

# Rioting in the State of Exception

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## 1 “Because We’ve Got the Rage”

*The rage: to see this fucking world in self-destruction,  
With innocent people always at the center of the fires.  
Keny Arkana, “La Rage”*

This is a paper about the French riots of 2005. I myself have never been in a riot. The closest I’ve come was a demonstration at which some participants, though not I, were arrested for “failure to disperse from the scene of a riot” (Miran, 2007). No one, however, was charged with actually rioting. We joked about it afterward. How could we fail to disperse from a riot where no one was rioting? What a strange riot it must have been: a riot without rioters, declared — essentially — *ex nihilo* by the police so that they could decide who was allowed to be there, to decide which bodies had access to the space.

Of course, there are also “real” riots, such as the civil unrest that swept France in 2005. Discussions, both academic and popular, of the French riots invariably begin with the night of October 27<sup>th</sup>. Often a short time-line is given that ends with the deaths of Zyed Benna and Bouna Traoré, which triggered the riots (e.g.: Snow et al., 2007; Schneider, 2008; Canet et al., 2008). Their deaths are presented as a sort of singularity, from which one can read backwards to trace the causes of the riots, and read forward to determine their significance.

The dominant discourse — which is not unique to the French riots, but recurs in more or less similar form with all modern urban riots — produced by these readings centers on the opposition between two narratives. On the one hand there is the populist right wing narrative that decries the rioters in vitriolic tirades as good-for-nothing lawbreakers. Specifically, this narrative sees the riots as the result of a refusal or even inability — often implicitly due to race or religion — to integrate into (white, “mainstream”) French society (Ossman and Terrio, 2006; Murray, 2006).

On the other hand there is the Liberal sociological narrative that understands riots as symptoms of underlying social ills (such as poverty and racism), or as

Martin Luther King Jr. put it “a riot is the language of the unheard” (UPI, 1967). This narrative does not necessarily regard riots as good things, in fact the above quote comes from a press conference in which King was supporting President Johnson’s decision to send federal troops to quell riots in Detroit. However, instead of blaming the rioters it shifts the blame, sees room for change, and searches for solutions. Interestingly, much of the sociological literature on riots explicitly frames itself as responding to and correcting the errors of the first narrative (e.g.: Sears and McConahay, 1969; Body-Gendrot, 2005; Canet et al., 2008).

## 2 Inadequate Discourses

*Most of the diagnostics, not to mention remedies, proposed by researchers could well have been formulated before the incidents.*  
(Garnier 2007 cited in Dikeç, 2007a)

While these two narratives are at odds with each other, they share a similar conceptual framework. For both riots are a deviation from the norm, a breakdown of “law and order”, and a failure of deliberative democracy and social cohesion. However, there are a number of problems with this picture of riots as exceptional events.

First, riots are not particularly rare. France has experienced “regular occurring tumult” (Keller, 2009) and, even more specifically, riots “have been a typical occurrence in the banlieues since the eighties” (Canet et al., 2008). In fact, just today — New Years Day 2010 — 1,137 cars were burnt in France, prompting Reuters to note: “Car burnings are regular occurrences in poor suburbs that ring France’s big cities” (Balmer, 2010). From January 1<sup>st</sup> till the start of the riots on October 27<sup>th</sup> an average of 93-94 cars were burned per day (Bonora, 2006). Nor are they limited to France, “popular riot [...] is an almost universal urban phenomenon”(Hobsbawm, 2005). The United States, England, Greece, and Australia have all experienced (often multiple and recurring) riots in the last few decades, to name but a small selection (Useem, 1997; Waddington and King, 2009; Tzatha, 2009; Hartley and Green, 2006). So, writing riots off as aberrations fails to capture what is going on.

Second, the common perception of riots as chaotic, violent and destructive breaks mischaracterizes them and misses the specificity of what transpires. If the riots were simply chaotic one would expect them to be universally violent. However, according to Body-Gendrot, “urban disturbances in France cannot be categorized as violent acts” (2005) and Canet et al. argue that “a distinctive feature” of the French riots of 2005 were “the rarity of predatory acts” (2008). Furthermore, the violence was not indiscriminate but “targeted those state and economic institutions [...] symbolically associated by residents with their ‘exclusion’” (Silverstein, 2005). Moreover, “the bulk of violence is [...] directed against property and objects” (Keller, 2009).

Third, riots remain confined within the affected neighborhoods. Unlike pogroms or revolutions, rioters do not rampage and attack other neighborhoods or central state institutions. In fact, the Liberal sociological narrative often laments that the poor residents of the ghettos seemingly lash out at each other and destroy their own community instead of (productively) venting their anger at the powers-that-be, while the populist right wing narrative uses it as proof of the irrationality and stupidity of the rioters. However, neither narrative actually offers an explanation for this phenomenon.

### 3 Declaring a State of Emergency

*Article 1. The state of emergency is declared, effective November 9, 2005, at midnight, on the mainland.*  
Decree Number 2005-1386

In defense of the assertion that riots are outside of the norm, narratives of the 2005 French riots often point to the French government's decision to declare a state of emergency on November 8<sup>th</sup> by invoking a 1955 law designed to deal with unrest in Algeria, then still a colony (Balibar, 2007; Dikeç, 2007a).

Here again, as with the non-riot of my friends and me described above, the declaration by the powers-that-be seems to play a central role. This isn't surprising since, as Charles Tilly notes:

In Anglo-Saxon law, the term riot has long had legal standing. It denotes an assembly which frightens the public and, in the eyes of the authorities, displays the intention to break the law. After due warning and a decent interval for voluntary force to disperse it. As a legal device, one can see why authorities find it useful. (1984, p. 57)

In fact, riots and states of emergency arising from natural disasters are lumped together in the California Government Code (§8558). But, as we have seen, the supposedly exceptional is really the norm. While surveying Germany on the eve of World War Two, Walter Benjamin wrote of the state of emergency:

The tradition of the oppressed teaches us that the "emergency situation" [*ausnahmezustand*] in which we live is the rule. We must arrive at a concept of history which corresponds to this. Then it will become clear that the task before us is the introduction of a real state of emergency; and our position in the struggle against Fascism will thereby improve. (1974, §VIII)

The term Benjamin used for state of emergency, *ausnahmezustand*, literally translates from the German as state of exception. The state of emergency is, at its most basic, a purely legal concept. It refers to the "suspension of every law"

(Agamben, 1998, p. 27), and is usually declared in the response to extraordinary circumstances such as war or natural disaster. In English we usually encounter this concept in the form "martial law".

Giorgio Agamben, following the lead of Walter Benjamin, has developed the concept of the state of exception and explored the ways in which it has become the norm in our late modernity. I will briefly outline Agamben's theory and then apply it to the French riots in order to move beyond the two opposing narratives of the dominant discourses. Lastly, I will use this to reflect on the "norm" and the state of exception in our lives, outside of the banlieues.

## 4 Agamben's Exception

*Global civil war is the condition of life — now spread across every inch of the planet, into all the peoples of the earth.*

"Taking Communion at The End of History", p. 89

The concept of the state of exception originates with Carl Schmitt who described it as:

... the suspension of the entire existing [judicial] order. In such a situation it is clear that the state remains, whereas law recedes. Because the exception is different from anarchy and chaos, order in the juristic sense still prevails even if it is not of the ordinary kind. (1934, p. 12).

This description contains a prima facie contradiction. On the one hand the judicial order is suspended, yet on the other judicial order still reigns. It is precisely in the space between these two that the state of exception comes into play. At its most basic the state of exception is the rule-by-decree we find in martial law; but, it goes beyond this. Agamben points to the Guantanamo Bay detention camp as a paradigmatic example of the state of exception because the prisoners there "have absolutely no legal status. They are subject now only to raw power" (Agamben interviewed in Raulff, 2004). The state of exception collapses the distinction between fact-of-the-matter and legality-of-the-matter creating a "zone of indistinction between nature and right" (Agamben, 1998, p. 19). In the state of exception the subject of law becomes "the object of pure de facto rule" (Agamben, 2005, p. 3). One could think of this as whatever the state does simply is the law. However, this does not mean that the state of exception is simply an unlimited expansion of state authority. It represents a new form of power which gives the state direct access to its subjects (on a biopolitical level). Instead of order being maintained through general laws that exist outside of that to which they apply, the subject is ruled precisely by being incorporated within the law. It is important to remember that this internalization is achieved through the creation of an exception. In other words, "there is no longer any Outside precisely because there is exteriority at every point of the biopolitical

tissue" (Tiqqun, 2009). So what we have here is inclusion via exclusion. By excluding "enemy combatants" from the juridical order the United States was able to include them directly within its realm of power.

Agamben's argument is that the state of exception is not limited to extraordinary circumstances, such as natural disasters, or places, such as detention camps, but is increasingly prevalent in all areas of modern life, and is in fact the dominant mode of governmentality. We will see that this is particularly true for the people and places of the French riots.

## 5 The Banlieues

*Quite independently from their actual origins, people of the 'neighborhoods' are 'indigenized', relegated to the margins of society.*  
"We Are the Natives of the Republic!"

### 5.1 Geography

The French riots took place in neighborhoods commonly referred to as "banlieues". The term banlieues is difficult to translate. Geographically it refers to the residential neighborhoods outside of the city center, i.e. what in English we would call suburbs. However, unlike "suburb", which conjures up placid images of middle class life, in French banlieue is used nearly analogously to "inner city" or even "ghetto". This geographic distance was clearly reflected in the riots:

During the disturbances, many of the French asked: 'Why are they destroying their own neighborhoods — their own schools and gymnasiums?' Take a look at a map and the answer becomes clear: to target more significant symbols of the state would have meant taking a couple of buses and a commuter train in order to first reach them. (Murray, 2006)

The banlieue is thus a part of the city that is outside of the city, both geographically in that it lies at the periphery, but also psychogeographically in that it is considered a ghetto and thus feared and a place where mainstream French do not go (Dikeç, 2007a). Here already we see the logic of the state of exception, the inclusion via exclusion.

However, this logic goes further. Their geographic location outside of the city is not simply the result of historical contingency. By tracing the genealogy of the banlieues we can see how they were set up as sites whose spatial (and by extension social) exclusion allowed the state special access to and power over them.

The term banlieue comes from the middle ages where “it referred to a perimeter of one league around the city. In medieval usage the term signified a liminal space associated with social marginality, uncontrolled movement, and spatialized poverty” (Ossman and Terrio, 2006) these were “places of exclusion” (Paul-Levy cited in Dikeç, 2007a). The concept of banlieue is still closely tied to governmental designations. “The social geography of the riots clearly shows that the phenomenon is characteristic of those ‘problem urban areas’ (ZUS) [*zone urbaine sensible*] inventoried by urban policy agencies since the 14 November 1996 Act” (Mucchielli, 2009). The 1996 Act was actually the continuation of urban planning that began in 1980s when the Socialist government of President Mitterand instituted “priority neighborhoods”. By being designated a priority neighborhood communities became eligible for economic aid and development, essentially setting up these areas as places for government intervention (Silverstein and Tetreault, 2005; Dikeç, 2007b). However, what began as well intentioned economic intervention has, over time, morphed into social and judicial intervention to the point that

[...] when the French Intelligence Service decided to engage with the question of banlieues, it was the list of urban policy neighborhoods that they took as a starting point. When the Ministry of Justice engaged with the issue with a stated aim to restore the law, its measures aimed at the same neighborhoods. (Dikeç, 2009)

This is especially noticeable in the increased surveillance of these areas (Ossman and Terrio, 2006) as well as the ever increasing carceral attitude the state has taken towards managing and controlling them (Dikeç, 2006, 2007b). So we see that the urban planning policies of the state follow the logic of the state of exception in that they incorporate the banlieues within their purview precisely by separating them from the “normal” city and that this sets them up, not merely for intervention, but lays them bare to being worked on by the state.

## 5.2 Police

We have just seen how the geography of the banlieues opens them up to the power of the state, particularly in the area of law and law enforcement. The police play a prominent role, both in the riots and also in the daily life of the banlieue precisely because the banlieues are “widely perceived as “no-go areas” rife with crime, lawlessness, and moral degeneration” (Wacquant, 1993).

This concentration created an underground world. [...] Yet for us as police, it is good, [...] If they were spread around the city, it would be difficult to police. If you let them live together, you do not even have to go into the cité [neighborhood]. You can put police at either end and close it. (quoted in Schneider, 2008)

So it is a declaration of lawlessness — and a setting up the banlieue as a place separate from the city (i.e. an exception) — which brings forth the full force of the law, which coincides precisely with the form of the state of exception.

Furthermore, lawlessness is not merely an excuse for police presence but also shapes the manner in which they police the banlieues such that the very exercise of police power within the banlieues also takes the form of the state of exception. Specifically “the containment of lawless zones and the management of the enemy within [. . . is] at the top of their [the police’s] agenda” (Ossman and Terrio, 2006). In a “good” neighborhood — such as those you and I live in — the police assume that everyone is law abiding and innocent. Only when something out of the ordinary occurs do they step in and intervene. In the banlieue, however, illegality is not an external intrusion but a potentiality at every point, which is precisely how the Law operates in the state of exception. This can be seen most clearly with the pervasive identification checks. “Verbal interaction between the police and non-white youths is often initiated by the inevitable ‘show me your papers, please’” (Murray, 2006). These checks are so common that stories such as that of Abdul are commonplace: “The boy and the policeman make eye contact. Abdul sighs, emptying his pockets for the random search he knows isn’t random at all” (Quenet et al., 2006). And the hassle goes beyond simply being stopped.

Troubles with the police are reported in standardized manner by interviewed youth: they tell of endless and repeated passport controls, aggressive presence and provocations of the police, which sometimes look like RoboCop, sometimes house searches, arrests and so on. (Keller, 2009)

In fact, the 2005 riots were triggered by the “routine” police action of asking a group of three youth in the banlieue for their identification. They happened to not have their papers with them that night. And so they ran, setting in motion a chain of events that ended with the accidental electrocution of Zyed Benna and Bouna Traoré at a nearby electricity substation. The third boy, Muhittin Altun, survived. When asked why he ran even though they had not been doing anything wrong he answered, “Because we are tired of being checked. An identity check never goes well” (quoted in Perrignon, 2006). While this may seem like an extreme reaction to being approached by the police it is not an uncommon pattern of events. As a friend of theirs later said, “I know why they ran away when they saw the police, and I have done the same thing many times myself” (Diadie Camara quoted in Crampton, 2005).

This pattern of events is not unique to the French riots of 2005. Keller notes that in French riots of the last three decades “typically, the urban violence is triggered by severe encounters between the police and male adolescents” (2009). Waddington and King (2009) make a similar observation about England. The United States has seen this same pattern since the 1960s with Watts (1965), Miami (1980), Los Angeles (1992), Cincinnati (2001) and Oakland (2009) to name but a few (DiPasquale and Glaeser, 1998; Nolan, 2001; Bulwa, 2009). It is important to emphasize that while all these riots were triggered by exceptional

events (usually deaths) they were exceptional events that were simply worst-case endings of recurring and routine police–“suspect” interactions. In the state of exception each encounter with the law is an all-in game.

The role of the police extends beyond background cause and trigger. As we will see later when exploring how the riots themselves can be understood as states of exception, the police are also often the primary target of animosity and violence.

### 5.3 Biopower

Any time police brutality is mentioned the next sentence is invariable about racism. The question of what role racism played in the French riots is inescapable. As Étienne Balibar notes the very term “banlieue youth” is “itself a stereotyped category that always includes racial stigmatizations” (2007) and Murray (2006) vividly describes the racism that pervades French society. In fact, this racism is already seen at the geographic level where the banlieue is perceived as racial frontier (Silverstein, 2005). However, it would be incorrect to characterize the French riots as “race riots”. They are not simply a clash between a dominant and a dominated race. In fact they,

[...] are hardly ‘mono-ethnic’; they manifest a form of solidarity based mainly on a shared experience of the neighborhood rather than on membership in a clearly defined and demarcated ethnic group. (Dikeç, 2007a)

This is not to deny the role of race but to emphasize its constructed nature. As Schneider argues “it is the police and the state that make racial identities salient” (2008). Race is thus prevalent everywhere because it exists at the intersection of the various interactions between the state and the residents of the banlieues. In France this construction takes place in a post-colonial context where the Arab and North-African Other are often (descendants of) former colonial subjects. In his discussion of racism Balibar emphasizes

[...] the importance of the postcolonial dimension and the way it tends to reproduce a sort of apartheid in Europe on the level of citizenship that ‘sets apart’ populations of immigrant origin [...] (2007)

Much of French racism is based on the “ideal of *l’indivisibilité de la République*”, where any difference is unacceptable (Murray, 2006). That is, French racism does not merely stereotype and oppress but, by denying the residents of the banlieues Frenchness, places them outside of the state (*La République*). As a black French rapper put it: “Here, if you’re black or Arab, it doesn’t matter if you have money or a good job, you’ll remain black or Arab your whole life” (Monsieur

R. quoted in Schneider, 2008). This ideal “French definition of the nation-state and political organization keeps the former colonial power at a distance but does not succeed in eradicating all its powerful signs” (Guenif-Souilamas, 2006). The post-colonial subject thus stand in the state of exception vis-à-vis the very notion of Frenchness; and, as with the state of exception, this is an exclusion that immediately includes as well in that it forms the basis and framework for state (and particularly police) intervention.

## 6 Riots as Intensification

*The bourgeoisie should tremble, the gangstas are in town  
Not to party, but to burn the place down. . .  
Suprême NTM, “Qu’est-ce qu’on attend?”*

Perhaps the biggest hurdle to understanding urban riots is that, unlike political protests, rioters don’t seem to be saying anything. This has led some sociologists to dub them “issueless riots” (Marx, 1970). The populist right wing narrative takes this as further proof of their irrationality while the Liberal sociological narrative attempts to impose meaning. But neither of these squarely address the fact that riots,

do not have rational demands to make. They are not the means to an end like the bread riots of the past. They have become something in themselves, an irrational thrusting out, often striking easily identifiable targets of repression (police stations, vehicles, schools, government offices, etc), but not necessarily so. (Bonnano, 1988)

When participants of the French riots are asked why they rioted their answers are surprisingly consistent: anger at the police harassment and humiliation, and a desire for revenge (Keller, 2009; Mucchielli, 2009). Having placed that police behavior in the broader context of the state of exception, we can now understand the riots as a reaction against that state of exception. Furthermore “the troubles with the police are in fact escalations of violence which is more or less present in everyday life of the housing estates at the outskirts of the French cities” (Keller, 2009), which suggests that the riots are in fact an intensification of the reigning state of exception. Riots are clearly lawless space, but they are not entirely chaotic. While news reports usually focus on the confrontation between riots and the police, inside the riot itself the situation is different. For example participants in the 2009 riots in Oakland reported: “We make quick friends with one another: we share laughter, water and tips on police maneuvers, saving all rage for the police and the city” (“Unfinished Act” 2009). But at the same time, the police can (and do) swoop in at any time and make arrests, i.e. the riot stands — in a highly dramatic fashion — as a state of exception vis-à-vis the police. This approach can help us overcome the inadequacies of the dominant discourse.

First, it explains why they are so common. Whereas the dominant discourse saw riots as aberrations from the norm we can now see that they are merely an intensification of an underlying situation. Second, it explains the level and nature of the violence. Riots are not a general break down of order but a specific reaction to the state of exception and this is why the police and other state institutions are the primary target, and not civilians. Third, it explains why riots remain confined to the communities in which they take place. By interpreting riots as a reaction to and intensification of the state of exception we can now understand that they are not antagonistic against the state as such (in which case we would expect them to spill out of the banlieues and attack nodes of power and/or wealth) but are attempts to deal with the state of exception in which the participants find themselves.

This means that the populist right wing narrative is wrong to write off riots as irrational and apolitical. Although they do not take the form of traditional protest they are political both in their motivation and aims. However, the Liberals' sociological narrative is also wrong in attributing a voice to the riots, let alone revolutionary intent. Riots are not protests reacting to this or that policy but a reaction to the form of law itself. But, at the same time, they are not revolutionary breaks but merely intensifications of an ongoing situation. I will, for now, leave the question whether this intensification rises to the level of the real state of exception, alluded to by Benjamin, and first turn to a matter closer to home.

## 7 Spectacular

*We know everything about war just like we know everything about prison, without having been there, since they are at the heart of "peace" and "free life," already implied in them.*

Claire Fontaine, "Notes on the State of Exception"

I have been talking about the banlieues. But what does any of this have to do with you and me? That strange and distant place is far away from this library in which I am writing. I am in the Bushuis library, which used to be part of the the famed Dutch East Indies Company's [VOC] headquarters. Of course, the Dutch East Indies company was no stranger to distant places; it was the principal force behind the Dutch colonization of Indonesia.

But perhaps they aren't that strange to us either. When I tell people I am working on a paper about the French riots and the banlieues they always have an opinion. What I find fascinating is not the content of these opinions but the fact that folks have them at all. They, like me, have never been in a riot. Their information is second hand, mediated through the six o'clock news and newspaper headlines. In many ways this is reminiscent of Baudrillard's concept of simulacrum, where "henceforth, it is the map that precedes the territory — precession of simulacra — it is the map that engenders the territory" (Baudrillard, 1988). That is, signifiers no longer point to an actual signified out in the world but instead all we have

are the signifiers, the signs and images. This can be readily understood by appealing to an extreme example, such as the understanding of Indonesia held by those who walked these halls — the VOC headquarters —, which was built up out of nothing but reports and second hand tales. Likewise, people do not merely have faulty or filtered knowledge of the riots, but know only the simulacra riots of dark TV images shot over the shoulders of a phalanx of riot police. Or as Debord put it: “*Fragmented* views of reality regroup themselves into a new unity as a *separate* pseudoworld that can only be looked at” (2004).

This is more than just an epistemic statement about our common knowledge of riots, but can help us understand how the state of exception is normalized. Again, a slightly more extreme example can help us see how this might work. Wiener (1995) describes how reports sent back to the Netherlands from Indonesia show more about Europe’s efforts to construct itself in opposition to the Other than about what was going on on the ground in Indonesia. It may seem counter-intuitive that images of violence and disorder would have a normalizing and not a destabilizing effect. By showing riots

The media — the global voyeur — will project the image onto screens everywhere, and with it, communicate not only the image of a riot but also the very possibility of a riot. (“Taking Communion”, 2009)

Indeed, in France there was much worry and speculation that showing images of the riots on the nightly news might somehow incite copy-cat acts and further rioting (Mucchielli, 2009). However Baudrillard warns us that “Disneyland is there to conceal the fact that it is the “real” country, all of “real” America, which is Disneyland” (1988). It is not just that Disneyland isn’t “real” (but a simulacrum), but that its unreality makes everything else look real in comparison, even if everything else is actually a simulacrum as well. We look and see those strange and distant places as places where it is normal to riot — where the exception reigns —, which allows us to see ourselves as occupying places where it is not normal to riot — where the rule reigns. It is thus spectacle that effects the separation between us and the banlieue.

## 8 Hidden Threads

*Magic is the continuation of politics by other means.*  
Nils Bubandt (2006)

Interestingly, in his description of magic Michael Taussig writes: “Hence power flows not from masking but from unmasking, which masks more than masking” (2003). This connection to magic may at first seem outlandish; however when I told my mother I was writing about the French riots she said, “yes, in the Banlieues they are all connected by an invisible thread, that’s how they know when to come out and riot”. My mother is not normally prone to such fantastical statements. She refuses to watch movies that require even a modicum of

suspension of disbelief. Yet, here she is talking about invisible threads that tie people together. While sociological articles do not talk about about invisible threads, they remain surprisingly vague about the actual mechanics of how riots start and seem content to take reports from informants “that word on the street was” and “people just knew” or even “and the violence spread” as sufficient.

This projection of unseen magical elements onto the banlieues is highly reminiscent of the fear of “hidden forces<sup>1</sup>” in colonial Indonesia, where the phrase was “adopted as a shorthand to refer to any sort of strange, occult, or sinister incident in the imaginative space of the Indies” (Wiener, 2003). Attitudes towards magic were ambivalent. On the one hand magic was seen as backwards native superstition which was to be stamped out and replaced with enlightened western views. On the other it was seen as a threat, a disruptive force that could challenge colonial authority. The invisibility of the hidden force lies at the crux of this ambivalence; the unseen is both unreal and dangerous. Here again we see the logic of the state of exception. To paraphrase the original definition: magic is a suspension of reality (i.e. unreal) in which anything is potentially real (wherein lies the danger). So although colonial administrations attempted to maintain a clear dividing line between the “rational European and irrational native” in practice “constant hybrids ensued that undermined distinctions between ‘us’ and ‘them’” (Wiener, 2003), precisely because the state of exception introduced the potential for magic to exist everywhere. And, taking our lead from Taussig, it is important to remember that this invisibility was the product of a process of making visible on the part of colonial powers, through reports and second hand tales.

We have already seen that it is, likewise, the making visible of the spectacle of TV images and newspaper reports which renders the riots in the banlieues “invisible”, i.e. normal. And now, by understanding riots as analogous to magic, we can see the state of exception inherent in this spectacle itself. The spectacle mediates between the exception and the rule. It effects separation; but, at the same time, it places and maintains the banlieue in relation to us. As with magic, this introduces a potential for the banlieue to exist everywhere. The threat then is not that showing images of burning cars might spread the riots, but that even here, outside of the banlieues, riots could erupt at any moment, that the potential for riots is already here.

## 9 The Real State of Exception

We have seen that by exploring the banlieues through the concept of the state of exception that is the rule we can better understand the nature of the French riots of 2005. Specifically, we have been able to move past the two narratives of the dominant discourse which, because they are unable to connect the exception (riots) and the rule (the juridical order of deliberative democracy), fail to capture what transpired.

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<sup>1</sup> From the title of Louis Couperus’ 1900 novel *De Stille Kracht*, about Dutch encounters with Indonesian culture.

The tradition of the oppressed teaches us that the “emergency situation” in which we live is the rule. We must arrive at a concept of history which corresponds to this. Then it will become clear that the task before us is the introduction of a real state of emergency; and our position in the struggle against Fascism will thereby improve. (Benjamin, 1974, §VIII)

In his eighth thesis of *On the Concept of History* Walter Benjamin introduces the enigmatic figure of the “real state of exception”. Derrida offers that we should understand the “real state of exception” as a state of exception *in fact*, as opposed to state of exception *in law* (Derrida, 2002). The non-riot, which I describe at the opening of this paper, was clearly the latter. At first glance the French riots of 2005 was the former, though it is not immediately obvious what difference this should make or how it might aid us in the struggle against Fascism. I believe the points raised by the last section of this paper with regard to magic begin to point to an answer in that they show the inherent precariousness and thus potentiality that can be found in the state of exception. Reflecting on the Los Angeles riots of 1992 Adam Bregman wrote:

People felt free. The crowd turning over and setting on fire the police car downtown was laughing, cheering and howling because they were having a blast and it was a crowd of mothers and their children, every race and age and every kind of folk you’d meet in this diverse city. (1993)

## References

- California government code. Retrieved on December 29, 2009 from <http://www.leginfo.ca.gov>.
- (2009). Taking communion at the end of history. In *Politics is Not a Banana*, pages 58–93. Institute for Experimental Freedom.
- (2009). Unfinished acts: January rebellions. Retrieved on January 2, 2010 from [http://issuu.com/unfinishedacts/docs/unfinished\\_acts](http://issuu.com/unfinishedacts/docs/unfinished_acts).
- (November 9, 2005). Décret no.005-1386 du 8 novembre 2005 portant application de la loi no.55-385 du 3 avril 1955. Retrieved on January 1, 2010 from <http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=LEGITEXT000006052666&dateTexte=20100102>.
- Agamben, G. (1998). *Homo Sacer*. Stanford University Press.
- Agamben, G. (2005). *State of Exception*. University of Chicago.
- Arkana, K. (2006). La rage. In *Entre ciment et belle étoile*. Because Music.
- Balibar, É. (2007). Uprisings in the banlieues. *Constellations*, 14(1):47–71.
- Balmer, C. (January 1, 2010). Hundreds of cars torched in France at New Year. *Reuters*.

- Baudrillard, J. (1988). Simulacra and simulations. In *Jean Baudrillard, Selected Writings*, pages 166–184. Stanford University Press. Edited by Mark Poster.
- Benjamin, W. (1974). On the concept of history. In *Gesammelten Schriften*. Suhrkamp Verlag. Translated by Dennis Redmond.
- Body-Gendrot, S. (2005). Deconstructing youth violence in french cities. *European Journal of Crime, Criminal Law and Criminal Justice*, 13(1):4–26.
- Bonnano, A. (1988). *From Riot to Insurrection*. Elephant Edition.
- Bonora, L. (2006). The integration of muslims in french society a focus on the riots of 2005. Master's thesis, University of Delaware.
- Bregman, A. (1993). Preparations for the next riot. *Anarchy: A Journal of Desire Armed*, 35.
- Bubandt, N. (2006). Sorcery, corruption, and the dangers of democracy in indonesia. *Journal of the Royal Anthropological Institute*, 12:413–431.
- Bulwa, D. (January 30, 2009). Bart's shooting probe missteps. *San Francisco Chronicle*.
- Canet, R., Pech, L., and Stewart, M. (2008). France's burning issue: Understanding the urban riots of november 2005. *SSRN eLibrary*.
- Crampton, T. (November 7, 2005). Behind the furor, the last moments of two youths. *New York Times*. Retrieved on January 1, 2010 from <http://www.nytimes.com/2005/11/07/international/europe/07youths.html/>.
- Debord, G. (2004). *Society of the Spectacle*. Rebel Press. Translated by Ken Knabb.
- Derrida, J. (2002). Force of law: The "mystical foundations of authority". In *Acts of Religion*, chapter 5, pages 228–288. Routledge.
- Dikeç, M. (2006). Two decades of french urban policy: From social development of neighbourhoods to the republican penal state. *Antipode*, 38(1):59–81.
- Dikeç, M. (2007a). Revolting geographies: Urban unrest in france. *Geography Compass*, 1(5):1190–1206.
- Dikeç, M. (2007b). Space, governmentality, and the geographies of french urban policy. *European Urban and Regional Studies*, 14(4):277–289.
- Dikeç, M. (2009). Space, politics and (in)justice. *Justice Spatiale | Spatial Justice*, 1:September.
- DiPasquale, D. and Glaeser, E. L. (1998). The los angeles riot and the economics of urban unrest. *Journal of Urban Economics*, 43(1):52–78.
- Fontaine, C. (2009). Notes on the state of exception. In *Politics is Not a Banana*, pages 12–21. Institute for Experimental Freedom.
- Guenif-Souilamas, N. (2006). The other french exception: Virtuous racism and the war of the sexes in postcolonial france. *French Politics, Culture & Society*, 24(3):23–41.

- Hartley, J. and Green, J. (2006). The public sphere on the beach. *European Journal of Cultural Studies*, 9:341–362.
- Hobsbawm, E. J. (2005). Cities and insurrections. *Global Urban Development*, 1(1).
- Keller, C. (2009). Urban riots in france: history, patterns and the significance of institutional violence.
- Marx, G. T. (1970). Issueless riots. *The Annals of the American Academy of Political and Social Science*, 391(1):21–33.
- Miran, A. (November 17, 2007). Demonstrators disrupt uc regents. *Daily Nexus*, 38(87).
- Mucchielli, L. (2009). Autumn 2005: A review of the most important riot in the history of french contemporary society. *Journal of Ethnic and Migration Studies*, 35(5):731–751.
- Murray, G. (2006). France: the riots and the republic. *Race Class*, 47(4):26–45.
- Natives of the Republic Movement (2005). Nous sommes les indigènes de la république! Retrieved on January 1, 2010 from <http://multitudes.samizdat.net/Appel-pour-les-Assises-de-l-anti>.
- Nolan, J. (27 September 2001). Cincinnati race riot: policeman acquitted. *The Guardian*. Retrieved on January 1, 2010 from <http://www.guardian.co.uk/world/2001/sep/27/2>.
- Ossman, S. and Terrio, S. (2006). The french riots: Questioning spaces of surveillance and sovereignty. *International Migration*, 44(2):5–21.
- Perrignon, J. (January 2, 2006). Muhittin altun. *A Toutes les Victimes des Révoltes de Novembre 2005*. Retrieved on January 1, 2010 from <http://atouteslesvictimes.samizdat.net/?p=126>.
- Quenet, N., Duflo, C., and Patel, R. (2006). A grey hope: Thin territorial identity among french suburban youth in garges and sarcellesh. *Humanity in Action*.
- Raulff, U. (2004). An interview with giorgio agamben. *German Law Review*, 5(5):609–613.
- Schmitt, C. (1934). *Political Theology*. MIT Press. Translated by George Schwab.
- Schneider, C. L. (2008). Police power and race riots in paris. *Politics Society*, 36(1):133–159.
- Sears, D. O. and McConahay, J. B. (1969). Participation in the los angeles riot. *Social Problems*, 17(1):3–20.
- Silverstein, P. (2005). The new barbarians: Piracy and terrorism on the north african frontier. *CR: the New Centennial Review*, 5(1):179–212.
- Silverstein, P. and Tetreault, C. (2005). Urban violence in france. *Middle East Report*.

- Snow, D. A., Vliegenhart, R., and Corrigan-Brown, C. (2007). Framing the french riots: A comparative study of frame variation. *Social Forces*, 86:385.
- Suprême NTM (1995). Qu'est-ce qu'on attend. In *Paris sous les bombes*. Epic.
- Taussig, M. (2003). Viscerality, faith, and skepticism: Another theory of magic. In Pels, B. M. P., editor, *Magic and modernity: interfaces of revelation and concealment*, chapter 11, pages 272-. Stanford University Press.
- Tilly, C. (1984). *Big structures, large processes, huge comparisons*. Russell Sage Foundation.
- Tiqqun (2009). *Introduction to Civil War (Fragments)*. Institute for Experimental Freedom.
- Tzatha, A. (2009). Street politics and social movements: A list of opportunities or a multitude of desires: Lessons from greece, december 2008. Master's thesis, Utrecht University.
- UPI (July 26, 1967). Dr. king supports use of troops. *New York Times*, page 19.
- Useem, B. (1997). The state and collective disorders: The los angeles riot/protest of april, 1992. *Social Forces*, 76:357-277.
- Wacquant, L. J. (1993). The return of the repressed urban violence, "race", and dualization in three advanced societies. Plenary address presented at the XVII Encontro Anual da ANPOCS, Caxambu, Brazil,.
- Waddington, D. and King, M. (2009). Identifying common causes of uk and french riots occurring since the 1980s. *The Howard Journal*, 48(3):245-256.
- Wiener, M. J. (1995). *Visible and invisible realms: power, magic, and colonial conquest in Bali*. University of Chicago Press.
- Wiener, M. J. (2003). Hidden forces. In Pels, B. M. P., editor, *Magic and Modernity: Interfaces of Revelation and Concealment*, chapter 5, pages 129-158. Stanford University Press.