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Means without End
Notes on Politics

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Preface

each of the texts included in this volume attempts in its own way to think specific political problems. If politics today seems to be going through a protracted eclipse and appears in a subaltern position with respect to religion, economics, and even the law, that is so because, to the extent to which it has been losing sight of its own ontological status, it has failed to confront the transformations that gradually have emptied out its categories and concepts. Thus, in the following pages, genuinely political paradigms are sought in experiences and phenomena that usually are not considered political or that are considered only marginally so: the natural life of human beings (that ἀνθρώπινη that was once excluded from properly political spheres and that, according to Foucault's analysis of biopolitics, has now been restored to the center of the polis); the state of exception (that tempo-
rary suspension of the rule of law that is revealed instead to constitute the fundamental structure of the legal system itself; the concentration camp (a zone of indifference between public and private as well as the hidden matrix of the political space in which we live); the refugee, formerly regarded as a marginal figure, who has become now the decisive factor of the modern nation-state by breaking the nexus between human being and citizen; language, whose hypertrophy and expropriation define the politics of the spectacular-democratic societies in which we live; and the sphere of gestures or pure means (that is, the sphere of those means that emancipate themselves from their relation to an end while still remaining means) posited as the proper sphere of politics.

All these texts refer, in various ways and according to the circumstances in which they were born, to investigations that are still open. At times they anticipate the original nuclei of those investigations and at others they present fragments and shards. (The first product of such investigations is the book titled *Homo Sacer.*) As such, these texts are destined to find their true sense only within the perspective of the completed work, that is, only within a rethinking of all the categories of our political tradition in light of the relation between sovereign power and naked life.
The ancient Greeks did not have only one term to express what we mean by the word *life*. They used two semantically and morphologically distinct terms: *zoe*, which expressed the simple fact of living common to all living beings (animals, humans, or gods), and *bios*, which signified the form or manner of living peculiar to a single individual or group. In modern languages this opposition has gradually disappeared from the lexicon (and where it is retained, as in *biology* and *zoolgy*, it no longer indicates any substantial difference); one term only—the opacity of which increases in proportion to the sacralization of its referent—designates that naked presupposed common element that it is always possible to isolate in each of the numerous forms of life.

By the term *form-of-life*, on the other hand, I mean a life that can never be separated from its form, a
life in which it is never possible to isolate something such as naked life.

A life that cannot be separated from its form is a life for which what is at stake in its way of living is living itself. What does this formulation mean? It defines a life—human life—in which the single ways, acts, and processes of living are never simply facts but always and above all possibilities of life, always and above all power. Each behavior and each form of human living is never prescribed by a specific biological vocation, nor is it assigned by whatever necessity; instead, no matter how customary, repeated, and socially compulsory, it always retains the character of a possibility; that is, it always puts at stake living itself. That is why human beings—as beings of power who can do or not do, succeed or fail, lose themselves or find themselves—are the only beings for whom happiness is always at stake in their living, the only beings whose life is irretrievably and painfully assigned to happiness. But this immediately constitutes the form-of-life as political life. “Civitatem... communitatem esse institutam propter vivere et bene vivere hominum in ea” [The state is a community instituted for the sake of the living and the well living of men in it].

Political power as we know it, on the other hand, always founds itself—in the last instance—in the separation of a sphere of naked life from the context of the forms of life. In Roman law, vita [life] is not a juridical concept, but rather indicates the simple fact of living or a particular way of life. There is only one case in which the term life acquires a juridical meaning that transforms it into a veritable termus technicus, and that is in the expression vitae necisque potestas, which designates the pater's power of life and death over the male son. Yan Thomas has shown that, in this formula, que does not have disjunctive function and vita is nothing but a corollary of nex, the power to kill.

Thus, life originally appears in law only as the counterpart of a power that threatens death. But what is valid for the pater's right of life and death is even more valid for sovereign power (imperium), of which the former constitutes the originary cell. Thus, in the Hobbesian foundation of sovereignty, life in the state of nature is defined only by its being unconditionally exposed to a death threat (the limitless right of everybody over everything) and political life—that is, the life that unfolds under the protection of the Leviathan—is nothing but this very same life always exposed to a threat that now rests exclusively in the hands of the sovereign. The puissance absolue et perpétuelle, which defines state power, is not founded—in the last instance—on a political will but rather on naked life, which is kept safe and protected only to the degree to which it submits itself to the sovereign's (or the law's) right of life and death. (This is precisely the originary meaning of the adjective sacer [sacred] when used to refer to human life.) The state of exception, which is what the sovereign each and every time decides, takes place precisely when naked life—which normally appears rejoined to the multifarious forms of social life—is ex-
plicitly put into question and revoked as the ultimate foundation of political power. The ultimate subject that needs to be at once turned into the exception and included in the city is always naked life.

"The tradition of the oppressed teaches us that the 'state of emergency' in which we live is not the exception but the rule. We must attain to a conception of history that is in keeping with this insight." Walter Benjamin's diagnosis, which by now is more than fifty years old, has lost none of its relevance. And that is so not really or not only because power no longer has today any form of legitimation other than emergency, and because power everywhere and continuously refers and appeals to emergency as well as laboring secretly to produce it. (How could we not think that a system that can no longer function at all except on the basis of emergency would not also be interested in preserving such an emergency at any price?) This is the case also and above all because naked life, which was the hidden foundation of sovereignty, has meanwhile become the dominant form of life everywhere. Life—in its state of exception that has now become the norm—is the naked life that in every context separates the forms of life from their cohering into a form-of-life. The Marxist scission between man and citizen is thus superseded by the division between naked life (ultimate and opaque bearer of sovereignty) and the multifarious forms of life abstractly recodified as social-juridical identities (the voter, the worker, the journalist, the student, but also the HIV-positive, the transvestite, the porno star, the elderly, the parent, the woman) that all rest on naked life. (To have mistaken such a naked life separate from its form, in its abjection, for a superior principle—sovereignty or the sacred—is the limit of Bataille's thought, which makes it useless to us.)

Foucault's thesis—according to which "what is at stake today is life" and hence politics has become biopolitics—is, in this sense, substantially correct. What is decisive, however, is the way in which one understands the sense of this transformation. What is left unquestioned in the contemporary debates on bioethics and biopolitics, in fact, is precisely what would deserve to be questioned before anything else, that is, the very biological concept of life. Paul Rabinow conceives of two models of life as symmetrical opposites: on the one hand, the experimental life of the scientist who is ill with leukemia and who turns his very life into a laboratory for unlimited research and experimentation, and, on the other hand, the one who, in the name of life's sacredness, exasperates the antinomy between individual ethics and technoscience. Both models, however, participate without being aware of it in the same concept of naked life. This concept—which today presents itself under the guise of a scientific notion—is actually a secularized political concept. (From a strictly scientific point of view, the concept of life makes no sense. Peter and Jean Medawar tell us that, in biology, discussions about the real meaning
of the words life and death are an index of a low level of conversation. Such words have no intrinsic meaning and such a meaning, therefore, cannot be clarified by deeper and more careful studies.6

Such is the provenance of the (often unperceived and yet decisive) function of medical-scientific ideology within the system of power and the increasing use of pseudoscientific concepts for ends of political control. That same drawing of naked life that, in certain circumstances, the sovereign used to be able to exact from the forms of life is now massively and daily exacted by the pseudoscientific representations of the body, illness, and health, and by the “medicalization” of ever-widening spheres of life and of individual imagination.7 Biological life, which is the secularized form of naked life and which shares its unutterability and impenetrability, thus constitutes the real forms of life literally as forms of survival; biological life remains inviolate in such forms as that obscure threat that can suddenly actualize itself in violence, in extraneousness, in illnesses, in accidents. It is the invisible sovereign that stares at us behind the dull-witted masks of the powerful who, whether or not they realize it, govern us in its name.

A political life, that is, a life directed toward the idea of happiness and cohesive with a form-of-life, is thinkable only starting from the emancipation from such a division, with the irrevocable exodus from any sovereignty. The question about the possibility of a nonstatist poli-
tics necessarily takes this form: Is today something like a form-of-life, a life for which living itself would be at stake in its own living, possible? Is today a life of power available?

I call thought the nexus that constitutes the forms of life in an inseparable context as form-of-life. I do not mean by this the individual exercise of an organ or of a psychic faculty, but rather an experience, an experimentum that has as its object the potential character of life and of human intelligence. To think does not mean merely to be affected by this or that thing, by this or that content of enacted thought, but rather at once to be affected by one’s own receptiveness and experience in each and every thing that is thought, a pure power of thinking. (“When thought has become each thing in the way in which a man who actually knows is said to do so… its condition is still one of potentiality… and thought is then able to think of itself.”)8

Only if I am not always already and solely enacted, but rather delivered to a possibility and a power, only if living and intending and apprehending themselves are at stake each time in what I live and intend and apprehend—only if, in other words, there is thought—only then can a form of life become, in its own factness and thingness, form-of-life, in which it is never possible to isolate something like naked life.

The experience of thought that is here in question is always experience of a common power. Community and
power identify one with the other without residues because the inherence of a communitarian principle to any power is a function of the necessarily potential character of any community. Among beings who would always already be enacted, who would always already be this or that thing, this or that identity, and who would have entirely exhausted their power in these things and identities — among such beings there could not be any community but only coincidences and factual partitions. We can communicate with others only through what in us — as much as in others — has remained potential, and any communication (as Benjamin perceives for language) is first of all communication not of something in common but of communicability itself. After all, if there existed one and only one being, it would be absolutely impotent. (That is why theologians affirm that God created the world ex nihilo, in other words, absolutely without power.) And there where I am capable, we are always already many (just as when, if there is a language, that is, a power of speech, there cannot then be one and only one being who speaks it.)

That is why modern political philosophy does not begin with classical thought, which had made of contemplation, of the *bios theoreticos*, a separate and solitary activity (“exile of the alone to the alone”), but rather only with Averroism, that is, with the thought of the one and only possible intellect common to all human beings, and, crucially, with Dante’s affirmation — in *De Monarchia* — of the inherence of a multitude to the very power of thought:

It is clear that man’s basic capacity is to have a potentiality or power for being intellectual. And since this power cannot be completely actualized in a single man or in any of the particular communities of men above mentioned, there must be a multitude in mankind through whom this whole power can be actualized. . . . [T]he proper work of mankind taken as a whole is to exercise continually its entire capacity for intellectual growth, first, in theoretical matters, and, secondarily, as an extension of theory, in practice.  

The diffuse intellectuality I am talking about and the Marxian notion of a “general intellect” acquire their meaning only within the perspective of this experience. They name the *multitude* that inheres to the power of thought as such. Intellectualty and thought are not a form of life among others in which life and social production articulate themselves, but they are rather the unitary power that constitutes the multiple forms of life as *form-of-life*. In the face of state sovereignty, which can affirm itself only by separating in every context naked life from its form, they are the power that incessantly reunites life to its form or prevents it from being disassociated from its form. The act of distinguishing between the mere, massive inscription of social knowledge into the productive processes (an inscription that characterizes the contemporary phase of capitalism, the society of the spectacle) and intellectuality as antagonistic power and form-of-life — such an act passes through the experience of this cohesion and this inseparability. Thought is form-of-life, life that cannot be segregated from its...
form; and anywhere the intimacy of this inseparable life appears, in the materiality of corporeal processes and of habitual ways of life no less than in theory, there and only there is there thought. And it is this thought, this form-of-life, that, abandoning naked life to “Man” and to the “Citizen,” who clothe it temporarily and represent it with their “rights,” must become the guiding concept and the unitary center of the coming politics.

(1993)
Beyond Human Rights

In 1943, Hannah Arendt published an article titled “We Refugees” in a small English-language Jewish publication, the Menorah Journal. At the end of this brief but significant piece of writing, after having polemically sketched the portrait of Mr. Cohn, the assimilated Jew who, after having been 150 percent German, 150 percent Viennese, 150 percent French, must bitterly realize in the end that “on ne parvient pas deux fois,” she turns the condition of countryless refugee—a condition she herself was living—upside down in order to present it as the paradigm of a new historical consciousness. The refugees who have lost all rights and who, however, no longer want to be assimilated at all costs in a new national identity, but want instead to contemplate lucidly their condition, receive in exchange for assured unpopularity a priceless advantage: “History is no longer a closed book
to them and politics is no longer the privilege of Gentiles. They know that the outlawing of the Jewish people of Europe has been followed closely by the outlawing of most European nations. Refugees driven from country to country represent the vanguard of their peoples.\(^1\)

One ought to reflect on the meaning of this analysis, which after fifty years has lost none of its relevance. It is not only the case that the problem presents itself inside and outside of Europe with just as much urgency as then. It is also the case that, given the by now unstoppable decline of the nation-state and the general corrosion of traditional political-juridical categories, the refugee is perhaps the only thinkable figure for the people of our time and the only category in which one may see today—at least until the process of dissolution of the nation-state and of its sovereignty has achieved full completion—the forms and limits of a coming political community. It is even possible that, if we want to be equal to the absolutely new tasks ahead, we will have to abandon decidedly, without reservation, the fundamental concepts through which we have so far represented the subjects of the political (Man, the Citizen and its rights, but also the sovereign people, the worker, and so forth) and build our political philosophy anew starting from the one and only figure of the refugee.

The first appearance of refugees as a mass phenomenon took place at the end of World War I, when the fall of the Russian, Austro-Hungarian, and Ottoman empires, along with the new order created by the peace treaties, upset profoundly the demographic and territorial constitution of Central Eastern Europe. In a short period, 1.5 million White Russians, seven hundred thousand Armenians, five hundred thousand Bulgarians, a million Greeks, and hundreds of thousands of Germans, Hungarians, and Romanians left their countries. To these moving masses, one needs to add the explosive situation determined by the fact that about 30 percent of the population in the new states created by the peace treaties on the model of the nation-state (Yugoslavia and Czechoslovakia, for example), was constituted by minorities that had to be safeguarded by a series of international treaties—the so-called Minority Treaties—which very often were not enforced. A few years later, the racial laws in Germany and the civil war in Spain dispersed throughout Europe a new and important contingent of refugees.

We are used to distinguishing between refugees and stateless people, but this distinction was not then as simple as it may seem at first glance, nor is it even today. From the beginning, many refugees, who were not technically stateless, preferred to become such rather than return to their country. (This was the case with the Polish and Romanian Jews who were in France or Germany at the end of the war, and today it is the case with those who are politically persecuted or for whom returning to their countries would mean putting their own survival at risk.) On the other hand, Russian, Armenian, and Hungarian refugees were promptly denationalized by the new Turkish and Soviet governments. It is important to note how, starting with World War I,
many European states began to pass laws allowing the denaturalization and denationalization of their own citizens: France was first, in 1915, with regard to naturalized citizens of “enemy origin”; in 1922, Belgium followed this example by revoking the naturalization of those citizens who had committed “antinational” acts during the war; in 1926, the Italian Fascist regime passed an analogous law with regard to citizens who had shown themselves “undeserving of Italian citizenship”; in 1933, it was Austria’s turn; and so on, until in 1935 the Nuremberg Laws divided German citizens into citizens with full rights and citizens without political rights. Such laws—and the mass statelessness resulting from them—mark a decisive turn in the life of the modern nation-state as well as its definitive emancipation from naive notions of the citizen and a people.

This is not the place to retrace the history of the various international organizations through which single states, the League of Nations, and later, the United Nations have tried to face the refugee problem, from the Nansen Bureau for the Russian and Armenian refugees (1921) to the High Commission for Refugees from Germany (1936) to the Intergovernmental Committee for Refugees (1938) to the UN’s International Refugee Organization (1946) to the present Office of the High Commissioner for Refugees (1951), whose activity, according to its statute, does not have a political character but rather only a “social and humanitarian” one. What is essential is that each and every time refugees no longer represent individual cases but rather a mass phenomenon (as was the case between the two world wars and is now once again), these organizations as well as the single states—all the solemn evocations of the inalienable rights of human beings notwithstanding—have proved to be absolutely incapable not only of solving the problem but also of facing it in an adequate manner. The whole question, therefore, was handed over to humanitarian organizations and to the police.

The reasons for such impotence lie not only in the selfishness and blindness of bureaucratic apparatuses, but also in the very ambiguity of the fundamental notions regulating the inscription of the native (that is, of life) in the juridical order of the nation-state. Hannah Arendt, in the chapter of her book *Imperialism* that concerns the refugee problem “The Decline of the Nation-State and the End of the Rights of Man,”32 One should try to take seriously this formulation, which indissolubly links the fate of the Rights of Man with the fate of the modern nation-state in such a way that the waning of the latter necessarily implies the obsolescence of the former. Here the paradox is that precisely the figure that should have embodied human rights more than any other—namely, the refugee—marked instead the radical crisis of the concept. The conception of human rights based on the supposed existence of a human being as such, Arendt tells us, proves to be untenable as soon as those who profess it find themselves confronted for the first time with people who have really lost every quality and every specific relation except for the pure fact of being human.
system of the nation-state, so-called sacred and inalienable human rights are revealed to be without any protection precisely when it is no longer possible to conceive of them as rights of the citizens of a state. This is implicit, after all, in the ambiguity of the very title of the 1789 Déclaration des droits de l'homme et du citoyen, in which it is unclear whether the two terms are to name two distinct realities or whether they are to form, instead, a hendiadys in which the first term is actually always already contained in the second.

That there is no autonomous space in the political order of the nation-state for something like the pure human in itself is evident at the very least from the fact that, even in the best of cases, the status of refugee has always been considered a temporary condition that ought to lead either to naturalization or to repatriation. A stable statute for the human in itself is inconceivable in the law of the nation-state.

It is time to cease to look at all the declarations of rights from 1789 to the present day as proclamations of eternal metajuridical values aimed at binding the legislator to the respect of such values; it is time, rather, to understand them according to their real function in the modern state. Human rights, in fact, represent first of all the originary figure for the inscription of natural naked life in the political-juridical order of the nation-state. Naked life (the human being), which in antiquity belonged to God and in the classical world was clearly distinct (as zoë) from political life (bios), comes to the forefront in the management of the state and becomes, so to speak, its earthly foundation. Nation-state means a state that makes nativity or birth [nascita] (that is, naked human life) the foundation of its own sovereignty. This is the meaning (and it is not even a hidden one) of the first three articles of the 1789 Declaration: it is only because this declaration inscribed (in articles 1 and 2) the native element in the heart of any political organization that it can firmly bind (in article 3) the principle of sovereignty to the nation (in conformity with its etymon, native [natio] originally meant simply “birth” [nascita]). The fiction that is implicit here is that birth [nascita] comes into being immediately as nation, so that there may not be any difference between the two moments. Rights, in other words, are attributed to the human being only to the degree to which he or she is the immediately vanishing presupposition (and, in fact, the presupposition that must never come to light as such) of the citizen.

If the refugee represents such a disquieting element in the order of the nation-state, this is so primarily because, by breaking the identity between the human and the citizen and that between nativity and nationality, it brings the originary fiction of sovereignty to crisis. Single exceptions to such a principle, of course, have always existed. What is new in our time is that growing sections of humankind are no longer representable inside the nation-state—and this novelty threatens the very foun-
ations of the latter. Inasmuch as the refugee, an apparently marginal figure, unhinges the old trinity of state-nation-territory, it deserves instead to be regarded as the central figure of our political history. We should not forget that the first camps were built in Europe as spaces for controlling refugees, and that the succession of internment camps—concentration camps—extermination camps represents a perfectly real filiation. One of the few rules the Nazis constantly obeyed throughout the course of the “final solution” was that Jews and Gypsies could be sent to extermination camps only after having been fully denationalized (that is, after they had been stripped of even that second-class citizenship to which they had been relegated after the Nuremberg Laws). When their rights are no longer the rights of the citizen, that is when human beings are truly sacred, in the sense that this term used to have in the Roman law of the archaic period: doomed to death.

The concept of refugee must be resolutely separated from the concept of the “human rights,” and the right of asylum (which in any case is by now in the process of being drastically restricted in the legislation of the European states) must no longer be considered as the conceptual category in which to inscribe the phenomenon of refugees. (One needs only to look at Agnes Heller’s recent *Theses on the Right of Asylum* to realize that this cannot but lead today to awkward confusions.) The refugee should be considered for what it is, namely, nothing less than a limit-concept that at once brings a radical crisis to the principles of the nation-state and clears the way for a renewal of categories that can no longer be delayed.

Meanwhile, in fact, the phenomenon of so-called illegal immigration into the countries of the European Union has reached (and shall increasingly reach in the coming years, given the estimated twenty million immigrants from Central European countries) characteristics and proportions such that this reversal of perspective is fully justified. What industrialized countries face today is a permanently resident mass of noncitizens who do not want to be and cannot be either naturalized or repatriated. These noncitizens often have nationalities of origin, but, inasmuch as they prefer not to benefit from their own states’ protection, they find themselves, as refugees, in a condition of de facto statelessness. Tomas Hammar has created the neologism of “denizens” for these noncitizen residents, a neologism that has the merit of showing how the concept of “citizen” is no longer adequate for describing the social-political reality of modern states. On the other hand, the citizens of advanced industrial states (in the United States as well as Europe) demonstrate, through an increasing desertion of the codified instances of political participation, an evident propensity to turn into denizens, into noncitizen permanent residents, so that citizens and denizens—at least in certain social strata—are entering an area of potential indistinction. In a parallel way, xenophobic reactions and defensive mobilizations are on the rise, in conform-
ity with the well-known principle according to which substantial assimilation in the presence of formal differences exacerbates hatred and intolerance.

Before extermination camps are reopened in Europe (something that is already starting to happen), it is necessary that the nation-states find the courage to question the very principle of the inscription of nativity as well as the trinity of state-nation-territory that is founded on that principle. It is not easy to indicate right now the ways in which all this may concretely happen. One of the options taken into consideration for solving the problem of Jerusalem is that it become — simultaneously and without any territorial partition — the capital of two different states. The paradoxical condition of reciprocal extraterritoriality (or, better yet, aterritoriality) that would thus be implied could be generalized as a model of new international relations. Instead of two national states separated by uncertain and threatening boundaries, it might be possible to imagine two political communities insisting on the same region and in a condition of exodus from each other — communities that would articulate each other via a series of reciprocal extraterritorialities in which the guiding concept would no longer be the  

*itus*  (right) of the citizen but rather the *refugium* (refuge) of the singular. In an analogous way, we could conceive of Europe not as an impossible “Europe of the nations,” whose catastrophe one can already foresee in the short run, but rather as an aterritorial or extraterritorial space in which all the (citizen and noncitizen) residents of the

European states would be in a position of exodus or refuge; the status of European would then mean the being-in-exodus of the citizen (a condition that obviously could also be one of immobility). European space would thus mark an irreducible difference between birth [*nascita*] and nation in which the old concept of people (which, as is well known, is always a minority) could again find a political meaning, thus decidedly opposing itself to the concept of nation (which has so far unduly usurped it).

This space would coincide neither with any of the homogeneous national territories nor with their *topographical* sum, but would rather act on them by articulating and perforating them *topologically* as in the Klein bottle or in the Möbius strip, where exterior and interior indeterminate each other. In this new space, European cities would rediscover their ancient vocation of cities of the world by entering into a relation of reciprocal extraterritoriality.

As I write this essay, 425 Palestinians expelled by the state of Israel find themselves in a sort of no-man’s-land. These men certainly constitute, according to Hannah Arendt’s suggestion, “the vanguard of their people.” But that is so not necessarily or not merely in the sense that they might form the originary nucleus of a future national state, or in the sense that they might solve the Palestinian question in a way just as insufficient as the way in which Israel has solved the Jewish question. Rather, the no-man’s-land in which they are refugees has already started from this very moment to act back onto the territory of the state of Israel by perforating it
and altering it in such a way that the image of that snowy mountain has become more internal to it than any other region of Eretz Israel. Only in a world in which the spaces of states have been thus perforated and topologically deformed and in which the citizen has been able to recognize the refugee that he or she is—only in such a world is the political survival of humankind today thinkable.

(1993)
What Is a People?

Any interpretation of the political meaning of the term people ought to start from the peculiar fact that in modern European languages this term always indicates also the poor, the underprivileged, and the excluded. The same term names the constitutive political subject as well as the class that is excluded—de facto, if not de jure—from politics.

The Italian term popolo, the French term peuple, and the Spanish term pueblo—along with the corresponding adjectives popolare, populaire, popular—and the late-Latin terms populus and popularis from which they all derive, designate in common parlance and in the political lexicon alike the whole of the citizenry as a unitary body politic (as in “the Italian people” or in “giudice popolare” [juryman]) as well as those who belong to inferior
classes (as in *homme du peuple* [man of the people], *rione popolare* [working-class neighborhood], *front populaire* [popular front]). Even the English *people*—whose sense is more undifferentiated—does retain the meaning of *ordinary people* as opposed to the rich and the aristocracy. In the American Constitution one thus reads without any sort of distinction: “We, the people of the United States…”; but when Lincoln in the Gettysburg Address invokes a “government of the people, by the people, for the people,” the repetition implicitly sets another people against the first. The extent to which such an ambiguity was essential even during the French Revolution (that is, at the very moment in which people’s sovereignty was claimed as a principle) is witnessed by the decisive role played in it by a sense of compassion for the people intended as the excluded class. Hannah Arendt reminds us that:

The very definition of the word was born out of compassion, and the term became the equivalent for misfortune and unhappiness—*le peuple, les malheurs m’applaudissent*, as Robespierre was wont to say; *le peuple toujours malheureux*, as even Siéyès, one of the least sentimental and most sober figures of the Revolution, would put it.¹

But this is already a double concept for Jean Bodin—albeit in a different sense—in the chapter of *Les Six Livres de la République* in which he defines Democracy or *État Populaire*: while the *menu peuple* is that which it is wise to exclude from political power, the *peuple en corps* is intended as entitled to sovereignty.

Such a widespread and constant semantic ambiguity cannot be accidental: it surely reflects an ambiguity inherent in the nature and function of the concept of *people* in Western politics. It is as if, in other words, what we call people was actually not a unitary subject but rather a dialectical oscillation between two opposite poles: on the one hand, the *People* as a whole and as an integral body politic and, on the other hand, the *people* as a subset and as fragmentary multiplicity of needy and excluded bodies; on the one hand, an inclusive concept that pretends to be without remainder while, on the other hand, an exclusive concept known to afford no hope; at one pole, the total state of the sovereign and integrated citizens and, at the other pole, the banishment—either court of miracles or camp—of the wretched, the oppressed, and the vanquished. There exists no single and compact referent for the term *people* anywhere: like many fundamental political concepts (which, in this respect, are similar to Abel and Freud’s *Urworte* or to Dumont’s hierarchical relations), *people* is a polar concept that indicates a double movement and a complex relation between two extremes. This also means, however, that the constitution of the human species into a body politic comes into being through a fundamental split and that in the concept of *people* we can easily recognize the conceptual pair identified earlier as the defining category of the original
political structure: naked life (people) and political existence (People), exclusion and inclusion, zoë and bios. The concept of people always already contains within itself the fundamental biopolitical fracture. It is what cannot be included in the whole of which it is a part as well as what cannot belong to the whole in which it is always already included.

Hence the contradictions and aporias that such a concept creates every time that it is invoked and brought into play on the political stage. It is what always already is, as well as what has yet to be realized; it is the pure source of identity and yet it has to redefine and purify itself continuously according to exclusion, language, blood, and territory. It is what has in its opposite pole the very essence that it itself lacks; its realization therefore coincides with its own abolition; it must negate itself through its opposite in order to be. (Hence the specific aporias of the workers’ movement that turns toward the people and at the same time aims at its abolition.)

The concept of people — brandished each and every time as the bloody flag of reaction and as the faltering banner of revolutions and popular fronts — always contains a more original split than the one between enemy and friend, an incessant civil war that at once divides this concept more radically than any conflict and keeps it united and constitutes it more firmly than any identity. As a matter of fact, what Marx calls class struggle — which occupies such a central place in his thought, even though he never defines it substantially — is nothing other than this internecine war that divides every people and that shall come to an end only when People and people coin-

cide, in the classless society or in the messianic kingdom, and only when there shall no longer be, properly speaking, any people.

If this is the case — if the concept of people necessarily contains within itself the fundamental biopolitical fracture — it is possible to read anew some decisive pages of the history of our century. If the struggle between the two peoples has always been in process, in fact, it has undergone in our time one last and paroxysmal acceleration. In ancient Rome, the split internal to the people was juridically sanctioned by the clear distinction between populus and plebs — each with its own institutions and magistrates — just as in the Middle Ages the division between artisans [popolo minuto] and merchants [popolo grasso] used to correspond to a precise articulation of different arts and crafts. But when, starting with the French Revolution, sovereignty is entrusted solely to the people, the people become an embarrassing presence, and poverty and exclusion appear for the first time as an intolerable scandal in every sense. In the modern age, poverty and exclusion are not only economic and social concepts but also eminently political categories. (The economism and “socialism” that seem to dominate modern politics actually have a political, or, rather, a biopolitical, meaning.)

From this perspective, our time is nothing other than the methodical and implacable attempt to fill the split that divides the people by radically eliminating the people of the excluded. Such an attempt brings together, according to different modalities and horizons,
both the right and the left, both capitalist countries and socialist countries, which have all been united in the plan to produce one single and undivided people—an ultimately futile plan that, however, has been partially realized in all industrialized countries. The obsession with development is so effective in our time because it coincides with the biopolitical plan to produce a people without fracture.

When seen in this light, the extermination of the Jews in Nazi Germany acquires a radically new meaning. As a people that refuses integration in the national body politic (it is assumed, in fact, that its assimilation is actually only a feigned one), the Jews are the representatives par excellence and almost the living symbol of the people, of that naked life that modernity necessarily creates within itself but whose presence it is no longer able to tolerate in any way. We ought to understand the lucid fury with which the German Volk—representative par excellence of the people as integral body politic—tried to eliminate the Jews forever as precisely the terminal phase of the internecine struggle that divides People and people. With the final solution—which included Gypsies and other unassimilable elements for a reason—Nazism tried obscurely and in vain to free the Western political stage from this intolerable shadow so as to produce finally the German Volk as the people that has been able to heal the original biopolitical fracture. (And that is why the Nazi chiefs repeated so obstinately that by eliminating Jews and Gypsies they were actually working also for the other European peoples.)

Paraphrasing the Freudian postulate on the relation between Es and Ich, one might say that modern biopolitics is supported by the principle according to which “where there is naked life, there has to be a People,” as long as one adds immediately that this principle is valid also in its inverse formulation, which prescribes that “where there is a People, there shall be naked life.” The fracture that was believed to have been healed by eliminating the people—namely, the Jews, who are its symbol—reproduced itself anew, thereby turning the whole German people into sacred life that is doomed to death and into a biological body that has to be infinitely purified (by eliminating the mentally ill and the carriers of hereditary diseases). And today, in a different and yet analogous way, the capitalistic-democratic plan to eliminate the poor not only reproduces inside itself the people of the excluded but also turns all the populations of the Third World into naked life. Only a politics that has been able to come to terms with the fundamental biopolitical split of the West will be able to arrest this oscillation and put an end to the civil war that divides the peoples and the cities of the Earth.

(1995)
**What Is a Camp?**

What happened in the camps exceeds the juridical concept of crime to such an extent that the specific political-juridical structure within which those events took place has often been left simply unexamined. The camp is the place in which the most absolute *conditio inhumana* ever to appear on Earth was realized: this is ultimately all that counts for the victims as well as for posterity. Here I will deliberately set out in the opposite direction. Rather than deducing the definition of camp from the events that took place there, I will ask instead: *What is a camp? What is its political-juridical structure? How could such events have taken place there?* This will lead us to look at the camp not as a historical fact and an anomaly that—though admittedly still with us—belongs nonetheless to the past, but rather in some sense as the hidden matrix and *nomos* of the political space in which we still live.
Historians debate whether the first appearance of camps ought to be identified with the campos de concentraciones that were created in 1896 by the Spaniards in Cuba in order to repress the insurrection of that colony's population, or rather with the concentration camps into which the English herded the Boers at the beginning of the twentieth century. What matters here is that in both cases one is dealing with the extension to an entire civilian population of a state of exception linked to a colonial war. The camps, in other words, were not born out of ordinary law, and even less were they the product—as one might have believed—of a transformation and a development of prison law; rather, they were born out of the state of exception and martial law. This is even more evident in the case of the Nazi Lager, whose origin and juridical regime is well documented. It is well known that the juridical foundation of internment was not ordinary law but rather the Schutzhaft (literally, protective custody), which was a juridical institution of Prussian derivation that Nazi jurists sometimes considered a measure of preventive policing inasmuch as it enabled the “taking into custody” of individuals regardless of any relevant criminal behavior and exclusively in order to avoid threats to the security of the state. The origin of the Schutzhaft, however, resides in the Prussian law on the state of siege that was passed on June 4, 1851, and that was extended to the whole of Germany (with the exception of Bavaria) in 1871, as well as in the earlier Prussian law on the “protection of personal freedom” (Schutz der persönlichen Freiheit) that was passed on February 12, 1850. Both these laws were applied widely during World War I.

One cannot overestimate the importance of this constitutive nexus between state of exception and concentration camp for a correct understanding of the nature of the camp. Ironically, the “protection” of freedom that is in question in the Schutzhaft is a protection against the suspension of the law that characterizes the state of emergency. What is new here is that this institution is dissolved by the state of exception on which it was founded and is allowed to continue to be in force under normal circumstances. The camp is the space that opens up when the state of exception starts to become the rule. In it, the state of exception, which was essentially a temporal suspension of the state of law, acquires a permanent spatial arrangement that, as such, remains constantly outside the normal state of law. When Himmler decided, in March 1933, on the occasion of the celebrations of Hitler’s election to the chancellorship of the Reich, to create a “concentration camp for political prisoners” at Dachau, this camp was immediately entrusted to the SS and, thanks to the Schutzhaft, was placed outside the jurisdiction of criminal law as well as prison law, with which it neither then nor later ever had anything to do. Dachau, as well as the other camps that were soon added to it (Sachsenhausen, Buchenwald, Lichtenberg), remained virtually always operative: the number of inmates varied and during certain periods (in particular, be-
between 1935 and 1937, before the deportation of the Jews began) it decreased to 7,500 people; the camp as such, however, had become a permanent reality in Germany.

One ought to reflect on the paradoxical status of the camp as space of exception: the camp is a piece of territory that is placed outside the normal juridical order; for all that, however, it is not simply an external space. According to the etymological meaning of the term exception (ex-capere), what is being excluded in the camp is captured outside, that is, it is included by virtue of its very exclusion. Thus, what is being captured under the rule of law is first of all the very state of exception. In other words, if sovereign power is founded on the ability to decide on the state of exception, the camp is the structure in which the state of exception is permanently realized. Hannah Arendt observed once that what comes to light in the camps is the principle that supports totalitarian domination and that common sense stubbornly refuses to admit to, namely, the principle according to which anything is possible. It is only because the camps constitute a space of exception—a space in which the law is completely suspended—that everything is truly possible in them. If one does not understand this particular political-juridical structure of the camps, whose vocation is precisely to realize permanently the exception, the incredible events that took place in them remain entirely unintelligible. The people who entered the camp moved about in a zone of indistinction between the outside and the inside, the exception and the rule, the licit and the illicit, in which every juridical protection had disappeared; moreover, if they were Jews, they had already been deprived of citizenship rights by the Nuremberg Laws and were later completely denationalized at the moment of the “final solution.” Inasmuch as its inhabitants have been stripped of every political status and reduced completely to naked life, the camp is also 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. The camp is the paradigm itself of political space at the point in which politics becomes biopolitics and the homo sacer becomes indistinguishable from the citizen. The correct question regarding the horrors committed in the camps, therefore, is not the question that asks hypocritically how it could have been possible to commit such atrocious horrors against other human beings; it would be more honest, and above all more useful, to investigate carefully how—that is, thanks to what juridical procedures and political devices—human beings could have been so completely deprived of their rights and prerogatives to the point that committing any act toward them would no longer appear as a crime (at this point, in fact, truly anything had become possible).

If this is the case, if the essence of the camp consists in the materialization of the state of exception and in the consequent creation of a space for naked life as such, we will then have to admit to be facing a camp virtually every time that such a structure is created, regardless of the nature of the crimes committed in it and
regardless of the denomination and specific topography it might have. The soccer stadium in Bari in which the Italian police temporarily herded Albanian illegal immigrants in 1991 before sending them back to their country, the cycle-racing track in which the Vichy authorities rounded up the Jews before handing them over to the Germans, the refugee camp near the Spanish border where Antonio Machado died in 1939, as well as the zones d’attente in French international airports in which foreigners requesting refugee status are detained will all have to be considered camps. In all these cases, an apparently anodyne place (such as the Hotel Arcade near the Paris airport) delimits instead a space in which, for all intents and purposes, the normal rule of law is suspended and in which the fact that atrocities may or may not be committed does not depend on the law but rather on the civility and ethical sense of the police that act temporarily as sovereign. This is the case, for example, during the four days foreigners may be kept in the zone d’attente before the intervention of French judicial authorities. In this sense, even certain outskirts of the great postindustrial cities as well as the gated communities of the United States are beginning today to look like camps, in which naked life and political life, at least in determinate moments, enter a zone of absolute indeterminacy.

From this perspective, the birth of the camp in our time appears to be an event that marks in a decisive way the political space itself of modernity. This birth takes place when the political system of the modern nation-state—founded on the functional nexus between a determinate localization (territory) and a determinate order (the state), which was mediated by automatic regulations for the inscription of life (birth or nation)—enters a period of permanent crisis and the state decides to undertake the management of the biological life of the nation directly as its own task. In other words, if the structure of the nation-state is defined by three elements—territory, order, and birth—the rupture of the old nomos does not take place in the two aspects that, according to Carl Schmitt, used to constitute it (that is, localization, Ortung, and order, Ordnung), but rather at the site in which naked life is inscribed in them (that is, there where inscription turns birth into nation). There is something that no longer functions in the traditional mechanisms that used to regulate this inscription, and the camp is the new hidden regulator of the inscription of life in the order—or, rather, it is the sign of the system’s inability to function without transforming itself into a lethal machine. It is important to note that the camps appeared at the same time that the new laws on citizenship and on the denationalization of citizens were issued (not only the Nuremberg Laws on citizenship in the Reich but also the laws on the denationalization of citizens that were issued by almost all the European states, including France, between 1915 and 1933). The state of exception, which used to be essentially a temporary suspension of the order, becomes now a new and stable spatial arrangement inhabited by that naked life that increasingly cannot be inscribed into the order. The increasingly widene...
ing gap between birth (naked life) and nation-state is the new fact of the politics of our time and what we are calling “camp” is this disparity. To an order without localization (that is, the state of exception during which the law is suspended) corresponds now a localization without order (that is, the camp as permanent space of exception). The political system no longer orders forms of life and juridical norms in a determinate space; rather, it contains within itself a dislocating localization that exceeds it and in which virtually every form of life and every norm can be captured. The camp intended as a dislocating localization is the hidden matrix of the politics in which we still live, and we must learn to recognize it in all of its metamorphoses. The camp is the fourth and inseparable element that has been added to and has broken up the old trinity of nation (birth), state, and territory.

It is from this perspective that we need to see the reappearance of camps in a form that is, in a certain sense, even more extreme in the territories of the former Yugoslavia. What is happening there is not at all, as some interested observers rushed to declare, a redefinition of the old political system according to new ethnic and territorial arrangements, that is, a simple repetition of the processes that culminated in the constitution of the European nation-states. Rather, we note there an irreparable rupture of the old nomos as well as a dislocation of populations and human lives according to entirely new lines of flight. That is why the camps of ethnic rape are so crucially important. If the Nazis never thought of carrying out the “final solution” by impregnating Jewish women, that is because the principle of birth, which ensured the inscription of life in the order of the nation-state, was in some way still functioning, even though it was profoundly transformed. This principle is now adrift: it has entered a process of dislocation in which its functioning is becoming patently impossible and in which we can expect not only new camps but also always new and more delirious normative definitions of the inscription of life in the city. The camp, which is now firmly settled inside it, is the new biopolitical nomos of the planet.

(1994)