
Reclaiming 'Bare Life'?: Against Agamben on Refugees

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Abstract

Giorgio Agamben claims that refugees can be seen as the ultimate 'biopolitical' subjects: those who can be regulated and governed at the level of population in a permanent 'state of exception'. Refugees are reduced to 'bare life': humans as animals in nature without political freedom. Contra Agamben, it will be argued here that if refugee populations are not to face some inexorable trend toward a rule of 'exception', then it will not be through reclaiming 'bare life'. It will be wholly dependent on the ability to forge a public realm grounded on the appropriate distinction between nature and political artifice, between human life and the political world. This argument is made through contrasting Agamben's writing on refugees with Hannah Arendt's. What is at stake in the difference is illustrated through the example of refugee lip-sewing.

Keywords: *Giorgio Agamben, Hannah Arendt, 'bare life', camps, refugees*

Introduction

Although it is the institution of sovereignty, one of the central preoccupations of International Relations (IR), that produces the legal and territorial category of the refugee, the field has paid relatively little attention to forced migration.¹ In contrast, a relatively small but growing body of scholarship has emerged outside or at the margins of IR that takes sovereignty seriously but which theorises the relationship between sovereign power and refugees in a radically different way. Most notably, the influential Italian philosopher Giorgio Agamben presents the so-called 'figure of the refugee' as exemplary – as *the* symbolic representation of social and political reality. It is no exaggeration to say that in the past decade Agamben has challenged Hannah Arendt's place as *the* 'charismatic legitimator'² within critical Refugee Studies as well as provided the framework for some important international political theory discussions of refugees.³ What is so special about the 'figure of the refugee'? Why does Agamben begin here and not with one of the other symbolic devices found across social and political theory: 'the worker', 'the subaltern', 'the multitude' or 'the terrorist'?

There are four principal reasons for Agamben's choice. First, 'the one and only figure of the refugee' is said to expose more deeply the 'fiction' of national sovereignty and all associated legal and political categories such as 'people', 'public', 'human rights' and 'citizen'.⁴ Second, 'the refugee' can be represented as

the paradigmatic site – and victim – of modern techniques of what Michel Foucault called ‘governmentality’: the organised practices and techniques used to produce, care for and/or dominate individual subjects.⁵ Third, and perhaps most originally, Agamben argues that refugees can be seen as the ultimate ‘biopolitical’ subjects: those who can be regulated and governed at the level of population in a permanent ‘state of exception’ outside the normal legal framework – the camp. In camps, he argues, refugees are reduced to ‘bare life’: humans as animals in nature without political freedom. Finally, Agamben suggests that by fully comprehending the significance of refugees we may countenance new ways of political belonging and the limits and possibilities of political community in the future. After the nation-state and its associated legal and political categories have been assigned to history, the refugee will remain as ‘perhaps the only thinkable figure’.⁶

Agamben is certainly not the only thinker to declare the epistemological significance of refugees for political philosophy. But his efforts go beyond the project pursued by others such as Seyla Benhabib, whose critical cosmopolitanism and normative theory of global justice – at least in light of Agamben’s claims – would appear rather quaint.⁷ Benhabib argues that political membership and democratic attachments should be redefined to include more asylum rights, porous borders and the right of all humans to be recognised as legal subjects. For Agamben and his followers, such efforts are beside the point. The production and management of refugees cannot be adequately grasped in any such Kantian model, which falls back on the workings of institutions that are understood to be more or less legitimate. These institutions and laws, it is argued, actually facilitate an infinite expansion of disciplinary coercion and ‘biopolitical’ control. Merely updating and expanding the classical discourse and reach of rights fails to grasp how power actually works in global politics.⁸ Reform of existing institutions can only entrench rather than overcome the worst aspects of sovereign power and the system of nation-states that produces refugees.

This article critically assesses Agamben’s claims regarding the significance of refugees for international political thought. Given ‘the speed and range of the uptake of Agamben’s work’,⁹ how seriously should international theory take his construct of ‘the refugee’? Certainly, the empirical evidence in support of studies into the disciplining and biopolitical management of refugees is compelling.¹⁰ The ‘corporeal turn’ in political and social thought – analysis of the distinction and blurring of the distinction between our biological and political lives – should be taken seriously. This subject of analysis is routine in the humanities and other social sciences but it has only belatedly received attention from scholars in IR.¹¹ In relation to refugees, Agamben’s work joins others in making it harder to accept liberal and conventional realist theory on their own terms; they do not provide sufficient analytical and normative understanding of the real and symbolic violence administered to refugees, including by liberal democracies.¹² With forced migration reaching record figures it no longer makes sense, if it ever did, to represent political subjectivity in terms of state/nation/territory. There are strong normative and analytical grounds for placing refugees and the study of forced migration at the centre of the study of world politics.

Nonetheless, it will be argued here that Agamben's 'figure of the refugee' falls short. This construction takes the reduction of refugees to the level of 'bare life' too far. As suggested below, while much of the literature on so-called 'biopolitics' is illuminating and productive, we need not accept all aspects of Agamben's view of what happens when 'life' is placed at the centre of politics.

The first part of this article sets out in more detail Agamben's claims regarding sovereignty and the political significance of 'naked' or 'bare life' for the condition of refugees. The second section suggests, contra Agamben, that while the breakdown of the distinction between human and citizen is at the heart of the problem faced by refugees (and potentially all bearers of human rights), the 'abstract nakedness' of human beings is – or should be seen as – *politically* irrelevant.¹³ The argument is made by turning to Hannah Arendt who has been enormously influential for both the history of thought on refugees and Agamben's political theory.¹⁴ Her writing suggests that if refugee populations are not to face some inexorable trend toward a rule of 'exception', then it will not be through reclaiming 'bare life'. It will be wholly dependent on the ability to forge a public realm grounded on the appropriate distinction between nature and political artifice, between human life and the political world. What is at stake in the difference between Agamben and Arendt is illustrated through the example of refugee lip-sewing. Particular attention is paid to the infamous case that took place from January 2002 in the remote desert detention camp in Woomera, South Australia, where over sixty refugees sewed their lips shut in protest against arbitrary and prolonged detention. Before the privately run camp was shut down in 2003, the 'reception and processing centre' imprisoned 1500 mainly Afghan, Iranian and Iraqi individuals, including unaccompanied children.¹⁵

The 'bare life' of refugees

Giorgio Agamben's claims regarding refugees, indeed much of his wider political theory, hinges on his interpretation of the causes and consequences of Aristotle's famous distinction between two forms of life. There is *zōē* – life as it is rooted in nature and which we have in common with all living creatures – and *bios* – or the 'good life' which since the Greeks has been understood as the political way of life. For Aristotle, what distinguishes humans from other animals is our capacity to speak and engage in political praxis. At the root of the most important political binaries in Western thought – between private and public, subject and citizen – is the seeming fact that political existence is different from the simple fact of living. Politics and the human body, free action and labour, *homo politicus* and *animal laborans* have been distinguished from each other, and placed in different spatial locations and in the hierarchical ordering of human activities.

The greatest modern theorist of these distinctions was Hannah Arendt, from whom Agamben extensively borrows. In *The Human Condition*, she reported that the demands of biological life, 'the cyclical movement of the body's life process',¹⁶ were secured by women and slaves so that 'free' men could engage in politics in the

ancient city-states. Tasks related to sustaining life processes – reproductive labour such as washing, cooking, cleaning, tending to the young – were located in the ‘private’ household and domestic sphere. Unburdened by the repetitive tasks of *zoē*, free citizens debated their political affairs and built a political ‘world’: an artificial space for politics (as distinct from the natural ‘earth’).

For Agamben, the entire tradition of Western political thought and practice is founded on a constitutive exclusion (and therefore inclusion) of *zoē* – of biological life – from politics. There are several conceptual and historical paths to making this claim. For example, since Thomas Hobbes much modern political theory has understood the central function of government to be one of protecting and fostering the life of its citizens.¹⁷ Hobbes famously argued that in the state of nature fear of violent death was so great that the sovereign could claim obedience from its subjects in exchange for protection against violent death. This was a qualified protection. The state retained the monopoly on legitimate killing, including of its own subjects. Yet in giving up unfettered liberty subjects could expect certain rewards. The protection and sustenance of the ‘life process’ became the primary rationale of government; the so-called ‘public’ realm was reinterpreted as the administration of the commonwealth. In the nation-state, Arendt reported, ‘we see the body of peoples and political communities in the image of a family whose everyday affairs have to be taken care of by a gigantic, nation-wide administration of housekeeping’.¹⁸ In other words, where the ancients excluded *zoē* from what they considered to be properly political, modern nation-states have actively made ‘life’ central to politics. The distinction between *zoē* and *bios* was blurred with the emergence of the nation-state.

Equally important to Agamben’s framework, as well as critical Refugee Studies, is Foucault’s account of what he took to be an inexorable trend toward the incorporation of life into more and more spheres of state practice.¹⁹ In a series of studies that should shatter complacency about the extent of power’s interference into the so-called ‘private’ sphere, Foucault showed how individual bodies and populations are regulated by those who represent ‘sovereignty’ in everyday life. ‘The old power of death that symbolized sovereign power’, he wrote, ‘was now carefully supplanted by the administration of bodies and the calculated management of life.’²⁰ The biological existence of human beings becomes the primary subject of politics incorporating such matters as life expectancy, disease control, food and water supply. Unlike sovereignty, this form of ‘disciplinary’ power is not, in essence, repressive. It is productive. It works across a variety of fields, such as mental and physical health, education, sexual activity, policing and parenting to ‘produce’ functioning individuals. ‘For millennia’, Foucault has claimed, ‘man remained what he was for Aristotle: a living animal with the additional capacity for political existence; modern man is an animal whose politics places his existence as a living being in question.’²¹

It has not been very difficult for critical Refugee Studies to present their subjects as vehicles for the circulation of disciplinary and biopolitical power.²² If the state manages the ‘normal’ population by tending to the needs of ‘life’, then the pastoral care of the international humanitarian regime performs this function for refugees,

but without the consoling fictions of citizenship.²³ Scholars have traced the variety of 'discursive and institutional domains' that produce the 'figure of the refugee'. As L. H. Malkki has put it:

The segregation of nationalities; the orderly organization of repatriation or third-country resettlement; medical and hygienic programs and quarantining; 'perpetual screening' and the accumulation of documentation on the inhabitants of the camps; the control of movement and black-marketing; law enforcement and public discipline; and schooling and rehabilitation were some of the operations that the spatial concentration and ordering of people enabled or facilitated. Through these processes, the modern, postwar refugee emerged as a knowable, nameable figure.²⁴

The function of modern international organisations is to manage refugee populations in a manner that does not radically undermine the framework on which the nation-state rests. The three principal solutions to refugees – repatriation, integration into the society to which they have fled, or resettlement in a third country – all affirm the classical trinity of nation/state/territory with its ideas of citizenship and rights. Eventually refugees must either return 'home' or be naturalised somewhere else. But, more fundamentally, refugee populations are produced and governed as subjects amenable to public and private management techniques – the techniques now closely linked to the rationalities of economic globalisation. The increasingly comprehensive and disperse rules and practices that govern refugee lives thrive on breaking down older divisions between public and private, state and non-state, security and development.²⁵

Investigation into the disciplinary and 'biopolitical' management of refugees has become routine and much of this work is persuasive.²⁶ Agamben takes theory (and the representation of refugees) in a new direction with his claim that what is most significant about sovereignty is not the distinctly modern 'sovereign/subject relationship' found in Foucault.²⁷ Rather, Agamben builds on the most important non-Weberian definition of sovereignty by German jurist Carl Schmitt. Instead of a territorially defined entity successfully claiming the monopoly on the legitimate use of violence, 'sovereign' is 'he who decides the exception'.²⁸ At issue in the concept of exception is the place of law and transgressions of the law within political order.²⁹ For Agamben, following Schmitt, legal and political order is defined by what is deemed exceptional to it. Only the 'sovereign' can decide when the law can be suspended because the sovereign is already the lawgiver, deciding the space in which the rule of law has validity. In other words, suspensions of the law, declarations of emergency or the establishment of asylum-seeker detention camps where 'opt outs' from various human rights legislation are normal, are not rare or marginal phenomena. They are said to reveal the fundamental structure of the rule of law and the real character of juridical and political order.

Agamben is interested in what he calls the 'zone of indistinction' between norm and exception. His originality resides in the claim that *zoē* – humans as animals

without speech and political freedom – is *re-included* in politics when the state of exception is declared and materialised in the form of camps. This evocative term ‘camp’ is used to describe those places in which biological and political life, private and public, cannot be distinguished from each other. This exceptional spatial arrangement – for example a detention centre for asylum seekers, a ‘black’ rendition site, or a Nazi death camp – continues to function outside the normal juridical (and often territorial) order. Agamben notes, for example, that the legal basis of the Nazi camps of World War II was not criminal or penal law, but an older Prussian martial law from 1851 related to the state of siege, which authorised the state to take any person into custody even if they had broken no law. These zones of indistinction are created when the exception to the normal functioning of the law becomes the rule: when the state of exception is materialised and becomes permanent.

When a human (a refugee, an unlawful combatant) is excluded from the protection of the law, Agamben argues, it is tantamount to including naked life within it. We might say that the so-called ‘state of nature’ returns to the conceptualisation of law, which according to classical political theory was supposed to be excluded by the establishment of law and civil society. Naked life is revealed as the underlying basis of sovereignty. ‘The same bare life’, he writes, ‘that ... in the classical world was (at least apparently) clearly distinguished as *zōē* from political life (*bios*) now fully enters into the structure of the state and even becomes the earthly foundation of the state’s legitimacy and sovereignty.’³⁰ The bearer of human rights, Agamben argues, is ‘the originary figure for the inscription of natural naked life in the political-juridical order of the nation-state’.³¹ By definition, a nation-state is one ‘that makes nativity or birth (that is, naked human life) the foundation of its sovereignty’.³² The refugee camp is significant here because it supplements, but ultimately destroys, the classical trinity: ‘by breaking the identity between the human and the citizen and that between nativity and nationality, [the refugee] brings the originary fiction of sovereignty to crisis’.³³ Sovereignty does not work simply through the ability to exclude refugees from a given territory (as in narrow versions of realism). Refugees remain subject to law. But this is not merely in the regulative sense of constraining their civil and political freedoms (as in liberalism or ‘thin’ constructivism). Sovereignty and law are productive. Refugees are included in the legal order through their constitutive exclusion.

One way to illustrate this, and one of the most distinctive and evocative elements of Agamben’s notion of sovereign power, relates to what he describes as the sovereign’s capacity to decide on the ‘human victim that may be killed and not sacrificed’.³⁴ This victim is named *homo sacer* (sacred man) who in Roman law was a person who might be killed with impunity but not ‘sacrificed’ in a religious ritual.³⁵ Agamben argues that growing numbers of people are vulnerable to this specific form of violence. The suspension of the law, the creation of emergency conditions that legitimise torture, open-ended incarceration and/or killing without punishment all lead to death that is not honoured, mourned or memorialised.³⁶ The refugee camp, for Agamben, is an exemplary zone of indistinction where individuals can be subject to various forms of violence without legal consequence on territory that is outside the normal juridical order. Refugees are produced as (or reduced to) ‘bare life’ literally and metaphorically

in camps. Even forms of resistance to sovereign power such as refugee hunger strikes or lip-sewing, as witnessed in the Woomera detention camp in Australia, are reduced to expressions of 'bare life'. Such an act, write Jenny Edkins and Véronique Pin-Fat, following Agamben, 'viscerally reveals and draws attention to the refugees' own person as the bare life produced by sovereign power: it is a re-enactment of sovereign power's production of bare life on the body of the refugee'.³⁷

Sovereign power, for Agamben, is not founded on the collective political will of individual subjects (as in Hobbes and John Locke). It is founded on the submission of naked life to the protection of the sovereign. The old republican and Marxist divisions – between subjects and citizens, and between classes – are superseded. The more fundamental political distinction is between 'naked life' and the variety of different forms or modes of life, such as 'worker', 'voter' or 'consumer' which modern individuals are able to sustain as a supplement to their condition as biological beings. Hannah Arendt's account of the political realm as constituted 'in-between' people as they act in concert, and Carl Schmitt's understanding of politics as defined by the distinction between friend and enemy, are similarly replaced. Jürgen Habermas's quasi-liberal effort to theorise a cosmopolitan law of world citizenship is beside the point.³⁸ In the face of the camps, Agamben claims, we need to throw out the entire tradition of classical (and much 'critical') political (and international) thought. Modern citizens exist on a continuum with refugees; they are a better-tended herd but are increasingly indistinguishable from *homo sacer*. We must abandon the classical concept of human rights, 'and the rights of asylum' he argues, 'must no longer be considered as the conceptual category' around which we organise the political struggles of refugees.³⁹

How, if at all, can 'sovereign power' be challenged? For Edkins and Pin-Fat, following Agamben, we have to repudiate all distinctions or drawing of lines between 'forms of life'. Indeed, they celebrate the life that sovereign power has sought to produce. In the case of refugees who protest their arbitrary and prolonged detention by sewing together their lips and sometimes their eyes, they write that, 'the refugees' sewn muteness, deafness and blindness shows that our bare life is, indeed, all we have left under sovereign power'.⁴⁰ The 'complete embrace of bare life' is the only way to 'unmask' the violence of sovereignty and re-establish more open relations of power.⁴¹ Rather than a tragic act of defiance, refugee lip-sewing becomes an exemplary form of political resistance: an action that reveals a deeper meaning in the *acceptance* of bare life. On this view, humans who are reduced to bare life in refugee camps should not seek reinstatement as political beings in the terms set out by sovereign power: that is, as citizens of their own polity. This would be to reinforce 'the very lines on which sovereign power depends'.⁴² Rather Edkins and Pin-Fat argue that humans must 'acknowledge' their 'status as nothing but life and demand ... recognition as such'.⁴³ It is just as well since, according to Agamben, we have little choice. 'In the camps', he writes, 'city and house became indistinguishable, and the possibility of differentiating between our biological body and our political body – between what is incommunicable and mute and what is communicable and sayable – was taken from us forever.'⁴⁴

Beyond 'bare life'

If we take Agamben's claims seriously then it is difficult to imagine a global political order less free than the one we inhabit today. The disciplining of individuals and the management of populations by the primary organs of sovereign power, states and their international organisations, occurs to such an extent that the liberal constitutional state and the totalitarian regime seem to be two sides of the same coin. The liberties and freedoms achieved in the constitutional democracies appear 'double-sided'. In Agamben's words, they 'simultaneously prepared a tacit but increasing inscription of individuals' lives within the state order, thus offering a new and more dreadful foundation for the very sovereign power from which they wanted to liberate themselves'.⁴⁵ This is nowhere more evident than in what Agamben describes as the affiliation between the internment camps established during the interwar period, which housed, among others, Jews, Armenians, Spanish republicans and Russians, and the Nazi concentration camps of World War II.⁴⁶ The first camps in Europe were built to house refugees. The subsequent 'succession of internment camps – concentration camps – extermination camps', he argues, 'represents a perfectly real filiation'.⁴⁷

This argument is made through a reversal of the relationship Hannah Arendt identified between the Nazi-run death camps and the structure of totalitarian rule. According to Agamben, it was the triumph of naked life that produced total domination, not the other way around. Since modern politics is already a space of 'indistinction' between biological and political life, the concentration camps follow. The re-inclusion of bare life in modern politics was fully realised in the totalitarian camps of the twentieth century. They were 'the most absolute biopolitical space that has ever been realized – a space in which power confronts nothing other than pure biological life without any mediation'.⁴⁸ The Nazi regime was just the most extreme, and for Agamben it would appear inevitable, form of 'the political space in which we still live'.⁴⁹ We were already living in a world of camps – both metaphorically and literally – by the time the gas chambers were built. There is a continuum, not a fundamental disjuncture, between camps, Agamben argues, because there is a continuum between constitutional democracies and the Nazi regime; both reduce populations to 'bare life': one to govern and manage people on grounds of nationality, the other to exterminate on grounds of race.

No doubt, for many, such claims are unconscionable. Nonetheless it is worth contrasting Agamben's ideas on the unidirectional logic of sovereign power with Arendt's writing on the historical and political origins of various forms of camps, a distinction which Agamben refuses. This is because, up to a point, Agamben is right. One of the political problems of our time is the collapsing of *bios* into *zoē*. The 'politically most pernicious doctrine of the modern age', as Arendt has put it, is 'that life is the highest good, and that the life process of society is the very center of human endeavor'.⁵⁰ Agamben is even right to suggest that the inclusion of bare life in modern politics was fully realised in the totalitarian camps of the twentieth century. However, largely under the influence of Schmitt and Foucault, he takes the critique of

political distinctions too far. Ultimately, we can refuse the way so-called 'biopolitics' is presented by Agamben and others as marking the limit of all public-private distinctions and the priority and autonomy of the public realm. But the refusal must be based on an explicit account of the problems with the merging of *zoē* and *bios* and a defence of some form of reinstatement of the distinction. Centring her thought on a defence of what totalitarianism seeks to wipe out, Hannah Arendt is the thinker who has done most to establish such a theoretical and empirical agenda.⁵¹

First, it is important to distinguish between different forms of camps to dislodge the notion of a 'perfectly real filiation' between internment camps (for refugees) and extermination camps. In *Origins of Totalitarianism*, Arendt argued that Nazi concentration camps were necessary instruments of total domination, but they were also incomprehensible in terms of normal categories of thought. Detention and concentration camps have long been used 'for "suspects" whose offences could not be proved and who could not be sentenced by ordinary process of law'.⁵² Like those that detain refugees, these camps can be comprehended as part of an imperial power arrangement and the principle behind them, their underlying justification in the eyes of their creators, is that 'everything is permitted'. Everything is permitted in the name of national security, the right of territorial sovereignty and to protect the way of life of 'normal' citizens. Everything is permitted including the elimination and degradation of individuals and whole groups. However much they conflict with humanitarian law, state functionaries are able to defend imperial camps with appeals to instrumentality.

In contrast, Arendt argued, Nazi camps were unprecedented – different in kind not just intensity from imperialism's camps. The totalitarian camps were entirely 'anti-utilitarian' from the perspective of the German state in total war. They were made to function as 'normal' even in the face of total military defeat. The underlying principle justifying this was not that 'everything is permitted', but that 'everything is possible'. Their purpose was not 'merely' to degrade human beings by treating them as a means to an end, but to destroy the concept of human being as such, and to make humans superfluous as human beings.⁵³ Their purpose was to eradicate not just the Jews but human dignity itself. Their 'radical evil' was that they came as close as we have seen to transforming humans into mere things.⁵⁴

While emphasising the horrible originality of the extermination camps, Arendt took great pains to uncover the *specific configuration* of large-scale historical processes that 'crystallized into totalitarianism'.⁵⁵ These included the nineteenth- and early twentieth-century explosions of statelessness, rightlessness, mob violence, imperialism and anti-Semitism. One of her most innovative arguments was that late nineteenth-century wars of imperial conquest helped sow the seeds of twentieth-century total war in Europe. But the outcome – the rise of a new form of totalitarian government – was not the inevitable product of some metaphysical properties of 'sovereign power', as argued by Agamben. It was wholly contingent on the particular way modern processes transformed what was politically possible. Crucially, for our discussion here, Arendt showed how the laboratories for altering human nature began with the creation of more and more rightless and stateless persons. Moreover, in light

of the 'calamity of the rightless', she formulated new *political* grounds for human dignity.⁵⁶ This is why Arendt remains a central figure in the history of political thought regarding refugees. Refugee Studies replaces her with Agamben at its peril.⁵⁷

Arendt had been a stateless Jewish refugee during the war and was detained at a camp in France before she escaped and fled to the United States. She was what might be called a 'stateless non-person' for 18 years. As Richard Bernstein has put it, her 'experience of, and reflection upon, statelessness taught her what politics means, and why it is so essential to be a citizen in a polity to live a fully human life'.⁵⁸ But she was no straightforward defender of the concept of 'human rights' and certainly not in its classical formulation of the 'Rights of Man and of the Citizen' or the Universal Declaration of Human Rights.⁵⁹ Agamben is largely following Arendt when he argues that human rights should not be viewed in such terms – as representing some ever-present pre-political, pre-legal human attribute meant to regulate and constrain state power. It was Arendt who first argued that the problem with this formulation is the assumed existence of a biological being with some in-born human dignity which, she argued, cannot be shown to exist in a politically meaningful way. She was scathing of all abstract and individualist conceptions of rights. The problem, she wrote, is that:

they presume that rights spring immediately from the 'nature' of man ... The decisive factor is that these rights [in the classical conception] and the human dignity they bestow should remain valid and real even if only a single human being existed on earth; they are independent of human plurality and should remain valid even if a human being is expelled from the human community.⁶⁰

It was Arendt's consistent position that no coherent legal or political structure can emerge from 'man' in the singular because politics is based on plurality – that there are many and not one of us; in her gendered terminology, 'the fact that men, not Man, live on the earth and inhabit the world'.⁶¹

Given that the ontological basis of politics is plurality, Arendt argued, the human being qua human being in which our 'nature and essence is the same for all', is *politically* irrelevant.⁶² While Arendt never criticised the idea of human rights with the same vehemence as in her writing of the 1940s, she never dissociated herself from the claim that there is no such thing as in-born human dignity separate from the concrete laws and institutions that are created to uphold certain rights. 'Equality', she wrote, 'in contrast to all that is involved in *mere existence*, is not given to us, but is the result of human organization ... We are not *born* equal; we become equal as members of a group on the strength of our decision to guarantee ourselves mutually equal rights.'⁶³ Arendt gave concrete illustration of what happened when human beings have nothing to fall back on except their status as *zoē*. As already indicated, the classical concept of human rights presupposed the existence of a natural 'human being as such'. Arendt was one of the first to identify the central and still unresolved problem with this formulation. Those most in need of so-called 'inalienable' rights – stateless persons and refugees, those without a right to citizenship – are in no position

to claim them. 'The Paradox involved in the loss of human rights', she wrote, 'is that such loss coincides with the instant when a person becomes a human being in general.'⁶⁴ She went so far as to unfavourably compare the condition of statelessness to that of slaves in the ancient world. At least the latter, she remarked, 'still belonged to some sort of human community'.⁶⁵ 'Arendt's idea', as Étienne Balibar has written, 'is not that only institutions create rights, whereas, apart from institutions, humans do not have specific rights, only natural qualities. Her idea is that, apart from the institution of the community (... in the sense of the reciprocity of actions), *there simply are no humans*.'⁶⁶

Arendt's political humanism contrasts sharply with the effort of Agamben and others to reclaim 'bare life': that is, to centre political resistance to sovereign power on what Arendt would describe as the 'abstract nakedness of being nothing but human'.⁶⁷ Edkins and Pin-Fat write that when refugees sew their lips together as an act of political protest they can be interpreted as 'assuming the very bare life that sovereign power imposes on them in order to demonstrate the relationship of violence in which they have been placed'.⁶⁸ To some extent this is right. As Joseph Pugliese has put it:

The act of suturing your lips stages the graphic disruption of the social contract as founded principally on an ethics of speech and dialogue: in the face of a regime that pays no heed to your pleas and petitions for refuge and asylum, that juridically eviscerates your right to free speech, the withdrawal of language signals despair at the very possibility of ethical dialogue. Your sewn lips bear testimony to the failure of the nation to speak an ethical language of hospitality and responsibility toward the traumatised refugee seeking asylum. Your sutured lips open up the violent disjunction between law and justice.⁶⁹

Refugee lip-sewing can be seen as a rebellion against the desperate oblivion imposed by state power. The ability to martyr or otherwise harm oneself can be seen as one of the last vestiges of moral personhood. Detained as an 'enemy alien' in France, Arendt later recalled some discussion among the camp inmates of an act of collective suicide; 'not being free to create our lives or the world in which we live', she later reflected, 'we nevertheless are free to throw life away and to leave the world'.⁷⁰ However, while Arendt was adamant that such acts are not *anti-political* since they do not glorify violence, by themselves they could not be the fullest expression of a political life.⁷¹

To challenge claims about lip-sewing as a political embrace of 'bare life' is not to 'other' such acts as culturally backward or irrational, as some Australian officials sought to do with Woomera's refugees.⁷² Nor is it to deny that they are a form of political action: an insertion into the human world which brings with it the possibility of beginning something new. It is to suggest, with Arendt, that the violence exposed but also committed through lip-sewing can form the basis of a new politics if it is acted upon and talked about over and over again; if, in other words, *bare life* is repudiated and a new worldly community is formed around resistance to injustice:

that is, when individuals *begin to create a public space* in-between them. 'Strictly speaking', Arendt maintained, 'politics is not so much about human beings as it is about the world that comes into being between them and endured beyond them'.⁷³ To engage in political action is to participate in founding and sustaining a common, political world that can last longer than a natural human life. This is partly a matter of the inherent artificiality of politics. To speak and act in public is to wear a kind of 'mask' – a public persona that is 'given and guaranteed by the body politic', not the natural body.

Humans, Arendt wrote, 'in so far as they live and move and act in the world, can experience meaningfulness only because they can talk with and make sense to each other and to themselves'.⁷⁴ Speech is the 'most human form of intercourse'; words have the greatest power to reveal and bring out new meanings and new knowledge.⁷⁵ As Edkins and Pin-Fat also note, refugees have viewed lip-sewing as a way of giving voice to others: 'to demand that others speak for them, or to insist that what they have been denied is something they should not have had to ask for'.⁷⁶ That we verbally describe, explain, and justify what we do in the company of listening others is central to the *subjects* of political action. To be sure, the act of lip-sewing in Woomera was a justifiable means to an end – the end of exposing the unjustifiable actions of the Australian government towards asylum-seekers and refugees. But the politics emerging out of these actions is based on the transcendence of bare life, not its celebration. It is based on a demonstration of people's desire to grant each other rights and to deny the effort of the sovereign state to destroy their 'right to have rights': that is, 'to live in a framework where one is judged by one's actions and opinions'.⁷⁷ Lip-sewing exposes the destruction of the possibility of political subjectivity and how refugee subjectivity is constituted through violence. It reveals the violence to which refugees have been subject, but it cannot in itself constitute a new political beginning. These actions 'need speech and articulation' to be given meaning.⁷⁸ 'Where violence rules absolutely, as for instance in the concentration camps ...' Arendt argued, 'everything and everybody must turn silent'.⁷⁹ This silence is powerfully highlighted when refugees sew their lips together. But as Arendt also put it, 'life without speech and without action ... is literally dead to the world; it has ceased to be a human life'.⁸⁰

Conclusion

Giorgio Agamben and Hannah Arendt both see refugees as the clue to a new politics and model of international relations. They both offer reasons to reject the liberal (and unsophisticated realist) effort to assimilate refugees to the old model of nation/territory/state. Refugees reveal the limits of any assumed continuity between 'man' and 'citizen' in the system of nation-states and in the related concept of human rights. But there are also clear limitations to political philosophy representations of refugees. They can be accused of both arrogance and irrelevance to the lives of real refugees who are often seeking, above all, to be included in the existing formal

arrangement of world politics, which recognises a world of states of sovereign equality. There are obvious political risks in Agamben's claim that refugee struggles for secular citizenship are somehow anachronistic. Arendt too is vulnerable to the charge of demeaning political traditions that are not 'worldly' in the sense of being based on artificial laws and human-made institutions. Nonetheless, this article has argued that there is a great deal at stake for both classical and critical international theory in the so-called 'corporeal turn' in social and political thought, understood here as the implications of the distinction (and in-distinction) between *zoē* and *bios*, nature and artifice, life and world. The virtue of making distinctions is certainly not fashionable in some political and international theory today. Yet we ought not to lose sight of Arendt's admonition that political rights are dependent on a distinction between life and world, and that 'the linkage of politics and life results in an inner contradiction that cancels and destroys what is specifically political about politics'.⁸¹ Where Agamben laments that there is no 'autonomous space in the political order of the nation-state for something like the pure human in itself',⁸² Arendt argued that no properly political order can – or should – centre itself on the notion of a 'pure human'. While there can be little doubt that the founding principles of the modern international system need to be transformed, it is less clear that normative political theory should be seeking, as Agamben suggests, a 'stable statute for the human in itself'.⁸³ Of the various theoretical resources in the humanities and social sciences, it is Arendt, more than Agamben and Foucault, who offers clear grounds for arguing that, in politics, 'life' is not the highest good.

Notes

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- 1 An important volume that seeks to redress this oversight is Alexander Betts and Gil Loescher (eds), *Refugees in International Relations* (Oxford: Oxford University Press, 2010).
- 2 Martin Jay, 'Name-Dropping or Dropping Names? Modes of Legitimation in the Humanities', in *Force Field: Between Intellectual History and Cultural Critique* (New York: Routledge, 1993), p. 168.
- 3 Jenny Edkins, 'Sovereign Power, Zones of Indistinction, and the Camp', *Alternatives: Global, Local, Political*, 25(1), 2000, pp. 3–25; Bülent Diken, 'From Refugee Camps to Gated Communities: Biopolitics and the End of the City', *Citizenship Studies*, 8(1) 2004, pp. 83–106; Fiona Jenkins, 'Bare Life: Asylum-Seekers, Australian Politics and Agamben's Critique of Violence', *Australian Journal of Human Rights*, 10(1), 2004, available at: www.austlii.edu.au/au/journals/AJHR/2004/18.html (accessed 4 February 2009); Jenny Edkins and Véronique Pin-Fat, 'Through the Wire: Relations of Power and Relations of Violence', *Millennium: Journal of International Studies*, 34(1), 2005, pp. 1–24; Bülent Diken and Carsten Bagge Lausten, *The Culture of Exception: Sociology Facing the Camp* (London: Routledge, 2005); Raffaella Puggioni, 'Resisting Sovereign Power: Camps in-Between Exception and Dissent', in Jef Huysmans, Andrew Dobson and Raia Prokhovnik (eds), *The Politics of Protection: Sites of Insecurity and Political Agency* (London: Routledge, 2005), pp. 68–83; Peter Nyers, *Rethinking Refugees: Beyond States of Emergency* (London: Routledge, 2006).

- 4 Giorgio Agamben, *Means without End: Notes on Politics*, trans. Vincenzo Binetti and Cesare Casarino (Minneapolis: University of Minnesota Press, 2000), p. 16.
- 5 Michel Foucault, *Security, Territory, Population* (London: Palgrave, 2007), p. 108.
- 6 Agamben, *Means without End*, p. 16.
- 7 Seyla Benhabib, *The Rights of Others: Aliens, Residents and Citizens* (Cambridge: Cambridge University Press, 2004).
- 8 Wendy Larner and William Walters (eds), *Global Governmentality: Governing International Spaces* (London: Routledge, 2004). For a discussion of Arendt's efforts in this domain see Patricia Owens, 'Walking Corpses: Arendt on the Limits and Possibilities of Cosmopolitan Politics', in Cerwyn Moore and Chris Farrands (eds), *International Relations Theory and Philosophy: Interpretive Dialogues* (London: Routledge, 2009).
- 9 Nick Vaughan-Williams, 'Giorgio Agamben', in Jenny Edkins and Vaughan-Williams (eds), *Critical Theorists and International Relations* (London: Routledge, 2010), pp. 72–82.
- 10 See, for example, Cynthia Hardy, 'Refugee Determination: Power and Resistance in Systems of Foucauldian Power', *Administration and Society*, 35(4), 2003, pp. 462–88; Benjamin Muller, 'Globalization, Security, Paradox: Towards a Refugee Biopolitics', *Refuge*, 22(1), 2004, pp. 49–57.
- 11 But see Michael Dillon and Julian Reid, 'Global Liberal Governance: Biopolitics, Security and War', *Millennium: Journal of International Studies*, 30(1), 2001, pp. 41–65; Stefan Elbe, 'AIDS, Security, Biopolitics', *International Relations*, 19(4), 2005, pp. 403–19; Julian Reid, *The Biopolitics of the War on Terror: Life Struggles, Liberal Modernity and the Defence of Logistical Societies* (Manchester: Manchester University Press, 2006).
- 12 Matthew Gibney, *The Ethics and Politics of Asylum: Liberal Democracy and the Response to Refugees* (Cambridge: Cambridge University Press, 2004).
- 13 Hannah Arendt, *The Human Condition* (Chicago: University of Chicago Press, 1958), p. 8.
- 14 For discussions of Arendt and various themes in world politics, see Anthony F. Lang Jr. and John Williams (eds), *Hannah Arendt and International Relations: Readings across the Lines* (London: Palgrave Press, 2005); and Patricia Owens, *Between War and Politics: International Relations and the Thought of Hannah Arendt* (Oxford: Oxford University Press, 2007).
- 15 See Suwendrini Perera, 'What is a Camp...?', *Borderlands e-journal*, 1(1), 2002, available at: www.borderlands.net.au/vol1no1_2002/perera_camp.html (accessed 23 June 2009).
- 16 Arendt, *Human Condition*, p. 144.
- 17 Daniel Deudney, *Bounding Power: Republican Security Theory from the Polis to the Global Village* (Princeton, NJ: Princeton University Press, 2007).
- 18 Arendt, *Human Condition*, p. 28.
- 19 The term 'critical Refugee Studies' refers to theoretically informed work that draw on combinations of feminist, postcolonial, Frankfurt School, post-structuralist and Marxist traditions of thought. See, for example, Jennifer Hyndman, *Managing Displacement: Refugees and the Politics of Humanitarianism* (Minneapolis: University of Minnesota Press, 2000).
- 20 Michel Foucault, *The History of Sexuality*, vol. 1 (New York: Vintage, 1978), pp. 139–40.
- 21 Foucault, *History of Sexuality*, p. 143.
- 22 Robyn Lui, 'The International Government of Refugees', in Wendy Larner and William Walters (eds), *Global Governmentality: Governing International Spaces* (London: Routledge, 2004), pp. 116–35; Georgia Doná, 'The Microphysics of Participation in Refugee Research', *Journal of Refugee Studies*, 20(2), 2007, pp. 210–29.
- 23 Randy Lippert, 'Rationalities and Refugee Resettlement', *Economy and Society*, 27(4), 1998, pp. 380–406; Randy Lippert, 'Governing Refugees: The Relevance of Governmentality to Understanding the International Refugee Regime', *Alternatives*, 24(3), 1999, pp. 295–328.
- 24 L. H. Malkki, 'Refugees and Exile: From "Refugee Studies" to the National Order of Things', *Annual Review of Anthropology*, 24, 1995, p. 498.
- 25 Didier Bigo, 'Security and Immigration: Towards a Critique of the Governmentality of Unease', *Alternatives: Global, Local, Political*, 27(1), 2002, pp. 63–92; Mark Duffield, *Development, Security and Unending War* (Cambridge: Polity, 2007).
- 26 Nevzat Soguk, *States and Strangers: Refugees and Displacements of Statecraft* (Minneapolis: University of Minnesota Press, 1999); Vanessa Pupavec, 'Refugee Advocacy, Traumatic Representations and Political Disenchantment', *Government and Opposition*, 43(2), 2008, pp. 270–92.
- 27 Michel Foucault, *Society Must be Defended* (New York: Picador, 2003), p. 35.
- 28 Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*, trans. and intro. George Schwab, new foreword Tracy B. Strong (Chicago: Chicago University Press, 2005), p. 5.

- 29 Jef Huysmans, 'International Politics of Exception: Competing Visions of International Political Order Between Law and Politics', *Alternatives: Global, Local, Political*, 31(2), 2006, pp. 135–65.
- 30 Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, trans. Daniel Heller-Roazen (Stanford, CA: Stanford University Press, 1998), p. 127.
- 31 Agamben, *Means without End*, p. 20.
- 32 Agamben, *Means without End*, p. 21.
- 33 Agamben, *Means without End*, p. 21.
- 34 Agamben, *Homo Sacer*, p. 83.
- 35 For a discussion of the accuracy of Agamben's account of Roman legal history, see Peter Fitzpatrick 'Bare Sovereignty: *Homo Sacer* and the Insistence of the Law', in Andrew Norris (ed.), *Politics, Metaphysics, Death: Essays on Giorgio Agamben's Homo Sacer* (Durham, NC: Duke University Press, 2005), pp. 49–73.
- 36 Judith Butler, *Precarious Life: The Powers of Mourning and Violence* (London: Verso, 2004).
- 37 Edkins and Pin-Fat, 'Through the Wire', p. 20. These authors make the same argument about an Iranian man, Abbas Amini, who was seeking asylum in the UK and who sewed his eyes, ears and mouth shut in May 2003. Jenny Edkins and Véronique Pin-Fat, 'Introduction: Life, Power, Resistance', in Edkins, Pin-Fat and Michael J. Shapiro (eds), *Sovereign Lives: Power in Global Politics* (London: Routledge, 2004), pp. 1–21. Referring to the Woomera case, Benjamin Muller suggests lip-sewing has now become 'a stable part of the refugees' arsenal of "bio-agency"'. See Muller, '(Dis)Qualified Bodies: Securitization, Citizenship and "Identity Management"', *Citizenship Studies*, 8(3), 2004, p. 292.
- 38 Jürgen Habermas, *The Post-National Constellation: Political Essays* (Cambridge: Polity, 2001).
- 39 Agamben, *Means without End*, p. 22.
- 40 Edkins and Pin-Fat, 'Through the Wire', p. 21.
- 41 Edkins and Pin-Fat, 'Through the Wire', p. 20.
- 42 Edkins and Pin-Fat, 'Through the Wire', p. 15.
- 43 Edkins and Pin-Fat, 'Through the Wire', p. 24.
- 44 Agamben, *Homo Sacer*, p. 188.
- 45 Agamben, *Homo Sacer*, p. 121.
- 46 For a discussion of the actual history of forced migration in this period, see Michael R. Marrus, *The Unwanted: European Refugees in the Twentieth Century* (Oxford: Oxford University Press, 1985).
- 47 Agamben, *Means without End*, p. 22.
- 48 Agamben, *Means without End*, p. 40; Agamben, *Homo Sacer*, p. 120.
- 49 Agamben, *Means without End*, p. 36.
- 50 Hannah Arendt, *On Revolution* (New York: Viking, 1965), p. 58. In *The Human Condition*, Arendt mounted a sustained attack on the modern merging of the distinction between *zoē* and *bios*. She talked about this in terms of the 'rise of the social', a realm of governmental administration which is neither 'public' nor 'private' but a mixture of both.
- 51 There is now a small but growing literature that links Arendt's thought to what is now most often discussed in the terminology of 'biopolitics', probably an oxymoron as far as she would be concerned. See Miguel Vatter, 'Nativity and Biopolitics in Hannah Arendt', *Revista de Ciencia Política*, 26(2), 2006 pp. 137–59; André Duarte, 'Hannah Arendt, Biopolitics, and the Problem of Violence: From Animal Laborans To Homo Sacer', in Richard H. King and Dan Stone (eds), *Hannah Arendt and the Uses of History: Imperialism, Nation, Race, and Genocide* (Oxford: Berghahn, 2007), pp. 191–204.
- 52 Hannah Arendt, *The Origins of Totalitarianism* (New York: Harcourt Brace Jovanovich, 1966; new edn with added prefaces), p. 440.
- 53 Arendt in Hannah Arendt and Karl Jaspers, *Correspondence, 1926–1969*, ed. Lotte Kohler and Hans Saner, trans. Robert and Rita Kimber (New York: Harcourt Brace Jovanovich, 1992), p. 69.
- 54 On the relevance of the distinction between 'everything is permitted' and 'everything is possible' for how we might understand the US-run camps at Guantanamo Bay, see the disagreement between Helen Kinsella, 'Arendt and Analogies', *International Politics*, 45(4), 2008, pp. 497–505, and Patricia Owens, 'Humanity, Sovereignty and the Camps', *International Politics*, 45(4), 2008, pp. 522–30. The disagreement concerns Agamben's claim that the Nazi camps are the appropriate analogy for Guantanamo Bay. See Giorgio Agamben, *State of Exception*, trans. Kevin Attell (Chicago: Chicago University Press, 2005).
- 55 Hannah Arendt, *Essays in Understanding, 1930–1954*, ed. Jerome Kohn (New York: Harcourt Brace, 1994), p. 403.

- 56 Arendt, *Origins*, pp. ix, 295.
- 57 There is a large literature on Arendt and statelessness/refugees. For a small sample see Richard Bernstein, 'Hannah Arendt on the Stateless', *Parallax*, 11(1), 2005, pp. 46–60; Wolfgang Heuer, 'Europe and its Refugees: Arendt on the Politicization of Minorities', *Social Research*, 74(4), 2007, pp. 1159–72; Patrick Hayden, 'From Exclusion to Containment: Arendt, Sovereign Power, and Statelessness', *Societies Without Borders*, 3(2), 2008, pp. 272–93.
- 58 Bernstein, 'Hannah Arendt', p. 54.
- 59 The literature on Arendt and human rights is extensive. For some important studies in addition to Agamben's, see Jeffrey C. Isaac, 'A New Guarantee on Earth: Hannah Arendt on Human Dignity and the Politics of Human Rights', *American Political Science Review*, 90(1), 1996, pp. 61–73; Jacques Rancière, 'Who Is the Subject of the Rights of Man?', *South Atlantic Quarterly*, 103(2/3), 2004, pp. 297–310; Benhabib, *The Rights of Others*; Peg Birmingham, *Hannah Arendt and Human Rights: The Predicament of Common Responsibility* (Bloomington: Indiana University Press, 2006); Étienne Balibar, '(De)Constructing the Human as Human Institution: A Reflection on the Coherence of Hannah Arendt's Practical Philosophy', *Social Research*, 74(3), 2007, pp. 727–38.
- 60 Arendt, *Origins*, pp. 297–8.
- 61 Arendt, *Human Condition*, p. 7.
- 62 Arendt, *Human Condition*, p. 8.
- 63 Arendt, *Origins*, p. 301. Emphasis added.
- 64 Arendt, *Origins*, p. 302.
- 65 Arendt, *Origins*, pp. 296–7. For a critique of the comparison see Patricia Tuitt, 'Refugees, Nations, Laws and the Territorialization of Violence', in Peter Fitzpatrick and Patricia Tuitt (eds), *Critical Beings: Law, Nation, and the Global Subject* (Farnham, Surrey: Ashgate, 2004), pp. 37–57.
- 66 Balibar, '(De)Constructing the Human', p. 733.
- 67 Arendt, *Origins*, p. 300.
- 68 Edkins and Pin-Fat, 'Through the Wire', p. 22.
- 69 Joseph Pugliese, 'Penal Asylum: Refugees, Ethics, Hospitality', *Borderlands e-journal*, 1(1), 2002, available at: www.borderlands.net.au/vol1no1_2002/pugliese.html (accessed 4 February 2009).
- 70 Hannah Arendt, *The Jew as Pariah: Jewish Identity and Politics in the Modern Age*, ed. and intro. Ron H. Feldman (New York: Grove Press, 1978), pp. 57, 59.
- 71 Arendt, *On Revolution*, p. 10.
- 72 Michael Leach, "'Disturbing Practices": Dehumanizing Asylum Seekers in the Refugee "Crisis" in Australia, 2001–2002', *Refuge*, 21(3), 2003, pp. 25–33.
- 73 Hannah Arendt, *The Promise of Politics*, ed. and intro. Jerome Kohn (New York: Schocken, 2005), p. 175.
- 74 Arendt, *Human Condition*, p. 4.
- 75 Arendt, *On Revolution*, p. 9.
- 76 Edkins and Pin-Fat, 'Through the Wire', p. 22. Abbas Amini, an Iranian in Britain, is similarly quoted as saying, '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', and later, 'Yes, it was political.' Edkins and Pin-Fat, 'Introduction', p. 15.
- 77 Arendt, *Origins*, pp. 296–7.
- 78 Arendt, *On Revolution*, p. 9.
- 79 Arendt, *On Revolution*, p. 9.
- 80 Arendt, *Human Condition*, p. 176.
- 81 Arendt, *Promise of Politics*, p. 145.
- 82 Agamben, *Means without End*, p. 20.
- 83 Agamben, *Means without End*, p. 19.