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The vermin of the street: the politics of violence and the *nomos* of automobility

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ABSTRACT

Since the appearance of automobiles on public roads, violence has been a constant, intrinsic property of automobility. Carl Schmitt's concept of a *nomos*, constructed on the basis of primordial, violent acts of land appropriation, equally describes the history and processes by which automobility has rhizomatically expanded across the globe to become a hegemonic mode of transportation and mobility. The *nomos* of automobility is a bracketed space wherein a permanent state of exception holds. On entering this space we are reduced to the status of what Giorgio Agamben has referred to as *homo sacer*: bare life who may be killed without homicide having been committed. The *nomos* of automobility is constitutive of the visible spatial order, not only of the bracketed space that is the road but the spatiality of the globe. It has transformed space and inscribed new modes of being within the lifeworlds of humans and other terrestrials.

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And which driver is not tempted, merely by the power of his engine, to wipe out the vermin of the street, pedestrians, children and cyclists?

—Theodore Adorno, *Minima Moralia*

Introduction

The first recorded automobile-related death occurred in 1869 (National Trust 2021), the first death of a pedestrian, Bridget Driscoll, outside Crystal Palace in London in 1896 (The Manchester Guardian 1896). In September 1899, Henry Bliss became the first American to be killed by an automobile (Nader 1972, 253). At the trial following Driscoll's death, the coroner remarked that he hoped 'such a thing would never happen again' (Dauvergne 2005, 41).

In New York, already by 1905, 'death in the streets had become,' as Clay McShane (1994, 129) put it, 'a routine part of metropolitan life'. Since these first automobile deaths, approximately 85 million people have been killed in what are commonly referred to as 'accidents': roughly 60 million in the twentieth century (Wikipedia 2021) and a further 25 million in only the first two decades of the twenty-first century. To provide some comparison, around 66 million people were killed in World War II. Globally, more people are killed in road crashes than from any other form of violent death, was included. Annually, approximately 1,350,000 people are killed and 50,000,000 are seriously injured (WHO 2018, vii), an increase of 100,000 deaths since 2015 (WHO 2015, vii). Someone dies

through direct impact with an automobile every 25 seconds, approximately 3,700 individuals every day. Automobility death and injury is a cause of immeasurable physical and emotional suffering (Furnas 1935), not just of those killed and injured, but those left behind (WHO 2004, 50). What was believed to be the exception at the trial of the driver who killed Bridget Driscoll has become realized as a permanent state of normality. There is no other area of social or political life where such a constant, routine, violent attrition of human life and destruction of the human body, now over a time span of more than a century, is considered normal and acceptable (Paterson 2007, 41).

Gregg Culver (2018) has noted that ‘the violence of the car arguably constitutes something of a blind spot even within much of mobilities and transport scholarship, let alone within much of the rest of human geographical scholarship, where the issue has been left largely unaddressed’, calling for ‘greater attention to (auto)mobility in general, and for deeper engagement with violence and justice in (auto)mobility in particular’. While directed to geographers, it is a call that could well be heeded in other disciplines. Culver’s focus is automobile violence and the injustices of that violence, which do not randomly and equally fall across class, race, gender and other social inequalities. As Short and Pinet-Peralta (2010, 43) observe, ‘The young and the vulnerable and the poor and the marginal are more likely to be hit by a car than the rich and the powerful. While road deaths have declined among rich countries, they have increased among poor countries’. Automobile violence, consequently, can be seen as a special instance of environmental injustice (Bullard 1990; Pellow and Brulle 2007; Cottrill and Thakuria 2010). These are important topics that deserve further research and attention. Our focus is not, however, on the injustices Culver, Short and Pinet-Peralta rightly point to but the constituent characteristics – juridical, material, political and social – of the space within which automobile violence occurs.

Engaging with Michel Foucault’s (1986, 22) observation that ‘the present epoch [is] above all the epoch of space’, during the latter part of the twentieth century ‘space’ became an object of increasing theoretical and empirical interest (Thrift 1996; Soja 1989; Massey 1994). Within the disciplinary field of geography, mobility scholars turned their attention to the spatial properties of automobility (Pearce 2012; Merriman 2009; Cresswell 2010; Walks 2015; Böhm et al. 2006). A ‘fundamental stuff of geography’ (Thrift 1994), not only is space inherently political (Harvey 2001) but how we conceptualize and represent space is political. Attending to space requires attending to topographies of power, the ‘complex web of relations of domination and subordination, of solidarity and co-operation’ (Massey 1994, 265, 2009).

Automobility has brought about, and is a consequence of, nothing less than what Carl Schmitt [1942] 2015, 47) called a ‘global spatial revolution’. In *The Nomos of the Earth in the International Law of the Jus Publicum Europaeum* (hereafter, *Nomos of the Earth*), Schmitt [1950] 2006, 70) described *nomos* as ‘the immediate form in which the political and social order of a people becomes *spatially visible*’ [our emphasis]. What we will refer to as ‘the *nomos* of automobility’ or ‘automobility *nomos*’ is one such spatially visible form. It is a global *nomos* in that not only roads but automobility (Böhm et al. 2006, 3–4) has come to envelop much of the planet through its rhizomatic expansion (Manderscheid 2014, 616).

In the following section the themes within *Nomos of the Earth* that are relevant to our own concerns are briefly summarized. We then outline the basic spatial contours of the automobility *nomos* and its genealogy. Like the European *nomos* that is the focus of Schmitt’s monograph, automobility is founded upon the appropriation of land and space. We then examine the political and juridical properties of the automobilized space that is the road. It is a space wherein the state of exception has become normalized, wherein human life is reduced to what Giorgio Agamben (2017, 56) in *Homo Sacer* calls ‘bare life’; life that may be killed without homicide having been committed. Road violence and the ubiquitous threat of violence (Taylor 2003, 1621–1622) – the proximate cause of which is the automobile – we argue, is not a contingent but a constitutive property of the automobility *nomos*.

Although the focus of much of this paper is the internal, bracketed space of the road, it is a space that is spatially intertwined and inseparable from public and private life. Automobility's global extension, we argue in the concluding sections of this paper, has changed the very spatiality of the planet, which warrants describing it as a global *nomos*. Automobility violence is not limited to the internal space of the road but is the violence of disease and the appropriation of the global commons through automobility's contribution to the environmental crisis. With respect to automobility, the entire planet has become a space of exception wherein we are all reduced to bare life.

Nomos as ordering and appropriation of space

Although the Greek term *nomos* is frequently translated as 'law' its primary reference, Schmitt [1950] 2006, 70) argued, is space:

one should not translate *nomos* as law (in German, *Gesetz*), regulation, norm, or any similar expression. *Nomos* comes from *nemein*—a [Greek] word that means both "to divide" and 'to pasture.' Thus, *nomos* is the immediate form in which the political and social order of a people becomes spatially visible In Kant's words, it is the "distributive law of mine and thine" *Nomos* is the measure by which the land in a particular order is divided and situated; it is also the form of political, social, and religious order determined by this process. Here, measure, order, and form constitute a spatially concrete unity.

First published in German in 1950, *Nomos of the Earth* covers three periods in the history of the earth. First, the period before the rise of a hegemonic European *nomos* when, Schmitt [1950] 2006, 50–51; see also Schmitt [1942] 2001, 58–59) argued, there 'was no spatial ordering of the earth as a whole, no *nomos* of the earth in the true sense'. There were, he writes,

A variety of great power complexes—the Egyptian, the Asiatic, the Hellenistic empires, the Roman Empire, perhaps even Negro empires in Africa and Incan empires in America—in no sense were disconnected and totally isolated from one another. But their interconnections lacked a global character. Each considered itself to be the *world* [Schmitt's emphasis].

Second, the history of the European *nomos*, from its rise in the sixteenth century to its eventual demise in 1919 with the Treaty of Versailles. Third, the post-Versailles period, which in Schmitt's view lacked a single hegemonic *nomos*.

The central subject matter of *Nomos of the Earth* is the genealogy and characteristics of the global *nomos* constructed by European powers in the sixteenth century. A hegemonic balance and complex of laws, treaties, customs and traditions, the *nomos* of the *jus publicum Europaeum* (European public law) mediated relations between sovereign European states. It was a social order that divided and situated the entire earth, wherein oceans and land masses were marked and divided by the colonial powers, with the land masses of the 'New World' inscribed as available for land-appropriation by the European powers, primarily Britain, France, Holland, Portugal and Spain (Schmitt [1942] 2001, 76).

'The European peoples to whom the new, apparently infinite spaces opened and who swarmed out into these expansive spaces', Schmitt [1942] 2015, 60) wrote in *Land and Sea*, 'treated the non-European and non-Christian lands and peoples that they discovered like ownerless property, belonging to the first Europeans who took it in possession'. The indigenous inhabitants were not recognized as subjects but were inscribed as objects within international law (Schmitt [1942] 2001, 73). 'Neither Columbus nor any other discoverer', as Schmitt ([1950] 2006, 132) put it, 'appeared with an entry visa issued by the discovered princes. Discoveries were made without prior permission of the discovered' – a process and project that continues to this day (Kopenawa 2013, 352). 'Settler colonialism', as Patrick Wolfe (2006, 388; see also Ostler 2019) has argued, 'destroys to replace': 'the primary motive for elimination is . . . access to territory'.

The elements of the spatial order were land and sea, amity lines and lines of longitude and latitude, Europe, the New World, and with the dissolution of the *nomos* of the *jus publicum Europaeum*, the appearance of areas Schmitt called *Großräume* (Great Spaces), such as the Western hemisphere under the Monroe doctrine and later an imagined National Socialist *Großraum* (Barnes

and Minca 2013; Minca and Rowan 2015, 153–186). Similarly, it is the global spatial order that is the focus of the critical secondary Schmitt literature in the fields of international law (Koskenniemi 2004, 2005), international relations (Chandler 2008) and geopolitics (Odysseos and Petitto 2007; Rowan 2011; Minca and Rowan 2015; Maier 2016, 251–256). In particular, Legg and Vasudevan (2011, 1) note that, post-11 September 2001, Schmitt has been turned to ‘to understand the enmity of a new century of conflict characterized by the emergence of spaces of exception placed outside the law by and through the law’ (see also Dean 2010, 463–465), such as Afghanistan under US occupation and the Guantánamo Bay prison camp (Gregory 2006; Chambers 2018, 146–149). Whatever the differences between Schmitt and his critics, including the usefulness, or otherwise, of Schmitt’s thought for understanding the contemporary world (Galli 2015, 97–134), across much of this literature the terrain of debate concerns what Rory Rowan (2011) has called the ‘macro-spatial’, the macro-spaces of the geopolitical order.

While the automobility *nomos* is articulated with and located within these geopolitical macro-spaces, that is not the subject of this paper. Its level of spatial analysis is micro-spatial, the internal space of the road. It is, however, a micro-spatial realm that has transformed the macro-space that is the globe, a point we will return to later.

Carlo Galli (2015, 117) has argued that Schmitt’s thought, not just with respect to his Nazi period (see Bendersky 1979; Koskenniemi 2012; Barnes and Minca 2013; Sitze 2015), is highly ideological and ‘must therefore be handled carefully: it’s never neutral, and it’s always oriented to some or another political position’. Two of the central elements of Schmitt’s thought in *Nomos of the Earth* are land appropriation (*Landnahme*) and the ordering of space. It is these basic concepts – not the orientation of these concepts to one or another political position by Schmitt (which is the focus of much of the secondary literature) that offer a path for reconceptualizing the genealogy and spatiality of automobility.

Automobility spatialities: the appropriation of land and space

The history of automobility is a history of the appropriation and subsequent transformation and re-ordering of space that was previously external to automobility. At the turn of the twentieth century, urban space was shared by different sociotechnical artefacts and by humans moving, selling and playing on the streets. ‘Before road traffic became so dominant, hectic and dangerous’ (Taylor 2003, 1611), city streets, as Clay McShane (1994; see also Holzapfel 2000) has put it, were a ‘recreational space where urban children had amused themselves since the invention of cities’. Motorists were initially seen and defined as invaders of the existing social and spatial order (Norton 2008, 1–46) and limits were imposed on drivers both in terms of speed and the use of space. That order was disrupted when automobility entered with deadly force.

‘Traffic accidents’ and road deaths occurred of course already in antiquity (Laes 2004, 163). Laws regulating vehicular speed were established in ancient Rome (van Tilburg 2011, 166). ‘Collisions with vehicles on the street’ were the second most frequent cause of accidental death amongst patients admitted to Guy’s Hospital in London between 1854 and 1861 (Steele 1861, 388, 398). Automobiles did not, however, simply supplant horses and carriages, occupying a legal, political and social space that remained unchanged with their appearance. If the advent of ‘automobility’ is dated not to the construction of the first automobiles but to its beginnings as a system of mass transportation, automobility becomes contemporaneous with the legal, political and social transformation of road space. Roads were transformed into thoroughfares wherein road and roadside activities became subordinated to automobility.

Already in the decade between 1920 and 1929 more than 200,000 people were killed on the streets of the United States, four times more than in the previous decade (Norton 2007, 21). In New York City at the beginning of the twentieth century, ‘Cars hitting pedestrians, especially children’, McShane (1994, 176) observed,

became a major new form of accidents, and over the next dozen years a war raged between automobiles and youngsters for the control of New York's streets. Not surprisingly, the cars would win the hostilities. Probably three quarters of the auto's victims were pedestrians, mostly children playing in the street, inattentive to the new vehicles.

Read from a Schmittian perspective, McShane's and Norton's accounts of the early history of automobility document the originary violence (Galli 2015, 107) by which space was, first, appropriated, then constituted as automobilized space. While largely erased from collective memory in the Global North, this originary violence continues unabated with the expansion of automobility across the planet (Lamont 2012).

Cars unsurprisingly won the hostilities not only because automobiles are 'item[s] of heavy machinery designed to travel at speeds significantly in excess of the limits of lethal injury to the human body' (Randell 2017, 671) or because car travel 'cut[s] mercilessly through [the] slower-moving pathways and dwellings ... inhabited by pedestrians, children going to school, postmen, garbage collectors, farmers, animals and so on' (Urry 2004, 29). Cars won the hostilities because they were permitted to move within and through the legally transformed space that is the road. While 'the car' is the proximate physical object through which space was appropriated, what was also required was the social, political and juridical transformation of road space (Bonham 2006).

Roads, it is routinely assumed both within the law and within everyday life, are intended and built primarily for automobile use (Dawson, Day, and Ashmore 2020, 210, 222). It is an intention that is legible – spatially visible – within the very artefact that is the road: in its markings and signings (Heidegger [1927] 1962, H76-83); in its divisions of and within space; in the very materials of which it is constructed; in the size, speed and weight of the sociotechnical machines that traverse its surface (Dawson, Day, and Ashmore 2020, 214). It is an assumption that is not just a recognition of fact but an ethical and normative judgment, that this spatial arrangement is just and proper. Like the *nomos* of the *jus publicum Europaeum*, automobility is founded on not only an array of laws regulating space, not just those relating to the rules of the road, but also on 'tradition' and 'custom' (Schmitt [1950] 2006, 72).

The road as bracketed space

The *nomos* of the *jus publicum Europaeum*, Schmitt argued, had 'bracketed' the conduct of war between sovereign European states. The bracketing referred not to the abolition of war but to the containment, or fencing in (*Hegung*), of war, not only spatially but in terms of what was permissible (Jacques 2015). Conflict and violence were contained through the 'rationalization, humanization, and legalization' of war (Schmitt [1950] 2006, 100). Within this *nomos* 'just enemies' (*justi hostes*) with specific political rights were recognized within international law, both in victory and defeat. It was a recognition that was not, however, extended to all enemies. Armed conflict with those defined as criminals, such as pirates, was defined not as war but as a police operation. Similarly, the indigenous inhabitants of the New World were not recognized as *justi hostes*.

Schmitt's description of the bracketing of war and of the differing legal status of enemies within the *nomos* of the *jus publicum Europaeum* cannot be transposed in a straightforward manner onto automobility. It provides, however, a starting point for reconceptualizing the spatialities of automobility.

First, the history of automobility is a history of the construction of a distinct – bracketed, fenced – socio-juridical space, namely the road. Although there are significant differences across legal jurisdictions (King 2020), the road has been constituted as a space wherein violence that is neither permitted nor tolerated in spaces external to automobility is both permitted and tolerated. Discursively, it is represented under the designation 'accident'. It is not violence that is bracketed but the space that is the road that has been bracketed.

Second, it is a bracketed space that has made possible the spatial containment of automobile violence. Were it not contained, automobile death would be either permitted, or punished, everywhere. The bracketed space that is the road is analogous to spaces ‘beyond the line’ within the *nomos* of the *jus publicum Europaeum*, most notably the New World. ‘Everything that occurred “beyond the line”, Schmitt [1950] 2006, 94) observed, ‘remained outside the legal, moral, and political values recognized on this side of the line’. ‘This side of the line’ was the land mass of Europe, wherein violence and the threat of annihilation in war had been contained. Counterfactually, there was another possible past. Had the road not been constituted as a contained space of exception, it is possible that cars would not have won, as McShane put it, ‘the hostilities’.

Third, it is a space entry into which results in the transformation of one’s juridical status. To enter that space is to cross a border, and as Charles Maier (2016, 277) has remarked with respect to national borders, ‘crossing a border can radically change our rights and security’. This bracketed spatial realm is the micro-space of the *nomos* of automobility.

The road as space of exception

In *Political Theology*, Schmitt [1922] 2005, 5; see also 1923, 5) famously defined the sovereign as ‘he who decides on the exception’. In *Nomos of the Earth*, Schmitt ([1950] 2006, 98–99, 209) only in passing explicitly mentions spaces within the *nomos* of the *jus publicum Europaeum* wherein law has been suspended. However, as Agamben (2017, 34) has pointed out, a careful reading of *Nomos of the Earth* reveals that the New World was ‘a designated zone of free and empty space’, wherein ‘everything required by the situation was permitted’ (Schmitt [1950] 2006, 98–99). Those spaces of exception within the *nomos* of the *jus publicum Europaeum*, as well as the principal space with which *Political Theology* was concerned, namely the territory of a nation state, are geopolitical macro-spaces of the type discussed earlier. To consider the juridical properties of the micro-space that is the road, it is to Agamben that we now turn.

For Agamben, the *paradigmatic* space of the contemporary political order is the concentration camp (cf. Ojakangas 2005). It is the site in which the state of exception is given a permanent spatial arrangement, wherein the state of exception has become the rule. ‘The camp’ is the site wherein those who enter it are ‘stripped of every political status’ and reduced to what Agamben has called *nuda vita*, or ‘bare life’ as it has been translated into English.¹ ‘The correct question to pose concerning the horrors committed in the camps’, Agamben (2017, 141) claimed, was ‘not ... how crimes of such atrocity could be committed against human beings’. Rather, it is a question of ‘the juridical procedures and deployments of power by which human beings could be so completely deprived of their rights and prerogatives that no act committed against them could appear any longer as a crime’.

‘The essence of the camp’, Agamben (2017, 143) argued, ‘consists in the materialization of the state of exception and in the subsequent creation of a *space* in which bare life and the juridical rule enter into a threshold of indistinction’ [our emphasis]. We are in the presence of such a camp, Agamben argued, whenever we are confronted with such a structure, ‘independent of the kinds of crime that are committed there and whatever its denomination and specific topography’. It is ‘a space in which the normal order is de facto suspended and in which whether or not atrocities are committed depends not on law but on the civility and ethical sense of [those] who temporarily act as sovereign’ – in automobility space the police, for example (Seo 2019).

Bare life is he who Agamben (2017, 61, 150) has identified as *homo sacer*, an ‘enigmatic figure’ within Roman criminal law, whose ‘entire existence is reduced to a bare life stripped of every right by virtue of the fact that *anyone can kill him without committing homicide*’ [our emphasis]. Exposed unconditionally to potential killing, *homo sacer* is reduced to a continuous relationship with the power that banishes her precisely because she is at any instant exposed to an

unconditional threat of death. Banned from the domain of political being, *homo sacer* is life reduced to *zoē*, biological existence. *Zoē* is thus separated from *bios*, qualified (political or public) life.

The camp, Agamben (2017, 144) argued, 'is the hidden matrix of the politics in which we are still living, and it is this structure of the camp that *we must learn to recognize in all its metamorphoses*' [our emphasis]. Automobility, we are suggesting, is one such metamorphosis. Within the *nomos* of automobility, spaces have been delineated wherein a constant threat of automobility violence has become a permanent state of normality. It is a 'structure in which the state of exception . . . is realized *normally*' (Agamben 2017, 140). The *homines sacri* of the automobility *nomos* are all who enter that space.

This is not to suggest that the Nazi death camps and the road are *identical* spaces, nor would Agamben's account support such a conclusion. In arguing that 'the camp' was 'the most absolute biopolitical space ever to have been realized, in which power confronts nothing but pure life, without any mediation', Agamben (2017, 140–141) was clearly not suggesting that *all* metamorphoses of the camp are *equivalent*, indistinct, *absolute* biopolitical spaces. He was, however, suggesting that it is 'the structure of the camp' that is common to these 'metamorphoses'. In which ways the death camps and the road are similar or different would require engaging with the details of meaning production in the Holocaust literature (Friedländer 1992; Braun 1994), which is beyond the scope of this essay. For the subject at hand, the central similarity is that both are spaces wherein the state of exception became realized as a state of normality.

The *homines sacri* of automobility

McShane's reference to cars as the victor of the hostilities on the streets of New York is not entirely accurate. It was not *cars* that won the hostilities but a car-driver entity (Katz 1999; Lupton 1999; Beckmann 2004; Dant 2004; Randell 2017). John Urry (2004) has described the car as a 'metallic and glass shell', as a 'steel and petroleum iron cage' and as 'an extension of the human body, surrounding the fragile, soft and vulnerable human skin with a new steel skin'. It is the presence and movement of this cyborg entity possessed of this 'steel skin' that is the proximate reason why roads are dangerous spaces of violence. This cyborg entity is a key artefact of what Paul Virilio (2006, 69; see also Dalakoglou 2017, 1–14) called the 'dromocratic revolution': order created by dangerous, competitive *speed*. Within the spatiality of the road, the automobile body routinely confronts bare life, bodies reduced to *zoē*.

The road is not, however, a space occupied solely by two distinct and unequal entities that confront each other: the human-machine entity and those Adorno (2010, 40) called 'the vermin of the street', only the latter are the *homines sacri* of automobility. The car-driver assemblage is a dual entity, not just in that it is a hybrid human-machine entity, but because bare life is simultaneously enclosed within and a component of that entity. Those enclosed within the human-machine entity – drivers and passengers – are equally subject to the violence of automobility (see, for example, Furnas 1935; Watkins-Hughes 2009). They may also be, and routinely are, killed without homicide having been committed, they also are the *homines sacri* of automobility. Their deaths and injuries equally occur within the space of exception.

Simultaneously, threats and reminders of the intrinsic violence of automobility (Taylor 2003, 1611), the most obvious and frequently encountered examples of the proximate causes of death and injury are tailgating, cutting off bicyclists, accelerating at pedestrians deemed to be crossing the road too slowly or at non-specified points. Automobiles driven by, as Latimer and Munro (2006, 45) have put it, 'the kind of guy that comes "right up your arse" . . . flashing his lights, and thrusting his way forward regardless of others' safety or sensibilities'. Death and injury occur, however, not only due to egregious driving. Braun and Randell (2020, 7) note that 'perusing the codebooks of [road safety] studies . . . what is striking is the extraordinary number of things that can go wrong on the road'. As Agamben (2017, 95) remarks with respect to road violence, alluding to Arendt's (1965/1994) *Eichmann in Jerusalem: A Report on the Banality of Evil*

What confronts us today is a life that as such is exposed to a violence without precedent precisely in the most profane and banal ways. Our age is the one in which a holiday weekend produces more victims on Europe's highways than a war campaign.

This life 'exposed to a violence without precedent' is *homo sacer*.

Road safety research: the statistical construction of causality

The examples above, ranging from the driver Latimer and Munro describe, to momentary lapses of attention, would seem to confirm the claims of traditional 'road safety' research, which attributes automobility violence primarily to human agency (see also King 2020, 11). A frequently cited figure and attribution of responsibility is that ninety-three percent of road accidents are the result of human error (Singh 2015). It is an attribution of cause and responsibility in accord with how 'accidents' are understood within the automobility *nomos*, wherein responsibility for automobile violence is located primarily within individuals *qua* 'drivers'.

Except in the limiting case of the intentional targeting of victims (see, for example, Chambers and Andrews 2019),² road deaths in most circumstances – and there are one million three hundred and fifty thousand each year – are not understood to constitute homicide or manslaughter, neither legally nor in routine everyday accountings of automobile death. In everyday life, we take it as given – what Schmitt [1950] 2006, 72) called 'custom and tradition' – that someone involved in a 'car accident' should not be charged with homicide, that it is, after all, 'something that could happen to anyone' (see, for example, King 2020, 265). It is because automobile deaths occur within the bracketed space of the road that they are tolerated and permitted. While the degree of impunity – both juridical and with respect to social ostracism (custom and tradition) – of *drivers* varies across legal systems and cultures, everywhere road death and injury are treated differently from death and injury in other spaces (King 2020).

In locating violence within the individual driver, not the spatial ordering, automobility violence is rationalized and rendered acceptable. Automobility violence is removed from automobility altogether: the road is cleaned; automobiles are removed and repaired or junked; victims are transported to hospitals; accident reports are completed (United States Department of Transportation 2008), each a new data point available for statistical analysis (Beckmann 2004). Quantified as a statistic, violence forms one side of a moral equation, on the other side of which are located the freedom, speed, autonomy, efficiency, pleasure, convenience, comfort and the ostensible safety of the human bodies enclosed within the automobile body (Böhm et al. 2006, 7).

To think of impunity, either total or partial impunity, *solely* in terms of something the driver might or might not be afforded, is to assume that responsibility – ethically, causally and legally – lies entirely with drivers. Although present in one hundred percent of car crashes, with the exception of defective vehicles, vehicles (and by extension automobile manufacturers) are relieved of responsibility. As Mark Lamont (2012) has put it, 'drivers or victims [are] blamed for negligence, but vehicles almost always exonerated and considered inert, speechless witnesses to crime'. Not only vehicles and automobile manufacturers but, more importantly, *automobility in its entirety* is thus relieved of causality and responsibility (Beckmann 2004; Braun and Randell 2020). In short, it is automobility that is afforded complete impunity. Both in the aggregate and in each individual accident, *who*, or *what*, is responsible, and how impunity is to be distributed, fade into indistinction. This is not to suggest that drivers, in cases of dangerous driving, for example, should not be considered culpable. To the degree drivers are held to be homicidally culpable, it is a case of the exceptions proving the rule.

Our point is that driving that is held to be legally culpable is so defined against a background that recognizes only three possible causal agencies: driver, environment and vehicle. If a court of law determines that a particular driver is homicidally negligent, this does not mean that the vehicle automobility in its entirety cease to be causal factors and relieved of ethical responsibility. We would

add that while technological developments, driver training, penalties for driving infringements and so forth have led to a reduction of some road fatality categories in the Global North, it does not follow that the *nomos* of automobility is any more nor less a space of exception.

By 'automobility' we mean not just cars and physical infrastructure, but automobility as referring to the components of that which John Urry (2004) called 'the system of automobility'; to what Böhm et al. (2006, 4) describe as 'sets of socio-techno-political practices in all their complexity and interconnections'; to what Katharina Manderscheid (2014, 608, 616) refers to as a rhizomatic automobility *dispositif* (apparatus). Automobility is an instance of what Timothy Morton (2013) has described as a 'hyperobject': 'objects that are massively distributed in time and space relative to humans' (Morton 2012). Automobility's distribution in time and space has resulted in the dispersal and dissolution of responsibility. An assemblage of agents have, however, successfully persuaded us that causal and moral agency lies primarily with 'the driver' (Braun and Randell 2020) and not elsewhere.

The rhizomatic spatial reordering of the world

The appropriation of space described above is the appropriation of already existing roads for automobile use. The expansion of road networks has required further appropriation of land and space. As Lewis Mumford (1963, 220) observed in an essay first published in 1959 in *The New Yorker*, the US federal highways project required 'slashing through old neighborhoods, stealing land from public parks, dumping traffic in urban centers'.

Approximately 64 million kilometers of roads have been constructed across the surface of the planet (United States Central Intelligence Agency) 2021. In central Europe, there are two kilometers of road per square kilometer of land (Grilo et al. 2020). The vast majority of road construction has been for access by mechanized vehicles. Rhizomes, Deleuze and Guattari (1987, 1–27) point out, are plants that expand and grow horizontally, spreading new growth with the rhizomatic expansion of their root system. Blackberry plants are a domesticated example. In this minimalist sense 'rhizome' serves as an appropriate metaphor for the expansion of automobility across the surface of the planet. From its original habitus in Europe and North America, automobility has now expanded across much of the Global South.

Total kilometers of road that have been constructed provide only an abstract measure of the transformation of the space that has been brought into the realm of automobility. Examples are the destruction of rainforests in Papua New Guinea (Gabbatiss 2018) and of the Amazon, neither of which would be possible without road construction and, in these cases, not cars, but trucks and heavy land-moving equipment, the success of which equally requires violence and the threat of violence: against indigenous inhabitants, non-human species, and the very 'environment' itself.

Automobility is the most violent socio-political order on Earth not only for humans but also for other species, whose existence depends increasingly on what we humans do, or refrain from doing. Automobility impedes and redirects the mobility of animals (Castellano 2018; Chambers 2018, 33–38; Hodgetts and Lorimer 2020); hundreds of millions of animals are killed each year through collisions with vehicles (Davenport and Davenport 2006, 165–189). Across Europe, 194 million birds and 29 million mammals are killed annually on roads (Grilo et al. 2020). We could think of them not as *other* but as 'terrestrials, just like us' (Rorty 1989, 189–198; Latour 2018; see also Derrida 2008), who also suffer and feel pain. It is a term that opens up the possibility of constructing 'more democratic modes of coexistence between humans and with nonhumans' (Morton 2013, 121), of solidarities not only with other humans but a post-human solidarity with our fellow terrestrials (Ferrando 2020; Haraway 2015). They have also been reduced to bare life.

Beyond the abstract physicality of roads and their mathematically measurable extension, automobility has transformed, as did train travel (Schivelbusch 1986; see also Merleau-Ponty 2012, 293–294), our mode of Being-in-the-world (Heidegger [1927] 1962). For those outside the automobile, it is a world of constantly moving automobiles; for those within the automobile, a world as experienced

and perceived from within the vehicle (Böhm et al. 2006; Merriman 2009; Katz 1999). As Nigel Taylor (2003, 1611) has argued, ‘to understand our aesthetic experience of road traffic in the modern city is in large measure to understand our aesthetic experience of the modern city’. In the guise of the suburban garage, through television, in advertisements, through social media, music and film, automobility is intertwined with and ever-present, existing beyond the physical space of the road. Automobility intrudes upon, appropriates and reorders what we take to be private spaces outside the public space occupied by physically visible automobility. It has receded into the perceptual background of much of social life (Goffman 1963, 21; Taylor 2003), yet that background is everywhere. Automobility is not separate from us but, understood phenomenologically, it is what Being-in-the-world has come to mean in the age of automobility (Randell 2017, 674). It is within this rhizomatic spatial order that many of the planet’s inhabitants, not only humans (Davenport and Davenport 2006), dwell, move and act.

In summary, although a ‘micro-space’ relative to the macro-spaces that are the focus of much of the Schmitt literature, the structure of the camp that is the *nomos* of automobility designates a spatiality that is everywhere, that cannot be circumvented. As pedestrians, cyclists, drivers or passengers, it is a space that must be entered and crossed to engage in the most basic and routine activities of daily life: going to and from work, purchasing food, socializing, attending school, and so forth.

The global *nomos* of automobility

Though one of the many sources of greenhouse gas emissions, automobility is one of the central technologies responsible for climate change. The consequences are well known and include the disappearance of land with rising sea levels, desertification, droughts, bushfires, hurricanes and other extreme weather events, species extinction, the death of coral reefs resulting from increased water temperatures. It is nothing less than an appropriation of the global commons (Harvey 2007, 35), albeit through climate change caused by greenhouse gas emissions, not plunder and settlement. In addition to the conquering of land and sea, it represents, as Schmitt (Schmitt [1942] 2001, 103–107) conjectured in the concluding pages to *Land and Sea*, the conquering of the space that is the air.

The *homines sacri* of automobility are not only those who enter the space of the road but all of us. In addition to automobility’s contribution to global warming (Bonneuil and Fressoz 2016), automobile pollutants result in disease and death. Automobility, Pellow and Brulle (2007, 41) note, is one of the ‘institutions that routinely poison the earth and its people’. In the European Union alone, four hundred thousand people die every year from respiratory diseases caused by automobility induced pollution (European Commission 2017; see Vohra et al. 2021, for global estimates). They are also killed under conditions of impunity. Not only all who enter the space of the road become *homines sacri*, so also are those exposed to automobility pollution and subject to the effects of greenhouse gas emissions.

Automobility’s global extension has, in effect, contributed to the transformation of the entire globe as a space of exception. *Homo sacer* has become virtually indistinguishable not only from the citizen (Agamben 2017, 141), but everyone. Bare life, as Agamben (2017, 116) has put it, ‘is no longer confined to a particular place or a definite category. It now dwells in the biological body of every living being’.

The *nomos* of automobility, in other words, is everywhere. It stretches across much of the land surface of the planet. However, its constituent elements are not the geopolitical macro-spaces of nations, continents, land and sea; its constituent spatial element is the myriad micro-spaces that are the road. Yet those micro-spaces have reordered the spatiality of the entire planet. Earlier we noted that the automobility *nomos* is articulated with, and located within, the geopolitical macro-spaces that are the focus of much of the secondary Schmitt literature. That is not focus of this paper, but we would here note that supply chains (Cowen 2014), the extraction and transportation of oil (Campbell

2005) and raw materials required in the manufacturing of automobiles (Egbue and Long 2012), the protection of shipping routes by naval forces, the importance of automobile manufacturing in national economies (Paterson 2007, 91–121), are all points at which automobility is articulated with these geopolitical macro-spaces. This is the spatially visible ‘political and social order of a people’ (Schmitt [1950] 2006, 70) – container ports and shipping lanes, for example – that is the political economy of the planet (Mitchell 2013),

While there are significant regional, national and other geographic variations within the automobility *nomos* – namely differences with respect to law, custom and tradition – it is appropriate to describe the automobility *nomos* as a singular global *nomos*, evidence for which is that automobility death and injury occur wherever there are roads and automobiles. That death and injury rates vary across countries speaks neither to the absence or presence of the automobility *nomos* nor to there being many separate automobility *nomoi*, but to variations within the global, singular, automobility *nomos*. One of those variations is the degree to which the state of exception prevails, the degree to which the spaces within the automobility *nomos* are void of law.

It is a bracketed space wherein all are subject to the possibility of being killed under circumstances wherein homicide has not been committed and where responsibility is dispersed and indistinct. To the degree this juridical situation is mitigated, it is due to efforts to reduce legal impunity, primarily with respect to drivers. Penalties for driving under the influence of alcohol, mainly within the Global North, are a case in point. It remains, however, that the spaces that have been appropriated by and for automobility are spaces of exception. In which ways they differ, which we here can do no more than gloss, are important potential areas of research (see, for example, King 2020).

Conclusion

As opposed to the casualties of wars between nations, with the exception of private makeshift flowers, white ghost bikes or religious symbols such as crosses placed on roadsides (Reid 2015), there are few public commemorative memorials of either the unknown or known automobility casualties (Neiman 2019, 261–307). Automobility deaths are rationalized and dehumanized by being purged from public memory, victims remembered only by friends and family. Among the few exceptions are public memorials in Budapest and in Prague (see Norton 2008, 21–46 for past examples) and the designation of an annual world day of remembrance, November 15, for road traffic victims.

Automobility violence is not limited to actually occurring violence on the road, but includes epistemic violence (Spivak 1988), the describing of violence not as violence but as an ‘accident’, the investigation and analysis of which is referred to, without any apparent irony, as ‘road safety’ research, thereby transforming epistemic violence into epistemic injustice (Fricker 2011).

In her essay ‘On violence’, Hannah Arendt (1970) separates violence from power. Following Benjamin (1921 1996), she argues that while power is absolute, violence is not. Violence is merely instrumental and is justified by the end it pursues. Automobility violence is not a means to any end that might or might not justify it. It is a constitutive property of the spatially visible political and social order that is the automobility *nomos*. Violence creates and sustains the spatial reality in which existence is experienced in automobilized societies – speed, comfort, convenience, autonomy and so forth. It ensures that operators of slow vehicles, pedestrians, cyclists and others, under pain of death or injury, grant access to automobile traffic. It is an example of what Agamben (2017, 1268) calls ‘constituent power’ (*potere costituente*): an ‘originary and unlimited power’ based on ‘violence that puts in place and constitutes a new law’.

Given the intrinsic violence of automobility, it may be asked why and how automobility has been able to expand across much of the globe. This has been an abiding theme of much of the automobility studies literature, including publications in this journal, which has focused on the construction of subjectivities – persons – who want and desire automobility (Paterson 2007, 121–

165); what Urry (2004) has referred to as 'lock-in' through which the system of automobility reproduces itself; the role of popular culture, marketing and advertising in promoting automobility (Randell 2020); and state support of automobility (Paterson 2007, 91–120).

With respect specifically to automobility violence, there are four aspects we would underscore. First, what may be called the moral economy of automobility, wherein we assume, or have been so persuaded, that the ostensible benefits of automobility on one side of the moral equation – speed, efficiency, convenience, excitement, etc. – outweigh the violence on the other side of the equation. Second, through the physical removal and occlusion of road violence, of victims and their injuries, and the concealment of the grief experienced by survivors. Third, the development by the automobile industry of a succession of automobility sociotechnical imaginaries (Jasanoff 2015) that hold out the promise of a future of safe automobility to be achieved through technological fixes (Braun and Randell 2020). Fourth, in locating the primary cause of violence in the driver (and secondarily the vehicle and the environment), not only is attention deflected from the hyperobject that is automobility, it is discursively reduced to nothing more than a minimalist dictionary definition of automobility: 'the use of automobiles or motor vehicles as a mode of transport' (OED 3rd ed., entry for Automobility).

The few examples of metamorphoses of 'the camp' that Agamben (2017, 143) has identified are either temporally or spatially delimited. The automobility *nomos*, in contrast, is an example of an enduring, permanent global space wherein the state of exception has become normalized. It is precisely the kind of paradigmatic space identified by Agamben, one in which possibly 100 million people have been killed and more than one billion, perhaps many more, have been seriously injured. Automobility's spatial extension has resulted in the creation of a global *nomos* within which we are all reduced to *homo sacer*, who is not only she who may be killed but she who may be injured without a crime having been committed.

Qua nomos, automobility is one of the metamorphoses Agamben has warned us of. The signs and traces of its violence routinely physically and discursively effaced, removed, occluded and cleared away, automobility has become so unremarkable and taken for granted that we are unable to recognize it as such a space.

Notes

1. The Italian *nuda vita* is Agamben's (2018, 69) translation of *bloßes Leben*, which appears in Walter Benjamin's (1991, 179, 203) *Zur Kritik der Gewalt* (Agamben 2017, 56). *Bloßes Leben* in the English translation (Benjamin (1921 1996) of *Zur Kritik der Gewalt* is rendered not as 'bare life' but as 'mere life', while the German translation of *Homo Sacer* renders the Italian *nuda vita* not back to Benjamin's *bloßes Leben* but as *nacktes Leben* (Agamben 2016). Although neither more nor less satisfactory than 'bare life', mere life suggests a different form of reduction and abandonment of 'life' (Agamben 2017, 51–52). See Carlo Salzani's (2015) 'From Benjamin's *bloßes Leben* to Agamben's *Nuda Vita*: A Genealogy' for a discussion of the differences between these terms.
2. An exception is Florida, where drivers who intentionally drive into street protesters may under certain circumstances be afforded legal immunity (Epstein and Mazzei 2021).

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