

## On Refugee Agency, Bio-Politics, and a New World

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### Article abstract

This short intervention starts by discussing Giorgio Agamben's theoretical formulation of 'bare life,' popular in refugee studies. Thinking with the case study of Palestinian refugee camps, particularly in the West Bank, it argues that there are clear limitations to the discourse of and bare life. I argue that 'bare life' neither accounts for the multilayered relations of power, particularly colonialism, slavery, and indigenous genocide, that systemically make certain populations more susceptible to its power than others. Nor does it account for the modes of those who are systemically relegated to its sphere. I conclude by working through some of the theoretical formulations around body politics from the field of Black studies, particularly Alexander Weheliye's 2014 concept of the flesh, in order to explore new directions they may point us towards in refugee studies.

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## On Refugee Agency, Bio-Politics, and a New World

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### ABSTRACT

This short intervention starts by discussing Giorgio Agamben's theoretical formulation of 'bare life,' popular in refugee studies. Thinking with the case study of Palestinian refugee camps, particularly in the West Bank, it argues that there are clear limitations to the discourse of biopolitics and bare life. I argue that 'bare life' neither accounts for the multilayered relations of power, particularly colonialism, slavery, and indigenous genocide, that systemically make certain populations more susceptible to its power than others. Nor does it account for the modes of sociality of those who are systemically relegated to its sphere. I conclude by working through some of the theoretical formulations around body politics from the field of Black studies, particularly Alexander Weheliye's 2014 concept of the flesh, in order to explore new directions they may point us towards in refugee studies.

### KEYWORDS

refugee camps; flesh; bare life; refugee studies; biopolitics; settler colonialism

### RÉSUMÉ

Cette courte intervention débute par une discussion de la formulation théorique de Giorgio Agamben sur la «vie nue», populaire dans les études sur les réfugiés. À partir de l'étude de cas des camps de réfugiés palestiniens, en particulier en Cisjordanie, elle soutient qu'il existe des limitations claires au discours de la biopolitique et de la vie nue. Je soutiens que la «vie nue» ne rend pas compte des rapports de pouvoir à plusieurs niveaux, en particulier le colonialisme, l'esclavage, et le génocide des autochtones, qui rendent certaines populations plus vulnérables que d'autres à son pouvoir. Elle ne rend pas compte non plus des modes de sociabilité de ceux qui sont relégués à sa sphère. Je conclus en examinant certaines des formulations théoriques entourant les politiques du corps dans le champ des Black Studies, et particulièrement le concept de «chair» chez Alexander Weheliye (2014) afin d'explorer les nouvelles avenues qu'elles pourraient ouvrir dans les études sur les réfugiés.

### KEYWORDS

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## INTRODUCTION

In this short intervention, I discuss Giorgio Agamben's theoretical formulation of

"bare life," which is popular in refugee studies. This formulation specifically pertains to the positionality of refugees vis-à-vis Western liberal democracies and emerges from

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Agamben's 1998 analysis of the concentration camp as emblematic of the workings of Western sovereignty, which is understood here as geographically and historically specific. To a large extent, Agamben's formulations emerge from his attempt to depart from Foucault's theory of power as decentralized and spasmodic. Thinking through the spaces of Palestinian refugee camps, I aim to demonstrate the limitations of this discourse of biopolitics and bare life in accounting for the multi-layered power relations that produce the Palestinian refugee camps. Palestinian refugee camps were created following the Palestinian catastrophe (*Al Nakba*) in 1948 and are spread across multiple Arab countries; they are constantly reproduced by interlocking logics of power, including humanitarianism, the Arab post-colonial states, and the Israeli settler colonial apparatus. I conclude by working through some of the theoretical formulations around body politics from the field of Black studies, particularly Alexander Weheliye's 2014 concept of the flesh, in order to explore new directions they may point us towards in refugee studies.

### BARE LIFE

The theoretical formulations proposed by Agamben and Foucault have gained particular popularity in refugee studies (Tuastad, 2017; Chatty, 2017; Hanafi & Long, 2010;

Hanafi, 2013; Minco et al., 2021). Both Foucault and Agamben write from a specific historical and geographic locality—that of Europe and its shifting paradigms of nation-state control. They write from specific subjective positions that address the objective, historical conditions of their time. In his discussion of Foucault and the applicability of his theory of power, Said (1983) notes that Foucault's theoretical formulations are admirable responses to the ahistorical formalism that defined much of the literature he was in debate with. Yet, Said (1983) also notes and anticipates the "disturbing circularity of Foucault's theory of power" as a "form of theoretical overtotalization," which in proposing that power is everywhere leaves no space for resistance, rebellion, and friction (p. 246). He warns, rather pre-emptively, that we must not let Foucault get away "with letting us forget that history does not get made without work, intention, resistance, effort, or conflict, and that none of these things is silently absorbable into micronetworks of power" (p. 245).<sup>1</sup>

Bare life was first formulated by Giorgio Agamben in 1998 and is a by-product of his critical debate with, among other thinkers, the French theorist Michel Foucault.<sup>2</sup> It has travelled to become almost ubiquitous within the field of refugee studies, leading one observer to note that "in research on camps Agamben has become something of a 'straw man'—invariably, and often superfi-

<sup>1</sup> While Said's earlier writings, including *Orientalism* (1978), deployed Foucauldian notions, his latter were more critical. For more, see Ahmad (1994), chapter 5, "Orientalism and After: Ambivalence and Metropolitan Location in the Work of Edward Said."

<sup>2</sup> Though Agamben's thought is largely oriented by Foucault's, he criticizes him for not bringing his insights "to bear on what could well have appeared to be the exemplary place of modern biopolitics: the politics of the great totalitarian states of the twentieth century" (Agamben, 1998, p. 119). He therefore departs from Foucault's understanding of power in many ways. Unlike Foucault, Agamben seems to acknowledge the existence of structures, especially that of sovereignty, which centralizes power. In other words, according to Agamben, power does have a centre by virtue of existing within structures. Though he conceives of this sovereign power as being shattered into members of the political community (rather than being embodied in one figure, that of the king), it is still centralized. The king was not killed when the formal monarchic structures in the West were transformed; rather, the king, connoting centralized power, was shattered into the political members of the community after the development of regulations and mechanisms to manage life. To Foucault, in contrast, power has no centre, and it functions within a network of force relations that constitute "power techniques and technologies to subjugate the body and control the population" (1988, p. 140). For more, see Foucault's, *The History of Sexuality* (1988) and Agamben's *Homo Sacer* (1998).

cially, invoked only to be torn down again" (Abourahme, 2015, p. 201). Agamben (1998, p. 73) notes that modern sovereignty is constituted and haunted by homo sacer: a human being that can be killed without constituting a sacrifice (divine law) and without impunity (humane law).

The systematic banning of homo sacer from the political community relegates him to naked or bare life (Agamben (1998), p. 83). Bare life persists in the "state of exception," a concept first formulated by the Nazi jurist Carl Schmitt (2005) that refers to a state where both humane and divine laws are suspended. The suspension of both laws constitutes the "sovereign sphere" integral to the originary structure of Western politics, whereby sovereignty can unleash its most brutal forces with no accountability. Agamben (1998, p. 8) states, "There is politics because man is the living being who, in language, separates and opposes himself to his own bare life and, at the same time, maintains himself in relation to that bare life in an inclusive exclusion." In other words, to differentiate political life (*bios*) from mere biological life (*zoë*) is what produces, reproduces, and fuels Western politics, and this differentiation is quite violent. By being relegated to bare life, homo sacer ironically embodies a double position: she persists in the sphere where the most brutal faces of sovereignty manifest, which is also the sphere that holds Western democracies together by constituting their other; those relegated to bare life are therefore included by virtue of their exclusion.

Despite the specific historical context from which this debate emerges and the omissions it entails, the theories of both Foucault and Agamben are often seen as universally applicable, as travelling theories

that can formulaically help us understand realities in other spatialities and temporalities (Weheliye, 2014).<sup>3</sup> Critical theorist Alexander Weheliye (2014) suggests that this is part of a larger tendency within academia "in which theoretical formulations by white European thinkers are granted a conceptual carte blanche, while those uttered from the purview of minority discourse that speak to the same questions are almost exclusively relegated to the jurisdiction of ethnographic locality" (p. 6). In other words, formulations by thinkers such as Agamben and Foucault are unquestionably seen as universally applicable, despite being Eurocentric and ethno-specific in their analysis, while those coming from fields such as Black studies, post-colonial studies, and subaltern studies, are seen as ethno-specific. This is not to dismiss the important contributions Foucault and Agamben made. Rather, it is to encourage a critical assessment of them as well as the historical conditions of their knowledge production and its omissions.

### THE CAMP AS A RACIAL AND COLONIAL MECHANISM

Agamben's sovereign sphere, what he terms the "zone of indistinction" (1998, p. 9), is "historically presaged and conceptually defined by the order of terror found in Nazi concentration camps" (Weheliye, 2014, p. 34). The concentration camp is taken up by Agamben as the archetypical space of modern calculated death. He says that the concentration camp is the "new biopolitical nomos of the planet" (Agamben, 1998, p. 45), equating it with modern politics. This reduces the multi-layered and complex nature of the former and elides the socio-historical specificity and thick relationality of the latter (Wehe-

<sup>3</sup> Weheliye (2014) offers an overview of the widespread use of Foucault and Agamben in discussions of power. See Weheliye's *Habeas viscus* (2014, pp. 1–16).

liye (2014), 2014, p. 34). It is this conceptual jump that allows him to constitute an abstract “zone of indistinction,” an indivisible sphere where bare lives persist. Crucially, this zone also accounts only for mortality and leaves no space for sociality among those persisting within its all-encompassing confines.

To substantiate this point further, Weheliye (2014) traces the disjointed and discontinuous history of the concentration camp and its enmeshment within US settler colonialism and imperialism, German colonialism in Southwest Africa, and British colonialism in South Africa in the nineteenth and early twentieth centuries. He argues that “overall, a thick historical relation defines the rise of modern concentration camps in colonial contexts and their subsequent reconstitution as industrialized killing in Europe during the Third Reich” (p. 36). This socio-historical relation succinctly “languishes in Agamben’s universalization of the concentration camp” (Weheliye, 2014, p. 36).

It is noteworthy that when tracing the genealogy of the refugee camp as a spatial mechanism of control and management, one notices a shift in both its application and proliferation since the Second World War (Chimni, 1998; Henni, 2017; Polzer, 2009; Smith, 2004). As many scholars have noted, the 1951 Refugee Convention, the cornerstone of the refugee protection system, was initially temporally (up to 1951) and geographically (within Europe) limited to European refugees (Mayblin, 2014). The British government in particular relentlessly argued to exclude the colonized from the Convention so that even the basic definition of **refugee** in international law was designed with the white, European male in mind (Mayblin, 2014). At its origin, the legal category of refugee was enmeshed within racial and colonial hierarchies. Thus, when the refugee protection system was being

designed in the early 1950s, the imagined figure of the refugee remained European, and camps were therefore considered inhumane and dictatorial in nature (Smith, 2004). In contrast, the camp persisted in colonial contexts as a spatial mechanism of control and management. For example, in the same period, concentration camps proliferated all across settler colonial Algeria (Henni, 2017). In a post-Second World War reality, however, the French regime was doing all it could to misname these as **centres de regroupement** (regrouping centres), lest the racial dimensions of its selective use of the camp become exposed (Henni, 2017). In this way, while the camp was refuted as inhumane in postwar Europe, it gradually became a normalized mechanism of control and management to refugee/racialized/colonial subjects in and from the Global South (Chimni, 1998; Polzer, 2009).

Colonialism, slavery, and Indigenous genocide were the laboratories where concentration camps had been refined before and after they reached Europe, and as they “returned” to former colonies in humanitarian guise (Henni, 2017). Agamben’s negligence of the constitutive role these regimes of oppression continue to play in defining the space of the camp, and the subsequent universalization of Agamben’s theoretical formulations by scholars and students is what allows for the emergence of camps as abstracted “zones of indistinction.” Abourahme (2015, p. 201) reminds us that Agamben has been widely misread in refugee studies and beyond, for Agamben “was not trying to produce an analytical tool for the study of camps but rather to use the figure or diagram of the abstract camp to conceptualize the state of exception (not vice versa).” While this is true, his zone of indistinction still disguises both the racializing hierarchies that structurally make

certain subjects more susceptible to personifying homo sacer as well as the power hierarchies that define it. Bare life is an extension of this zone of indistinction. Even at its point of origin as a concept formulated within and about Western Europe, “bare life” fails to account for what [Weheliye \(2014\)](#) terms the “racializing assemblages” that govern this systematic process of differentiation. In other words, it does not account for how slavery, colonialism, and genocide define the process of differentiation between who is deserving of personhood and who is not.

**Bare** lives, as the name suggests, are bare—stripped off of their politics, existing outside the political sphere. This is a natural conclusion to Agamben’s theory: if politics is only generated by the state and its structures, then presuming those who exist outside of it do not have politics is a natural conclusion. To portray refugees as **bare** lives is to presume, as [2011](#), p. 14) suggests, that we know what politics looks like a priori. As [Horney and Moten \(2013\)](#) remind us, these “bare lives ... turn out to be bare only insofar as no attention is paid to them, only insofar as such lives persist under the sign and weight of a closed question” (p. 48).

## THE PALESTINIAN REFUGEE CAMPS

Existing analyses on Palestine in general, and Palestinian refugee camps across their geographic locations (the occupied territories, Syria, Lebanon, and Jordan) in particular, have variably deployed the discourse of biopolitics and bare life ([Chatty, 2017](#); [Hanafi, 2013](#); [Hanafi & Long, 2010](#); [Lentin, 2008](#); [Ramadan & Fregonese, 2017](#)). In discussing Palestinian refugees in Lebanon, [Hanafi & Long \(2010, p. 148\)](#) argue that “there is no more telling marker of the refugee’s status as homo sacer than

the unregulated, urban, and prison-like conditions of his or her life in a camp.” Similarly, [Chatty \(2017\)](#) suggests that Palestinian refugee camps can be fairly described as “sites of ‘bare life,’ where all agency and self-sufficiency are stripped away and the refugee enters a liminal status between citizen and outcast” (p. 183). In the same vein, [Hanafi \(2013\)](#) [Hanafi \(2013\)](#) states that “the space of the [Palestinian] refugee camps in Lebanon was treated as a space of exception and an experimental laboratory for control and surveillance” (p. 82). These accounts intend to highlight the brutality of nation-state formations in their handling of the so-called refugee problem and to shed light on their daily suffering.

Yet, an uninterrogated by-product of this application of theory is constituting refugees as lacking politics, as passive recipients of policies and humanitarian aid or, in the words of [Miriam Ticktin \(2011, p. 12\)](#), as “suffering bodies” in need of outside intervention. In this formulation, the refugee lacks agency for two reasons: first, because attention is not paid to their daily lives; and second, because the only form of agency we as scholars tend to identify is that prescribed by the Liberal nation-state—an agency grounded in an individual, volitional will, expressed through the medium of legal citizenship ([Abourahme, 2015](#)). In this analysis, the camp “appears either as fixed, immovable background—a totalizing biopolitical paradigm—that confirms their [the refugees’] helplessness or, at best, little more than a malleable resource in its overcoming” ([Abourahme, 2015, p. 202](#)).

However, the **actual** Palestinian camps are produced by interlocking relations of power, including carceral humanitarianism ([Oliver, 2017](#)), Israeli settler colonialism ([Salamanca et al., 2012](#)), racial capitalism ([Robinson \(1985\)](#)), and Arab post-colonial states ([Salih,](#)

2013). In the particular context of the West Bank, refugee camps are sites of intensified settler colonial violence (Woronięcka-Krzyżanowska, 2017). Israeli settler colonialism is intent on erasing Palestinian geographies and bodies (Salamanca et al., 2012; Wolfe, 2006). Erasure is enacted through a quotidian structure of murder, maiming, curfews, and displaceability (Yiftachel, 2020). Refugee camps are also sites threatened with settler colonial erasure. As Israeli settlements expand and proliferate, the camp is encircled, walled off, militarized, and gradually constituted as an erasable sphere. While camps are spaces of intensified settler colonial violence, they also constitute a site that haunts Israeli settler colonialism by naming its original structure of erasure (what Palestinians refer to as *al Nakba al Mustamerra*—the continuous Nakba). The camps bring the racial settler colonial logics of the Israeli state to the forefront.

The story of suffering is a dominant one within the refugee camps in general, and Palestinian refugee camps in particular. One cannot deny the bio-political functions of the camp as a space of humanitarian control and management: to count and register the refugees, to strictly measure their health needs, to provide them with a state-sanctioned education, and in the case of refugee camps in the West Bank, to militarily manage the population. But refugee camps also represent a complex relationality with the past, present, and future. They engulf meanings, stories, narratives, images, poetics, music, dance moves, murals, wounds, and wedding circles that make it hard to tell one unified story. **They are also differentiated:** they engulf family-based differences and class differences, gendered hierarchies and racial hierarchies. The camp is not merely a passive space onto which geographies of control and management are simply enacted

but is also a space constantly produced and reproduced by those living within its alleys. To call this space a mere state of exception where “bare lives” persist is surely an oversimplification.

## THE FLESH

Refugees are far from being *bare lives*; their bodies constitute sites onto which many “bodily-spatial struggles” manifest: struggles with memory and remembrance; with the space of the camp, its expansion, its constant remaking; with narratives, humanitarian and nationalist, that aim to tell a unified story of suffering for the former and heroism for the latter; and, in some cases, such as Israel, French settler colonial Algeria, Canada, the United States, and Australia, with the settler colonial state and its racial apparatus. To understand these struggles, we have to depart from state-centred approaches that aim to render them invisible and powerless (such as the expansion of settlements attempting to efface previous occupation, the walls and carceral humanitarianism described above, and the nation-state building project of the Palestinian Authority in the case of camps in the West Bank). This does not mean we should neglect the central role the state plays in defining the terrains onto which these struggles unfold. Rather, it means we should account for the role of the state while paying close attention to articulations of politics that transcend its limits.

In this regard, Weheliye’s theoretical formulation of the “flesh” points us in new and helpful directions. He relies on contributions by Frantz Fanon, Hortense Spillers, Sylvia Wynter, and Toni Morrison to reclaim the histories, politics, and futures of those presumed to exist within the space of bare life. Instead of registering the livelihoods of bare lives only through their suffering, the *flesh*

acknowledges this suffering while accounting for the different politics that these bodies weave through their daily lives. In other words, this recognition of suffering does not presume the loss of the collective agency of refugees. There is politics within the space of the flesh precisely because these histories of brutality are carried within it. [Weheliye](#) (2014, p. 2) framing, therefore, allows us to understand the “violent political domination” permeating refugee experiences while simultaneously “reclaim[ing] the atrocity of the flesh as a pivotal arena for the politics emanating from different traditions of the oppressed.” The flesh, simply put, offers an analytical framework conscious of the “racializing assemblages” that produce the space of bare life and the politics that informs it. It recognizes and takes seriously, for example, the fact that most refugees in today’s world are Black and brown bodies, and that their stories of survival cannot be rendered fully intelligible through state-centred and policy-oriented frameworks that take their exclusion, be it partial or full, as an acceptable precondition. It articulates a different sense of the “political” and the “historical” by “insist[ing] on the importance of miniscule movements, glimmers of hope, scraps of food, the interrupted dreams of freedom found in those spaces deemed devoid of full human life” ([Weheliye](#), 2014, p. 12).

This is not a call to impose a celebratory, individualistic, and citizenship-based agency on the bodies of refugees. Nor is it an endorsement of attempts within refugee studies to propose a neoliberal agency for refugees that devises notions of “innovation” and “entrepreneurship” to economize the space of the refugee camp;<sup>4</sup> these can

be seen as ways of empowerment only if our framework of analysis takes the current status quo as a point of departure, rather than as a site of interrogation and critical engagement. Rather, the ‘flesh’ invites us to rethink the categories (state, agency, power, resistance, etc.) that incipiently regulate our research projects, discipline and exclude our subjects of research, and foreclose questions. In the words of [Harney & Moten](#) (2013, p. 48), it is to account for the lives that persist “under the sign and weight of a closed question.”

To conclude, unlike bare life, which is representative of many of the shortcomings within the field of refugee studies, the **flesh** helps us recognize the interstitial positionality of refugees vis-à-vis the “national order of things” ([Malkki](#), 1995) It therefore conceives of the nation-state not as a site of **appeal** but as a site of **interrogation**. To put it in a question, if bare lives, refugees in this case, do indeed embody a double condition—that of living outside of Western sovereignty and enduring its most brutal manifestations, all while holding this sovereignty together—does not this positionality (of being Western sovereignty’s other) accord them a particularly subversive potential? Would not this positionality respond to Amiri [Baraka](#) (1995, p. 8) concern when he once, perhaps ironically, stated that “the idea that Western thought might be exotic if viewed from another landscape never presents itself to most Westerners”?

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<sup>4</sup>Here, I am referring to attempts within the field to advocate for a neoliberal agency for refugees that allows for a marketization of the space of the refugee camp. This includes attempts to advocate for humanitarian innovation (for more, see [Betts and Bloom](#) (2014) on humanitarian innovation and refugee protection). There is a need to reassess our use of agency as a category, but such attempts perpetuate political, economic, and social structures that intensify trends of forced migration and political and economic inequalities.



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