On St Margaret Street

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It is not unusual to hear events in public space, be they state-sponsored or resistant, described as 'pure theatre', 'political drama' or 'political theatre'. Historically, discussion of political events in public space has often started from the premise that they are 'theatrical' because they share attributes with conventional theatre practice – because they use actors, props, scenery, narratives. Certainly, events such as rallies, military parades and demonstrations are 'theatre-like' to the extent that they are concerned with concepts and ideas not otherwise materially present, they are organised around the symbolic production of meaning, and they are 'stage-managed' in order to be read. Yet it seems to me that the 'theatrical' must be expanded as a category both in order to permit a politicised and serious engagement with public events from a theatrical perspective, and also to defend the theatre itself from marginalisation. As soon as the ranks break, the teargas explodes, as soon as damage is done – as soon as anything really happens – it is no longer called 'pure theatre' or 'political drama'. Once the event cannot be contained as a summary, or a description, or a performance *about* something else (the coronation as about monarchy and kingship, the parade as about military might and international relations, the demonstration as about the will to, we might argue, democracy) then it is immediately retrieved into 'actual' and not 'theatrical' politics. The term 'theatrical' itself almost becomes a marker for artificiality, which I think is a significant problem for the field of theatre and performance studies. In a sense,

what is happening is that this critical frame assumes two discrete spheres – the 'real' and the 'symbolic', or 'theatrical'. I've recently been looking at the impact of the 'war on terror' on our rights as citizens in relation to public space, particularly in terms of surveillance, border crossing and restrictions on the rights to assembly, which I think offer particular challenges to our ability to express dissent and resistance to our governments. In this short piece, I want to look at the production of a particular space of exception in the heart of theatrical London.

On St Margaret Street, two statues face each other across a busy road. The first is of Oliver Cromwell, Civil War General, leader of the Commonwealth, and, until his death in 1658, Lord Protector of England, Scotland and Ireland. Directly opposite is an image of Charles I, executed by Parliament in 1649, the last King to rule in England by the will of God alone, and without the expressed consent of the people. This period, 1649 to 1660, when Charles II returned from France to become King, is the English interregnum. The English interregnum was precisely about the distance between sovereign and governmental power: ambivalent and provisional space currently circulating around the legal concept of the state of exception. In the summer of 2007, St Margaret Street was closed to traffic while security barriers and other anti-terror street furniture were installed. Black ramps and steel posts that rise up out of the ground now fill the space between the monuments. For St Margaret Street is the street on which the Houses of Parliament stand. This short essay will outline the relationship of the state of exception to the schisms between sovereign and governmental power, drawing on the work of Agamben and Butler, before returning to the question of public demonstration as it is increasingly restricted by anti-terror legislation – beginning, I hope, to open up some further questions around theatrical politics and the state.

First, I will offer a little detail about the interregnum.[1] Interestingly, there are a number of historical parallels between the seventeenth century and the present. The trouble which would ultimately lead to the civil wars began in the 1620s, as Charles I sought to raise taxes for a series of expensive foreign wars. He needed the support of Parliament

– at that time comprised of landowners and aristocracy – who took advantage of the moment to secure concessions. The Petition of Right in 1628 sought commitment on the part of the sovereign to refrain from arbitrary arrest and imprisonment in breach of the terms of Magna Carta, and protested both the lack of enforcement of habeas corpus, and the exemption of officials from due process. All of these concerns have found their echoes in recent years in the politics circulating around the wars in Iraq and Afghanistan and the former Labour governments attempt to pass a law allowing 42 days detention without charge.

The 1628 Petition was accepted by the King, but was followed by an eleven year suspension of parliament, known as the '11-years' tyranny', in which sovereign power, exercised by the King, held sway. In 1640 Charles was forced to reconvene Parliament in a further attempt to levy taxes: the 'long' parliament of that year passed a law forbidding the King to dissolve Parliament again without its consent. The following several years saw much suffering and strife as the first and second civil wars took place, resulting in the unprecedented occurrence of the trial of a king on charges of high treason. The French of course were still over 100 years away from their Revolution.

On 28 December 1648, the rump parliament found the king guilty: it being treason 'by the fundamental laws of the kingdom' for the King to 'levy war against parliament and the kingdom of England'. There is of course a significant legal difficulty here: the King is, to an extent, the state, and is certainly its head. Even now in the UK, persons are tried vs. 'Her Majesty', and detained at her pleasure. The separation of the person of the king from the role, so to speak, of the king, is best explained by Ernst Kantorowicz, in his famous study of mediaeval political theology. Kantorowicz (1957) examines the precept of the King's Two Bodies: the political body and the natural body, the co-existence of which effectively means that though the King can be demised, he cannot die. The King's body politic, Plowden noted, is 'utterly void of infancy and old age, and other natural defects and imbecilities, which the body natural is subject to, and for this course, what the King does in his body politic cannot be invalidated or frustrated by any disability in his

natural body'. This seems a simple problem – but it isn't. In medieval law, the two bodies of the king are connected in complicated ways. And thus, the king cannot die:

> [H]is natural Death is not called in our law the Death of the king, but the demise of the king, not signifying by that word (demise) that the body politic of the King is dead, but that there is a separation of the two bodies, and that the body politic is transferred and conveyed over from the body natural now dead … to another body natural. So that it signifies the removal of the body politic of the King of this realm from one body natural to another' (Plowden 1816: 212a, cited in Kantorowicz 1957: 7)

The separation of these bodies, and through it the birth of constitutional monarchy and governmental power in England, occurred through this revolutionary process of law, and the forcible separation of the body of Charles from his head, when Parliament retained for itself the right of the body politic – the 'king's judgement' – to act against the body natural of the King. 'Kingship', mobilised by Parliament, condemned the King, in order to produce sovereignty without sovereigns.

The Commonwealth existed between 1649 and 1653, at which time, an Instrument of Government was passed creating Oliver Cromwell as Lord Protector, followed by a second in 1655 which dissolved the Protectorate parliament and placed the state under military rule. Cromwell was offered the crown, but refused in May of 1658, saying 'I would not build Jericho again'. In 1660, the monarchy was restored, and Charles II was crowned King. He was King, however, by both the Grace of God and the will of Parliament – effectively, the absolute sovereignty exercised previous to the Revolution was over. We could see this, I would argue, as a shift from sovereign to governmental power. The return of King did not return sovereign power.

Back on St Margaret Street, the security apparatus, installed in response to the 'threat of terror' (terror and security now apparently operating as an inseparable dyad), sits literally in between the icons of sovereign and governmental power. Manifested in this space-between

is, not the actuality, but the spectre of terror, experienced here, as elsewhere, as the disruption of normalcy, the presence of menace and indicative of the legal states of exception which are increasingly its real work. Much of the writing and thought on the emergencies of terror and security – detention camps, the suspension of habeas corpus, the infringement upon civil liberties and human rights, stop and search powers, detention without trial, 'illegal non-combatants' and so forth across many disciplines – is circulating around the idea of the state of exception. Agamben defines the state of exception as the law at a standstill; it is not lawlessness, nor is it illegal; it is the moment when the state itself legislates its own exemption from the law. Agamben writes, '[i]t is as though the juridical order contained an essential fracture between the position of the norm and its application, which, in extreme situations, can be filled only by means of the state of exception, that is, by creating a zone in which application is suspended, but the law as such remains in force' (Agamben 2005: 31). In other words, in instituting a state of exception, governments do not suspend their right to govern, only to govern by application of the law.

I want to introduce here Judith Butler's reading of the war prison, in which she proposes the state of exception explicitly as a site in which governmental power, *pace* Foucault, re-assumes sovereign power, thus evading and escaping its own adherence to the rule of law. She writes:

> [T]he state used to be vitalised by sovereign power, where sovereignty is understood, traditionally, as providing legitimacy for the rule of law and offering a guarantor for the representational claims of state power. But as sovereignty in that traditional sense has lost its credibility and function, governmentality has emerged as a form of power … distinct from sovereignty. Governmentality is broadly understood as a mode of power concerned with the maintenance and control of bodies and persons, the production and regulation of persons and populations, and the circulation of goods insofar as they maintain and restrict the life of the population. Governmentality operates through policies and departments, through managerial and bureaucratic institutions, through the law, when the law is understood as 'a set of tactics', and through forms of state power, although not exclusively.

> … The suspension of the rule of law allows for the convergence of governmentality and sovereignty; sovereignty is exercised in the act of suspension, but also in the exercise of legal prerogative; governmentality denotes an operation of administration power that is extra-legal … both act in the name of the state.

In other words, sovereign power is allocated to governmental executive and administrative powers. She concludes this section:

> In the moment that the executive branch assumes the power of the judiciary and invests the person of the President (in the UK the Home Secretary) with unilateral and final power to decide when, where and whether a military trial takes place (or civilian trial), it is as if we had returned to a historical time in which sovereignty was indivisible, before the separation of powers has instated itself as the precondition of political modernity … the fact that managerial officials decide who will be detained indefinitely … suggests that a parallel exercise of illegitimate decision is exercised within the field of governmentality' (Butler 2004: 52-4).

In other words, your human rights are safe until an official of the government decides that they are not.

Back on St Margaret Street, Brian Haw began protesting against the Iraq war outside the Houses of Parliament in 2001. This was a controversial issue – his protest / display extended the length of Parliament Square, and included messages from well-wishers, peace flags, images of Iraqi children maimed, photographs of war victims, painted slogans and placards. Haw slept in Parliament Square, and was often joined by peace protestors from around the world. Any visitor to Parliament, including heads of state, foreign dignitaries and even the Queen, arriving in her coach to open Parliament, had to pass by the display, not to mention hundreds of thousands of tourists and Londoners going about their daily business. It began to be clear that this protest was not wanted by the Government.

Despite Tony Blair having said in Parliament on 7 April 2002 'when I pass protestors every day at Downing Street … I may not like what they call me, but I thank God they can. That's called freedom', Haw

was harassed and pressurised, and attempts were made to discredit him personally in the press and elsewhere. Finally the government went to the law.

In 2005, the *Serious Organised Crime and Police Act* legislated that no demonstration was possible within a kilometre 'in a straight line' of Parliament Square, without the prior permission of the Commissioner of the Metropolitan Police. It is now illegal to demonstrate outside Parliament without the express permission of the police, in writing, a week in advance.

> 132: Any person who
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> a) Organises a demonstration in a public place in the designated area or
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> b) takes part in a demonstration in a public place in the designated area or
>
> c) carries on a demonstration by himself in a public place in the designated area
>
> is guilty of an offence if, when the demonstration takes place, authorisation for the demonstration has not been given under section 134(2).
>
> This is punishable by up to 51 weeks in prison.[2]

Brian Haw's protest was dismantled on 23 May 2006, despite the courts finding that this legislation could not be retrospectively applied. Ironically, Brian Haw is now the only person who is able to demonstrate without a permit in the vicinity of the Houses of Parliament: shortly after the ruling he was once again to be found in the Square, and remains in place at the time of writing. Others have not fared so well: Maya Evans was arrested in 2005 for reading out the names of the dead of the Iraq war at the Cenotaph. Steven Jago was arrested in 2006 for walking down Whitehall carrying a placard quoting George Orwell.

The activist comedian Mark Thomas in 2006 organised a series of Mass Lone Demonstrations, in which people were encouraged to submit requests to the police in large numbers seeking permission to demonstrate as individuals, thus tying up the Met in reams and reams

of administrative paperwork.

Perhaps the most interesting response was by the artist Mark Wallinger. His piece, State Britain, was installed from 15 January to 27 August 2007 in Tate Britain. This artwork meticulously re-made Brian Haw's original protest display – a 40-metre wall of banners, placards, images and so on. Despite following hard on the dismantling of Haw's actual display, the piece was a recreation based on detailed photographs, rather than being an installation of original items from the protest itself.

Tate Britain lies just under a kilometre from the Houses of Parliament – and the exclusion zone (marked on the gallery floor by Wallinger) neatly dissected the exhibition. 'If I stand here', noted the artist in an interview in January 2007, 'anything I say can be taken down and used against me. Now here (stepping over the line), I'm free to speak my mind'. He continues, 'Once you draw a circle around the seat of power, that is a surveillance society ... The zone goes through Buckingham Palace. If one were to misinterpret the Trooping of the Colour...' (Mueller 2007)

There are obviously several provocative questions opening up here about art and protest, representation and efficacy. Paul Dwyer, writing on the Aboriginal Tent Embassy opposite the Parliament building in Canberra notes that, 'protests that might appear to be operating in a "purely symbolic" register are now very likely to fall foul of new powers given to Australian police under recent "anti-terror" and sedition laws' (Dwyer 2007: 200). The ground has shifted. Initially discarded as 'pure theatre', now the very theatricality of protest is legislated against. While demonstration is technically still possible, open access has been removed, both spatially and legislatively. The material appearance of dissent (the public presence of the people) has been replaced by architecture designed to produce the spectre of dissent (the threat of terror), manifesting the state of permanent emergency characterised by Agamben as the state of exception. The English interregnum was precisely about the distance between sovereign and governmental power. The space that remains between them is, it seems, if we are

to read the visual clues of St Margaret Street, increasingly populated with the performances of security staged by the state of exception. In this way, the new interregnum appears in the space created inside the memory of the first – and is equally concerned with controlling the ability of the people to appear as, and act for, themselves.

Notes

1 For general histories of the civil wars and the English Revolution, see for example Adamson 2009; Hill 1975; Kelsey 2001

2 http://www.opsi.gov.uk/acts/acts2005/ukpga_20050015_en_1 accessed 13 August 2010

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