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## Witnessing as Challenge to Bare Life

Colón, Panama, a city of roughly 50,000 residents, abuts the recently-expanded Panama Canal and hosts the world's second largest tax-free special economic zone, the "Colón Free Trade Zone." Colón presents an important site for anthropological analysis because rhetoric and ideologies that invoke globally-scaled processes, and especially those that valorize it, abound in public elite discourse as well as in on-the-ground articulations about the zone. The Colón Free Zone (CFZ), as the space is colloquially called, is governed by the Republic of Panama. The millions in profit that the CFZ garners through rental of shipyard space largely goes to the Panamanian government, which has historically allocated only a fraction of that amount to the city of Colón. When, on October 19, 2012, the Panamanian National Assembly voted to raise additional revenue by selling parcels of land in the CFZ to private interests, protesters took to the streets of Colón demanding an increase in the rental cost of CFZ land instead of sale of that land to export-import businesses. Some protesters claimed that the land sale would threaten locals' jobs in the CFZ. The protest represents a pivotal moment in the city's history because during a week of violent clashes between protesters and the national guard, a 10-year old boy and two adults were shot and killed by allegedly unknown sources. In response, Panama's president tweeted, "If the people of Colón don't want the land in the duty-free zone to be sold, the sale will be canceled" (Zamorano 2012). The tweet was made after the land sale had become national law.

Anthropological analysis of the protest may usefully draw from an anthropology of globalization because of the ways in which actors involved in events surrounding the protest articulate themselves in relation to the flow and blockage of profit, law, and life. The present

analysis traces various anthropological critiques of the ways in which social scientists, a philosopher, and documentarians of many breeds have theorized and represented—and have themselves made— ‘globe-making and -unmaking claims’ in disparate contexts (Tsing 2000). Prominent voices theorizing an anthropology of globalization argue against simple notions of the ‘state’ that assume a universal experience of the state as a rational authority. Anthropological analysis, dovetailing with political theory, takes seriously understandings of the modern nation-state in which death plays a foundational role in modes and logics of governance (Agamben 1998; Foucault 1979). However, such analysis pushes back against applications of notions of life that strip subjects of any relation to webs of meaning in which every human is caught. Moreover, this type of anthropological analysis also critiques the assumption that one can speak ‘objective truth’ with the camera about moments when Western citizens are made killable by state authorities without punishment. At stake in deconstructing these assumptions is the delimitation of creative response to oppression and the re-inscription of statist logics in supposedly critical analysis. However, my analysis of the CFZ land sale protest suggests that the act itself of witnessing moments of the state creating killable bodies constitutes a challenge to the formation of such life. Through an affect theory lens, responses elicited by witnessing moments when Western liberal democracies create killable subjects recast the theoretical figure of bare life as always already culturally-meaningful and historically-situated life.

### **Contested Methodologies**

In assessing the claims of social scientists about the ‘state’ as a crucial actor within globalization rhetoric, anthropologists are quick to interrogate the epistemic commitments of such theorists. At stake in how social scientists use different forms of data is the reification of the

very statist modes of representation and logics that such theorists ought to be analyzing with a critical eye. Many prominent social scientists fail to engage conceptualizations and experiences of the state as something other than an administrative behemoth with mechanical functions that facilitate the governance of citizens, themselves legible to economic models.<sup>1</sup>

In this way, some anthropologists argue against the premise that the state is usefully theorized as a rational, administrative authority and argue for analysis that takes seriously the politics of boundary-making claims by a diverse array of actors. Crucial to any discussion of the state, anthropologists Veena Das and Deborah Poole argue, is an historicization of the state and language used in claims about it. Das and Poole point out that anthropologists and other social scientists have historically employed “language of the state” that inscribes “tropes of social order, rationality, authority, and even externality for defining their subject” (Das and Poole 2004: 5). Anthropologist Anna Tsing would argue that many social scientists’ claims constitute a type of “globalism” because they endorse the importance of theorizing globalization in ways that still take the global scale as an important temporal and spatial category (Tsing 2000: 331).

Anthropologists can more effectively engage interdisciplinary debates by unpacking how various actors understand where and what the state is and how “different desires, hopes, and fears shape the experience of the[...]state” (30). Anthropologists would advocate a “mode of knowing that privileges experience” of the state and of claims to its “territorial and conceptual margins” (Das and Poole 2004: 4). Against methodologies that attempt to apply theoretical categories like the ‘state’ or ‘capital’ to different situations, anthropologists have instead advocated an “anthropology of the margins” that situates the concept of the margins as a “necessary

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<sup>1</sup> See especially Sakia Sassen 1998 and 2002. In her analysis, Sassen cites the “dense strategic nodes” that “function” to bolster a changing but singular “geography of globalization” which constitutes a structural-functional approach to “global operation” (Sassen 1998: 13, 10, 8).

entailment” and co-constitutive of an amorphous state (Tsing 2000: 4). Such a conceptualization asks about the relationship of death and the conceptual margins (that is, who is included in the ‘state’ and who gets to decide) to productively theorize the state and subject-making processes.

Anthropologists and philosophers alike have attempted to show how violence and state practices are related to the states’ conceptual and material boundaries. Italian legal scholar and philosopher Giorgio Agamben argues that classical philosophy has theorized a form of life called “bare life,” which exists as *homo sacer* (sacred man), or, a person “who may be killed and yet not sacrificed” (Agamben 1998: 8). This figure is epitomized by the person on death row who is “included in the juridical order solely in the form of [their] exclusion,” that is, by their capacity to be killed with impunity and without being sacrificed for a grander purpose (ibid). Agamben’s project of interrogating the ‘sacredness’ of *homo sacer* takes as its goal the inversion of the philosophical logic that led to the construction of the figure of *homo sacer* in the first place. Agamben deems his project important because such sacredness “constitutes the first paradigm of the political realm of the West” and because, in modern democracies, “we are all virtually *homines sacri*” (1998: 9, 114).

Agamben, anthropologists have pointed out, seems to work under the premise that a bare-ness of life can exist or at least that such bare-ness can be productively theorized. How useful is it, anthropologist Jean Comaroff asks, to theorize bare life if it is only meaningful “as a sign of sovereign power” (Comaroff 2007: 209)? To take Agamben’s call to theorize a new politics not based on bare life’s classic relation to law of inclusive exclusion seriously, we must take the concept of bare life as an abstracted concept seriously. No act of sovereign power (which, to Agamben, automatically involves bare life), Comaroff points out, “can actually alienate humans from entailment in webs of signs, relations, and affect” (ibid). Indeed, even the life of the person

on death row can be publicly contested and exists indistinguishable from the webs of meaning that surround the person's sentence and death. Das and Poole would argue that rather than situate political subjects "as ghostly spectral presences from the past," as Agamben does, anthropologists should investigate claims to juridico-political inclusion/exclusion "as practices embedded in everyday life," such as daily articulations of the 'state' and state apparatuses (Das and Poole 2004: 13). Nonetheless, even alternative approaches to representing experiences with various state entities must not escape the critical eye.

Such alternative approaches too often create totalizing (and globalist) narratives of resistance to state policies that fail to situate actors within historical or cultural contexts. Nor do many activist text or multimedia project creators reflect on their positions as note-takers or videographers behind the camera. Essayist and philosopher Susan Sontag would argue that much videography draws upon the paradoxical nature of photographs, and video, by extension as "both objective record and personal testimony" (Sontag 2003: 26). The photograph, or video is a "record of the real...since a machine was doing the recording" yet "to frame is to exclude," and therefore, to lose context, especially of the person behind the camera (2003: 26, 46). Paralleling anthropological theory, Sontag is working against the idea that the video-camera is a truth-telling machine and that the videographer's position and gaze are of no consequence.

Anthropologist Didier Fassin, writing of humanitarian political subjectivation in the Israeli—Palestinian conflict, would point out that many documentary films, for example, mobilize affect, as both personal testimony of those protesting and that of the viewer. 'Affect,' in this sense, refers to indeterminate and involuntary—but not unpredictable—feeling or emotion (Mazzarella 2009: 291-292). "What counts is not that [an] event took place, but that it was felt"

(Fassin 2012: 208). Fassin argues that third party witnessing constitutes a process of subject-making:

“any socially relevant—and therefore culturally constructed—designation constitutes both a subject who is called to identify himself, sometimes against his will, with the way he is designated, and a subjectivity that conforms, at least in part, to this injunction” (203).

Fassin, working off Judith Butler, calls on anthropologists to pay attention to the performance of subjectivity as a process of producing a presupposed subject and to the performativity of meaning-making, a process that calls into question the very notion of subjecthood. Resistance—and its documentation—then, constantly involves the re-making of political (and gendered, racialized, etc) subjectivities.

### **Subject-making Articulations**

The ways in which protesters define the state and their relation to it demonstrate how their understandings of themselves constantly contest notions of the state as an institutional order-enforcing entity. In fact, public debates surrounding ownership of the CFZ have a long history in Colón. The cover of *Life* magazine, in January 1964, features a curated photograph of protesters planting a Panamanian flag upon a lamppost above a roadway with a burning vehicle in the background <sup>2</sup>. The image serves as a referent to a series of violent clashes between what press sources referred to as “Panamanians” and U.S.-backed administrators of the free zone, called “Zonians” (Hunt 1964: 4). The Panamanian national flag, in many photos of these protests, is figured prominently.<sup>3</sup> Strikingly, it is again the same flag that captures the eye in

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<sup>2</sup> see appendix A, Figure 1

<sup>3</sup> In fact, the day of these riots, January 9th, is now nationally celebrated as “Martyr’s Day.” Two statues, one in front of a local high school and the other in front of the Panamanian Legislative Assembly, both in Panama City,

many of the photos taken of the 2012 protest over the proposed land sale within the CFZ.<sup>4</sup> The heavy emphasis of protesters (and witnesses who captured photographs of the protests) on the national flag situates both moments of protest within a history of U.S. military imperialism and elite U.S.-backed control of the free zone. The fear visually articulated by the heavy presence of the Panamanian flag is one that suggests that an external or alien force is attempting to control the homeland, *la patria*. The protesters, Das and Poole would argue, mark the conceptual boundary of the state by “treat[ing] the state[...]as lying on the margins of the citizen-body” (Das and Poole 2004: 22). In other words, the ‘state,’ as represented by the 1964 and 2012 protesters, is situated within a history that asserts the local population as marginal to the state.

In contrast to elite discourse of the CFZ managers, protester discourse situates protesters as ‘authentic’ Panamanians. For example, speaking of the land within the CFZ that was made sellable in 2012, Felipe Cabezas, a member of the Colónese Broad Movement (Frente Amplio por Colón), commented, “these are assets that belong to Colón” (AP 2012). Here, Cabezas formulates a politics of ownership that emphasizes place, in contrast to the place-nonspecific elite discourse of ‘globalized’ markets and capital. Like Cabezas’ comments, protest signs, such as those that read, “Colón is not for sale,” position the protesters, in contrast to elite figures, as the rightful owners of land in the CFZ and the profit generated from the business it hosts (AP 2012). In contrast, globe-endorsing discourse, such as when CFZ general manager Surse Pierpoint encourages “skilled” migrant workers to “try their luck” by working in the CFZ, situates movement of bodies and capital within a supposedly ‘global’ program of individual freedom. In fact, an organization called The Bestiat Society, for which Pierpoint is a founding

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Panama, were erected to commemorate the holiday. The statue in front of the Assembly building was modeled after the picture on the LIFE magazine cover.

<sup>4</sup> see appendix A, Figures 2, 3, & 4

board member, argues that “capitalism is the only economic system to produce widespread peace and prosperity” (The Bestiat Society 2017). In this and other moments, Pierpoint and those he works with conflate capitalist economic and social relations with “personal freedom” (ibid). From an anthropological point of view, the victory of the protesters in cancelling the land sale, while speaking to the power of movement-building, creates subjects mediated by the financial resources generated from the free zone. Still, protester rhetoric, from interviews to protest signs, itself conjures a category of the ‘global’ and configures this global scale as important to the historical moment of the protests. Using language of citizenship and nationality in debates about the “assets” of the CFZ, protest leaders publicly subjectivize protest participants as first and foremost Panamanians. Prominent figures in the protest contest discourse and action of state representatives and CFZ managers by asserting a place-based citizenship.

In the case of the protest over land sale in Colón, the 10-year old boy, who was killed in gunfire during the 2012 protests, was included under the purview of the state in his ability to be killed with impunity because of the exceptional state of emergency of the “riot.” Speaking of the injustices daily taking place in Colón against the people there, Edgardo Voitier, a leader of the Colónese Broad Movement, exclaimed, “the police have privileges to kill, to assassinate” (Grinard and Racero 2013: 1:30). Indeed, all national guard officers involved in the three deaths were acquitted of wrong-doing. The source of the bullet that killed the boy was never officially identified. Vocal members of the activist community in Colón, however, understand the bullet to have come from a police gun (Amnesty International 2012). To Voitier and those he claims to represent, the police of Colón killed with impunity. Is the boy’s life, or either of the other two unidentified adults’ lives, bare life? According to Agamben, the boy’s life would constitute a manifestation of bare life, or *homo sacer*, since it existed in a “zone of indistinction” where a



human life is subjectivized as a legal being (Agamben 1998: 9). As such, the boy's life was made killable, having been included in the juridical order via its exclusion. Although the boy was not "sacrificed" in a conventional sense of the word, according to Agamben's reconceptualization of a figure from classical philosophy, the boy's life was made 'sacred' as *homo sacer* because his life existed in the zone of indistinction.

An anthropological critique of the application of Agamben to this moment would ask what happened empirically in the wake of the boy's death to show how the boy's death was already situated in a socio-political context from which it could never be extracted. Using Agamben's vocabulary, the boy's life could be said to have been "sacred" because its potential to become life that was killable without consequence was actualized. Yet the boy's death was also made sacred in the more commonplace sense that his death was made to model a transcendence of mortal limits. The boy himself is not bare life. Rather, an appropriate application of Agamben's theory here would show how the figure of bare life, when paired with simple affect theory, can be used as an analytic for the boy's death and events surrounding it. Indeed, comments on a photo of the boy's funeral on a Facebook post made by TVN Panama, including, "we pray that God above receives him," "let God hold this little angel in glory," and "only God knows why these things happen," speak of the boy's death as a moment of transcendence.<sup>5</sup> These comments imply that the boy was sent to God and that only God may know why he was killed. But none of the comments suggest that he was killed for a grander purpose. His death was transcendent, but it was not necessary. Although his life was not sacrificed, his death was already caught in a social web that articulated the subjecthood of the boy as marginal to Colón governance.

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<sup>5</sup> see appendix A, Figures 5 & 6

Visual documentation of the protests demonstrate that subjects involved in the protests always already, if unintentionally, position themselves as witnesses who mobilize affect in their multiple audiences. To recall Fassin: what matters isn't so much that an event took place but rather that audiences *felt* it (Fassin 2012: 208). Virtually none of the many photographs and videos taken of the 2012 protests by journalists or news agencies reflect on the positionality of the person behind the camera or why a particular angle or frame was used. Much like the Facebook photo of the boy's funeral, photo and video of the protest does the work of eliciting affective responses on a virtual semi-public platform. Such images mobilize the affect of the viewer, thereby forming subject, whether victims, such as the boy, or violent rioters. One particularly disturbing video, filmed by local resident Tomas Kierner from a several-story building, shows a police officer repeatedly kicking and jumping on an arrested protester on the street below (SKINN-toski 2012). A person is heard empathetically narrating what is happening in the video, stridently explaining that the "poor man" is being kicked and stomped on (ibid). Importantly, the officer makes a point to look around while kicking the protester as if anticipating (or searching for?) a response from other protesters. The officer's quick look around him suggest that perhaps he wouldn't be kicking the prostrate protester if the officer thought the moment was being witnessed by someone other than the officers around him. In the same way that Fassin argues that the humanitarian presupposes the victimized subject when he says, "humanitarianism produces the victim," I argue that the officer's act presupposes the reaction of a witness (Fassin 2012: 203). The emphatic tone of the voice behind Kierner's video confirms the officer's nervous looks around, doubly constituting the protester's subjectivized self as the marginal victim of an illegitimate Panamanian state.

## Conclusion

To ask of the relation between the ‘state’ and its material and conceptual margins is to ask of the practices of the state itself. Against notions of a mappable and clearly definable state authority, anthropologists argue for analysis that privileges the complex experiences of those on the margins. Anthropological analysis of lived experiences of the margins is effective when it traces how subjectivities are formed in relation to acts of witnessing by viewers near and far. In this vein, this paper attempts to respond to the question: where does Agamben’s reconceptualization of bare life leave processes of subject-making?

A turn to affect theory, I have argued, proves useful for a reconciliation of Agamben’s theory with anthropological critique of the state as a rational authority. The medium of the Facebook post about the boy’s funeral, like the narrator of the video of the officer kicking the protester, plays a constitutive role in the subjectivization of the persons in each frame. In both cases, as well as in photos of protesters holding national flags, the affective experience of witnessing the photo or video engages the viewer in a contestation over the meaning of the life in question, be it that of the flag holder, the dead boy, or the physically abused protester. In each case, the formation of subjects in the frame is inherently an engagement with the making and unmaking of different histories and definitions of the ‘state’ and ‘life.’ The methodology employed presently attempts to avoid the historically statist bird’s-eye-view analysis of the protests in favor of, metaphorically, looking through the smoke of the burning barricades to those on the ground.

The rhetoric and events surrounding the high-profile death of the young boy are particularly important in analyzing this event in the context of claims that uphold the CFZ as globally important and other, contrasting claims, that force media publics to grapple with various

contested subjectivities. For example, Zamorano's tweet, saying that the land sale won't happen if "the people" don't want it to, is an example of rhetoric that, in its own way, helps to shape globalist projects and resistance to them. More broadly however, developing an anthropological analysis of the 2012 Colón protests and deaths requires a rethinking of the 'state' based on empirical evidence about the violence it perpetuates. Such analysis becomes profoundly consequential in the context of urgent claims to the category of the global, ricocheted transnationally by elites and elite networks.

## Appendix A

Figure 1. Cover of the January 24, 1964, Life magazine. A caption of the image reads, “Panama City: At Canal Zone Border Rioters Hoist Flag Above Burning Car.” The image shows protesters planting a Panamanian flag upon a lamppost above a roadway with a burning vehicle in the background. Source: <http://www.oldlifemagazines.com/january-24-1964-life-magazine.html> Accessed May 3, 2017.



Figure 2. Photo of the 2012 protest in Colón, captured by an unnamed AP journalist. Many photos of the protests featured on news sites such as Aljazeera included prominent display of the Panamanian national flag, which was conceived when Panama gained independence from Colombia with military help from the U.S. Source: <http://www.aljazeera.com/news/americas/2012/10/201210275546873257.html> Accessed May 3, 2017.



Figure 3. Photo of the 2012 protest in Colón, captured by AP journalist Arnulfo Franco. The photo serves as the cover to a news article entitled, “[President] Martinelli announces that he will revoke the polemical Free Zone law” (Original: *Martinelli anuncia que derogará polémica ley de Zona Libre*). The photo shows two women at the head of a march holding the Panamanian national flag. Source: <http://www.laprensa.hn/mundo/americalatina/355104-98/martinelli-anuncia-que-derogará-polémica-ley-de-zona-libre> Accessed May 3, 2017.



Figure 4. Photo of teenagers and children engaging in the 2012 protest in Colón, captured by La Prensa journalist Amanda Racero. Five Panamanian flags are shown. The photo serves as the cover of the article. Source: [http://www.prensa.com/amada\\_racero/Suspenden-clases-ciudad-Colon\\_0\\_3505899416.html](http://www.prensa.com/amada_racero/Suspenden-clases-ciudad-Colon_0_3505899416.html) Accessed May 3, 2017.





Figure 5. This image shows the funeral of a boy killed during protests over the sale of land in the Colón Free Zone. The image's caption, provided by TVN Panama, reads, "Friends and family say goodbye to the child killed in confrontations in Colón." The post was shared by the Colónese Broad Movement with the caption, "The shed blood will never be forgotten, the massacred will be avenged!" Source:

<https://www.facebook.com/search/str/TVN%2BPanama%2BFamiliares%2By%2Bamigos/stories-keyword/stories-public?esd=eyJlc2lkIjoiUzpfSTE1NTQ4OTU0ODgzNzpwSzoXMDU1MTIzNjE2ODI1MzgzOCIsInBzaWQiOnsiMTU1NDg5NTQ4ODM3OjEwMTUxMjM2MTY4MjUzODM4IjoiVXpwZlNURTF0VFE0T1RVME9EZ3pOenBXU3pveE1ERTFNVEl6Tm9FMk9ESTFNemd6T0E9PSIsIjIwMjkwOTI1OTg1MjoxMDE1NDUxMjEyMDI5NDg1MyI6IiV6cGZTVEI3TWprd09USTFPVGcxTWpwV1N6b3hNREUxTkRveE1qRXINREk1TkRnMU13PT0iLCIyMDI5MDkyNTk4NTI6MTAxNTI1ODQyNzE5OTQ4NTMiOiJVenBmU1RjJd01qa3dPVEkxT1RnMU1qcFdTem94TURFMU1qVTR0REkzTVRrNU5EZzFNdz09In0sImNyY3QiOiJ0ZXh0IiwieY3NpZCI6ImRjNjFhNzA2MTgxYWE2ZTE1OTIxY2RIODY3OGMwODI2In0%3D> Note: url of the shared post by the Colónese Broad Movement is no longer available. Accessed May 3, 2017..



**TVN Panama**  
Like This Page · October 25, 2012 · 🌐

Familiares y amigos despiden a niño fallecido en enfrentamientos en Colón.  
[See Translation](#)

👍 Like    💬 Comment    ➦ Share

👍 72


35 shares    27 Comments


 **Ivàn Augusto Ruiz Pulido** que salvajismo pobre criatura  
[See Translation](#)  
October 25, 2012 at 1:00pm · Like


 **Loki Raquel** Que Diosito lo reciba aya arriba :c  
[See Translation](#)  
October 25, 2012 at 1:01pm · Like · 🇺🇸 1


 **Omaira Hidalgo Pinto** mis sentidas condolencia a los familiares de este niño inocente resignacion  
[See Translation](#)  
October 25, 2012 at 1:06pm · Like


Figure 6. This image is a screenshot of comments on the Facebook post shown in Figure 5. Accessed May 3, 2017.


 **Zule La Yeya** Q dios lo tenga en la gloria un angelito pal cielo  
[See Translation](#)  
October 25, 2012 at 1:32pm · Like


 **Ricardo Myrie** Armando Bethancourt el niño inocente se llama josue Vega R.I.P y faltan el entierro de dos de mis hermanos colonenses. Para que vean que la biblia no miente el poder de la vida y la muerte esta en la lengua y el sr Cheyo Galvez dijo que a llorar al cementerio y lloramos hoy tres perdidas de vidas humanas esto no es justo lo que hacen con colón  
[See Translation](#)  
October 25, 2012 at 1:33pm · Like



 **Luz Salazar** Lamentable perdida que dios lo tenga bajo su regazo  
[See Translation](#)  
October 25, 2012 at 1:35pm · Like


 **Marcela Galvez** El dolor mas grande que puede tener un ser humano es la irreparable perdida de un ser querido y mas si se trata de la inocencia de un niño. Mi mas sentidas condolencias a sus familiares. ▼  
[See Translation](#)  
October 25, 2012 at 1:39pm · Like

 **Omaira Hidalgo Pinto** mis sentidas condolencia a los familiares de este niño inocente resignacion  
[See Translation](#)  
October 25, 2012 at 1:06pm · Like

 **Claudio Donad** Algo q queda como una sicatris que nunca se olvida que dios tenga misericordia de mi pais.  
[See Translation](#)  
October 25, 2012 at 1:08pm · Like

 **Armando Bethancourt Castillo** exactamente como se llama el niño?  
[See Translation](#)  
October 25, 2012 at 1:19pm · Like

 **Mayra Sanchez** SR.DIOS DALE A SU MAMA Y FAMILIARES EL BALZAMO Q NECESITAN ▼  
[See Translation](#)  
October 25, 2012 at 1:20pm · Like ·  1

 **Angie Arieth Calles** que va con el gobierno,ni compasion  
[See Translation](#)  
October 25, 2012 at 1:29pm · Like

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