

## State of Exception

Giorgio AGAMBEN (1998). *Homo Sacer: Sovereign Power and Bare Life*. Stanford, Calif., Stanford University Press.

Agamben, Giorgio. (2005). *State of Exception*. Chicago, University of Chicago Press.

Agamben is perhaps the most famous critic of border camps and detention centres. Using a variant of post-structuralist political theory, Agamben groups most people into either “bare” life or political/“sacred” life. The chaotic, Hobbesian state of nature is the exception and the threshold that constitutes the community where the citizens, or sacred life, are meant to exist in orderly, political harmony. Under the “sovereign ban”, the bare life, also known as *homo sacer*, become barred from the community; this usually occurs to *homo sacer* because they are non-citizens, refugees, bandits, or, more ominously, they are being punished with death. *Homo sacer* reflects the sovereign view of a non-citizen as an approximation between person and beast whose death is not important.

The epitome of the sovereign ban is the state of exception, of which refugee camps and detention centres are prime examples. The camp/detention centre is violence without juridical form that places its occupants in a condition of suspension outside the reach of law. In the state of exception, human rights are suspended and all life becomes “sacred” in the Romanic sense of “destined to die”. Since it exists primarily to serve as a state of exception normalizing sovereign law in the city, the camp marks the threshold for the power of the sovereign. It normalizes and spatializes power while standing outside of power. For Agamben, the state of exception/refugee camp/detention centre practically defines modern political life, so arguing against it is futile.

While Agamben’s state of exception is seminal for recognizing, describing, and naming the inside/outside condition of the camp/detention centre, it has been critiqued for a number of reasons. For one thing, Agamben has come under scholarly fire for making banal analogies between the Nazi genocide camp and the camp/detention centre. In addition, his portrayal of the subjectivities of refugees, citizens, states, and immigration detainees appears to some scholars to be too static. Certain scholars are concerned that Agamben’s account minimizes the political and social agency of irregular migrants and asylum seekers by “trapping” them into a situation where arbitrary, violent things “are always done to them, not by them.” (Walters, 2008: 188) Agamben’s account of sovereignty at times appears pessimistic and all-encompassing, and this treatment flattens the potential of other forms of political power that scholars are documenting in detention centres, refugee camps, and other so-called states of exception.

### Further reading:

- Carter, D. and H. Merrill (2007). "Bordering Humanism: Life and Death on the Margins of Europe." *Geopolitics* 12(2): 248 - 264.
- Edkins, J. and V. Pin-Fat (2005). "Through the Wire: Relations of Power and Relations of Violence." *Millennium: Journal of International Studies* 34(1): 1 - 24.
- Ek, R. (2006). "Giorgio Agamben and the spatialities of the camp: an introduction." *Geografiska Annaler, Series B* 88(04): 363 - 386.
- Ellermann, A. (2010). "Undocumented migrants and resistance in the liberal state."

- Politics and Society **38**(03): 408 - 429.
- Levy, C. (2010). "Refugees, Europe, Camps/State of Exception: "Into The Zone", the European Union and Extraterritorial Processing of Migrants, Refugees, and Asylum-seekers (Theories and Practice)." Refugee Survey Quarterly **29**(01): 92 - 119.
  - McGiverin, B. (2008). " In the Face of Danger: A Comparative Analysis of the Use of Emergency Powers in the United States and the United Kingdom in the 20th Century." Indiana International & Comparative Law Review **18**(01): 233 - 276.
  - Mezzadra, S. and B. Neilson (2003). "Né qui, né altrove: migration, detention, desertion. A dialogue." Borderlands ejournal **2**(1).
  - Owens, P. (2009). "Reclaiming 'Bare Life'?: Against Agamben on Refugees." International Relations **23**(4): 567 - 582.
  - Mountz, A. (2011). "Where asylum-seekers wait: feminist counter-topographies of sites between states." Gender, Place & Culture **18**(3): 381 - 399.
  - Papastergiadis, N. (2006). "The Invasion Complex: The Abject Other and Spaces of Violence." Geografiska Annaler, Series B **88**(4): 429-442.
  - Rajaram, P. K. and C. Grundy-Warr (2004). "The Irregular Migrant as Homo Sacer: Migration and Detention in Australia, Malaysia, and Thailand." International Migration **42**(1): 32.
  - Ramadan, A. (2012). "Spatialising the refugee camp." Transactions of the Institute of British Geographers **Early View**.
  - Salter, M. B. (2008). "When the exception becomes the rule: borders, sovereignty, and citizenship." Citizenship Studies **12**(4): 365 - 380.
  - Schinkel, W. (2009). "'Illegal Aliens' and the State, or: Bare Bodies vs the Zombie." International Sociology **24**(6): 779 - 806.
  - Silverman, S. J. (2008). "Redrawing the Lines of Control: What Political Action Undertaken by Refugees in Border Detention Centres Tell Us About International Politics". *Proceedings of the Dead/Lines: Contemporary Issues in Legal and Politics Theory Conference*. Edinburgh, University of Edinburgh.
  - Sutton, R. and D. Vigneswaran (2011). "A Kafkaesque state: deportation and detention in South Africa." Citizenship Studies **15**(5): 627 - 642.
  - Taylor, S. (2005). "Sovereign power at the border." Public Law Review **16**: 55 - 77.
  - Tyler, I. (2006). "'Welcome to Britain': The Cultural Politics of Asylum." European Journal of Cultural Studies **9**(2): 185 - 202.
  - Vitus, K. (2011). "Zones of indistinction: family life in Danish asylum centres." Distinktion: Scandinavian Journal of Social Theory **12**(1): 95 - 112.
  - Walters, W. (2008). *Acts of Demonstration: Mapping the Territory of (Non-)Citizenship. Acts of Citizenship*. E. F. Isin and G. M. Nielsen. London, Zed Books: 181 - 206.
  - Zennettino, L. (2012). "From Auschwitz to mandatory detention: biopolitics, race, and human rights in the Australian refugee camp." The International Journal of Human Rights **Early View**(15 March)