk, where he is going in Waterloo Station, who he is talking to on an untapped and unknown cell phone—further unhinges him. Vosen’s activation of the “asset” to kill Ross demonstrates the catastrophic grandiosity that is produced by the conjunction of global power and personal paranoia. The totalizing tendencies of this conjunction are emblemized in Ross’s complete lack of suspicion, despite chasing a story of covert government corruption, that simply saying one word on a private cell phone is enough to get him killed.

Thus, in the *Bourne* saga, we see the move from paranoid governmentality to its logical corollary—the chaotic and schizoid spiral unto death. Threat is not simply a sensibility but an active, insistent objective. It is constantly present. It is driven. It is pursued. Paranoid governmentality in the late modern context carries not only a conceit of omniscience, but also one that is vastly leveraged by the capacities of technology. This governmentality moreover is defined by prerogative—the entitlement to judge and to act in haste. It carries a conceit of justification and an affect of accumulation. Its mode, ultimately, is escalation to self-destruction. As Landy protests to Vosen (who, in another such heat of the moment has ordered the killing of Nicky):

*Landy*: She’s one of our own. You start down this path ... where does it end?! (*Ultimatum*)

Noah Vosen represents only one of the characters in *Bourne* on a sociopathic spectrum; indeed, sociopathy is the primary character drive of all three films. The trilogy is populated by three competing sociopathic subjectivities. First is what might be termed the *weak-evil* character styles of the progenitors and leaders of Treadstone: the originator of the programme, Ward Abbott (Brian Cox) who is a “Mengele” figure. He designed, presided over, and rationalized

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<sup>23</sup> *Vosen*: I want all his [Ross, the *Guardian* journalist’s] phones, his Blackberry, his apartment, his car, bank accounts, credit cards, travel patterns.... I want to know what he’s going to think before he does. Every dirty little secret he has. And most of all, we want the name and real time location his source.

Treadstone. He is corrupt, weak of body, avaricious, and slothful. As such he is both antagonist and generically set up to be “justifiably” killed, though in this instance he kills himself so that he does not have to face up to his moral responsibilities. His last words before shooting himself are “I am a patriot,” which in the dystopic logic of the film, is a both a confession and denial of governmental corruption and criminality.

A counterpoint within “evil sociopathy” is Albert Hirsch (Albert Finny). Hirsch is not personally weak, but is an organizationally subordinated character; he does not run Treadstone, but he trains their agents. Within the Oedipal drama of Bourne, he is positioned as the bad father. In the logic of the plot, Hirsch also serves the function of the Greek chorus, telling us of Bourne’s inner turmoil as he comes to himself. He tells Bourne (and us): “You’re eventually going to have to face the fact that you chose to be Jason Bourne, right here” (*Ultimatum*). Finally there are the operational leaders of Treadstone, most fully developed in the character of Noah Vosen (David Strathairne). Vosen is ruthless, but also weak. He is rash and not sufficiently clever, yet has an unjustified regard for himself. He is not slothful like Abbot, but totally dependent on technology and gadgets to compensate for his inability to master and control. His is the epitome of grandiose narcissism. And like Hirsch, he is generically set up for comeuppance.

A second characterization of sociopathy is *automatic*. The Treadstone agents, who are evacuated of will and personality, embody this form of sociopathy. They are not weak; they are expendable. They cause, they are, and they stand in for the taken-for-granted, as well as scopophilically pleasurable and necessary, collateral damage. Automatic sociopathy is, more generally, a quintessential convention of the *Bourne* variant of the thriller genre. In this convention, audiences are interpellated into an automatic visual experience and an automatic ethos. Such films are peppered with sequences in which violence is graphically rendered and yet distinguished by the camera *not* lingering on the aftermath of or on effects on bystanders. Thus a *Guardian* journalist (Ross) can be assassinated in a public place with the aftermath to bystanders and to the social community of Ross (himself a bystander) left entirely unexplored. The victims of the spectacularly violent and protracted car chase (and crash) sequences remain off camera. Collateral damage in this scopophilic logic constitutes a demand and, simultaneously, a denial. Such scopophilic pleasures are intensified by the generic demand that certain characters are and *must* be victims. Weakness or lack (whether that lack is within a character we know, or our lack of knowledge about the character—e.g., the dead extra) presage not only victimization, but its rationale and

rationalization. In Butler's terms, these characters are expendable, "faceless," not grievable. Indeed, theirs is a *demand* for death (1994; 2009).

Finally, in Jason Bourne, we have the trope of *romantic* sociopathy. This is constituted as a conceit of reconciliation between the possession of automatic power and the capacity for empathetic attachment. The romantic sociopath has its antecedents across genres from the Western, to science fiction to the thriller. It is the quintessentially American "one man" generic hero. The romantic sociopath promises the (wished for) resolution of the automaton's dilemma—not only that the dehumanized subject can maintain his humanity, but that his humanity is (can be) enhanced by inhumanity.

Bourne's de-suture from his automatic subject position (he is the preeminent Treadstone assassin) is presented as his primal trauma. It is the moment, told in fragmented, disorienting flashback, where he cannot fulfil his mission; he cannot shoot Wombosi because two children are present. In psychoanalytic terms, a primal trauma can be understood as an originary event (abuse, violence, neglect) that radically threatens personhood. In *Bourne*, the automaton's primal trauma is that humanity threatens automatic subjecthood. Thus, Bourne's trauma arises from a sudden infiltration of empathy, of recognition of the humanity of the other. He is suddenly brought to awareness, unable to shoot a man in front of his children, unable to maintain his possession of himself. Thus, Bourne's is a trauma of his second nature. He was not born an assassin, but made. His particular brand of militarized automatonia can only be a socialized nature—hence the scenes of torture and dehumanization, also conveyed in flashback, which tell us of the character of training necessary to create the weaponized human.

Underscoring these competing sociopathic characterizations, and of the sociopathic standpoint of the *Bourne* films, are phantasies of omnipotence—of omniscience (omni-science), of control, of narcissistic self-justification. Their global, technological setting and intrigue driven plot trajectory privilege a larger cultural aesthetic organized around governmentality and taken to its logical extremes by paranoia. What distinguishes Bourne as a romantic hero, in this context, is his apparent break with the hypermasculine aesthetic and dehumanizing ethos of this world.<sup>24</sup> What distinguishes him as a heroic sociopath is the romanticized denial of his investment in being Jason Bourne.

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<sup>24</sup> It is beyond the scope of this paper to more fully interrogate the *Bourne* films as a gendered field. However it is worth noting that the only developed characters who are not sociopathic are female. Pamela Landy and Marie Kreutz both in their own ways represent reparation for Bourne himself and a route to reparative governance. The far less developed character of Nicky, too, is not sociopathic, notwithstanding her location and responsibilities, like Landy, in the CIA. She

### The *Bourne* Tragedy

The semiotic economies of the *Bourne* trilogy suggest powerfully the phantasmatic underpinnings and seductions of bioconvergence and bioconvergent governmentality. In this context, convergence works at a number of levels. Perhaps most important is verisimilitude. The films depict a totalizing digital revolution: an escalating integration, *inter alia*, of communications technology, global positioning, algorithmic data processing, the Internet, and digital surveillance. Furthermore, their central plot conceits are located at the interstices of digitality, machine, and body. This portrayal is, of course, not a fantasy; these convergences are taking place (and indeed, literally made possible the making of the movies). At the same time—and in so doing—the *Bourne* films sequence a shift, both generically and phantasmatically, in the biopower imaginary. The setting of the *Bourne* drama on the terrain of covert politics and governmentality leverages both the persuasion and the seductions of capillary power. *Bourne* spectacularizes capillary power's convergent as well as dispersive tendencies. Here, metaphors of capital (economic, social, cultural, and technological) fill in a place of affective investment. Governmentality puts capital in place, holds it in place, and also destroys it—assets are simultaneously disposable and perpetual.

The *Bourne* trilogy, furthermore, provides a window on the imperatives of action, agency, and affect that are emergent in this bioconvergent age. The iterative motifs of the trilogy reflect and cultivate a larger cultural conviction of the inevitability of convergent biotechnology. The films bespeak a bioconvergent bio-ethic, located within but not entirely congruent with Nadeson's description of neoliberal governmentality:

[Neoliberal g]overnmentality ... explores how individuals are privileged as autonomous self-regulating agents or are marginalized, disciplined or subordinated as invisible or dangerous. (Nadesan 2008: 1)

What the *Bourne* films suggest is that it is not the autonomous subject that is privileged within neoliberal biopower, but the *automatic* subject—the subject with capital who can performatively embrace his or her subordination as danger and discipline. The *Bourne* tragedy conscripts this late modern cultural delusion—the notion that subjectivity, as opposed to subjection, can be secured by its obverse. Bourne's dilemma bespeaks a larger and conflicted cultural

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also is a conduit of escape and survival for Bourne, if not a signifier of an alternative to the paranoid/schizoid spiral.

unconscious, one that acutely recognizes the totalizing tendencies of the bioconvergent imperative, and yet, at the same time, is intransigently persuaded by it.

We began this paper with the suggestion that Jason Bourne embodies aspects of both a classical and Shakespearean tragic hero. However, in contrast with these earlier figurations, Bourne's fate is not to die. His tragedy is his perpetual entrapment—his repetitive-compulsive need to resolve the trauma not just of losing, but indeed, of finding himself. Bourne signals a larger cultural melancholia—an existential *cultural* crisis in which phantasies of omnipotence and omni-science elide to drive institutionalities, to privilege unaccountable power and to uncouple conscience from consciousness. In this way, Bourne is the tragic archetype—the lost subject—of the bioconvergent age.

### **Coda**

And what you do not know is the only thing you know  
And what you own is what you do not own  
And where you are is where you are not.

—T.S. Eliot (1940)



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## **EMBODIED SPACE IN GOOGLE EARTH: *CRISIS IN DARFUR***

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Google Earth is a web application used by many people for exploring the world around them. The satellite images of earth can be viewed from different perspectives and from different altitudes. The interactive design of Google Earth allows viewers to feel control over what they are seeing, to tag places significant to them, and to join in a community of other enthusiasts. A viewer can save her “own” version of Google Earth, as if it were another Web 2.0 personalized social networking website. In this paper I interrogate one way in which the digital machine, through the lens of Google Earth, can be considered as a convergent part of our social and biological selves. My case study is a human rights activist website called “Crisis in Darfur,” which was created via a collaboration between Google Earth and the United States Holocaust Memorial Museum. This site presents to us images, sound and written texts that bear witness to the 60 years of war in the Sudan.<sup>1</sup> As part of this case study, I include my own, subjective experience of accessing this site as a pathway to describing the experience of recognizing that the unfamiliar and the familiar exist within the one time/space world of Google Earth.

I propose that our perceived conflation of time and space when viewing the images found in Google Earth, results in a simulated form of hyper-real immediacy in communication. Our sense of the “far away” is particularly affected. We view Google Earth on our own small, personalized computer screens: the same screens through which we immerse ourselves in private correspondence. I suggest that we interact with Google Earth with a similar sense of immersion and that our engagements with people and places through

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<sup>1</sup> This war is now technically over, as in January 2011 the people of southern Sudan voted in a referendum to separate from the north. The inauguration of Southern Sudan as a separate nation holds promise that war will end and that atrocities will cease. Interestingly, the actor George Clooney’s activist foundation “Not on Our Watch” has collaborated with Google on a project called the Sentinel Satellite Project. The aim of this project is to monitor areas of continuing conflict during and after the referendum.

Google Earth are embodied and emotively charged. They exist not only in the simulated world of “as if” existence in the “virtual space” of software applications, but alongside our other active, bodily engagements with the world around us. Through a bioconvergence between the personal computer loaded with Google Earth and our human perceptual apparatus, we can use the illusion of the ever-present to engage with people who are far away in distance and time, in a more powerful way from what we have before.

My use of the term “bioconvergence” lies in the context of thinking about human embodiment in digital space. In this sense, bioconvergence manifests through the way we perceive the world around us via digital technologies and how we assimilate these perceptions as “everyday,” “normal,” and “natural” to our human state of being. The living human body assimilates as part of itself the powers of perception that some digital technologies seem to make possible. The bioconvergent perceptual effects that machinic technologies have on our human lives accumulate with every current development in these technologies.

While we explicitly incorporate digital machines into the very fabric of our bodies via medical prostheses and computerized procedures, we also use personal computer technologies as part of our everyday awareness of the world around us, of what is now socially necessary for living both our private and public lives. Our computers enable and augment all earlier modes of representation. Kindles, iPads, iPhones, Blackberries and all other portable digital devices allow us a sense of being able to contain our lives, what is important to us, within sleek, aesthetically minimalist objects of plastic and microchips. In this paper I argue that through our use of personalized digital computers, at the same time we nevertheless also are experiencing another much “messier,” emotive life aesthetic. The complex communication patterns enabled by Web 2.0 software together with the shiny digital devices most of us carry around with us on a daily basis, come together to allow contact between people in a new way. We experience this new kind of contact as immediate both in time and space. With our new personalized digital intelligence, we perceive the far as near. There is now a growing intensity of bioconvergence between the human body’s sensual, perceptual apparatus for thinking and feeling, and our machinic companions. My premise is that such a bioconvergent crossing of boundaries between far and near in the dimensions of time and space, can also extend across the even more inaccessible boundaries of cultural difference.

### Intimate Companions—Our Machinic Bodies

The “eyes” made available in modern technological sciences shatter any idea of passive vision; these prosthetic devices show us that all eyes, including our own organic ones, are active perceptual systems, building in translations and specific *ways* of seeing, that is ways of life...<sup>2</sup> (Donna Haraway)

Haraway’s idea of cybernetic prostheses aligns well with Felix Guattari’s suggestion of a computerized “machinic” production of subjectivity—another recent contribution towards how we can understand the ways that digital technologies work with us in the production of new modes of understanding and agency. Guattari asks the following questions:

What processes unfold in a consciousness affected by the shock of the unexpected? How can a mode of thought, a capacity to apprehend, be modified when the surrounding world itself is in the throes of change?<sup>3</sup>

The ideas presented in this paper begin with Guattari’s questions as a premise for investigating how we perceive the content we find when looking into Google Earth, how our explorative uses for Google Earth can shed light on the new kinds of what Haraway calls “active perceptual systems” made available to us through digital technologies of the web and remote sensing. Guattari speaks of subjectification in the context of psychotherapy, of the Conscious and the Unconscious; he confronts what he names as “the massive development of machinic productions of subjectivity.”<sup>4</sup> My interest here is in Google Earth as a portal into a new form of subjectivity via a particular kind of “bioconvergence,” i.e., a convergence between our machinic companions (the personalized computer, satellite technologies, software applications) and our knowing bodies. The following discussion explores a trope of vision in Haraway’s sense, as embodied, but a vision not only belonging to our “naked” eyes and their machinic prostheses but also to the wider sensorium of the body.<sup>5</sup> This kind of

<sup>2</sup> Donna J. Haraway, *Simians, Cyborgs and Women: The Reinvention of Nature* (London: Free Association Books, 1991), 190.

<sup>3</sup> Félix Guattari, *Chaosmosis. An Ethico-aesthetic Paradigm* (Sydney: Power Publications, 1995), 11-12.

<sup>4</sup> *ibid.*, 2.

<sup>5</sup> This present paper complements my study of “Crisis in Darfur” in another earlier paper where I focused on how the interactive nature of our engagement with this site opens up the possibility for the experience of compassion. In that paper I drew particularly on how the philosopher Martha Nussbaum describes one of the ways in which compassion can operate as knowledge: as “entering into ... lives with empathy and seeing the human meaning of the issues at stake in them.” See Martha Nussbaum, “Compassion: The Basic Social Emotion,” in *The*

vision comes from a merging of apparatus, a bioconvergence which does not incorporate two different kinds of entities so much as a dialectical moment of awareness: of affective knowledge.

My investigation of “Crisis in Darfur” interrogates in particular the subjective nature of our engagement in terms of “distance” and its disappearance. I examine our active, interactive “digital” gaze for the perceptual framing of distance involved in the experience of Google Earth. Although others have quite rightly critiqued Google Earth for its military prehistory and for the “fly over” aesthetic of its moving images,<sup>6</sup> other responses are possible, and they raise new questions. In Parks’s words regarding the televisual image, “We need to devise ways of seeing and knowing difference across distances that complicate rather than reinforce militaristic and scientific rational paradigms.”<sup>7</sup> Can Google Earth, for example, also be considered a site for dialogic communication between us, the users of Google Earth, and the people we see within its content? Such a thought seems both fanciful yet obvious at first glance, until the enormity of the suffering that we see through the images of “Crisis in Darfur” confronts us with a need to understand how and why we look at these images. If our engagement with Google Earth is (inter)active, not passive, and if, through our searching of this website, we can actually construct the very images that we see, then we can also understand ourselves to be “performing” the content of Google Earth. This paper works towards describing this kind of performance of sight (and sound) and how it contributes to what Sherry Turkle calls “a new form of sociality in which the isolation of our physical bodies does not indicate our state of connectedness but may be its precondition.”<sup>8</sup>

## Google Earth

Google Earth was launched in June 2005 by the company Google Inc. (better known to the world by its URL, Google.com) after it had acquired Keyhole and its application Earth View in 2004. Google provides its history and vital

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*Communitarian Challenge to Liberalism*, eds. Ellen Frankel Paul, Fred D. Miller, Jr., and Jeffrey Paul (Cambridge, New York, Melbourne: Cambridge University Press, 1996), 53.

<sup>6</sup> See Roger Stahl, “Becoming Bombs: 3D Animated Satellite Imagery and the Weaponization of the Civic Eye,” *MediaTropes*, 2.2 (2009): 65-93; and Lisa Parks, “Digging into Google Earth: An Analysis of ‘Crisis in Darfur’,” *Geoforum*, 40.4 (2009): 535-545.

<sup>7</sup> Lisa Parks, *Cultures (Satellites and the Televisual) in Orbit* (Durham and London: Duke University Press, 2005), 107.

<sup>8</sup> Sherry Turkle, “Tethering,” in *Sensorium: Embodied Experience, Technology and Contemporary Art* (Cambridge and London: MIT Press, 2006), 222.

statistics through its own homepage, which can be accessed via the link <http://www.google.com/corporate/history.html>.

Google Earth is a major and the most publicly accessible player in those mapping activities and data visualization that cartographer Jeremy W. Crampton describes as the “geoweb” or “spatial media”:

distinctly public and citizen orientated mapmaking efforts, which raises interesting questions not only about access and control of the geographic information but of the possibilities for counter-mapping and counter-knowledge.<sup>9</sup>

The site is an instance of Haraway’s “god-trick,” the illusion of infinite vision, available to download for free. It even contains “time-line functionality allowing elements with temporal information to be encoded (KMLv2.1) and then selected and filtered by the user”<sup>10</sup> and “data can also be streamed from a server in response to changes in the visible area of the viewing window sent by Google Earth.”<sup>11</sup>

My initial approach to the aesthetic of Google Earth can perhaps best be understood as “Dionysian” in the sense ascribed by Paul Kingsbury and John Paul Jones III in their discussion of Google Earth as “the projection of an uncertain orb spangled with vertiginous paranoia, frenzied navigation, jubilatory dissolution, and intoxicating giddiness.”<sup>12</sup>

Although Google Earth has some of the interactive attributes of a “first person shooter computer game,” as noted in Roger Stahl’s<sup>13</sup> detailed critique of vision via the technologies developed by Keyhole and used in Google Earth, these very attributes also contribute to constructive communal ways in which the application offers opportunities for interacting with information via its technology; such attributes are certainly associated with the immersive nature of the environments that we create when we are searching for and thereby constructing a sense of place and time during our individual and usually private uses of Google Earth. Indeed, one of the illusions of Google Earth is that it is a

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<sup>9</sup> Jeremy W. Crampton, “Cartography: Maps 2.0,” *Progress in Human Geography* 33.1 (2009), 91.

<sup>10</sup> Jo Wood, Jason Dykes, Aidan Slingsby and Keith Clarke, “Interactive Visual Exploration of a Large Spatio-Temporal Dataset: Reflections on a Geovisualization Mashup,” *IEEE Transactions on Visualization and Computer Graphics*, 13.6 (November/December 2007), 1177.

<sup>11</sup> *ibid.*

<sup>12</sup> Paul Kingsbury and John Paul Jones III, “Walter Benjamin’s Dionysian Adventures on Google Earth,” *Geoforum*, 40.4 (2009).

<sup>13</sup> Stahl, 84-85.



static site, that the information it offers has an indexical relationship to time and space. This illusion that the status of the geographical information is beyond rational argument is common to all mapping enterprises. Google Earth's holistic aesthetic, as exemplified by the blue globe of earth/Gaia, suggests to our perceptual gaze an even stronger connection between seeing and believing the information available in this site. In Google Earth, however, we only see those satellite images Google makes available at any particular time. So the images might not be the same as those we saw on a previous viewing, and these changes are not announced in the site itself apart from the time and space coordinates noted in very small print on the bottom of the images. We can return to a particular place on earth but we are not returning necessarily to the same time/space image, even if it does seem that we are looking at the earth as an ever-present space.



Fig.1. Screen shot of Google Earth (accessed 30/9/2010)

Jason Farman's recent critique of Google Earth in the context of cartography well describes the implications for embodied responses to new media practices that arise from engaging with "a new form of spatial interaction"<sup>14</sup> that emerges from the nexus of human responses to digital, yet

<sup>14</sup> Jason Farman, "Mapping the Digital Empire: Google Earth and the Process of Postmodern Cartography," *New Media and Society*, 12.6 (2010), 885.

indexically linked, representations of “real space.” His analysis focuses on Google’s creation of the Google Earth Community (via the Bulletin Board System) that allows a community of users to interact with each other, to manipulate and mark/tag data from Google Earth as they illustrate and engage their own individual agendas as well as those of a broader socio-political nature.

Another inherent link between the user of the application and its makers needs to be kept in mind: that of the consumer to a promoted product. This particular aspect must be noted, even if briefly, because Google Earth invites people to use it for commercial purposes, just as it offers “grants” to non-profit organizations to develop sites within its Google Earth Outreach Program. For all its beauty and military might, Google Earth is a product intended for corporate profit.<sup>15</sup> For example, Google insists on its branding logo being included in any images copied from the site: reasonable, perhaps, but also a reminder that data from Google Earth is derived from corporate interests whose agenda must embrace the knowledge that, in Lisa Parks’s words, “Satellite image data only becomes a document of the ‘real’ and an index of the ‘historical’ if there is reason to suspect it has relevance to current affairs.”<sup>16</sup> For example, although Google Earth has been used to trace human rights violations in Burma via satellite images,<sup>17</sup> Google Earth’s branding of this kind of data as its own quickly followed.

Having used the satellite images of Google Earth to trace the ravages of Hurricane Katrina in 2005, Google introduced Google Earth Outreach in June 2007.<sup>18</sup> Google Earth Outreach also provides what it calls “Google Earth Awareness Layers” that can be used to view within the Google Earth website, tagged information about people and places.<sup>19</sup> The Google Earth Outreach website itself, <http://earth.google.com/outreach/index.html> (accessed 24/2/11) currently offers a showcase of materials (videos, photographs, and text) that have been included as recent Google Earth Awareness Layers, together with information about how to obtain funding from Google Earth to make these

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<sup>15</sup> For a critique on this aspect of “branded information” see Lisa Parks, “Digging into Google Earth.”

<sup>16</sup> Parks, *Cultures*, 91.

<sup>17</sup> See Crampton, 93.

<sup>18</sup> See <http://googleblog.blogspot.com/2007/06/introducing-google-earth-outreach.html> (accessed 24/2/11).

<sup>19</sup> These layers are enabled by clicking a box on the sidebar viewed on the left of the screen image which comes up in the Google Earth application. Once the Layers are turned on, the user is then able to view icons that appear over images of the earth.

Layers and how to make them. Google Earth's Global Awareness Layers can be up-dated by their creators.

The sporadic or even constant updating of images and information that make up Google Earth, as well the updating of the Layers, means that the whole site is always changing. However, the meanings that we derive through this site are vulnerable to the illusion that times and places are denoted as static phenomena. As noted before, the conflation of time and space into the ever-present of the viewing moment, may offer the chance of intimacy with people far away: an emotional proximity whereby the far becomes near. Since 2007, many more Google Earth Awareness Layers have emerged, some as a result of funding provided by Google Earth Outreach to non-profit human rights or environmental activist organizations. But none are so complex as "Crisis in Darfur."

### **"Crisis in Darfur"**

The most famous Google Earth Awareness Layer, the human rights activist site "Crisis in Darfur," was launched in 2007, only two years after the launch of Google Earth itself. Produced in collaboration with the United States Holocaust Memorial Museum (USHMM), "Crisis in Darfur" is a complex, multi-layered document of the massacres, massive displacement of people, and the destruction of villages occurring in Darfur as a result of the 1983 civil war in the Sudan. Through this site we gain access to stories, photographs, statistics, and videos that are laid over/embedded in a vast topography of human destruction, with some icons introducing us to higher resolution shots of the earth, zooming across landscapes of burnt villages and tent cities.

In the "Crisis in Darfur" layer we see images of cameras (for photographs), quotation marks (for written testimony), clapperboards (for audiovisual material), small blue pyramids (for refugee tent cities), and different coloured flames to denote the various levels of devastation of specific villages. These various icons act as hyperlink points to other sites of information that occur either as part of the Google Earth site itself (links to photographs and text) or to other websites.

The site is a very "messy" one at first glance (see Figure 2). There is so much embedded information that the icons slip over and under each other and it is sometimes impossible to find the same link again during consecutive viewings. After examining 99% of the site, it is clear that there are over 230 primary links denoted by as many icons. These links are associated with particular villages or refugee camps. There are also 30 testimonies from people

who were victim to the *janjaweed*, the government-backed armed militias that ravaged the people and countryside of Sudan during the most recent phase of the civil war.

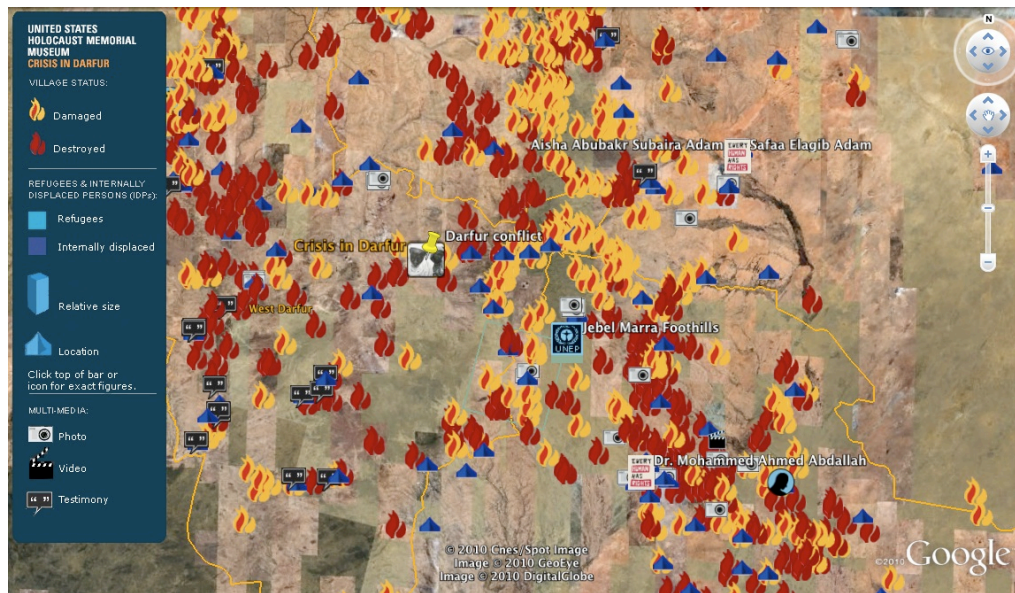


Fig. 2. Screen shot of “Crisis in Darfur,” Google Earth (accessed 30/9/2010)

The information found via these links are primarily from the USHMM website, including these internal links and updates: “Mapping Initiatives: Crisis in Darfur (2009 Update),” “Mapping Initiatives: Be A Witness,” “Speaker Series,” “Responding to Genocide To-Day,” “Take Action,” and “Who is at Risk?” Other linked sites include those created by filmmakers, Doctors Without Borders, the Universal Declaration of Human Rights, Physicians for Human Rights, the United Nations Environment Program, Global Grass Roots, UNHCR—the United Nations Refugee Agency, the United Nations Office for the Coordination of Humanitarian Affairs, and Amnesty International.

Institutions and sometimes individuals are named as sources of the information embedded beneath the icons. The nature of this information is sometimes more drily presented, through maps or the statement of statistics. More often the information comes through images and testimonies of great suffering. This is an example of the latter:

The attack took place at 8am on 29 February 2004 when soldiers arrived by car, camels and horses. The Janjawid were inside the houses and the soldiers outside. Some 15 women and girls who had not fled quickly enough were raped in different huts in the village. The Janjawid broke the limbs (arms or legs) of some women and girls to prevent them from escaping. The Janjawid remained in the village for six or seven days. After the rapes, the Janjawid looted the houses.<sup>20</sup>

These testimonies, together with photographs and films, constitute the “intolerable” images that I discuss further on.

I will now relate my own initial engagement with Google Earth and how it drew me into considering an even closer link between digital imaging and the human/machinic sensorium. The following discussion traces my own subjectivity as I roamed through Google Earth, moving from a terrain full of familiar places, times, and memories to a time and place that defied my imagination.

### **A Finite Private Vision**

There is a road between where I live in Canberra and the house I also live in as often as I can “down the coast.” I find it difficult, tedious to drive. It goes down from the escarpment in steep twists and tight bends, resolving into an even more frustrating looping pathway through the foothills, over a large river and on to the forests and beaches of southern New South Wales, Australia. After years of driving this road I wanted to see why it is like it is and thought I could do this by seeing it from above, as a pattern on the earth. Post-2005, a friend referred me to Google Earth. So I began a personal exploration of a place on earth that was already very familiar. Using Google Earth’s “directions” compass, I could run my mouse over this road at a low enough viewing height to see the forest on either side of it and the valleys and hills around which the road travelled. I could also create a short, embedded (KMZ) video clip (Figure 3) that very slowly “drove” the road for me, keeping the point of view in the centre of the screen and swinging the road around and back again through the road’s bends. This movement in the screen to some extent mimicked the movement of my body as I steered my driving along the actual road itself.

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<sup>20</sup> This testimony lay under the icon over the village of Um Baru. It was from a “30 year old woman.” Information was provided by Amnesty International and the USHMM. The date of site set-up is not given (accessed 3/2/11).



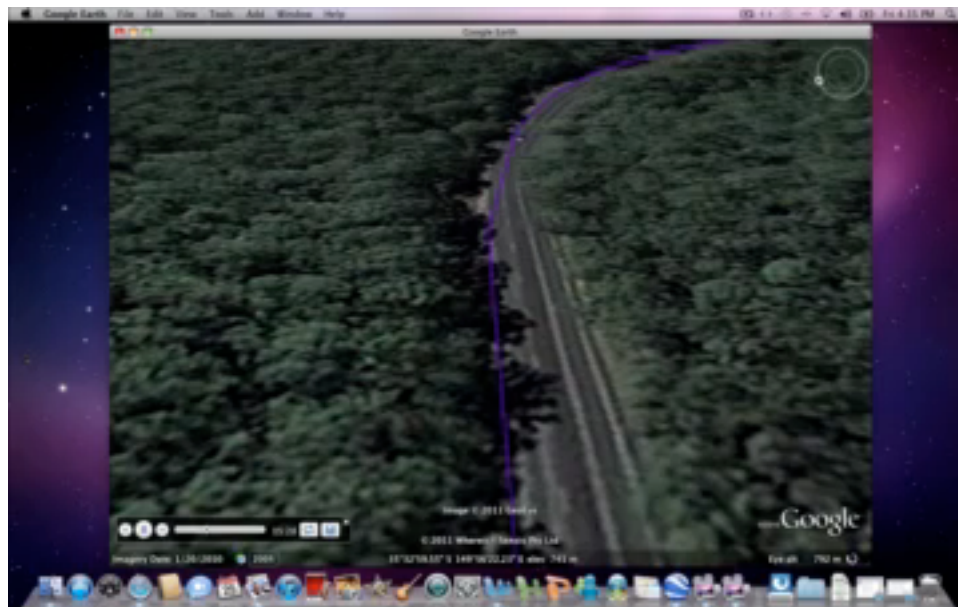


Fig. 3. “The coast road” (accessed 25/2/2011)

[—CLICK HERE TO PLAY THE VIDEO IN YOUR WEB BROWSER—](#)

After I had investigated the coast road, I swung over the seas towards Africa, as part of my Google trip around the world. I had clicked on the Google Earth Awareness Layers without knowing what they were. In the Sudan area in the north of Africa the bright flames of the site “Crisis in Darfur” drew my eyes and, as I zoomed down, I began to unravel some of the images and stories contained within that site. My journey through the information of “Crisis in Darfur” was even more confused than my first attempts to drive my mouse over the coast road southwest of Canberra. It is not an easy task to work through the various icons and find the images and words that are buried beneath them. I have returned many times to the Sudan through Google Earth and every trip is different. The numbers of displaced people overwhelm with their magnitude and the photographs of the refugee camps ground this information fairly well. The images, though, always affect me strongly: the photography is very good and I find myself virtually face-to-face with people who have suffered atrocities and who are presented to me within that context of suffering. On the other hand, the video clips that can be accessed via links to the USHMM site pull me back to myself as I listen to other people translating the suffering or, in voice

over, telling me, for example, about the drawings children made in their refugee camps—drawings depicting their parents and families being massacred.<sup>21</sup>

The combination of written, translated testimonies by the victims themselves, together with illustrating imagery, affect me the most, pulling me back into a dialogic space where they and I exist together—they, through their representation, their images and stories, and me, through my affective knowledge of what has happened to them, of what they are describing to me as I sit in front of my computer screen. For the time of my finding and witnessing their trouble, they are in my live embodied space, my domestic space, and I have to deal with that. Later, I confront the question of how the knowledge that I gain from such human rights media through my engagement with Google Earth differs from that accessed through other media formats. How might this knowledge be different from that gained directly from activist websites, like that of the USHMM? I instigated the search for something I did not know was there and then followed through. I looked at this site with the same body that could drive the coast road on and off screen. I played Google Earth with my own body in order to understand places and situations I knew of previously either at a great distance (with little affect) or at too close a distance (with a great degree of affect). So I asked myself, how could I deal with an affective knowledge of people with whom I had no live, “face-to-face” engagement? How to name such knowledge and how far could I go in defining this interaction as a new kind of face-to-face engagement mediated by the disappearance of distance, both actual and perceptual?

Here, the term “bioconvergence” is an apt description of such an interaction between my own body and the body of someone far away. Indeed, two ways of understanding how we can use the term “bioconvergence” are evident in this scenario. There is the convergence between two biological bodies that are not inhabiting the same time and space. This is a convergence that has puzzled us since the advent of photography. There is also the bioconvergence between human and machine, whereby our vision of another person is not simply a machine-mediated gaze, but an emotionally sensed perception enabled by computer technology. This bioconvergence manifests as a corporeal presence that is not limited by existence in the same time and space. Can we speak, then, of a bioconvergent vision which is not necessarily the emotionally detached gaze of the empowered at the dis-empowered?

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<sup>21</sup> To view this clip, “The Smallest Witness,” follow this link: <http://www.ushmm.org/genocide/analysis/details.php?content=2005-06-03> (accessed 29/9/2010).

### The Intolerable Image

Vision is *always* a question of power to see—and perhaps of the violence implicit in our visualizing practices. With whose blood were my eyes crafted?<sup>22</sup> (Donna Haraway)

Haraway concisely refers to the ethical dilemmas of vision as inherently a political act. Even the word “vision” is laden with all the debates in academe about voyeurism: of enjoying the spectacles we look at without reference to the socio-political consequences of “the gaze,” of looking at people who cannot look back, of the power of looking when others cannot, of finding out information unavailable to others, and so on. But there are also other, constructive acts of vision that include ways of “looking at” that constitute acts of imagination and reflection, and the kinds of looking that are not so readily available using only our “naked eyes.” These include searching, “looking for” something or for someone, using whatever tools are available. These tools are not necessarily single entities; they come into existence by combining our eyes and ears with the microscope, telescope, the algorithms of mathematics and digital modelling technologies, microphones, earphones—augmenting and changing our “naked eyes” to include any machine that helps extend our vision towards a more expansive experience of self and the agendas of that self, a more expansive subjectivity. This is a subjectivity only available to a bioconvergent being.

The variables in our physical acts of searching are several, including the chronology of how we follow links, where we begin, where we end, and what level of viewing we use via the zoom and tilt tools. Our interpretative acts of vision through searching encompass all of the above but include many more: our prior knowledge of the situation described by the website’s content, our digital literacy, our patience, our curiosity, our fascination, how and why we begin and end our search, whether or not we return and what form that return takes. The knowledge we gain from looking at human rights activist sites also includes our responses to what Rancière names “the intolerable image.”<sup>23</sup> What makes an image intolerable? His reply is in the form of two additional questions: “what features make us unable to view an image without

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<sup>22</sup> Haraway, 192.

<sup>23</sup> Jacques Rancière, *The Emancipated Spectator*, trans. Gregory Elliott (London and New York: Verso, 2009), 83.



experiencing pain or indignation,” and then, “is it acceptable to make such images and exhibit them to others?”<sup>24</sup>

The responses of “pain and indignation” to the intolerable image are directed towards what is deemed abject to society, “too intolerably real to be offered in the form of an image.” Rancière goes on to say that “This is not a simple matter of respect for personal dignity.”<sup>25</sup> In his essay, “The Intolerable Image,” he writes how this denial of vision is not so much a matter of respect for the embodied human who is represented as disempowered through the violence of pain, as a matter of damning such representation because this representational practice is embedded in a regime of vision which is the same as that of the “view of the dead child in the beautiful apartment,”<sup>26</sup> where the photographically indexical image of a brutalized child becomes a work of art that in turn can become part of the décor of an expensively appointed domestic living room.

Rancière then describes how a specific authoritative voice of society emerges to tell us that it is immoral to view such images without taking action to reverse the wrongs that are represented within them: “Action is presented as the only answer to the evil of the image and the guilt of the spectator.”<sup>27</sup> He shows how such moral action is made impossible, however, by the spectator’s guilty immersion in the “false existence” of the “unrepresentable.” Rancière thereby distinguishes between “the intolerable image” and what he names as a shift to the “intolerability of images.”<sup>28</sup> So it becomes an issue yet again of what can be seen and what cannot be seen, although this time it is a “lose-lose” situation for the would-be spectator. In the digital age, it is possible perhaps to draw an analogy between the “expensively appointed apartment” and the comfortably appointed viewing space of the personal computer, and to deny the morality of looking at pictures of suffering because they come from the same envisioned regime of the spectacle.

When dealing with the subject matter of human rights abuse and war, however, the un-representable is always in play under the guise of the “unthinkable,” and that is the challenge offered by “Crisis in Darfur.” As we search and find by happenstance some of the terrible things humans do to each other, we are confronted with having to think and imagine at a new level. To form a constructive political act of seeing and watching without fearing

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<sup>24</sup> *ibid.*

<sup>25</sup> *ibid.*

<sup>26</sup> *ibid.*, 85.

<sup>27</sup> *ibid.*, 87.

<sup>28</sup> *ibid.*, 84.

associated feelings of fascination, we need to use this emotional imagination to embrace the people and places that are *inside* the image.<sup>29</sup>

### Framing the “Disappeared”

It is to the stranger that we are bound, the one, or the ones, we never knew and never chose. To kill the other is to deny my life, not just mine alone, but that sense of my life, which is, from the start, and invariably, social life.<sup>30</sup> (Judith Butler)

With these words, Judith Butler cuts through any prevarication inherent to the morality, what I would call a “false” morality in this context, which denies our looking at the intolerable suffering of others, when such a denial disguises a desire “not to think,” not to contemplate the suffering of others. While Butler is talking about the literal killing of people in war, her emphasis that if we kill another we also kill the “sense of my life which, is from the start, and invariably, social life” speaks directly to a social need to affirm life and the links we have through this life to other people, via whatever mediation we have available. We look at the stranger and draw them into our space as they draw us into theirs. This space then become a dialogical one in which, using Michael Holquist’s words,

all meaning is relative in the sense that it comes about only as a result of the relation between two bodies occupying *simultaneous but different* space [italics mine], where bodies may be thought of as ranging from the immediacy of our physical bodies, to political bodies and to bodies of ideas in general (ideologies).<sup>31</sup>

Holquist’s understanding of Bakhtin’s dialogical communication clearly refers to the possible creation of meaning between physical bodies “occupying *simultaneous but different* space.” In this sense, it is “far” distance which disappears. The people we see/hear through the textual practices of film and photography are present, not absent in this communication space. Their images refer to their presence, not absence, in the joined space through which we

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<sup>29</sup> For a comprehensive discussion of how images can style spectators as political agents, see Lilie Chouliaraki, “The Media as Moral Education: Mediation and Action,” *Media, Culture and Society*, 30.6 (2008): 831-852.

<sup>30</sup> Judith Butler, *Frames of War: When Is Life Grievable?* (London and New York: Verso, 2010), xxvi.

<sup>31</sup> Michael Holquist, *Dialogism: Bakhtin and His World* (London and New York: Routledge, 1990), 22.

engage our social life, a life which includes them. How then to explain why distances of the far still inform so powerfully society's understanding of computer-mediated communication? A destructive relativist response still exists in our viewing of the "stranger" who suffers: "that is their business, not mine," closely followed by the fearful response, "it couldn't/shouldn't happen to me, I am different." Martha Nussbaum's definition of compassion includes such fear as a constructive affective force<sup>32</sup> as I will discuss shortly. First, though, I want to consider aesthetic reasons that might contribute to this fear as a destructive response to the "other."

In his essay "Kriegstrasse," Paul Virilio writes about the "telepresence of terror"<sup>33</sup> and proposes that terrorism in the twentieth century is marked by the trope of disappearance. While the last century was marked by an "aesthetics of disappearance," the twenty-first century, he argues, is now developing an "ethics of disappearance."<sup>34</sup> Virilio suggests that today society is striving for immediacy, for speed and mass affect to which end individual morality and emotional affect will be lost—a pessimistic view indeed. But what is actually disappearing at such speed? Are we disappearing from each other as embodied beings? Perceptions of distance between people are certainly changing. Online communication allows people far away to communicate as if in the same live space and time, echoing the immediacy of telephony and yet through the accessibility of Web 2.0 and email, also massively increasing this kind of communications traffic. In this case, "far" becomes near. Has the idea of "far" subsequently disappeared, then, in the realm of interactions between individual people? And has the distance of cultural difference disappeared? What has disappeared, I think, is that the perception of distance, between the far and the near, is no longer of the same significance in how we now understand the world around us. The "distance of difference," however, is as strong as ever, contrary to Virilio's teleological account of the "ethics of disappearance" and a homogenized future.

Cultural contexts of difference may, perhaps, be disappearing more slowly than we think, but I suggest that it is far too early to say that the social apparatus for individual subjectivity has disappeared. It is changing. In McLuhan's words,

Our sensory modes are constituents, not classifications. I am simply identifying modes of experience. We need new

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<sup>32</sup> Nussbaum, 35-36.

<sup>33</sup> Paul Virilio, "Kriegstrasse," in *City of Panic*, trans. Julie Rose (Oxford and New York: Berg, 2007), 55.

<sup>34</sup> *ibid.*, 56.

perceptions to cope. Our technologies are generations ahead of our thinking.<sup>35</sup>

McLuhan explains that by investigating how technologies affect our understanding of ourselves we are in fact “dealing with the present as the future.”<sup>36</sup> And this is a key point in considering new media texts: digital media algorithmically models the world, speculation is the very material of digital technologies. Such speculation is mediated human activity—we still program the computers that program the computers that.... The “new perceptions” that we need “to cope” with the present and the speculative future require a fundamental change in our understanding of who we are as humans. Our subjectivities grow out of these changes, perhaps towards an acknowledgment that “out of sight” can no longer be “out of mind,” that our ideas about who we are are no longer constrained by what we know, but by what we *can* know.

### Face-to-Face

Other voices insist that the body cannot be left behind, that the specificities of embodiment matter ... bodies can never be made of information alone, no matter which side of the computer screen they are on.<sup>37</sup> (N. Katherine Hayles)

Earlier I noted the moral need to embrace the people and places that are *inside* the image. I suggest that the testimonies that suffering people offer through their photographic and written re-presentations on activist websites need to be considered as what they are *per se*, not only through the trope of ethical dilemmas of vision, mediated or not. We accept our role of witness, whilst still embracing debates about the ethics of vision. I am interested here in how the re-presented body can look back at us.

Paul Willemen defines a “look back at the viewer” as the fourth “look” in cinema.<sup>38</sup> Willemen’s idea extracts the body of the filmed person from the space of the screen to look at us the viewers with eyes that stare down the lens of the camera. The fourth look is when the people we see on the screen confront

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<sup>35</sup> Marshall McLuhan, “A Dialogue: Gerald E. Stearn and Marshall McLuhan,” in *McLuhan Hot and Cool* (Harmondworth, Middlesex, UK; Ringwood, Victoria, Australia: Penguin Books, 1968), 336.

<sup>36</sup> *ibid.*, 337.

<sup>37</sup> N. Katherine Hayles, *How We Became Posthuman* (Chicago and London: University of Chicago Press, 1999), 246.

<sup>38</sup> Paul Willemen, *Looks and Frictions: Essays in Cultural Studies and Film Theory* (London and Bloomington: BFI Publishing and Indiana University Press, 1994), 107.

us with our act of looking at them, by looking back at us via the same camera through which we see them. He extends his definition of this look to include the sense with which a whole filmic text can confront an audience with their act of looking, through reflexivity in story, sound, music, characterization, location, set design or camera style. In describing the active subjectivity of a person viewing a film, Vivian Sobchack well describes how this confrontation takes place from the point of view of the spectator:

From the perspective of the subject of vision, that body (the spectator's) is not passive or "empty." It is a lived-body, informed by its particular sensible experience and charged with its own intentional impetus.<sup>39</sup>

Such representational audio/visual practices that confront us through the *framing* of image content unsettle the hegemonic status of vision by offering the possibility for what Haraway calls "situated knowledges." These kinds of knowledge refer to bodies located in specified places; they support an understanding of our eyes as embodied organic tools of vision, and not as signifiers of, in Haraway's words, "a perverse capacity to distance the knowing subject from everybody and everything in the interests of unfettered power."<sup>40</sup>

When looking at "Crisis in Darfur" with our "naked eyes" via our capacity for computer vision, I literally know through the technology of Google Earth the spatial and temporal co-ordinates of the people I see and hear. My knowledge is literally situated in space and time, and depending on my response to these images, my knowledge can deepen into what Nussbaum defines as compassion: "a certain sort of reasoning," "a certain sort of thought about the well-being of others."<sup>41</sup> Recalling Butler's argument about "the stranger," Nussbaum argues that pity/compassion towards suffering people is requisite to social justice, that compassion is a form of affective, imaginative social knowledge that brings the spectator into an engagement with the suffering person, which is based on a sense of what human well-being should encompass together with the fear that as humans, suffering can come to us as well. She writes:

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<sup>39</sup> Vivian Sobchack, *The Address of the Eye: A Phenomenology of Film Experience* (Princeton: Princeton University Press, 1992), 305. This quotation is from Sobchack's phenomenological exploration of vision through the experience of film. Although my present discussion draws on these ideas, and to some extent they under-pin my theory, I do not explicitly engage with them here. My arguments here are grounded more in the context of representational practice.

<sup>40</sup> Haraway, 188.

<sup>41</sup> Nussbaum, 28.

The good of others means nothing to us in the abstract or antecedently. Only when it is brought into relation with that which we already understand—with our intense love of a parent, our passionate need for comfort and security—does such a thing start to matter deeply.<sup>42</sup>

I suggest that Google Earth offers an opportunity to extend the compassionate correlation between what we already understand and what is happening to people we do not personally know. This opportunity is through a simple device achieved via the complex technologies of Google Earth: we can tag or otherwise mark our personal domestic times and spaces on the same animated space as we find the marked spaces of others. We are performing inside the same social space as those with whom we engage in “Crisis in Darfur.”

Stahl focuses his investigation into how Google Earth acts “as a kind of text, a powerful public screen onto which a political landscape is projected and thereby made sensible.”<sup>43</sup> Our growing intelligence concerning interactivity and immersion factor into how we interpret such explicitly interactive texts by engaging the fraught, ambiguously determined domain of how we might be said to “perform” these texts. And if we employ the trope of performance to our textual interpretations then we also must confront the possibilities of feeling and emotion, of affect, of the knowledge that these interpretations might bring us.

### **An Augmented Reality—Performing with our Naked Eyes**

All these pictures of the world should not be allegories of infinite mobility and interchangeability, but of elaborate specificity and difference and the loving care people might take to learn how to see faithfully from another’s point of view, even when the other is our own machine.<sup>44</sup> (Donna Haraway)

Our performance of engagement with images of suffering most often involves to some degree the experience of fear and of SHOCK: shocking reportage and spectacle as triggers for compassion, or the actual contextualization of such images and words with each other, but also in the contact of massive representation, along the lines of holocaust representation with all the sober discourse associated with this, and the way that we know about these stories.

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<sup>42</sup> *ibid.*, 48.

<sup>43</sup> Stahl, 67.

<sup>44</sup> Haraway, 190.

When entering into a website such as “Crisis in Darfur” we are not opening a book, a newspaper, a computer, or watching a television. We are looking for information within a new kind of context, one which we need to make for ourselves through our navigation of ever-changing website design and content. We are tracking these horrors and people via a personalized surveillance technology. Yes, we can use what we find for other (pitiless) purposes, but because the images, sounds, and stories are open to different kinds of interpretation, it cannot be ruled out that one might be the act of pity, of compassion, which “is, above all, a certain sort of thought about the well-being of others ... a certain sort of reasoning.”<sup>45</sup>

When I see the flames of “Crisis in Darfur” growing larger on my computer screen as I roll my mouse towards a closer focus, I feel a sense of dread and fascination. Why fascination? Perhaps it is not only towards a spectacle of destruction in which happily I am not directly involved (as in the experience car accident gazing). Perhaps such a fascination and dread is also a result from recognition through “sympathetic identification.”<sup>46</sup> In other words, I know I am looking at pain, that I will be looking at pain, if I move any closer, and I might allow or be surprised into allowing myself to feel the pain of compassion and the pairing with another that is inherent to this kind of knowledge in my perception of what I see and hear on this eclectic site. That pain might have been mine if I was in the same circumstances. If compassion as affective, emotional knowledge denies Descartes’s “mind/body split,” then we are left again with bodies, theirs and ours. And these bodies are situated in both our life stories and theirs. We scramble after these connections between lives in places and times. The connections are not made obvious, we need to work at them in order to reach the position of compassionate understanding. We cannot reduce this kind of engagement to that which might be described by television theory’s “glance” or even through the Dionysian gaze of the wandering *flâneur* of Baudelaire and Benjamin.<sup>47</sup> As Tara McPherson suggests:

We move from the glance-or-gaze that theorists have named as our primary engagements with television (or film) toward the scan-and-search ... a fear of missing the next experience or the next piece of data.<sup>48</sup>

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<sup>45</sup> Nussbaum, 28.

<sup>46</sup> *ibid.*, 39.

<sup>47</sup> See again Kingsbury and Jones, “Walter Benjamin’s Dionysian Adventures.”

<sup>48</sup> Tara McPherson, “Reload: Liveness, Mobility, and the Web,” in *New Media, Old Media: A History and Theory Reader*, eds. Wendy Hui Kyong Chun and Thomas Keenan (New York and Abingdon, UK: Routledge, 2006), 204.

McPherson notes that our engagement with the web “is not just channel-surfing: it feels like we’re wedding space and time....The scan-and-search feels more active than the glance-or-gaze”.<sup>49</sup> This particular “feel” is the result of another much interrogated new media term: interactivity. In using Google Earth Earth’s “Google Earth Awareness Layers” I can interact with a high level of engagement, which in turn has the potential for immersing me in the content being examined. All this through the satellite technologies of remote sensors, which the artist Caroline Bassett claims “make it possible to touch a surface, to interrogate it, without being in direct contact with it. This is touch at a distance....”<sup>50</sup> Bassett goes on to say the following:

Remote sensing thus suggests profound transformations in human sense perception, part of a broader series of (technologically influenced) shifts that are having an impact not only on scientific processes, but also on everyday life.<sup>51</sup>

Through remote sensing, then, we find a new way of disappearing far distance; we are enabled in a new way to experience what Nussbaum calls “the thought experiment of compassion.”<sup>52</sup>

### Changing Time in Space

Google Earth is a vehicle for communicating annotated information about what the earth (as world) looks like and what happens on this earth. This information is not coherent in form or style and has the same problematic status of a “truth saying platform” that necessarily uses technologies of representation, as do all other visual and audio-visual texts. Added to this is the paradox of the index, inherent to all “non-fictional” texts: Google Earth still (2011) has the utopian aura of transparent representation that cinema and photography possessed for at least the first 100 years of their invention—this aura is reinforced by Google Earth’s iconic, brand image of our planet earth as a spinning globe: Gaia in blue and white, spinning in space for our aesthetic appreciation of its beauty. Add to this beauty the incredulity associated with our everyday sense of the ephemeral images taken in what is still for most people “outer space,” as well as seductive offerings to zoom and fly through and over our planet as never before in history or in any other virtual space—then it becomes clearer why Google Earth can be

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<sup>49</sup> *ibid.*

<sup>50</sup> Caroline Bassett, “Remote Sensing,” in *Sensorium. Embodied Experience, Technology and Contemporary Art* (Cambridge and London: MIT Press, 2006), 200.

<sup>51</sup> *ibid.*

<sup>52</sup> Nussbaum, 52.



imagined and used as itself a creature of “outer space”: not quite a game, not quite an encyclopaedia, definitely, or perhaps, a tool for surveillance and control and correspondingly a site of resistance but also for (almost) untrammelled imaginings of place and time, depending on the user’s skill and knowledge of the application.

“Crisis in Darfur” is a moving, plastic, shape-changing sub-text that we can use in many ways. Consequently, it can be understood as a particular kind of object: a medium of communication and representation. But in McLuhan’s words again. “Objects are unobservable. Only relationships between objects are observable.”<sup>53</sup> The human, the machine, compassion and grief—all of these are part of the experience of engaging with suffering people in the Sudan. Political implications? In Butler’s words,

Open grieving is bound up with outrage, and outrage in the face of injustice or indeed of unbearable loss has enormous political potential. It is, after all, one of the reasons Plato wanted to ban the poets from the Republic.<sup>54</sup>

Can we understand Google Earth as a site that can elicit a responsive performance of compassion? If so, then Google Earth offers a certain kind of embodied, and therefore a haptic, experience that plays across our senses, which can be described as one that is socially useful, and to a degree necessary for further political action. This question of compassion in turn requires a consideration of knowledge and power at an individual level, and of compassion as an active state of “knowledge [which] is based on embodied subjectivity and that this form of knowledge is action.”<sup>55</sup> Google Earth is surely a machinic vehicle for communications in the realms of both the sublime and the ridiculous—a vehicle, perhaps dangerous to some agendas, that allows humans both to play and to grieve. The simulations of Google Earth augment our imaginations and perceptions of the world in a new and powerful way. Both the illusions and actual indexicality integral to remote sensing, mapping, animation, and web technologies, are yet contained within the time/space of a single web space. Google Earth is now part of our perceptive apparatus, a new part of the ever-changing embodiment of the bioconvergent human creature.

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<sup>53</sup> McLuhan, 337.

<sup>54</sup> Butler, 39.

<sup>55</sup> Kathy Marmor, “Bird Watching: An Introduction to Amateur Satellite Spotting,” *Leonardo*, 41.4 (2008), 322.



## **THE NEURO-COMPLEX: SOME COMMENTS AND CONVERGENCES**

**SIMON J. WILLIAMS, STEPHEN KATZ & PAUL MARTIN**

### **Introduction**

In this closing article for the first volume on “bioconvergence,” we shift the focus to the brain and to recent technologies and images that have gathered around the “neuro” that have opened the brain both to the scientific imagination and critical inquiry.

As this special issue amply demonstrates, bodies, to be sure, may be increasingly “technologized,” and technologies may be increasingly “bodied” or “embodied.” Both bodies and technologies, moreover, may be pervasively “mediatized” in these media/information-rich times of ours. But what exactly does this tell us about the brain *qua* organ of the body—orchestrator of our thoughts, feelings, behaviours, desires; object of scientific investigation and intervention; and endlessly elaborated cultural resource and point of reference? How useful is the concept of “bioconvergence” in thinking through these issues with the “brain in mind,” so to speak?

The thoughts that follow are perhaps best read as a brief preliminary set of comments (if not answers) to these questions, a work in progress, taking two key neurotechnologies in contemporary neuroculture for illustrative purposes in relation to bio- or neuro-convergent themes.

All of this, of course, begs prior questions as to what precisely we mean by “neuroculture” and how it relates not simply to the truths and technologies of modern day neuroscience, but the wider realms or vistas of political and public life, and popular culture. It is to these very matters, therefore, that we first turn as a backdrop to the neuro-related themes and issues that follow.

### **Tracing the Brain: From Neuroscience to Neuroculture**

The past two decades have witnessed unprecedented developments in brain or neurosciences, with the 1990s declared the “decade of the brain” and a host of further neuro-related claims and concerns, hopes and fears, articulated during the opening decade of the twenty-first century.

A dense, dynamic, rapidly expanding field of knowledge and expertise, truths and technologies, the configuration of the neurosciences today bear striking resemblances to the complexities of the very brain processes and problems they seek to study. This, for example, includes primary divisions into basic, cognitive, social, and affective neuroscience, and numerous other branches or strands, synergies or synapses, not to mention newly emerging “hybrids,” which seek to align themselves with the neurosciences in various ways, some more legitimate than others. These range from neuroeconomics to neuroaesthetics, neuroeducation to neuropsychonalaysis and even neurotheology. Hence the “neuro-” is a complex field of contested truths, claims, and counter-claims. It is also a field imbued and invested not simply with considerable hope but appealing hype.

Elsewhere we have discussed a series of key “relational nexuses” at stake in these neuro-related trends and transformations (Williams et al. 2011). These, to briefly restate, include the following:

- i) *The Bio-Psych Nexus*, whereby biological understandings of mental life and social behaviour are coming to eclipse or replace previous psychological theories through more neurochemical and neurobiological or neuromolecular explanations, thereby effectively bypassing or downplaying mind in favour of brain (Abi-Rached & Rose 2010; Rose 2007);
- ii) *The Pharma-Psych Nexus*, whereby a huge growth of psychopharmaceutical markets have targeted the brain and its neurochemistry in recent decades. These include SSRIs for the treatment of depression and anxiety-related disorders, psychostimulants such as Ritalin and Adderall for attention deficit/hyperactivity disorder (ADHD), and other drugs, such as Modafinil, which in addition to their prescribed medical uses for the treatment of conditions such as narcolepsy, are now supposedly used or abused by some “healthy” members of society for lifestyle, social or recreational purposes in order to boost alertness, if not cognitive performance;
- iii) *The Subjectivity-Selves (or Identity) Nexus*, whereby neuro-related developments and dynamics are coming to affect, albeit in complex, contingent, contested and heterogeneous ways,<sup>1</sup> our identities, our

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<sup>1</sup> We are not therefore claiming some simple or straightforward process here of scripting, sculpting or translation into neurochemical forms of subjectivity or selfhood. See, for example, Martin (2010) and Pickersgill et al. (2011) for recent studies demonstrating the empirical

selves, and hence the sorts of persons we take ourselves to be through more cerebral, neural or neurochemical based notions and processes of identification, subjectivity, selfhood, sociality and citizenship (Rose 2007);

- iv) *The Wellness-Enhancement Nexus*, whereby neurotechnologies, from drugs to a host of other brain-based or brain-related devices, harbour the potential to take us far beyond the poles of normality and abnormality, health and illness, to a new era of “augmentation,” “enhancement,” “optimization” or “upgrades” of various kinds, which promise to make us “better than well” or “better than humans,” if not “better than human”;
- v) *The Neuroculture-Neurofutures Nexus*, whereby the wider circulation and translation of neuroscientific ideas and practices are received within popular culture and everyday life.

It is not simply then, as this latter nexus suggests, a case of the social shaping and the social significance of neurosciences, but of a newly emerging and expanding neuroculture that bridges scientific expertise on the brain, popular cultures of the body, and neo-liberal politics of the self—see, for example, *History of the Human Sciences* 2010; Massen & Sutter 2007; Ortega and Vidal 2010; Pitts-Taylor 2010; Rose 2007; Vidal 2009—and which, despite the uncertainty of the knowledges that legitimate and sustain it, tells us that mental life can be understood, mapped, visualized, maintained, managed, improved, enhanced or optimized today or in the near future in these neuro-related, brain-based ways.

Neuroculture, to elaborate further, may be thought of as an agglomeration of dynamically related if not mutually reinforcing fields, technologies, and evidence, which connect with long-standing issues and debates regarding mind, body, brain, will, consciousness, intentionality, subjectivity, affect, and personhood, albeit within newly configured contexts and power relations.<sup>2</sup> It is also largely *promissory* in character, given the role played by scientific, popular, and public *expectations* in the mobilization of various utopian and dystopian futures, including futures past, present, and yet to come. Expectations, we might say, that are articulated and amplified in neurocultural ways, and that frame the construction of various neurofutures,

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complexities and contingencies of these processes in wider public and academic arenas far beyond the laboratory or clinic.

<sup>2</sup> Our use of the term “neuroculture,” therefore, rather than “neurocultures” in the plural, as some prefer (cf. Ortega & Vidal 2010), in no way denies these disparate, diverse, dynamic strands of contemporary neuroculture: quite the reverse.

including the “retrospecting of prospects” and the “prospecting of retrospects” (Brown & Michael 2003). Together, these constitute mutually binding visions, obligations, and communities of promise within which various neurofutures are worked upon or idealized and perhaps one day realized (Martin et al. 2008).

We suggest that the convergence of these elements amounts to a newly emerging and rapidly expanding “*neuro-complex*,” a dense and dynamic constellation of thought and practice, tools and technologies, meanings and metaphors, ideas and ideologies, which, *although frequently contested and divergent in their implications*, nonetheless *converge* or *coalesce* around the brain and mental worlds.<sup>3</sup>

It is not simply therefore, returning to the central questions of this paper and the special issue, another prime case of “*bioconvergence*” regarding bodies, technologies, and media. Rather, we are pointing to a “*neuro-convergence*,” albeit a contested or far from settled or stable convergence, refracted and reflected through the forgoing relational nexuses of the *neuro-complex*.

With these preliminary thoughts in mind, it is to two key examples of neuro-convergence that we now turn in order to further illustrate and substantiate these claims.

### **Neuro-convergence? Neurotechnologies in Neuroculture**

#### *(1) Scanning the Brain: Visualization and Popularization*

Perhaps one of the literally most spectacular faces or fronts of contemporary neuroscience concerns the ability to visualize the living brain through modern day scanning tools and technologies. A line may be traced in this respect from computerized tomography (CT) in the 1960s, through Positron Emission Tomography (PET) and Magnetic Resonance Imaging (MRI) in the 1980s, to the most recent arrival of functional Magnetic Resonance Imaging (fMRI) based on rates of oxygen uptake in different part of the brain. These technologies have generated not simply a proliferation of images of the brain “at work,” but an extraordinary range of applications, claims, and controversies, including attempts to “see” or “map” everything from supposed clinical abnormalities and drug responses to consumer choices, political preferences, even religious or spiritual experience, based on which parts of the brain “light

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<sup>3</sup> The neuro-complex, as this suggests, is perhaps best seen at present as not so much replacing as eclipsing the former “psychological” or “psy” complex, which writers such as Rose (1985) have long since detailed, documented, discussed, and debated.

up,” so to speak (brains do not literally “light up”), in response to different (laboratory controlled) stimuli.

Clearly, these images cannot or should not be taken at face-value despite the high degree of “neuro-realism” they convey (Racine et al. 2005). Their production and reception as seemingly objective or real “brain-facts,” as recent scholarship in science and technology studies and cognate fields admirably remind us, is a socio-technological accomplishment of no small import involving numerous interpretations, translations, and mediations. In other words, as Dumit (2004) convincingly shows, assumptions are not simply “designed into” these scans, but “read out” of them at every stage in the production process, from selecting subjects and the statistical techniques and mathematical models used to generate these “differences,” to the decision over how to colour them and which images to publish (on the limits of neuro-talk and neuro-images, see Crawford 2008).

It is not simply a question of the power to visualize the brain in these ways that matters, important as this question is, but the “persuasive power,” “seductive allure” (Fine 2010; McCabe and Castel 2008; Morton et al. 2006; Weisberg et al. 2008), and *popularization* of these images far beyond the lab, the clinic or even the scientific journal. Open a newspaper, turn on the television, leaf through a popular science book or magazine, surf the web, or browse the mind/body or self-help section of your local bookstore, for example, and there before you, sooner or later, you will doubtless come across a digitalized image or two of a supposedly “normal,” “healthy,” “anxious,” “autistic,” “anti-social,” “depressive,” “demented,” “obsessive” or “psychotic” brain at work, courtesy of these brain scanning technologies.

Of course, any such references are problematic, signifying as they do the all-too-common slide from “pictures” to “persons” through complex “cultural and visual logics” that equate or conflate “person with brain, brain with scan and scan with diagnosis”—processes, that is to say, not simply of interpretation but “*identification*” based on seemingly “*natural kinds*” through the digital powers and associated neuro-realism of visualization (Dumit 2004: 6). From here, moreover, it is but a small step from “neuro-talk” to “neuro-trash,” if not outright “neuromania,” based on all manner of hyped or speculative claims and vague or “voodoo” correlations (Vul et al. 2009) about brain-related matters today. Tallis’s recent remarks, for example, are instructive on this count. Whilst contemporary neuroscience, he notes, is one of “mankind’s greatest intellectual achievements,”

I am utterly dismayed by the claims made on behalf of neuroscience in areas outside those in which it has any kind of

explanatory power; by neuro-hype that is threatening to discredit its real achievements. Hardly a day passes without yet another breathless declaration in the popular press about the relevance of neuroscientific findings to everyday life. The articles are usually accompanied by a picture of a brain scan in pixel-busting Technicolor and are frequently connected to references to new disciplines with the prefix “neuro-”. (2009: 1-2)

Moreover, if you come across the latter, he continues:

...and it is not to do with the nervous system itself, switch on your bullshit detector. If it has society in its sights, reach for your gun. Bring on the neurosceptics. (2009: 7)

These claims may well be so. At one and the same time, they underline what is perhaps, for our purposes, the more important point, namely, the persuasive power and popular appeal of brain imaging technologies today, far beyond the laboratory or the clinic, as neuroculture intersects popular culture and everyday life.

To summarize, brain scanning therefore provides a powerful illustration not simply of the neuro-complex, but of neuro-convergence. To the extent, for example, that these tools and technologies provide powerful new images of the brain at work, images that convey a “neuro-realism” of sorts; to the extent that they involve albeit contested or controversial processes of identification; and to the extent that they are refracted and reflected within popular culture and everyday life; then clearly they map more or less neatly on to the bio-psych, subjectivity-selves, neuroculture-neurofutures relational nexuses identified above.

It is to our second key example of *brain boosting drugs*, rather than *brain scanning devices*, that must turn in order to more fully flesh out the other two pharma-psych, wellness-enhancement relational nexuses, and their salience and significance within the neuroculture-neurofutures nexus.

## (2) *Boosting the Brain: Enterprise and Enhancement*

While the pursuits of human self-improvement and enhancement are not new, recent developments in biotechnology and neurotechnology have added important new dimensions and dynamics to these pursuits. At stake here are powerful new tools and technologies with the potential to reconfigure the “vital normativities” of “life itself” (Rose 2007) through drugs and devices of various

kinds—thereby, surely, contra Haraway (1990), rendering us “all the more biological” (Rose 2007: 80).

Enhancement in this respect no longer simply denotes improvements up to the norm (i.e., normalization) or back to the norm (i.e., restoration), but beyond the norm, as in performance augmentation or upgrades of various kinds. Technologies that “enhance evolution” (Harris 2007) make us “better than well” (Elliott 2003), and “optimize” our powers and potential (Rose 2007), thereby making us “better humans” if not “better than human” (Miller & Wilsdon 2006).

For example, so-called “cognitive enhancing” drugs are a current, much discussed and debated issue on the neuro-technology/neuro-enhancement frontier (e.g., see Academy of Medical Science 2008; British Medical Association 2007; Greely et al. 2008). These drugs, as previously noted, include a range of current or near future psycho-pharmaceuticals, which, in addition to the clinical or therapeutic benefits bestowed in the treatment of conditions such as ADHD and Alzheimer’s disease, have the potential to enhance cognition amongst the “healthy”—hence the “smart” drugs tag.

Elsewhere (Martin et al. 2011) we have identified a number of assumptions, common in the scientific and ethical literatures bearing on this topic, that serve to frame discussions and debates regarding the promises and prospects of cognitive enhancement drugs amongst the healthy. These, to briefly restate, are as follows:

- i) A number of supposed “cognitive enhancing” drugs are already available, such as Ritalin, Aricept, and Modafinil, and the number of products of this kind reaching the market will increase significantly over the next few years (i.e., the “*already with us*” or “*inevitability*” discourse);
- ii) There is established consumer demand for cognitive enhancing drugs, particularly amongst college students and other groups to help their performance in exams (i.e., the “*established consumer demand*” discourse);
- iii) Cognitive enhancing drugs are effective according to currently available animal and human trials (i.e., the “*effectiveness*” discourse);
- iv) Cognitive enhancing drugs are relatively safe, thereby posing few risks to those who take them (i.e., the “*low risk*” or “*safety*” discourse).



These discourses in turn are further amplified and endlessly elaborated through the interstices and intersections of neuroculture, popular culture, and neo-liberal enterprise culture in which freedom, flexibility, and more active forms of citizenship and self-governance are prized.

Controversies remain nonetheless. Take the media coverage of the wakefulness promoting drug Modafinil, for instance, in which ambivalence if not scepticism looms large. On the one hand, as Williams et al.'s (2008) study of Modafinil in the British print news media clearly shows, the *clinical* or *therapeutic* benefits of this drug in the treatment of conditions such as narcolepsy are extolled by the British press in a largely uncritical fashion, which is often accompanied by patient testimonies about the ways in which the drug has helped “transform” their lives, lifting them from the “fog” of excessive sleepiness or reducing their daytime napping to manageable proportions. On the other hand, concerns are frequently expressed about Modafinil as a drug that reflects and reinforces a 24/7 society and ravenous culture, which promises to further blur the boundaries between treatment and enhancement, including various military deployments or applications to combat sleepiness.

To summarize, at stake here is yet another powerful example of neuro-convergent trends and transformations, or themes or tendencies, at least. This time, however, neuro-convergence centres around the problems and prospects of cognitive enhancement—discourses and debates in which the psychopharma, wellness-enhancement, neuroculture-neurofutures nexuses loom large. To the extent, moreover, that many if not most of these discourses and debates regarding the problems and prospects of cognitive enhancement involve the articulation of futures yet to come, they also perfectly illustrate the dynamic role that expectations play in the mobilization of various neurofutures: a case, quite literally, of neurofutures “in-the-making.”

### **Concluding Comments**

Let us return, in closing, to the implications of the foregoing sketch for questions of bioconvergence today, or in the near future.

The *neuro-complex*, we have suggested, constitutes a rich and fascinating example not simply of bioconvergence but of neuro-convergence. This case is not to imply the absence of controversy, contestation, and critique; far from it. It nonetheless suggests a neuro-related convergence of sorts regarding the brain and mental worlds—refracted and reflected through bio-psych and pharma-psych subjectivity-selves, wellness-enhancement, and what we have identified as the relational nexuses of neuroculture-neurofutures.

The dynamics of these processes are also perhaps worth spelling out in closing. The neuro-complex, as we have stressed, is not simply a newly *emerging* but a rapidly *expanding* enterprise, including both significant developments in neuroscience and neurotechnologies over recent decades and a burgeoning neuroculture that bridges or spans scientific expertise on the brain, popular cultures of the body, and neo-liberal politics of the enterprising, if not enhanced or optimized self.

*Expectations* too, of course, we have argued, are central to these developments and dynamics, including the articulation of hopes and fears regarding these neuro-frontiers both inside and outside the brain sciences. Here again, moreover, we glimpse not only the dynamics of neuroscience and neuroculture today, but the making of various neurofutures, including, in a reflexive vein, the role of the social sciences and humanities in the very co-construction of these neurofutures or neurofutures-in-the-making.

The intersections between the promises and prospects of various forms of neuro-*enhancement*, be they drugs, devices or new didactics, and prized neo-liberal values of *enterprise*, efficiency, freedom and flexibility, are also worth stressing here. In these and countless other ways indeed, new and old *ethical* and *political* dilemmas arise which extend far beyond the governance of neuroscience and neurotechnology, to the role of neuroscience, neurotechnology and neuroculture in the governance of bodies, selves, and citizenship: biopolitical or neuropolitical matters that implicate us all.

As for future research agendas around the brain, neuroculture, and bioconvergence, we hope this discussion indicates the vast scope and potential. Our paper in this respect is perhaps best read not simply as a preliminary sketch of these problems, prospects, and possibilities, but an invitation of sorts for further research along precisely these lines, fronts or frontiers in the decades to come as the neuro-complex continues to expand in expected and unexpected, yet equally rich and fascinating ways.

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Cary Wolfe. *What is Posthumanism?* Minneapolis: University of Minnesota Press, 2010. 392 pages; paper \$24.95. ISBN 978-0-8166-6615-7.

In *What Is Posthumanism?* Cary Wolfe pulls together writings from disparate disciplines, joining works on technological theory with material from animal studies, an emerging field in cultural studies. As with his 2003 book *Animal Rites*, Wolfe's stated objective is to both criticize liberal humanism and find ways to push cultural analysis beyond its inherent anthropocentrism. He has argued, "debates in the humanities and social sciences between well-intentioned critics ... almost always remain locked within an unexamined framework of *speciesism*."<sup>1</sup> Reading *What Is Posthumanism?* thus jumps into the middle of an ongoing discussion that seeks to undermine the cultural apparatuses that uphold the notion that humans are superior to other life forms and intelligences. Wolfe's conceptualization of posthumanism aims to:

fully comprehend what amounts to a new reality: that the human occupies a new place in the universe, a universe now populated by what I am prepared to call nonhuman subjects. And this is why, to me, posthumanism means not the triumphal surpassing or unmasking of something but an increase in the vigilance, responsibility, and humility that accompany living in a world so newly, and differently, inhabited. (47)

Using systems theory to extend Jacques Derrida's attempts to grapple with "the question of the animal" (115) and to destabilize the rhetorical structures that maintain the categorical separation between the human and the nonhuman, Wolfe reconfigures both, contending that there is no unified human subjectivity either on an individual level or within a larger cultural framework. He states that we are

always radically other, already in- or ahuman in our very being—not just in the evolutionary, biological, and zoological fact of our physical vulnerability and mortality, our mammalian existence but also in our subjection to and constitution in the materiality and technicity of a language that is always on the scene before we are, as a precondition of our subjectivity. (89)

Wolfe views the "unsettlement" (90) of our relationship to ourselves, to other humans, and to animals as an opportunity to undermine sedimented and

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<sup>1</sup> Cary Wolfe, *Animal Rites: American Culture, the Discourse of Species, and Posthumanist Theory* (Chicago: University of Chicago Press, 2003), 1.

conventional conceptual boundaries.

To accomplish this, Wolfe divides his book along a theory/practice axis. Like *Animal Rites, What Is Posthumanism?* has two main sections. The first section covers “Theories, Disciplines, Ethics” and the second part concerns “Media, Culture Practices.” In order to demonstrate how a posthumanist analysis of culture and its artifacts would look, Wolfe begins by offering a detailed historical overview of the origins of posthumanist thought. He argues, “the term ‘posthumanism’ itself seems to have worked its way into contemporary critical discourse in the humanities and social sciences during the mid-1990s” (xii), though it can also be traced further back to the 1960s in Foucault’s work, *The Order of Things: An Archaeology of the Human Sciences*. Wolfe points out that Foucault provocatively ends his archaeology by contending that the concept of “man” as “luminous consciousness” is a relatively recent invention, which, further, has reached the limits of its utility. In other words, the human ought not to be the yardstick by which all other creatures are measured.

In tandem with Foucault’s invitation to imagine a philosophical discourse in which the human is not privileged, current posthumanist thought, in Wolfe’s view, represents a confluence of other “genealogies” that may be traced to the Macy Conferences on Cybernetics (1946-1953). The conferences were significant, he argues, for having inspired the cybernetics-based systems theory of Gregory Bateson, Warren McCulloch, Norbert Wiener, and John von Neumann, among others, and the subsequent re-envisioning of their theories by Huberto Maturana, Francisco Varela, and Niklas Luhmann. Early cybernetic systems theory posited a closed-loop feedback system; that is, any action performed by the system resulting in a change in its environment is routed back into the system itself. The system must then adapt itself to the new conditions. Information systems theory, Wolfe writes,

converged on a new theoretical model for biological, mechanical, and communication processes that removed the human and *Homo sapiens* from any particularly privileged position in relation to matters of meaning, information, and cognition. (xii)

The human brain was reconceptualized as an information-processing system akin to a computer, making humans analogous to intelligent machines. This shift was significant because it wedged open a space in which subjectivity was deprioritized and the focus shifted to an examination of how human beings function within a system. In this formulation, what humans think is not as important as how the brain works.

In Wolfe's view, the second-order systems theory of Maturana, Varela, and Luhmann takes advantage of that opened space to doubly de-privilege the human. Luhmann in particular extended systems theory beyond computational linguistics into the cultural sphere, characterizing social systems made and populated by humans as autopoietic, in that they are self-generating and self-correcting. More simply, the system filters information to determine its boundaries from its environment in order to distinguish what is meaningful communication and what is irrelevant. In this configuration, humans are not subjects, but "autopoietic life-forms" that contribute data (xxiii). This distinction between subjectivity and consciousness subverts the implicit ordering that places the human at the top of a hierarchy of living beings and replaces it with a web of relationships and feedback loops. By viewing animal studies through the lens of systems theory, Wolfe is able to reposition questions of identity and representation so as to de-ontologize binary oppositions such as human/animal or nature/culture and convert them into a less culturally-loaded system/environment.

In the penultimate essay in the theory section, "'Animal Studies,' Disciplinarity, and the (Post)Humanities," Wolfe takes to task animal studies for continuing to maintain both the binary opposition between humans and nonhumans and the hierarchy that places humans at the pinnacle. He views the discipline as experiencing a "crisis of coherence" (101), arguing that scholars interested in historical approaches or animal rights have little in common with scholars more interested in animal theories of representation, such as Deleuze and Guattari or Agamben. Wolfe demonstrates that writings on animals are found in many different disciplines, all of which tend to uphold an anthropocentric position. It is not enough to direct scholarly attention to animals, he asserts. Even "with the aim of exposing how much they have been misunderstood and exploited, that does not mean we are not continuing to be humanist—and therefore, by definition, anthropocentric" (99). He finds that interdisciplinarity is not enough; to be truly posthumanist, the concept of subjectivity itself needs to be undermined and transformed in a way that does not privilege the human. It is only by giving up notions of personhood that speciesism can be destabilized, he argues, so that we can become posthumanists, and participate in any true form of interdisciplinarity.

Wolfe's conception of a truly posthumanist cultural analysis informs his next section, which examines conventional media like poetry, visual art, film and music, and architecture. In "Lose the Building: Form and System in Contemporary Architecture," Wolfe compares the *Tree City* project, which proposes a redesign of Toronto's Downsview Park, with the *Blur* project, a manufactured cloud encompassing a viewing deck in Switzerland. Wolfe



asserts that viewing the history of the phases of development for each project through the lens of systems theory will “displace” the nature/culture distinction inherent in what he calls “the ideology of the park” in order to forward a system/environment interpretation of being in a lived environment (211). According to Wolfe,

the park may be viewed as a functional component of the larger urban space for which and in which it provides certain services, in which case the question is not its autonomy but precisely the opposite, how it functions as an element within a larger matrix of social systems of which it is a part. On the other hand, it may be viewed as a part of the social system of art, in which case the question *is* precisely its autonomy and how that autonomy communicates the larger problem of the autopoiesis of art as a social system in a functionally differentiated society. (210)

In other words, by presenting real-world objects or phenomena as representations of an imaginary world, art and architecture both become enclosed systems and an expression of communication from that system into the larger framework of society. Wolfe’s posthumanist analysis of real spaces works towards a conception of the viewing subject not as a singular human individual, but as a system-within-a-system experiencing its environment. By presenting the city park as form of autopoiesis—in that the art itself changes according to the viewing body, which then becomes changed by experiencing the art—he attempts to bypass the customary vision of the viewing subject. His attempt to challenge established models may not be comprehensive enough to undercut a long tradition of placing human beings at the apex of the great chain of being. Still, his version of a posthumanist experience of art holds value for offering one possible way we might move through and past anthropocentrism.

As a blueprint for where a posthumanist approach could take cultural theory, his book is conceptually invaluable. Wolfe excels at bringing together writings from across disciplines, ably pointing to the junctures where technology, bodies, and cultural theory intersect. By linking animal studies to systems theory, and proposing art as a way to change traditional conceptions, he paves the way to reimagining subjectivity as something not exclusively human. Wolfe ultimately answers “what is posthumanism?” not by looking back at what it has been historically, but at what it could be if cultural artifacts were produced by those no longer invested in maintaining human superiority.

AMY RATELLE



Adam Bradley. *Book of Rhymes: The Poetics of Hip Hop*. New York: Basic Civitas Books, 2009. 272 pages; paper \$16.95. ISBN 978-0-4650-0347-1.

“Rap is poetry” (xii). To any avid fan of the genre, it is a statement that seems obvious. The words could easily be the musings of a listener first introduced to the art form, not the focal point of an entire work of contemporary criticism. Yet in *Book of Rhymes: The Poetics of Hip Hop*, Adam Bradley’s primary focus is this very point, the recognition of traditional poetic elements within rap music. With the global cultural and economic phenomenon that hip hop has become, it is easy to forget that the style of music is barely thirty years old, that scholarly criticism of it has existed for only half of that time. When viewed within this relatively new arena of scholarship, the importance of Bradley’s text is clear. He attempts to lay the foundation for future work, to provide a formal language of lyrical and performative analysis. It is for this achievement that we must recognize *Book of Rhymes* as a landmark text, despite the somewhat surface treatment it applies to its subject.

Bradley divides his work into two sections, beginning with the formal or structural elements of rap music, namely, “Rhythm, Rhyme and Wordplay,” and ending with the thematic or representational components, classified as “Style, Storytelling and Signifying.” The first section is the decisively stronger of the two, based around carefully chosen examples and meticulously broken down lyrics. The Rhythm chapter offers a complex consideration of poetic meter applied to rap lyrics, emphasizing the ability of the beat to set a standard metric line and the MC’s ingenuity to both work within and creatively rupture this restrictive space. The chapter on Rhyme features his finest source analysis, rife with playful literary comparisons, such as the similarities evident in Lord Byron and Big Daddy Kane’s use of multi-syllabic broken rhymes. This section illuminates the intricacies of hip hop’s lyrical art, showcasing the skilled manner in which MCs utilize internal and transformative rhymes, assonance and consonance, alliteration, and so on. Finally, Bradley discusses Wordplay, focusing primarily on the use of simile and metaphor. His analysis of the opening bars to Immortal Technique’s “Industrial Revolution” does a fantastic job of showing the detail and meticulous referential material present in a pristine verse, while noting the immense amount of cultural knowledge required to appreciate such a creation at its fullest.

As thorough and rewarding as Bradley’s close reading can be, it is this sole focus that becomes problematic in *Book of Rhymes*. He stays on the surface, privileging the discussion of linguistic elements over cultural impact. He begins his wordplay chapter with an anecdote about a friend who

disapproves of the misogynistic and violent elements of the Notorious B.I.G.'s lyrics, a qualm addressed by Bradley in a customary manner: "It's not what he's saying, it's how he's saying it" (86). Bradley is partially correct; how he's saying it is the aesthetically appealing aspect of hip hop, the reason millions of people around the world enjoy the music. But what he's saying is the more compelling aspect. The environment that produced the attitudes reflected in hip hop, the source of Biggie's misogyny and violent imagery, must be given its proper treatment in order to understand rap music on deeper levels than the beauty and complexity of its poetic structures.

This surface treatment becomes more apparent in the second part of the text. The chapter on style largely avoids the problem, aside from a somewhat rushed explanation on the effect of geography. Most notably, the chapter features revelations about rap music's ghostwriting phenomenon that are among the text's finer points. But in the following *Storytelling* and *Signifying* chapters, his attempts to classify the typical narrative structure and content of hip hop lyrics fall remarkably short. His brief treatment of battle rap invokes Shaquille O'Neal, a lyricist in no one's mind, freestyling about Kobe Bryant, but fails to mention the surging Grind Time movement, a global showcase of battling talent that fits perfectly into Bradley's models of competitive dissing and braggadocio he places such high importance on. He glosses over the narrative potential of the art form, seemingly content to show that rappers can tell a variety of stories in a variety of ways. His praise of the clever techniques that a rapper like Nas uses does not give enough credit to the far more revolutionary narrative forms already abundant in hip hop. Nas taking on the voice of a gun seems like a rather simple technique when compared, for example, to Sage Francis weaving a sprawling metaphor for the problems of capitalism and organized religion through the account of a DJ battle between the sun and the moon.

Whether intentional or not, it is the avoidance of underground artists such as Sage Francis and his fellow Anticon, Rhymesayers and Def Jux label mates that make some of the conclusions Bradley draws about the thematic range of rap seem wholly misguided. When he speaks about hip hop's "invulnerability" (197) or notes that the greatest challenge for the future of rap is "finding the expressive range to deal with the complexity of human experience" (201), he is ignoring a sub-genre of the music that has existed for over a decade. Artists such as Aesop Rock, Atmosphere, El-P and Brother Ali have made successful careers by dealing exclusively with their personal vulnerability and crippling self-doubt. Bradley's refusal to acknowledge such artists leaves him longing for a thematic revolution that has long passed him by.

Despite these weaknesses, what *Book of Rhymes* accomplishes is opening the spectrum of analysis. As he notes in his epilogue, the purpose of the text has been “to help bring us closer to a language for talking about rap as art” (207). It is a work that seeks to educate listeners and inform scholars, to allow rap a higher degree of sophistication. He invites us to consider the depths of the art form, the true beauty it is capable of achieving. By providing such a language, Bradley opens the door for the type of analysis that hip hop culture demands. Reading work like this makes a future where a feminist critique of Common’s song “A Film Called (Pimp)” could exist, where a Marxist analysis of El-P’s album “Fantastic Damage” could earn praise. It’s a step forward in the legitimization of an art form that has long been ignored by literary academic culture. The occasional slips into a didactic form, a juvenile treatment of his subject, can be excused when recognizing Bradley’s greater purpose. This is hip hop. Fans and scholars alike can knock their heads to that.

ALEX GURNHAM



Joel Faflak. *Romantic Psychoanalysis: The Burden of the Mystery*.  
Albany: State University of New York Press, 2008. 333 pages; paper \$29.95.  
ISBN 978-0-7914-7269-0.

## REVIEW ESSAY

### I. DISRUPTING THE SUBJECT A PLUNDERVERSE, AFTER JOEL FAFLAK

#### Introduction:

empirically displaced from  
the threshold  
her unremittingly bleak and traumatic  
narrative invades  
a body of writing  
left unresolved  
the mind emerged  
an undecidable encounter

disruptive  
terms of its unfolding  
dark legitimacy  
objectified within the language  
mapped and thus made visible  
(dis)locates  
evidence of an invisible  
scene of understanding  
this gap  
a past that perpetually shifts  
interiority  
within this space  
absence fits  
disruptions  
:

effor**T** to explain  
the record of **H**umanity itself  
incipi**E**nt madness

esta**B**lished between the agent and his subject  
cult**U**re  
leaves its ma**R**k, yet remains  
the hybr**I**D  
locate the subj**E**ct in the world  
she can**N**ot possess

its visi**O**nary hold  
its own lack o**F** meaning

rewrite the narra**T**ive  
search**H** for itself  
under Erasure

neither hu**M**an nor natural  
anxiet**Y** about articulating  
the ab**S**ent body  
vulnerable to **T**his haunting  
bridge b**E**tween  
utte**R**ly alien  
and be**Y**ond

## Chapter One:

be**T**ween the writing  
more intuitive pat**H**s  
restage the subj**E**ct

sense imPpressions as ideas  
Shadow  
identitY at the threshold  
structures experienCe  
an otHer register  
fed Off the  
mobiLe figure  
of representatiOn  
emerGes to question  
the structure's integritY  
what the mind might dO  
to deFine its own boundaries  
to abstracT Being from being  
the spectre of an unthougHt body  
reinscribed at the sitE  
the mind's aberRant cognition  
threatened the sOul's permanence  
iMagination  
mAKes itself  
origiNal, origins vanish  
a subjecT presumed to know  
distorts reality and loses sItE  
in the Carnivalesque  
but aS mimesis  
her Unknowable otherness  
threatens to Become  
the subJect as  
the object represented to the sElf  
a Curious inversion  
constitutes This horizon

**Chapter Two:**

a textual landscApe without  
 the earliest fragmeNts  
 written over the pAlimpsest  
 as a trianguLated exchange  
 then, reveals, paradoxicallyY  
 ruptureS within and between  
 an analyst as elegIst  
 disrupted by the othernesS of its own solitude  
  
 as a meTaphor for coherence  
 Erasure comes to signify  
 the disconcerting pResence of woman  
 to Make sense of things  
 to negotIate her loss as his own  
 iNaccessible  
 paradigm, Anchored  
 By pathology  
 in process/on triaL  
 names dEath but does not mourn  
  
 the dIachronic space  
 in the midst of a profouNd unknowing  
  
 the other *Within* the subject  
 sacrificed for the sake Of social stability  
 a feminine or feminizing thReat  
 of an iDentity that lacks  
 repress or redresS  
 alone with one's oWn mind  
 impose cOherency  
 neitheR name nor understand  
 identiTY in embryo  
 tHus an incipient gendering



**Chapter Three:**

this history is unAble to tell  
the Narrative of this return  
or textuAl containment  
must tell its own story  
the eYe of unreason within reason's sight  
within the encounter itSelf  
she defInes its exterior  
in her moSt excessive mood

the desire for The desire of  
onE without the desire  
the will of the otheR  
an alternative interpretive Model  
desIre to explore the skin  
suture of substaNce and shadow  
unAble entirely to contain  
a history of the suBject  
speaks the Language of solitude  
unwrittEn, an absence

undecIdable intertext  
iN excess of reason

of reason a Conflict  
not frOm the attack itself  
abandon the unreaLizable idea  
only as it is circulatEd  
to Refigure this power  
who the subject was and Is  
irrefutable empirical boDy  
fraGments unable to tell  
sElfhood a tenuous possession

**Chapter Four:**

missed encounters  
a coherent connection  
disrupts this tranquility  
    thrust upon her  
    instead of being *read*  
    as a silent screen  
the chiasmic structure of the flesh  
compelled to retrace  
    this myth's disparate parts  
  
a habit of being  
    unravels into its own  
authority, draws her  
    palimpsest of the unfolding  
    an infolding  
distinct from confession  
repeats rather than remembers  
    an insatiable desire  
makes her complicit  
    as it discloses  
  
    A deconstruction of  
a different telling  
    of identity

itself, an Intertextual  
meaNdering shape  
the point of being poinTless  
sEems the conduit  
writ laRge on the mists  
a marriage that mesMerizes  
the other Is  
the womaN as outcast  
A type of  
the imagination as a Body  
dispLaces  
its restless sEarch

**Chapter Five:**

this symbolism's darK irrationality  
unravEls into  
desire: An end  
dying into The life of  
madnesS it would hide

As if to isolAte  
a creative teNsion  
that she emboDies/bodies

unreason beTween men  
two subjects wHo struggle  
intoxicatEd by a vision

Between Circe and Diana  
the masculinist illUsion  
maRks the subject's (dis)appearance  
her inDeterminate presence  
a thrEat to romance  
would geNder away

the abyss **O**f its own unreason  
itself becomes the **F**eminine  
  
compuls**I**on to repeat  
    i**N**stability, the flaw  
    canno**T** be recognized  
as an avoidanc**E**  
itself at the ma**R**gins  
    was/is. **M**ourning  
    her **I**ndirect confrontation  
betrays this wa**N**dering  
    identity that **A**lways repeats  
    desire that su**B**dues  
    a fem**I**nine penetration  
    of its own cu**L**ture  
the wandering of her vo**I**ce  
    mu**T**ually contested and contesting  
is both absence and potentialit**Y**

BRANDY RYAN

## II. ECHOANALYSIS: “THE FEMININE COMPULSION TO REPEAT”

BRANDY RYAN & KERRY MANDERS

All of these words have appeared elsewhere.  
Only their order has been changed  
to maintain their innocence.  
Lise Downe, *The Soft Signature*

“rewrite the narraTive / searchH for itself / under Erasure”

When, in “Disrupting the Subject,” I disrupt Joel Faflak’s *Romantic Psychoanalysis: The Burden of the Mystery*, I break his subject apart; I separate it forcibly; it shatters. Or so it seems at first: his prose, my poetry; his object, my subject. The poem’s title plays with the multivalence of “subject,” its dizzying feats of *mise-en-abîme*. Noun: one under allegiance to a ruling body, in the control of another, owing obedience to an other; that which has a real, independent existence; a wholly conscious or thinking mind; vulnerable to suffering; dependent upon the condition of some thing else (*OED*).

His prose, your poetry. His prose your poetry, your poetry his prose. Cut, cull; engage, rearrange. A “being with” that “is the disturbance of violent relatedness” (Nancy xiii). Call it caress? Intimate rupture, interruption. What is

between us? If “the law of touching is separation” (5), then...

The serial mesostics that comprise “Disrupting the Subject” fissure Joel Faflak’s *Romantic Psychoanalysis* to interrogate notions of textual originality and authorial intention. They also reimagine the genre of the conventional academic review. I take pieces of Faflak’s prose from their scholarly context and redeploy them for my poetic purposes.

The language that appears in “Disrupting the Subject” remains Faflak’s. The mesostics are a trimmed down, sampled version—and interpretation—of his study. You subject his language to your aesthetic sense and political sensibility, tuning his words to sound new meanings. Your sampling implies distance and proximity.

I began “Disrupting the Subject” while composing a review of Faflak’s book for *University of Toronto Quarterly*: I was intrigued by his subject matter, beguiled by his language, and compelled to react. As I struggled to tailor my response to the standard academic review format, I began collecting words in a notebook. On the left side of each page, thoughts, quotations, summaries printed carefully in ink; on the right, columns of words and phrases scrawled hastily in lead. The mesostic project became, in effect, simultaneously creative procrastination and a crucial thinking

through of the material that eventually  
comprised the published review.

As I sit with your work, I have two  
Word files on my display screen. The  
review and the poetry form an odd  
diptych as they complement and  
compete with each other. The mesostics  
read as counterpart and part counter,  
working through ideas beyond the  
bounds of the review. Your poetry re-  
acts against the masculine types in  
stereo, that discordant loop in an  
otherwise generous framing and  
analysis of pre-Freudian  
psychoanalysis.

My desire to plunder Faflak felt  
furtive, taboo. Intent, I stole words  
away from the book I was reading and  
from the review I was writing,  
meticulously gathering and arranging  
shards of language. I scrupulously  
maintained Faflak's word order,  
spelling, and punctuation. If this  
language is not "his" property, why  
do I subject myself to this constraint?  
What of—or in—this mining is  
"mine"?

Source author and plunder poet stage an  
intertextual poetic, a collision—an  
unwitting collusion?—of multiple  
subjects-in-language. Intersubjective.  
Encountering his words "there," you  
move some "here." The distance  
between here and there depends on the  
eye—the ear?—of their place holder.

"There": the Romantic poets search  
for "the truth of their identity" (3)  
Faflak argues; in this masculine  
struggle to "locate the subject in the

world,” Faflak identifies the “trauma of not knowing or being able to comprehend this position” (4). Masculine struggle, masculine trauma, masculine subjects: the poets Wordsworth, Coleridge, and Keats and the essayist De Quincy.

Startlingly absent from yet haunting Faflak’s consideration of Romantic self-making and the history of psychoanalysis are the nineteenth-century’s women, a number of whom were intimately engaged in articulating psyches that resist articulation. How do their inventions of psychoanalysis sound?

“Here”: Mary Tighe, Felicia Hemans, Emily Brontë, Letitia Landon, Elizabeth Barrett, and Harriet Martineau—and others—drawn to and implicated in self-exploration and interiority. Their writings enact scenes of trauma and loss, haunting the pages of their perpetually privileged male peers.

The writers you name lurk outside the parameters of his study. Faflak engages directly with vexed gender dynamics and hierarchies as they appear in the work of Wordsworth and Co., in the characters they create. If Keats can undermine the phantasy of reason’s putative masculinity, then what might Barrett’s privileging of reason over effusion bring to this discourse? What of her phantasies, her repressions?

Work of mourning.



But this is not true, or all.

But words are neither  
 significant nor experimental. They *are*  
 , quite simply. That, in any case, is  
 the most remarkable thing about them. And suddenly  
 the obviousness of this  
 strikes us  
 with irresistible force. All  
 at once the whole splendid construction collapse  
 s;  
 opening our eyes un  
 expectedly, we have experienced, once too  
 often, the shock of this  
 stubborn reality we were  
 pretending to have mastered. Around us, words  
*are*  
*there.*

Their surfaces are distinct  
 and smooth, *intact*, neither  
 suspiciously brilliant nor transparent.  
 All our literature has not yet succeeded  
 in eroding their small  
 est corner, in flattening their slight  
 est curve.

after derek beaulieu, *A Future for the Novel*

“an analyst as elegist,” he/you writes,  
 but this elegiac mode does not account  
 (in this economy) for poetic play.  
 She

“names dEath but does not mourn”

The “*are there*”ness of words is  
 central to the mesostic. beaulieu  
 pushes against our attempts to make  
 language reflect us, to make us feel  
 better about us. If words have been  
 lost in the images, associations,

significations we have put upon them—then to recognize their alterity is to dissolve what we have tried to make of them. My subjectivity works with the text’s subjectivity to create a new mode, a new narrative. This requires an alternate approach, a different value system.

Companion pieces: the source text, the review of it, the mesostics shaped from both. Your plunderverses approach reading and creating as intertextual and intertextual. In “Plunderverse: A Cartographic Manifesto,” Gregory Betts characterizes plundering as an acknowledgment of what we try to hide from and in language: “We speak in each other’s words. We share the meaning of our shared words. We share the grammatical relationships between the shared meanings of our shared words with every understood utterance.” Plunder writing is as companionable, as accompanying, as engaged reading. This is clear when we use “our” words to respond to “his” words (literary criticism, theory, review), but is troubled by associations of copy, theft, dishonesty when we share those words.

My repeated attempts to communicate split screens and signs. A mesostic is a duplicitous spine poem that opens reading as multiple acts: the phrase centred on the page; the distinct lines that stretch out like wings; the poem that relies on both horizontal and vertical perception. Each centralized and emboldened letter reflects the spine’s vertebrae, but disrupts the

smoothness of conventional  
typography. The split skin of the page  
magnifies the intersectionality of  
words and phrases even as one letter  
on each line is set apart.

Skein split: your plundered words  
disrupt the visual and hermeneutic  
topography of *Romantic  
Psychoanalysis*. No longer linear,  
horizontal, teleological, words reappear  
as a hybrid creature. Echo allegory:  
“repeats rather than remembers”

Echolocation.

“an undecidable encounter” and  
erasure. Pieces and punishment. Only  
the voice remains.

Last words. Words lasting. Subject to  
constraints, subject of madness.  
Echolalia.

A collective and collecting artist, Echo  
weaves from those words that come to  
her, that speak to her, subsequently  
speaking with, through, even against  
them. Selecting words, she is “thus able  
to express herself, though with obvious  
limitations” (Betts).

Whose constraint? Whose madness?  
Whose words? Whose?

“the abyss Of its own unreason / itself  
becomes the Feminine / compulsion to  
repeat”

a  
word  
in  
the

ear

of  
another  
word's  
order

Karen Mac Cormack, from *At Issue*

“a differeNt telling / of iDentity”

If it were not for the beauty and precision of Faflak's language, his attention to the complex trauma of identity, I could not explore the “suture of substaNce and shadow” that I find so compelling for its evocation of lost ladies.

“the spectre of an unthougHt body” /  
“in the midst of a profouNd  
unknowing” / “must tell its own story”

Re-verse view: “this history is unAble to tell / the Narrative of this return.”  
Subjects in mirror are closer than they appear.

“while one of [our editors] found your response to be a ‘very interesting linguistic exercise/experiment indeed. Sort of like an acrostic’ ... I would suggest sending your response elsewhere, as *UTQ*'s policy is not to publish fiction”

Verify the unnamed female subject: the “her” and “she” of Faflak's text, the “Unknowable otherness” that “threatens to **B**ecome / the subJect as / the object represented to the sElf.”  
Complicit in the continued

objectification of this subject, I  
 encounter her on third floors, behind  
 yellow wall-paper, eating peas on the  
 point of her knife.

Attentive to “**T**his haunting,” I (“**T**”: so  
 many, so (equi)vocal) explore with you  
 via Faflak “what the mind might **dO** / to  
**deF**ine its own boundaries.” Like Echo,  
 you repeat linguistic signifiers to  
 transform and translate their source.  
 The plunder potentialities of Faflak’s  
 text lie in precisely the ways in which  
 his own language—elusive, allusive—  
 creates a kind of echo chamber:  
 “**beT**ween the writing / more intuitive  
**patH**s / restage the subj**E**ct.” Respectful  
 of the thoroughness and substance of  
*Romantic Psychoanalysis*, your poems  
 unlatch doors to a theatre of trauma  
 where the continually absented female  
 subject might well upstage her male  
 leads.

Echoes reverberate: like Coleridge’s  
 ancient mariner, like  
 Hemans’/Landon’s/de Staël’s  
 improvisatrices, like Echo, the poems  
 can only repeat the story of her  
 dislocation. “Disrupting the Subject”  
 cannot make her live, but it may  
 mourn the ways in which she dies.

Being with Faflak, you figure the “the  
 disconcerting **pR**esence of woman / to  
**M**ake sense of things / to negot**I**ate her  
 loss.” Analysis is/as elegy: you are what  
 you mourn.

“her vo**I**ce, / mu**T**ually contested and  
 contesting is both absence and potentialit**Y**.”

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