

# Jonas Tinius

## The privilege of life itself: sovereignty, power, and the figure of the refugee

There are certain fundamental privileges—inalienable and universal rights—that modern, western, liberal and democratic political thought accords to human beings. Set forth, for instance, in the Universal Declaration of Human Rights, these include »the right to life, liberty, and security of person« (UDHR Art. 3). Modern liberal thought emerging after the Enlightenment asserts the right to life, alongside other constituent concepts of western Euro-American nations—freedom, equality, democracy—as comparable, intelligible, and universal values.

It is the perverse »dialectic of the enlightenment«, as Adorno and Horkheimer pointed out 70 years ago, that the very values of rational self-determination, will to freedom, and right for life inspired the extermination of these values. In the crass machinery of the Holocaust, the cruel subjugation of the colonial project, or the political economy of the neo-colonial debt economy, the rights, privileges, and values of the modern western liberal project become exposed as fragile, porous, and contradicted. The firm belief in and assumption of the universal righteousness of freedom, equality, and democracy inspired empires and nations to wage wars, missions, and colonial projects. Freedom, equality, and democracy thus also entail their flip sides, and can become means of societal control, turning the attribution of agency and rationality into instruments of governance. Human rights ideologies and their constructions of freedom and democracy may turn into prisons of individualised selfhood and structural dependencies of the Global South to the Global North (Englund 2006: 12), revolutionary ideas turn against

the freedom that they advocated. But to consider life itself as a universal right is not a description of how things are—it is a demand, a project to change the unsustainably distributed privileges and colonial legacies in our societies. The right to life, security of person, and peoples' freedom of movement are unequally distributed, and as such they are privileges, that is, rights accorded only to select populations. New populist isolationisms in a post-Trump era, the gradual fragmentation of the European project, privatised border control alongside the penetrable southern frontier with the Mediterranean: life itself, its maintenance, its articulation and fruition, cannot be taken for granted in the same way in Europe as it can be in the temporary camps that have become so fundamental to human experience through the figure of the refugee. Migrants and exiled populations fleeing from war-torn and economically exploited regions into fortress Europe are not a new phenomenon. Every century, almost every decade, has had »their« refugees and their camps, their borders and their fortresses, but since the mid-2010s, a new and radical challenge to basic principles and privileges emerges. The aspirations of populations to enter the privileged life-worlds of Euro-American societies, who have been involved in shaping the political instabilities that gave rise to these forced mobilities, are turning the privileged and safe Western gaze back onto itself. In the face of inequality, privileges are rendered visible, and their unsustainability becomes tangible, erupting in the social and physical depression, retreat, or misapprehension of the legally subaltern and underprivileged figure of the migrant and refugee. The territorial sovereignty of Europe is defended not just at its multiple and contested borders, but in the political centres of power, where values and privileges are accorded, legally bestowed on newcomers at bureaucratic will, taken away from delinquents, and morally charged as instruments of government.

Ever since the 16th century, Europe has been developing apparatuses for the governing of its people, with the modern-day state being »only an episode in government«, an episode in the long history of developing forms for governing oneself and the lives of others in a series of systems of »governmentality« (Foucault 2007:

248, 1991). Governmentality, for Foucault, refers to an ensemble of institutions that aims at the control of society and the health of the population, by means of a complex knowledge of it. These forms of government have shifted from the classical era to the modern era, replacing the ways in which sovereign power articulates itself; from brute physical force and the spatial segregation of populations, classified as safe and sane or strange and dangerous (2009 [1966]), to the diffused mechanisms of self-government and self-regulation that have shaped today's forms of government through social policies (1977). For centuries, European governmentality and treaties of government such as Jean Bodin's *On Sovereignty* (1576) or Machiavelli's *The Prince* (1532) were concerned with creating top-down penal systems, which derived from the equation of the sovereign's body with the law and the polity governed by the law, thus understanding acts against the law and the territory as »crimen majestatis«, meaning as acts against sovereign power (see also Kantorowicz 1997 [1957]). These governmentalities established a reciprocal relation between the law, the territory, and the sovereign, where one is constitutive of the other. Until the 18th century, sovereign power thus constituted itself by means of the (capacity for) infliction of physical torture onto bodies.

With the birth of political economy in the 18th century, questions of government no longer concerned the question of regulating territory and law, or disciplining the individual (»an anatomico-politics of the human body«, Foucault 1978: 11), but aimed at regulating an entire species through a »bio-politics of the population« (Ibidem, p. 138). Questions of health, sexuality, and well-being became the mechanisms of governing populations; the idea of life itself and its maintenance replaced the threat of life. The question of modern governmentality was no longer »how could I exert my power through force?, but »why should society eliminate a life and a body that it could appropriate?« (Ibidem, p. 201). Foucault (1982) recognised that modern governmental power differs from physical force or brute violence because it operates not on helpless subjects, but through their freedom and action, as a complex interplay of spaces in which a subject can even be created positively.

Giorgio Agamben, from whose *Homo Sacer. Sovereign Power and Bare Life* (1998 [1995]) Mario Rizzi draws the title for the exhibition and this book, addresses the question of political life and the privilege of life itself from the perspective of law and sovereignty. For Agamben, the very idea of a political subject, endowed with rights to political activity in a social community, and an identity that can claim its right to life on the basis of constitutional lawful protection, is the result of a legal construction of politics. Agamben underlines that the confluence of law and power embodied in forms of »recognition« not only accords ethical and psychological integrity. What is more, if legal power constitutes subjects, as potentially free and self-determining subjects, it also contains the possibility for the reverse: the misrecognition of the right to political life, and even the right to life itself. Culminating in the state of exception, sovereign power creates »an anomic space in which what is at stake is a force of law without law« (2005: 39). The nation state at the threshold of the modern era, Agamben writes with reference to Foucault, incorporated natural life in the mechanisms and calculations of state power, adding to the government of lives not just their right to participate in the political agora, but their right to exist at all. How, in other words, could we think of »law and lawlessness as conditions of each other's possibilities«? (Comaroff 2006)

In his chapter »The Camp as the »Nomos« of the Modern« in *Homo Sacer*, Agamben points out that the modern era continues to control its own space of lawlessness, constituted by the law. The (concentration) camp, for Agamben, is that space »where the state of exception becomes the rule«. With reference to Greek political thought, Agamben distinguishes two forms of life that are relevant for understanding how life itself can become a governed privilege: the notion of *zoë*, or »the simple fact of living common to all living beings (animals, men, or gods)«, and *bios*, which he describes as »the form or way of living proper to an individual or a group« (1998: 1), and which constitutes the privilege of political life. The camp as a physically territorialised state of exception, then, is where persons are stripped of their *bios* and remain as bare life, imprisoned by the possibility of indefinite detention, and, if asked to move on, carrying

with them their own exception through their illegal bodies, marked and controlled by sovereign state power.

Mario Rizzi's exhibition *Bare Lives* (2017), part of the *Unsustainable Privileges* annual programme at Galerie Wedding, curated by Solvej Helweg Ovesen and Bonaventure Soh Bejeng Ndikung, addresses the tensions that arise when forms of sovereignty and power intersect with the will to resist and alter governance. As other contributions in this book explore, he does so in a number of different ways that criss-cross the concerns I have outlined above.



His filmic depiction of life in the Zaatari refugee camp in Jordan (*Al Intithar, The Waiting*, 2013) and *Kauther* (2014) about the female activist Kauther Ayari and her involvement in the 2011 uprisings in Tunisia, unfold stories of power, self-creation, and privilege. They disclose what it means when political life turns in on itself, and how humans carve out spaces of political life in spite of their permanent threat of becoming reduced to bare life. How does political history get re-written retrospectively? How does one restore the privilege of an everyday in spite of its apparent impossibility? His slide-show *Bare Lives* explores, among other images, scenes of political and social life, assemblages of persons and things, in unofficial camps

in Idomeni and established ones in Iraqi Kurdistan. Rizzi's photographic exploration August 3rd poses questions about the present absence of violence inflicted upon enslaved bodies, female bodies, and their (possible) retreat into their own dignity in the face of death. How do bodies remember? How do they contain, and articulate violence? Shot in a Yazidi camp in Iraqi Kurdistan, they relate to the massacres inflicted by the Islamic State on ethnic minorities, prompting associations with the regulated and machinated subjection of populations that I discussed earlier. How do bodies and populations embody the state of exception, prolonging it through their movement in encamped and regulated spaces? And how to enter, represent, engage with the invisible mark of political violence?

These films and portraits evoke dignity, recover ethics, and recognise the alienation of the inalienable—the taking back of life when the privilege of life itself is at stake. But they also prompt questions about the responsibility of the observer, the privilege of the gaze, through lenses and fieldnotes, through the male body of the European artist. Reflecting on the privilege of this quasi-anthropological fieldwork in the interview printed in this book, Rizzi echoes a concern with the unsustainability of such hierarchies, and the potential of estrangement implicit in their experience: »If you want to make a film about a group of people, and you want to find the poetry in their lives, then you have to understand the way they are living, the way they look at the world.« And yet, it is the impossibility of ever knowing just what another human being suffers, sees, feels, which creates the real possibility for empathy. For, in the context of this exhibition, visible through the glass membranes of the Galerie Wedding by pedestrians passing by to have their papers checked in the bureaucratic machinery of the adjacent Registration Office of Wedding, the privilege of being able to see, of being in or out, is already present before one even enters the exhibition.

And it is here that we return to the question of life itself and its privilege. Confronted with Rizzi's artistic perspectives into the lives of the politically ostracised, politically marked, politically under-privileged figure of the encamped refugee, the forgotten activist, the transitory migrant, I cannot help but think that his exhibition asks

for the gaze to be returned: from the faces, stories, and eyes that confront the viewers back to their positions to rethink what is considered the privilege of life itself. »The refugee«, Agamben writes in a reflection on Arendt's seminal essay on the subject, »is the sole category in which it is possible today to perceive the forms and limits of a political community to come« (1995 [1994]). Rethinking the unsustainable privileges and unequal distribution of the right to political and social life, he suggests, may need to begin with a different kind of recognition, a new kind of political post-otherness. The political philosophy that dominates the view that »other« lives enter into the privileged space of the settled, the politically integrated, and legally recognised subject of the European nation-state may have to be rethought more radically: not from the standpoint of the latter, but from that of the former. The mobile political subjects without rights, carrying with them the state of exception and containing the violent subjection to bare life, may then provoke at least the speculative horizon of a different political community.

Instead of two national states separated by uncertain and threatening boundaries, one could imagine two political communities dwelling in the same region and in exodus one into the other, divided from each other by a series of reciprocal extraterritorialities, in which the guiding concept would no longer be the ius of the citizen, but rather the *refugium* of the individual. ... It is only in a land where the spaces of states will have been perforated and topologically deformed, and the citizen will have learned to acknowledge the refugee that he himself is, that man's political survival today is imaginable. (Agamben, *We refugees*, 1994)

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