On a Downward Spiral

Affective-Phenomenal Investigation of the State of Exception and Emergency.

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Abstract

The notions of the state of exception and state of emergency have played an important role in 20th century political philosophy. In spite of this, neither has been surveyed critically in the contemporary context, and their interrelation has been under-elaborated by their originators, Carl Schmitt and Walter Benjamin, and the thinkers that came after them. I set out to establish the connection between the emergency and exception, subsequently transposing these concepts onto our times: revealing how they are manifest phenomenally and whether their structure has changed since the early 20th century. Consequently, the viability of emancipatory practices of the past is re-evaluated, and their inadequacy to address the contemporary emergency is addressed.

Master Thesis, Philosophy

Erasmus University Rotterdam, Erasmus School of Philosophy

December 2022

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They puzzle me
Then the riddle gets solved
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Introduction

Choosing to start an affective-phenomenal investigation with recounting my emotional experiences, I share the distinct feeling of being in my early twenties and spending time with my peers. Our interactions are characterized not only by the expression of profound care and trust – I am lucky to have great friends – but also by the experience of complete ironic desperation.[1] Habitual conversations range from exasperated screaming matches about the impending climate catastrophe to complaining about running out of monthly food money to being collectively confused about how anyone is managing to earn enough to not be perpetually precarious without getting a corporate job. On particularly melancholic evenings, the conversations often center our peers' chronic illnesses, both physical and mental. None of this seems or feels normal.

Something is tremendously out of joint and, despite being elusive, this specter is palpable everywhere. The world is as if thickly veiled, and its concealed part can be felt through one's fingertips. One merely must reach out and try sensing it. Denying this sentiment would imply ignoring the proliferation of conspiracy theories by people across the political spectrum. "Conspiracy theory" here is used in the most neutral sense possible. No matter how "Bush did 9/11"[2] compares to Pizzagate[3] in connection with the soundness of presented evidence, both imply the existence of a veiled cause of a tragedy or ambient societal unwellness. Instead of looking for conspiring people or organizations behind the veil, however, I propose to seek the source of the

[1] "Ironic" here is the opposite of insincere: "[…] the complete dramatist […] is unironically ironic," (xviii) see Bert O. States, 'Preface', in *Irony and Drama: A Poetics* (Ithaca: Cornell University Press, 1971), xi–xx, https://doi.org/10.7591/9781501743597-002.

[2] An assemblage of conspiracy theories claiming that the terrorist attacks in New York on September 11, 2001, were either organized or allowed to happen by the political elites and intelligence agencies within the US. Notably, there are people both on the right and the left of the political spectrum who believe in various versions of these theories.

[3] A conspiracy theory started by a famous right-wing American media pundit Alex Jones, claiming that Hillary Clinton along with other representatives of American political elites was engaging in ritualistic sexual abuse of children in the basement of a pizza joint in Washington D.C. See, among others, Amanda Robb, 'Anatomy of a Fake News Scandal', *Rolling Stone*, 16 November 2017, https://www.rollingstone.com/feature/anatomy-of-a-fake-news-scandal-125877/.

troubled feeling in structures that influence our phenomenal experiences. Specifically, our experience of historical time, the importance of which will be explicated in due time.

In an unfortunate way, Walter Benjamin's famous eighth thesis from *On the Concept of History* feels as relevant as ever: "The tradition of the oppressed teaches us that the 'emergency situation' in which we live is the rule."[4] This points to the universality of the emergency: although it is most visibly manifested in its influence on the disadvantaged groups, no one is exempt from living under it. The permanent state of profound crisis is felt even by those who do not face systemic discrimination. The housing crisis, the hyper-inflation, the mass mental unwellness hit minority groups disproportionally harder, but do not completely spare other groups (besides, arguably, the extra-wealthy).

The Benjaminian emergency, thus, is universal. One cannot, therefore, be satisfied with its shallow reading. The particular emergency that he had to live through – the chthonic horror of the Nazi regime – was one of the manifestations of the ongoing emergency that had become the rule, as is clear from Benjamin's phrasing. Its content was seemingly philosophically secondary to him: it is merely a specific way in which emergency manifests itself at a particular time period. The structure of emergency is primary and philosophically relevant, arguably because it allows it to persist in time and grow into the norm rather than an exception.

The question in connection with emergency that an attentive philosophical inquiry must face, therefore, is threefold: how does the emergency manifest itself currently, in the lived world; has the structure of the perpetual emergency that Benjamin talked about remained unchanged; and, finally, if it has changed, what exactly differentiates the current structure from the one described by him? These questions address the main issue of the paper only partially, since the notion of the state of emergency cannot be treated adequately without also regarding a concept closely connected to it: the state of exception.

In invoking exception, Benjamin's diagnosis directly refers the reader to Carl Schmitt, who could not be ideologically further from him. Schmitt introduced the term "state of exception" in *Dictatorship* in 1921, 12 years before Adolf Hitler would become the chancellor of Germany. Conceived within the sphere of juridical philosophy, the state of exception denotes the suspension of constitution by a sovereign. Schmitt was a staunch ideological supporter of the Nazi party, and for

[4] Walter Benjamin, *On the Concept of History*, trans. Dennis Redmond, Creative Commons, 1974, VIII.

the entirety of his life remained unrepentant about his beliefs and participation in the politics of the Nazi Germany, successfully evading every attempt at denazification.[5]

In stark contrast, Walter Benjamin was a Marxist German-Jewish philosopher and cultural critic, who had to flee Germany in 1932. After years of exile and repeated incarcerations, Benjamin killed himself by overdosing on morphine in 1940 over the threat of being repatriated to Nazi Germany.[6] In *On the Concept of History*, written earlier that year, Benjamin was talking about himself and the ones like him when writing about the oppressed: stateless, prosecuted, and downtrodden. Forever stuck in the never-ending exception that Schmitt talked of – the suspension of the rule of law –, the horrific setting in of the new norm.

The connection between the two concepts – Benjamin's state of emergency and Schmitt's state of exception – is as complex as the relationship between the authors. Besides being in a more or less open dialogue, their works clearly referencing each other, there also exists – as Giorgio Agamben calls it – an "esoteric dossier" of their debate.[7] This phrase denotes the less obvious, indirect prolonged correspondence between the two. I borrow Agamben's phrase but endow it with new meaning. By the esoteric dossier of Benjamin - Schmitt polemic I mean the non-explicit ways in which the terms they introduced – state of emergency and state of exception respectively – interact with each other. It is the complex causal, hermeneutic, and phenomenal relation between them. The inspection of such a dossier implies going beyond the works of Benjamin and Schmitt and exploring how the state of exception and emergency is treated beyond their works. This includes investigating the terms' lives of their own, beyond the strictly academic, political and juridical spheres. It is especially interesting to "downscale" and look closely at our everyday experiences, try to peek behind political rhetoric and social disciplining into how emergency and exception present themselves, and how they feel.

Exploring of the esoteric dossier is crucial in fulfilling the stated goal of reaching behind the veil and sensing the structure of the emergency we face, determining what precisely is out of joint. It is also invaluable in characterizing the contemporary manifestation of the state of emergency and,

[5] Lars Vinx, 'Carl Schmitt', in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta, Fall Edition 2019, https://plato.stanford.edu/archives/fall2019/entries/schmitt/.
[6] Peter Osborne and Matthew Charles, 'Walter Benjamin', in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta, Fall Edition 2021, https://plato.stanford.edu/archives/fall2021/entries/benjamin/.
[7] Giorgio Agamben, *State of Exception*, trans. Kevin Atell, The University of Chicago Press (Chicago and London, 2005), 54.

consequently, in formulating in more concrete terms what exactly the state of exception means when taken on a phenomenal level, beyond Schmitt's exclusively juridical characterization. The stated phenomenal character of the inquiry implies seeking the emergency and exception on the level of personal and collective experiences, daily practices, and cultural tides that people in the contemporary "global north" are exposed to.

In search of the phenomenal manifestations of emergency, I turn to Mark Fisher and discuss one of his most important concepts: the slow cancellation of the future. Shortly, it denotes us being haunted not just by the past, but by the loss of the future: we are no longer able to imagine it, to turn our eyes to it and see something, it being effectively lost, since it can no longer be sensed or imagined. The choice of author is not arbitrary: Fisher has been praised as one of the most important thinkers of our time, his cultural analysis being poignant and intuitively attractive. He also did not shy away from discussing the personal experience of living in a crisis, as is clear from the sub-title of his book *Ghosts of My Life: Writings on Depression, Hauntology and Lost Futures*. Turning to an author who first and foremost was a cultural critic – a blogger in the heyday of the blogosphere – is a conscious decision: what if not popular culture can best reflect the contemporary anomalies and veiled intuitions?

The loss of the future has been so profoundly affecting that even being aware of it and troubled by it does not equip us with resisting the flow carrying us. A great example of this is a thesis defense I witnessed once: the recent graduate presented their inquiry into why business students desire and pursue mostly the same path, chasing after consultant positions in a handful of firms like KPMG or Deloitte. Despite being troubled by the pre-determination that seems to plague the business faculties, the recent graduate themselves was a KPMG junior consultant at the time of their defense. Their preoccupation did not prevent them from falling right into it. In this sense we all seem to resemble Benjamin's Angel of History, who is swept up by the current of history and carried forward by it, while at the same time only looking backwards at the past, the whirlwind of time precluding him from being able to turn around and glance forward. The Angel is delivered to the future, unable to even look at it, let alone shape it.[8]

Returning to Fisher, it is presently important to emphasize his striking insistence on halting his analysis right after diagnosing us with the loss. No thoughts are offered on how to regain the future,

[8] Benjamin, *On the Concept of History*, 6–7.

or whether its sudden absence is at all meaningful or significant. What lingers after reading some of Fisher's writing is the black, sticky despair, the helplessness in the face of the apparent inability to either overcome or make peace with the posited loss. Reading Fisher makes one understand the phenomenon of the left pessimism plaguing the contemporary anti-capitalist politics.

If one as much as searches up "left pessimism" online, one is bombarded with article titles like "The left must beware of excessive pessimism"[9] and "The left urgently needs to lose its inferiority complex."[10] The climate catastrophe and the fear of having passed the point of no-return may illustrate the loss of the future in the most literal sense: it might be lost not metaphorically, but in a profound, ontological sense. The overwhelming cultural nostalgia that Fisher talks about at length also serves as an example of us unable to look forward. Pop culture's fixation on the eighties with its retro-futurism is telling: the past's future is more seductive to us than whatever we can – or cannot – imagine nowadays. All in all, profoundly discouraging sadness seeps through the pages devoted to the loss of the future.

My most ambitious goal for this paper, beyond making an academic contribution, is to unveil the glimpse of hope, refusing to succumb to numbing pessimism. This requires carrying out an analysis that is more intricate than the one offered by Fisher: one must go beyond discussing the manifestations of the emergency (the derivative state of pop culture in general and music specifically) in an attempt to explore its underlying structure and pre-conditions.

In developing the said analysis, I refer to (and take inspiration from) *And. Phenomenology of the End* by Franco – Bifo – Berardi. While he is seemingly not interested in the structural analysis currently pursued, he discusses the preconditions of the contemporary state of emergency at length, as well as its manifestations. Sensing that the current state of technology has profoundly influenced the way we conduct ourselves and, more importantly, the way we feel, Bifo ventures to characterize the psychic and experiential transformation that has taken place simultaneously with the radical development of the infosphere unfolding over the last three decades.[11] Stating that the universe of technology has been developing at a rate that the human organic body and mind is unable to keep up with, Bifo attributes a number of contemporary mass psychopathologies to the accelerated travel

[9] Dan Corry, 'The Left Must Beware of Excessive Pessimism', *The New Statesman*, 31 October 2012, https://www.newstatesman.com/business/economics/2012/10/left-must-beware-excessive-pessimism.
[10] Andy Beckett, 'The Left Urgently Needs to Lose Its Inferiority Complex', The Guardian, 6 November 2020, https://www.theguardian.com/commentisfree/2020/nov/06/left-inferiority-complex-pessimism-conservative-rule.
[11] Franco Berardi, *And. Phenomenology of the End*, Aalto ARTS Books (Helsinki, 2014), 19–20.

speed of information. The mass unwellness caused by the mismatch between the acceleration of the infosphere and our organic cognitive-affective capacity is what constitutes the present emergency for Bifo.[12]

The Outline of the Inquiry

The first necessary step is to understand what the state of emergency and exception meant to the authors who originally introduced the terms. The latter chronologically preceding the former, the paper starts with an exposition of Carl Schmitt's theory of state. Its attentive reading reveals Schmitt's juridical reductionism, which precludes him from adequately addressing the question of emergency and its extremity. Because of the under-determination of emergency within the juridical context, its connection to exception is also impossible to establish, warranting the present inquiry to expand beyond the legal philosophy.

Walter Benjamin likewise advocated to go beyond the juridical in evaluating violence, which can be seen precisely as Schmitt's state of exception. Benjamin's theory on the critique of violence is surveyed to transpose exception onto the phenomenal-affective field. His conception of emergency is explored further in preparation to establish the connection between the two notions. We find the crux of emergency in the structure of historical-affective time: the way we perceive and feel under the flow of history.

Having learnt from Benjamin, I turn to outlining the structure – topography – of the current historical-affective time to see if it has changed since the beginning of the twentieth century. This is probable, since the way of overcoming the emergency that was described by Benjamin seems unfeasible today: all the conditions for some revolutionary changes are present, but our predicament persists, the promise of liberation seeming further than ever.

The inquiry into the topography of the current historical-affective time begins with considering Fisher's thesis on the loss of future and the consequences this loss would have on our perception of moving through history. I propose that we do not experience progression, but rather repetition, the structure in question therefore represented by a loop. To prove that this is not a mere accident, Bifo's theory of semiocapitalism is briefly introduced, which describes the material and informational conditions we live under.

[12] Berardi, 35.

Although semiocapitalism facilitates the cyclical structure of historical-affective time, the latter is in direct conflict with the capital's demand for perpetual extension. Consequently, I propose to think of the structure of our historical-affective time as a spiral – both loopy and gradually intensifying – which allows us to understand why every outburst of potentially revolutionary violence has been absorbed and appropriated by (semio-) capital. The proclaimed impotence of liberatory forces that dominated the first part of the twentieth century must not be seen as the final nail in the coffin of emancipatory movements. Instead, we must learn how to make the current historical-affective spiral more livable, which seemingly would only be possible through care and nurture instead of the outbursts of revolutionary violence.

Important Remarks on Subjectivity

The theses and original thoughts that I outline and explicate were taking shape as I was reading the works serving as foundation for the present inquiry: Benjamin's and Schmitt's texts, as well as Agamben's *State of* Exception, Fisher's *Ghosts of My Life*, and Bifo's *And. Phenomenology of the End*. The main theses and conclusions reach in this paper are this necessarily influenced both by the choice of the authors, and by the order in which I have read the foundational texts.

I wish to affirm this as a valid method for a phenomenological investigation: when attempting to think through an experience, one would be remiss to seek post-Galilean-scientific objectivity.[13] This is not a lamenting cry that "no true knowledge" can ever be obtained. On the contrary, this realization opens the well of infinity of knowledge, rather than some truthfully arbitrary totality of objective knowledge.[14] Phenomenology, after all, is a never-ending task,[15] just as one's rumination on the historical moment one lives through.

[13] Post-Galilean science here designates the type of knowledge that "declares a part of reality as more real than other parts," the so-called rational knowledge being the privileged part of reality. See Sjoerd van Tuinen, 'Common Sense: From Critique to Care (Arendt beyond Arendt)', in *To Mind Is to Care*, ed. Joke Brouwer and Sjoerd van Tuinen (Rotterdam: NAi/V2 Publishers, 2019), 2.

[14] The readily apparent difference between totality and infinity is that the former presupposes a limited number of elements comprising the whole, while the latter implies that the whole is limitless. Here, however, Levinas' more nuanced differentiation of the terms enriches the present point. Infinity implies transcendence in its humility: it does not claim that a subject can be known and possessed as an object can be. The same piety, I argue, should be applied to the riches of the wholeness of human knowledge. See Emmanuel Levinas, *Totality and Infinity*, trans. Alphonso Lingis (Pittsburgh: Duquesne University Press, 1961), 50–51.

[15] Berardi, *And. Phenomenology of the End*, 11.

Exception and its Consequences

Fear and Trembling Under Exception

Anatomy of Juridical Exception

With the current inquiry orbiting the notions of the state of emergency and state of exception, the elaboration of both concepts is required. This presupposes going to their roots and surveying the writings of the authors who coined the terms. I begin with Carl Schmitt, who re-introduced the notion of the state of exception into what is now considered contemporary political philosophy.

Schmitt was interested in the state of exception in connection with sovereignty. The importance of the latter hinges on its indispensability for his criticism of liberal democracy and defense of dictatorship. The very first phrase of *Political Theology* proclaims: "Sovereign is he who decides on the exception."[16] Sovereignty and exception are, therefore, intimately linked: the latter constitutes the former. The sovereign is precisely the one who decides whether a normal situation is present in a state, or an extreme emergency requiring exception.[17]

Exception here is a juridical notion, defined through its contrast to general legal norm. The latter is valid in the everyday juridical functioning of the state,[18] and exception is precisely its absence. However, since exception is still inscribed in the legal norm, it does not constitute its complete annihilation, but rather its suspension.[19] Exception is required in "a case of extreme peril, a danger to the existence of the state,"[20] since "there exists no norm that is applicable to chaos."[21] Since the details of such an extreme peril cannot be anticipated, the way of dealing with it cannot be codified within the norm in its rigidity and orientation towards the ordinary functioning of the state. In light of its inadequacy in dealing with the emergency situation in its particularity, the constitution is suspended to give way to the state of exception.

With the norm being suspended, the jurisdictional competence of the sovereign – the one who decided on announcing the exception – necessarily becomes unlimited. In crude language, the juridical space that was occupied by the legal norm gets hollowed out with the pronouncement of

[16] Carl Schmitt, *Political Theology. Four Chapters on the Concept of Sovereignty*, trans. George Schwab, The University of Chicago Press (Chicago and London, 2005), 5.
[17] Schmitt, 13.
[18] Schmitt, 13.
[19] Schmitt, 7.
[20] Schmitt, 6.
[21] Schmitt, 13.

exception, and the newly empty space is filled with the sovereign's power to decide: the legal vacuum cannot remain unoccupied. The decision first and foremost concerns the question of whether an emergency is extreme enough to justify the state of exception, and secondly the contents of the exception itself – "what constitutes the public interest or interest of the state," and hence what tools (the contents of the orders and decrees) to introduce to fulfill that interest.[22]

Attempting to explicate the state of exception in terms that are maximally familiar to a layperson reader, I crudely characterize it as the removal of the system of checks and balances in favor of the dominance of the executive power. As Giorgio Agamben rightfully points out, however, it is not the same as martial law. Martial law – or law of war – is still a kind of a legal norm, even if it applies to an extraordinary situation, since it is codified in the juridical order. The state of exception, conversely, is precisely the suspension of *any* type of legal norm, "it defines law's threshold or limit concept."[23]

In this way the notion of the state of exception is associated with dictatorship, on which Schmitt wrote meticulously. His *Dictatorship* was essentially an effort to develop a theory of the state in which dictatorship is freed from its colloquial connotation as an oppressive tyrannical regime. Instead, it is posited as a legitimate and pragmatic governance system, capable of avoiding internal contradictions inherent in the liberal democratic conception of sovereignty. This is clear from Schmitt's expressed sympathy for Machiavelli's view of a dictator as "an instrument to guarantee freedom" in the presence of extraordinary circumstances of peril and existential threat to the state and its peoples. In such extreme cases, only their overcoming and the eventual saving of the state is relevant: a specific goal, the exact formulation of which depends on a concrete situation of distress. The all-governing goal is "freed from restrictions imposed by the law,"[24] and the dictator, as the one who decides on the goal, de-facto announces the state of exception.

Unlike Hobbes, Schmitt does not stop at proclaiming the necessity of the sovereign as the one who resolves the conflicts regarding what constitutes the common interest by making the final decision. For him, sovereignty exists prior to all legal norms. Juridical norm is general, which means that in hermeneutic vacuum it alone is not enough for anyone to pass judgment on specific legal situation. Any application of legal norm to a particular situation requires interpretation, which allows to

[22] Schmitt, 6.
[23] Agamben, *State of Exception*, 4.
[24] Carl Schmitt, *Dictatorship*, trans. Michael Hoelzl and Graham Ward, Polity Press (Cambridge and Malden, 2014), 8.

transpose the rule onto peculiar circumstance. The sovereign then is the one establishing the rules of the said interpretation and being a judge on competing interpretations.[25] As such, the sovereign's decisions also necessarily exist prior to application of law.

A Question Concerning the Sovereign and Decisionism

Schmitt's justification of dictatorship does not rest on naïve belief in the omnipotence of a sovereign, as it might seem initially. It is justified, first and foremost, because of its ability to solve the dilemma posed by the division of power. Whether in a case or emergency or in peaceful times, everyone with political power claims to want the best for the state and its citizens, to want justice. While the proclaimed end-goal is the same, the exact way of achieving it differs majorly from person to person, from faction to faction. "[…] the question is: whose decision carries the day in the end, and by what authority? […] The question is, who judges here?"[26] In other words, the dictator, the sovereign, (as I will show momentarily, a sovereign is necessarily a dictator) is the one who decides the controversy and establishes "what constitutes public order and security."[27] Consequently, Schmitt's theory uncontroversially follows decisionism inasmuch as it opposes the process of deliberation characteristic to liberal parliamentarism.[28] Schmitt's decisionism is so absolute that it has come under attack for being occasionalist, a critique particularly devastating since it was employed by Schmitt himself against "political romantics."[29] This criticism is mounted on the conceptualization of the decision as an "arbitrary act of the sovereign" by Schmitt, therefore not being grounded in any commitments or ethical, existential principles.[30]

From the absolute power that Schmitt places in the decision, it is apparent that for Schmitt sovereignty is indivisible. He refers to Bodin's initial formulation of it being necessarily whole: if the final decision on what constitutes the public good would be distributed among more than one actor, "sometimes the people and sometimes the prince would rule, and that would be contrary to all reason and all law."[31] Sovereignty is indivisible, therefore, out of logical necessity: it cannot be

[25] Schmitt, *Political Theology. Four Chapters on the Concept of Sovereignty*, 29–35.
[26] Schmitt, *Dictatorship*, 18.
[27] Schmitt, *Political Theology. Four Chapters on the Concept of Sovereignty*, 9.
[28] Michael Hoelzl, 'Ethics of Decisionism: Carl Schmitt's Theological Blind Spot', *Journal for Cultural Research* 20, no. 3 (15 February 2016): 236, https://doi.org/10.1080/14797585.2016.1141831.
[29] Guy Oakes, 'Introduction to Political Romanticism', in *Political Romanticism* (Transaction Publishers, 2011), xix.
[30] Benjamin A. Schupmann, 'Introduction: Constitutionality and the Weimar Crisis', in *Carl Schmitt's State and Constitutional Theory: A Critical Analysis* (Oxford: Oxford university Press, 2017), 26–27, https://doi.org/10.1093/oso/9780198791614.001.0001.
[31] Schmitt, *Political Theology. Four Chapters on the Concept of Sovereignty*, 9.

divided because that would annihilate the sovereignty itself, effectively neither the prince nor the estates would be sovereign. From this it follows that a true sovereign – the one who is imbued with non-bastardized, non-dividable sovereignty – is necessarily a dictator: no one can veto their decree.

Having outlined Schmitt's justification of dictatorship, I return to a problem posed earlier: that one is inclined to accuse him of naïvely believing in the omnipotence of a sovereign. The consideration of whether the sovereign is omnipotent is wholly irrelevant for Schmitt, since it is extraneous to the development of the theory of the state. This is clear from his effort to explicitly differentiate a tyrant from a dictator. The former is defined by whether their actions are considered just, not by the position they take up in relation to the constitution and the estates.[32] The notion of tyrant, therefore, belongs to ethical philosophy rather than to the theory of the state. A dictator, conversely, is merely the one who decides on exception. Considering this, dictatorship and tyranny are wholly independent concepts: a dictator may not be considered a tyrant if his actions are deemed to be just.

This is, arguably, one of the greatest downfalls of Schmitt's theory of dictatorship: it treats the political separately from the ethical, a peculiar characteristic of Schmitt's decisionism.[33] Any considerations regarding the experience of the sovereign's subjects are deemed irrelevant. Schmitt's theory does not leave the space to criticize or de-legitimize the actions taken by Hitler, who, according to Article 48 of the Weimar Constitution, could "take all measures he deems necessary for the restoration of public security and order when there are seriously threatened."[34] To reiterate, according to the posited doctrine on the indivisibility of sovereignty, the ruling dictator is the one who decides on what constitutes the said serious threat to public security and order.

This is applicable not only to the Nazi regime. I encourage the reader to remember two vivid recent examples of the consequences of such dogmatic adherence to decisionism. Arguably the greatest pretense for the dragging out of the US invasion of Iraq was the claim by the Department of Homeland Security that Saddam Hussein's regime had obtained and had been hiding weapons of mass destruction. Iraq was ravaged and its civilians were terrorized for years under the excuse of searching for the said weapons. With time passing by and the weapons not being found, the position of the US did not change: it is because the Iraqis are so good at hiding the weapons of mass destruction that they are nowhere to be found; the search, therefore, must continue. Whoever

[32] Schmitt, *Dictatorship,* 15.
[33] Hoelzl, 'Ethics of Decisionism: Carl Schmitt's Theological Blind Spot', 243.
[34] Schmitt, *Dictatorship,* 180.

possessed sovereignty – a group or an entity in this case rather than a single person – has decided that the US was facing an existential threat because of the alleged Iraqi weapons of mass destruction. Nothing else besides this decision mattered, most notably empirical evidence and the lack of reliable intelligence were effectively deemed irrelevant. The decisionism that Schmitt talked about is clearly present in this case.

The Russian invasion of Ukraine in 2022 has been carried out under structurally similar pretenses. The president Vladimir Putin, alongside the supportive political and military elites, proclaimed that Ukraine is filled with neo-Nazis whose activities threaten to re-legitimate the Nazi ideology and consequently provoke violence against minority groups. No evidence of the unpopularity of the actually small movements aligned with extreme nationalistic ideology – naturally, present in any country – played role in the decision of the sovereign. The de-facto ethnic and cultural genocide of Ukrainians by Russian military has been taking place up to and including the time at which this paper is being written.

The reader might have fair contention regarding the posited examples: did not Schmitt talk explicitly about dictatorship, and are not the US and Russia not juridically dictatorial states (despite its rulers possibly being conceived as tyrants, the notion that is wholly separate from dictatorship as it has been established)? Giorgio Agamben, in his lengthy criticism of Schmitt's theory of dictatorship and exception, points out that neither Hitler nor Mussolini technically qualify as dictators. They did not suspend the constitutions of their respective countries in an introduction of the state of exception. Instead, they "placed beside the legal constitution a second structure, often not legally formalized, that could exist alongside the other because of the state of exception."[35] Juridically, therefore, the term dictatorship is not suited to describe the Nazi Germany and Fascist Italy. From this it becomes clear that opposing dictatorship and democracy is "misleading for any analysis of the governmental paradigms dominant today."[36] It is naïve to assume that the atrocities associated either with genuine dictatorship or regimes commonly thought of as being dictatorial are incompatible with other juridical governance formations, including democracy.

Returning to the discussion on the ethics of exception, any philosophical discussion on the sovereign's power to absolutely decide that ignores the ethical and phenomenal aspects of decisionism is complicit in tacit intellectual justification of the crimes committed by the Third

[35] Agamben, *State of Exception*, 48.
[36] Agamben, 48.

Reich, by the US in Iraq, by Russia in Ukraine, to name only a few conflicts. The introduction of the exception is presented by Schmitt as an ethically and phenomenally neutral phenomenon. Demonstrably, this could not be further from truth, and one must seek to evaluate dictatorship in its experiential dimension. Conveniently – and unsurprisingly – this task has already been undertaken. Giorgio Agamben dedicated thousands of pages across multiple books to exploring the issue. Most obviously his *State of Exception* deals explicitly with the juridical notion of exception introduced by Schmitt. Less obviously, the discussion on exception flows through his other works, notably the ones concerning the notion of bare life. Shortly, a person placed under the state of exception is reduced to a bare life according to Agamben and becomes a *homo sacer*: someone suitable for sacrifice, the killing without juridical repercussions. I choose to seek the phenomenal mark of exception in the notion of bare life.

Phenomenal Exception

Bare life takes origin in the peculiar differentiation between *zoē* and *bios* present in ancient Greek language. Shortly, the former denoted the bare fact of living, the non-death. As such, it is what all living beings have in common, "the counterpart of a power that threatens death."[37] The latter denoted a peculiar way of living, a specific form of life.[38] Despite being nascent in Ancient Greece, the difference between the two notions has faded over the years, them merging into the semantically unified "life" that we use today. The disappearance of this fracture from language and therefore from collective mind, however, does not negate the existence of the split between the mere fact of living and the form of one's life. For Agamben, the invocation of this split, the isolation of *zoē* within *bios,* creates the third notion – bare or naked life.[39]

Introduction of the exception by the sovereign effectively isolates *zoē* within *bios,* therefore reducing a person to bare life.[40] When the sovereign's decision is the only relevant factor in deciding on policies that possibly endanger peoples' wellbeing or physical safety, citizens are no longer properly human: their lives are not considered untouchable. Instead, they become instrumental for a

[37] Giorgio Agamben, 'Form-of-Life', in *Means Without End: Notes on Politics*, trans. Vincenzo Binetti and Cesare Casarino, vol. 20, Theory out of Bounds (Minneapolis, London: University of Minnesota Press, 2000), 5.
[38] Agamben, 3.
[39] Agamben, 6.
[40] Agamben, 5–6.

goal that the sovereign sets, and are thus reduced to mere non-dead entities capable of fulfilling a purpose, "a threshold of indistinction and of passage between animal and man."[41]

To understand the precarity of being reduced to a bare life, Agamben invokes the myth of the werewolf. A werewolf is a creature that is both a person and an animal, and by virtue of being both, it cannot be properly called either: it is a threshold of indistinction between the two. Its animalistic nature corresponds to *zoē*, and it being a human – with distinct political life within a city – corresponds to *bios*. Once the creature reveals its true form and turns into a wolf, *zoē* gets isolated in *bios*, the semantic fracture that Greeks maintained gets enacted in the real world, creating a third term, bare life. The reduction of one to the bare life effectively makes them a *homo sacer*: a sacrificial human, who can be killed without juridical repercussions. Once a werewolf would turn into a beast, citizens were not only allowed to, but encouraged to kill it.[42]

The danger of the state of exception lies precisely in the reduction of people to bare life, since only distinctly human life – *bios* – is protected in the juridical context. One may say that animal rights are recognized within the legal norm, hence Agamben's argument does not stand. If one, however, considers the peculiar way in which animal rights are codified, one will discover that they are recognized not because animals are alive (possess *zoē*), but because they are considered either someone's property, or deemed instrumental to the health of the ecosystem, and by extension humans – those in possession of *bios*. The illustration of the former is the rights that are granted to a pet in connection to it being a property of its owner, and the example of the latter is the prohibition on hunting during the mating season. In either case the animals are protected not because they are living creatures, but because in certain circumstances their lives are considered instrumental to other ends, directly or indirectly encompassing human lives.

The phenomenal mark of the exception, therefore, is the effective stripping of one's status as a person. This implies not only the danger to one's existence, but also the sudden disappearance of potentiality that is characteristic to the distinctly human life, the life of a political animal. The distinctly human life is the one in which the fact of existence can never be separated from the specific form of life. In such a way, it is a kind of life "for which what is at stake in its way of living

[41] Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, trans. Daniel Heller-Roazen, Stanford University Press (Stanford, 1998), 52.
[42] Agamben, 52–53.

is living itself."[43] Simply put, in such a life *bios* cannot be abandoned for the sake of retaining the fact of non-death. Think of a political activist who decides to continue fighting for their cause despite being threatened with extrajudicial execution by an oppressive regime. Abandoning their form of life as an activist is equal to dying, the fact of existing therefore being inseparable from the peculiar way of being. The distinctly human life is always a potentiality because it coincides with its own potential, it *is* its potential. There is no prior subject to which the potentiality belongs, the two terms are inseparable.[44] Under the exception, not only is one's life not protected by the legal norm but is also stripped of its inherent potentiality.

[43] Agamben, 'Form-of-Life', 4.
[44] Giorgio Agamben, *The Use of Bodies*, trans. Adam Kotsko, Stanford University Press (Stanford, 2016), 208.

Understanding Emergency

The Need to Move Beyond Juridical

Having discussed what exception is for Schmitt and how it manifests phenomenally for those living under it, I turn to the notion of emergency, frequently mentioned but not elaborated on by Schmitt in *Dictatorship* and *Political Theology*. In approaching the concept, I begin the conversation with outlining its connection to exception, only subsequently inquiring into the emergency itself in more detail. For the narrative comprehensibility, it is enough to assume for now that an emergency is a state of unrest in the state, as it is what Schmitt tacitly implies throughout *Dictatorship* and *Political Theology*.

Considering that not just any emergency triggers the execution of the state of exception, but an extreme one, equating the two concepts would be a misreading of Schmitt.[45,46] One may say that emergency is always an exception insofar as it deviates from the "normal" life of a state and its peoples. However, considering that only extreme emergency warrants exception, the relationship between the two is mediated by the intensity of the former. This is enough to state confidently that emergency and exception do not fully coincide.

Having already mentioned Agamben's distinction between the state of exception and martial law, we can at this stage hypothesize a possible relationship – or a facet of a relationship – between the exception and emergency, mediated by the extremity of the latter. I outline two propositions. Firstly, in Schmitt's own phrasing, it is only the *extreme* emergency that amounts to the exception. Further, Agamben explicated that martial law is not an exception because it is still codified in a legal norm. From these statements we could conclude that what defines the extremity of an emergency is whether there is a legal norm that is applicable to it. If so, then the emergency is not extreme enough to warrant the state of exception, like in martial law. If not, then the state of exception is announced and legal norm – constitution – is suspended.

This method of evaluating the extremity, however, is noticeably unsatisfying. The word "extreme" is clearly not reduceable to the existence of a legal norm. Its semantics are pointing to something more profoundly significant, something that is experienced, felt, rather than determined by a legal norm. While it may be tempting to accept the invocation of extremity in which the term is stripped of its layers of meaning, it precludes a genuinely philosophical inquiry into the question of the

[45] Schmitt, *Political Theology. Four Chapters on the Concept of Sovereignty*, 7.
[46] Schmitt, 12.

connection between exception and emergency. As Agamben elegantly puts it, "if […] terminology is the properly poetic moment of thought, then terminological choices can bever be neutral."[47]

Schmitt's juridical reductionism, therefore, while understandable considering his explicit interest in juridical philosophy, limits one's understanding of emergency and exception. After all, if extremity was indeed determined by the existence of the legal norm or the lack thereof, Schmitt could have said that outright rather than employing a mysterious term "extreme." One can also think of a myriad things that are not codified within the legal norm for reasons other than being extreme situations of peril. The correct way of wearing trousers, for example, is not codified within the law, but is rather a common, agreed upon societal convention. The fact that one is expected to wear their pants not inside out, but inside-in is determined by the societal norms as well as the functional predicates of the said pants. Despite the legal norm being inadequate in addressing the question of correct pants-wearing, trousers worn inside out do not constitute an extreme emergency which would require exception to be introduced. My initial hypothesis on how the extremity of an emergency is determined is, therefore, not viable. Demonstrably, the quest for the evaluation of extremity must reach beyond the domain of the juridical.

My critique of Schmitt as a staunch juridical reductionist is only half fair. He himself explicitly mentions the necessity of the personal, of hermeneutical in connection with interpreting a legal norm. Schmitt criticized his contemporary theories of the state for their strive to posit the absolutely objective and impersonal norm at the foundation of the legal order, since the subjective foundation was thought to imply authoritative command at the heart of the juridical norm.[48] Such a task is impossible in Schmitt's mind: a legal *idea* in its purity can never become reality, only a legal *thought* can. A thought is inevitably produced by a concrete person in concrete circumstances, and it alters the general idea in that it "adds an element that cannot be derived either from the content of the legal idea or from the content of a general positive legal norm that is to be applied."[49] In other words, Schmitt practically acknowledges the inevitable hermeneutic interpretation that necessarily accompanies application of every legal norm.

Schmitt's ruminations on the importance of the subjective, unfortunately, do not go much further. He does not address the posited issue of the extremity of emergency clearly having an affective-

[47] Agamben, *State of Exception*, 4.
[48] Schmitt, *Political Theology. Four Chapters on the Concept of Sovereignty*, 29.
[49] Schmitt, 30.

phenomenal dimension. This is precisely where Benjamin's writings come into the current inquiry. His ideas concerning the state of emergency bear a distinctly affective mark. Werner Hamacher even states that what Benjamin's *On the Concept of History* talks about is nothing less than the "temporal structure of political affect", something that lies distinctly within the realm of human experiences by virtue of concerning one's emotions.[50] Besides – and in connection to – being concerned with human affects in his political writings, Benjamin is currently relevant because of his discussion of the state of emergency.

From looking at the dates of publications, one may immediately conclude that Benjamin's *On the Concept of History* responds to Schmitt's theory of exception as it is outlined in *Dictatorship* and *Political Theology*. After all, he invokes the notion of the state of emergency with explicit reference to exception, stating that it has become the rule, therefore undermining Schmitt's writings. More precisely, he might not be undermining them, but rather pointing to the necessity of going beyond the strictly juridical approach that Schmitt adopted: what is codified as an exception *in law* has de-facto become the rule *in life*, the lines between the two blurring, which calls for a non-juridical approach to the problem.[51] Agamben, however, argues that Benjamin's reading of *Political Theology* should not be considered the first manifestation of the dialogue between the two thinkers.[52] Instead, Schmitt's *Political Theology* serves as a response to Benjamin's *Toward the Critique of Violence*, attempting to disprove Benjamin's positing of pure, revolutionary violence, which exists wholly outside the law. With *Theology*, Schmitt attempts to codify the pure violence back into the juridic order by inscribing it into the state of exception, which is inseparable from the legal order, as it defines its limit.[53]

Following Agamben, I treat *Toward the Critique of Violence* as one of the key texts in understanding exception and emergency, since Schmitt's theory of state – and therefore of exception – can convincingly be read as a reaction to Benjamin's notion of pure violence. Crucially, the concepts developed in the course of critique of violence are instrumental in defining emergency, and determining its structure as characterized by Benjamin.

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[50] Werner Hamacher, '"NOW": Walter Benjamin and Historical Time', in *The Moment. Time and Rupture in Modern Thought*, ed. Heidrun Friese, Liverpool University Press, vol. 4, Studies in Social and Political Thought (Liverpool, 2001), 161.
[51] Agamben, *State of Exception*, 1.
[52] Agamben, 52.
[53] Agamben, 54.

Linking Emergency and Exception

Determining the criteria to evaluate the extremity of emergency is irrelevant for Schmitt. After all, everything comes down to a decision for him: it is extreme enough if the sovereign decides so, no further questions asked. This is the Hobbesian logic, according to which there is no right or wrong, before the state and the sovereign, because the decision of the latter creates the former categories: what is decided upon is right, never wrong.[54] In the simplest words possible, since the ends (safeguarding the state) justify the means (the state of exception), the latter do not have to be evaluated independently.

This is precisely the criticism that Benjamin mounts against natural law in *Towards the Critique of Violence*. In searching for the criteria of evaluating – and therefore potentially justifying –violence, Benjamin announces his dissatisfaction with the treatment of the issue in both the schools of natural and positive law. Natural law regards violence as a given. As Darwinian biology regards in- and inter-species violence as a necessary element – necessary to achieve the ends of survival – so are the means of state-sanctioned violence warranted by just ends.[55] This approach is deceiving: nothing is said of the means in itself, only the ends of violence are evaluated.[56] In relation to the state of emergency and exception, natural law has no method of establishing the criteria for evaluating the extremity of emergency, and, therefore, justifying the introduction of the state of exception.

Positive law, on the other hand, only focuses on the critique of means, positing legality as the criterion for their evaluation. The end is just (legal) as long as the means employed to achieve it are justified and thus legal. Benjamin, however, criticizes this presupposition of positive law, as it is plagued by the same problem as the natural law. Both natural and positive law, despite their differences, are stuck in the vicious cycle: "just ends can be attained by justified means, and justified means can be used for just ends."[57] The problem with this statement is that, if we presume that means and ends have separate evaluation criteria, we may be faced with the paradox in which justified ends and unjustified means would be in irreconcilable conflict.[58]

[54] Schmitt, *Dictatorship*, 16.
[55] Walter Benjamin, *Toward the Critique of Violence. A Critical Edition*, ed. Peter Fenves and Ng Julia, Stanford University Press (Stanford, 2021), 40.
[56] Benjamin, 41.
[57] Benjamin, 40.
[58] Benjamin, 40.

To understand how this could be possible, I offer a simple thought experiment. Suppose a person lived in a state ruled by a sovereign who issued a decree to exterminate all minority groups, "cleansing" the nation. Suppose, further, that our imaginary person finds this abhorrent and believes that the death of this sovereign would be a justified end, since it would save thousands, if not millions of lives (even if not out of predilection to upholding the values of social justice, but out of sheer adherence to utilitarian ethics). The death of the sovereign as an end implies a rather obvious means: killing said sovereign. However, our imaginary person believes in sanctity of human life. Not necessarily out of deep religiosity and adherence to "thou shall not kill," but out of the pacifism we so often see among contemporary liberals, who preach that more violence is not a proper answer to already existing violence.

In this situation, the end is justified for the person, but the means are not. Neither natural nor positive law account for the possibility of such a conflict between the two despite its undoubtably real character. Thus, neither of these approaches is capable of addressing the problem of evaluating either ends or means. Consequently, no coherent proposition about the exact connection between the state of emergency and state of exception can be offered within their bounds.

So far it has not been my goal to propose a definitive link between exception and emergency. The importance currently lies in establishing the character of their connection on the basis of Schmitt's and Benjamin's original writings. Schmitt's adherence to natural law precludes his theory from providing a convincing account of the inter-linkage of emergency and exception. Within this framework, the two can be treated separately, since the justifying link, which would ground the relationship between the two mediated by extremity, is severed, and no alternative link is provided. If there is no criterion to judge whether a specific situation on its own qualifies as an emergency – or extreme emergency –, then its presence does not have to be established for the exception to be introduced. This becomes obviously problematic when one considers the destructive consequences of dogmatic decisionism that have been demonstrated earlier. The statement that the questionable existence of possible weapons of mass destruction in Iraq constitutes an extreme emergency does not have to be proven or justified to introduce exception. The decision on the latter can be made without any attempt to ground it argumentatively. Emergency in Schmitt's theory is an empty concept, it does not signify anything besides the sovereign's decision, the linkage between emergency and exception consequently becoming obscure and underdetermined. This warrants us to seek the definition of emergency elsewhere.

Pure Violence and Schmitt's Exceptional Response

Critique of Legally Recognized Violence

Unsatisfied with the lack of philosophical discussion on evaluating violence independently of the ends it serves, Benjamin concerned himself with the task.[59] The prior poverty of juridical-philosophical scholarship on violence in itself comes as a consequence of the demonstrated inability of either positive or natural law to consider means and ends separately from each other.

Despite the inadequacy of positive law in evaluating violence in itself, Benjamin deems it a good enough starting point for his project.[60] It conceives of means as primary to the ends, since the former justify the latter within the framework,[61] violence considered as a means therefore coming to the forefront. Positive law distinguishes between sanctioned – legal – and non-sanctioned – illegal – violence. To evaluate these terms and determine their meaning, however, one eventually must go beyond both natural and positive law.[62]

Initially staying within the constraints of positive law to outline the inadequacy of the legally recognized forms of violence, Benjamin starts with the consideration of violence as a means. He introduces two types of ends. Natural ends are those that lack historical recognition, and legal ends are those that have been historically recognized.[63] Think of what we today call Stalin's repressions of the 1930s: before Khrushchev's speech criticizing Stalin's cult of personality, the ends of the repressions were widely considered legal, since they were historically recognized. After the aforementioned speech that manifested the beginning of so-called de-Stalinization, however, the repressions – among other things – lost their official historical recognition and – in Benjamin's terms – became natural ends attributed to Stalin.

Beginning to mount the critique of legally recognized forms of violence, Benjamin outlines "a universal maxim of contemporary European legislation": any natural ends of individuals, if they are pursued with some degree of violence, must collide with legal ends.[64] Employment of any violence, in other words, is only permitted if the goal it serves aligns with what is legally codified and recognized. Any contract, for example, implies a certain degree of violence, since a counterpart's

[59] Benjamin, 39.
[60] Benjamin, 41.
[61] Benjamin, 40.
[62] Benjamin, 41.
[63] Benjamin, 42.
[64] Benjamin, 42.

failure to fulfill its conditions warrants the other to inflict (financial) violence.[65] In this situation an individual is allowed to employ violence, since their natural ends (the fulfillment of the contract by the other party) coincides with the legal ends. The violence exerted by an individual pursuing exclusively their own natural ends, in contrast, is considered a threat that undermines the legal order, and hence is legally sanctioned. Determining why this constitutes a threat is one of the most important facets of Benjamin's inquiry.[66]

On examples of labor strikes and military violence, Benjamin demonstrates that every employment of violence has a law-positing effect, which is precisely what threatens the existing legal order.[67] Any worker's strike presupposes violence in the form of demanding to alter labor conditions. Such an altering effectively constitutes the modification of the present legal situation, and hence is law-positing. In turn, military violence, despite its immediate predatory character, is necessarily followed by a peace ceremony. Any peace treaty likewise modifies the existing legal norm, positing the newly established circumstances (like the changes in states' territories) as the new law.[68] If there is law-positing character to any violence, then the violence employed to pursue individual natural ends may undermine the existing legal order though its alteration. Only if the natural ends coincide with the legal ends does the violence not disturb the status quo: whatever law it might have posited is already included in the existing legal norm.

Violence may be not only law-positing, but also law-preserving, Benjamin invoking an example of universal military conscription as a demonstration. This type of violence – summarized by the coercive and obligatory character of such a mobilization – is determined by its pursual not of natural, but of legal ends: to preserve the current unity of a state, for instance. Two types of legally recognized violence are thus denoted: law-positing and law-preserving.[69] The distinction between them, however, is blurry, as is seen from the analysis of the police violence. Although it is supposed to preserve the existing laws (legal end), police also de-facto determines its ends in broad limits and is not bound to the ends that were deemed legal prior to the employment of violence. If one observes police violence, one easily notices that the officers are factually allowed to turn the previously non-legal ends into the legal ones. In this process natural ends essentially become legal, therefore

[65] Benjamin, 49.
[66] Benjamin, 42.
[67] Benjamin, 45.
[68] Benjamin, 44–45.
[69] Benjamin, 45.

effectively changing the prior legal norm. Such a change is a distinct mark of law-positing violence, despite the original goal of the force being law-preserving. In his timeless analysis of police violence, Benjamin thus proclaims that the separation between law-positing and law-preserving violence is at best blurry and at worst annulled within the lived world.[70]

Having described the two forms of violence recognized within the legal norm, Benjamin turns to outlining the "gravely problematic character of legal violence."[71] Said character transparently manifests itself in the difference of the governmental evaluation of a "normal" strike and revolutionary general strike. In case of the former, the right to strike is – or was – granted to workers despite the non-alignment of their natural ends with the legal ends. One may protest that a strike does not constitute violence but is an escape from the employer's oppression. This is demonstrably untrue, since the workers essentially commit extortion: they are ready to continue laboring under certain conditions that may have nothing to do with the labor itself, like the wage increase.[72] In this sense, the wage increase is qualified as a purely natural end, and the violence in the form of extortion does not align with the legal norm. Despite this, the right to strike was frequently granted. In the revolutionary general strike, labor will likewise lay claim to their right to strike, but this time the state "will always call this appeal a misuse, since the right to strike was not "so intended," and will issue special decrees."[73] The contradiction of a specific legal situation becomes visible here: in certain context, the state will be indifferent to the employment of violence for natural ends unaligned with legal ends, but in a situation where "everything is at stake," it will inevitably express hostility.[74] The inconsistency of the evaluation of violence is undeniable.

In general, the contradiction in a legal situation that makes all legal violence conceptually problematic is that "legal subjects sanction forms of violence whose ends remain natural ends for those who sanction it and which can therefore come into conflict with the legal or natural ends of these same subjects in a situation where everything is at stake."[75] This phrase is easy to understand by transposing it onto a banal situation outside of juridical context. Imagine a parent with two children, one of whom has severe, dangerous case of diabetes. For the sake of fairness, the parent decides that neither child is allowed to eat candy. In this analogy the universal no-sweets rule is the

[70] Benjamin, 47–48.
[71] Benjamin, 54.
[72] Benjamin, 43.
[73] Benjamin, 43.
[74] Benjamin, 43–44.
[75] Benjamin, 44.

legal norm. From time to time, when the non-diabetic child asks for some chocolate, the parent decides to grant them a bite, breaking the established rule, pursuing their natural ends (the desire to treat their child) that clearly do not align with the legal ends (the chocolate moratorium). No such exceptions are made for the child with diabetes: here "everything is at stake" with a bite of chocolate. While the parent's behavior is easy to sympathize with, it is impossible to deny the presence of a contradiction within the established rule. The legal norm which is bended depending on whether everything is at stake or not is less commonly accepted than variations in particular family conventions.

Critique of Mythic Violence

The problematic character of any legally recognized violence raises the question of whether any other type of violence can be differentiated, that would not be plagued by internal contradictions. "The most elementary basic relation in every legal order is the one between ends and means,"[76] which means that one must abandon the understanding of violence as mere means to conceive of it outside of the legal framework. Human rage is an example of such a violence: it is a manifestation rather than a means.[77] After all, it is doubtful that anyone has ever been under illusion that their road rage would make a faulty driver pay for their blunders. Cursing at them is nothing more than manifestation of frustration. The existence of the violence that is not mere means finally permits for the critique of violence in itself, without any regard to external elements such as ends.

Myths are rich with the examples of violence as manifestation of the (existence of) gods. The angered Greek deities did not use their wrath as a means, but as an announcement of their presence. In case of Prometheus, for example, the punishment he suffers from the gods does not leave him without "the hope of one day bringing a new law to human beings."[78] If the gods used their violence as a means, would not the end be the complete annihilation of any chance of humans gaining fire? Would not the proper means then be the immediate execution of Prometheus? The violence inflicted on him is therefore a reminder, not a tool.

Clearly, mythic violence has little in common with law-preserving violence: Prometheus could still be freed, and does eventually get rescued by Heracles, the status quo therefore not being preserved. It is, however, transparently linked to law-positing violence. Any end which law-positing violence

[76] Benjamin, 39.
[77] Benjamin, 54.
[78] Benjamin, 55.

serves is inherently brought forward as the manifestation of violence and is never separate from the violence itself (in other words, violence as manifestation). "The positing of law is the positing of power, and, in this respect, an act [*Akt*] of an immediate manifestation of violence."[79] The new law is violence incarnated. Just as the mythic violence is the manifestation of gods, law-positing violence is the manifestation of power, which in itself is inherently violent.

As is clear from the legends, mythic violence is not annihilating: the adversary is granted the chance to continue living. Law-positing violence is also inherently accommodative to the life of an adversary. It is essentially the laying down of the new boundaries, in which the rights of the counterpart are codified. The phenomenon of laying down the new boundaries is precisely where the locus of the critique of violence is to be found. Condemning it when the new rights are unequally distributed between the parties is easy enough. However, there is a "demonic-ambiguous" character even to the "equality" that could be established under new laws, which is expressed by Anatole France: "Poor and rich are equally forbidden to spend the night under the bridge."[80] The lawmakers are the powerful ones, whose violence was strong enough to establish new laws. Hence, they are the ones who will in the end benefit. The gods who spare the lives of the transgressors are inevitably always more powerful than the ones they punish, they maintain their dominance, always ready to strike down the mortals again.

Pure, Divine Violence

The critique of mythic and all legal violence has been established. Is there anything left besides it? We are to seek an answer in the antonyms of the utilized notions: God as opposed to myth, and law-annihilation as opposed to law-positing. The Pantheon punished Prometheus for attempting to give people – the disadvantaged – fire. God's violence, divine violence, in stark contrast, strikes the privileged ones, like Korah's horde.[81]

The defining trait of divine violence is its law-annihilating character: it radically sets it apart from mythic and legally recognized violence. Benjamin's phrasing is crucial in outlining its nature: "[…] it strikes them unannounced, without threat, and does not stop short of annihilation."[82] It is not a

[79] Benjamin, 46.
[80] Benjamin, 46.
[81] As told in The Book of Numbers in Torah, Korah revolted against Moses, who freed the Israelites from their enslavement in Egypt. To punish him and his co-conspirators, God sent fire that consumed all of them.
[82] Benjamin, 57.

threatful manifestation like mythic violence, but rather annihilation in its immediacy and evanescence, paradoxically bloodless and devoid of cruelty. Destruction presupposes some remnants, the ruins, the blood. Annihilation is the disappearing into thin air under the momentary strike of divine violence. Pure violence exists for the sake of the living, not for the violence itself: the punished ones are not kept alive to suffer and "be taught a lesson," since only the interests of the ones they oppressed are relevant.[83] The clearest, most radical example of such a striking is revolutionary violence, the killing of oppressors:[84] it annihilates both the tyrants and the laws serving them.

The most apparent criticism of divine violence refers precisely to its annihilating character: do not mythic gods hold ethical supremacy over the Abrahamic God in that they do not resort to immediate execution of transgressors? This only holds true if – as Benjamin points out – one always assumes that non-existence is necessarily worse than downtrodden existence. This premise is questionable. Undoubtedly, "thou shalt not kill" presupposes that the one who kills must bear the responsibility for their deed. It does not, however, function as a standard for judgement. It is a prescriptive norm, not an ethical one.[85] "False and lowly is the proposition that existence is higher than just existence, if existence [*Dasein*] is to mean nothing other than mere life."[86] Here Agamben's thoughts on bare life naturally come to the fore, making it apparent that non-existence is indeed not necessarily better than existence. One may also find grounding for this statement in people's lived experiences, the most obvious cases being of those who choose to be euthanized. An argument could be made that a human life lived "to the full" may be considered sacred, but there is nothing transcendently valuable and perfect in the mere fact of non-death. It is in this way that Benjamin defends divine violence, by extension justifying revolutionary struggle.

Pure violence is thus defended, but why would anyone resort to it? Benjamin turns to history to finalize his critique. We live through the motions of the back-and-forth between law-preserving and law-positing violence. The status quo is continually maintained by the former in an attempt to weaken the latter. All law-preserving violence, however, also contains law-positing violence, as it has been shown before, therefore unwittingly weakening itself until it is finally overpowered by another form of violence that establishes new laws, continuing the bloody cycle. Divine violence is

[83] Benjamin, 57–58.
[84] Benjamin, 58.
[85] Benjamin, 58.
[86] Benjamin, 59.

the only force that is capable of breaking this historical loop that ensures the downtrodden position of the oppressed, since it alone can de-pose state violence through its annihilating character.[87]

The Relevance of Benjamin's Analysis

Benjamin's critique of violence now must be thematized to establish its relevance for the current inquiry. The notion of violence was initially invoked upon establishing that Schmitt's theory of state is inadequate in evaluating the connection between exception and emergency. Exception in this context is the violence that Benjamin sets out to critique. There are two possible ways of transposing Schmitt's exception onto Benjamin's classification of violence. One may suggest that Schmitt conceives of exception as a means to overcome extreme emergency. In this case, exception would be conceptualized as the fluid combination of law-preserving and law-positing violence. Law-preserving since it pursues legal ends, but law-positing since the natural ends of the sovereign also dictate new legal ends, therefore changing the juridical situation. The phenomenal reality of the exception evident from Agamben's discussion of bare life, however, heavily suggests that it is also a manifestation: the power to decide on exception is a manifestation of sovereignty.

The doubleness of Schmitt's exception is parallel to Benjamin's elaboration on law-positing violence: it is a manifestation inasmuch as the moment of the actual law-positing is always the manifestation of power and hence violence. This is peculiar, since, as Agamben pointed out, Schmitt's theory of state can be read as the response to Benjamin establishing the possibility of violence fully outside the juridical order. Conceptualizing the state of exception is an attempt to undermine the possibility to this meta-juridical violence and to put it back into the legal context.[88] The success of Schmitt's endeavor is demonstrably questionable: even if he succeeds in proving that the exception cannot be seen as law-positing or law-preserving, it can still be classified as mythic violence plagued by the same internal contradictions as the legal violence, as Benjamin demonstrated. Thus, the exercise of positioning mythic violence within the realm of juridical is meaningless: none of its internal contradictions are resolved through this conceptualization. It is without significant consequence to the evaluation of the state of exception as violence.

I therefore propose to think of two types of exception: juridical or mythic exception that Schmitt talks about, and the pure or divine exception that Benjamin outlines, which I later will also

[87] Benjamin, 60.
[88] Agamben, *State of Exception*, 54.

characterize as historically-affective and phenomenal. Having previously criticized Schmitt's juridical reductionism on the grounds of its inadequacy in addressing the exception-emergency connection, I mostly am concerned with the divine exception for the rest of the inquiry.

Drawing further parallels between Schmitt's and Benjamin's theories, the latter posits divine violence as the phenomenon capable of breaking the vicious cycle of law-preserving and law-positing violence. This loopy construction can be seen as the emergency that is to be overcome through the divine exception. The phenomenon of emergency is finally becoming more particular and fleshed out. However, the connection between it and exception remains. It is demonstrably not causal: Benjamin never states that the cycle of legal violence is sufficient to trigger the outburst of divine violence. Casual observations prove this further: despite us being stuck in the cycle that upholds the dominance of those in power, no revolutionary uprising is in sight. The mass disillusionment with any revolutionary project and the widespread character of the left pessimism are testaments to this.

Interestingly, this is in line with Schmitt's insistence that not any emergency warrants exception: it must be extreme. Evidently, we must try to define the notion of extremity. As I have argued prior, its explication is to be sought in the realm of experience and affect, to which Benjamin's writings are exceptionally suited. The surveying of the text in which the "state of emergency" was initially invoked may prove useful for the decisive attempt to elaborate on the concept of extremity and thus the connection between exception and emergency.

On the Concept of History

Benjamin's *On the Concept of History* offers a critique of the method of viewing history. This is not an idle task, as the lens through which one regards the past influences one's emotional disposition in the present, and consequently one's potentiality towards political action. Foregoing strictly materialist analysis, Benjamin stresses the importance of immaterial, "spiritual" factors in the class struggle, as only they can ever allow to fruitfully question the authority of the ones who have been winning through history, the rulers.[89] The importance of this questioning cannot be overstated, because it is the "enemy [that] has not ceased to be victorious."[90] It is our historicizing approach to the past that has contributed to this unending domination of oppressors.

[89] Benjamin, *On the Concept of History*, 3.
[90] Benjamin, 4.

The writers of historicism, unlike historical materialists, regard events of the past in a vacuum: they are treated as being disconnected from the present. The naïvete of this attitude is not harmless: pointing to the atrocities of the Nazi Germany, Benjamin writes: "The astonishment that the things we are experiencing in the 20th century are "still" possible is by no means philosophical. It is not the beginning of knowledge, unless it would be the knowledge that the conception of history on which it rests is untenable."[91] In other words, historicism has led us to believe that unthinkable atrocities are left in the debris of history. Not only does this allow for their repetition, but precludes one from obtaining historical knowledge, from learning our lesson.

I propose that this naïvete stems from the assumption that the unfolding of history necessarily brings about progress. From the myth that it linearly goes from the barbaric, primordially horrific and chthonic, to the enlightened, peaceful and rationally harmonious. Benjamin talks of the German working class at the turn of the century, who mistakenly thought that the flow of history was on their side, and the tide would necessarily bring them to become victors.[92] This complicity with the uninterrogated dogma of progress has led them nowhere: the social democratic movement suffocated.

We are just as naïve as the German working class, counting on the progress to bring the change, assuming that we can free float to a better future. Unquestioned reliance on the ontologically assumed historical evolution is intimately connected to the question of emergency and the norm. To assume the ontological necessity of progress is to dogmatically believe in the norm of progress, which is nothing but a propagated illusion.[93] This is the norm that gets taught to us incessantly: from the logic of natural evolution of Darwinian biology to the dominant economic idea of the ever-lasting capital expansion. Why else would we be surprised by the return of military atrocities, fully ignoring that they never went away and just took place outside of Europe? Why do we think that technological progress can solve all our problems, is forceful enough to even reverse climate change through bioengineering? The "happily ever after" idea is the one that makes us complicit.

The futility of the idea of progress is expressed eloquently by Benjamin in his discussion of the Angel of History. Referencing Klee's work *Angelus Novus*, he paints its narrative picture. The Angel of History is always looking backwards, caught up by the wind that inevitably carries him

[91] Benjamin, 6.
[92] Benjamin, 7–8.
[93] Benjamin, 9–10.

forward, while he is unable to turn around and look at what he is carried towards. Instead, he sees constant ruin just behind him, one catastrophe unfolding after another.[94] The disasters occur precisely because of the inability to glimpse into the future – the Angel's failure to turn his head in the direction he is being carried to. How are we to prevent a catastrophe if we do not know that we are approaching it until we are already in the midst of it, the emergency situation itself in full swing?

The belief in the normal progression of history is thus posited by Benjamin as a dangerous illusion. We must break the flow that carries the Angel of History. The real exception must be introduced to get a better grounding in fighting Fascism.[95] In connection with *Toward the Critique of Violence*, this real exception can be seen as the exercise of divine, revolutionary violence. What Benjamin essentially proposed is to fight the juridical exception – the suspension of law on behalf of the Reich's sovereign – with the divine exception. The latter bears the explicitly historical, and therefore affective character. When Benjamin talks about historical time, he talks about affective time: the history is not disinterested flow, but rather the experiential chain throughout which we sense and feel. The real exception, therefore, bears historical, and consequently phenomenal character.

The introduction of the divine exception, it seems, requires us to halt the free-floating in the historical current. If the illusion of the progress of time and history is the norm, then the disruption of this is the divine exception. The progress is illusory because it is nothing more than the successive changing of law-preserving and law-positing violence, which allows the enemy to remain victorious. Divine violence implies grabbing the present moment, realizing the now in a movement of breaking the illusory linearity of historical-affective time. This is clear from Benjamin quoting Lotze: "Among the most noteworthy characteristics of human beings belongs… next to so much self-seeking in individuals, the general absence of envy of each present in relation to the future."[96] Simply speaking, one's happiness stems from the present, not from the imagined future. This is also true for any political, emancipatory action, since the present is the source of all affects, not just happiness. Criticizing contemporary German social democrats, Benjamin states that their insistence on positing the current class struggle as the pre-condition of the emancipation of the *future* generations essentially drained the movement of any revolutionary thunder, since "through this

[94] Benjamin, 6–7.
[95] Benjamin, 6.
[96] Benjamin, 2.

schooling the class forgot its hate as much as its spirit of sacrifice."[97] What fires up the affects that are not merely noble, but instrumental in class struggle, are the "pictures of enslaved forebears."[98]

The seizing of the present, inasmuch as it encompasses the awakening of certain affects that allows one to break out from the seemingly deterministic flow of history, also requires the invocation of the past: "The happiness which could awaken envy in us exists only in the air we have breathed, with people we could have spoken with, with women who might have bene able to give themselves to us."[99] The affect is mustered, therefore, by what could have been: the unrealized happiness from the past.[100] This, once again, can be expanded to emotions other than happiness. It is precisely the vivid memory of the enslavement of the forebearers, the suffering of the oppressed that preceded us, that propels the seizing of the present moment in the disruption of the progression of time, the introduction of the divine exception. In talking about revolutionary action, Benjamin notes the importance of this disruption of imaginary progress: "The consciousness of exploding the continuum of history is peculiar to the revolutionary classes in the moment of their action."[101] Far from stating this as a dogma, he points to the affective phenomenon of "exploding the continuum of history" accompanying revolutions. In July Revolution, reportedly, independent saboteurs shot at multiple clock-towers in Paris at approximately the same time, bringing the flow of time to the standstill.[102]

Certain affectivity is thus posited as a pre-requisite for the divine exception, pure revolutionary violence. The German working class, undoubtedly, lived in the state of emergency that had become the norm. That alone, however, was not enough for them to introduce the state of the real exception and "explode the continuum of history." Certain affect was missing, the one that comes from the dissatisfaction and anger of observing the present material conditions of the downtrodden and seeing them not as an isolated phenomenon, but the culmination of the past events. The revolutionary affect comes from regarding the present suffering in the light of the unrealized potentialities of the past and being haunted by them. In the same way that the happy unrealized potentialities foster the present happiness according to Lotze, the revolutionary affect stems from the consciousness of the present suffering through the lens of the lost potentialities of liberation.

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[97] Benjamin, 9.
[98] Benjamin, 9.
[99] Benjamin, 2.
[100] Hamacher, '"NOW": Walter Benjamin and Historical Time', 161–62.
[101] Benjamin, *On the Concept of History*, 10.
[102] Benjamin, 11.

Having stated that the notion of extremity must be sought on the affective and phenomenal levels, I propose that the presence of the outlined revolutionary affect is the affective correlate of the mysterious extremity invoked by Schmitt. The emergency is extreme enough to cause an exception if it is characterized by the feelings of desperate anger from regarding the present material and emotional suffering as the outcome of the historical lineage marked by the domination of the oppressors. Calling it a lineage is somewhat deceiving, considering that it is nothing but the cycles of law-preserving and law-positing violence masquerading as historical progress. It is not a line, but an uroboros; exploding the continuum of history is precisely penetrating the cycle and ripping it open, yanking the tail of the snake from its mouth.

While theoretically this construction is convincing enough, I am once again faced with the problem of the lack of empirical evidence. Are we not miserable enough? Having started the current inquiry with a detailed account of disenfranchisement and disenchantment characterizing much of the contemporary discourse, I cannot in good faith suggest that the present suffering is not intense enough to amount to revolutionary affect. Are we not, possibly, aware that the current suffering is the result of the actions of those in power? This suggestion does not stand: the blame for the global warming is widely assigned to the powerful, namely the fossil fuel giants and the governments ignoring their transgressions for the sake of capital gains; the failings of neoliberalism have been widely attributed to the policies introduced by Thatcher and Raegan, the contemporary capital imperialism and domestic precarity traced back directly to them.

While some may be tempted to argue that the contemporary working class is too uneducated to make these connections, I radically object. Firstly – and obviously – it is questionable whether to even acknowledge this argument due to its transparently classist presumptuous character. If we decide, however, to engage with it, all we would have to suggest is for the objectors to "touch grass": actually venture into the world and interact with the members of the working class in question. This does not have to be a factory worker: with the growth of the service sector it would be faulty to not include the myriad of people working in it into the working class. Undoubtedly, anyone who has ever been a service worker or has bothered to interact with one, would know that they are perfectly capable of drawing historical connections and are often just as well-educated and well-versed in critical thinking as the ones they are serving. A degree in marketing or finance does not intellectually set one above those with less remunerated jobs.

The intuitively seductive classist argument is vastly misguided and the emergency we live in is extreme enough. Where is the real exception then? Although Benjamin only talked about revolutionary violence as the example of the divine exception, I suggest we do not take this notion too narrowly: divine violence is not exclusively the October Revolution. It can take the form of sabotages, mass strikes, powerful squatting movement, unceasing occupy actions. It is the violence in the name of the living: not necessary killing the oppressors, but effectively annihilating them by fighting the oppression and therefore ceasing to be oppressed, erasing the category of oppression altogether. The ongoing acts of rebellion are too sparse and therefore too weak to qualify as revolutionary violence, which requires masses.

What is missing? The emergency is here, the revolutionary affect is seemingly present as well, but the real exception remains absent. My final explanatory suggestion that the structure of the emergency that Benjamin talked about is different from the internal structure of the emergency we currently inhabit. Once again, the real emergency is of the historical-affective, phenomenal character, and is conceptualized by Benjamin as the vicious cycle of law-preserving and law-positing violence that guards the status quo and perpetuates the existing oppressive structures. If we are to visualize this original structure in simple terms, it will be a circle, a loop, but the one that masquerades as linear progression. The former constitutes the topography of the historical-affective time, while the latter is one's phenomenal impression of the movement in this time.

It may come as a surprise that the structure (topography) of historical-*affective* time is different from one's *experience* of moving within it. This, however, does not necessarily constitute irreconcilable conflict. The vicious cycle – the emergency – clearly affects those who live under it: the disenfranchisement and misery are affective manifestations of this dwelling. The movement through time, however, does sincerely feel like going forward, progressing. It is uncontroversial to state that one's experience and one's beliefs influence each other mutually. It is therefore not uncontroversial to state that the belief in historical evolution morphs one's experience of the movement through historical-affective time, making it feel like progress.

Phenomenally it is experienced as linear progress, the movement forward, which is precisely what undermines the employment of divine violence by the masses. Is the current historical-affective time also felt as a loop? Is it presented as such? This question is important because if it is not, then Benjamin's phrasing regarding exploding the (illusory) historical continuum loses its meaning: it is a completely different structure that would have to be tackled. The exploding in question requires a

certain affect. If the exploding no longer relevant, then whether we experience the said affect may be of no difference, explaining the absence of the divine exception. Something other than the exploding of the illusory continuum might constitute divine violence, and therefore the pre-requisites for it may diverge from the ones outlined.

Topography of Historical-Affective Time

Establishing the internal structure of the current emergency implies determining the character of one's movement through historical-affective time, as well as its internal structure, its topography. Considering that the former will most likely be influenced by the latter, I propose to start with it.

One's mind inevitably turns to two thinkers whose writing on history has entered the cultural and political mainstream: Francis Fukuyama and Mark Fisher. I consciously choose the most culturally proliferated outlooks on the structure of historical-affective time. The affective, phenomenal dimension, after all, is what is under the scrutiny. It is likely that whatever ideas have become the most proliferated in popular culture closely reflect the masses' experiences.

The Desperate Attempts at Ending History

Fukuyama's The End of History argument proclaims "unabashed victory of economic and political liberalism." In his original essay on the topic, he states not just that Western liberalism has won over competing ideologies, but that any viable alternative to it has been demonstrably exhausted in the course of the twentieth century.[103] "What we may be witnessing is not just the end of the Cold War, or the passing of a particular period of postwar history, but the end of history as such: that is, the end point of mankind's ideological evolution and the universalization of Western liberal democracy as the final form of human government."[104]

One cannot help but notice the grandeur and assuredness of Fukuyama's claim and can only guess that anyone in the position of a deputy director of the State Department's policy planning staff would be as audacious. The End of the History argument has come under numerous attacks for being evidently erroneous: ideologically motivated conflicts continuously rage on, from individual hate crimes to terrorist attacks and wars. This does not seem like definitive victory of Western liberal democracy.

Five years after the publication of the original essay, Fukuyama wrote an extension piece on the concept, following up a 400-page book dedicated to the same subject. Visibly frustrated with being misunderstood – "While I have little confidence that a third attempt to clarify will actually serve that purpose, I will nonetheless try."[105] – he states that The End of History does not imply that nothing

[103] Francis Fukuyama, 'The End of History?', *The National Interest*, no. 16 (Summer 1989): 3.
[104] Fukuyama, 4.
[105] Francis Fukuyama, 'Reflections on the End of History, Five Years Later', *History and Theory* 34, no. 2 (May 1995): 28, https://doi.org/10.2307/2505433.

significant will ever happen anymore. The misunderstanding lies in interpreting "the end of history" as a descriptive claim, while it was intended as normative: "liberal democracy and free markets constitute the best regime, or more precisely the best of the available alternative ways of organizing human societies […]."[106]

Fukuyama's thesis being normative makes it irrelevent for the current inquiry: I am concerned with the topography of historical-affective time in terms of how it *is* structured and experienced, not how it *ought* to be. One could mount arguments against Fukuyama's understanding of time as linear progression (as Benjamin, arguably, did), but one cannot effectively wrestle with the opinion-point that the time *should* be linear and progressive. The harmful consequences of believing in such a progression have already been outlined. Besides, it is generally a bad sign if one writes a column "We remain at the end of history" a month after the September 11 terrorist attacks, putting the words "I believe that in the end I remain right"[107] on paper, weirdly succumbing back to the view that "the end of history" is a descriptive and not a normative claim. This would once again warrant me to argumentatively prove the inadequacy of Fukuyama's claim, but the phrase "[…] there does seem to be something about Islam, or at least fundamentalist Islam, that makes Muslim societies particularly resistant to modernity […]"[108] discourages me from engaging with the proclamation seriously. If one must resort to Islamophobia to justify their argument, the most surface thought might be the correct one: the statement has not stood the test of time.

The Slow Cancellation of the Future

Fisher's Paradox

Let us consider Mark Fisher's argument regarding the loss of the future or, as he eloquently put it, "the slow cancellation of the future." The "future" here should not be understood colloquially. Fisher references Franco "Bifo" Berardi's invocation of the slow cancellation of the future. Both Bifo and Fisher talk about not only the "direction of time," but the cultural and "psychological perception" of the movement of time and of the notion of the future.[109] Fisher laments the contemporary culture being afflicted by severe inertia: "[…] the 21st century is oppressed by a

[106] Fukuyama, 29.
[107] Francis Fukuyama, 'Francis Fukuyama: We Remain at the End of History', The Independent, 11 October 2001, https://www.independent.co.uk/voices/commentators/francis-fukuyama-we-remain-at-the-end-of-history-5363424.html.
[108] Fukuyama.
[109] Mark Fisher, *Ghosts of My Life: Writings on Depression, Hauntology and Lost Futures* (Winchester: Zero Books, 2014), 6.

crushing sense of finitude and exhaustion. It doesn't feel like the future."[110] The proclaimed loss, therefore, is conceived affectively and not ontologically. What afflicts us is the inability of imagining the future, turning our gaze forward instead of being swept up in the flow of time like Benjamin's Angel of History. This loss does not go unnoticed, it haunts us: the ghost of the lost future is ever-present in the current moment. If we would have done our mourning, the present would be muddled by the spectrum of the loss. But haunting is precisely a "failed mourning": we reluctantly refuse to let go of the ghost of the future, or rather, the ghost itself is refusing to weaken its grip on us.[111]

The present is thus infused with the spectral apparition of the future, and we are rather obviously haunted by the past. It is not merely made manifest in an omnipresent cultural nostalgia, which in itself does not constitute the haunting, but in the naïvete of returning to the past. To demonstrate that, Fisher invokes the example of seeing the video of 'I Bet You Look Good on the Dancefloor' by Arctic Monkeys, released in 2005, and thinking that it was "some lost artifact from circa 1980."[112] This is not just nostalgia on behalf of the group: the Arctic Monkeys were never presented as a 'retro' band, because "[…] by 2005, there was no 'now' with which to contrast their retrospection."[113] Nostalgia implies *conscious* longing for the past. Here, however, we see the naïvete of the infusion of the present with the past: we do not suspect that we reiterate the past and are under the illusion of producing something new.

The loss of the future implies the loss of the newness of the present, the "now" therefore contaminated with the ghost of the past unsuspectedly, naïvely. In his pessimism, Fisher suggests that the lack of newness might arise because "[…] in one very important sense, there is no present to grasp and articulate any more."[114] The articulation of the present is, therefore, suspended, and the moment is haunted both by the loss of the future, and by the "lost glory" of the past. The linearity of affective time is thus distorted, folding in on itself and giving way to "strange simultaneity": the past and the ghost of the future both exist in the current moment.[115] Does that mean that the topographic map of the historical-affective time is nothing but a dot? The simultaneity that Fisher talks about paradoxically implies both the illusion of perpetual movement and the stagnation. He does not

[110] Fisher, 8.
[111] Fisher, 22.
[112] Fisher, 9.
[113] Fisher, 10.
[114] Fisher, 9.
[115] Fisher, 9.

elaborate on this, as his task evidently does not coincide with my attempt at sketching out the topography of the historical-affective time. I therefore expand Fisher's analysis, utilizing the idea of the cancellation of the future as its starting point.

The Horse Gallops

I first propose to explicate the notion of the "future" beyond characterizing it as an affective concept, as Bifo did. From Fisher's writings it is safe to assume that the word "future" denotes the potentiality of something not in existence before coming to be: his way of showcasing the loss is talking about the lack of new music genres emerging in the recent decades, as opposed to the past, where a new genre seemingly appeared every week.[116]

The political parallel to this cultural phenomenon is that "it is easier to imagine the end of the world than it is to imagine the end of capitalism," the phrase that is ascribed to Jameson and Zizek, and is the name of the first chapter of *Capitalist Realism*.[117] This is a grim, pessimistic conclusion, from which it is safe to assume that the diversity nested in the lost future constitutes a kind of progress for Fisher, in the sense of there being a potential for a better political and economic system. One can only safely assume that the future *could* bring progress if we still had it, not that it would come about inevitably. One thing is certain: whether historical-affective time was linear before the cancellation of the future or not, it cannot remain linear now, since there is nothing new on the horizon. The line cannot possibly stretch forward because "forward" as a category no longer exists.

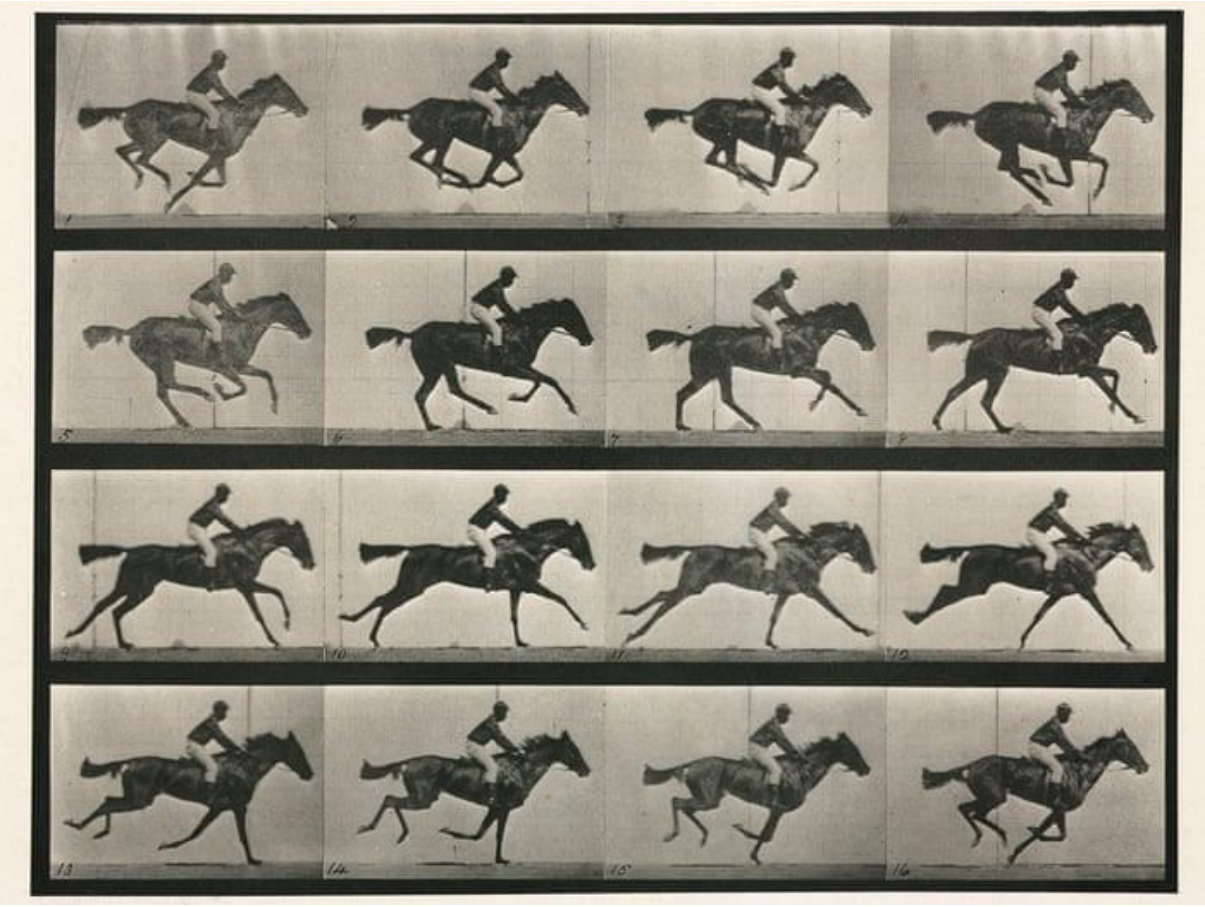
The question that naturally follows is the one concerning experiential dynamics of existing within the historical flow. If the line does not stretch forward, are we as if suspended in time, stagnating, or is there movement, albeit not a progressive one? In other words, do we feel stuck at the end of the line (the end of history, funnily), or do we experience movement, with the historical-affective line taking a turn and assuming a two-dimensional shape?

One's initial intuition after considering Fisher's diagnosis may be that the present is stagnant, that the charade of the perpetual movement is phenomenally unconvincing. We have lost the future just as much as we have lost the past, otherwise we would not be haunted by it. Left directionless, we cannot move forward, and not being naïve enough to believe we can turn back time, we are stuck in the in-between, the here-and-now that has lost its character as being the moment of resurrection that

[116] Fisher, 8.
[117] Mark Fisher, *Capitalist Realism* (Winchester: Zero Books, 2012), 1–2.

Benjamin talked about: "Are we not touched by the same breath of air which was among that which came before?"[118] The now as a resurrection brings about the newness that is necessarily connected to the past: the present is not empty, but is the new apparition of a lineage of moments. Something new can only exist in contrast with something old. The involvement of the past in the realization of the present, therefore, is precisely the element that allows for the springing-up of any novelty. Without resurrection there is no potentiality for anything new.

The present moment not constituting the resurrection is not the here-and-now that brings about the potential for change. Imagine Muybridge's famous snapshots of horse in motion, or better refer to *Animal Locomotion (Plate 626)* below.[119] Here, every new moment – every new snapshot – is not



merely the continuation of time, but the continuation of the dynamic movement through it. The moving through time is phenomenally manifested through the visual of the horse galloping: every

[118] Benjamin, *On the Concept of History*, 2.
[119] Eadweard Muybridge, *Animal Locomotion (Plate 626)*, photograph, The Guardian, December 11, 2022, https://www.theguardian.com/artanddesign/picture/2013/jun/15/horse-eadweard-muybridge#img-37.

snapshot is the resurrection of that movement. Now imagine that every shot starting from the second one is substituted by the first in the series. If one puts film with such a series of snapshots into the zoopraxiscope,[120] they factually will change one another, but no movement would be discernible because of the identity of the snapshots. The time factually will pass, indicated by the film rolling and one's cognitive understanding that there are multiple snapshots changing one another. Phenomenally, however, the movement through time will effectively disappear. Each snapshot does not enact the resurrection of the horse's movement, but instead contributes to the undead, hauntological quality of the quasi-moving pictures. The movement here is not dead, because the film keeps spinning, but it is also not alive, since no movement of the horse is detectable. The future is lost, and the past is impossible to resurrect.

I initially thought that this parallel serves as a perfect illustration of our historical-affective predicament: forever stuck in the no-man's land between the future that we cannot even gaze upon, and the past that we long for but cannot return to. Upon closer examination, however, I reconsidered. It does not feel like we are living through stagnation. There is a distinct feeling of the future being unreachable, but the sense of the constant movement is profound; Muybridge's horse is, in fact, galloping. The testament to it is heard everywhere, imbued with every possible sentiment, from praising the fast-paced life to lamenting it and desiring a life of a hermit somewhere at a distant farm.

Besides this, conceiving of historical-affective time as being stagnant introduces serious internal contradictions to the notion of emergency. Quite evidently, an emergency situation bears the character of stretching through time: it is something that *emerges*. Whether this emergence is stretched-out or seemingly momentary, it still implies the resurrection of each moment. The movement of the horse emerges in the course of the rapid succession of snapshots – the moments resurrecting the movement. The stagnation, most probably, could affectively be marked by deep melancholy of the profound loss. Accordingly, this is precisely the affect coloring Fisher's writings "on depression, hauntology and lost futures."

[120] Zoopraxiscope is a mechanical object that was used to display moving images, a predecessor of a film projector. Imagine a washing machine drum, all black, with the snapshots of an object in motion made in rapid succession placed on the inside surface of the drum. There are slits on the outside surface of the drum, so that the spectator can look in and see the snapshot that is the opposite of the slit they are looking through. The drum starts spinning, the snapshots changing each other in rapid succession, the spectator seeing them blend into one representation of the motion.

Turning to outlining the topography of historical-affective time, can we then agree with Benjamin that we are being carried through time, towards something we cannot see, always witnessing only the ruins of the chain of catastrophes once we are in the midst of them? Here, something still implies the linearity of the historical time, even if there is not some *telos* that we are being brought to. Linearity, however, presupposes the succession of moments and events with manifestly and recognizably new moments and events. This newness is not characterized by qualitative improvement – we left the naïve belief in natural progress behind us, following Benjamin's critique of the notion –, but rather by difference.

Does it feel like we are moving through qualitatively different events? Is this a fair characterization of our collective experience? In a radical way, I state, it is not the case, which is noticeable both on the global and personal levels. My first proposition here is that historical-affective time is cyclical, looped. To establish what I mean by the "looped" topography of historical-affective time, I intend to give an example of it on macro- and micro-levels. This demonstration will simultaneously serve as the positing of the argument itself: the structure of contemporary affective historical time is represented by a figure of a loop. Granted, mere example-giving is not sufficient to prove the point beyond reasonable doubt. This is not, however, my goal. I intend to illustrate the loopiness and make the reader recognize the cyclical feeling that I am describing, therefore potentially establishing its phenomenal validity. Besides, this will achieve one of the goals of the current inquiry: the description of the manifestation of contemporary emergency. Importantly, I am not yet committing to positing the contemporary historical-affective time as a loop, but am merely developing the argument in an attempt to determine if it stands theoretical scrutiny. This is important: if the historical-affective time is structured as a loop, then it is similar to Benjamin's emergency. If it is not, these initial thoughts will serve as a solid foundation for the further inquiry into the structure of historical-affective time and, therefore, the contemporary emergency.

For my examples to have firm theoretical ground, I turn to the work of Bifo. Just like Fisher, he does not harbor any illusions about the future: "This is why I'm writing this phenomenology of the end. There is no end."[121] His writing, however, is not marked by Fisher's despair, Bifo does not pretend that he knows whether it is bad or good, hopeful or grim.[122] After all, he is mainly interested in the

[121] Berardi, *And. Phenomenology of the End*, 9.
[122] Berardi, 9.

causes of the contemporary predicament which he construes as mass unwellness which manifests itself on the level of sensibility.

Bifo's Diagnosis

Berardi starts his *Phenomenology of the End* with an announcement: we are living in the age of global cultural mutation and technological transformation, which is influencing societal relations on the level of people's sensibility. The mutation is not incidental, but coincides with the shift from the age of Industrial capitalism to what Bifo calls semiocapitalism.[123] As explicated in *Precarious Rhapsody*, semiocapitalism is "the new regime characterized by the fusion of media and capital."[124] Being conscious of this shift is crucial, since the state of the body-mind is majorly influenced precisely by the mass semiotic production, which was much milder before the age of the flourishing infosphere. The semiotic fluxes "[…] follow an extra-semiotic principle: the principle of economic competition, the principle of maximum development," hence the Frankenstein of semiocapitalism is born.[125]

The mind-body mutation caused by the shift to semiocapitalism is precisely what preoccupies Bifo: "Mapping the territory of the mutation, forging conceptual tools for orientation in the everchanging reterritorialising territory of the ongoing mutation, these are tasks for the philosopher in our times."[126] In this, his research subject overlaps with mine: the technological and cultural mutation is his conceptualization of the ongoing emergency, since it causes proliferation of mass mental suffering, on which I will elaborate in due time. The shift to semiocapitalism causes people to adapt to it by enforcing the change in their sensibility.[127] It is precisely the sensibility that is affected because the shift to semiocapitalism brings changes to the process of sense-making (semiotic flows being the flows of information and stimuli), which is essentially the motion of putting informational elements together to form a shape that has discernible meaning.[128]

The mode of this sense-making through putting-together was different in the Industrial age: it was conjunctive instead of connective. In the course of conjunction, creativity dominates, since "[…] no original design is to be restored: […] the conjoining act is able to create an infinite number of

[123] Berardi, 11.
[124] Franco Berardi, *Precarious Rhapsody: Semiocapitalism and the Pathologies of the Post-Alpha Generation*, trans. Arianna Bove et al., Minor Compositions (London, 2009), 18.
[125] Berardi, 36–37.
[126] Berardi, *And. Phenomenology of the End*, 9–10.
[127] Berardi, 21.
[128] Berardi, 12.

constellations without following the lines of a pre-conceived pattern, or an embedded program."[129] Sense-making through conjunction is fueled by empathy, which is clear from Baron-Cohen's description of its functioning: empathy starts with interpreting the semiotic signs produced by the other, therefore extrapolating their feelings; the second step is responding to these feelings accordingly.[130]

The technological shift that has been taking place over the last decades, however, requires the radical alteration of the process of sense-making. Instead of conjunction, we are forced to employ connection, the process that can take place only in the "logical technology of mind."[131] It makes no use of empathy, since connective concatenation implies following a pre-ordained design, "compliance and adaptation to a syntactic structure."[132] Instead of the infinity of meanings that is implied in the creative conjunction, we are required to follow a syntax that is dictated by the needs of the technological development in the age of the ever-accelerating infosphere. In the absence of empathy, the elements are connected through a set of rules (syntax) assuring linguistic compatibility.[133] Think of the digital exchange of information (semio-capital): the machines need to be following the same protocol for the elements – the zeros and ones – to be connected in a way that creates meaning.[134]

Why would the logic of computerized information-sharing influence the individual and the social body, causing the shift on the level of sensibility? The technical transformation has tremendously influenced the formation of the social body, becoming its dominant shaping element instead of political forces. The impotence of political action is the result of the change in temporality brough about by the acceleration and complexification of the infosphere. There is simply not enough time to process stimulants in time and make decisions rapidly enough. We are thus forced to adopt the mode of sense-making that requires less time: connection is speedier, since it follows a pre-ordained protocol, common syntactic structures. Mental behavior effectively gets automated.[135] Although our

[129] Berardi, 12.
[130] Berardi, 15.
[131] Berardi, 14.
[132] Berardi, 16.
[133] Berardi, 19.
[134] A great example is Hypertext Transfer Protocol, the letters that precede any URL you have seen – http. Every computer must necessarily be imbued with the knowledge of this protocol to be able to exchange mixed-media information, guaranteeing its universality. Sense-making here involves following a pre-determined, human-made design. This is precisely the connection that Berardi talks about.
[135] Berardi, *And. Phenomenology of the End*, 22–24.

body-mind is capable of evolving, the rhythm of the evolution is not able to keep up with the rapidly accelerating semiotic flows within the infosphere.[136] We are under a permanent overload, not having enough time for conscious attention.[137]

The obvious choice would be to not strive to keep up with the infosphere. However, because of the requirements of engaging in the (semio-)capitalist system, one cannot choose the non-engagement.[138] Bifo points to the proliferation of chronopathologies as the evidence of the mass unwellness caused by having no time for conscious attention. Most notably, the ADD diagnosis is more and more common.[139] Semiocapitalism-fueled psychopathologies cross the line into one's physical well-being as well. The spike in the use of erectile disfunction pills does not point so much to a higher rate of impotence, but to the shortage of time available for conscious attention: "As time for caresses and words is no more available for precarious lovers, fast sex needs pharmaceutical support: sex without attention, as attention needs time."[140]

In semiocapitalism, mental suffering becomes the norm rather than exception: "[…] the normalcy of a system which is based on the exploitation of precarious cognitive work." Bifo characterizes it as a social epidemic, naming the "competition in connective conditions"[141] its main cause: the struggle of the conjunctive concatenation with the ever accelerating and dominant connective concatenation, dictated by syntax designed for machines. With so many people afflicted by mental suffering, how is the fabric of our society not completely raptured? Bifo points to the emergence of the psychopharmacological state as the only force capable of managing the anxiety and sadness plaguing its citizens. The social habit of regulating unwellness with substances is not new: when the demands for labor productivity rose dramatically in the '70s, cocaine became a drug of choice; to be able to somehow wind down, people started using heroin: no other way to rest than to disconnect from the world completely; after the mass devastation that both of these substances inflicted, pharmaceuticals took their place.[142,143,144]

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[136] Berardi, 37.
[137] Berardi, 35–36.
[138] Berardi, 37.
[139] Berardi, 36.
[140] Berardi, 37.
[141] Berardi, 38.
[142] Berardi, 38.
[143] Having been born on the very outset of the twentieth century, the mass-medication of population has been the norm to me. It has been shockingly illuminating to explore popular media of the 90s, when the proliferation of Prozac, Xanax, Zoloft was only starting to take place. Some of the more interesting accounts of such media (for those who has not lived

Just as I earlier thematized Benjamin's writings, I presently turn to transposing Bifo's ideas onto the exploration of exception and emergency. The automation of mental behavior can be construed as the contemporary emergency, caused by the material conditions of the shift to the age of semiocapitalism, and therefore the change in the mode of production and distribution of information flows, provoking the mass adoption of connective mode of sense-making. The mass mental suffering, in turn, is the phenomenal-affective manifestation of the present emergency, its visible extension.

A worthwhile question to ask is what the mass-medication corresponds to. I suggest viewing it as a version of Schmitt's exception, at least inasmuch as it is in conflict with the divine exception which alone is capable of overcoming the emergency. In the age where political power has become secondary and subservient to the interests of capital, it does not come as a surprise that the fictional, oppressive exception is no longer within the sphere of the juridical or political but is perpetuated by multinational corporations. One does not need to construe this as a conspiracy theory: the upkeeping of mass mental unwellness by managing its symptoms is within the financial interests of the multi-billion psychopharmaceutical industry to assure the steadiness of the cashflow. Just as the mythic violence of juridical exception allowed for the perpetuation of law-positing and law-preserving violence cycle, the mythic violence of mass-medication secures the continuity of the contemporary emergency – the automation of mental behavior.

The Loopiness of Semiocapitalism

Previously I introduced the thesis that the structure of contemporary emergency, just as Benjaminian emergency, can be construed as a loop, or a series of loops. Having outlined Bifo's theoretical construction of the contemporary emergency and its manifestation, as well as the superficial exception we are faced with, I turn to concrete examples illustrating the said loopiness. The circular structure of historical-affective time fits the requirements of the movement of semio-capital well, and is clearly manifested in the character of mass psychological afflictions.

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through the time-period itself) are the TV show *The Sopranos* and the famous book and its screen adaptation *Prozac Nation*.

[144] The emergence of pharma state is a massive topic on its own, deserving to be explored beyond the constraints of the current inquiry. As a testament to it not being a niche concern, I link a viral TikTok exemplifying the preoccupation of some gen Z-ers with the mass medication: https://vm.tiktok.com/ZMFqvR12G/.

The Global Loopiness

The logic of capital – which is now synonymous with the logic of computation machines and algorithms that rules financial markets – is demonstrably cyclical. We live through economic cycles – from recession to flourishing to another recession – that are getting shorter year by year. The economic reality that we inhabit, therefore, goes through repetitive motions, dragging us along.

The commodities we surround ourselves with are ruled by such notions as product life cycle, technology adoption cycle, marketing cycle to name just a few. In the context of consumerist society, the loops affecting our commodities undoubtedly influence us as well: everyone from the fast fashion enthusiasts to sneakerheads go through cyclical motions of buying and selling, with every successive turn of the loop bringing the promise of the progressive improvement of a commodity. The promise of the evolution is, however, afflicted by the loss of the future just like everything else. Flip-phones are being branded as the newest word in phone design, and the latest fashion trend is unfailingly a reiteration of the aesthetic of some decade that passed long ago, Y2K fashion being the freshest fad at the time I am writing this paper.

As Bifo pointed out, in the current age semiotic flows follow the logic of capital. This is so obvious that it is codified in our daily speech: everyone loves to complain about the news cycle, another loop that haunts us. Both online and conventional discourse continuously repeats: the same people come on the same programs and repeat the same talking points. The conversations about gendered bathrooms, Zwarte Piet (in the Netherlands), troops in Afghanistan, Barack Obama's "favorite of the year" list, whether asexual people belong at Pride, whether cops belong at Pride, and so on and so forth repeat themselves regularly. With every successive time these topics get resurrected, nothing new is ever said, the old talking points merely reiterated *ad infinitum*.

The loopines is evident on the political level as well. Ideologies that seemed to have been buried by the hegemon of liberal democracy at the outset of the twentieth are returning: the 2019 European Parliament elections were marked by the loss of the majority by the centrist parties, with more extreme ideologies becoming more popular with the voters.[145]

[145] 'Centrist Parties: Biggest Losers in EU Elections?', TRT World Research Centre, 29 May 2019, https://researchcentre.trtworld.com/perspectives/centrist-parties-biggest-losers-in-eu-elections/.

The Personal Loopiness

What we most obviously experience universally is the cyclicity of our everyday lives, dictated by the contemporary work conditions. One naturally and inevitably falls within the cyclical structure of their days and weeks: wake up at 7, have breakfast, commute to work, spend 8 hours in the office, commute back home, watch TV to wind down after the day, go to sleep, then repeat it again. Weekly structures are cyclical as well, the weekend drinking marking every turn of the loop. Naturally, this lifestyle is not universal, but undoubtedly widely proliferated. The oppressive nature of the repetitiveness of contemporary white-collar jobs has been extensively reflected in popular culture and media.

Another, smaller personal loop is the habit of binging: binging shows, food, alcohol and other substances. The essence of binging is keeping oneself in a loop isolated from the bigger cycles one inhabits: as long as I keep pressing "play" on the next episode, I do not have to deal with my studies or work; as long as I pour myself another glass, I do not have to think of having to work tomorrow. Binging can be construed as an attempt to fight one affliction with another. We suffer from being stuck in loops characterized by the lack of potentiality and proceed to build the loops of our own making to distract us from the bigger cycles. It does not come as a surprise that the relief is momentary and is succeeded by the feelings of melancholy and guilt.

Since the root of the mass mental unwellness comes from the structure of historical-affective time, it is not surprising that the widely proliferated mental afflictions are intimately connected with one's experience of time. Bifo has attributed the wide spread of the ADD diagnosis to the lack of time for conscious attention.[146] The proliferation of depression also seems to have been intensified by the semiocapitalist developments. Empirical evidence shows that Major Depressive Disorder (MDD) afflicts people in the "developed" countries more than in the "developing" ones.[147] The permanent bombardment with the semiotic flows requiring impossible speed of mental processing, as well as the material demands of the current stage of neoliberal capitalism, proliferate the feelings of helplessness and insignificance, both of which fit under the umbrella phrase "lack of potentiality." Importantly, I do not wish to deny the nascency of genetic causes of depression, but merely state

[146] Berardi, *And. Phenomenology of the End*, 36.
[147] Ronald C Kessler and Bedirhan T Ustün, *The WHO World Mental Health Surveys: Global Perspectives on the Epidemiology of Mental Disorders*, Cambridge University Press (Cambridge, 2011).

that the social causes of the affliction have become more intense, making depression not merely a personal, but societal affliction.

The Spiral

We are left with a predicament: we are not just moving but flying through historical-affective time; at the same time, nothing new is revealed. We are stuck in loops. The cyclical movement undeniably *is* manifest as movement phenomenally, yet there is no potentiality to it: the traveler moves through the totality of impressions and events that – by the virtue of being a totality and not infinity – are destined to repeat *ad infinitum*, as long as the loop is intact. The feeling of being stuck in the never-ceasing cycles, lacking all potentiality on the large scale is being managed by the mass medication of chrono-psychopathologies that are caused by the loopiness of the present emergency.

However, an important contradiction has not been addressed so far: even if we are affectively impacted by the cyclical character of historical-affective time, we also live under the logic of the ever-lasting expansion of capital and progression of technology. Continual sustaining of the capitalist economy requires access to more and more markets and resources. We see it clearly now that the demands of the capital seem to be running into the earthly limit: space exploration is nothing more than the scouting of the new markets and commodities to be offered once the resources of our planet become entirely depleted. Semio-capital has similar requirements but concerns our mental rather than natural resources: "The overproduction […] becomes permanent in the sphere of semiocapitalism, as the proliferation of sources of nervous stimulation implies infinite overload of the attention market."[148]

I propose that this is precisely why the time does not feel stagnant and sluggish: the logic of semiocapitalism requires expansion, therefore there *is* movement through time. However, this movement brings about not the qualitative, but quantitative newness. Every successive turn of the loop (whether it is the production cycle, media cycle, or a myriad other loops that structure our lives) is marked by heightened intensity: more products are introduced, more information is being transmitted, more resources are being exploited, more intense cognitive labor is required.

The structure of contemporary historical-affective time, therefore, can be more precisely characterized not as a loop, but as a spiral. The lack of qualitative newness (experienced phenomenally) is represented in its cyclical flow, and the expansive logic of semiocapitalism is

[148] Berardi, *And. Phenomenology of the End*, 36.

expressed in the never-ceasing widening of the spiral. The latter, undoubtedly, is also manifested affectively and phenomenally through the feeling that things are constantly getting worse: the climate crisis, the personally misery of a precarious worker, the refugee crisis to name a few. The spiraling of the historical-affective time is what constitutes the contemporary state of emergency.

The Predicament of the Real Exception

The Benjaminian predicament of being stuck in a loop thus becomes more complex: how does one disrupt a spiral? The real exception – the employment of divine violence – had the virtue of penetrating the historical-affective circle within which the power of the oppressors was perpetuated. If one imagines penetrating a layer of a spiral, one will quickly realize that they will not disrupt the figure completely, escaping it. One would simply end up on another turn of it, once again swept up by the flow of time. Semiocapitalism's ability to absorb every crisis is unmatched: each catastrophe or instance of divine violence is not just absorbed but used as a fuel to perpetuate the spiral. The catastrophic 9/11 attacks led to the intensification of the US surveillance state, as well as the worsening of imperialist violence in Iraq. The Enron scandal did not end the practice of massive book-cooking but laid the foundation of the contemporary wave of financial corporate fraud, the white-collar criminals treating it as a lesson. No matter how many walls of the spiral are broken down, the next one already awaits, engulfing us.

My task was to find out why the presence of revolutionary affect did not make the current emergency extreme enough to provoke divine violence. This evidently was the wrong question to ask altogether. The problem does not lie with the lack of extremity of the emergency, but with pure violence no longer constituting the real exception inasmuch as it is not equipped to overcome the emergency at hand. A revolution like the ones that shook the world in the twentieth century is not enough: it would be absorbed and appropriated even if it initially succeeded. The concept of the left disillusionment and pessimism thus becomes more understandable. However, it also becomes possible to address. If the old tools do not work, there is no use in mourning their sudden uselessness. What matters is to build new ones, that are designed for the new problems to be addressed. I may, in fact, be remiss in using the old, functional language: tools and problems to be solved; getting out of the spiral, destroying the flow of time. The problem-solution structure may be entirely antiquated in addressing the contemporary emergency, something that Heidegger had foreseen in *The Question Concerning Technology*: the instrumental thinking that is proliferated by

the logic of contemporary technology and its use may hider us from the wholeness of the bringing-forth, and therefore from accessing the "primal truth."[149]

While it is outside the scope of this paper to outline what could possibly constitute the real exception in the context of contemporary emergency, I dare to provide a couple of comments that sketch out the character of such an exception. If destroying a spiral does not seem like a possible task, then we should turn our attention to living in it; as Donna Haraway eloquently and timelessly put it, to stay with the trouble. To "stay with" is not a tool, but a method of inhabiting the spiraling historical-affective time. The loss of the future here is irrelevant both for Haraway and for Benjamin, the latter stating – as we have seen before – that no present moment is jealous of the future. Nietzsche seems to have been right in more than one way: God is indeed dead, with divine violence becoming impotent in the face of the expansive logic of (semio-) capital. If God is dead, however, we do not rely on him to do our dirty work. To learn how to live a dignified life in the spiral is a task that requires both patience and resilience, cooperation and mindfulness. Destroying is undoubtedly easier than living-with, even if it demands more tangible sacrifices. The real exception is no longer an explosion, but a continuous effort in mending and caring. In this sense, the philosophy of care, as well as contemporary ecophilosophy may be the domains capable of inspiring and birthing the new exception. What is important to keep in mind – and why I humbly but confidently consider the current inquiry fruitful – is that the emergency lies in the structure of historical-affective time. Any real exception, therefore, will influence precisely it, and will affect our experience of moving through it. The emancipatory politics of our age must concern themselves with the spiraling of historical-affective time.

[149] Martin Heidegger, 'The Question Concerning Technology', in *Basic Writings,* ed. David Farrell, Harper&Row (New York, 1977), 287.

Concluding Remarks

Every journey benefits from the recounting of its events, including the present affective-phenomenal exploration of the states of emergency and exception. I set out to understand not only what was meant by the state of exception and emergency by the authors who coined the terms – Carl Schmitt and Walter Benjamin respectively –, but what layers of meaning gradually grew on these notions independently of their original connotations. Having established that Carl Schmitt posited juridical state of exception as a situation of extreme peril in which the sovereign suspends the legal norm (the constitution), I moved on to the question of what was meant by the emergency.

The original surveying of Benjamin's writings made it evident that the notion of emergency is deeper than merely its manifestations at the present moment. Rather, it has to do with the topography of the historical-affective time inasmuch as every attempt at overcoming the emergency situation requires the presence of revolutionary affect, which is nurtured by our emotional experience of history. Benjamin diagnosed his times with being afflicted by the circularity of historical-affective time: the loops of law-preserving and law-positing violence kept the oppressed in their precarious position, creating merely an illusion of eventual progress and liberation. The only way to create the real exception – the one that would effectively overcome the emergency at hand – was to explode the cycle of legal violence by invoking its extra-judicial counterpart: divine violence, which serves not as a means, but as a manifestation; and that is employed not for the sake of punishing the oppressors, but for the sake of the living oppressed.

Benjamin further stated that a certain revolutionary affect was necessary for the outburst of pure, divine violence. This specific emotion can only be mustered by regarding the current state of the downtrodden as the outcome of the historical lineage dictated by the winners, the oppressors. Further, the affect could not be inspired by the prospect of the liberation in the future, it could only retain the revolutionary thunder when referring to the present moment. I suggested that it is precisely this revolutionary affect that constitutes the extremity of the emergency.

The question then remained: we are clearly living under the emergency, and are well in possession of the revolutionary affect; why is then there no outbursts of revolutionary violence? Maybe "exploding the continuum of time" that Benjamin suggested is not effective because the current state of emergency is characterized not by the cyclical topography of historical-affective time, but by something else. I turned to the works of Franco Berardi in hopes of seeing whether the present time is dictated by the looped structure that Benjamin described.

Bifo's conceptualization of semiocapitalism served as a fruitful foundational understanding of the current age. From considering the conditions of semiocapital, it became apparent that the loopiness of global and personal experiential and emotional cycles is combined with the necessity of expansion implicit in the logic of (semio-) capital. The loop, therefore, is no longer adequate at accurately representing the topography of historical-affective time. Instead, the spiral serves as a precise enough metaphor, combining the notion of the vicious cycles we inhabit with the ever-lasting intensification of our cultural, economic, and private environments.

The problem with following Benjamin's understanding of the real exception as something that explodes the flow of time is that once one breaks the current turn of the spiral, they simply end up at the next one. Semiocapitalism is exceptional at utilizing every catastrophe, every outburst of divine violence and turning it into the fuel for its own development and acceleration. Hence the disillusionment that is widely proliferated among the international left movements.

If the structure of historical-affective time presupposes the failing of every old-style revolutionary violence, however, we must simply abandon the fruitless attempts and focus our energy at learning how to live within the spiral. The conclusion is the one that brings hope instead of disillusionment: there is an opportunity to make our time more livable, we just were not looking in the right direction. One of the biggest tasks of political philosophy of our age should be to search for these ways of inhabiting the spiral, of staying with the trouble and nurturing instead of destroying. Any attempt at such a search must take into account that the emergency lies within the topography of our historical-affective time. I hold that this thesis is the most valuable contribution of the current paper.

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