

## Akis Gavriilidis | Billy Wilder as a Critic of Humanitarian Intervention

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**Abstract:** What follows is a chapter from a book originally published by the author in Greek, under the title *Μπίλι Ουάιλντερ. Η (αυτο)κριτική του χολιγουντιανού θεάματος* [*Billy Wilder: The (Self-) Criticism of the Hollywood Spectacle*] (Athens: Aigokeros, 2009). The book was translated into English but was never published. The version published here contains some inevitable additions and adaptations.

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A film that contains Wilder's most bitter criticisms of the American way of life is *The Big Carnival/Ace in the Hole*,<sup>1</sup> released in 1951. Wilder himself was the producer and also the writer in collaboration with Walter Newman and Lesser Samuels. This was a "serious" film, which was poorly received by the studios and at the box office, and this certainly has something to do with the fact that, thereafter, the director only made comedies.

Its plot can be summarized as follows:

Charles "Chuck" Tatum (Kirk Douglas) is a go-getting reporter who, having been fired from several New York newspapers for various

<sup>1</sup> At different times and in different places, both titles were used.

unethical practices, ends up on an obscure provincial publication in Albuquerque. One day, while on a routine assignment in a backwater called Escudero, he hears by chance at a deserted gas station that the owner, Leo Minosa, has become trapped by a cave-in while looting an old Indian tomb. Tatum immediately sees that this incident can be turned into a scoop that will enable him to bounce back, restoring his wounded pride (and career). Through blackmail and manipulation, he convinces the sheriff, the wife of the trapped man and local bigwigs to let him report the event in exclusivity and manage the rescue effort. Moreover, when Chuck promises to give him favourable coverage so that he can be re-elected, the sheriff makes him his assistant.

At a secret meeting, the head of the rescue crew says that the rocks can be removed in about sixteen hours. Chuck, though, demands that he find a more time-consuming solution, so that the story that has put him back in the limelight can be kept alive for as long as possible. The sheriff is also in favour of this solution, hoping to keep the suspense going so that he will gain even greater glory when Leo is finally released. They therefore suggest that he drill through the roof of the cave, which will take a week. This option is indeed imposed finally.

During this week, a large crowd gathers around the theatre of the rescue operation by people wanting to express their solidarity: villagers from other places around Escudero, passers-by, even holiday-goers. Caravans, tents, canteens, and makeshift amusement parks are installed to serve them, and Leo's café/gas station make in few days the money it had not made the whole year.

On the last day of the rescue operation, the trapped man dies.

In this highly acerbic depiction of the American (and by extension every other) cinema-going public, I think it would be no exaggeration to see an early critique of humanitarianism, and a critique that is purely political at that, rather than moralistic.

Firstly, the "big carnival" at Escudero, i.e., the motley assemblage is organized on the basis of a voyeuristic and passive relationship to human misery. A group of people have gathered there; they do not know one another and the only thing that unites them is their inter-

est (if that is the right word) in the life of another person who they similarly do not know, had never laid eyes on before his adventure, and will never see again once it is over. It is the kind of interest that readers have in the outcome of a novel: Leo's life interests them as the object of the narrative, a narrative that thus forms an *imagined community*.<sup>2</sup>

Even more, this community is organised around an abstract philanthropy or generosity that is effected *through a representative*. Its members engage someone to "save" a person who is in danger, while they themselves are limited to observing the spectacle and applauding, as if they were in an arena or football stadium, without actually doing something themselves to help.<sup>3</sup>

The "representative" is appointed precisely because he manages to handle the emergency effectively (or rather to convince the community that he can handle it effectively) and deal with the life-threatening danger. He thus manages to command respect as an expert and (therefore) as the leader of the imagined community.

The carnival is thus an emergency.

The connection between the emergency and the carnival is explicitly made by Giorgio Agamben in a fascinating lecture of his, entitled "The State of Exception," in which he analyses the Roman institution of the *iustitium*. He writes:

The specific quality of the state of emergency appears clearly if we examine one measure in Roman Law that may be considered as its true archetype, the *iustitium*.

When the Roman Senate was alerted to a situation that seemed to threaten or compromise the Repub-

<sup>2</sup> This recalls the well-known thesis of Benedict Anderson, according to which "the birth of the imagined community of the nation can best be seen if we consider the basic structure of two forms of imagining that first flowered in Europe in the eighteenth century: the novel and the newspaper." Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London: Verso, [1983] 2006), 24-25.

In the birth of the imagined community of *The Big Carnival*, the role of the novel has simply been replaced by another, completely analogous narrative structure that first flowered in America in the twentieth century... As for the role of the newspaper, there is no need to labour the point.

<sup>3</sup> One of the temporary structures erected in *The Big Carnival* is a large circus tent.

Wilder also makes direct reference to sport as spectacle in *The Fortune Cookie*, in which Jack Lemmon plays a cameraman (a profession that has always attracted filmmakers, from Dziga Vertov to Buster Keaton), who is injured while covering a football game.

lic, they pronounced a *senatus consultum ultimum*, whereby consuls (or their substitutes, and each citizen) were compelled to take all possible measures to assure the security of the State. The *senatus consultum* implied a decree by which one declared the *tumultus*, i.e., a state of emergency caused by internal disorder or an insurrection whose consequence was the proclamation of a *iustitium*.

The term *iustitium* - construed precisely like *solstitium*-- literally signifies "to arrest, suspend the *ius*, the legal order." The Roman grammarians explained the term in the following way: "When the law marks a point of arrest, just as the sun in its solstice."<sup>4</sup>

He then goes on as follows:

The structural proximity between law and anomy, between pure violence and the state of emergency also has, as is often the case, an inverted figure. Historians, ethnologists and folklore specialists are well acquainted with anomic festivals, like the Roman Saturnalia, the charivari, and the Medieval carnival, that suspend and invert the legal and social relations defining normal order.<sup>5</sup>

On the basis of this emergency, therefore, a new (or a new type of) power is formed.

What type of power, we shall see in more detail in the next section.

### 1. Constituent Power

The above observations suggest that the film's ambitions go beyond a social critique of the United States in the 1950s. *The Big Carnival* can be seen as an allegory of the formation of *sovereignty* and the very establishment of the American nation-state.<sup>6</sup> In the film,

<sup>4</sup> Giorgio Agamben, "The State of Emergency," extract from a lecture given at the Centre Roland-Barthes (Université Paris VII, Denis-Diderot), *Generation Online* (2002). <http://www.generation-online.org/pf/pagambenschmitt.htm>.

<sup>5</sup> Ibid.

<sup>6</sup> In one scene of the film, Tatum says of the people who have flocked to Escudero: "To me, they are Mr. and Mrs. America."

the moment when the crowd assigns its affairs to an expert marks the point at which it becomes an “imagined community.” To borrow from Rousseau, it is the act by which a people becomes a people.<sup>7</sup> Except that the act is far from an agreement to participate in the common good, as Rousseau would wish, or even a “democratic covenant,” as American society sees itself;<sup>8</sup> it is much more an act of *abdication* allowing (semi-)voluntary manipulation.

Reading the events of the film in terms of power, a leading group emerges from the community that forms for a week around the tunnel. This group, consisting of the rescue crews, the sheriff and the reporter, protects and handles the community’s affairs. The person “running the show” within the group is the reporter.

Wilder essentially shows *the formation of a hegemonic bloc* at the heart of American society, a bloc of *experts and technocrats, the forces of order and the entertainment industry*, with the entertainment industry very much leading the other two. Indeed, it is this particular Ideological State Apparatus (ISA), to use Althusser’s term, through Charles Tatum, the reporter/entertainer, who has sovereignty, as it is he who ultimately decides on matters of life and death.<sup>9</sup>

In this sense, I claim that the film can be seen as an *unorthodox Western*. Westerns, in my view, are the *American equivalent of natural law theories*. The role played in European political philosophy by the social contract and the emergence of a sovereign, the Leviathan, was played in the USA by the iconography of the six-shooter and

<sup>7</sup> “It would be better, before examining the act by which a people gives itself to a king, to examine that by which it has become a people.” Jean-Jacques Rousseau, *The Social Contract and Discourses*, trans. by G. D. H. Cole (London and Toronto: J. M. Dent and Sons, 1923), 13.

<sup>8</sup> The only time that the issue of democracy is touched on in the film is when Wilder, with merciless sarcasm, has the sheriff address the county’s residents via a television camera, telling them: “[W]hen Election Day comes around, I don’t want what I’m doing here to influence your vote one little bit. Because all I’m doing here is my duty as your Sheriff.” In fact, he is urging them to do the exact opposite. One does not need to be acquainted with psychoanalytical theory to realize that when we tell someone to forget something, that alone is enough to imprint it on the memory.

In general, throughout the film the sheriff has the “star” and Chuck is officially only his deputy. In reality, however, the power relationship is precisely the reverse, with Kretzer acting as Tatum’s puppet.

Here, the mechanisms of the spectacle do not simply “distort” those of representative democracy; they constitute them. They do not convey a false image of their elected officials but construct their “genuine” - or rather their only - image.

<sup>9</sup> According to Foucault, “[f]or a long time, one of the characteristic privileges of sovereign power was the right to decide life and death.” Michel Foucault, *The History of Sexuality*, Volume I: *An Introduction*, trans. by Robert Hurley (New York: Pantheon Books, 1978), 135.

the sheriff’s star. What is the Western other than *the narrative of the occurrence of the law in a place where there is no law*, the narrative of the formation of human society as a way out of the chaotic state in which everything (land, animals, etc.) belongs to everyone, and everyone fights everyone else in order to acquire it?

One of the most eminent representatives of the (normative) social contract theory, John Locke, searching for an image of what he imagined a state of nature to be, offered the view, impressive in its simplicity, that “in the beginning, all the world was America.”<sup>10</sup> This shows, apart from anything else, that in the European imagination, America represented a virgin land perfect for occupation and exploitation.

This representation, as is well known, ignores at least one very important fact: that before the coming of the white man, America was not exactly a land “in a natural state” but was home to various cultures. From this point of view, it is extremely significant that in *The Big Carnival*, the man trapped in the cave whose life is in danger (and is ultimately lost), was there to loot an Indian tomb.<sup>11</sup>

This sheds a different light on the story, which acquires an additional level of meaning if we consider whose is the “bare life”<sup>12</sup> on which the techno-power of the journalistic ISA is exercised and on the basis of which the class alliance is formed and the passage to “statehood” brought about. Wilder is telling us that the “miniature society” formed out in the New Mexico desert is founded on the loss of a human life. This human sacrifice, whether brought about through negligence or malicious intent, is, in my view, a clear refer-

<sup>10</sup> John Locke, *Second Treatise on Civil Government*, § 49, ed. by C. B. McPherson (Indianapolis and Cambridge: Hackett, [1690] 1980), 29.

<sup>11</sup> In addition, the sign at the store/gas station/motel he ran with his wife at the entrance to the ancient cliff dwelling says “Minosa - Indian curios.” In life, he was the personification of the transformation of historical memory into commerce.

<sup>12</sup> I use the term in the sense given to it by Giorgio Agamben in *Homo Sacer: Sovereign Power and Bare Life*, trans. by Daniel Heller-Roazen (Stanford: Stanford University Press, 1998). According to Agamben, sovereign power (and, therefore, the political arena) is formed through the construction of what he calls the “bare life,” namely the production of forms of human life that are seen as sacred and, at the same time, up for grabs for anybody to take away without punishment and without any sacrificial value - just as was the case with *homo sacer* as an institution in Roman law. According to somewhat complex reasoning, which it is not possible to reproduce here, the sovereign has one common point with the condition of the *homo sacer*, as he is located both *outside* and *inside* the human polity; he constitutes the exception that defines normality and the law.

ence to the *genocide of the native Americans*,<sup>33</sup> which was historically a pre-condition and a “blind spot” for building the state - or the United States - of America. Guilty of desecrating the earlier culture’s sacred sites and its dead, Leo Minosa is essentially buried alive in the foundations of an edifice under the indifferent - or hypocritically interested - gaze of the American public - very much in the same way as the wife of the master builder in the well-known Balkan myth about the construction of the bridge. There could be no better illustration of the “inclusive exclusion,”<sup>34</sup> of the state of exception that establishes the normality of the new (bio)power.

Leo’s sacrifice, even if it is made unwillingly, is an extension of the primitive and general model of the scapegoat that is loaded with the sins of the community in order to purify it and secure its cohesion; at the same time, however, it functions as a more specific allegory of the foundation of a modern country, the United States, and of the repression and suppression peculiar to it. Because, indeed,

If there is a line in every modern state marking the point at which the decision on life becomes a decision on death, and biopolitics can turn into thanatopolitics, this line no longer appears today as a stable border dividing two clearly distinct zones. This line is now in motion and gradually moving into areas other than that of political life, areas in which the sovereign is entering in to an ever more intimate symbiosis not only with the jurist but also with the doctor, the scientist, the expert and the priest.<sup>35</sup>

<sup>33</sup> Throughout the film, the crowd watching with bated breath is haunted by the rumour that, according to Indian tradition, there is a curse on the mountain where the cave-in took place. The radio and television media do not fail to exploit this rumour to arouse the curiosity of their listeners and viewers. However, this cynical use, this “instrumental rationality” (or rationalization), cannot ward off the thought that the Indian spirits are obviously the remains of the guilt of the society under formation. The survival of Indian culture, even in a distorted and unrecognizable form, bears witness to the indirect recognition by the new state of the fact that before it existed, there was not “nature” but *another culture*.

<sup>34</sup> “Inclusione esclusiva” is how Agamben characterises the state of exception that establishes sovereignty (see previous footnote).

“We shall give the name *relation of exception* to the extreme form of relation by which something is included solely through its exclusion” (Agamben, *Homo Sacer*, 18). And, further on:

“The exception is *what cannot be included in the whole of which it is a member and cannot be a member of the whole in which it is always already included*” (ibid., 21; italics in the original).

<sup>35</sup> Agamben, *Homo Sacer*, 122-23.

It is striking that the figures identified by Agamben as being in symbiosis with the sovereign are precisely those who, along with Tatum, manage the life (and/or death) of Minosa in *The Big Carnival*. Indeed, the only people who enter the cave are the sheriff, the crew technicians, the doctor and, just before the end, the priest.

In this sense, after the death of the community’s hero, Leo, the Indian burial cave will now function as a type of “cenotaph” to cement the unity of the new nation.<sup>36</sup>

It is of course true that, speaking literally, the grave is not a cenotaph, since it is occupied by a man who is known and has a name, and not by an “unknown soldier.” But for the people who flock to this open-air town he is unknown - as they are unknown to each other. They had never seen Leo until then and *cannot see him even now*. What unites them, and establishes their community, is a *desire to see*, which remains unfulfilled. Their community is thus genuinely imagined, in the sense that Anderson uses the term: the way in which they are linked - and identify - with the victim of the accident, and through him with each other, is exactly the combination of visibility/non-visibility that characterizes the mechanisms of the nation-state and print-capitalism.<sup>37</sup>

## 2. Exodus in the Desert

Another interesting fact is that in *The Big Carnival*, the formation of the imagined community and of power takes place outdoors, not in the city.

This is not because the community is exiting a previous “natural state.” The exodus of the American people into the open landscape of New Mexico and its “convocation” by the prophet newsman is based on another narrative/iconographic precedent: the Old Testa-

<sup>36</sup> See Anderson, *Imagined*, 9-10: “No more arresting emblems of the modern culture of nationalism exist than cenotaphs and tombs of Unknown Soldiers. The public ceremonial reverence accorded these monuments precisely *because* they are either deliberately empty or no one knows who lies inside them, has no true precedents in earlier times. [...] it may be useful to begin a consideration of the cultural roots of nationalism with death.”

<sup>37</sup> In the same work, Anderson stresses “the central importance of print-capitalism” (ibid., 18) and gives the example of the hero of a novel reading in the newspaper that “A destitute vagrant became ill and died on the side of the road from exposure.” Anderson’s comment on this is: “Finally, the imagined community is confirmed by the doubleness of our reading about our young man reading. He does not find the corpse of the destitute vagrant by the side of a sticky Semarang road, but imagines it from the print in a newspaper. Nor does he care the slightest who the dead vagrant individually was: he thinks of the representative body, not the personal life.” Ibid., 31-32.

ment. The film thus acquires yet another level of meaning: it is an actual *crossing of the desert by the chosen people*, who gather around the new Mount Sinai where the unwritten but highly effective laws of the new state are produced.<sup>18</sup>

The theological character is also underscored semiotically by a series of other elements: the film's story lasts seven days, and the cave - at the Mountain of the Seven Vultures - is cordoned off by the police, a "sacrosanct" place which no one can enter apart from the "high priest" reporter. And of course, above all, by the fact that the film's action revolves around a rescue or *salvation*.

These parallels are not evident, because biblical mythology is in any case one of the basic sources of the ideology of the Founding Fathers of the United States, a historical analogy through which they liked to view their creation of a new state in a new land.<sup>19</sup> But the twist here, containing an obvious dose of underlying irony, is that it is a reporter - and a fraud and a blackmailer at that - who is the "Moses" of this journey to the Promised Land, bringing about the transition from nomadism to law.

<sup>18</sup> From this point of view, there is an analogy with Spinoza's analysis of how the Hebrew people came together after the exodus from Egypt: "After their liberation from the intolerable bondage of the Egyptians, [the Hebrews] were bound by no covenant to any man; and, therefore, every man entered into his natural right, and was free to retain it or to give it up, and transfer it to another. *Being, then, in the state of nature [in hoc statu naturali constituti] ...*" Benedict De Spinoza, *A Theologico-Political Treatise*, Ch. 17, trans. by R. H. M. Elwes (London: George Bell and Sons, 1891), 218-19. In Spinoza too, statehood is not the beginning, because there is always something that comes before it; the state of nature is not a prehistory that is located definitively outside (pre-) the state of politics, but a marginal case that might reoccur within history, as an exodus from a previous state, and lead to the establishment of a new state. *A state of exception*, we might say. I have developed this point in: Akis Gavriilidis, *Η δημοκρατία κατά του φιλελευθερισμού. Η έννοια του φυσικού δικαίου στη φιλοσοφία του Σπινόζα [Democracy Against Liberalism: The Notion of Natural Law in Spinoza]* (Athens: Ellinika Grammata, 2000), 143.

<sup>19</sup> The use of this framework continued, of course, in American cinema. As Gilles Deleuze says in the first of his two books on film: "Finally, the American cinema constantly shoots and reshoots a single fundamental film, which is the birth of a nation-civilisation, whose first version was provided by Griffith. It has in common with the Soviet cinema the belief in a finality of universal history; here the blossoming of the American nation, there the advent of the proletariat. ... If the Bible is fundamental to them, it is because the Hebrews, then the Christians, gave birth to healthy nations-civilisations which already displayed the two characteristics of the American dream: That of a melting pot in which minorities are dissolved and that of a ferment which creates leaders capable of reacting to all situations. Conversely, Ford's Lincoln recapitulates biblical history, judging as perfectly as Solomon, bringing about, like Moses, the transition from the nomadic to the written law, from *nomos* to *logos*, entering the city on his ass like Christ (*Young Mr. Lincoln*)." Gilles Deleuze, *The Movement-Image*, trans. by Hugh Tomlinson and Barbara Habberjam (Minnesota, Minneapolis: University of Minnesota Press, 1986), 148-49.

Apart from anything else, this allows us to say that this new law not only does not prohibit idolatry, but is actually based on the sovereignty of the image and of the representation.

This lends yet another characteristic to this formation of the nomadic scattered multitude into a united people.

Initially, as we have seen, the attendance of the chosen people to the call, and so the transition to an organized polity, is rooted in *curiosity*, or the "lust of the eyes" - the quintessential "media passion."<sup>20</sup> Here, however, we are not quite dealing with Bentham's Panopticon, on which Foucault based his famous analysis of prison and systems of control and discipline.<sup>21</sup> A better word to describe what is going on in the film would perhaps be "Synopticon," a version of the shape developed by Thomas Mathiesen.<sup>22</sup> According to one description, "The Synopticon is a system in which everyone watches the same thing together (mass media). Without having to resort to any coercion to influence behaviour, synoptic devices work by seduction, acculturation, entertainment (Pascal's diversion) and the transmission of fear."<sup>23</sup>

We said earlier that in this film there functions a materialist/constructionist view of spectacle as a practice that transforms the world and does not reflect it, as production and not as false consciousness. It is time to ask, however, what this production produces.

<sup>20</sup> According to Paolo Virno's analysis in "Idle Talk and Curiosity" in: *A Grammar of the Multitude. For an Analysis of Contemporary Forms of Life*, trans. by Isabella Bertoletti (Los Angeles: Semiotext(e), 2004), 88sq. Interestingly, this particular text appeared for the first time in a collection of Virno's articles published by Ombre corte (Verona, 2002) with the general title *Esercizi di esodo (=Exercises in Exodus)*.

<sup>21</sup> It is nonetheless worth noting that in the relevant chapter (the third, entitled "Panopticism") from *Discipline and Punish*, Foucault explicitly points out a strange connection between the plague (and so biopolitical control) and the *festival*, on the one hand, and the *state of nature* on the other. "A whole literary fiction of the festival grew up around the plague: suspended laws, lifted prohibitions, ... individuals unmasked, abandoning their statutory identity and the figure under which they had been recognized..." - participating in a big carnival, one might add. Further on, he writes: "The plague ... is the trial in the course of which one may define ideally the exercise of disciplinary power. In order to make rights and laws function according to pure theory, the jurists place themselves in imagination in the state of nature; in order to see perfect disciplines functioning, rulers dreamt of the state of plague." Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. by Alan Sheridan (New York: Vintage Books, 1995), 197, 198-99 respectively.

Here too we see a striking coincidence in the linking of four elements: a humanitarian crisis, a state of exception ("nature"), the emergence of sovereignty (as being best able to regulate this state) and the formation of a new (or a new type of) state.

<sup>22</sup> Thomas Mathiesen, "The Viewer Society: Michel Foucault's Panopticon Revisited," *Theoretical Criminology*, Vol. 1, No 2 (May 1997), 215.

<sup>23</sup> Mathieu Bietlot, "Du disciplinaire au sécuritaire. De la prison au centre fermé," *Multitudes*, Vol. 11 (2003), 66.

The answer is, it produces the Law. Not as a universal rule, but in the form of sovereignty, i.e., inclusive exception.

### 3. What Is the Law Doing?

Indeed, the formation of the community on the basis of the Synopticon is not the way in which the gathering at Escudero differs from the model of "disciplinary societies." There is another factor, which allows us to say that for Wilder, as for Agamben, the model of the modern capitalist state is the concentration camp rather than the prison.

In *The Big Carnival*, the birthplace of the new state, the site of the territorialization of the nomadic multitude, is a campsite. In English, the word "camp" is used in "concentration camp" and in "campsite."<sup>24</sup> It also appears in the Indian "encampment" which is part of the film's plot. The Indians, in the myth of the birth of the new state, are ignored, as if they do not exist, precisely because they had no cities but lived permanently in tents; they were a nomadic civilization - an oxymoron that can essentially be equated with the phrase "non-civilisation." That is precisely why it was the state of nature/exception that simultaneously constitutes the *obstacle* and the *pre-condition* for the occurrence of statehood, normality and the law.

From this point of view, the introductory scene in which the basic dramatic conflict first appears is very interesting. Shortly after the

<sup>24</sup> "We do the concentrating, and the Poles do the camping" is a wonderful line from Ernst Lubitsch's *To Be or Not to Be*, on which Wilder had worked as a scriptwriter at the beginning of his career. These words are spoken by the SS officer 'Concentration Camp' Erhardt, when asked about the existence of German concentration camps in Poland.

Strikingly, Slavoj Žižek recalled the line in an article about detainees held at the US Guantanamo Bay naval base, placing it directly after his claim that "Concentration camps and humanitarian refugee camps are, paradoxically, the two faces, 'inhuman' and 'human,' of one sociological matrix." Slavoj Žižek, "Are We in a War? Do We Have an Enemy?," *London Review of Books*, Vol. 24, No. 10 (May 23, 2002). An even more striking coincidence - perhaps not, ultimately, that much of a coincidence - is that Žižek had just referred directly to *homo sacer* in the sense given to the term by Agamben in his aforementioned book. This term, he says, "can be seen to apply not only to terrorists, but also to those who are on the receiving end of humanitarian aid (Rwandans, Bosnians, Afghans), as well as to the Sans Papiers in France and the inhabitants of the favelas in Brazil or the African American ghettos in the US."

Finally, it is worth noting that Wilder's next film was *Stalag 17*, which, as the title suggests, is about concentration camps. In a tragic irony, the question of whether the concentration camps were run by Poles or Germans came to be of crucial importance. Paramount suggested a "small change" to Wilder so that it could be distributed in Germany: making the head of the SS in the film (Otto Preminger) of Polish origin so as not to offend the German public. Wilder refused, which was ultimately the reason for his departure from the studio.

film begins, Chuck and his young colleague and driver stop to fill up with gas at a deserted service station. They park under a sign that reads "VISIT OLD INDIAN CLIFF DWELLING - 450 YEARS OLD" and search in vain for the owner. While they wonder where everyone has got to, a black sheriff's car disturbs the sun-baked desert landscape with its screeching siren, creating an unexpected spectacle.

The young man wonders "Now what would the law be doing up there?," to which Chuck answers sarcastically: "Maybe they've got a warrant for Sitting Bull for that Custer rap."

Some time later, when Chuck has guaranteed that he has exclusive coverage of the events thanks to his alliance with Sheriff Kretzer, we see a conversation between the Sheriff and rival reporters from big-city papers, who protest at being excluded.

KRETZER: Look, boys, I don't care where you come from - New York, Philadelphia, Chicago or the Moon. Nobody goes down to see Leo.

JESSOP: What about Tatum?

KRETZER: It's out of bounds, boys, because it's dangerous down there. Because a wall could fall on you. Because I'm Sheriff and because I'm responsible for everybody's safety.

MORGAN: What about Tatum?

KRETZER: Out of bounds. You heard me.

McCARDLE: What about Tatum?

KRETZER: You're repeatin' yourself<sup>25</sup>.

This "repetition" is the *repetition of a traumatic meeting with the Real*, as Žižek, following Lacan, would say: the Law comes about through the establishment of an unjustified exception which, as such, is not explained and cannot be explained, and through the demarcation of a territory, the placing of a border between the permitted and the

<sup>25</sup> Excerpt from the dialogues of the film between Walter Newman/Lesser Samuels/Billy Wilder: *Ace in the Hole*, also known as *The Big Carnival*, dir. by Billy Wilder (Paramount Pictures, 1951).

prohibited.<sup>26</sup> In this dialogue, “the Law” marshals a series of reasons which both he and his interlocutors know are not genuine - because quite simply *there are no genuine reasons*. “It follows, from this constitutively senseless character of the Law, that we must obey it not because it is just, good or even beneficial, but simply *because it is the Law* - this tautology articulates the vicious circle of its authority, the fact that the last foundation of the Law’s authority lies in its process of enunciation.”<sup>27</sup>

#### 4. Putting the Sovereign to Death

*The Big Carnival* is thus a festival/state of exception - and at the same time the confinement/exclusion of the “bare life” - with which a prophet “produces its own people.”<sup>28</sup> In contrast, however, with the “materialist teleology that Spinoza proclaimed,” which Hardt and Negri cite, not only is the desire of the prophet here not identified with that of the multitude, but is in conflict with it, with the ultimate result *that the prophet is also put to death (sacrificed)*.

At the end of the film, Wilder cannot of course allow the anti-hero to live after all that he has done, which is why he kills him off. It is interesting to see how exactly he does it, though.

The means used to dispose of him is the film’s “erotic triangle” - or rather, as it would be more correct to say, the “unerotic triangle”: in this relentlessly cold film there is not one positive emotion, nor any passion of joy, and desires never coincide.

Leo has a wife, Lorraine, who is the joint owner of the trading post. Lorraine clearly married him out of necessity, is disappointed in her marriage and has attempted on several occasions to escape to New York from the literal and metaphorical desert of Escudero. When the accident occurs, she is ready to leave once and for all, abandoning her husband to his fate. Tatum dissuades her, not of course through any moral arguments, but by pointing out to her that if she stays and

plays the worried and distraught wife, she will be able to sell more hamburgers than the business had previously sold in the whole of its existence. And at the same time, of course, she will be a useful pawn in the production that Tatum is directing, because a story sells better when there is a love interest.

So Lorraine stays, and finds that Chuck was right. She begins to express a clear sexual interest in him, on the one hand because he is now the alpha male and on the other because she sees in him an opportunity to leave her dead-end small-town life for the bright lights of the big city.

For his own selfish motives, however, Chuck remains coldly indifferent to her. In any case, he is so dedicated to his obsession, to “the pursuit of the truth,” that his life has no time or space for any woman - it is prohibited by what Nietzsche would call his “ascetic ideals.”<sup>29</sup> More to the point, he cannot get involved in a relationship which would be contrary to conventional morality (and therefore to the expectations of the public), and which would prevent him from telling (and therefore from selling) his story.

In this triangle, desire is never reciprocated: the trapped Leo loves and thinks of Lorraine, Lorraine wants Chuck, while Chuck is interested in nothing but success and fame - i.e., himself. Desire always flows one-way.

Chuck not only rejects Lorraine’s desire, but also interferes peremptorily in her life, constantly telling her how to behave, how to dress, who to talk to and what to tell them - just as if he were directing an actress. And to confirm the old link of power with the negative passions, he is schooling her in *misery*: his directorial and costuming instructions constantly remind Lorraine that she must look sad, not dress up, not care about her body, and go to church and pray even if she does not believe in it.<sup>30</sup>

<sup>26</sup> By an interesting coincidence, the Sheriff’s phrase “out of bounds” is also the title of the series from University of Minnesota Press edited by Sandra Buckley, Michael Hardt and Brian Massumi, which has published works by many of the writers referred to here (Negri, Agamben, Virno, Deleuze, Badiou, etc.).

<sup>27</sup> Slavoj Žižek, *The Sublime Object of Ideology* (London and New York: Verso, [1989] 2002), 37.

<sup>28</sup> “Perhaps we need to reinvent the notion of the materialist teleology that Spinoza proclaimed at the dawn of modernity, when he claimed that the prophet produces its own people. Perhaps along with Spinoza we should recognize prophetic desire as irresistible, and all the more powerful the more it becomes identified with the multitude.” Michael Hardt and Antonio Negri, *Empire* (Cambridge, Massachusetts and London, England: Harvard University Press, 2000), 65.

<sup>29</sup> “What do ascetic ideals mean? - With artists, nothing, or too many different things; ... with priests, the actual priestly faith, their best instrument of power and also the ‘ultimate’ sanction of their power; with saints, an excuse to hibernate at last, their *novissima gloriae cupido*, their rest in nothingness (‘God’), their form of madness.” Friedrich Nietzsche, *On the Genealogy of Morality*, trans. by Carol Diethe (Cambridge: Cambridge University Press, 1994), 68. The Latin phrase, according to an endnote in the above edition, means “‘the desire for glory, which is the last thing they will rid themselves of’ (Tacitus, *Historiae* lv.6).”

<sup>30</sup> Here, Chuck more or less paraphrases Pascal’s well-known paradox “Kneel down, move your lips in prayer, and *you will believe*,” which Althusser quotes in his famous essay “Ideology and Ideological State Apparatuses,” in *On the Reproduction of Capitalism*, trans. by G. M. Goshgarian

This plain look is, of course, artfully achieved in order to fool people. In Tatum's view, as in that of Hollywood and/or advertising in general, women are used decoratively in order to sell things.

The market economy is disrupted, however, when a *free gift* is suddenly introduced.

On the seventh day of the rescue attempt, when Leo realizes that there is no longer any hope, he calls over Chuck (whom he naively believes to be absolutely trustworthy - his best friend, in fact, having no suspicion of the game that he has been playing with his life) and asks him a favour: to give Lorraine a fur that he has bought her as a gift for their fifth wedding anniversary.

In a climactic scene, Chuck enters the couple's bedroom (without knocking), where Lorraine is standing in front of the mirror cutting her hair with a pair of scissors. He finds the fur where Leo has told him it will be and gives it to the woman, who, scornful and unmoved, refuses to wear it. Chuck, who is now in a state of crisis with the collapse of his plan, and full of remorse at the fact that he has essentially killed a man, angrily grabs the fur and violently wraps it around the woman's neck (obviously viewing the faithful execution of the dying man's last wish as some kind of atonement, however small). She begins to shout, "Don't, Chuck, don't. I can't breathe" to which he retorts "He can't breathe, either," continuing to strangle her. To escape from his grip, Lorraine then stabs Chuck in the chest with the scissors that she is still holding.



Figure 1. Scene from *Ace in the Hole / The Big Carnival*, dir. by Billy Wilder (Paramount Pictures, 1951). The journalist Chuck Tatum (Kirk Douglas) on the mountain, dictating the Law for his people who are camping at the foothills.

The ruthless reporter will eventually die from this wound. However, he first has time to do two things:

- he is carried to the top of the hill in a hoisting cage - in a scene that resembles an ascension - and announces by microphone to all the people gathered there: "Leo Minosa is dead. He's dead. There's nothing you can do now. There's nothing anybody can do. Go on home - all of you. He's dead."
- He phones the editor of the New York paper to give him - free - "the story behind the story," which nobody knows and of which he was the unwilling protagonist, while deluding himself that he was its director.

*It is precisely at this moment* when he ascends to the top of the hill and reveals the truth and the law to the people gathered in the desert below, that *Tatum is "between two deaths"*: already mortally wounded but not yet dead. Perhaps, however, that which occurs in a literal fashion at the end of the film was actually true all the way through. Tatum was essentially already dead and had not yet realized it.<sup>31</sup> Similarly between two deaths is the other *homo sacer*, Leo

<sup>31</sup> In connection with this point, it would be very useful to read the following witty observations

(London and New York: Verso, 2014), obviously without being aware of it. (A good question would be whether Wilder himself had it in mind.) Lorraine responds to the request with one of the film's great lines: "I don't go to Church. Kneeling bags my nylons."

- who is trapped between the decision of the sovereign that his rescue will last seven days (essentially his sentence), and his biological death.

The announcer of the new law is himself ultimately sacrificed. His death, however, does not prevent the acceptance of the religion that he preaches nor the formation of the state on the basis of the principles that he stands for. On the contrary, they are conditional upon it. This repetition (as farce?) of the story of Moses, has the same end as the real Moses, at least according to Freud's version.<sup>32</sup>

The sacrifice of the innocent but sacrilegious Leo is balanced by the obliteration of the other *homo sacer*, the sovereign but sinning Chuck, who in any event was living dead, a kind of zombie or werewolf. His life is as bare as that of the *homo sacer* who performed the sacrilege - and so is both sacred and can be sacrificed without consequences.<sup>33</sup>

of Slavoj Žižek:

"the place of the Stalinist Communist is exactly between the two deaths. The somewhat poetic definitions of the figure of a Communist that we find in Stalin's work are to be taken literally. When, for example, in his speech at Lenin's funeral, Stalin proclaims, 'We, the Communists, are people of a special mould. We are made of special stuff,' it is quite easy to recognize the Lacanian name for this special stuff: *objet petit a*, the sublime object placed in the interspace between the two deaths. In the Stalinist vision, the Communists are 'men of iron will,' somehow excluded from the everyday cycle of ordinary human passions and weakness. It is as if they are in a way 'the living dead,' still alive but already excluded from the ordinary cycle of natural forces - as if, that is, they possess another body, the sublime body beyond their ordinary physical body. (Is the fact that in Lubitsch's *Ninotchka*, the role of the high Party apparatchik is played by Bela Lugosi, identified with the figure of Dracula, another 'living dead,' expressing a presentiment of the described state of things, or is it just a happy coincidence?) The fantasy which serves as a support for the figure of the Stalinist Communist is therefore exactly the same as the fantasy which is at work in the Tom and Jerry cartoons: behind the figure of the indestructibility and invincibility of the Communist who can endure even the most terrible ordeal and survive it intact, reinforced with new strength, there is the same fantasy-logic as that of a cat whose head is blown up by dynamite and who, in the next scene, proceeds intact his pursuit of his class enemy, the mouse." Žižek, *The Sublime*, 162-63.

Another "coincidence" is of course that Ernst Lubitsch's *Ninotchka* was written by one Billy Wilder.

<sup>32</sup> According to which the Jews killed Moses because they were not mature enough to accept his teachings and were displeased, and only much later embraced monotheism, which gradually returned as the repressed after a latency period, undermined the religion of Yahweh and ultimately merged with it and prevailed over it. See in more detail Sigmund Freud, *Moses and Monotheism*, trans. by Katherine Jones (London: The Hogarth Press and The Institute of Psychoanalysis, 1939), esp. 89sqq.

<sup>33</sup> "We have seen that the state of nature is not a real epoch chronologically prior to the foundation of the City but a principle internal to the City, which appears at the moment the City is considered *tanquam dissoluta*, 'as if it were dissolved' (in this sense, therefore, the state of nature is something like a state of exception). Accordingly, when Hobbes founds sovereignty by means of a reference to the state in which 'man is a wolf to men,' *homo hominis lupus*, in the word 'wolf' (*lupus*) we ought to hear an echo of the *wargus* and the *caput lupinem* of the laws of Edward the Confessor: at issue is not simply *fera bestia* and natural life but rather a zone of

What is significant is that this symmetrical sacrifice consolidates even more the principles of *faith* (credo) in the image and in money. The people's seven-day stay under canvas ends not in any kind of creation but in the failure of the humanitarian operation. However, the disappointment of the gathered multitude's expectations and the disillusionment with which it hurriedly leaves the scene of the action reinforces the charge made against it by the dominant ideology: Wilder thus shows the viewer even more clearly - the viewer who wishes to see, of course - that what binds this community together is faith in the fidelity of the image and of its transmission; acceptance of the truth of the spectacle on the one hand, and financial faith, or credit, on the other.

As was noted at the beginning, after the commercial failure of *The Big Carnival*, Wilder never made another drama. His criticism of American society continued, however, focussing more on the micro rather than the macro level. In a series of films which we could generally classify as satires, the Austrian director attempted to highlight various aspects of the binary pairs trust/deception and authenticity/pretence, and their effect on personal (and especially sexual) relationships.

Nonetheless, through this apparently innocuous genre he continues to analyse the role played by spectacle in forming American society, and its organization/commodification. The analysis simply becomes more particularized and he attempts to develop the same basic idea, showing the effects of the process on the life and the daily existence of specific individuals. From one point of view, this makes his films even more interesting.

*Translated from the Greek by Paul Edwards*

indistinction between the human and the animal, a werewolf, a man who is transformed into a wolf and a wolf who is transformed into a man - in other words, a bandit, a *homo sacer*. Far from being a prejudicial condition that is indifferent to the law of the city, the Hobbesian state of nature is the exception and the threshold that constitutes and dwells within it. It is not so much a war of all against all as, more precisely, a condition in which everyone is bare life and a *homo sacer* for everyone else, and in which everyone is thus *wargus, gerit caput lupinum*. And this lupinization of man and humanization of the wolf is at every moment possible in the *dissolutio civitatis* inaugurated by the state of exception. This threshold alone, which is neither simple natural life nor social life but rather bare life or sacred life, is the always present and always operative presupposition of sovereignty." Agamben, *Homo Sacer*, 63-64.