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Title: Arguments for Exception in US Security Discourse

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Abstract

In his influential (2005) State of Exception, Giorgio Agamben proposes that, even in apparently liberal western democracies, the state will routinely use the contingency of national emergency to suspend civil liberties and justify expansion of military and police powers. We investigated rhetorical strategies deployed in the web-pages of U.S. security agencies, created or reformed in the aftermath of the 9/11 events, to determine whether they present argumentation conforming to Agamben's model. To expose rhetorical content, we examined strategies operating at two levels within our corpus. Argument schemes and underlying warrants were identified through close examination of systematically selected core documents. Semantic fields establishing themes of threat and danger were also explored, using automatic corpus tools to expose patterns of lexical selection established across the whole corpus.   The study recovered evidence of rhetoric broadly consistent with the logic predicted by State of Exception theory, but also presented nuanced findings whose interpretation required careful re-appraisal of core ideas within Agamben's work.

Keywords

Author bionotes

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Introduction

For many observers, including commentators in the Anglo-American media (e.g. Mailer, 2003; Wolf, 2010), the rapid expansion of state defence and surveillance powers in the period after the 2001 World Trade Centre attacks presents a cause for considerable alarm. Resonating powerfully with this anxiety, Giorgio Agamben's (1998, 2005) highly theorised academic model of the history of western governments offers an explanation for their recent apparent favouring of draconian security policy. The central thesis of his (2005) *State of Exception* is that, even in supposedly liberal democracies, governments will use the contingency of national emergency to justify the suspension of civil liberties and expansion of military and police powers. In the present period, he explains, the declaration of such a state of exception has become increasingly normalised and permanent.

This study extends our previous analyses of UK security discourse, which latterly we explored through the Foucaultian lens of 'governmentality' (MacDonald and Hunter, 2013). Here we examine the discourse of official documents, generated by contemporary US security agencies and purposed towards advocating current security policy, in order to determine whether it provides evidence of rhetoric conforming to Agamben's particular perspective. As sites to observe such argumentation, we assembled a corpus of web-pages created by U.S. security agencies to explain their contemporary, post-9/11 functions. 175 pages were gathered both from existing organisations (e.g. the Federal Bureau of Investigation) reformed in the aftermath of 9-11, and from wholly new agencies (e.g. the Department of Homeland Security) established during the same period. The corpus was compiled applying a principled assembly 'policy' so as to ensure that texts were collected

prior to, and independently from, procedures for their investigation. By designing a policy that uniformly specified how texts should be collected, it was possible to generate a study corpus which, while usefully exemplifying a target discourse , was not selected so to support *a priori* conclusions concerning its language. Our research explored rhetorical strategies in these documents to determine the extent to which they apply the logic predicted by Agamben's thesis: that the terrorist threat present since 9/11   justifies the imposition of new "juridical" (legal, police and military) powers and the curtailing of civil liberties.

To conduct this analysis we sought to expose tactics which, while operating at two distinct levels of discourse, combine to contribute to a co-ordinated rhetorical effect. The first of our two investigative strands applies the technique of labelling and analysing instances of argument schemes and their background warrants (or *topoi*, after Wodak 2001; Kienpointner 1992) operating visibly at the level of statements in the texts. Our second line of enquiry seeks to reveal patterns of lexical selection that have constructed *semantic fields* within the corpus. We look in particular for evidence of fields relating to 'emergency' or 'special threat', which would support a state of exception argument. To achieve this we apply corpus tools capable of uncovering patterns of lexical recurrence (Hunston 2002: 109). This synthesis, applying tools from different traditions to expose tactics operating at separate levels of discourse, make it possible to investigate: firstly, how strategies operating at the two levels combine to contribute to an overall argumentative effect; secondly and as a result of the argumentation revealed, the extent to which our data provides empirical evidence for the "exceptionalist" tactic contained in Agamben's theory.

Literature review

Within academic discourse, the root and branch re-organisation of the US security services recommended in the wake of the WTC attacks by the 9/11 Commission Report has mostly been reviewed from the perspective of political science and international relations. A core recommendation from all parties was for the increased use and diffusion of intelligence. This included the sharing of intelligence both inside and outside territorial borders: across agencies within the USA, including the creation of the Department for Homeland Security (DHS) in 2002 and the instigation of specialist centres for the sharing of intelligence (Brattberg, 2012; Rovner & Long 2004); and bilaterally between the USA and its allies - be they 'new', 'traditional' or 'non-traditional' (Reveron, 2006). This extra-territorial intelligence sharing, for Svendsen (2008), contributed towards the 'globalization' and 'homogenisation' of intelligence through a process of 'international standardisation'. However, Rovner and Long point out that the Report ignored the possibility of contradictions arising between the centralisation and co-ordination of intelligence and the need for greater imaginative engagement on the part of individual agents (2004: 617-619). Shortcomings in organisational cultures have also been noted with regard not only to the need for the FBI to be more proactive and pre-emptive in its investigative strategies (Svendsen, 2012), but also for the highly dispersed DHS to generate a stronger sense of cohesive identity (Brattberg, 2012: 87).

A discourse approach to engaging with the performative aspects of the documents, exercises and topographies which ensued in the wake of the 9/11 Commision Report specifically has been taken by two papers from the field of geography. Against the wider historical background of strategic studies discourse since the Cold War, Morrissey (2011)

engages with one particular institutional site, the Center for Strategic and Budgetary Assessments, as the unifying element in his exploration of the 'discursive tactics' used in calling for a long-term commitment of US forces to oversee American political and economic interests in the Middle East (442). For Morrissey, the reductive "imaginative geographies" of the military-strategic complex 'not only support the operations of the US geopolitical and geoeconomic calculation in the Middle East; they also contribute to a pervasive and predominant cultural discourse on the region that has all the hallmarks of Orientalism' (2011: 449). Martin and Simon (2008) also analyse five strategy documents produced by the Department of Homeland Security (DHS). Taking a theoretical perspective closer to our own, they draw on post-Foucaultian discourse theory to argue that the DHS maintains a 'state of exception' through the discursive construction and maintenance of continuous threat. This is realised virtually in time and space through the discursive articulation of 'vulnerability' and 'preparedness'. In other words, within the DHS strategy documents 'future disasters are treated as real, despite the fact that their actual appearance in the world has not occurred' (286). The temporal and topographical dimensions of the critique articulated by Martin and Simon chime with Pauline Dunmire's more specifically discourse analytic studies, which trace the legitimation of the doctrine of pre-emptive action through the realization of the future 'threat' in US National Security Strategy documents and Presidential speeches issued in the wake of 9/11 (2011). Most recently, she has also argued how, spatially, US security discourse 'provides the rationale for an expansionist security strategy that focuses on shaping global society in ways that accord with US values and interests' (2015, p. 298).

Theoretical framework

State of exception

Giorgio Agamben's theory of the state of exception has been widely acknowledged (e.g. Colatrella, 2011; Humphreys, 2006) as providing a plausible framework to critique contemporary security events and place them within the context of a broader history. Agamben's (2005) *State of Exception* argues that citizens' rights have been suspended continuously and repeatedly in modern western history during times of national emergency; the phenomenon of police and military expansion that has been widely observed in the post-9/11 landscape is therefore nothing new. The evidence of historical precedent is offered to reveal our recent securitisation as continuous with longstanding national tendencies. France, Britain and the United States share histories in which a condition of martial law - the "state of exception" of Agamben's title - is declared and utilised routinely to suspend rights when authorities see fit. Agamben cites Abraham Lincoln's suspension of *habeas corpus* during the US Civil War as an early example of American conformity to this pattern. In his earlier (1995) *Homo Sacer*, Agamben had laid the groundwork for these ideas by highlighting the ability of western states to remove the rights of excluded elements in society - Roma, or immigrants, for example - as evidence that the sovereign state may carry out degradations of any of its citizens' freedoms whenever it deems such measures useful. The capacity of the state to strip the inmates of Guantanamo Bay of POW or even criminal status, reducing them to the status of "bare life" without any rights whatsoever, represents a more recent exercising of the same arbitrary power.

Apart from its acknowledged theoretical consistency and rootedness in historical research, a further reason to explore Agamben's particular vision of the post-9/11 landscape is the extent of its influence in a range of contemporary discourses. Numerous instances of journalistic and political discourse in the UK and US draw strongly from his insights. Looking at one obvious example, the first and last of the ten steps described in Naomi Wolf's (2010) *Guardian* article 'Fascist America, in 10 Easy Steps' are as follows: firstly, 'invoke a terrifying internal and external enemy'; and finally , 'suspend the rule of law'. In 2014 a spokesperson of a UK Parliamentary committee rehearsed similar language when explaining that the UK state may be using the War against Terror as a pretext for its expansion:

> [S]ince 9/11, the government has continuously justified many of its counter terrorism measures on the basis that there is a public emergency threatening the life of the nation [...] we are concerned that the government's approach means, that in effect, there is a permanent state of emergency and that this inevitably has a deleterious effect on the public debate about the justification for counter terrorism' (in Alibhai-Brown, 2014).

The Academy, too, appears to have embraced Agamben's ideas and regarded them as timely evaluations of our condition. Colatrella (2011) explains that conferences dedicated to his themes are routinely held, and literature generated to describe 'new acts of aggrandizement by state powers [...] ' (98).

Agamben's ideas have not, however, been spared criticism. A common complaint, reiterated in Colatrella's (2011) critique of his work, is that his analysis cleaves too closely to the pessimistic, statist perspective (espoused famously by Schmitt, 1985) that it seeks to expose. Agamben's theory is also criticised as monolithic and excessively deterministic. As a further observation, significant in terms of our final discussion, Genel (2006) judges that Agamben's appropriation of the notion of pervasive biopower (after Foucault, 1979) – the process whereby modern governments seek to regulate 'the biological processes affecting populations' (Genel, 2006: 45) - repurposes Foucault's open-ended 'hypothesis' towards his own 'thesis' (46), in which biopower remains firmly in the possession of the state.

Argument schemes and warrants as rhetorical strategies

For the purposes of this analysis, the phenomena of 'warrant' (or *topos*) and 'argument scheme' represent powerful tools. Wodak (2001) cites Kienpointner's (1992:194) definition of the warrant as a 'conclusion rule' connecting and justifying the transition of an argument to its conclusion. An example from Wodak's (2001: 75) study into Austrians' attitudes regarding immigration is:

argument: 'guest workers' in Austria are so-called because they are not accorded the status of permanent residents

conclusion: as guests, they do not enjoy full citizen status and should not remain permanently

warrant: the warrant of 'Definition' (Wodak, 2001: 74): 'if an action, a thing, or a person (group of persons) is named/ designated (as) X, the action , a thing, or a person (group of persons) should carry the qualities/ traits/ attributes contained in the (literal) meaning of X' (ibid: 75).

Wodak follows Kienpointner (1992) in observing a limited list of (fifteen) "known" warrants. Each is labelled by a term (e.g. Definition, Danger and Threat, History) encapsulating a "common sense" rule that links an argument to a conclusion.

The ability to expose argument schemes of this nature is valuable for the purposes of our investigation since the tactic of declaring a state of exception, as it described by Agamben, can be understood within the terms of just such a scheme. If reproduced within discourse, its traces should be identifiable through the following moves:

*argument***:** the 9/11 and follow-up attacks place the safety and security of the country in special peril

*conclusion***:** exceptional new measures (of state expansion or the suspension of ordinary liberties according to Agamben's thesis) must be introduced to deal with the special threat.

warrant: the conclusion rule operating here can be classified as belonging to Kienpointer's category of 'Danger and Threat' (Wodak, 2001: 74): 'if there are specific dangers and threats, one should do something against them' (ibid: 75). More precisely, it can be described as a 'subtype' (ibid) or at least an intensification of this rule which we will label "Exceptional Threat and Danger", rehearsable as follows: "circumstances of extraordinary danger justify unusual measures (even those inconsistent with established traditions and laws)".

Žagar (2010) raises several qualms concerning the use of the term *topos* by critical discourse analysts such as Wodak (2009) and Krzyzanowski (2009), perhaps the most serious of which is that a *topos,* in its proper sense, should be a visible element within an argument scheme which explicitly rehearses the logic binding an argument to its conclusion. While acknowledging this concern, we will adhere to those writers' position that a warrant does not need to be explicitly rehearsed in order to be 'inferable' (Wodak, 2009: p.74) by the reader. We also accept the premise that arguments can be invoked, or implied via use of quite minimal instances of language including lexical phrases. In the guest worker example given above, for instance, speakers' deployment of euphemistic terms like 'guest worker' (*Gastarbeiter*) is sufficient to infer the warrant of Definition.

Lexical selection to establish topical semantic fields

While argument scheme analysis examines rhetorical strategies deployed visibly at the level of statements within our texts, a different approach is required to identify lexical fields established by patterns of recurrence extending across the whole corpus. The notion of the semantic field as it was coined by Lyons (1977) includes the sense of a set of words belonging to the same conceptual area. We consider that topical semantic fields established in our texts through authors' lexical selections might also contribute to their rhetorical effect in establishing an exceptionalist argument. By constructing a pervasive theme of emergency and threat, part of the groundwork of justifying radical security measures can be achieved implicitly. Revealing lexical regularities consistent with this tactic requires the exposure of patterns of word frequency across the whole corpus. As Hunston (2002: 109) explains, such patterns of co-occurrence 'are built up over large amounts of text and are

often unavailable to intuition or conscious awareness'. The extraction of *Keywords*, often

the starting point of corpus-led investigations (Scott and Tribble , 2006) is a useful means of

exposing words that contribute to topical semantic fields. Our study uses key-keyword (see

below) analysis as a useful variation of this procedure.

Methodology

Our study assesses the descriptive potential of Agamben's model of the exceptional state by

examining traces of the logic of exceptionalism in the discourse of agencies charged with its

public presentation. To investigate discourse that might plausibly deploy such argumentation,

we selected web-pages produced by agencies most affected by security reforms, looking in

particular at i) new agencies, such as the Department of Homeland Security, recently formed

to deal with the special new threat, and ii) existing agencies such as the FBI, reformed as a

result of extensive post-9/11 recommendations to meet the changed threat. Our purpose was

therefore to identify texts generated by the new and reformed agencies for the purpose of

publicly explaining their security functions.

An important step in the design of the research was to plan a study corpus which would serve

as the foundation for the principled analysis, using manual and automatic corpus procedures,

of a well-targeted discourse. To this end a *compilation policy document* was developed prior to

the corpus's assembly, which stipulated the origin and nature of texts to be included by its

compilers. This document, included with the corpus as a form of 'specification' of its content,

was shared between compilers so to impose uniform practices for text selection. To begin with,

to mitigate researcher bias in terms of the location from which texts were harvested, the

policy specified pages created by agencies listed by the U.S. National Archive as having a

Counter-Terrorism role. Our rationale here was to refer to the National Archive as an

institution within US bureaucracy to obtain an "emic" perspective concerning which

institutions are key to the US government security enterprise. To ensure, secondly, that the

corpus content was targeted towards our research aims, but not selected to exhibit features

supporting any *a priori* interpretation, the policy broadly specified the functions of the texts

that should be included. Web-pages were therefore gathered which explained the aims and

role of the organization, including descriptions of organizational history and the nature of

recent reforms. While web-pages were harvested in their entirety wherever possible, panes

and sidebars were excluded (most prominently newsflash items) where these clearly carried a

different function. Text was therefore selected manually according to its function, but not so as

to support selective attention to particular features of its constituent language. In the end 175

mostly short texts (see Table 1) were extracted:

Agency	Texts
BCT State	6
Department of Homeland Security	62
Federal Bureau of Investigation	82
Federation of American Scientists	2
National Counter-terrorism Centre	8
Office of Director of National Intelligence	6
FEMA	7
US Treasury	2
Total number of texts	**175**
Average text length	**1496.83 words**
Median text length	**386.5 words**
Running words (interquartile range) 1	**193 words**

Table 1: US security agency webpage corpus by agency

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[1] An interquartile range calculation is used (instead of standard deviation) due to the effect of a single large
text outlier

Having established a corpus purposed towards the functions of our research, we next carried out a preliminary analysis to enumerate the strategies by which the rhetoric of exceptionalism appeared to be discursively constituted across its texts. This work revealed the need to develop a triangulated discourse analytical approach that exposed rhetorical tactics operating at two distinct levels. To investigate the first strategy we identified individual instances of argument schemes linked by *topoi* (Wodak, 2001; Baker et al, 2013) in a set of selected core documents. To ensure appropriate intensity of manual analysis, seven 'core texts' were identified using an automated Key Keywords (KKWs) procedure (Scott 2006) which isolated documents in which key themes were most densely concentrated. Where phenomena were observed with sufficient regularity in these core texts we expanded the search for the use of similar strategies across the rest of the corpus, using a concordance to locate similar devices. To expose the second tactic of establishing domains of meaning constructed through regularities in lexical choice, we used corpus tools to reveal keywords in the documents. Given the small size of many of the texts in our corpus we paid special attention to 'Key Keywords' (KKWs), which are those words found to be key in the largest number of texts in the corpus. The KKW procedure used in each case was especially suitable given the small size, and wide range of sizes, of many texts in the collection. The KKW database generated by using Wordsmith Tools takes into account all 175 texts, and the keywords listings for each, presenting KKWs in order of the number of texts in which they are individually 'key'. KKW data thus offered insights concerning which terms are distributed most unusually frequently across the largest corpus range. This combination of close reading with machine techniques was directed at maximising insights from triangulation of human and automatic procedures. It enabled us to combine the close

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quantitative reading of texts characteristic of critical discourse study with quantitative

analysis to enable the generalisation of our findings (after Stubbs, 1996).

Results

In what follows, we will draw on evidence from our corpus of texts to, first, set out the

schemes that are linked by warrants related to the argument of exceptionalism; and

secondly, to investigate the selection of lexis which establishes fields supporting the same

argument.

Investigation of argument schemes linked by warrants ('topoi')

Three different types of relevant argument scheme emerged from our data: two types

which are variations ("Exceptional Threat and Danger", "New Rules Hold") on the warrant of

Danger; and in contrast, a contrarian variation ("Business as Usual") on the warrant of

History.

Argument schemes linked by a warrant of "Exceptional Threat and Danger". Argument

schemes were observable in the core documents within which complete, easily identifiable

argument and conclusion elements were visible. In the following instances linking words

clearly delineate argument statements and connect them to their associated conclusions:

> [argument] Because of the tragedy of September 11, [conclusion] it is more important than ever that state
>
> and local governments communicate with law enforcement and first responders quickly #BoJ ~TRAINING

[argument] Protecting the country from ever-evolving, transnational threats [conclusion] requires a strengthened homeland security enterprise that shares information across traditional organizational boundaries. #DHS~HOMELAND3

Perhaps the most detailed scheme, and one which comes closest to explicitly rehearsing its underpinning warrant, is the following:

The Challenge

[argument] The United States faces a continuing terrorist threat from al-Qaida and other groups and individuals who subscribe to violent extremism […]. [conclusion] To secure our future, we must continue to strengthen our international coalition against terrorism, build foreign partner capacity to mitigate terrorist threats, reinforce resilience against attacks, and counter the ideologies and ideas that fuel violent extremism around the world. #BCT~BUREAU

These argument schemes deploy rhetoric that is consistent with the exceptionalist purpose. An argument is present in each case that highlights the changed circumstances of the 9/11 aftermath, and links to a conclusion describing a necessary response to the argued threat. The background warrant we can infer from the schemes is also as predicted; conditions of extraordinary danger require a response that is commensurable to the threat presented. Less consistent, however, is the content of the conclusions rehearsed in these schemes. They do not generally reference the juridical measures, either the expansion of police and military powers, or the imposition of restrictive laws, that are obviously predicted by Agamben's characterisation of the exceptionalist state. Rather, they tend to depict what appear to be largely bureaucratic, organisational responses aimed at promoting processes of cooperation, and dissolving institutional boundaries that prevent information sharing. This difference will be observed in much of the argumentation analysed in our investigation.

While complete statements are sometimes visible in our texts, arguments are often presented (as in Wodak's (2001) study) using the device of a particular word or phrase. The frequent deployment of 'new' in the core texts represents a subtle example of such a tactic:

> **New** terrorist threats will require innovative strategies, creative diplomacy, and stronger partnerships. #BCT~BUREAU

> Like America's citizens, our nation's law enforcement officers face **new** challenges to responding effectively to terrorism **#BoJ ~TRAINING**

'New' (171 instances in 75 texts) here packages assumptions, likely internalised by the reader, that the dangers presented by contemporary terrorism are unpredictable and therefore of unusual concern. Its selection contributes to an atmosphere of uncertainty and special unease , preparing the rhetorical ground for the presentation of an extensive, wide-ranging response. Looking beyond the core texts, 'new' is deployed in precisely this way in numerous instances, e.g.:

> **New** terrorist threats will require innovative strategies, creative diplomacy, […] #BoJ ~TRAINING

> […] we are uniquely positioned to respond to the changing world with its **new** adversaries and threats. #FBI~NATIONAL6

In the following passage an instance of parallelism can be observed in which 'new' is repeated in both argument (once) and conclusion (twice), reinforcing the connection between the two elements as well as their shared background warrant:

[argument] Like America's citizens, our nation's law enforcement officers face **new** challenges to responding effectively to terrorism. [conclusion] To meet these challenges, law enforcement officers must have the training and resources they need to prevent future tragedies. Local and state governments must find **new** ways to quickly disseminate threat information and rally first responders in the event of an attack. They must also learn **new** ways to work with the community […]#BoJ ~TRAINING

A similar rhetorical purpose is achieved by the use of 'today' (50 instances in 30 texts):

According to program director Daniel DeSimone, "DSAC bridges the information-sharing divide between the public and private sector" on the many security threats facing **today**'s businesses. #FBI ~NATIONAL

An interesting mirror image of this tactic is the use of 'traditional' to construct previous security responses as outdated, requiring extensive reform. In the following, the semantic prosody of 'traditional' is negative, supporting a sense of obsolescence requiring radical innovation:

Protecting the country from ever-evolving, transnational threats requires a strengthened homeland security enterprise that shares information across **traditional** organizational boundaries. #DHS ~HOMELAND3

The **traditional** distinction between national security and criminal matters is increasingly blurred as terrorists commit crimes to finance their activities and computer hackers create vulnerabilities foreign spies can exploit.   #FBI ~NATIONAL6

Across the whole corpus this use of 'traditional' is replicated quite extensively (seven times in six texts). In the following excerpt 'nontraditional' threats are distinguished from 'traditional' threats so as to heighten the sense that a new class of unpredictable dangers has appeared:

The Counterintelligence Division targets both **traditional** and emerging **nontraditional** threats and investigates espionage activities using both intelligence and law enforcement techniques. #FBI ~NATIONAL6

While the Counterintelligence Division responses described here again conform broadly to the pattern of state expansion predicted by the exceptionalist thesis, it is also again noticeable that the measures justified relate to sharing and dissolving institutional distinctions, rather than the (theorised) expansion of obviously juridical powers.

Argument schemes based on a warrant of "New Rules Hold". A second variation on the Warrant of Danger and Threat can be observed in argument schemes where the September 11th date invokes the Trade Center attack as a historic, game-changing event. Evidence that they are referenced to establish a sense of pivotal shift is present in the following example, where the warrant is exposed by language that makes the connecting logic explicit:

[argument] The events of September 11, 2001 changed our nation. [conclusion] On that day, fighting terrorism became the responsibility of every American. #BoJ ~TRAINING

The same argumentation can be observed elsewhere in the corpus:

It was the attacks of September 11, however, that finally moved forward the longstanding call for major intelligence reform and the creation of a Director of National Intelligence. #DNI ~ABOUT

The Department of Homeland Security was formed in the wake of the terrorist attacks of September 11, 2001, as part of a determined national effort to safeguard the United States against terrorism. #DHS ~HOMELAND4

The warrant operating here is that, because times have changed, new rules hold. Security

practices developed to deal with conventional threats are rendered inadequate by the game-

changing character of the 9/11 events. This "new rules hold" warrant is sufficiently (though

subtly) distinctive from the variant observed in the previous section as to be considered a

further 'subtype' (Wodak, 2011: 75), of the category of Threat and Danger.

Most commonly, short phrases containing '9/11' are deployed in isolation as a compression,

or phraseological shorthand, for this scheme's argument. The iconic date embedded within

the expression is sufficient to activate associations of collective trauma and grievance that

inhere to the attacks. The following example demonstrates the sheer economy with which

the 'since 9/11' (19 times in 18 texts) phrase operates, invoking a warrant that justifies a

conclusion in the same sentence:

> **In the ten years since 9/11**, the federal government has strengthened the connection between
>
> collection and analysis on transnational organizations and threats. #DHS~ECONOMIC5

Elsewhere in the corpus we observe:

> **Since 9/11**, the FBI has worked hard to establish career paths for intelligence analysts and senior
>
> positions they can aspire to. #FBI~INTELANALYSTS

'After 9/11' (five instances in five texts) is deployed in a similar way:

> **After 9/11**, it became clear that a similar initiative was needed to encourage the exchange of
>
> information on domestic security issues. #FBI~DOMESTIC

Even stronger evidence for the justifying efficacy of language referencing the iconic date can

be observed in its adjectival use:

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The intelligence briefer position resulted in part from **post-9/11** reforms that called for better communications among intelligence agencies. #FBI~INTEL3

Here the 'post 9-11' adjective has a "closer" effect, validating measures (here, 'reforms') packaged within the same noun phrase . Concordancing shows that this adjectival 'post-9/11' phrase (14 times in 10 texts) tends to perform a similar role throughout the corpus. In the following instance, both 'new' and 'post 9/11' are deployed in combination:

With our **new post-9/11** intelligence-driven mindset, the last thing we wanted to do at that point was to rush in and make arrests. . #FBI~INTEL2

The example is interesting from the perspective of *topos* theory; each term invokes its own slightly different but compatible warrant; "exceptional threat and danger" (through 'new', as demonstrated in the section above) and "new rules hold" (through 'post 9-11').

Argumentation other than for a state of exception. Evidence for the deployment of argumentation quite at odds with exceptionalist rhetoric is also observable in our corpus. This rare but telling variation is identifiable in the following, FBI text:

The FBI has always used intelligence to solve complex cases and dismantle criminal organizations. Today, intelligence helps us understand threats to the United States, whether they are from **gangs, spies, organized crime, hackers, or terrorists**, so that we can protect our communities and our national security. #FBI~INTEL4

In this passage, intelligence use against terrorists is constituted as necessary, not because the threat is special, but rather because it remains justified as for earlier, historical enemies of the state. This "business as usual" warrant, which can be categorised as belonging to the *historia magistra vitae* ('history teaching lessons' (Wodak, 2011: 76)) sub-type of the topos

of History, is consistent with the logic present in the FBI's (FBI, n.d.b) own brief

organisational history. This chronology constructs the FBI's history as an evolving contest

against an increasingly varied array of internal and external state enemies. It encompasses

prohibition-era gangsters, 'anarchist violence'; WWII and Cold War enemies as well as more

recent terrorism. This approach arguably represents a tactic by the FBI, a longstanding

organisation compared to many of its newly-established peers, to retain something of its

historic identity and senior standing. Considered in this way, the passage can be viewed as a

site of resistance to the ethos of combination and dissolution of institutional identity that

pervades elsewhere in the corpus.

Semantic fields supporting the argument of exceptionalism

A number of lexical items were identified as key across a substantial number at least 20%) of

texts which could be seen to contribute to a semantic field of 'threat and danger'.

Concordancing of the items shown in Table 2 to examine their typical senses and

collocations confirm their usual conformity to this theme. This pattern of selection, hidden

from readers' awareness because of its dispersion across texts, nevertheless contributes to

a discursive atmosphere of pervasive danger.

N	Key Keyword	No. of Texts where key	% of texts in corpus in	Example concordance instance (most common lexical, non-title collocation *italicised*)

			which key	
6	THREATS	85	48	Protecting the American people from *terrorist* **threats** is the reason the Department of Homeland Security was created, and remains our highest priority. #DHS~PREVENTING11
10	TERRORISM	75	42	While much of the media attention is focused on international terrorism, the FBI continues to maintain a robust effort against *domestic* terrorism. #FBI~THREATS3
14	TERRORIST	72	41	We are aware that major crimes and **terrorist** *attacks* can quickly become national emergencies involving dozens of agencies in different #FBI~STRATEGIC2
18	THREAT	64	36	In this **threat** environment, having the right *information* at the right time is essential to protecting national security. #FBI~INTELLIGENCE3
27	ATTACKS	49	28	NCTC also leads Interagency Task Forces designed to analyze, monitor, and disrupt potential *terrorist* **attacks**. #CC~OVERVIEW
30	CRIMINAL	48	27	Since 9/11, we have greatly strengthened our ability to identify, collect, analyze, and share intelligence across all of our *national* security and **criminal** priorities. #FBI~PUTTING

Table 2: Lexis revealed by concordancing to establish a field of *threat and danger*

However, more salient given that its observation is less easily predicted by the theme of the corpus, was a second, prominent group of terms contributing to a lexical field of *sharing* and *collaboration* (see Table 3). This theme had been noted during earlier argument scheme

analysis as common in many conclusions. Instead of describing expansion of state power, we had observed, many outlined efforts to improve collaboration and remove institutional boundaries between security organisations.

N	Key Keyword	No. of Texts where key	% of texts in corpus in which key	Example concordance instance (most common lexical, non-title collocation *italicised*)
5	AND	90	51	The FBI's special agents, surveillance specialists, language specialists, **and *intelligence* and** financial analysts are all *intelligence* collectors. #FBI~INTEL
13	PARTNERS	73	41	Ensure *our* domestic and foreign **partners** have access to terrorism information and analysis when they need it. #CC#STRATEGIC
34	SHARING	48	27	In addition, DHS continues to improve and expand the ***information*-sharing** mechanisms by which officers are made aware of the threat picture, vulnerabilities, and what it means for their local communities. #DHS~HOMELAND3
45	SUPPORT	42	24	In those instances, we **support *our*** partners any way we can—sharing intelligence, offering forensic assistance, conducting behavioral analysis, etc. #FBI~THREATS2
50	WORKING	41	23	**Working *with*** undercover operatives, sources, and Mexican law enforcement, the team uses an intelligence-driven approach in its investigations. #FBI~HOWWEPROTECT

Table 3: Lexis revealed by concordancing to establish a field of *sharing* and *collaboration*

As Table 3 also shows, the principle of 'sharing' is realised by the use of one prominent syntactic feature throughout the corpus in particular, the KKW AND. An extract from *Training Links For Law Enforcement* (#BoJ~TRAINING) drawn up by the Office of Justice Programs (see Figure 1) illustrates some of the range and complexity of the co-ordinating clauses and phrases in which it is used. Its most consistent function is to link lists of agents and institutions so as to establish chains of participants collaborating towards common processes. Through such linking of diverse security actors, the ethos of extensive collaboration is established across the corpus.

Evaluation Information and Tools

BJA's Center for Program Evaluation and Performance Management maintains a user-friendly online evaluation and performance measurement tool designed to assist state and local criminal justice planners, practitioners, State Administrative Agencies, researchers, **and** evaluators in: 1) conducting evaluations **and** performance measurement that will address the effectiveness **and** efficiency of their projects **and** 2) using evaluation information to improve program planning **and** implementation. Visit the Center for Program Evaluation and Performance Management site to learn more.

Research

The National Institute of Justice (NIJ) — the research, development and evaluation agency of the U.S. Department of Justice — is dedicated to improving knowledge **and** underst**and**ing of crime **and** justice issues through science. NIJ provides objective **and** independent knowledge **and** tools to reduce crime **and** promote justice, particularly at the state **and** local levels. Access the NIJ site for further information **and** access to research materials.

Linkage of agents to shared processes, often constructing collaboration

Linkage of processes, often projecting an ethos of comprehensive achievement or activity

pairing of nominal forms

Figure 1: Use of AND (Extract from #BoJ~TRAINING)

Returning recursively to the core documents to manually identify further evidence for this discursive preoccupation, two additional language features were observed.   The first is the use of the metaphor of 'architecture' (seven instances, though key in only one text). One of its occurrences is as follows:

> […] DHS continues to work with our homeland security partners to build our **architecture** for information sharing. #DHS~HOMELAND3

The metaphor conveys a sense of purposeful re-organisation, assembling a new unified intelligence sharing structure re-using the components of the old, fragmented intelligence framework.

Also contributing to the theme of sharing in the core texts is the discussion surrounding 'Fusion Centers'; new offices established as meeting places between agencies:

> **Fusion centers** serve as focal points within the state and local environment for the receipt, analysis, gathering, and sharing of threat-related information between the federal government and state, local, tribal, territorial (SLTT) and private sector partners. #DHS~HOMELAND3

The 'fusion center' appears to represent an idealised disciplinary space dedicated to unified intelligence work. It is the paradigmatic realisation of the discursive drive to remove the institutional boundaries that characterised the pre-9/11 security landscape, much criticised by the 9/11 Commission report.

Discussion

In the paper we have investigated the ways in which, and the extent to which, a 'state of exception' (after Agamben, 1998, 2005) has been constituted in the discourse of the US security agencies fifteen years after the 9/11 attacks upon the US World Trade Centre. By observing the rhetorical strategies exhibited in a substantial corpus of public-facing web pages harvested from the sites of the US security agencies, we have investigated how

argumentation operates at the level of statements in the texts and also how patterns of lexical selection have constructed semantic fields within the corpus.

An initial conclusion based on wide trends in the observed data is that rhetoric conforming to the logic of a state of exception argument *can* be broadly observed. First, argument schemes were isolated that rehearse the logic of exceptionalism and conform to its predicted moves. Schemes included argument statements constructing a condition of special threat, and linked conclusions describing measures justified by the exceptional nature of the present emergency. Supporting the impact of this rhetoric, a topical semantic field of threat and danger was also detected that establishes a theme of pervasive threat. Tactics at both levels combine to produce a co-ordinated argumentative effect; background tendencies in lexical selection contribute to the force of the rhetoric conveyed through argument schemes. This conclusion that the discourse rhetoric is purposed towards constructing a landscape of fearful uncertainty is also broadly coterminous with Martin and Simon's (2008: 286) suggestion that the 'new geographies of security' constituted by the topological discourses of the DHS maintain a 'virtual ontology of imminent threat' within the US state.

A more fully realised conclusion, however, must take into account the finding that the rhetoric observed appears to frequently deviate from the pattern of exceptionalism in one important respect. As we have seen, in many of the analysed argument schemes, the measures justified on the basis of danger do not obviously contribute to the theorised exceptionalist purpose of instituting partial or whole martial law. Rather than increased policing powers, or the suspension of civil liberties, they relate almost exclusively to

bureaucratic procedures promoting sharing between agencies and the dissolution of institutional boundaries. The significance of this divergent theme is also supported by our corpus examination of key-keywords, which reveals lexical selections constructing a field not only of threat, but (just as pervasively) of the necessity of collaboration and sharing. The nuance is consistent, too, with observations in existing literature. Brattberg (2012) and Rovner and Long (2004) notice an intensification of intelligence sharing across agencies, while Svendsen (2008) - rather less directly - suggests there is a tendency towards the homogenisation of security information within the context of international co-operation.

One means of re-aligning these apparently divergent findings to Agamben's vision is to re-appraise the bureaucratic measures improving intelligence-sharing as reforms designed to strengthen sovereign power. By recognising them as efforts to improve mechanisms of state surveillance over its citizens, they can be seen to constitute an important form of *biopower*; the modality of power identified by Foucault (1979) as the means through which modern populations are observed and regulated *en masse*. Biopower forms a crucial element of Agamben's model of the exceptionalist state, which places 'biological life at the center of its calculations' (1998: 6). Indeed, the formation of unified mechanisms for surveillance, made particularly powerful by the very ethos of centralisation and sharing identified by our analysis, could be seen as contributing to the formation of an especially unified and totalised surveillance regime very much in keeping with Agamben's view. By standardising and combining intelligence procedures within a new ethos of organisational collaboration, the state can exercise powers of surveillance in a manner that was hitherto impossible.

In entertaining this stance, though, we enter the precise zone of political theory where Agamben's ideas are regarded as most controversial. Foucault, the originator of the notion of

biopower that Agamben has appropriated, explicitly characterises biopower as a "power over life," contrasting it directly with the "right of death" (Foucault 1990) exercised by the sovereign state. Foucault's biopower is a diffused, modern modality of government no longer in possession of the central state. Biopower, Foucault argues, in contrast to Agamben's later gloss of the term, is bureaucratic in character, having to 'qualify, measure, appraise, and hierarchize, rather than display itself in its murderous splendor' (144). Genel (2006), defending Foucault's formulation of the notion of biopower against its recasting by Agamben, reasserts that it is a mode of exercising power that sovereign power cannot completely exploit.

Agamben's divergence from Foucault's description of biopower is not a misapprehension on his part. He explains in *Homo Sacer* that the 'Foucauldian thesis will […] have to be corrected or, at least, completed' (1998: 8) to take account of the persistence of biopower as a sovereign tool. Agamben acknowledges, but rejects Foucault's stance that power in the modern period has become dispersed, operating at every level of society as a ubiquitous technology. Stating that "biopower is at least as old as the sovereign exception" (1998: 6) he considers that it has in fact become the instrument of contemporary state authority *par excellence*.

Findings from our study cannot in the end resolve this tension between powerful competing conceptualisations of the modalities of modern power. The data is not transparent to either interpretation. On the one hand, if we accept that measures taken to centralise and unify mechanisms for surveillance indeed strengthen the position of sovereign state power, our findings confirm Agamben's pessimistic thesis concerning the tightening of exceptionalist state authority. However, since this outcome remains dependent on theoretical interpretation, what emerges as most significant from our investigation is that it has, quite

independently of literature, led us to the very heart of the controversy concerning the applicability of Agamben's theory to the modern condition of power. Our efforts to derive an empirical, discourse-based assessment as to the viability of Agamben's theory have converged on the same space as existing theoretical dispute. While not yielding incontrovertible support for Agamben's argument, it suggests that theorists on either side of the discussion are engaged at the correct crucial location of debate.

Funding

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