Are There People Outside of Identity?

https://www.e-ir.info/2015/04/22/are-there-people-outside-of-identity/

STINA WASSéN, APR 22 2015

Who is Homo Sacer? Does Agamben's conception make sense in today's world? To whom would the category apply? Why should some bodies be relegated to zoë? Do these people have identities? Who recognizes them? Who or what does not? In your opinion, will there be more such bodies in flow in the future? In the near future? Why are these bodies in flow? How do performances determine status, say to the zoë? Who determines which performances "ring true? Where are these bodies? Does it make a difference if these bodies are integrated into a community or kept separate? Why? What are the mechanisms of power that place bodies in the zoë?

With the concepts of *homo sacer* and state of exemption in mind (Agamben, 1998), the story of Abas Amini made me very curious. In May 2003, the Iranian 33 year old married father of two and a UK refugee stitched together his eyes, lips and ears as a protest against the UK's government's poor treatment of asylum seekers. After having had the stitches removed Amini explained: "I sewed my eyes so others could see, I sewed my ears so others could hear, I sewed my mouth to give others a voice" (BBC News, 30 May 2003).

According to Bülent Diken, the asylum seeker is the perfect example of *homo sacer*, "the ultimate biopolitical subject whose life is stripped of cultural and political forms" (2004: 83). Thus, the reason for why Amini's story caught my attention is the way in which it so obviously defies Agamben's notion of *homo sacer* as a passive figure, without agency or political identity. Hence, my essay will seek to go beyond the sovereign centric perspective presented by Agamben, which locates the refugee at the margin of political life *per se*. Instead, by looking closer at the act of mouth sewing, the essay will investigate how the refugee camp not only represents a place where the sovereign power produces *homo sacer*, but ultimately one in which resistance can take place.

The essay will begin by engaging with Agamben's concept of the state of exception and his notion of *homo sacer* as the ultimate biopolitical subject. Proceeding, the essay will look at the refugee camp as a geographical space wherein the state of exemption becomes the rule. In so doing, the essay will examine how other authors have looked at the refugee camp as a current example of where *homo sacer* is produced. By drawing on a Marxian approach to human agency, the essay will thereafter seek to provide a more nuanced way of approaching the questions of power and agency. Lastly, looking at examples where refugees, by sewing their mouths together, have envisaged their ability to resist sovereign domination, it will serve to problematise the notion of the camp as a place of total absence of political agency on behalf of the refugee. Moreover, the essay will argue that the camp should be seen as a place where social structures both make subjugation, and resistance possible. Thus, the notion of the completely agency-less *homo sacer* will be contested.

Biopolitics and *Homo Sacer*

Agamben's core assertion in *Homo Sacer: Sovereign Power and Bare Life* (1998), is that the sovereign state, and sovereign power in all its different forms, work through the drawing of boundaries between different forms of life. As such, Agamben's claim is a continuation of the argument first put forth by Michel Foucault. In *The history of Sexuality*, *vol. 1: The will to Knowledge,* Foucault argues that the emergence of bio-politics, whereby the state seeks to control not only the disobedient in society, but rather whole populations as a way of securing the stability of the state, is what characterises modern politics (Murray, 2010). Foucault holds that this endeavour began in the eighteenth century and marks a clear break with previous political traditions, which did not include human life as part

of the political project (Foucault, 1997). Contrary to this claim, Agamben argues that the sovereign assertion of power over life should not be considered a modern phenomenon, but rather the core of the sovereign enterprise. Indeed, Agamben asserts that the "fundamental activity of sovereign power is the production of bare life, *homo sacer*, as the original political element and as the threshold of articulation between nature and culture, zoē and bios" (1998: 181).

Chief to Agamben's argument is the notion of sovereign exemption taken from the German political theorist Carl Schmitt. Agamben embraces Schmitt's core claim that the sovereign is "he who decides on the state of exception" (Agamben, 2005: 1). Further, he argues that the distinctive features of the sovereign, contrary to the Weberian definition, are not those that distinguish the sovereign as the one who successfully claims the monopoly of the legitimate use of force within a defined territory, but rather, the that the sovereign is the one "who decides the exception" (Schmitt, 2005: 5). The point here is that Agamben, in accordance with Schmitt, asserts that legal and political order is determined by what is rendered as an exception to it (Owens, 2009). Because the sovereign is the one who gives the law, s/he is also the only individual who is able to decide where the law is valid and when the law is suspended. For Agamben, the exemption does not mean a total ban from the political sphere but rather an active positioning of something outside of it (Murray, 2010). The important thing to pull out here is that the sovereign has the power to declare a state of exception, whereby "the juridical is taken over by that which lies outside of it […] that the rule of law is suspended in order to protect it, thus creating an inclusive exclusion, whereby that which is outside the rule of sovereign law (sovereign power) is brought inside the rule of law, yet remains outside of it" (ibid: 62-63). In short, the state of exemption lies between inclusion and exclusion, between the inside and the outside, between the rule of law and the suspension of law, whilst simultaneously sanctioning the other (Agamben, 1998).

The way in which Agamben conceptualises the state of exemption is pivotal for his understanding of the *homo sacer*, or bare life. Agamben traces the way in which the sovereign power, ever since its installment, has utilised itself by drawing boundaries between different forms of life. According to him, the *homo sacer* emerged as a category of life in-between the distinction made in ancient Roman law between life as zoē and life as bios. Whilst *zoē* expresses "the simple fact of living common to all living beings (animals, men, or gods)" (Agamben, 1998:1), bios indicates the life beyond zoē, which resides in the political space of the polis and which includes the collective and qualified political life of humans (ibid). In contrast, *homo sacer* is life which "may be killed and yet not sacrificed" (ibid: 4) and which exists within the juridical order only by being actively excluded from it (ibid). Importantly, actively being excluded from the law is not the same as being outside or beyond it. Just like with the state of exception, *homo sacer* is included in the sovereign realm precisely by being excluded from it. As will become visible below, there is no stronger way in which someone is affected by the law as when one is actively denied it.

The Camp

The sight of the camp is the location of the specialisation of sovereign power within which the production of bare life is transformed from exemption into rule (Minca, 2011). For Agamben, the juridical-political structure of the camp – be it the concentration camps of the Second World War, the modern detention camps for refugees and asylum seekers, or the infamous Camp Delta at Guantanamo Bay – is the site where the suspension of the law it reproduced. This suspension allows for acts of immense cruelty not only to be committed, but also ultimately to go unpunished (Puggioni, 2006). As Agamben has declared, the camp envisages the structure in which the "absolutisation of the biopower of *di far vivere* ['to make live'] intersects with and equally absolute generalisation of the sovereign power*di far morire* ['to make die']" (Agamben, 1999: 83). Importantly, according to Agamben, once a geographical location is converted into this particular power structure, a space of exemption, "life is *per se* reduced to bare life, and its control resides exclusively on the sovereign power of camp administrators" (Puggioni, 2006: 70).

The way in which the refugee camp produces *homo sacer* has been examined in depth by several scholars. For instance, Bülent Diken has shown how the idea of exception increasingly controls all aspects of the refugee's life (2004). Illustrative is the case of the French company, Sodexho, which, in running a detention centre for asylum seekers outside of London, is allowed by the UK authorities to pay camp residents 34p an hour for cleaning and cooking in the camp. An amount which is far below the legal minimum wage in the UK (ibid). Another example of how the refugee is reduced to *homo sacer*, is the way in which asylum seekers can be arbitrarily relegated to detention. In Australia for instance, refugees are mandatorily detained as a result of the policy that all asylum claims are seen as

fictitious until proved otherwise (ibid). Further, as the interviews with 46 asylum seeking women in the UK in 2012 by *Women for Refugee Women* (WFRW) makes evident, detention is very common and can span between a period of a few days up until 11 months. On average, the women interviewed had been detained for three months (WFRW, 2014). As one woman told the interviewers: "The most depressing thing is that you don't know how long you're going to be here or if you'll still be here tomorrow" (ibid: 4). In all of the above examples, the position of the asylum seeker in contrast to the citizen of the host state is telling. As Pointed out by Slavoj Žižek, the question at hand is if this distinction between refugee and state citizen indicate that what we are seeing is a return to the differentiation between the rights of the citizen and the right of the human? (2002). Also, maybe the even more pressing issue is not the way in which the people who are inclusively excluded are treated, but rather the fact that these cases indicate that "our most elementary, 'zero', position is that of an object of biopolitics" (ibid: 95).

The Limitations of Agamben

As pointed out by Jenny Edkins, the strength of Agamben's argument lies in the way in which it successfully conveys "how the sovereign power operates through the state of emergency" (2000: 20). However, despite, or maybe precisely due to, his elaborate scrutiny of the workings of bio-politics, Agamben seems to understand the camp as a place where the sovereign already and always dominates. In effect, what is lacking from Agamben's analysis is an investigation about the possibility for acts of resistance by the refugees and asylum seekers living in camps. Indeed, the absence of engagement with the possibility for resistance to the various manifestations of sovereign power hints to an assumption that *homo sacer* leads "a powerless life", a life that by definition cannot be political life" (Edkins and Pin-Fat, 2004: 7).

In order to supply an alternative way to conceptualise the workings of sovereign power within the camp, and to provide a more sophisticated understanding of refugee agency, a Marxist approach to social structures and agency is most useful. The utility of such an approach lies in the way it allows for a more dialectic understanding of social actors and institutions to take form. A Marxian analysis, which provides a critical evaluation of capitalism as a historically produced and changeable social reality, allows for the investigation as to how social relations, and relations of power, are all social constructions and therefore capable to change (Rupert, 2013). The core of Marx dialectic understanding of history is his understanding of "human social life as relations in process" (ibid: 155). Specifically, humans are historical beings that are both produced and producers of historical processes. To quote Marx himself: "Men [*sic*] make their own history, but not of their own free will; not under circumstances they themselves have chosen but under the given and inherited circumstances with which they are directly confronted" (Marx, 1973: 146). The important thing to pull out here is that social processes are a dialectic between agency and structures. Whilst we ought to see actors as located within preexisting historical structures, which allow for certain kinds of identities and action on behalf of the agent, we cannot take these structures as static. Human beings not only react to the situations they find themselves in but constantly participate in the making and remaking of history. This engagement then occurs at the same time as actors have their agency conditioned by various restraints provided by the situation they find themselves in (Behrman, 2014).

To engage with Agamben's notion of homo sacer from a Marxian perspective provides us with the theoretical tools to think more critically about the questions of freedom and constraints that refugees face within the refugee camp. Rather than considering the sight of the camp as a space of static total sovereign domination and the refugee or asylum seeker as the ultimate a-political, identity-less biopolitical object, completely in the hands of the camp management, a dialectic approach to social relations allows us to see how even the *homo sacer* has the ability to show agency and to preform a political identity. Thus, the last section of this essay will examine the sight of the camp as a sight of struggle and resistance.

***Homo Sacer* and Political Identity**

Returning to the story mentioned at the beginning of this essay, the actions undertaken by Amini (BBC News, 30 May 2003) is a telling example of how sovereign power, whilst posing extreme limitations to the agency of refugees and asylum seekers, is not beyond defiance. Jenny Edkins and Véronique Pin-Fat (2005) argue, by combining Foucault's notion of power relations[1] with Agamben's understanding of the refugee camp, that by assuming *homo sacer* i.e. by

taking on the identity of bare life, refugees are able to transform themselves into political subjects and move themselves out of the relationship of violence and into the realm of power relation between the refugee and the sovereign power[2]. In so doing, the refugee resists sovereign power and is able to "return to a life of power" (ibid: 12).

Indeed, the act of lip sewing has been employed by several refugees. One such case, which took place in the Woomera detention camp in Australia in 2002 involved between 60 and 100 refugees sewing their lips together as a protest against the slow management by Australian authorities of their protection visas and the compulsory detention of illegal immigrant (ibid: 16-17). Important to note here is that acts such as lip sewing, have not only been carried out by people who reside within the secluded space that is the refugee camp but also by refugees who have not been detained (ibid). Whilst the discussion here focuses on people who are physically detained within a camp, the state of exemption as put forth by Agamben, does not only regard enclosed camps, but ultimately concerns all zones in which life as bare life is produced through sovereign power (ibid: 19). What Amini's actions – recalled here in the opening paragraph of this essay – make evident, however, is that by assuming the role of *homo sacer*, Amini effectively draws attention to, and reenacts the way in which sovereign power has made him into bare life. (ibid). Most importantly, "the assumption of bare life as a form-of-life in itself, is in effect, also a refusal" (ibid: 21). Through the resistance by Amini, the state of exemption is in a way suspended, and Amini has, if only for a brief moment, reinstalled himself as an active agent with agency and political identity. The relationship in which Amini finds himself, is no longer one of pure violence, but one of power which in effect allows for resistance to take place.

Whilst Amini's case shows how the refugee indeed may possess agency and a political identity, it is important to keep in mind that the resistance does not need to lead to any substantial change. Indeed, the power of one single refugee is nominal in comparison to the immense structure in the shapes of refugee laws, discourses and physical structure of refugee camps. Indeed, politicians the media and/or other official figures may refuse to engage with a refugee's acts of resistance, which ultimately perpetuates a relation of violence and a state of exemption (Edkins and Pin-Fat, 2005). For example, protests of lip sewing have often been rendered not political acts but as confirmation of the refugees alien character. As the statement by the Australian Immigration Minister Philip Ruddock shows, acts of resistance may be rendered odd acts by strange outsider: "Lip sewing is a practise unknown in our culture but we've seen it before amongst detainees and it's something that offends the sensitives of Australia. They believe it will influence decisions. It can't and it won't." (BBC News, 20 January 2002). Indeed, with this statement, Ruddock's defies the agency of the refugees and confirms their status as objects without political identities or agency (Edkins and Pin-Fat, 2005).

Returning to the Marxian analysis about structures and agency as outlined above and combining it with the statement made by Ruddock we see how the refugee indeed is able to perform a political identity within the power structures of the camp whilst simultaneously being contained by the same structures. Contrary to the discourse that defines refugees as "speechless emissaries" (Puggioni, 2006: 51), the examples of Amini and other refugees shows how these people also may posses agency and political identities. Indeed, "structures enable as well as constrain" (Callinicos, 2009: 214). However, the constraints placed on a single individual provided by pre-existing structures mean that people are seldom able to single handily change them (ibid). Nevertheless, individuals do posses some 'structural capacities', which allow them to engage to some degree in "free play" (ibid: 274-5). Here, the refuge indeed does have options, albeit severely constrained, to perform political agency and identity (ibid). Thus, maybe what we all ought to ask ourselves is how our partaking in the prevailing representation of refugees as "inverted reflections of political life" (Nyers, 2006: 51), by only regarding the refugee as *homo sacer*, prevents the possibility for change. As Callinicos (2009) makes clear, the single individual is so contained by the structures s/he find her/himself in. Thus, what ought to happen is for more people to come together, in order to change the treatment of how sovereign power renders some individuals' bare life.

Conclusion

This essay has argued, that Agamben's conceptualisation of *homo sacer* and the state of exception provide incredibly useful tools to examine how the workings of sovereign power continuously draw lines between inclusion and exclusion, and between citizens and bare life. However, the essay has also highlighted the absence of the possibility for resistance on behalf of *homo sacer* in Agamben's work. Indeed, Agamben seems to understand the

refugee camp as a sight of total and unchangeable domination by sovereign power, which ultimately renders people living within refugee camps as completely agency-less and as humans without political identities. Thus, by applying a Marxian understanding of the interplay between agency and structure, and by looking specifically at the act of lip sowing, this essay has shown how, although vastly constrained by preexisting social structures, refugees and asylum seekers actually can and do express agency and political identities whilst being vastly constrained by the workings of the structures they find themselves in. Importantly, it has not been the aim of this essay to glorify the struggle that refugees and asylum seekers go through, neither has it been the aim of this essay to argue that change of preexisting structures is easily achieved. However, it has been the aim of this text to show that to render residents within refugee camps only as bare life is problematic. Indeed, because changing the current state of affairs is so incredibly difficult, this essay has found it important to question the notion of *homo sacer* as completely mute, and incapable of resistance and instead point to the way that we all should engage with these issue in order for them to change.

Bibliography:

Online News Articles

BBC News. 2003. Stitches removed from asylum protester. *BBC News*, [online] 30 May. Available at: <http://news.bbc.co.uk/1/hi/england/nottinghamshire/2949896.stm> [Accessed 1 Dec 2014].

BBC News. 2002. Australia unmoved by migrants' strike. *BBC News,* [Online] 20 January. Avaliable at: <http://news.bbc.co.uk/1/hi/world/asia-pacific/1769835.stm> [Accessed 30 Nov 2014].

Report by Organisation

Girma, M., Radice, S., Tsangarides, N. and Walter, N., 2014.*Detained: Women Asylum Seekers Locked Up in the UK.* [pdf] London: Women for Refugee Women.

Secondary Literature

Agamben, G. 2005. *State of Exception.* Translated from Italian by K. Attell. Chicago: Chicago University of Chicago Press.

Agamben, G. 1999. *Remnants of Auschwitz: The Witness and the Archive*. Translated from Italian by D. Heller-Roazen. New York: Zone.

Agamben, G. 1998. *Homo Sacer: Sovereign Power and Bare Life.* Translated from Italian by D. Heller-Roazen. California: Stanford University Press.

Behrman, S. 2014. 'Accidents, Agency and Asylum: Constructing the Refugee Subject'. *Law Critique* 25: 249-270.

Callinicos, A. 2004. *Making History: Agency, Structure, and Change in Social Theory.* Boston: Brill.

Diken, B. 2004. 'From Refugee Camps to gated Communities: Biopolitics and the End of the City'.*Citizenship Studies* 8(1): 83-106.

Edkins, J. 2000. 'Sovereign Power, Zones of Indistinction, and the Camp'. *Alternatives* 25(1): 3-25.

Edkins, J and Pin-Fat, V. 2005. 'Through the Wire: Relations of Power and Relations of Violence'.*Millennium – Journal of International Studies* 34:1-26.

Edkins, J and Pin-Fat, V. 2004. 'Introduction: Life, Power, Resistance' In: Edkins, Jenny., Pin-Fat, Vérinogue and Sharipo, Michael, J. (eds.) *Sovereign Lives: Power in Global Politics*. New York: Routledge.

Foucault, M. 1997. *The Essential Works of Micael Foucault, vol. 1: Ethics: Subjectivity and Truth* . Paul Rainbow (ed). New York: New Press.

Marx, K. 1973. 'The Eighteenth Brumaire of Louis Bonaparte.' In: Fernbach, David (ed.) *Surveys from exile.* Harmondsworth: Penguin.

Minca, C. 2011. 'Camp' In: *The Agamben Dictionary*. Murray Alex and Whyte Jessica (ed). Edinburgh: Edinburgh University Press.

Murray, A. 2010. *Giorgio Agamben*. London: Routledge.

Nyers, P. 2006. 'Taking rights, mediating wrings' In: Huysmans, Jef., Dobson, Andrew. and Prokhovnik, Raia. (eds.) *The Politics of Protection: Sites of insecurity and political agency*. London: Routledge.

Owens, P. 2009. Reclaiming 'Bare Life'?: Against Agamben on Refugees. *International Relations* 23(4): 567-582.

Puggioni, R. 2006. 'Resiting sovereign power: camps in-between expiation and dissent' In: Huysmans, Jef., Dobson, Andrew. and Prokhovnik, Raia. (eds.) *The Politics of Protection: Sites of insecurity and political agency* . London: Routledge.

Rupert, M. 2013. 'Marxism' In: Dunne, T., Kukri, M., & Smith, (eds.)*International Relations Theories: Discipline and Diversity*, 3rd ed. Oxford, Oxford University Press.

Schmitt, C. *Political Theology: Four Chapters on the Concept of Sovereignty* , Translated by G. Schwab. Chicago: Chicago University Press.

Žižek, S. 2002. *Welcome to the Desert of the Real*. London: Verso.

[1] According to Foucault, power is relational and not a static substance. Further, power exists between social relations (Edkins and Pin-Fat, 2005: 4)

[2] Edkins and Pin-Fat argue, by again drawing on Foucault, that a power relation should be regarded as different from a relationship of violence. Whilst a power relation provides for the possibility for resistance, a relationship of violence does not allow for resistance to take place. An example of a relationship of violence is that of the slave in chains, who is incapable to resist (2005).

—

Written by: Stina Wassén
Written at: The University of St Andrews
Written for: Dr. Jeffrey Stevenson Murer
Date written: December 2014