

The Logic of Sovereignty and the Agency of the Refugee: Recovering the Political from ‘Bare Life’

Dan Bousfield
Ph.D Candidate
McMaster University

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Giorgio Agamben's *Homo Sacer: Sovereign Power and Bare Life* is a critical discussion of the logic of sovereignty and the production of refugees in the contemporary international system. However I will argue in this paper that Agamben's discussion of refugees, like many others, reproduces a discourse that forecloses moments of refugee agency and the possibilities for systemic change. Instead, I will attempt to draw out a narrative that emphasizes the importance of refugee agency and the acts that challenge the discourses of pity and exclusion with reference to refugees. By relying on the works of Jacques Rancière, Hannah Arendt, Carl Schmitt, and others, I hope to illustrate that the agency of the refugee is less divorced from the political projects within sovereign nation-states than these discourses tend to suggest. To accomplish this goal I will focus on three levels of analysis: the abstract, the institutional, and the personal. At the abstract or conceptual level I will argue that the logic of sovereignty forecloses discussion of agency and change. At the institutional level I will explore the manifestations of refugee agency in the movements of the sans-papiers in France and the Non-Status Algerian in Canada. At the personal level I will discuss how agency emerges in the spaces of 'bare life' and how sovereignty is inscribed on the refugee body. Through this analysis I hope to explore how the inclusions and exclusions of sovereignty can be challenged by the agency of the refugee.

The Conceptual

Agamben's discussion of sovereignty is an important starting point because it outlines the limits and exclusions of the logic of sovereignty. Sovereignty is the point from which a discussion of refugee agency must begin, because it is the primary concept that creates, sustains, and reproduces the concept of 'the refugee.' Sovereign territorial states provide not only the borders between each other, this sovereignty demarcates the boundaries between citizens and non-citizens as well as the realms of the political, the national and the international creating quite literally an 'inside' and 'outside' (Walker 1992). Agamben, following Schmitt argues that "the primary exclusion is that of the sovereign itself; the power to make and suspend the law...lies outside sovereignty" (Agamben 1998: 15). However, unlike Schmitt, Agamben examines the conceptual limits of sovereignty by illustrating the secondary exception that constitutes sovereign rule. These are the individual cases that violate the rule or prohibition of law, but fail to invalidate the law as such. In Agamben's words: "Inscribed as a presupposed exception in every rule that orders or forbids something (for example, in the rule that forbids homicide) is the pure and unsanctionable figure of the offense that, in the normal case, brings about the rule's own transgression" (Ibid.: 21).

Thus sovereignty is defined by two exceptions; the first is the exclusion of the sovereign from the field of sovereignty, and second is the exclusion of every specific case from the rule of sovereignty itself. As I will discuss shortly, the result of the internal logic of sovereignty is to produce the field of 'Being' (or ontology) upon which the entire political order is founded. While Agamben delves into the complexities of these inclusions and exclusions, his distinction is important because it illustrates how the logic of sovereignty denies its own contingency by making every situation a site of exclusion. As we shall see shortly, this has specific ramifications in the production of the exception between bare and sacred life.

Agamben's discussion of the distinction between *zoē* (the life common to all living beings) and *bios* (the form of living as an individual or group) founds his distinction between sacred and bare life (Ibid.: 1). Sacred life or *homo sacer* is the inclusion of bare life (or *zoē*) within the field of sovereignty as the *homo sacer*; a life that can be killed but not sacrificed (Ibid.: 83). While the inclusion within society makes the life sacred (distinct from bare life) the price of this inclusion is the necessary production of the exclusion that makes homicide possible (Ibid.: 82). In Agamben's words "The sacredness of life, which is invoked today as an absolutely fundamental right in opposition to sovereign power, in fact originally expresses... life's subjection to a power over death and life" (Ibid.: 83). The implications of this distinction are ominous and clear. If someone was to be banned from the realm of sovereign power, their status would revert to a form of bare life, where the sovereign exception of homicide would cease to function. As Agamben examines throughout his book, the logic of sovereign exception coupled with the nation-state enables the emergence of the refugee and the camp, where the reemergence of bare life becomes possible. Thus the logic of sovereignty is an important starting point for understanding the creation of the refugee and the possibilities for a narrative of refugees that emphasizes their agency.

With *homo sacer* in mind, the possibilities for agency from the site of the excluded seems remote if not impossible. However, much like Agamben's book, this is a result of the examination of logic of sovereignty rather than an emphasis on the contingent nature of sovereign power. This stems from Agamben's reading of Aristotle, that while important, forecloses 'potentiality' for a better understanding of 'actuality.' This is because Agamben discusses the importance of sovereignty as *fully constituted* (i.e., the logic of sovereign power) and rightly so, as this is the only conceptual space from which the logic of sovereignty makes sense. The problem resides in the way that this also forecloses the discussion of potentiality and subsumes it in what Slavoj Žižek calls the 'positive order of Being.' Thus while we may make a distinction between *constituting* and *constituted* sovereignty, Agamben argues that "according to Aristotle's thought, potentiality precedes actuality and conditions it, but also seems to remain essentially subordinate to it" (Ibid.: 45). In other words, we are situated in a site of constituted power that only allows us to view potentiality retroactively and distinct from the present. In his words: "This is why if potentiality is to have its own consistency and not always disappear immediately into actuality, it is necessary that potentiality be able to not to pass over into actuality" (Ibid.).

This gap between potentiality and actuality or 'Becoming' and 'Being' provides the basis of the logic of sovereignty. As a result "potentiality... is that through which Being founds itself sovereignly, which is to say, without anything preceding it or determining it" (Ibid.: 46). The result of this is a logic of sovereignty that negates its own potentiality to realize its actuality or as was illustrated above, the denial of contingency in the form of Being. The denial of its potentiality in the form of actuality is also the moment when the exclusions of sovereignty emerge. At a conceptual level, thinking from the logic of sovereignty (and there

is no way to think of sovereignty otherwise) forecloses the potentiality that the exclusion (as both inside and outside the law) of the refugee represents.

What this account of sovereignty is missing is the subjectivity that provides the supplement to the existing ontological order by examining sovereignty from its internal logic. Žižek has argued such accounts of the consistency of Being miss the supplement that the ‘act’ provides. To employ this argument against Agamben shows that:

It puts too much trust in the positive order of Being, overlooking the fact that the order of being is never simply given, but is itself grounded in some preceding Act. There is no Order of Being as a positive ontologically consistent Whole: the false semblance of such an Order relies on the self-obliteration of the act (Žižek 1999: 238).

These acts are the supplement that allows Being to maintain its consistency and disavow its contingent character. From the internal logic of sovereignty such acts are sites of exclusion, but they are also the supplement which allows sovereignty to appear as a logic as such. Thus while sovereignty appears as a consistent logic, it requires ongoing acts to manifest this consistency. This is critical because Agamben’s analysis fails to elucidate the centrality of the act (rather than the exception) as the basis of the consistency of sovereignty. By reasserting the importance of the act we can recover agency, both from sites inside the logic of sovereignty and in the spaces of exclusion.

A clarification of subjectivity is important at this point. While the ontological consistency internal to the logic of sovereignty seems to imply that there are political subjects and non-subjects (which as we will see below occur at the political level) at a conceptual level, the consistency of sovereignty depends on the obliteration of the act, rather than the subject. If we take Žižek’s argument on this point, within the Lacanian framework, there is no ‘subject’ prior to the act, rather, that “‘subject’ designates the contingency of an Act that sustains the very ontological order of being” (Ibid.: 160). Sovereignty relies on the production of subjects within the exclusionary space to accommodate the acts which maintain its consistency.

While there are many different definitions and understandings of the Act, bearing in mind the emphasis on refugee agency advocated in this paper, Jacques Rancière’s discussion of this point is relevant here. He retains a similar emphasis on the excluded by arguing that ‘the people’ which is used as the foundation of political institutions such as democracy excludes all of those who cannot participate, such as the poor (Rancière 1999: 9-10). These members of society who have no part, who do not participate, form the primary exclusion of the community itself. However, unlike Agamben, Rancière sees this excluded space as the site of the political rather than a space of bare life. As Rancière argues:

Politics does not exist because men, through the privilege of speech place their interests in common. Politics exists because those who have no right to be counted as speaking beings make themselves of some account, setting up a community by the fact of placing in common a wrong that is nothing more than this very confrontation (Ibid.: 27).

In reference to Agamben, the exclusionary space created by sovereignty cannot be a space of sovereign power, but it can still function as a political place. This politics is beyond the logic of sovereignty because it exists in the place of the exclusion, where bare life has no sovereign voice. The notion of the Act then becomes paramount because while it provides consistency to the logic of sovereignty, it can also emerge in the place of the excluded and provide the foundation for a politics. Thus while Agamben provides a critical foundation for understanding the logic of sovereignty, his analysis reproduces the exclusions he outlines by adopting a position within this logic. Only by working through the abstract do we begin to see why agency is integral to the political manifestations of sovereignty and how the refugee act is the source of this politics.

The Political/Institutional

The differentiation of the conceptual and the political is important because of the way sovereignty manifests itself. As we see in Agamben, from the logic of sovereignty every material instance of sovereign power is manifest by the exception to its rule. This is why Peter Nyers points out that the activism of the refugee represents an “impossible activism” precisely because the refugee is not a political subject (they are non-citizens) and have no *right* to a speaking position (Nyers 2003: 1080). Thus as Nyers and Bonnie Honig agree with Rancière in reference to the refugee, we must conceptualize them as a form of taking-subject rather than one who has been granted sovereign rights as a component of their citizenship (Ibid.: 1077). Their actions become the claim on which their political voice is manifest even in the place of exclusion (the camp or detention centre). The idea of refugee as political agent then provides a starting point to outline how the refugee-as-agent has emerged in discourses about refugees.

In the immediate post-war period, refugees emerged as a ‘problem’ to be solved. As Hannah Arendt outlined in *Imperialism*, the convergence of nationality and sovereignty in the modern European nation-state produced a system like the one before it “which had never taken into account or responded to the needs of at least 25 percent of her [sic] population” (Arendt 1951: 151). Efforts such as the minority treaties were never able to deal with the problem that in some cases reached the absurd level where “the nationally frustrated peoples constitute 50 percent of the local population” (Ibid.: 152). As these groups were constituted as an exception in the spaces between the sovereign rule of nation-states, they became a ‘problem’ to be dealt with.

The characterization of refugees as a ‘problem’ reinforces their abject status and continues to the present day. A cursory examination of the introduction of the latest *State of the World Refugees* illustrates this representation of “desperate people fleeing” or the “suffering of uprooted people” reinforcing the idea of powerless refugees that provides the impetus for the United Nation’s High Commissioner for Refugees’ (UNHCR) state-centric goal of “solving refugee problems” (Office of the United Nations High Commissioner for Refugees 2000: 1,3,4). The portrait of refugees as humanitarian objects in need of rescue is a pervasive mobilization tactic has been increasingly recognized as enacting a range of other violences upon refugees

(to which I will return later). Efforts to develop more attentive responses to the refugee ‘problem’ under the guise of ‘New Humanitarianism’ call for the adoption of the Hippocratic oath in an effort to minimize harm (Anderson 1996). Thus the refugee ‘problem’ is deepened by transforming the ‘well-founded fear of persecution’ (upon which the current definition of refugee relies) into a psycho-physical problem that refigures refugee agency within a medical discourse. The failure to deal with the refugee ‘problem’ reinforces the abject status of the refugee while transforming the issue into depoliticized product of the inter-state system.

Thus it is useful to return to Arendt’s analysis of the refugee ‘problem’ to repoliticize the contemporary efforts to do the opposite. Firstly, and most simply, Arendt recognizes that the right of asylum that pre-dates the nation-state and there is a long-standing expectation that stateless people are prone to seek refuge in other countries (Arendt 1951: 160). Herein lies a simple distinction that is often overlooked, namely that migration and mobility has taken place throughout history. Rather than see it as an exception, it should be treated as a norm that emphasizes the mobility and agency of the one seeking refuge. Refugees are actors that make choices about mobility like everyone else. As Fiona Terry points out in her discussion of the Arabic term *mohajir*, flight can be seen as a positive experience of agency rather than an abject source of exclusion (Terry 2002: 76). As she points out: “A mohajir is a person who voluntarily takes exile and has severed ties with relatives and possessions, thus denoting courage for sacrificing comfort and family, rather than shame at taking flight” (Ibid.).

Thus a reading of Arendt’s point in this light illustrates the possibility that mobility and refuge does not mean an elimination of agency, rather the possibility that a productive end that can come from flight. Based in Mohammad’s flight in exile, the mohajir is a time of building support for a victorious return, grounded in the idea that flight is an empowering tactic, rather than a disempowering expulsion (Ibid.). This idea of return presented a second problem that Arendt (1951) outlined:

The second great shock that the European world suffered through the arrival of refugees was the realization that it was impossible to get rid of them or transform them into nationals of the country of refuge. From the beginning everybody had agreed that there were only two ways to solve the problem: repatriation or naturalization (161).

The logic of the nation-state foreclosed alternative possibilities that could have normalized their status rather than trying to eliminate the ‘problem.’ However, what is most interesting in Arendt’s discussion is how these two options encountered resistance from the refugees and stateless themselves:

The stateless people had already shown a surprising stubbornness in retaining their nationality; in every sense the refugees represented separate foreign minorities who frequently did not care to be nationalized, and they never banded together, as the minorities had done temporarily, to defend common interests (Ibid.: 162).

Arendt outlines how efforts to repatriate or naturalize failed because they were intimately wedded to a nation-state that was producing the ‘problem’ they were attempting to ‘solve.’ The refugee’s identification with nationality did not correspond with the single nationality of the nation-state. As she notes: “Even though they had renounced their citizenship, no longer had any connection with or loyalty to their country of origin, and did not identify their nationality with a visible, fully recognized government, they retained a strong attachment to their nationality (Ibid.: 163).”

The convergence of the modern sovereign state with the idea of a single nation produced the refugee ‘problem’ that it could not resolve. The equation of the logic of sovereignty with the idea of one nation produces the ‘paradox’ that most discussions of refugees still remain mired (see Terry 2002). Recapturing the agency of the refugee is important to prevent state-centric solutions from reproducing the exclusions that sovereignty, by its own logic, must create.

The result of this is to question as many others have, the way that nation-states look for ‘solutions’ (most notoriously the ‘Final Solution’) to deal with this refugee ‘problem.’ Unfortunately – and I argue this is the result of ignoring the agency of the refugee – these solutions fall to security and policing apparatus of the state. As Arendt explains: “the nation state, incapable of providing a law for those who had lost the protection of a national government, transferred the whole matter to the police” (Ibid.: 167). While Arendt discusses at length the way a refugee can become a subject of sovereign power by committing a crime, it is less clear how the excluded space of the ‘bare life’ that Agamben describes becomes a site of policing. Indeed, this is a problem that emerges in his work in his discussion of the camp. The camp is a site of sovereign exception, where the emergence of ‘bare life’ becomes possible. It is the suspension of sovereignty, and the exceptional character of the camp that allows the horrors like the ‘Final Solution’ to take place. In Agamben’s (1998) words: “Only because the camps constitute a space of exception in the sense we have examined – in which not only is law completely suspended but fact and law are completely confused – is everything in the camps truly possible” (170).

This realm of possibility opened by the site of exclusion is in Agamben’s characterization of the camp, which history has shown, is a site of tremendous horrors. However, if we take Rancière’s conceptualization of the exclusion as the space of true politics, then there is no reason why – from the internal logic of sovereignty – that the camp should represent these horrors. Thus, while the distinction of *homo sacer* is important for conceptualizing the logic of sovereignty, it cannot explain the politicization of the camp.

Schmitt’s work is instructive in explaining why the site of exclusion becomes the place of unlimited policing and repression. This is possible through Schmitt’s distinction of the enemy and the friend. For Schmitt (1996) “An enemy exists only when, at least potentially, one fighting collectivity of people confronts a similar collectivity” (28). Thus if the site of exclusion is also the site of politics (via Rancière) then the *place* of

exclusion rather than the abstract *space* of exclusion can become the sight of the enemy. This also means that it is the agency of the refugee in the space of sovereign exclusion that becomes this ‘fighting collectivity.’ This also marks the distinction between the conceptual logic of sovereignty and the lived experience of exclusion. Schmitt’s emphasis on the difference between enemy and friend does not require citizenship, but instead the creation of the enemy provides the grounds for the policing of the camp. It also allows the engagement between the enemy and friend in the form of Schmitt’s notion of the political. Like Rancière, Schmitt believes that the founding principle of the political is the relationship between the friend and the enemy, the included and excluded. What Agamben, Schmitt, Rancière, and even Arendt hold in common is the emphasis on the excluded as the founding moment of the included. In this sense, refugee agency is not only an important emphasis of politics; it represents the archetypical political act. We are indebted the semblance of order provided by their exclusion and should be equally distressed at the way that this agency is continually ignored.

It is critical then that refugee agency be treated with the consideration and attention that it deserves. One of the dangers in discussing the issue of refugee agency is that when it does emerge in discourse it is often through what Nyers has called a “unsavory” and “dangerous” agency (Nyers 2003: 1070). This is not surprising given the way that the refugee serves to stabilize the distinction between enemy and friend and maintain the sovereign order. However he makes the important distinction that this agency is a result of refugees being “cast as the objects of securitized fears and anxieties” produced by the securitization and criminalization discourses of the enemy rather than an engagement with the refugees actions (Ibid.). Refugee agency becomes the product of a discourse that seeks to marginalize and politicize by reinforcing the refugees ‘otherness’ and dismissing the ‘friends’ role in the creation, maintenance, and reproduction of this order. The emphasis of this paper is to recover an empowering and productive form of refugee agency, which illuminates the importance of the camp as a site of politics (via Rancière) and the possibilities their actions create for systemic change.¹

With this in mind, it becomes necessary to highlight some of the instances of taking-agency that were outlined above. Two of the most publicized movements have been that of the *sans-papiers* in France and the Non-Status Algerians in Canada. It is interesting to compare the similarities between these movements and comments made by Arendt on the two situations whereby the refugee *can* be integrated through citizenship. The first is the idea of naming, whereby the excluded becomes recognized by the nation-state by appealing

¹ Bearing in mind the post-colonial insights into the problems of speaking for the ‘other,’ there is an inherent danger that my discussion of refugee agency (through my privileged speaking in an academic environment) will actually disempower refugee voices. I would argue that this paper is at best an incomplete reconstruction and that it provides a framework for thinking about refugee agency in a different way, but remains abstract because it does not (except for a moment in the final section) include refugee voices. If there is a central point of this paper it is that the acts performed by refugees are inherently political because of their excluded status, and any co-option my paper may implicitly or explicitly perform cannot undermine that.

to their distinctiveness from the rest of the ‘refugee masses.’ As Arendt (1951) disturbingly (and not without cause bearing Agamben’s emphasis on bare life in mind) illustrates, the act of naming was important for refugees because “just as a dog with a name has a better chance to survive than a stray dog who is just a dog in general” (167). While Arendt relates this to fame (which I will address momentarily) I would argue that in the cases of the *sans-papiers* and the Non-Status Algerians, the taking of a name was a political act that *forces* recognition by nation-state. In the case of the *sans-papiers* the decision to choose a name took place as an internal discussion; this point was emphasized in a poignant section of Theresa Hayter’s (2000) examination of the movement.

The *sans-papiers* early on decided to refer to themselves as ‘undocumented’ rather than ‘clandestine’, their previous designation. Thus the essence of the movement is that the people who were previously virtually in hiding, working illegally and in fear of deportation and for that reason vulnerable to exploitation, decided to come out in the open, declare themselves to the authorities and demand regularisation. In the process they took, and take, great risks (143).

Here we see how the act of naming was important both for recognition but also as a rallying site of political activity. It is also clear how hazardous to the refugee their agency can be because of the multiple forms of exclusion they face. In the case of Non-Status Algerians the group emerged because “the non-status refugees have themselves taken the lead in the campaign to stop their deportations and regularise their status” (Nyers 2003: 1082). Their distinction – through the process of naming – emerged in both cases because of the actions of the refugees themselves taking a political place.

To return to Arendt (1951), she links the process of naming with fame, or the idea that ‘genius’ refugees are granted exceptional status because of their individual characteristics (167). It is here that she fails to capture the agency involved in the possibility of naming and reverts to the idea of the nation-state granting rights. While publicity is important for the dissemination of the groups’ messages and for support, the refugees that emerge are, as Nyers points, actively taking rights rather than waiting for them to be granted. To argue that the fame of these groups might lead to their regularization misses the extent to which the claims of these specific groups are for refugees and persons of non-status *in general*. The Comité d’Action de Sans-Status – of which the Non-status Algerians are part – “...have struggled to become democratic. Their politics favors the ‘de-nationalisation of the state’, both in the sense of organising to stop their own deportations, but also in the sense of regularizing the status of all non-status persons in Canada” (Nyers 2003: 1090).

This claim on behalf of the excluded is the type of politicization that Rancière argues is critical and represents the taking-agency in the ways goals are articulated as demands. This is what Arendt’s discussion of refugee agency misses and it is this type of agency that is most evident in the demands of the *sans-papiers*:

We demand papers so we are no longer the victims of arbitrary treatment by the authorities, employers and landlords. We demand papers so that we are no longer vulnerable to informants and blackmailers. We demand papers so that we no longer suffer the humiliation

of controls based on our skin, detentions, deportations, the break-up of our families, the constant fear (Hayter 2000: 143).

The demand for regularization thus provides the source of a taking-agency while simultaneously creating demands for changes that would deeply alter the configuration of included and excluded and the realm of the ‘political.’

The importance of taking-agency for the refugee has specific political and emancipatory consequences. The implications of regularizing refugee status and challenging the exclusions of sovereignty is an inherently radical project which, as seen in Arendt and Agamben’s discussions, would require drastic changes to the founding principles of the modern international system. As might be expected the issue of revolution and the possibility for change is a focal point of discussion for many of these authors. To return to the idea of the act, deciding what properly constitutes a ‘political act’ has been a serious point of contention between authors. Thus the discussion of the importance of potentiality and actuality reemerges here. In Arendt’s *On Revolution* she argues that deciding on *the* political act is a perpetual problem; “The trouble has always been the same: those who went into the school of revolution learned beforehand the course a revolution must take. It was the course of events, not the men [sic] of the revolution which they imitated” (Arendt 1973: 51).

Thus, there can be no predetermined path upon which revolutionary change will take place. The history of revolutions remains fixed within the order of Being making it impossible to perfectly replicate the conditions of revolution. Instead the supplement of the act (the agency of the revolutionary) is necessary for the revolution to take place, making the path inherently spontaneous. As she argues “the revolutions started as restorations or renovations, and that the revolutionary pathos of an entirely new beginning was born only in the course of the event itself” (Ibid.: 30). This element of spontaneity is important for understanding the potentiality in the act that, as argued by Žižek, helps maintain the consistency of Being. The problem arises because for authors like Alain Badiou and Žižek who, like Arendt, emphasize ‘the event’; the act retroactively reconfigures its own ‘path’ and the revolution can only be seen as such after it has taken place. As others have pointed out² this limits true revolutionary moments to ones that completely reconfigure actuality, and as Žižek (1999) argues “a true act does not only retroactively change the rules of symbolic space; is also disturbs the underlying fantasy” (200). In the Lacanian framework this ‘fantasy’ is the ‘Real’ of contemporary capitalism; which needs to be disrupted if *true* revolutionary moments are to take place. While I would argue this is important, Agamben’s discussion of sovereignty’s exclusions and Rancière’s emphasis on taking-agency means that these types of revolutionary changes would have to take place in the acts of the present in order to eliminate the category of refugee. Supporting the agency of the refugee and recovering it from marginalized discourses of exclusion reinforces these incremental acts that provide the

² See Nyers (2003) discussion of Žižek on page 1093.

possibility for revolutionary change. Adopting a position that predetermines what constitutes the true political act does little to support and reinforce these ‘events’ as they take place. This is not to ignore that these acts can be co-opted or to argue that refugees are the vanguard of the next revolution. In many cases the demand for regularization is the demand to have *equal* status with the rest of society. But this is exactly the ‘equality’ which Rancière argues is political, and why the excluded site is one of political action. Supporting the banal and incremental movements towards regularization also represents a challenge to the logic of sovereignty and the exceptions which constitute its logic. Recovering refugee agency from these texts is an effort to show how the manifestations of sovereignty on an institutional level require the exclusion of this agency in order to maintain its consistency.

Agency as Personal/Micro-political

While I believe that the sans-papiers and the Non-status Algerians are vital to conceptualizing the importance of refugee agency, these accounts also miss the forms of agency that are performed at the personal level in the refugee camps and detention centres. If the banal excluded places are also the sites of political acts, then the refugee camp and the detention centre constitute sites of significance. Jennifer Hyndman’s examination of refugee camps in Kenya is an important reference for this discussion, as well as the *Desert Storm* publication produced in tandem with the protests and actions at the Woomera detention center in Australia in 2002. I would also argue that at the micro-political level, one which Agamben is undoubtedly interested – we see a reversal of the logic of logic of sovereignty. In his characterization,

The camp is the space that is opened up when the state of exception begins to become the rule. In the camp the state of exception, which was essentially suspension of the rule of law on the basis of a factual state of danger, is now given a permanent spatial arrangement, which as such nevertheless remains outside the normal order (Agamben 1998: 169).

However, as I will argue below, what emerges is agency that resists the attempt to make the refugee a part of bare life. The production of the apolitical non-subject in the site of exclusion is resisted by the refugees at the micro-political level – the personal level – where the logic of sovereignty is reversed by the experiences of the detainee. The abstract space of exclusion that the camp represents is for the refugee a site of constant political resistance. Thus when Agamben makes the argument that the camp is given a permanent *spatial* arrangement, the analysis of refugee agency on a personal level speaks to the *place* of the camp. As Hyndman’s analysis illustrates, the political geography of these excluded spaces reproduces the forms of dehumanizing practices that are attempts to produce this bare life. Her examination of UNHCR headcounts and the use of fences to herd refugees through gates in order to accurately assess their number illustrates the way these practices treat refugees like undifferentiated cattle (Hyndman 2000: 128-9). While these practices point to the refugee camp as the space where bare life emerges, Hyndman also found agency in refugee’s resistance. As she described it:

Accurate headcounts are important for procuring funds and food rations and for planning purposes, but refugees have not willingly subjected themselves to the methods these

accounts employ. In Kakuma camp...refugees subverted the census process on two occasions, in April and June 1994. On one occasion they tore apart the enclosures built for exercise, and on the other they kidnapped the staff participating in the headcount. Refugees argued that the rounding up of people in fenced lots did not respect basic human dignity and reminded them of the slavery of their people under Arab rule (Ibid.: 127-8).

Appealing to human dignity in a United Nations sponsored camp and recounting experiences of past slavery are both powerful ways that the excluded place of the camp is also a place of where the refugees assert their agency. These acts cannot be understood as 'impossible activism,' because they are taken by non-citizens *in* the place of exclusion. Hyndman's analysis combined with Rancière's insights provide a powerful corrective to the claims such as Agamben's that: "The state of exception, which was essentially a temporary suspension of the juridico-political order, now becomes a new and stable spatial arrangement inhabited by the bare life that more and more can no longer be inscribed in that order" (Agamben 1998: 175).

But in experience, the exact opposite has happened. The prisoners of the camps have rejected this characterization and exerted agency continually and in innumerable ways. To the extent that these events become publicized and the refugee claims are disseminated, they infect the distinctions maintained by the logic of sovereignty. Recounting the experiences and the voices of refugees (as Hyndman does) creates the space to discuss the consequences of these exclusions. There is important work to be done in emphasizing these positive moments of agency against the discourses that otherwise reproduce these moments within the framework of the enemy.

The media attention and public debate surrounding the detention camps in Australia illustrates the importance of emphasizing the agency of the refugee. In particular I will focus on two of the relatively common forms of refugee agency; first the practices of protest, and second the way the body becomes a site of resistance in detention centers. The policy of detention is founded on the growing use of refugees in election and party campaigning, mobilized around discourses of fear, securitization, terrorism and threats. While others have discussed the abundance of problems, contradictions, errors and lies utilized in these approaches to migration and asylum, it is beyond the scope of this paper to give an adequate critique of these tactics (see instead the many discussions of the 'Tampa incident'). I aim to recognize how indefinite detainment and the attempts to produce a 'bare life' in the detention center generate the *forms* of agency found there. Instead of arguing this is a product of the grotesque forms of institutionalized violence, thus implicitly asserting the importance of the detention center, I will instead argue that the detention centre merely attempts to reconfigure refugee agency into bare life. This is an attempt to reverse the logic of bare life by illustrating the importance of the 'place' for refugee agency. While the outline below is a crude and cursory examination of an issue that requires much further exposition, it is an important first step to turning the discourses of the refugee into more supportive and agency affirming forms. This helps to minimize

(without dismissing) the discourse of refugees as victims, and opens up the possibilities for a focus on ways that the logic of sovereignty tries to produce bare life *in opposition* to the agency of the refugee.

The first form of personal agency most readily available to refugees in detention centres is protest and mobilization. As the Woomera protests illustrated, the use of hunger strikes, mass gatherings, escape attempts, and internal protests were used inside the camp to garner political support and attention. Globally publicized hunger strikes were particularly effective in developing awareness that led to mobilization outside the camp (Independent Media Center 2000). Subsequent protests inside and outside the camps help illustrate the exclusionary space maintained by razor-wire, electrified fence, tear gas, and police. As one account explained:

We originally went to the fence to see and be seen, but it quickly became an exercise in architectural relocation. The fence came down and the bars were bent. Around 50 detainees escaped – an action initiated by them – through a hole in the ‘metal-bar’ fence. A tense night was spent in the protest camp, which was encircled by police (Melbourne Indymedia 2002: 5).

This account is valuable because it illustrates the blurred distinctions between the protests on each side of the fence. The tearing down of the fence becomes a symbolic and geographical act, and the relocation of the refugee from one policed camp (the detention center) to another (the protest camp) obscures the distinction between these ‘political’ spaces. The act of protest by the refugees becomes indistinguishable from the outside once the barrier is destroyed. The agency of the refugee manifests itself in the same acts as the protests of the citizen, in the excluded space where bare life should make such activism impossible. Thus the act of protest by the refugee symbolically and physically disrupts the effort to make the camp a site of bare life by challenging the non-political space.

The practices of lip sewing, self-mutilation, the highly publicized issue of refugees throwing themselves on razor wire should also be understood as highly symbolic and markers of bodily agency. It is here that the micro level of sovereignty manifests itself directly onto the refugee body. In a poignant letter by Sadiq Ali a 19 year old Afghani refugee he explained the intensity of these inscriptions:

In Woomera everyone is became crazy. Men, women and children everyday they are cutting their self with razor blade, drinking shampoo and hanging their selfs. They are committing suicide. The ACM who are running the camp they are very bad with us. They are abusing us and saying that you coming again to Australia. Australia is not your fathers country. This is your punishment for coming to Australia. (Melbourne Indymedia 2002: 26).

While the accounts (and there are many) of these disturbing practices are important for challenging the existence of the detention centres; critiquing the practices of refuge ‘management;’ providing impetus for laying responsibility with all the institutional actors involved; however, the emphasis of this paper requires another narrative. By arguing against the detention centers without emphasizing refugee agency, we

reproduce the responsibility to find solutions everywhere but with the refugees who live in these conditions. The discourses that argue that these practices illustrate the ‘bare life’ of the excluded space of sovereignty miss how the sovereign exclusion is being challenged in each of these moments. The constant requirement to wait passively while the institutions of sovereignty decide at their bureaucratic leisure whether or not to grant citizenship is being rejected in these acts. The refugees pay the price of the logic of sovereignty with their bodies, while at the same moment illustrating how this logic is constantly contested. While this extremely cursory example is only the beginning of an adequate examination of refugee agency in its varied forms, it helps recover a glimpse of the possibility of radical change that would eliminate the category of refugee altogether.

Highlighting refugee agency provides a way to challenge the logic of sovereignty and the processes of inclusion and exclusion it entails. Agamben’s analysis is an important starting point for understanding how the internal logic of sovereignty functions. However, as this paper argued, it cannot adequately address the institutional and personal forms of agency manifested in the spaces and places of exclusion. The experiences of the *sans-papiers* and the Non-Status Algerians are instances of Rancière’s conceptualization of the excluded taking agency and demanding change through the principle of equality. The experiences of refugees in African and Australian refugee camps and detention centres points to the way that the ‘bare life’ of exclusion is continually resisted even as sovereignty is inscribed on their bodies. However, the most important consequence of this analysis is that the logic of sovereignty implicates citizens in the reproduction and maintenance of these practices and it calls for their efforts to assist and support the forms of agency they otherwise help to exclude. It is for this reason that citizens must be attentive to their own acts in the perpetuation of the logic of sovereignty and how producing discourses that emphasize the agency of the refugee help disrupt that logic.

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