

**THE CONTEMPORARY PROBLEM OF REFUGEES, AND
ASYLUMSEEKERS AS A BIOPOLITICAL CASE**

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ABSTRACT

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Even though as a value, “life” is one of the inseparable parts of government agendas in modern world, we have been witnessing more and more deaths all over the world. While sometimes the death of someone creates a big drama, the death of huge number of refugees under bad conditions cannot arouse even sadness. Bringing forward reasons like terror, health or economic crisis, supposedly many “developed” countries do not allow refugees to enter their lands, even building walls to prevent them from crossing their borders. This creates a big paradox, that is, almost every child around the world is raised, believing certain international doctrines based on the sacredness of human life and equality among human beings without any discrimination. This thesis aims to analyze this striking but frequently ignored paradox. I will try to investigate the mentality behind the biopolitical management to reveal this paradox by proposing that this discussion can give us a new theoretical perspective in the issue. I will rest upon the works of Michel Foucault, Giorgio Agamben and Hannah Arendt to show how biopolitics has shaped today’s world, destroying most basic humanistic principles.

Keywords: Biopolitics, Refugees, Foucault, Agamben, Arendt.

ÖZ

BİYOPOLİTİKA BAĞLAMINDA GÜNÜMÜZ MÜLTECİLERİ VE SIĞINMACILAR

Güçlü, Sema

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Modern dünyada, insan yaşamı bir değer olarak merkezde dursa da, dünyanın birçok yerinde yaşamdan ziyade kitlesel ölümlere tanık oluyoruz. Bazen tek bir kişinin ölümü çok büyük yankı uyandırırken, denizlerde, kamplarda mülteci ve sığınmacıların ölümüne terk edilmeleri bir acıma duygusu dahi uyandırmayabiliyor. Terör, hastalık ve ekonomik kriz gibi birçok gerekçe öne sürülerek mültecileri ve sığınmacıları kendi ülkelerine kabul etmek istemeyen “gelişmiş” ülkeler her geçen gün ördükleri duvarları daha da yükseltmektedir. Dünya genelinde hemen herkes insan hayatının kutsiyetini ve ayırım gözetmeksizin insanların eşit olduğunu vurgulayan evrensel öğretilerle yetiştirilirken, bu durum büyük bir paradoks yaratıyor. Bu çalışma, bu çarpıcı ama sıklıkla göz ardı edilen bu paradoksu irdelemeyi amaçlıyor. Söz konusu paradoksu ifşa etmek için, biyopolitik yönetim mantığını irdelemenin ölüme terk etmenin ardında yatan zihniyete dair yeni bir perspektif sunacağını düşünüyorum. Michel Foucault’nun, Giorgio Agamben ve Hannah Arendt’in çalışmalarını merkeze alarak, biyopolitik yönetim mantığının en temel insani ilkeleri yok ederek günümüz dünyasını nasıl şekillendirdiğini analiz etmeye çalışacağım.

Anahtar Kelimeler: Biyopolitika, Mültecilik, Mülteciler, Foucault, Agamben, Arendt

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LIST OF ABBREVIATIONS

UNHCR: The UN Refugee Agency
NGO: Non-Governmental Organization



CHAPTER I

INTRODUCTION

We witness the refugees in the media, on the news, and in the streets. In Turkey, we see them everywhere. So too in European countries, in the USA, in the Middle East, do we hear stories of people on the move, often as unwanted refugees. Perhaps the only welcoming attitude towards refugees is that they are generally considered as potential cheap labor. Otherwise, they are generally perceived as a potential threat to society. Especially after September 11, refugees; particularly from Muslim countries, trigger fears of radicalism, economic crisis, and rising unemployment. Even though personally I do not prefer to use numbers to show the importance of this phenomenon when it comes to speaking about people, I must give some numbers to show the sheer extent of the issue of displaced persons.

The United Nations Refugee Agency, as reported in its Global Trends survey, estimates that there were 68.5 million people who had been uprooted from their country of origin at the end of 2017. Of these, 25.4 million fled to escape persecution; 16.2 million were displaced; about 3.1 million people applied for refugee status; and 40 million were internally displaced. Reports indicate that developing countries are the most affected by the refugee flows. Many of these refugees live in subhuman conditions in these developing countries. Turkey is the world's leading refugee-hosting country, with 3.5 million refugees, overwhelmingly Syrians. As these figures show, numerous people are suffering from conflicts, and because of several conflicts, they have fled their countries of origin.¹ Here, the importance of the number is that, as we see, there is a large number of people who are branded as refugees. The right to seek asylum expressed in the first and second articles of the 1951 Refugee Convention describe the rights of refugees as the following:

[A person who has a] well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is

¹ <https://www.unhcr.org/news/stories/2018/6/5b222c494/forced-displacement-record-685-million.html>

outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.²

As can be seen, the 1951 Refugee Convention describes refugees as people forced to escape their home countries. Additionally, according to the convention “An asylum-seeker is someone whose request for sanctuary has yet to be processed.”³

Besides these definitions, in the literature, there are some immigration theories. Indeed, that is impossible to state that, there is a theory which everybody agreed upon. This is because immigration results from numerous reasons such as economic, social, cultural, etc. At the same time, different disciplines of social science focus on immigration studies from different perspectives. As an example of the immigration studies, Ravenstein’s study comes into prominence. According to him, immigration study must be evaluated with the political and socio-economic conditions together. According to him, immigration emerges to get better economic and social opportunities. Distance is a primary determinant factor for destination target (Özcan & Ela, 2017, p.188). Ravenstein says “the majority of immigrants go only on a short distance.” (Grigg, 1977, p.42). Even it can be said that there is no specific theory on immigration, there are five immigration types to be mentioned. The first is the primitive migration which occurs as a result of drought, bad weather conditions etc. The second is forced migration, or impelled migration. The forced migration takes place because of the state’s enforcements, in which people are forced to stay there or leave. “Free migration” is the migration which based on immigrant’s will to decide whether to leave or to stay. Lastly, “mass migration” means large number of people move from one geographic place to another. This type of migration becomes easier as a result of technological improvements. This is a collective movement rather than individual one (Özcan & Ela, 2017, p.194).

² <http://www.unhcr.org/4ae57b489.pdf>

³ <https://www.unhcr.org/asylum-seekers.html>

Additionally, the term “transit migration” is one of the concepts which appeared in the 1990s in the field of migration studies, and, it is generally used for irregular migrants who have not yet arrived at their destination. This is because the final destination of a migrant is yet to be attained. Previously, transit migration was called "step by step migration", which shows that immigration was perceived as a process. But this term has not been in use since the early 1990s because it is not recognized by international law (Öner Ihlamur & Öner, 2012).

Having contemplated on all these definitions, I chose to use the definition of Hannah Arendt in this thesis. She states that before the Second World War the term “refugee” was used to describe people who seek refuge in a certain place because of their political acts or radical opinions. From then on, as she states, the meaning of refugee has changed. “Now refugees are those of us who have been unfortunate as to arrive in a new country without means and have to be helped by Refugee Committees.” She feels that she and her companions were disturbed by being termed refugees because they were only ordinary immigrants. Also, she draws attention to the circumstances they lived in, their free will was taken away and they were subordinated to countries decision about themselves. She says, “We were immigrants or newcomers who had left our country because, one fine day, it no longer suited us to stay, or for purely economic reasons. We wanted to rebuild our lives, that was all. In order to rebuild one’s life one has to be strong and an optimist” (Arendt, 2007, p. 264). This thesis argues that Arendt’s account of the refugee is the most suitable one to explain today’s refugee issues. As she explains, refugees are those who forced to leave their own countries and who have no opportunity to go into a country without restrictions, or without organizational, and political help. Also, as she indicates, these people are at the state’s mercy. They do not even have a right to choose a place where they want to live in.

At this point, the main aim of this thesis is to show the paradox that refugees suffer. To see that paradox, the first article of the 1789 Declaration of the Rights of Man and of the Citizen is that “Men are born and remain free and equal in rights.” and with La Fayette’s project, “Every man is born with inalienable and indefeasible rights”. The

second article reads: "The goal of every political association is the preservation of the natural and inalienable rights of man". More importantly, with The Universal Declaration of Human Rights which was accepted on December 10 in 1948 the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights with the article 13 says that "Everyone has the right to freedom of movement and residence within the borders of each State. Everyone has the right to leave any country, including his own, and to return to his country." ⁴

The Declaration of 1789 also says in the third article that "The principle of all sovereignty resides essentially in the nation." This article bases the sovereignty in the nation since it puts emphasis on birth in all aspects of the political community. The term "nation" originates from *nascere*-(to be born) (Agamben, 1998, p.75-76). Similarly the articles of the 1951 Refugee Convention, the 1789 Declarations, and 1948 the General Assembly of the United Nations do not take into consideration refugees who wait at the door of countries, or at sea, or die on unsafe boats during the dangerous journeys to developed countries. What is most striking is that these desperate people, who have to flee their country of origin in spite of all international declarations supposedly to support them, have their human rights suspended and many of them are left to die.

Every country has its own quota which restricts the number of people that they welcome. Generally, countries have a list of features used to select refugees regarding their education level or economic conditions. Other countries are concerned that they will not be able to cover their own people's needs, or already they have a huge number of refugees in their countries. This exposes the fact that refugees cannot move without any restriction even if they have a fear of losing their life. This thesis problematizes how people on the move are inhibited by such countries while it is obvious that they do not have a place to turn back to and that there is no government protecting them. How is it possible that the universal declaration of human rights is abandoned so easily? More importantly, it seems

⁴ http://www.claiminghumanrights.org/udhr_article_13.html

surprising that the death of some group of people without formal identities is taken for granted like a usual daily event. When I come across with the Michel Foucault's theory of bio-politics which can be put as "...the break between what must live and what must die?" (Foucault, 2003, p.254), it occurred to me that I can find an answer or better understand the answer to these questions.

I hope to introduce the concept of biopolitics to the migration literature. The concept of bio-politics has different meanings in regards to who is using it and how it has been used. The concept of bio-power, as Özmakas makes it clear, enables us to discuss various issues that became much-debated topics after the Second World War. The scope of the concept has involved population policy, genetic science, statistics, capitalization of the body, biotechnology intervention, hunger strike, the body, sexuality, law, etc. Also, he states that some experts have used the concept of bio-politics for explaining biotechnological developments that have changed the form of life and politics. Other groups of experts make use of the concept of bio-politics to understand state racism (Özmakas, 2018 p.22-24). Still, Foucault's account of bio-politics is the main theory that the thesis relies on. It also uses, Giorgio Agamben's account of the concept and his contributions. Of course, when it comes to speaking about the issue of refugees and human rights, Hannah Arendt's is important not to be skipped, not to mention that Arendt has deeply influenced Agamben. Evaluating three great thinker's ideas will help to find proper answers regarding the thesis.

With respect to the time frame of this study although the phenomenon of refugees is as old as the history of human beings, this work analyses the concept of being a refugee since the Second World War. The reason for choosing this period is that as Arendt and Agamben make clear, the refugee movement since then has become a mass phenomenon and inhibitory policies towards refugees have developed as a response to it. The primary question of this thesis is: What is the best theoretical framework to make sense of refugee crisis today? What paradigm of politics would most help us in deepening our understanding of plight of refugees? Could biopolitics offer us such a framework to locate the question of refugees in a theoretically illuminating way? Does this crisis represent a new stage in the biopolitical turn of

modern times? Thus, this study starts with Foucault's concept of biopolitics. The relevant works of Foucault, Agamben, and Arendt will be examined in order to understand the reason behind the phenomenon of refugees allowed to die without anybody's intervention. Additionally, it will be pondered how their deaths do not make a sense.

The first chapter of the thesis, "The Birth of Paradigm: Bio-politics", begins with a discussion of the birth of the paradigm of biopolitics. Even though Foucault is not the first person to use the concept of biopolitics, his conceptualization of the matter offers a background information of the refugee issue. Throughout this thesis, I will follow Foucault and Agamben's way of understanding of the concept of bio-politics since there is a variety of understandings of the concept in fields ranging from medicine to history. Foucault defines the concept of biopolitics as follows: "Bio-politics is a series of mechanisms that transform basic biological features of the human race into the strategical objects of politics. This conceptualization itself signifies that humankind is the object of power. In other words, it is a range of mechanisms that make people as a subject of power" (Foucault, 2007, p. 251).

In the second chapter, "The Sovereign and the State of Exception" I will present how Giorgio Agamben tries to deal with the shortcomings of Foucault's account of the concept of bio-politics. He claims that Foucault has missed the point and did not see the linkage between the concept of biopolitics and the camp which he explains. This chapter tries to problematize Agamben's approach to Foucault in terms of the concept of biopolitics. Agamben's account is crucial for this thesis. This is because he merges Foucault's theory of bio-politics with the theory of camp, and with the figure of *homo sacer* who in his eyes is a resident of a refugee camp. The refugee issue, which is the main concern of this thesis, appears in three thinkers in a similar fashion but at the same time from different points of view.

"Who is a Refugee?" is the title of the third chapter, in which the concept of human rights is examined. As Hannah Arendt is the major thinker criticizing human rights, her evaluations of human rights and the refugee issue will be taken into account.

In the conclusion, I will offer a general evaluation of the thesis findings. I will assess whether the concept of biopolitics can really help to better understand today's refugee crisis, which is the central theoretical inquiry of this thesis.



CHAPTER II

THE BIRTH OF THE PARADIGM: BIO-POLITICS

When I happened to meet with the Michel Foucault's theory of bio-politics which can be put as "...the break between what must live and what must die?" (Foucault, 2003, p.254), it occurred to me that I can by following that theory find an answer to the question which has for some time lingered in my mind - how somebody's death can be watched by doing nothing, even not feeling sad? This happens all the time, in the news, or on the internet we only read some data that ordinarily give numbers of people who died, who are waiting in front of the borders, or waiting in a ship in the sea due to some natural disasters, war, or the conflict that they have faced in their country of origin. Whatever the reason is, what is really worth telling is the number of death. What was most striking, as I have realized was that people who are reduced to mere number are the people who generally have no political protector, and they generally do not have anything to support their lives. This shows me that even in the matter of death, people are not equal. Someone's death or life can become meaningless. In an other saying, somehow, someone's death is more important than the others. And these issues bring me to try to find out a probable answer for that. To me, the concept of bio-politics may provide one.

Before starting, it should be stated here that the concept of bio-politics has different meanings depending on who is using it and how it has been used. The concept of bio-power, as Özmakas makes it clear, enables us to discuss various issues that have particularly become much-debated topics after the Second World War. The scope of the concept has involved the policy of population, genetic science, statistics, capitalization of a body, biotechnology intervention, hunger strike, body, sexuality, law etc. Also, some experts have used the concept of bio-politics to explain biotechnological developments that have changed the form of life and politics. Other groups of experts make use of the concept of bio-politics to understand the state racism (Özmakas, 2018 p.22-24). Since the range of the concept is so wide, I just

narrowed it down to be able to give sufficient information about the concept. After giving a brief historical background of the concept, I will continue with Michel Foucault's account of bio-politics, since his concept of biopolitics fits more with the scope of this thesis.

There is an on-going discussion on the first appearance of the concept of bio-politics. For Lemke, the concept of bio-politics has about a hundred years of history. When the world saw the second half of 19th century, *lebensphilosophie* (the philosophy of life) had already emerged with its founders Arthur Schopenhauer and F. Nietzsche in Germany and Henri Bergson in France. Although individual philosophers of lebensphilosophen in Germany represented different positions, they had a consensus on ideas like re-handling the life, the life (especially the health) being as a normative measure of the good and the right and the acceptance of life as a basic category. According to this philosophy, life was the opponent of death and petrification which were represented by abstract concepts, cold rationality and the psyche without spirit. The concept called "life", served as a standard with the help of processes like rationalization, mechanization, and technologization regarded as the rivals of life, must have been evaluated critically (Lemke, 2016, s. 25).

For Özpolat, G.W.Harris was the first person who used the concept in his article *Biopolitics* in 1911 (Özpolat, 2015, p. 132). According to Lemke, on the other hand, the concept of bio-politics was brought to the intellectual fields at the beginning of the 20th century by Rudolf Kjellen who sees the state as an organic entity. In other words, he assumes that states are as real as individuals whose development processes go fast and transform into some other existences beyond individuals. As Lemke makes clear, for him, " .. the natural form of statehood is the nation-state, which expresses the state's 'ethnic individuality'. The state as a form of life is ultimately characterized by social struggles over interests and ideas articulated by classes and groups". And then, he makes a definition of the concept of bio-politics: "In view of this tension typical of life itself ... the inclination arose in me to baptize this discipline after the special science of biology as biopolitics; . . . in the civil war between social groups one recognizes all too clearly the ruthlessness of the life struggle for existence and

growth, while at the same time one can detect within the groups a powerful cooperation for the purposes of existence.” (Lemke, 2011, p.9-10). Kjellen was not only one who accounts the state as a “living organism”. I will not continue in this issue since it will stray away from the subject. When it comes to the 1960s and 1970s, bio-politics was used to deal with life processes as the new object of political thought and action rather than focusing on biological foundations of politics. Bio-politics was begun to be increasingly utilized by political activists. Social movements, especially the ones concerned with the ecological crisis, used the concept of bio-politics to describe regulatory efforts and policies to find a solution for the global crisis of environment (Lemke, 2016, p.25-26). Even though Lemke and Özpolat claim that the concept of bio-politics has appeared around the second half of the 19th century, Agamben argues that the concept has roots in Ancient Greece (Agamben, 1998, p.3).

When it comes to talking about contemporary use of the term, Michel Foucault popularized this concept widely, and while doing this, he has also broadened the meaning of bio-politics half-century later (Özpolat, 2015, p. 132). And following Özmakas's recommendation, in order to be able to grasp the concept of bio-politics, one should start with analyzing Foucault's term of “power” (Özmakas, 2018, p. 29-30). This is because Foucault's theory of bio-politics appears during his analysis of "power". As Lemke makes clear, although Foucault generally uses the concept of bio-politics inappropriately and inconsistently he makes possible to classify the different usages of the term. Firstly, bio-politics means a historical break in political thinking and a new way of practicing sovereignty. Secondly, he underlines the important role of bio-political mechanisms in the rise of modern racism (Lemke, 2016, p.53). While discussing the term bio-politics I will give a detailed information about these usages. But for now, it should be kept in mind that “Foucault not only employs the term “biopolitics”, he also sometimes uses the word “biopower”, without neatly distinguishing the two notions” (Lemke, 2011, p.34).

As mentioned before, the theory of power should be discussed in order to understand the concept of bio-politics. Foucault provides the genealogy of the term "power". He begins with the first mode of power which he terms "juridical

mechanism", the second mode of power is a "disciplinary mechanism", and the last one is "bio-politics", or in other words, "the apparatus of security" (Foucault, 1977-1978, p. 20). These three modalities of power description come to the conclusion with the concept of bio-power. Right now three modes of power will be given a detailed explanation.

2.1 From "Power" to "Bio-power"/ Bio-politics: Michel Foucault

2.1.1 The First Mode of Power: "Juridical Mechanism"

The concept of "power" occurred in the philosopher's thought with its exclusionist, oppressive, and surveillant features. The exclusionist feature comes to prominence in the concept of the "great confinement". Medieval Ages Foucault sees some exceptional mechanism in European societies. Throughout the Mediaeval Age, in Europe, people with leprosy were confined to some special houses and they were left to die. The reason behind this attitude was that the society had assumed lepers as dangerous, sacred people. To avoid from any probable contagion lepers were excluded from society by confinement. Then, what he calls "a strange disappearance" happened and all these "lazar houses" were emptied but something remained even though lepers disappeared: "Leprosy disappeared, the leper vanished, or almost, from memory; these structures remained. Often, in these same places, the formulas of exclusion would be repeated...Poor vagabonds, criminals, and 'deranged minds' would take the part played by the leper, and we shall see what salvation was expected from this exclusion, for them and for those who excluded them as well" (Foucault, 1988, p. 7). The logic behind the confinement of the mad, and the poor was that they were not competent enough to be employed. This confinement of people started with leprosy, and then including the mad and the poor has also been seen from the 15th century to the 17th century. (Foucault, 1988, p. 3- 7)

After giving the example of the leper, Foucault shows that the mad people were the second target group of these confinement houses. However, here it should be reminded that his main aim to address this fashion of "houses of confinement" does not base on the argument that all these places should be closed, but he wants to lay out the background of this exclusivist phenomenon that we currently witness today:

the society today excludes some people from the same population. He gives the background knowledge for this attitude. In the past, it happened in a different way (Foucault, 2015, p.115). In Paris, as he gives an example, “one out of every hundred inhabitants of the city of Paris found themselves confined in houses of confinement”. For that time he tells that in these “houses of confinement”, the poor, the unemployed, the prisoners, and the mad people were confined (Foucault, 1988, p.38). The logic behind the confinement of the poor, the beggar, was the exclusion of the people who did not contribute to the prosperity of society. Those who were neither "producer", nor "consumer" had no place in society: "Idle, vagabond, unemployed, he belonged only to confinement, a measure by which he was exiled and as it was abstracted from society." (Foucault, 1988, p. 230).

In those times, without any classification, all the old, the disabled, the unemployed people, or a person who rejected to work, the insane, and the homosexual people were confined in the same places. However, during and after the French Revolution some regulations had been introduced. Bedlams, rehabilitation centers, and prisons, were built respectively for the insane, beggar, and criminal people. When it comes to the Nazi camps, these are new examples of the sort of confinements which resemble the same violence and inhuman conditions. In these camps, the Jewish, the gypsies, the homosexuals, the communist, and the roamers were held. Today this "great confinement" continues in various ways but not obviously (Foucault, 2015, p.106).

Throughout these examples, Foucault shows the main logic of the sovereign power. It can be seen that behind the sense of confinement an “exclusionary” mentality lies. In addition, the second basis of the juridical or sovereign power was the possessing of “the right of life and death”. The sovereign in this understanding figures as the only entity of decision who has a right to let someone die and others live. Still, it should be kept in mind that there was an unbalanced implementation, and the sovereign did not always decide on death and life equally, rather “..the balance is always tipped in favor of death. Sovereign power’s effect on life is exercised when the sovereign can kill.” (Foucault, 2003, p. 240). His evaluation of sovereign seems that it established itself as the sole executor of violence.

According to Foucault, this sovereign power has gradually transformed into a disciplinary power. The unique feature of the disciplinary power is that it adds a new mechanism to the judicial punishment system, which is observation techniques, or security/securitization (Foucault, 2016, p.7-8). Here, it should be noted that he did not see these three modes of power as mutually exclusive; in contrast, they have a link among themselves. He generally uses the genealogical method to explain the issue. For this reason, better to put here that the sovereign power, in his findings, ruled across Europe between the 17th and 18th centuries. Throughout the 18th and 19th centuries, the disciplinary power era started which was, for him, a modern mode of power (Foucault, 2016, p. 8).

2.1.2 The Second Mode of Power: “Disciplinary Mechanism”

With the mode of juridical mechanism, the sovereign power was the only entity to decide over life and death. However, with the era of disciplinary power, the logic of control has come to prominence. In this mode of power, the emphasis was on the disciplining of individual's body that the power makes it function. In modes of disciplinary power the emphasis was on the population; or in Lemke's words, “ ... disciplining of the individual body and the regulatory control of the population.” (Lemke, 2011, p. 36). According to Foucault, the "body" has become the central issue of power but this was not the unique feature of disciplinary mechanism. Since “..in every society, the body was in the grip of every strict power, which imposed on it constraints, prohibitions or obligations.”. However, there was some uniqueness in “ the methods, which made possible the meticulous control of the operations of the body, which assured the constant subjection of its forces and imposed upon them a relation of docility-utility, might be called ‘disciplines’” (Foucault, 1977, p. 138). Foucault's account of the modern disciplinary society uses three main techniques of control over the body: hierarchical observation, normalizing judgment, and the examination. Generally, observation helps power to control people. An absolute technique of observation would be a system in which the duty of one "guard" is to watch everything. Since this intense control is not an easy thing to do, there is a need

for having observers who can work in shifts, hierarchically, which means the duty of observation goes from top to bottom. Disciplinary power, for Foucault, always tries to predict how people may behave in the future in order to hinder them from acting disobediently. The main aim of disciplinary power is not revenge (contrary to tortures of premodern punishment methods), but reform, which is basically a policy to change things that is unwanted. At this point, the reform aims to catch society's norms. Discipline with the help of "normalization" is more effective than the previous system of judicial punishment. Then, the examination is a mode of control that combines hierarchical observation with norms. The examination means that personal information of individuals is collected to serve power:⁵

The examination combines the techniques of an observing hierarchy and those of a normalizing judgement. It is a normalizing gaze, a surveillance that makes it possible to qualify, to classify and to punish. It establishes over individuals a visibility through which one differentiates them and judges them (Foucault, 1977, p.184)

The term "panopticon" becomes prominent in analyzing the phenomenon of control. The "panopticon" was an architectural figure by which Foucault explains the modern system of social control, people's situation in front of the disciplinary system and the power-knowledge system. Pan means "whole" and opticon means "look". Originally the concept of panopticon belongs to Jeremy Bentham who named his architectural design as Panopticon. In the midst of the 19th century, Bentham's designs were used to build hospital, schools, insane asylum, prisons and they were very convenient places for disciplinary power to keep people under surveillance.⁶

Foucault gives the principle of panopticon as follows:

the principle on which it was based: at the periphery, an annual building; at the centre, a tower; this tower is pierced with wide windows that open onto the inner side of the ring; the peripheric building is divided into cells, each of which extends the whole width of the building; they have two windows of the tower; the other, on the outside, allows the light to cross the cell from one end to the other. All that is needed, then, is to place a supervisor in a central tower and to shut up in each cell a madman, a patient, a condemned man, a worker, a schoolboy (Foucault, 1977, p.200).

⁵ <https://plato.stanford.edu/entries/foucault/#HistPris>

⁶ <https://plato.stanford.edu/entries/foucault/#HistPris>

As Foucault sees it, in the era of sovereign power, the power used more violent methods when compared to modern states. It does not mean that modern states do not use violent methods, on the contrary, it means that modern states only need more sophisticated methods. Here, the panopticon's excellence is based on the fact that it has allowed a constant surveillance of the residents in these places. In places which are designed in the shape of panopticon, the guards can observe from a high tower each cells, while residents are not able to see the guard. In this context, constant surveillance functions as a control mechanism, and consciousness of being perpetually observed is internalized and even normalized in time.

Foucault in an interview tells that we are living in a panoptic society which was a new invention (Foucault, 2015, p.135). This evaluation is especially important for the context of the thesis in the sense that the techniques of observation play a significant role in refugee policy as it will be discussed later. What is more, as I see, reading Foucault makes easier to evaluate today's politics better. Moreover, he generally uses the method of genealogy which enables us to read past as a mirror for today. Now, as he also describes today as a bio-polical era which is mentioned above as "a regulatory of population".

2.1.3 The Third Mode of Power: "Biopolitics" or Security

As I discussed in the previous section, according to Foucault, one of the features of sovereign power was the right over life and death. This viewpoint is originally traced back to the notion of "*patria potestas*" which means that father of the family had a power, or "disposal" over death or life for his children and slaves. However, sovereign power did not arbitrarily decide over death or life of its subjects' lives. Under the circumstances of war, or under the threat of being overthrown, sovereign power waged a war and not directly but indirectly invited people to fight for itself. The circumstances of war, involved death or life. If someone directly opposed, or rebelled to the sovereign power, then this behavior caused their death. "This juridical form must be referred to a historical type of society in which power was exercised mainly as a means of deduction" (Foucault, 1978, p.135-136). From then on, the "deduction" no longer was the main view of power. Rather, as he states, "This death that was

based on the right of the sovereign is now manifested as simply the reverse of the right of the social body to ensure, maintain, or develop its life” (Foucault, 1978, p. 136).

The notion of “deduction” that refers to power over death or life has been gradually transformed into the perception that gives importance to life rather than death. The perception of disciplinary power puts great importance on the body by taking care of biological processes: “propagation, births and mortality, the level of health, life expectancy and longevity... Their supervision was effected through an entire series of interventions and regulatory controls: a biopolitics of the population. The disciplines of the body and the regulations of the population constituted the two poles around which the organization of power over life was deployed.” (Foucault, 1978, p. 139). In *Society Must Be Defended* Foucault defines bio-politics as following: “Bio-politics is a series of mechanisms that transform basic biological features of the human race into the strategical objects of politics. This conceptualization itself signifies that humankind is the object of power. In other words, it is a range of mechanisms that make people as a subject of power” (Foucault, 2007, p. 251)

For Foucault, today, human beings are struggling with a new problem:

..fixing and demarcating the territory, but of allowing circulations to take place, of controlling them, shifting the good and the bad, ensuring that things are always in movement, constantly moving around, continually going from one point to another, but in such a way that the inherent dangers of this circulation are canceled out. No longer the safety (sûreté) of the prince and his territory, but the security (sécurité) of the population and, consequently, of those who govern it. (Foucault, 2007, p. 93)

What does he mean by the term of the population? As he says the term of the population is not a new term. It had a very long history but what is new is that the term of the population was used in a negative context in general. The meaning of the term of the population was the just opposite of depopulation. If a territory were deserted after an endemic disaster, war, or, food shortage, the territory was repopulated. “Let’s say that the problem of population was posed in relation to the desert or desertification due to major human catastrophes.” (Foucault, 2007, p. 95). “Nor does the positive value of the notion of population date from the middle of the eighteenth century to which I have been referring until now.” (Foucault, 2007, p. 96).

The population is highly important since without the man power provided by the very population, it is impossible for agriculture to continue. The huge amount of cultivated land and abundant harvests cannot be provided without a huge population. And also, a large population guarantees cheap labor as well. Moreover, in order to be able to compete with other states, a state has to have a population which provides a workforce and cheap labor. This is because low wages means more competitive exports and a new source of state power. With this thought, the state tries to avoid emigration but promote immigration, encourage "birth", maintain the objects to be produced the means of their production, and prevent idleness and vagrancy (Foucault, 2007, p.97). "With the eighteenth-century economists, I think the population no longer appears as a collection of subjects of right, as a collection of subject wills who must obey the sovereign's will through the intermediary of regulations, laws, edicts, and so on. It will be considered as a set of processes to be managed at the level and on the basis of what is natural in these processes" (Foucault, 2007, p.98).

Another point Foucault indicates is that the meaning of population has been changing when, for the first time, the term "men" was immobilized as "mankind". The term "mankind" has never been used to define "man" as in human being. Instead, the term "human species" began to be used. From then on, the term "mankind" has meant "species", which started that the human beings is evaluated within the limits of biology. That is, it integrates the understanding of "human" with biology. Now, the population is the human species, and from another prospective, it is what will be called the public. (Foucault, 2007, p. 104-105).

When Foucault speaks about population he does not mention the sovereign anymore; instead, he uses the term "government" while he is comparing past and present. By doing this, he basically draws attention to a new technique: "government" (Foucault, 2007, p. 105). He describes three types of government "the government of oneself which falls under morality; the art of properly governing a family, which is part of the economy; and finally, the 'science of governing well' the state, which belongs to politics" (Foucault, 2007, p.132).

“Government is the right disposition of things arranged so as to lead to a suitable end” (Foucault, 2007, p. 134-135). Foucault takes this definition from La Perrière. In this sentence, Foucault calls attention to the fact that governance is no more an issue simply related to the territory. Rather, the definition shows that "government is the right disposition of things." "Things" what are being governed. That government governs things shows that government is not in the business of governing territory; rather, it is governing both man and things. These things include men and their relationships, wealth, resources, "means of subsistence", and territory, with its borders, qualities, climate, dryness, and so on. Foucault, quoting La Perrière, states, “Government is the right disposition of things that one arranges so as to lead them to a suitable end. Therefore, the government has a purpose, it arranges things for an end” (Foucault, 2007, p. 134-135).

Foucault establishes three meaning of governmentality:

I understand the ensemble formed by institutions, procedures, analyses and reflections, calculations, and tactics that allow the exercise of this very specific, albeit very complex, power that has the population as its target, political economy as its major form of knowledge, and apparatuses of security as its essential technical instrument. Second, by “governmentality” understand the tendency, the line of force, that for a long time, and throughout the West, has constantly led towards the pre-eminence over all other types of power – sovereignty, discipline, and so on – of the type of power that we can call “government” and which has led to the development of a series of specific governmental apparatuses (appareils) on the one hand, and, on the other]† to the development of a series of knowledges (savoirs). Finally, by “governmentality” I think we should understand the process, or rather, the result of the process by which the state of justice of the Middle Ages became the administrative state in the fifteenth and sixteenth centuries and was gradually “governmentalized. (Foucault, 2007, p. 144)

Here, in Foucault's conceptualization of bio-power, the term “population” comes to prominence. He puts emphasis on a kind of governmental control which aims at the collective body of society instead of the bodies of individuals, and which started to be used in the 18th century. He argues that people are ruled within the boundaries of a country; discipline is imposed on the bodies of individuals and security measures are applied to a whole population (Foucault, 2003, p.12). As Koyuncu points out, bio-power regards people as a whole population rather than treating them as individuals. Bio-power follows a different path than disciplinary power. Bio-power does not rely

on reform pedagogics. Bio-power functions to discipline or organize masses rather than individuals one by one. In other words, bio-power has nothing to do with being educational; rather, it is a stabilizer and equalizer (Koyuncu, 2016, p.39). It should be taken into account that the concept of bio-politics has not erased the influence of disciplinary power. On the contrary, it has supported and consolidated disciplinary power in different ways. Another point Foucault emphasizes is that norms are not the only feature of disciplinary power, but norms function at the level of both society and individual. Thus, for him, bio-politics cannot be thought without the norm. Thanks to bio-politics, power does not function only to reinforce the rule of the legislator and protector; it also promotes normalization (Koyuncu, 2016, p.43). Özmakas agrees with Koyuncu's argument that bio-politics relies on population. "Bio-politics" is a general name for observing people and also intervening in their lives. For the sake of an efficient intervention, power should have knowledge of the population. And power's regulatory roles need to be intensified with statistics (Özmakas, 2018, p. 123-124).

To broaden the discussion, Lemke's point of view is important to mention here. For him, the concept of bio-politics generally takes place in the deepest core of politics, located in the body and life itself, or located somewhere between body and life. Thus, bio-politics re-includes the other who was excluded from the political sphere. Indeed, neither politics nor life precedes bio-politics. Life is not the equivalent of politics anymore, an equivalent that is assumed but rarely clearly defined. "The life cannot be limited to the singularity of concrete existence yet becomes an abstraction, object of scientific knowledge, a governmental concern, and a technical advancement" (Lemke, 2016, p. 153).

Foucault regards bio-political power as a clear break from the effort of tracing political processes and as a move back to biological determinants and structures. Bio-politics refers to a specific and modern way of practicing power. Meanwhile, Foucault keeps away from institutions, instead regarding life as the object of politics, since bio-politics is not a mechanism which generates new issues in politics. Rather, it signifies the transformation of the political core in a way that re-formulated political

hegemony and give rise to new types of political knowledge. In other words, for Foucault, the concept of bio-politics represents the combination and union of political action arising from the relationship between modern human and natural sciences and normative concepts that define the goals of political action (Foucault, 1990, p.142-143).

The old power of death symbolized sovereign power was now carefully supplanted by the administration of bodies and the calculated management of life. During the classical period, there was a rapid development of various disciplines - universities, secondary schools, barracks, workshops; there was also the emergence, in the field of political practices and economic observation, of the problems of birthrate, longevity, public health, housing and migration. Hence there was an explosion of numerous and diverse techniques for achieving the subjugation of bodies and the control of populations, making the beginning of an era of biopower. The two directions taken by its development still appeared to be clearly separate in the eighteenth century. With regard to discipline, this development was embodied in institutions such as the army and the schools, and in reflections on tactics, apprenticeship, education... As for population controls, one notes the emergence of demography, the evaluation of the relationship between resources and inhabitants, the constructing of tables analyzing wealth and its circulation.. (Foucault, 1978, p.140).

In order to achieve its goal of controlling over the population, power needs a set of developed techniques, such as statistics. Then, power obviously needs more specific statistics. By means of statistics and other techniques, power empowers itself with knowledge about the population. Having enough knowledge about the population also gives the knowledge for power to distinguish between the life that is worth living and that which is not worth living. Here, governmentality is an important concept to understand the ways in which state can reach a huge amount of knowledge about the population and also in which it is able to develop its skills for ruling more strictly (Özmkas, 2018, p. 136- 139).

In this sense, we should go back to the terms government and governmentality. The term government, in Foucault's philosophy, means power. As Lemke cites from Foucault, the term governmentality show that "...it is important to see not only whether neoliberal rationality is an adequate representation of society but also how it functions as a 'politics of truth,' producing new forms of knowledge, inventing different notions and concepts that contribute to the 'government' of new domains of regulation and intervention" (Lemke, 2010, p.55).

Foucault's studies on "government" and "governmentality" reveal that "government" and "governmentality" did not have a political meaning until the 18th century. The term government was in use in a various range of fields such as philosophical, religious, medical contexts and later self-control and family guidance. He defines the term government as "the conduct of conduct", and more importantly, says the term has been transformed from "governing the self" to "governing others". The term governmentality indicates "..the autonomous individual's capacity for self-control and how this is linked to forms of political rule and economic exploitation" (Lemke, 2010, p. 51-52). Therefore, to give more detailed information, Foucault gives the background of the process, which shows the huge change in the notion of government. At the end of the eighteenth century, economists in order to make their market easier opposed to the strict rules which mercantilist states imposed. Hence, two traditions began to change: the Machiavellian notion of government which was grounded on territory and pastoral power which was grounded on the belief that god is the "power" in the world and which viewed itself as the representative of god (Foucault, 2009, p. 444). The changes that began with these economists were not limited to these two traditions. They brought about a new understanding of population that does not ground on a territory at the same time they brought a new mentality of intervention techniques. Thus, in the modern governmentality system, these economists caused a change in the mentality of the prohibitive state and the restrictive rules that the urban polis followed. Instead of these techniques, with statistics and observatory tools, the liberal law of the mentality of bio-politics was born (Foucault, 2009, p. 474). As I try to show, the term governmentality occurs in Foucault's philosophy as a subhead of the concept of bio-politics. The concept of bio-politics refers to the special perspective that liberalism has a great place. Foucault himself evaluates liberalism within the frame of biopolitics, in his own words, he sees "studying liberalism as a general framework of biopolitics" (Foucault, 2008, p. 22).

Foucault's argument that modern politics is becoming more like bio-politics day by day does not mean that hegemony and "power over death" has completely withdrawn. On the contrary, "the right to die", the sovereign, has not been forgotten, but it began to be controlled by a power that wants to sustain, improve,

and govern life. In other words, power over death is independent of all boundaries, since it presumably serves life. From now on, not a legal existence of a sovereign but the biological sustainability of a population is at stake. The dilemma of bio-politics is that both safety and improving life are of equivalent importance for political authorities. Life is exposed to the greatest threat by the technical and political tools of destruction. Foucault's emphases on the closeness between the emergence of the bio-politics concept in the modern era and on liberal forms of governance are also significant, since Foucault considers liberalism, not as an economic theory or political ideology, but as a special form of art about governing people. Liberalism puts rationality into practice and thus distinguishes it from the Middle Age understanding of government/power and state rationality in early modern times. In other words, the thought of the society's nature creates the foundation and boundary of governmental practice (Foucault, 2008, p.317).

While Foucault sees the biopolitical era as a break, he does not view it as a sharp one. Instead, he thinks that the changes between these types of power happened in a gradual way and in a historical process. But the concept of bio-power, which is more about today's way of power, occupies a big place in his theory. What Foucault does, to better understand today's power perspective is to trace the genealogy of power from the Medieval Ages till today. What is most confusing, for me, is that he explains the era of bio-politics with many terms, such as governmentality, security, and state racism. These terms generally occur when the philosopher tries to differentiate between disciplinary power and bio-politics (Koyuncu, 2016, p.45). To start with the concept of security, as Foucault summarizes it, sovereignty functions in a particular territory/borders, discipline is imposed on people's bodies individually, and security influences the population as a whole. So, when it comes to controlling a population, not an individual, the term "security" comes to prominence in his theory. Foucault does not mean that discipline is not imposed on individual bodies; he wants to say that discipline is only imposed if there is a population. This is because discipline is a more efficient way of governing a multitude (Foucault, 2016, p.12-13).

Moreover, Foucault continuously makes a detailed comparison between the "regulatory of life" -which I think refers to bio-political regulation- and the disciplinary technology of the individual. Since the eighteenth century there have been two main sorts of power: disciplinary power, which targets the body to make the individual useful and obedient; and "technology of security", which targets a population rather than an individual. The technology of security constructs a sense of "homeostasis", not by training individuals, but ".. achieves an overall equilibrium protects the security of the whole from internal dangers." (Foucault, 2003, p.249).

Geopolitics, which is grounded in the nation state's main notion of sovereign territory, includes the biopolitical order, which basically aims to regulate life, as Çalkıvık makes clear. As proof, she takes the concept of security. For her, the main concern of modern politics is "life" itself. As she narrates from Foucault, contemporary politics gains its unique feature by transforming sovereign power to bio-political power. This means that power begins to value life instead of death. Biopolitical power, from then on, takes the role that maintains the lives of the population. And biopolitical power relies not on the binary of sovereign-rights but on techniques of security-population. She particularly calls attention to the concept of "population", which occupies a great place in the concept of biopolitics, and which takes life into account only as a biological asset: population. When the population becomes an issue for politics then we are talking about bio-politics. The life that is the object of politics is a life that is totally reduced to a biological asset and is not life but population. Then the question arises: What should we understand by the term "security" (Çalkıvık, 2011, p.20-24).

According to Baştürk, the concept of bio-politics can be evaluated as a "deviation moment" from the traditional understanding of sovereignty. In previous periods, the understanding of sovereignty was built upon power and the discourse of letting bodies to die. Contrary to this, the substantial strength of bio-politics derives from its way of or its capacity for governmentalizing of bodies, rather it produces them as subjects of power. As for Foucault, governmentalization means neither the objectification of life in the face of power, nor it's being subjected to power. Instead,

it is a process of the reproduction of the life itself. To handle life as something having a reproducible form reveals a new governance strategy whose main function is to let people live (Baştürk, 2013, p.242). Even though the concept of biopolitics and the modern nomos of politics, as Foucault puts it, values life rather than death, why is it that we today witness the death of so many people? Indeed, in *The History of Sexuality*, Foucault points to the paradox that lies in the concept of bio-politics: if the contemporary notion of politics is bio-political, is how the modern times are producing more and more deadly conflicts. "...This death that was based on the right of the sovereign is now manifested as simply the reverse of the right of social body to ensure, maintain, or develop its life." He assertively claims that wars never have been as bloody as those from the nineteenth century onward have since never before had "holocausts" been carried out against a state's own people. But the reason behind this paradox is so unearthly. As he puts, these bloody massacres have happened in order to live: "Wars are no longer waged in the name of sovereign who must be defended; they are waged on behalf of the existence of everyone; entire populations are mobilized for the purpose of wholesale slaughter in the name of the life necessity: massacres have become vital." The concept of "racism" is crucial here to decide whose life is more sacrificeable (Foucault, 1978, p. 136-137). With his words:

Given that this power's objective is essentially to make live, how can it let die? How can be power of death, the function of death, be exercised in a political system centered upon biopower? It is, I think, at this point that racism intervenes. I am certainly not saying that racism was invented at this time. It had already been in existence for a very long time. But I think it functioned elsewhere. It is indeed the emergence of this biopower that inscribes it in the mechanism of power, as it is exercised modern States. As a result, the modern State can scarcely function without becoming involved with racism at some point, within certain limits and subject to certain conditions. What in fact is racism? It is primarily a way of introducing a break into the domain of life that is under power's control: the break between what must live and what must die (Foucault, 2003, p. 254).

In Foucault's thought, racism has two main functions. The first is to "fragment, to create caesuras within the biological continuum addressed by biopower. Racism also has a second function. This is: 'The more you kill, the more deaths you will cause,' or the very fact that you let more die will allow you to live more" (Foucault, 2003, p. 255).

As Lemke makes clear, Foucault's analysis of racism does not mean an ideological construct, or an exceptional fashion, or a social crisis. Rather, as a mentality that means fragmentation within society that is “provoked by the biopolitical idea of an ongoing and always incomplete cleansing of the social body racism is not defined by individual action. Rather, it structures social fields of action, guides political practices, and it is realized through state apparatuses” (Lemke, 2016, 65).

Foucault's studies try to show that the period that starts roughly from the 17th century on, power has gradually gained more power to intervene in human beings' life. However, Agamben claims that human beings remained how they were described by Aristotle centuries ago: An animal with the capacity for political existence. The modern human is an animal that questions his own politics and existence within the framework of being a living organism. Foucault contented himself with researching "the subjectification processes" that leads individuals to objectify themselves in the process of transitioning from the old world to the new world on the one hand and to adhere to the power of an external control and objectify their own selves on the other. Moreover, it is a great inadequacy that Foucault did not connect his insights to the policies of the great totalitarian states of the 20th century, which could have emerged as the exemplary spaces of modern biopolitics. Another inadequacy of his theory is that he never analyzed concentration camps following his research that began with the re-definition of grand confinement in hospitals and jails (Agamben, 2001, p. 143-144).

H. Uno conducted an interview with Foucault published in 1979 as *The Refugee Problem is a Presage of the Great Migrations of the Twenty-First Century*. Foucault spoke about the Vietnamese and Cambodian refugees. To evaluate what was happening in Vietnam, when the USA bombed, he claimed states must give up the right of life and death over their own people and others. That is the reason he says he is opposed to the USA bombing Vietnam and also it is the reason he suggests that we must support refugees. He also makes an analogy between the Vietnamese and Cambodian refugees and the Jews who ran away from Germany to central Europe in 1938 and 1939. The problem was that many of them died because no one accepted

them.⁷ The mentality of states today remains the same. Today, many people are left to die at the doors of states or at sea in boats. Moreover, in this interview, he takes the example of Vietnamese refugees and says that these refugees will wait at the borders for an unclear time, weeks, months, or years. The only solution is finding a place where they are welcomed. He says this picture is the same as the circumstances of the concentration camps.⁸ In that interview, Foucault contrasts refugee movements in the past and today. Briefly, he gives three features that explain what makes today's refugee movements unique. First, in the twentieth-century, genocides and ethnic cleansing policies are quite common. For him, these notions result from the fact that dictatorship regimes are increasing, which causes people to flee their country of origin, since they have no opportunity to resist. The only chance for them is to escape. Second, post-colonial states with their arbitrary borders consist of many people with different religions, languages and ethnic origins living together. And these arbitrary boundaries cause tensions which lead to people's displacement. Thirdly, industrialized countries once needed labor unnecessary; therefore, developed countries want to send them back. All three factors cause an increase in the number of refugees today.

Foucault traces the development of power from the Medieval Ages to today, showing that the mentality of power and the techniques of power have gradually changed. The last point in this process is bio-political power, which is what we are living with today. The place of the refugee, today, engages with bio-political policies. Here, another thinker, namely, Giorgio Agamben, contributes to the theory of bio-politics with his *Homo Sacer*. But his starting point is Foucault. With him, perhaps, the concept of bio-politics gained a new dimension. Agamben's account of bio-politics focuses on the encompassing function of the social through the power's state of exception. Exception denotes that power sets itself free on the line between legal

⁷ <https://www.opendemocracy.net/michel-foucault/refugee-problem-is-presage-of-great-migrations-of-twenty-first-century>

⁸ <https://www.opendemocracy.net/michel-foucault/refugee-problem-is-presage-of-great-migrations-of-twenty-first-century>

and illegal, or between the ban and free. Agamben claims that this aspect of exception makes bio-politics functional as a configuration of power situated between life and death (Baştürk, 2013, p.242).

In order to find an answer for what this study problematizes, Agamben's theory plays a significant role. For this reason, his theory will be given in the following chapter. For now, I would like to mention his argument regarding Foucault.

2.2 Deepening Foucault's Theory of Biopolitics: Giorgio Agamben

Agamben's works address many issues regarding the concept of bio-politics. His contribution to the concept of bio-politics gives a new impulse. While Agamben's account of bio-politics generally is rooted in Foucault, he believes that Foucault's works have some shortcomings. The effort to address these shortcomings determines Agamben's work on bio-politics. Özpolat says that by criticizing Foucault, Agamben has brought a fresh meaning to the concept of bio-politics (Özpolat, 2015, p. 132). According to Ranciere, Agamben interprets Arendt's evaluation of refugees (which I will touch upon later) and human rights using Foucault's bio-politics and Carl Schmitt's account of the state of exception (Ranciere, 2004, p.299). Gambetti also makes it clear that Agamben tries to combine Arendt's analysis of totalitarianism and Foucault's concept of bio-politics. Agamben has found a missing point in both philosophers' accounts, claiming that they have not paid enough attention to the relation between the camp, and bio-politics. To fill this gap, he makes recourse to Carl Schmitt's account of sovereignty (Gambetti, 2012, p.22).

The most distinguishing point between the works of Agamben and Foucault is that Agamben thinks that there is no big historical rupture between the time of the Ancient Greeks, the Middle Ages, the modern period, and today (Agamben, 2001, p.9). Besides, as Özmakas says, Agamben tries to resolve the aporia/deadlock by means of analyzing the concept of sovereignty that plays a crucial role in the modern time period. To do this, Agamben traces the root of the word "life" (Özmakas, 2018, p. 184). As Ranciere puts it, Agamben traces the roots of life from the Greek *zoe*, which is "bare physical life", and *bios* is "form of life", and biopolitics consist of this

bios (Ranciere, 2004, p. 300). The vocabulary that creates the word "bios-politics" is rooted in the Ancient Greeks. "The Ancient Greeks explain life with many words. One of them is *zoe* which denotes all living beings including animals, humans, or gods, and the others is *bios* which specified the form of living particularly for an individual, or for a group. Today this usage is narrowed down and became a biology and zoology that both words are used interchangeably" (Agamben, 1998, p.9). According to Özmakas, the basic difference between *zoe* and *bio* is that *zoe* is a singular word, but *bios* has the opportunity to be shared with all human beings as a sort of communal living (Özmakas, 2018, p. 185). This issue will be mentioned in detail in the next chapter.

We should bear in mind that Lemke does not agree with the idea that biopolitics is unique to the modern era, and not encountered in ancient era. Even though the term "life" is the same in the ancient and modern eras, have almost nothing in common since life is certainly a modern concept. Lemke provides a short history to support his own argument:

"Until the second half of 18th century, the adamant distinction between a natural being and an artificial one, organic product and inorganic one were unknown. The life or life force gained an identity as an independent working principle, one with its own autonomous laws and working field and thus separating from others, that defines the emergence, protection and development of natural bodies only after the birth of modern biology. Until the 18th century, philosophy and science assumed a continuity between natural and artificial. At the beginning of the 1700s, an adamant distinction between the two of them was made. There was a cause-effect relationship in the root of the artificial and it was accepted that these were manipulated by external factors. However, this was not the internal technology of living things. As of 18th century, life has been regarded as a self-regulating form which only obeys to internal reasons" (Lemke, 2016, p. 88).

To understand better Agamben's evaluation of the concept of bio-politics, it is useful to evaluate his claims by an idea map. Because of the fact that he makes a genealogical study for biopolitics, idea map helps us to grasp his ideas. The idea map consists of the concept of camp, the sovereign power, the state of exception, and the homo sacer/bare life. By mapping biopolitics of Agamben out in the following chapter, I am planning to give insight into what Foucault said about biopolitics. This does not mean that Agamben has repeated Foucault. On the contrary, he interprets

Foucault's work and makes his own original contribution to the field with the concepts he uses, which I will clarify in detail in the following chapter.



CHAPTER III

AGAMBEN'S UNDERSTANDING OF THE SOVEREIGN AND THE STATE OF EXCEPTION

Agamben's account of bio-politics is largely influenced by Foucault's work. However, Agamben's contribution to the term includes both examination and critique. With this revision, Agamben gave a new dimension to the concept of bio-politics. In the following pages, I will explain his contribution to the term.

There are some basic points separating Agamben and Foucault's usage of the concept of sovereignty. First of all, Foucault argues that the sovereign power is not sovereign anymore since its legitimacy and influence depend on the microphysics of power, while Agamben argues that sovereignty produces and controls *bare life/naked life*. This means that sovereignty captures life "in a zone of indiscernibility, of indistinction between *zoe* and *bios*, between natural and human life." (Ranciere, 2004, p. 301). For Agamben, the production of the bio-political body is the basic function of the sovereign. Agamben's theory is inspired by Schmitt rather than Foucault. Agamben argues that the sovereign sometimes deals with normal conditions and acts against legal mechanisms, while Schmitt puts forward that the sovereign determines the state of exception and suspends rights. Schmitt discusses how the norm is suspended while Foucault looks closer at the production of normality, as discussed in the first chapter (Lemke, 2016, p.85).

In Agamben's account of bio-politics, the concept of the sovereignty has a great importance. Indeed, he follows the Schmittian approach to the concept of the sovereign. According to Schmitt, sovereignty is an agency "who decides on the exception" (Schmitt, 2012, p.12). "Sovereignty is situated beyond the law. This means that whoever holds/represents sovereignty can decide who will be left out of the legal order by distinguishing between enemy and friend, or terrorist or alien" (Schmitt, 2002, p.13-14). For Schmitt, a sovereign can put many discussions into force without violating the law. The issue with the law is that it does not apparently aim to a sense of violation, but aims to mask what the law is truly made what the law

intends to. The law continues to exist even when it is suspended. Thereby, sovereignty appears as a boundary concept that functions in the field between law and politics (Yardımcı, 2007, p.52).

Agamben evaluates the exception as a sort of exclusion. The things excluded from the general rule are single cases, but the things excluded as an exception should not be perceived as something outside of the rule. On the contrary, the thing excluded as an exception resumes its relation to the rule as the suspension of the rule. The validity of the rule to the exception survives since it is not applied and is withdrawn from the exception. So, the state of exception is one that emanates from the suspension of order rather than from chaos. Within this framework, the exception is not something completely left outside but held there as its etymological roots indicate (*ex-capere*) (Agamben, 2001, p.29).

Another commentator, namely, Özmakas, argues that Agamben's evaluation of the state of exception is all about the exclusion. The state of exception does not leave the field of the rule but is situated in it. The state of exception suspends the order and by doing this, it guarantees its place in the rule. The rule, by suspending itself, strengthens itself as the rule by the functioning of the state of exception. To put it another way, the law works with the help of the state of exception; without the state of exception, the law cannot function (Özmakas, 2018, p. 188). Here, Walter Benjamin's account of the state of exception should be touched upon. Benjamin basically claims that the state of exception has become a general rule in contemporary times. As we will later see, Agamben's account of the state of exception became concrete with camps, which are examples of "exclusion by inclusion" (Özmakas, 2018, p.189).

Agamben states that sovereign shaped by the exception in the form of ban. In Latin-based languages, banned means both "at the mercy of" and "out of free will, freely both excluded and, and banned and open to all, free. The ban is the force of simultaneous attraction and repulsion that ties together the two poles of sovereign exception: bare life and power, *homo sacer* and the sovereign." (Agamben, 1998,

p.66). In this way, the banning functions as a sign of sovereignty and exclusion from society. Also, what is important for Agamben is that the banning mentality still occupies a great place in political and public spaces:

Exclusion of the sacred in urban life is more internal than each kind of internality and external than each kind of externality. Sustaining sacred life is the hegemonic *nomos* binding for all rules and the original regulation managing all placements and land-sharings. If life is placed right in the middle of state politics throughout modernity (in Foucault's terms, if bio-politics is coming) and if all citizens are told that they are actually *homines sacri* in this age, what makes this possible is the banning relationship of hegemonic power from the very beginning (Agamben, 2001, p.136).

Bauman also contributes to the term of banning by making an articulation of Jean Luc Nancy's concept of "ban" and Michel Foucault's concept of "panopticon". He coins the term a "ban-opticon" as a universal form of panopticon and ban. He asserts that Foucault's usage of "dispositives/ intervention devices" can no longer be restricted to the rulings of nation states. On the contrary, these tools have been used to display whether someone is welcomed or not by creating categories of people excluded from nonunified universal power settings as well. The ban-opticon operates virtually and uses networked databases to direct the data flow of occurrences which have not yet happened. This schema of ban-opticon has three basic qualities: first, it has an exceptional power within liberal societies in which the state of emergency is the rule; second, it constructs profiles through which it marginalizes the groups of people who are scared of acting improperly in the future and who are excluded as a precautionary measure; and lastly, it normalizes the people who have been not excluded and creates an illusion by convincing these people of the free circulation of goods, capital, knowledge, and humans (Bauman, 2013, p.75-76).

Agamben evaluates the phenomenon of "exception" within the notion of "banning". "The banned person is not someone completely left outside the boundaries of law with broken bonds but held in the space left by the law where the insider and the outsider cannot be distinguished and threatened constantly." (Agamben, 2001, p.43). Lemke finds that, in Agamben's philosophy, the foundation of the essential legal-political relation of "prohibition" play a role in all boundary-setting activities from the very beginning. For Agamben, the basis of sovereign lies in the concept of "*sacred*

human" (Lemke, 2016, p. 79). The basic logic of the sovereign, which, as Agamben puts it, is "exclusion by inclusion", has become concrete with the help of the *homo sacer*. For Agamben, naked/bare life is a basic notion of sovereignty. And naked life has turned into a common form of daily life (Agamben, 1998, p.5).

To grasp the figure of *homo sacer*, we have to examine Agamben's discussion on the perception of "Life that does not deserve to live". Agamben argues that in today's world human beings do not have the right to decide about their own destiny. This is because there is a threshold that already determines whether one's life is worth living or not. Every society has its own *homo sacer*, or every society contains its own *homo sacer* within itself. However, for *homo sacer*, the society is all but a protective shield which provides its members with so-called "safe area" to live and actualize their selves. Rather, in this case, it detaches *homo sacer* from all its relations with its soul, self-control, will power and its capacity to act for its well being. (Agamben, 1998, p. 81). Even though it might change from time to time who is the *homo sacer*, there is one fact which has never changed; sacred life exists in every society:

It is even possible that this limit, on which the politicization and the exception of natural life in the juridical order of the state depends, has done nothing but extend itself in the history of the West and has now – in the new biopolitical horizon of states with national sovereignty – moved inside every human life and every citizen. *Bare life* is no longer confined to a particular place or a definite category. It now dwells in the biological body of every living being. (Agamben, 1998, p. 81).

Perhaps Agamben's most radical claim is that the state of exception is no any longer the exception. There is no exception. Every society has limits that exclude people who are not from there. Moreover, the sovereign's decision over whether a person is worth or not is not predictable in every *bare life of homo sacer*. *Homo sacer* can be the member of a group that the sovereign decides does not deserve to live. At this point, we must discuss what Agamben means with the concept of *homo sacer- bare life*, and which features of *homo sacer* make it easily put in a common situation.

All states apply border policies as an element and symbol of their sovereignty. As I have already pointed out, the border is not only spatially applied, but also, temporarily, placing limits on people can cross the border. These functions of the border regulate the relationship between the immigrant and the state. Irregular

migrants who do not follow these rules of conduct are challenged by the sovereignty of the state and are considered as criminals. Hence, irregular migrants are a legal issue in addition to one that includes economics and identity politics (Öner & Öner, 2012, p.508).

3.1 The Indicator of Exclusion by Inclusion: *Homo Sacer*

The term "*sacred human*" is borrowed from Ancient Roman law. As Agamben (1998, p.47) explains: "Sacred human is someone whose killer is exempt from punishment since he is excluded from the society by the political and legal community. And his status is reduced to physical being." This historically strange figure shows the other side of the logic of sovereignty. The *bare life* is regarded as the boundary and the furthest thing from the political sphere. And it is the irreplaceable goal of the political body since it regulates the life and death of human existence. Also, it regulates the object of the sovereign's decision. The production of *homines sacri- homo sacer* represents a founding piece which has been abandoned by Western political history. The sacred human can be traced from the condemned people of the Middle Ages to the exiled Roma and hostages in Nazi camps. Within this time period, Agamben perceives bare life as something related to the existence of asylum-seekers, refugees. There is only one common thing in all these examples, as Lemke points out:

Although all of them are related to human life, they opt out of legal protection. All of them apply for humanitarian aid yet become incapable of demanding their legal rights or else are reduced to a biomass status due to the authority of scientific interpretations and definitions (Lemke, 2016, p. 79)

According to Özmakas, in Agamben's account the term *sacer* has two meanings: the first means being cursed, and the second indicates sacredness. However, the meaning of sacredness is not related to religious meaning (Özmakas, 2018, p.195). Sacredness here only refers to the fact that the place of political sovereignty is created by a double exclusion taking the form of an uncertainty zone between sacrificing and murder as the profane in the religious domain and the religious in the profane domain

We must therefore ask ourselves if the structure of sovereignty and the structure of *sacratio* might be connected, and if they might, from this perspective, be shown to illuminate each other. We may even then advance a hypothesis: once brought back to his proper place beyond both penal law and sacrifice, *homo sacer* presents the

originary figure of life taken into the sovereign ban and preserves the memory of the originary exclusion through which the political dimension was first constituted. The political sphere of sovereignty was thus constituted through a double exclusion, as an excrescence of the profane in the religious and of the religious in the profane, which takes the form of a zone of indistinction between sacrifice and homicide. The sovereign sphere is the sphere in which it is permitted to kill without committing homicide and without celebrating a sacrifice, and sacred life – that is, life that may be killed but not sacrificed – is the life that has been captured in this sphere (Agamben, 1998, p.53).

Öztürk emphasizes that Agamben's account of *homo sacer* is not only about deciding who will be sacrificed but also about whose death will not necessitate a punishment. Indeed, in Agamben's thought, *homo sacer* is a sample of double marginalized exception. Being exposed to specific policies and political violence make *homo sacer* unique. The life of *homo sacer* is inhibited by the sovereign. *Homo sacer* is both subjected to and abandoned by the sovereign (Öztürk, 2011, p.15).

In Agamben's perspective, "the exclusion of the refugee-*homo sacer*- is the original and fundamental activity of sovereign power, and the production of refugees as rightless human beings is thus not only a necessary implication of nation-states but all sovereign power. It is this connection between sovereign power and the rightless men that is the primary inquiry in Agamben's *homo sacer* project" (Larsen, 2012, p. 9-10).

At this point, we see that the role of the sovereign plays an important role in producing a *homo sacer*. As Agamben puts "The sovereign is someone before whom all people become potential *homines sacri*, while *homo sacer* is someone for whom all people become sovereign" (Agamben, 2011, p.114). Özmakas conveys this idea that the sovereign is the actor who decides whose life is worth living. And the opposite of the sovereign is *homines sacri* who is let to die. For Agamben, sacredness is the primitive form of inclusion of bare life in the legal order, and the sovereign cannot be imagined without *homo sacer* (Özmakas, 2018, p. 196).

According to Agamben, the political relationship begins at the zone of uncertainty where the life of the exiled and that of *homo sacer* become indistinguishable. For

him, this relationship is older than the binary oppositions of Schmitt such as friend vs. enemy and native vs. foreign. The foreignness of the human in the grip of hegemonic banning is more unique and primary than the externality of people from foreign countries (Agamben, 2001, p.136). A Lemke makes it clear: "The central binary relationship of the political is not that between friend and enemy but rather the separation of bare life (*zoe*) and political existence (*bios*)- that is the distinction between natural being and the legal existence of a person. .. The original juridico-political relationship is the ban" (Lemke, 2011, p.54).

Further, Özmakas conveys that Agamben sees that *homo sacer* has been produced by the practice of bio-politics. As a consequence, by producing *homo sacer*, the sovereign has gained the right to decide whether a life is worth or not worth living. Bare life has been becoming more and more common in the Western political understanding. This phenomenon results from the fact that the state of exception has become a rule. Further, there is no clear distinction between the intervention in life and making a decision for a life that is not worth living. This decision has been put completely in the sovereign's hand (Özmakas, 2018, p. 198).

As Larsen makes clear, Agamben's *homo sacer* project is based in the sovereign paradox. He claims the sovereign is "outside and inside the juridical order" at the same time. "The sovereign is outside the juridical order in the sense that he has juridical immunity (the law does not apply to him) and he is inside the juridical order in the sense that he is the fundamental of the juridical order." The paradox of the mentality of the exception lies in the notion of a sovereign that is only included in the juridical order by his exclusion from the juridical order. In other words, the main focus of state sovereignty lies in the exception. "The sovereign is not defined by his monopoly to legislate but by his monopoly to decide whether the legislation applies or not." The sovereign holds the power to declare a state of exception and it means the suspension of all laws. As Larsen conveys; for Agamben, the state of exception takes a role of threshold that functions for identifying where is the inside and outside or what is normal and chaotic. This very threshold also defines the line between legal and illegal. However, this line becomes indistinguishable. Hence, "the state of

exception is the originary of the juridical relation, in the sense that the sovereign decides what is included in and what is excluded from the juridical order." And as he sees Agamben interprets the state of exception is the center in the law because it empowers the space of juridical order" (Larsen, 2012, p10).

In Agamben's theory, the sovereign power appears as an exception. Hence, by holding right to exclude someone from society or the juridical order, the sovereign gains the right to make abnormal applications normal. Larsen agree with the claim of Agamben that the crisis of refugees that the world is witnessing shows the functions of the sovereign power. Furthermore, the refugees as homo sacer is a mirror that shows Agamben's theory that they are people who can be killed without committing homicide (Larsen, 2012, p. 11). This also shows Agamben's call for being cautious:

If it is true that the life figure offered by our age is the one that can be murdered to an unprecedented extent, then the bare life of homo sacer is especially our concern. Sacredness is a current escape line in contemporary politics, which coincides with the ever-growing, darkening and extending biological lines of citizens. If we do not have a precise type of homo sacer today, the possible underlying reason is that: We are all homines sacri (Agamben, 2001, p. 140).

Right here I must mention a critic of Agamben. Lemke says that Agamben dramatizes some points. For instance, the idea of a sacred human who is eternal and exists everywhere is not realistic (Lemke, 2016, p.80). Further, he does not agree with Agamben's point that all human beings in the modern age are homines sacri, since if this is true, then it means that all human beings are one of kind of homo sacer. If all subjects can be reduced to the status of bare life, it is a defective perspective of Agamben not to explain differentiation mechanisms that distinguish various values of life (Lemke, 2016, p.83). In Lemke's view, Agamben misses central aspects of bio-politics because he focuses on law and the prohibition right of the sovereign. Moreover, Agamben argues that the state of exception is not only the root of politics but also the real aim and definition of the state of exception. The bio-politics subjugates the bare life with a bio-economic order about rising values that aim at increasing the chances of survival and life quality. Agamben fails to understand that bio-politics is basically the political economy of the life we are living (Lemke, 2016,

p.86). For Lemke, all bio-political mechanisms cannot be limited to the status of the living organism and deprived of their basic rights, such as asylum-seekers or refugees who lack their legal rights. However, he is of the opinion that these mechanisms include all those who encounter exclusion, in other words all "useless", unnecessary, and surplus people. Although figures that were excluded in the past resided only in peripheral spaces, in today's global economy, forms of exclusion can be found in industrial centers where social problems have newly emerged (Lemke, 2011, p.61).

I must open up the discussion on bare life. This is because, as I mentioned before, the concept of *bare life* occurs in Agamben's theory as a feature of *homines sacri*. Here it is also important to talk about the point that I touched upon at the very beginning while I was discussing how the theories of Agamben and Foucault differ from each other in claiming that the intervention of politics in human lives did not begin with modern times. Agamben reminds us that Aristoteles' idea that politics is grounded in life (*zen*) and the good life (*eu zen*). He does this because the contrast, included in this thought implies that political life includes ordinary life (Agamben, 2011, p. 15-16). Here, Özmakas explains that the reason behind Agamben's request to reconsider Aristoteles' concepts of life and good life is to show that these two concepts are not opposite to each other. Both concepts include each other by being excluded. And for Agamben, the theories that see politics as a tool to transform lives into good life have a missing point: where is bare life situated in this mentality? Bare life functions to decide over the life of human beings. In other words, the power is the subject that decides whose life is worth humanistic treatment and whose life is not. In this way, the right to keep someone alive or to let someone die can depend on chance. For Agamben, the essential opposition of the modern sovereign power is not the Schmittian way of friend vs. enemy but ordinary life vs. political existence, *zoe* vs. *bios*, and exclusion vs. inclusion (Özmakas, 2018, p. 186-187).

Biological life, together with its needs becomes a matter of concern for power. In what follows, politics forms into what is called biopolitics by Foucault. That is, since the politics is now biopolitics, governmental organization are expected to be responsible for the care of individuals and the control of bare life. And when bare life

has become the central point of power, "traditional political distinctions such as those between Right and Left, liberalism and totalitarianism, private and public lose their clarity and intelligibility and enter into a zone of indistinction." For Agamben, this is the reason that explains how ex-communist politicians have become racist, in the Serbian "ethnic cleansing" example, and how and the new form of fascism in Europe originates from this mentality that bare life's request has become a priority to politics (Agamben, 1998, p. 72).

The basic principle of modern bio-politics is that "There will be people where the bare life exists and there will be bare life where people live." Today, the democratic-capitalist project in accordance with the removal of lower classes through development not only excludes people again on their own but also turns the people of the Third World into bare life (Agamben, 2001, p. 233-234).

Since only bios has a capacity to resist sovereignty, the main aim of sovereignty is to control bios. Totalitarian regimes are unique in their production of bios from zoe (Gambetti, 2012, p.35). However, Agamben is aware that modern democracy presents itself as a savior of zoe. In other words, he says that modern democracy pushes hard to find bios for its zoe. But at this point, modern democracy has been coming to a deadlock: when it looks for freedom and happiness for someone, it represses another/ bare life at the same time. Agamben's main concern on this point is not to blame democracy but to draw attention to the fact that democracy cannot save the zoe which it fights to preserve its happiness (Agamben, 2001, p.19-20).

Martin makes it clear that Agamben has an important position compared to Foucault claiming that the concept of bio-politics has existed since the Ancient Greeks. But Martin adds that still there is something unique to the modern time period. Bare life in the contemporary world has been used both in the political arena and the "space of exception". The space of exception is so important because bare life exists in it. And he gives an example: today, by the notions of the nation-state and racial purity, Western democracies have considered foreigners as a "biological threat" for society (Martin, 2005, p.8). This evaluation basically supports Agamben's way of describing

bare life. This is because Agamben sees nation states' boundaries as a politicization of life and exception's exclusion as part of the legal order of the state (Agamben, 2001, p. 182).

Agamben's radical claim that "...politics in our age had been entirely transformed into bio-politics..." must be understood with the parallel thought that it created "bare life". In other words, "bare or sacred life" has been given life by biopolitics. But here, it should be kept in mind that the bio-political fashion did not occur in modern times, contrary to what Foucault claims (Agamben, 1998, p.72).

Ranciere analyzes Agamben's concept of homo sacer, and compares it with Schmitt's understanding of the sovereign. Schmitt specifies his theory by saying that political order is determined by the state of exception. The sovereign power refers to a certain type of power which has a right to determine when to declare the state of exception. This means that legality relies on the ability which provides the owner of it with the power to decide when legality is suspended. Agamben determines the state of exception as a power of decision over life. According to Agamben, naked/bare life implies life which is confined in the cage of the transition zone between zoe and bios, or between natural and human life. In this picture, there is no distinction between sovereign power and bio-power. Ranciere adds that in the idea of the rights of man natural life seems like the holder of rights. And the foundation of sovereignty is built upon birth/nativity/nationality itself. All these are referring to citizenship. The mass refugee movement in the twentieth century may have produced the nakedness of bare life. It has uncovered the national origins of people as well and occurs as the secret of the Rights of Man (Ranciere, 2004, p. 300). The link between the bare life and the recent refugee movements will be given in the following chapter in detail. Now, before moving to the issue of refugees, I want to discuss the camp that Agamben concluded his homo sacer project with. This is because Agamben sees the camp as an explanatory example of the concept of bio-politics. The concept of camp is vital to his theory. The first reason for this is that he sees the camp as a paradigm of the modern world and as a sample of biopolitics. As a second, he evaluates

residents of the camp namely, refugees, as homo sacer. For these two reasons I must introduce the concept of camp to the discussion.

Agamben deepens his theory by evaluating Foucault's studies, and by linking to Arendt's theories as well. He is of the opinion that; as Foucault has shown, thanks to the concept of bio-politics, human beings' natural life is gradually becoming the object of "power". He narrates from Foucault: "For millennia, the man remained what he was for Aristotle: a living animal with the additional capacity for political existence; modern man is an animal whose politics calls his existence as a living being into question." What Foucault did, for him, was to investigate the process of "subjectivation" that takes the individual to "objectify his own self, constituting himself as a subject and, at the same time, binding himself to a power of external control," from ancient times to contemporary times. But he did not investigate the concentration camps which, for Agamben, are places of "modern bio-politics: the politics of the great totalitarian states of the twentieth century." One of the biggest drawbacks in Foucault's theories is that there is not a single mention of concentration camps while he investigates the "great confinement" and limits the scope of the study with hospitals and prisons. And he also criticises Arendt for not having any perspective in her studies that includes totalitarian states in postwar times (Agamben, 1998, p. 71).

3.2 Camp as an Indicator of Bio-politics

The first occurrence of the camp can be traced to 1896. At this time, the Spanish and the British established the first camps in order to deal with insurrections in their colonies. The camp did not occur from the ordinary law; it was created to deal with emergency issues. In other words the camp appeared in the state of exception. The Nazi camps were the most extreme example of the camps. When it comes to the Second World War, some camps were established to observe and protect. In a nutshell, camps are built in a space that is outside any law. But camps are not totally outside any law. Camps are a place where the notion of *ex-cepere* reigns. In Agamben's thinking, the camp is the most absolute bio-political place. The reason behind this is that people in the camp are deprived of their all political status and

they are put in the situation of "bare life". So the camp is where bio-political rules reign instead of normal politics, and homo sacer is acting as a citizen. Further, Agamben warns us about the fact that the camp is not a temporary fashion. On the contrary, the camp is today in an airport, or ghetto in modern cities. Today, the camp is almost everywhere, even in the center of cities. Agamben sees camps as places of confinement as well (Agamben, 2000, p. 38-39).

Hannah Arendt also had something to say about "the concentration camp". She says the camp occurred during the Boer War, in the 1890s, in order to keep under control some people who were "suspect" until they were absolved of the crime. But, here, it should be kept in mind that those people also could be blamed and could not prove their innocence (Arendt, 1976, p. 440). Moreover, in her view, there are three types of concentration camps namely *hades*, *purgatory*, and *hell*. The "hades" is the mildest of the three. It was used for "undesirable elements", such as "refugees, stateless persons, the asocial and unemployed". In other words Hades was for the "superfluous". "Purgatory" was the camp that the Soviet Union used as a labor camp in order to punish people by giving a penalty of labor. "Hell" was the camps where life was a total torture, and these camps were established by the Nazis. Now the question arises: What was common in all three camps? The answer she gives is that: "The human masses sealed off in them are treated as if they no longer existed, as if what happened to them were no longer of any interest to anybody, as if they were already dead and some evil spirit gone mad were amusing himself by stopping them for a while between life and death before admitting them to eternal peace" (Arendt, 1976, p. 445).

According to Agamben, today, we are living in the biopolitical world order, and this feature of the day will be heavily felt day by day. This biopolitical reality produces a "threshold" which sets the line between inside and outside. A nonpolitical life entered the city when nonpolitical life left the oikos-home. And zoe is politicized by the declaration of rights. When this all happened, natural life entered the polis and natural life was politicized. Then, a new threshold which defines sacred man occurred (Agamben, 1998, p. 77).

"The camp is a piece of land which is placed out of ordinary legal order, yet it is not somewhere out. When we reason in accordance with the etymological meaning of exception (*ex-capere*), the thing kept out, what is kept out by being taken in the camp is included by being excluded." The rule in the camp is the state of exception. This situation that power creates stems from the inner structure of banning. And in the camp which application is legal and which is not legal is not clear. Hence the camp is a place where the hybridity of legal and reality become indistinguishable (Agamben, 2001, p. 221).

Agamben says the things happening in the camps are beyond any juridical political structure. This is because what happens in the camp always remains unexamined. Moreover, the camp does not include only one generation; it includes the next generation. And the camp never is a historical fashion; rather, it is so common today and it is the hidden nomos of the political space in which we live (Agamben, 2000, p. 36).

"Transit camps", as Bauman puts it, are usually formed for refugees to stay, but these camps are filled with contradictions which begin to appear with the naming of the camps in the first place. Still, the fact is that a migrant cannot move beyond the transit camps. The camp is the space of bans. The critical point of this situation is not about where the refugees come from but where they cannot go. In other words, it is impossible for them to live in another place. This is the juncture of segregation (Bauman, 2013, p.80).

Whenever the state of exception has become the rule, there are camps. Because the camps are places where the laws are suspended and there is no normal order (Agamben, 1998, p. 96). "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." (Agamben, 2000, p. 39).

As mentioned before the sovereign is the entity who has the right to decide the "state of exception". However, along with the occurrence of biopolitics, the scope of the state of exception has expanded. A decision on the state of exception, in Agamben's theory, becomes prominent as a decision over bare life as well. But modern states are more inclined to take a decision over death rather than life. Hence, biopolitics has transformed into "thanatopolitics", which means death politics. However, Agamben reminds us that the border between death and life is not clear. Life can be turned into death and vice versa. The declaration of rights "others that seem instead to represent an incomprehensible intrusion of biological-scientific principles into the political order such as National Socialist eugenics and its elimination of 'life that is unworthy of being lived,' or the contemporary-debate on the normative determination of death criteria, acquire their true sense only if they are brought back to the common biopolitical (or thanatopolitical) context to which they belong." For Agamben, the camp – as the pure, absolute, and impassable biopolitical space insofar as it is founded solely on the state of exception – will appear as the hidden paradigm of the political space of modernity, whose metamorphoses and disguises we will have to learn to recognize (Agamben, 1998, p. 72-73).

"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." The camp in Agamben's theory is so significant because the absolute state of exception can be observed there (Agamben, 2000, p. 40-41). Indeed, Agamben, in his evaluation of refugees and the camp in that sense, is influenced by Arendt. Arendt says, "The camp is a piece of land placed outside the normal juridical order, but it is nevertheless not simply an external space. What is excluded in the camp is, according to the etymological sense of the term 'exception' (ex-capere), taken outside, included through its own exclusion. But what is first of all taken into the juridical order is the state of the exception itself. Insofar as the state of exception is 'willed,' it inaugurates a new juridico-political paradigm in which the norm becomes indistinguishable from the exception" (Agamben, 1998, p.96-97).

The analogy which Agamben makes between Nazi concentration camps, the "temporary structures" of refugee camps, and detention centers may be radical. Actually, he does not intend to say Nazi camps and refugee camps are equivalent. He wants to show that the mentality of exception pervades our societies. And the mentality of the exception resides in the camp as "a piece of land that is placed outside the normal juridical order. The camp has become the hidden matrix of the modern political space and the technique of government to exclude, enclose and/or even eliminate those who threaten the security of the state" (Agamben, 1998, p. 170).

3.3 Residents of the Camps: Refugees

Today, with the growing number of refugees the issue of refugees is a part of our life. And they are generally are not welcomed by the countries where the refugees intend to stay. For instance, more than twenty million refugees have recently entered the European Union. The main feature of these refugees is that they are not citizens of a country anymore, and they cannot or do not want to be naturalized or repatriated. Of course, these noncitizens generally have nationalities of origin, but they either cannot or are not willing to benefit from their county of origin's protection. They become refugees and enter a situation of de facto statelessness. This also shows the reality that in the nation-state era, the concept of citizen does not function anymore (Agamben, 2000, p. 22-23).

To better understand the situation of the refugees, Agamben goes back to examine the 1789 Declaration of the Rights of Man and of the Citizen. As he interprets it, according to the declaration, the first World War diminished the link between nativity and nationality. This is because the nation states began to separate natural life or bare life from the life that has political value. When it comes to human rights, which was the presupposition of the rights of the citizen; they are now used outside the context of citizenship in order to protect the rights of bare-natural life. This contradictory process explains why many attempts to protect human rights fail. He gives the examples of the League of Nations, and the United Nations' attempts to support refugees and protect the human rights beginning from the 1922 Bureau

Nansen to the modern 1951 High Commission for Refugees. Their aims are the same. They are all trying to carry on non-political “humanitarian and social” responsibilities. Today, refugees are becoming a mass phenomenon. Both these organizations and states fail to solve the refugees’ problems (Agamben, 1998, p. 78). Moreover, Agamben warns that this problem is not only Europe. It is all around the world.

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. (Agamben, 2000, p. 15)

Moreover, in Agamben's account, the issue of the refugees has intermingled with the concept of camps. Therefore, in his work, the concept of the camps comes to prominence. In Agamben's perspective, the camps are places where biopolitics rules. For him, residents in the camps are altogether reduced to bare life. "This is why the camp is the very paradigm of political space at the point at which politics becomes biopolitics and homo sacer is virtually confused with the citizen." Agamben radically states that if the camp is a place where the state of exception rules, if people who are living in the camp are reduced to the bare life, and if the juridical rule enters into a threshold of indistinctions then we are all in the camps, always and everywhere (Agamben, 1998, p. 98). "The camp, which is now securely lodged within the city's interior, is the new biopolitical nomos of the planet" (Agamben, 1998, p.99). As Gambetti comments, with *Homo Sacer*, Agamben has not only pictured camps as a secret basis of modernity but also as a secret basis of politics itself. At the same time, as Agamben evaluates, the camp has unveiled the concept of sovereignty that equals to bio-politics itself. For Agamben, politics in itself produces bare life (Gambetti, 2012, p. 21).

As for Bauman, he draws attention to the terms “migration” and “refugees”. He brings the general terminology into the discussion. The term “transition” refers just the opposite of transition. When refugees arrived in a country or a place, they are

put in a camp and these camps are named "transition camps", but the truth shows that these camps refer to a finite process, an interval with a certain beginning and an end. A spatial, temporal, or both spatial and temporal transition from a place to another is at stake here. However, we can no longer see that refugees have a transition right, as camps are in no way a station, or motel at which we stop during a journey. On the contrary, a camp is the final destination where all roads finish and all movement is over. Moreover, there is almost no hope about the end of this confinement. Quite the opposite, more and more people are born and die in these camps without seeing anywhere else throughout their entire lives. "Camps smell like ultimate places but this is about not being an arrival point but being a transition point frozen in a state of permanency." Camps, or "transition camps" as they are generally named are spaces created by power holders for refugees to stay in, but naming them "transition camps" runs counter to the reality, since a refugee can never go beyond these transition camps. These refugee camps are a space of bans. The only meaning of being a refugee in one of these camps is to be an outsider, a foreign body and an uninvited guest in the rest of the world. To become a refugee camp habitant means exclusion from the rest of the world. What is and must be included in the identity of a refugee is only an evacuation, and what isolates the exiled in a state of exile from the rest of humanity is not the place he comes from but the place he cannot go to and the practical or real ban from impossibility of going anywhere else. In short, what initially matters is to keep the subject isolated from the rest of the world (Bauman, 2013, p. 79-80).

Ranciere, with his article *Who Is the Subject of Human Rights*, adds that the camp may be considered as a "nomos" of modernity. Camps of refugees are places where illegal displaced persons are placed to wait by official authorities. For Ranciere referring to Agamben, the camp is the place of ambiguity about making a decision about law and fact, rule and practice, or exception and rule (Ranciere, 2004, p.301). Migration or being a migrant denotes a move by definition based on a time period with a specific beginning and end. This shows a move from one time or place to another one. However, these exact features are not relevant for refugees, who are, therefore, defined apart from norms, or, in a way, the "anti-norm". This is because

camps are not station, stopover, or motel, to stop at during a journey; rather, they are the last station at which all the other available roads are closed and all the movements are over. Moreover, there is not any hope about the end of this sentence. Indeed, a growing number of people have been born or died without seeing any other place outside the camps. "Camps smell finitude a lot, but this finitude is not the ultimate point of a destination, rather the ultimate point of a transition state stuck in permanence" (Bauman, 2013, p.79)

The refugee figure must not be thought of with the concept of the rights of man. Agamben agrees with Arendt's statement that human rights and nation-states go together, which means if one of them has a crisis, the other does too. The refugee is someone who reveals that the man-citizen and birth-nation link has been abolished in the nation-state system (Agamben, 1998, p. 78). If it is correct that a refugee represents the broken identity between the human and the citizen and between nativity and nationality, the sovereign will enter a crisis. As he adds, this claim implies a great generalization, therefore, it should be kept in mind that there always has been an opportunity for an exception. But the novelty for today is that a large and growing number of people are losing the capacity to be represented by any nation state. The refugee, therefore, damages the essential constituents of the state: nation and territory. Here, he reminds us that the first camps were built in Europe and that these camps are the founding father of today's camp. Why are these camps important here? They are significant because the mentality of those camps are similar. In other words, those first camps were created in order to control refugees. Surprisingly, one rule that always followed in Nazi camps was that before sending gypsies and Jews to the "final solution", that means to condemn some of them to death, the officers had to be sure that these people were already denationalized. When they were no longer a citizen of a state, then they were reduced to the bare life, or they were "doomed to death" (Agamben, 2000, p. 20- 21). And then the basis of the modern state in the 19th and 20th centuries is not man as a free and political subject, but bare life. Birth is the basis of sovereignty, since birth creates citizens of a state. Even rights only concern people who are citizens of a state (Agamben, 1998, p. 76).

The refugee should be accepted for who he/she is. The refugee is not someone whose only task is to arouse suspicion about the basic categories of a nation-state such as nationality and citizenship, and thus open the path for the formation of new categories for a political stance which regards bare life as the rule not the exception. For Agamben the nation-state regards nativity/birth as the basis of its sovereignty (Agamben, 2000, p. 20).

According to Agamben, the basic reason for the problem of the refugees is the sovereign power. In this perspective, if organizations or states really want to solve this problem of refugees, there is a need to challenge and overcome the sovereign power. And also it is necessary to choose non-political solutions to deal with the problem of refugees, as Lansen contends. For him, the cosmopolitan solution, for instance, of building a world state can solve the problem, since in that world there would be no borders, or particular states (Lansen, 2012, p. 13).

Agamben reveals that camps are structures that have grown throughout history. But what is new today? Agamben approaches this as that the political entity does not give people on the camp the right to live how they want, so does the law. On the contrary, camp function to isolate and annihilate all lives and laws (Agamben, 2001, p.228).

Lemke notes that Agamben frequently selects themes out of political theory such as life and death, health and illness, body and medicine, and the self-foundation of the political, with the help of the exclusion of bare life, which is clearly apolitical. According to Lemke, the contribution of Agamben's work is its analyzing perspective that allows tracing structural similarities and historical continuities between liberal democratic states and fascist or Stalinist orders for the sacred person. The political importance of Agamben's work lies in his disclosure of the inadequacy of the simple extension and development of rights belonging to those deprived of their basic rights and protection up to now. His insistence on a new political form and style is crucial. What he finds so attractive is the requirement of a new political grammar that extends a legal understanding which assumes a distinction between the political

being and natural being, that nullifies the distinction between the human and citizen, and that stabilizes this distinction (Lemke, 2016, p. 90).

Before going into detail on this distinction between the human and citizen, I must mention that Agamben asserts that people who live in a camp are either condemned to death or held hostage there. This is because these people were put in the camps in order to isolate and exclude them from society. Fence camps function as a threshold which determine life and death, since they are deprived of all rights. They are nothing but bare life in the camp where people have become homo sacer, who can be murdered without their murder being a crime in the collective unconsciousness. In this threshold, the human body is cut from its normal political status and left alone in the heart of the worst disasters within a state of exception (Agamben, 2001, p. 190). Further, for Agamben, to understand the state, one should bear in mind that the state is based in human beings' bare life rather than in man as a free and political subject. The state relies on people's bare life, which is the birth in the passage from subject to citizen (Agamben, 2001, p. 169). While Agamben sees the camp as a nomos of the modern time period, he also sees the people who are placed in the camp as homo sacer, since the refugee has almost no rights compared to the citizen of the nation-state (Schuilenburg, 2018).

Ranciere tries to compromise between the concept of the sovereign and biopower, both of which are the focus of the philosophers who are discussed in the scope of the thesis. For him, there is no contradiction between sovereign power and biopower. They are all the same. And also there is no contradiction in state power and the rights of man. The rights of man see natural life as the source of rights. The rights of man depict birth as a principle of sovereignty. The citizen obtains citizenship by nativity or nationality. What reveals this secret, as Ranciere puts it, is the refugee crisis. "The flow of refugees in the twentieth century would have split up that identity and made the nakedness of bare life, stripped of the veil of nationality, appear as the secret of the Rights of Man." Some disaster applications such as ethnic cleansing make this tendency obvious as well. The secret of modern power is not obvious. In this picture, the state power has to deal with the bare life but, compared to the past, power

cannot repress bare life or it is not the life of enemy that when the enemy is killed the problem is solved. It is the life that as he narrates Agamben: "...a 'sacred' life—a life taken within a state of exception, a life 'beyond oppression'. It is a life between life and death that can be identified with the life of the condemned man or the life of a person in a state of coma" (Ranciere, 2004, p. 300-301).

Even without deep research, only using common sense, we all can conclude that human beings from the beginning have moved from one place to another without the restrictions faced today. Especially over the last few years, the world has witnessed persecution in the news, on the internet, and in state and non-governmental organization reports that indicate that thousands of refugees are drowned at sea while trying to escape to safety from their country of origin. The other refugees who make it to their destinations are forced to wait in camps with apparently inhumane living conditions. But I must cut short description of the cruel situation that refugees face every day all around the world, since the goal of the thesis is not to tell why refugees keep risking their lives. However, we can assume that these reasons are not arbitrary. In other words, no one wants to leave their country of origin if they are safe there. It is also unfair to give the impression that all refugees are facing the same cruelty and that all states are inhibitory exclusionist. But it is also naïve to imagine that welcoming treatment is common. So, there are some questions still remain to ask: Why are people who flee at the cost of their lives inhibited, excluded, and allowed to die, and why does the world consider refugees as a crisis or a disaster today?

As Larsen makes it clear, while Arendt sees the main reason for refugees' suffering in the notion of nation-states and human rights, Agamben considers that the plague of refugees can be understood with the "problematic nature of sovereign power" rather than the notion of the nation-state. Agamben agrees with Arendt that people's being deprived of any political community or citizenship has led to people who are "rightless" being ignored in front of the law (Larsen, 2012, p. 9-10).

According to Agamben, Arendt pays attention to the connection between the rights of man and the nation-state. He sees the phenomenon of governmental or nongovernmental organizations emphasizing human rights as arising after the Second World War. But these declarations of rights did not fulfill their mission. The failure of these declarations shows that they fail in binding international ethics and law. This is because the declaration of 1789 represents the natural life in the juridical-political order of the nation-state. But this natural life or bare life was politically neutral in the Ancient Regime. In that time, *zoe* was distinguished from *bios* (political life). However, today, the bare life has totally entered into the structure of the state and bare life now is the subject of sovereignty. With the declaration of 1789, we are seeing that bare life, or in other words the pure fact of birth, is the concrete source of the bearer of rights. The first article of the declaration is that "Men are born and remain free and equal in rights." And with La Fayette's project, "Every man is born with inalienable and indefeasible rights". However, with the biopolitical power of modernity, which took natural life as a subject, rights have vanished in the name of the "citizen". The rights were given with the second article: "The goal of every political association is the preservation of the natural and indefeasible rights of man". The Declaration also says in the third article that "The principle of all sovereignty resides essentially in the nation." This article implies giving the sovereign power to the nation, since it puts emphasis on birth in all aspect of the political community. The term of "nation" originates from *nascere*- to be born (Agamben, 1998, p.75-76).

The theory of Agamben is intermingled with the theory of Foucault and Arendt, as I mentioned before. Here, after discussing the contribution of Agamben in the study of biopolitics, the figure of refugees clearly comes into prominence. This thesis generally refers to the situation of the refugees and, takes refugees into account as probably the most fragile victim of bio-politics. Therefore, the refugee needs to be analyzed in detail. The reason why and how a refugee seems most fragile in the modern biopolitical system that we are living in today will be given in the following chapter. As I have discussed, Agamben's answer to this question is the state of exception. But as he has been greatly influenced by Arendt, her theory of migration needs to be discussed as well. For Foucault, the reason was the biopolitical system

that enriched itself with the "security", and this leads to state racism and, in the end, it causes exclusion from the society. According to Arendt, refugees are suffering in modern times because of the nation-state. Now, it is time to listen to Arendt.



CHAPTER IV

WHO IS A REFUGEE?

Agamben's concept of the state of exception, which was discussed before, is the main agent to produce the bare life. Also, the issue of refugees is especially important to address while answering the question of "what does the figure of homo sacer really mean?" Indeed, the concept of bare life or homo sacer, has more or less the same essence, which becomes concrete in Agamben's thought in the form of "refugee." This is relevant for Agamben's account of biopolitics. When it comes to Foucault, he sees the sovereign as a responsible entity to introduce a biopolitical perspective on life, which is, to simply put, based on the direct or indirect separation between the life that is worth living and the life that is not. Here, Hannah Arendt's account of the refugee comes to prominence because she contributes to the field of refugee studies with her critique of human rights, the concepts of statelessness, and 'the right to have rights'. As she says, "in the sphere of international law, it had always been true that sovereignty is nowhere more absolute than in matters of "emigration, naturalization, and expulsion" (Arendt, 1976, p. 278). I think that without discussing these concepts and without paying attention to Arendt, this study cannot fulfill its duty. All of these concepts serve to make clear Arendt's contributions to a better understanding of the refugee issue. For Arendt, apart from the state of exception, nation-states and totalitarian regimes play a great role in the fact that refugees are most of the time deprived of their right to protection. The importance of studying Arendt, as Gündoğdu voices,

...derives from the fact that she does not see the issue of refugees as an anomaly. Therefore, she can bring about a new way of interpreting the refugee issue by providing a critique of the international system, nationality, sovereignty, and human rights (Gündoğdu, 2015, p.2).

To establish a connection between the current refugee crisis and the perspectives of Agamben, Arendt, and Foucault on this issue, a brief but stimulating article, written by Stephane J. Baele, can really help. He thinks that Foucault is correct in terms of describing the contemporary logic of state government as a bio-political one that

should be understood as a "live and let die" policy. Here, "live" refers to the characteristic politics of Western states which give priority to life/living when it comes to their citizens, as reflected in their struggle to make their citizens healthy, and the other part, which is "let die," refers to other people who are not the citizens of these states in legal terms. Western states have been investing more and more in their citizens' health, for instance, by banning tobacco, regulating the amount of alcohol consumption, and taking measurements against widespread diseases. Even though this trend, which centers upon the care of the population, seems not so bad, it leads to ignoring people who are not the official citizens of a state and who moreover, are assumed to be a potential danger for the health of the community. Therefore, bio-politics could be summarized as the politics of "live and let die". The more a state takes care of its own people, the more it lets others suffer. This paradox becomes much more obvious when looking at the refugee crisis in because of which millions of people have had to seek asylum in European countries in; the last few years. On the one hand, European countries have taken care of their citizen's health thoroughly, yet on the other hand they have invested so much effort to build fences and walls in order to keep refugees away from their homelands, therefore consciously letting these people suffer and potentially die (Baele, 2016).

Of all the conflicts all around the world, let us take as an example the conflict in Syria where almost 300,000 people have been murdered to date. It is a well-known truth that people in Syria were forced to leave their country of origin by the war itself and also by extremist groups such as the Islamic State. Desperate, these people had to flee their home country in order to escape persecution and conflict, but states which are supposedly safer continued watching what happened in Syria without taking any action. European states took precautions aimed at inhibiting migration except Germany. Western states have arranged a bad border control policy and military system, and they have built impassable fences in Greece, Bulgaria, and Spain. These policies have forced refugees to maintain their struggle in their homeland or to take a dangerous journey towards seemingly safer but fenced places. Baele takes as a reference point Foucault's explanation, which says that the state's racism lies behind the contradiction between states' attitudes towards their own citizens and their

attitudes towards others. Those who are left to die are not the citizens of the countries of destination, and that is why these states have no issues with leaving them on their own. Because these people do not belong to these countries according to the law, the states do not take any responsibility for their well-being, and they generally reinforce their actions by assuming that their ignorant stance is actually their right (Baele, 2016, p.1-4).

In the light of this paradox, which actually represents the core of this thesis, Butler's evaluation in *Precarious Life, Grievable Life* can be read as a guidebook to help us understand what Agamben and Arendt try to indicate by arguing that "the life of some of the people are considered as a life that is not worth living." However, Butler admits that "Only under conditions in which the loss would matter does the value of the life appear. Thus, 'grievability' is a presupposition for the life that matters." Also, this notion can easily be seen in the politics of immigration (Butler, 2009, p. 14-15). Furthermore, Butler claims that the notion of "life that is not worth living" for some people stems from the "forms of racism instituted and active at the level of perception". This kind of racism positions a life that is worth living, as Butler puts it, as a "life that is grievable," as opposed to the life that is not worth living which is a "life that is nongrievable" (Butler, 2009, p. 24). The troublesome aspect of contemporary politics, as Butler suggests, is that everyone is not considered as a subject. For instance, perhaps it can be thought that the notion of "multiculturalism" is a remedy for those whose lives are not worth living, but multiculturalism itself takes into account only established subjects who are recognized by nation-states (Butler, 2009, p.32).

In her *On Revolution*, Arendt evaluates human rights which, she claims, are embedded in the 1789 Declaration of the Rights of Man and Citizen. This is because the first article of the declaration express the general principle that "All men are born equal". This article clearly states that every man is endowed with certain rights. However, these rights have always been the rights of people who belong to a national body, and these rights are only applied when someone loses their natural rights as citizens (Arendt, 1963, p.149-150). The Declaration of the Rights of Man and Citizen

emerged in the atmosphere of the French Revolution, with the motivation of national sovereignty. Even though with the declaration, all human beings were expected to be endowed with some inalienable rights by virtue of being born as human beings, the truth is that human rights only serve a person who is a citizen of a country. Further, the state is the only entity responsible for the protection of its own nation's human rights (Arendt, 1976, p.230).

The roots of the refugee issue can be traced back to the World War I period. A mass migration occurred at the end of World War I. When the Russian, the Austro-Hungarian, and Ottoman empires collapsed and signed peace treaties, 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 had to leave their countries of origin (Agamben, 2000, p. 16). Those people who had left their country were subjected to articles of certain international minority treaties which were abolished later on. There was also another issue which first appeared in France: states started to denaturalize some of their own citizens by discriminating against them and denouncing them as a fifth column. For example, Belgium denaturalized some citizens who were charged with treason due to their insidious actions during the war, and in 1926, the fascist regime in Italy introduced a law which paved the way to denationalizing their own citizens. Besides, in 1933, Austria brought into force the Nuremberg Laws in which distinguished between German citizens, who were deemed full citizens, and other citizens; who were viewed as without political rights. These laws and a large amount of stateless people that emerged as a result of these laws caused an amazing change in the modern nation-state's mentality concerning "people" and "citizen". Before I turn back to the differentiation between "people" and "citizen" in the following paragraphs, it seems to be the right place to talk about the various international commissions which were created to solve the problems faced by refugees and stateless people. The League of Nations (1921), Commission for Refugees (1936), Intergovernmental Committee for Refugees (1938), and the International Refugee Organization of the United Nations (1946), which became today's High Commission for Refugees (1951), are a few of the intergovernmental bodies which used to or still help refugees (Agamben, 1995, p.

115). The 1951 Convention related to the Status of Refugees and its 1967 Protocol are the most far-reaching international agreements that established and protect the rights of refugees (Öner & Öner, 2012). With the convention, states were forced to guard refugees on their lands and stand up for their rights. The first and the second articles of the 1951 Convention describe a refugee as follows:

[A person who has a] well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it. (Agamben, 2000, p. 16)

This definition of the convention is quite similar to the UNHCR's definition. "The office of the United Nations High Commissioner for Refugees (UNHCR) was founded in 1950, in the aftermath of the Second World War, in order to help millions of Europeans who had fled from their home towns or who had lost their homes." As the convention implies, no one without the fear of being persecuted for reasons of race, religion, nationality, or any other life-threatening reasons would want to leave their country of origin under normal conditions, since people are very aware of the fact that being foreign in a strange country would not be easy at all.

Indeed, as Arendt claims, before the Second World War, the term refugee was used to describe people who tried to take refuge in a place because of their supposedly radical political acts or opinions. But she continues that afterwards, people, she prefers to use "we" because she had to seek for a refuge for herself as well without any radical or political action began to be called refugees. From then on, as she states, the meaning of the term "refugee" has changed. "Now refugees are those of us who have been unfortunate as to arrive in a new country without means and have to be helped by Refugee Committees." She has an opinion that those people were disturbed by being named as refugees, because they saw themselves only as ordinary immigrants. Also, such naming took away their free will both figuratively and literally, and they were forced to acquiesce to countries' decisions about themselves. She asserts, "We were immigrants or newcomers who had left our country because, one fine day, it no longer suited us to stay, or for purely economic reasons. We wanted to

rebuild our lives, that was all. In order to rebuild one's life one has to be strong and an optimist" (Arendt, 2007, p. 264).

The term refugee has legal, political, and ethical meanings; otherwise, "being a refugee" as a status would not have occupied a place in international law. In Arendt's point of view, a refugee is a person who has a radical political attitude or whose actions are politically radical; therefore, in her perspective, the status of the refugee is inherently political. However, mass migration, which took place especially after World War I and II, shows us that people do not flee from their countries only for reasons related to their political actions. Mass immigration instead indicates that people who are under risk of persecution because of their race, religion, nationality, or social or political affiliations are sometimes forced into seeking asylum from another country too. This brings us to the conclusion that the term refugee involves all these sorts of conditions in itself, and the reasons which make people flee from their own land can be both political and ethical in character. They are ethical since no one should be blamed because of his identity. They are ethical because the race and religion into which one is born are not matters of free will. On the other hand, they are also political since people should not be persecuted because of their identities. By making reference to both her own and the UNHCR's definition of the refugee, Arendt claims that the reason behind the situation of being a refugee implies the violation of human rights. War, civil war, and persecutions of groups of people for any reason are all different kinds of human right violations. Therefore, people who face one of these conditions have a right to seek asylum, and this right must be secured by both states and international organizations, and the law concerning this right should be applied to all people without any exception (Kurtoğlu & Şahin, 2018, p. 256-257).

With the 1789 Declaration of the Rights of Man and Citizen, human rights were proclaimed. The rights of man were described as "inalienable" because they were assumed to exist independently of all governments. However, there was a significant gap in the articles concerning this issue, for, if a country in which a number of citizens live goes through big social upheavals, then, these citizens may be deprived of their rights because there is no government to save them and no institution to guarantee

their rights. In other words, in this case stateless people lose not only their rights as citizens but also their rights as people. Moreover, when people become stateless, the Declaration of the Rights of Man and Citizen can be cited as proof that its articles are not relevant even for the countries which have adopted this declaration as a basis of their constitutions. This is because they have no legal responsibilities for people without any national identity. The meaning of the loss of human rights includes losing both one's home (home as a physical place to live and a country) and the social network/context through which people give certain meanings to their lives and actions (Arendt, 1976, p.290-292) To pay attention to Arendt's own experience:

We lost our home, which means the familiarity of daily life. We lost our occupation, which means the confidence that we are of some use in this world. We lost our language, which means the naturalness of reactions, the simplicity of gestures, the unaffected expression of feelings. We left our relatives in the Polish ghettos and our best friends have been killed in concentration camps, and that means the rupture of our private lives. (Arendt, 2007, p. 264)

The second loss which people without any legal rights suffer all around the world is the loss of government protection. Losing both one's home and government protection is a very shocking incident for these people. The reason behind these disasters which stateless people face, is that the number of people is uncontrollable. The more people are displaced, the more countries pay no attention to these people (Arendt, 1976, p.294).

With the appearance of an increasing number of people who do not belong to any nation-state, Arendt thinks that the Universal Declaration of Human Rights has become invalid. Even though everyone knows that these people's plight results from the loss of human rights, no one ever knows what to do or what exactly has been lost. She calls these groups of people rightless. Moreover, she says that first of all, they have lost their country of origin, which is the only place they can say that they truly belong to. Such a large scale of disaster has never been experienced before. But this does not mean that we should ignore the fact that throughout history numerous people have immigrated due to economic or natural disasters and social conflicts. In addition, to emigrate somewhere else did not occur for the first time in today's world. It is as old as the history of mankind. What is new about migration? The answer is not

the loss of home but the impossibility of finding a home. Refugees cannot go to another place without restrictions. This, for her, is not a problem of place, but a problem of political organization. At this point, if one is excluded from a particular society, he or she will be excluded from the family of nations well. Being deprived of the protection of political administration is one of the deprivations that the rightless suffer from. Moreover, this deprivation is not limited to only their own countries but also means losing their positions as individuals in all other countries as well (Arendt, 1976, p.294).

As Ranciere makes clear, Arendt pays a great deal of attention to the state of exception, even though her way of putting this reality is a little bit exaggerated. However, Arendt's evaluation is of great importance in terms of the contemporary discussions about the rights of man. For Ranciere, the works of Agamben become even more critical in transforming Arendt's paradox in which human rights only apply to people who are political members of a country as citizens; however, he also benefits from Foucault's account of bio-politics and Schmitt's concept of the state of exception. Agamben makes use of Arendt's way of interpreting people's lives which takes shape through three Greek words/terms: the first is *zoe* which means "bare physiological life", the second is *bios*, which means "form of life"; and the third, together with *bios*, is *politikos*: "the life of great actions and noble words.". In Arendt's view, the rights of man and contemporary democracy are based on the confusion between these two lives which, basically, implies "the reduction of bios to sheer zoe". As for Agamben, he claims that the state of exception signifies a power of decision over life. Sovereign power functions as an "exception of life". Moreover, Agamben equates "absolute state power" with the right of man. Natural life is made the source of rights by the rights of man. In this view, "birth" becomes one of the main principles of sovereignty. Here, by birth, he denotes citizenship (Ranciere, 2004, p. 300). However, before going through Arendt's examination towards all these subjects, there is a question that remains unanswered: Who is a refugee?

The term "statelessness" is one of the newest contemporary phenomena, according to Arendt. The number of stateless people has been increasing since the end of the

first World War. As a result, every day, a new group has been added to the huge circle of stateless people who are excluded from the legal order. The term *heimatlosen* was used for the first stateless people in the peace treaties of 1919, when the Austro-Hungarian Empire collapsed and the Baltic States were established (Arendt, 1976, p.278). The idea of "inalienable" human rights which works only for the citizens of the most developed countries, while there are so many people who remain rightless has created the biggest paradox the world has ever witnessed. The situations of those who are "rightless" worsened until detention camps became the common solution for the problem of shelter for "displaced persons." The phrase "stateless" indicates that these people have lost the protection of their government and need international treaties to ascribe them legal status. However, the usage of the phrase "displaced persons" helps international organizations and states to ignore these stateless people's needs, she claims (Arendt, 1976, p. 279). In her view, "stateless" means a person who has lost both their citizenship rights and their formal national identity. These people are refugees, asylum seekers, economic immigrants, and the people who have been denaturalized (Arendt, 1976, p.286). Additionally, whenever she talks about stateless people, the term "rightlessness" appears, since stateless points to people, in fact, who have no rights.

The calamity of the rightless is not that they are deprived of life, liberty, and the pursuit of happiness, or of equality before the law and freedom of opinion- formulas which were designed to solve problems within given communities- but that they no longer belong to any community whatsoever. Their plight is not that they are not equal before the law, but that no law exists for them; not that they are oppressed but that nobody wants even to oppress them. (Arendt, 1976, p.295-296)

While stateless people might have several rights, such as the right to live and the freedom of opinion or movement, they are in a fundamental condition of rightlessness to the extent that they cannot live without the charity or goodwill of others. In Arendt's framework, citizens can be deprived of several rights but they are not rightless as long as they have legal and political standing. Arendt's account of statelessness draws attention to the multiple, interrelated dimensions of rightlessness. Legally speaking, the term denotes the loss of legal personhood that guarantees equal standing before the law. Politically, it captures the loss of belonging to an organized community where one's actions, opinions, and speech happen.

Arendt's analysis of the legal dimensions of rightlessness highlights the tight bond between the nation-state as a structure and citizenship or legal personhood as an ascribed status; and within this institutional framework, those who are rendered stateless find themselves without any formal recognition of their rights and legal standing (Gündoğdu, 2015, p. 95-96).

Hannah Arendt's concept of statelessness in the *Origins of Totalitarianism* (Arendt, 1976, p.54), she displays how some people become superfluous within the social and political order. Arendt talked about displaced people in Europe following both world wars and she distinguishes this period by stating that these displaced people were not welcomed in a place, in contrast to their predecessors. Arendt reveals the story of people who have missed the protection of a sovereign legal body and who as a result have sought refuge in the notion of universal and so-called non refoulement human rights. According to Arendt, these people have lost what makes them human; this is because they are nothing.

Moreover, Arendt says that for those stateless people without the right to work and without the right to dwell in a place, there is no other option but to violate the law. They can receive prison sentences for their actions even though they do not commit a crime. The act of pushing stateless people out of the law leaves them no choice other than the agony of losing a particular place in the world. Arendt claims that rightless/stateless subjects are not part of any community. These people's tragedy does not arise from the fact that they are not equal before the law but from the fact no law has ever applied to them. Also, the problem for them is not that someone/some entity wants to oppress them but, in contrast, the lack of an entity/being which wants to oppress them. Additionally, Arendt describes these people no longer as the subjects of states but as people who are left in a stage where they are "human and nothing but human" or else are merely superfluous (Arendt, 1976, p.34).

Benhabib also examines Arendt's approach to the issue of refugees. According to her, Arendt defines refugees as people who have been persecuted, deported, and driven

out of territories that were once their homeland. A political majority becomes a minority when certain groups declare that they are not in the so-called homogeneous circle. This means that the person will be expelled from a current state's protection and the person will lead a life without a status due to the fact that the documents which prove their political and legal personhood are not valid anymore (Benhabib, 2006, p.65).

In *Human Condition*, Arendt highlights the difference between human nature and the human condition. "The totality of human activities and capabilities which correspond to the human condition does not constitute anything like human nature" (Arendt, 1998, p. 9). According to Arendt, the human condition consists of three activities: "labor, work, and action". All of these three things are related to the living conditions of people in the world. The first, labor, is directly related to the biological characteristics of a human being because it has an influence on the functioning of the human metabolism. The second one, work, which is related to the artificial fact of the human condition. Work addresses the nonoccurrence in the World of men that goes beyond all the natural things in human life. The last, action, is connected to plurality which is the main ground for political men much more than the others (Arendt, 1998, p.6-7). As Gündoğdu voices, Arendt's term of the "rightlessness" is helpful to grip the situation of people who are put in a camp where they are deprived of the opportunities for participating in any political community which requires at least the ability to "labor", "work", and "act". In her view, those three terms of "labor", "work", and "action" stress the essential need for being recognized as a human being. The perfect example of being deprived of an appropriate setting to "labor", "work", and "act" can be seen in the life of refugees, who are confined to camps where they cannot survive without the help of others (Gündoğdu, 2015, p. 125-128).

People who are kept in camps do not have the rights the other politically/legally recognized people enjoy. They are just waiting for an unknown future there, since probably this is the only way for them to survive. The detention centers or camps in which the uprooted and stateless people live reside in the middle of the area between law and lawlessness. These people are basically subjected to a political process.

However, they do not have a right to determine their destination by participating in this process (Başkıır, 2008, p.6), since generally, there is no other choice for stateless people except to continue to stay in a camp. The camp can be called a place where people are deprived of labor, work, and action.

4.1 Do Human Rights Have the Capacity to Save Refugees?

The Treaty of Westphalia, signed in 1648, brought the Thirty Years' War to an end and laid the foundations of the modern state system and territorial sovereignty which will have fundamentally changed the world's policy. With this Treaty, Europe became an ensemble of independent states, each of which has its own sovereign borders and laws. Thus, guarding the borders of the state has gained importance. For this reason, a state's claims for possession of land, especially along any other state's borders, sometimes has caused a border wars which most of the time results in mass migration. This situation demonstrates that mass migration dates back to the foundation of nation-states (Kurtoğlu & Şahin, 2018, p.255).

Arendt depicts World War I as a bloody war which dramatically destroyed the European nations. Especially, with the dissolution of Czarist Russia and the Austro-Hungarian Empire, which were multinational/multicultural societies in the pre-war period, two victim groups showed up. The first group was those who suffered from being non citizens of any countries and lost their "inalienable" rights, and the other group was minorities. Both groups had to live without any government to help and represent them. They were left to live under the law of exception of the Minority Treaties, or under the conditions of ultimate lawlessness. And the phrase "human rights" became the proof of desperate idealism or hypocrisy for those who were victims, persecutors, and so forth (Arendt, 1976, 269).

Arendt underscores that a large mass of stateless people were deprived of the right of asylum which was the main symbol of the rights of man. By abolishing the asylum rights of these people, they became stateless (Arendt, 1976, p.280). European states were shocked in the face of the reality that there were a considerable number of refugees and they did not find a solution to get rid of them. Everyone knew that there

were two ways to get rid of those refugees: repatriation or naturalization. When the methods of repatriation or naturalization were tried, it was realized that both of these solutions were helpless since no one wanted to take refugees in their countries. There were some endeavors to give stateless people a legal status but, these attempts did not work. All arguments about the refugees ended up with the same question: "How can the refugees be made deportable again?" Both techniques of repatriation and naturalization did not help refugees solve their problems (Arendt, 1976, p.283-284). Furthermore, the refugees and stateless people were recognized as a curse to all newly emerging states which were founded on the ideology of the nation-state (Arendt, 1976, p. 290).

Today, as a result of distinguishing the rights of man from the rights of citizen, humanitarian organization which are supported by international commissions understand human rights in the figure of *bare/sacred life*. Even though these humanitarian organizations are willing to help those who are stateless, they cannot succeed, since they situate themselves as nongovernmental, and thus apolitic. Therefore, as Agamben claims, these organizations cannot achieve their goals which are giving everyone "sacred and inalienable" rights. The reason behind this is that distinguishing humanitarianism and politics is only a reflection of the distinguishing of the rights of man from the rights of the citizen (Agamben, 1998, p.78). In Agamben's rendering, the bare life in ancient times had no political meaning and belonged to God. Then, in the classical world, it was plainly differentiated as *zoe* from political life (*bios*). But now bare life is the basic core of the state's legitimacy and sovereignty. By virtue of birth, as the declaration of 1789 states, bare life is subjected to a source of rights. ("Every man is born with inalienable and indefeasible rights."). And the Declaration, in its article three, gives sovereignty to the nation "The principle of all sovereignty resides essentially in the nation". Bare life thus becomes subjected to sovereignty (Agamben, 1998, p.76).

The reason behind limiting inalienable human rights to those with citizenship was the trend of national consciousness. These people who had national feelings forced the nation states to accept only "nationals" as citizens and to give full civil and political

rights only to people who were born in that country. By doing this, "...the state was partly transformed from an instrument of the law into an instrument of the nation" (Arendt, 1976, p.230).

As Gündoğdu makes clear, Arendt's analysis of human rights is grounded on paradoxes which can be summed up in this way: "Human rights are either the rights of those who are cast as subjects without any rights stateless or poor or merely the rights of citizens who already have rights." In Arendt's rendering, "stateless" people were deprived of not only citizenship rights but also human rights. And the condition of the stateless people worsened due to the fact that the international system is constituted by the principle of nationality; as a result, if a person was deprived of citizenship in any sovereign state, they were not a subject of human rights. When this is considered, having lost political membership, those stateless people became nothing but human (Gündoğdu, 2011, p. 6-7). This interpretation is quite the same with Agamben's terms of bare life, which is the natural life that is reduced to bare life and this means the deprivation all of the rights? And also it enables the power to let them die. As I see, while there is a little difference between the phrases of "stateless", "rightless", and "refugee", Arendt uses these three phrases interchangeably.

Betts also agrees with the conclusion that states in the contemporary state system are expected to be responsible for guaranteeing the human rights of their citizens. But, sometimes, the connection between state and citizen decays and states can be reluctant to provide for the rights of their people. So, the main aim of refugee regimes is to guarantee the international institutions to protect them (Betts, 2010, p.361).

4.2 Exclusionary and Inhibitory Policies towards Refuges: the Nation-State

The UNHCR's Global Trends report shows that 68.5 million people had been uprooted from their country of origin as of the end of 2017. Of these 25.4 million had escaped because of persecution, 16.2 million were displaced, about 3.1 million had applied for refugee status. Forty million people were displaced in their own country. Developing countries tend to be the most affected by the refugee flow, with reports indicating that they receive 85 percent of the refugees. Many of those refugees live

in subhuman conditions in these developing countries. Turkey is the world's leading refugee-hosting country, with 3.5 million refugees, overwhelmingly Syrians.⁹

Refugees and uprooted people cannot be evaluated without considering the state system and the relationship between sovereignty, the state, the citizen, and the land. For this reason, it is impossible to recognize forced migration without looking critically at the state system (Betts, 2009, p.95). Betts states that forced migration emphasizes the relationship between state sovereignty and international societies. In other words, refugees and uprooted people co-exist with the notion of sovereignty and state. And also constitutional definitions totally refer to the state system. Betts says that refugees and uprooted persons play a role in strengthening the state system, by highlighting the boundaries between the internal and the external and between citizens and non- citizens. Also, these people normalize the relationship between land, state, and citizen by determining the outside of the state. Additionally, by questioning the unconditional nature of state sovereignty, we find out that the relationship between citizen, state and soil does not necessarily develop as an ideal nation-state notion. Indeed, the destination of refugees and uprooted people are a core need of state sovereignty (Betts, 2009, p.75).

As this study has frequently shown the move of people is quite restricted. Here, the role of borders and fences comes to prominence. These borders deserve to be examined more, because all states apply border policies as an element and symbol of their sovereignty. As we have already pointed out, the border is applied not only spatially, but also temporally it limits the time of the action of crossing the border. In both cases, there is a relationship between the immigrant and the state. Irregular migrants who follow these rules of conduct are thus challenged by the sovereignty of the state and are considered as criminals. Moreover, irregular migrants are not just a legal matter but an economic one as well as a matter of identity politics (Öner & Öner, 2012, p.508).

⁹ <https://www.unhcr.org/news/stories/2018/6/5b222c494/forced-displacement-record-685-million.html>

Bauman's contention, which basically says the modern state, is a gardening state can be helpful to analyze the state of refugees. According to him, the modern states behaves like a gardener. Modern states count part of the population as weeds. And they thus divide the population into two groups. The first group is useful plants that are worth feeding and growing and the second group are wild herbs that do not deserve to grow; on the contrary, the latter should be eliminated. This explanation tells us what he means by gardening state. Wild plants or useful plants are identified in accordance with gardening state (Bauman, 2013, p.38). The political meaning of ambivalence is to distinguish others, "foreigners", and fight them off. Besides, it gives the right to count some as a citizen/legitimate and others as illegitimate (Bauman, 2013, p.43).

According to Brown, "What we have come to call a globalized world harbors fundamental tensions between the opening and barricading, fusion and partition.." Globalization carries some contradictions in itself; global networks and local nationalism, and territorialization and deterritorialization only are two of these tensions. For him, these tensions can be seen in the walls which are dramatically separating the world. The United States's huge wall and the Israeli-built one are the best-known examples of such walls. But there are many others South Africa built a wall which is enhanced with electrified security on the Zimbabwe border. Saudi Arabia has built a wall along its border with Yemen. India also has built a wall along its border with Pakistan. Uzbekistan has built a wall along its border with Kyrgyzstan and Afghanistan. And China has built a wall along its border with North Korea. These are only a few examples of the walls which have shown the phenomenon of the nation state's inhibitory behaviors toward the poor, the refugees, and the unemployed (Brown, 2010, p. 7-18).

These new walls, in Brown's view, exist in order to define the nation states border. However, their main purposes are not to defend against any probable attack from other sovereign states. Instead, every single wall has its own goal: these barriers generally aim to inhibit "transnational actors" such as "migration, smuggling, crime, terror" etc. Brown emphasizes that these barriers are not built on the basis of a

"Westphalian International order in which sovereign nation-states are the dominant political actors". On the contrary, for her, these walls "appear as signs of a post-Westphalian world". It does not mean we are living in a time which nation-state sovereignty has ended up. Here "post" is used to refer to "a present whose past continues to capture and structure it" (Brown, 2010, p. 21).

A political authority imposes restrictions and sets limits to inhibit people's migrations sometimes with wire fence, mines, or walls. States draw lines by citizenship, passport, visa, and visa policy of visas to prevent people from moving freely. Precisely at this point, refugees grow into an icon that reveals that these political, geographical, cognitive and physical boundaries are unnatural. Refugees are our chance to re-question the paradigm of a nation-state that is built upon predetermined and superficial boundaries (Semerci & Erdoğan, 2018, p.78).

One of the biggest problems that Brown makes clear is that the state seems as though the only institution to protect to the right of those stateless people or refugees. In order to have rights, those people are required to be citizens. Moreover, the image of thousand refugees provokes "xenophobic nationalism" and this forces the state to protect borders, since, here, the borders come first to blame. The most dangerous group is generally Arab Muslims. Today, besides fear of terrorism, the political and economic insecurities come as prominent features feeding the xenophobia (Brown, 2010, p.67-69).

Betts benefits from Nyers's (2006) evaluation of the techniques that states use to respond to refugees. He emphasizes that these techniques include some exceptions which signal the legitimacy of sovereign norms given by the exception of states. And refugee status empowers the state system. This is because refugees are a signal of disengagement from the state system, but states legalize the selective inclusion and recognition of the exception by means of migrants. So, he observes this as an organization that exists to perform exemptions to asylum and refugee protection agencies. He puts forward that all solutions are done by the circumstances that cause the problem itself. These solutions that aim to support refugees are naked and are

the resource for who violate human rights causes to the existence of migrants (Betts, 2009, p.118).

As we learn from Agamben, an exception is becoming the rule as a management technique, and this is also one of the basic paradigms of the legal order. As the state of exception is under the assurance of the law, the bureaucratic walls forcing people to wait are under the assurance of the law. Thus, this exceptional situation occurs illegal but totally precisely a legal measure. Referring to Agamben, Topaloğlu asserts that the transformation of exception into rule is both a management technique and one of the basic paradigms of the legal order. Just as the state of exception is under the protection of the legal order, bureaucratic walls, which surround around the refugees and force them to stand idle with hands tied, have a juridical base. In this way, this exceptional state emerges as an unlawful but completely legal measure (Topaloğlu, 2018, p. 158).

Benhabib includes foreigners, citizens of other countries, immigrants, refugees, and asylum seekers in a political entity. According to her, political boundaries mean that one belongs to one, whereas others mean to be alienated. Benhabib also says the political membership should only be accompanied by rituals of participation, access, ownership, and privilege. However, the modern nation state system is regulated based on the principle of national citizenship. The world entered into a new process with the destruction of state sovereignty and the disintegration of the national citizenship institution. The political community, as determined by the nation-state system, writes that new forms of membership have emerged because they can no longer organize the new membership concept. According to Benhabib, political mobilization practices can be illuminated by international migrations and liberal democracies, on the one hand, and on the other hand, by embracing claims of universal human rights commitments (Benhabib, 2006, p.12).

The first and fundamental reason why modern nation-states are disturbed by increasing refugees in our century is that refugees throw the original fiction of modern sovereignty into a grave crisis by interrupting the continuity between man

and the citizen and between birth and nationality. They reveal the hidden assumption of the political sphere, the bare life, through exhibiting the difference between birth and the nation. In this meaning, as Arendt says, the truth is “the man of rights”, the real man, who all the time embodies the rights out of fictitious citizenship. However, it is really hard to define refugees in political terms due to this reason. Since the First World War, the connection between birth and nation has been unable to legitimize the nation-state, and these two terms have begun separating from each other rapidly. When viewed from this perspective, one of the two most important phenomena is the great increase in the number of refugees and stateless people (Agamben, 2001, p. 160).

Surveillance technology serves two opposing strategic aims in our day. This technology leaves something out (keep outside of the fence) but also confines another thing (inside the fence). Actually, the global increase in the number of exiled people, refugees, asylum-seekers, and even people looking for bread and water develops both aspects of surveillance technology (Bauman, 2013, p.25).

Ali Akay in the journal of *Teorik Bakış* remarks that media in the post-truth era has instilled in people’s minds or souls certain barbarous arguments/feelings. The first is to justify declaring someone as illegal when he/she crosses the border even by merely one step. The second is that residents of potential host countries have not stood up against the exclusion of illegal people and what is worse is that they have tried to “get rid of these people” by supporting their exile from the host-countries. For Akay, these feelings or activities have resulted from emotion-effect politics. And he believes that these non-humanistic feelings and activities which were mentioned above should be questioned. This is because these behaviors and activities can be seen in many countries and among a huge number of people as well (Akay, 2017, p. 11).

Additionally, Akay asks how a person can be dissociated from the others by crossing borders and how they can enter into a totally different world by this step. Here the author draws attention to x-ray systems which are used by nation states to detect and send away stateless people. He calls it a policy of Rontgen/x-ray. By means of the

x-ray devices, those who are crossing borders become more visible. Indeed, they have not only become visible, but also become the targets of exclusion, deportation and hatred. X-ray systems have divided people as white, and black and this exclusive discourse has been fed by media. By means of x-ray, nation states have put people into shadow image, and also dehumanized, and anonymized them. According to Akay, today's paradigm has worked through body images. That is to say, it bares/denudes bodies. People's bodies are excluded from law and then they are disenfranchised. Once these people's bodies have been transferred into non-political bodies, they are deprived of rights and placed in camps to quarantine their (assumed) germ-carrying bodies. Here Akay refers to Giorgio Agamben's "bare life" to understand contemporary camp phenomenon. Homo sacer now has been transferred into depersonalized life. The images of the x-ray have witnessed the hegemony of borders. X-ray policies are only a signal of a political map to show where borders end and where these borders start (Akay, 2017, p. 14).

Bauman uses the "ban-optikon" term instead of Michel Foucault's concept of "panoptikon", while trying to explain the refugee problem. "Dispositive/intervention tools" are not limited to undesired nation-states. On the contrary, these create human categories excluded by a not-yet united global power group and show who will be welcomed or not. Ban-optikon operates virtually and uses networked databases and data flows related to things that have not happened yet. For strategic reasons, the ban-optikon scheme codes any minority's profile as unwanted. The ban-optikon has three specific elements: "It has an exception power within liberal societies (states of emergencies are routinized), it sorts profiles out (marginalizes some groups whose potential behaviors are feared and human categories excluded for preventive aims) and normalizes the groups that were never excluded (makes people believe free circulation of goods, capital, knowledge and humans). Ban-optikon operates in globalized spaces beyond nation-state and thus impacts of power and resistance are felt not only between the state and society" (Bauman, 2013, p.24).

Arendt reveals that the rights of man have been represented by charity organizations, which has worsened the situation of human rights (Arendt, 1976, p. 281). Besides,

Özgül reveals that the discourses lying behind all the images related to counterfeit life-jackets, sinking boats, and flimsy tents trigger the victimization of refugees. The refugees become the victims of capitalism by falling prey to modernity and also become the targets of those who are trying to take advantage of this crisis and make a profit out of it. Positioning refugees as victims cause them to be placed in an object position by ignoring their positions as active subjects. The effort to disassociate them from their subject positions stems from the awareness of the sovereign powers of the fact that refugees pose a potential danger for modern capitalist system and this is why the refugee figure is “tamed” through victimizing them. The marginalization of the refugee figure by putting it in the category of nature, not culture and objectification of refugees as victims leads them to be framed as the ultimate holders of the state of “being on the road” as an exceptional state which is peculiar to them (Özgül, 2016, p.7). This kind of description does not reflect an active personhood which provides a person with the chance of deciding what to do with his/her life. Rather, this qualification renders refugees ambiguous creatures like a boat floating in a stream without direction. Concerning this situation, Arendt talks about her and other stateless people’ struggle for reaching/finding a life of one’s own as, “If we are saved we feel humiliated, and if we are helped we feel degraded. We fight like madmen for private existences with individual destinies, since we are afraid of becoming part of that miserable lot of schnorrers whom we, many of us former philanthropists, remember only too well” (Arendt, 2007, p. 268-269).

As Gündoğdu states, only citizens can have the rights to immigrate to a state if requested. People without identity cards showing the membership of a certain state are not welcomed in almost any country around the world, and they can even be deported without being shown any interest in the tough situation they are stuck in. Deportation and expulsion have been used by states as methods to exclude those who are unwanted in a community. Gündoğdu takes Arendt’s evaluation on sovereignty:

Sovereignty is nowhere more absolute than in matters of immigration, naturalization, nationality, and expulsion but the formal and informal agreement between states established some guarantees against mass denationalizations and deportations for most of modern history. Normalization of mass denationalizations

and collective expulsions with the rise of totalitarianism revealed the fragility of these guarantees (Gündoğdu, 2015, p. 107).

According to Gündoğdu, these policies that determine appropriate places for refugees to stay can be considered as Foucauldian population policies. These policies have provided these refugee groups with “hotspots” that are isolated from the cities as residences. Those who do not want to stay in these camp, are prone to encounter the state’s violence. This is because for most countries, refugees are unwanted and are seen as non-controllable subjects, and this is why they need to be disciplined (Topaloğlu, 2018, p. 146).

Topaloğlu draws attention to the increasing number of refugees and asylum seekers in recent years. In parallel with this phenomenon, human rights and refugee rights that used to be respected are being suspended now. Members of the European Union have changed their policies towards refugees, and refugees have suffered due to these policies a lot. For example, treatment of Dublin, which is the determinant for members of the European Union, Chambery Decisions and Eurodac, which collects refugees’ finger prints are all walls against which refugees struggle. Thus, if a refugee does not want to stay in a country in which their finger prints already have been taken, he or she can cut their fingers in some cases (Topaloğlu, 2018, p. 151). These three blocking systems work together. And these liberal-national precautions make people displaced and stateless, and for this reason, these people always have to continue living with fear of being kicked out of the places they reside (Topaloğlu, 2018, p. 155).

The acts of states, like neglecting refugees or letting them to die, cannot actually be seen as attempts to violate rights. This is because, the Refugee Convention (1951), in Article 33, declares that may some refugees can be refused because of probable “danger to the security of the country”:

The benefit of the present provision may not, however, be claimed by a refugee whom there are reasonable grounds for regarding as a danger to the security of the country in which he is, or who, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of that country.

Migration is not something new for the world, so it is worth examining why European countries named this case as “refugee crisis” following the migration to the continent of Europe. The usage of this expression more commonly after 2015 shows us that massive immigrant movement means a kind of corruption or depression for Western modernity. Europe also sees refugees as a threat to their modernity’s basic principles of individualism, improvement, rationality, precision, and completeness. Since the age of enlightenment, Europe has stigmatized non-Western societies as backward, inferior, and other by absolutizing the values of Western modernity. Following this path, European countries have continue to idealize their perspective in order to preserve their image of ideal completeness by applying their classifications to the refugee issue.

Özgül argues that if there is a crisis, this is the crisis of modern people, not refugees. This crisis, for her, is a humanitarian crisis that calls into question the modern values, and this may be a turning point of modern history. But this crisis cannot be thought to be independent of modern exception practices. To take into consideration the refugee issue as an exception in modernity, it is much easier for Western countries to treat this issue as a threat (Özgül, 2016, p.5).

Bauman’s explanation in *Modernity and Ambivalence* can help us to comprehend the situation of refugees in depth. For him, otherness in modern states is a perversion. This is because modernity always wants to identify and describe everything. But otherness, or the difference the otherness represents has been considered as a threat to assumed certainty. Since modernity creates fixed definitions of things, those things which can escape from being defined with keen qualifications are counted as an abnormality. Even though all “order impulse” hates everything which is ambivalent, the final product of the modern obsession with about the order is even more ambivalence (Bauman, 2003, p.22-23). And he adds that ambivalence is perhaps the greatest trigger of worry and anxiety in our age (Bauman, 2003, p.31). So-called foreign people have been perceived in a way such that they can always be forced to leave the countries in which they live or at least they can be forced to leave without changing the existing order. Whatever happens the existence of foreigner in

a society is temporary. However, when foreigners refuse to leave, they begin to feel like they have a homeland now, rather than a temporary residence. On the one hand, their native town which they used to belong to or their original homeland begins to become only their past. Perhaps the former homeland will have vanished forever. On the other hand, even if only in theory, the foreigner always holds the freedom of leaving. Thereby, original inhabitants usually do not trust the declarations of the foreigner. But, even more interestingly, most inhabitants are jealous because the foreigner has the chance of leaving the new country they live in (Bauman, 2003, p.89-90). Foreigners for Bauman are the most abnormal thing in a society. This is because foreign situates itself between friend and enemy, chaos and order, inside and outside. It represents the betrayal of friends, the fragility of order, and the vulnerability of the inside. Besides, getting rid of foreigners reflects the re-establishment of the original order. This is not always possible since these foreigners are not a citizen of the country. In addition, begins homeless and rightless may foreigners are powerless, and voiceless even in the circumstances of genocide (Bauman, 2003, p.98).

Among the new security threats which have been expanding and deepening since the Cold War period, migration has been subjected to more and more restrictive and selective policies, as said by Koca. It has a critical place in international politics. Target countries have perceived this category of migration, including asylum seekers, refugees, and unskilled immigrants, as both as an external threat and an unwanted population. This perspective transforms the whole issue into a security problem, as Koca put forwards (Koca, 2014, p.58).

International migration is among the expanding and deepening security threats in the post-Cold War period, and preventive policies against migration towards target countries have been getting more restraining and selective each day. We all observe that “irregular migration” has a special place within these categories and that this category of migration is turned into a threat to safety for target countries due to the fact that people who are put in this category are perceived as an “external threat” or

as an unwanted population, including asylum-seekers, refugees, and unqualified migrants (Koca, B. T., 2014).

States are afraid of the increased number of refugees and the limited resources that they can offer them. As a result, they have invested in the establishment of refugee camps. The UNHCR and charitable organizations support refugee camps because they believe that it is easier to control refugees and also fulfill their basic needs in one place. At first, the camps seemed to be a suitable solution for refugees' residence or food problem, but when researchers conducted fieldwork in these camps, they started to realize that the construction of these places cannot solve the problems of the refugees, and that, it has even created some other problems itself. They learned that the people living in the camps are always in need of economic assistance and remain isolated from the rest of society, in contrast to what they thought in the beginning. So, in sum, these camps have triggered a condition of permanent poverty for refugees (Öner & Öner, 2012, p.188).

Betts considers it necessary to talk about the poststructuralist perspective when he addresses forced migration and security research. In this point of view, modern states are generally described as a controller of their citizens. This way of thinking is based on Michel Foucault's studies in which he says that state has some instruments that have served throughout history to control people's sexuality, health, and crime. He indicates how normality in a human being's attitudes and the legitimate interference of the state determine the anomalies. And here, discourses play significant roles. This is because it is by discourses that the common perception of normality and abnormality is created. And Foucault sheds light on the state's usage of certain techniques, measurements, statistics, and knowledge to control people and to control them (Betts, 2009, p.117).

4.3 Arendt's Solution to the Refugee Crisis: "The Right to Have Rights"

As for Ingram, he borrows the definition of human rights from Ignatieff: "Human rights are meant to protect and promote the freedom and dignity of every human being; they aim at 'empowering the powerless' and 'giving voice to the voiceless'".

For him, human rights studies are intermingled with politics, and he follows Arendt's account of "the right to have rights" in order to explain this relation between politics and human rights. The political view focuses on whether "politics" is successful in practicing human rights or not. interested in a couple of questions such as: "What do these rights , why we have them, what they are based on, how they can be justified." Here, Arendt's philosophy is prominent, since she starts by saying that human rights did not work. To prove this claim, she takes stateless people who lost the citizenship of their home countries during World War II as an example. She claims that human rights did not function because they are evaluated by philosophers out of the field of the political realm. As a result, human rights turned into a "hopeless idealism". As Ingram evaluates, the importance of Arendt's study of human rights lies in the fact that she takes into account both the political and the philosophical view while being interested in the issue of human rights (Ingram, 2008, p.400-403).

Arendt looks back to the ancient regimes and finds that people who wanted to move to another place were protected, but in modern times the state is only the protector of its own citizens (Arendt, 1976, p. 282). Those people who are deprived of their human rights, deprived of are not only the right to freedom but also the right to action, and they are not only deprived of the right to act but of the "right to an opinion." Therefore the term "right to have rights" becomes prominent. "The Right to have rights" means, as Arendt puts it: "...to live in a framework where one is judged by one's actions and opinions and right to belong to some kind of organized community, only when millions of people emerged who had lost and could not regain these rights because of the new global political situation" (Arendt, 1976, p. 296). Arendt pays attention to the fact that "We are not born equal; we become equal as members of a group on the strength of our decision to guarantee ourselves mutually equal rights" (Arendt, 1976, p. 301).

Refugees and asylum-seekers need to be recognized for their ethical demands concerning their initial acceptance to host-countries: friendly border regimes for migrants, more support for national rights, and the right to be a legal person even in the circumstances that a person is not a citizen anymore. Indeed, there should be no

way deprive a person of his fundamental rights and achievements. In addition, according to the writer, every foreigner must be granted citizenship. Another issue related to the issue is that the state of deprivation of citizenship will not coincide with liberal democracy, because at the same time it is also a violation of fundamental human rights. According to Benhabib, the way of providing for all these rights is to provide everyone the right to political membership. The right to political membership should not be discriminatory; it must be applied transparently. At the same time, states and state-like institutions that do not comply with these decisions should be warned by court decisions (Benhabib, S., 2006, p.14). In summary, according to Benhabib, citizenship demands should be combined with the enforcement of clearly defined laws for universal human rights (Benhabib, S., 2006, p.31). As Ecevitoglu makes clear, Arendt's famous concept of "the right to have rights" means that a person has a right to be a part of a political community (Ecevitoglu, 2015, p. 207). And she indicates that this concept has made the recent discussions on "human rights" more mature (Ecevitoglu, 2015, p.208).

The term "humanity" in the context of the "right to have rights" means every individual who belongs to humanity should be guaranteed by humanity itself. This is for her almost impossible. This is because, from all attempts to make new declarations of human rights from international organizations, this should be understood that transcends the present sphere of international law which still operates in terms of binary agreements between sovereign states and the fact that all nations are not represented in the system of sovereign states. Moreover, the idea of "world government" also is not sufficient to solve this dilemma. As she concludes, the violation of human rights generally occurs in totalitarian regimes (Arendt, 1976, 298).

Bauman emphasizes humanity in the matter of immigration by saying that we should put our responsibility for humanity ahead of ourselves and state interests. The concept of humanity also corresponds to what he calls the observation ethic, but the current migration issue does not fit this ethic in two respects. Bauman identifies the worrying circumstance which has emerged as a result of the growing rupture

between the system and processes of “adiaphorization” and moral values. He defines adiaphorization as a phenomenon which signifies the unquestioning attitude of all society towards any formal assessment or court decision about migration issues and which is embodied in the reaction of “this is not my realm of authority”. Ironically, this reaction holds a very bureaucratic perspective. The other point is that through making remote actions possible, observance facilitates the process of separating people from their own practices. For this very reason, a migrant who is coming from a “wrong ethnicity” and who it is thought, should be sent back to his/her home country has a life without any value. And whether he/she is in a life-threatening situation does not matter because of automatized deportation procedure (Bauman, 2013, p.68).

Bauman states that a humanist perspective on the refugee problem must rule and we must realize our own responsibilities for humanity before our own interests or those of the state. The humanitarian view corresponds at the same time to the system he names "surveillance ethics". However, today's refugee problem does not fall with this ethical surveillance in two terms: Firstly, the system named as "adiaphorization" by Bauman is a worrying process heading towards the separation of system and processes from all kinds of moral considerations. Each and every kind of questioning about official assessments or well-timed actions of the justice system are blocked with a bureaucratic answer like "I have no authority for this." Another point is surveillance facilitation of separation human from his own actions by allowing remote activities. Thus, even if the life of a refugee who comes from a mistaken ethnic origin and is considered to be sent back to his own country is in danger, automatization of deporting may cause a senseless and emotionless process (Bauman, 2013).

CHAPTER V

CONCLUSION

Today it is true that life and death are not equal for everyone. Even though life is so important to government agendas, we witness more and more death around us. There is a paradox that sometimes the death of single person can arouse enormous drama, while the mass death of refugees does not arouse even sadness. All we are seeing the world is the building of walls against refugees because of many reasons like terrorism, health risks, fear of economic crisis, and so on. At the same time we are all raised believing certain international and unquestionable notions such as human rights and sanctity of the life. This study has examined how the death of refugees has come to be taken for granted like an usual daily event.

This study has argued that the best theoretical framework to explain of refugee plight today is biopolitics. Biopolitics is grounded in the reality of taking human life as something that may or may not be worth living. In the decision of whose life is worth living and whose is not state racism becomes prominent. State racism makes a sharp separation between the foreigner and the citizen. In this environment, refugees are generally unwanted people in a society. For sake of the best interests of society refugees' deaths seems unimportant. The reason is that someone must die in order for others to live. The walls which are created to avoid refugees and camps, which were basically built as a temporary solution to handle refugees, proves this, since placing refugees behind walls or in a camp is a way of isolating them from others. It seems that people are divided into two groups: those who are important and those who are unimportant. In other words, these refugees are unwanted people, and their deaths, or their living in subhuman conditions, is no one's responsibility.

The figure of *homo sacer* has concretized the concept of biopolitics: the *homo sacer* who can be killed without committing homicide. The life of *homo sacer* is the life that does not deserve to live. The mentality of deciding whether or not a life is worthy of being lived shows the bare life of *homo sacer* and can be extended beyond the limits

imagined. In this sense, refugees who reside in camps who wait in front of border walls or at sea are the perfect example of *homo sacer*. The prefix of the concept of bio-politics itself makes clear the link between *homo sacer* and the concept of biopolitics. The concept of life has been explained with the two words *bios* and *zoe*. *Bios* means “form of life”, but *zoe* means “bare physical life”. Bare life, in other words *homo sacer*, are produced by the sovereign. Sovereignty is situated beyond the law. This means that whoever holds/represents sovereignty can decide who will be left out of the legal order by distinguishing between enemy and friend, or terrorist or alien, or *homo sacer*. *Homo sacer* is a person that today we call a refugee. Moreover, camps are the place where biopolitics become flesh and bone. The reason behind is that people in the camp are deprived of their all political status and they are put in the situation of “bare life”.

Border policies are only natural in the world of nation-states. However, when it comes to the situation of refugees, this is a mass phenomenon, particularly after the collapse of empires, because war has changed the international world and displaced many people. Later fascist governments created civil mass emigration. Additionally, moving around has become harder than before with the nation states. Today, the situation of refugees is desperate. These are all reasons why the problem of refugees cannot be ignored. The international arena has difficulty handling refugees. Since the very beginning, human beings have always moved for different reasons. And makes it impossible to find a place to live. This is because the border policies have surrounded dominantly by “zero tolerance” policy.

The terms *rightless* and *stateless* together are used interchangeably to describe refugees. In this study, alongside the terms *homo sacer-bare life*. Refugees are *stateless* because generally they do not have a country to live without risking their life. Also, they do not have the opportunity to have a new country to stay because of border policies and, more importantly the unfriendly policies towards refugees. Generally, the only place they can stay, if they do not lose their life during their long journey, is camps, where it is impossible to have a proper life. Since people who in a camp cannot earn their living, they do not have political choice. They do not have a

choice about their fate. Under these circumstances, refugees in the international arena are reduced to stateless people.

The sudden deprivation of the state ended with the emergence of “homo sacer”, which means the human whose life is worthless and allowed to be killed. That is, no one is kept responsible in case of homo sacer’s death, as well as it is not a criminal offence to kill him. People who are displaced become “rightless” as a consequence of losing their country of origin. Even though the Universal Declaration of Human Rights guarantees the right to “freedom of movement and residence within the borders of each state”,¹⁰ the example of today’s refugees proves that the declaration does not function well. The reason behind this is the denationalization. The legal dimensions of rightlessness highlight the tight bond between the nation-state as a structure and citizenship or legal personhood as an ascribed status; and within this institutional framework, those who are rendered stateless find themselves without any formal recognition of their rights and legal standing (Gündoğdu, 2015, p. 95-96).

Perhaps this study might be found a bit abstract and exaggerated in its describing of refugees. However, harsh policies towards refugees are getting more and more common. As example, take Denmark’s plans to isolate unwanted migrants on a remote island. Denmark’s government has struck a deal to put unwanted migrants to a remote island used for contagious animals. One spokesperson who is a refugee states that this implies that refugees cause harm or incite crime. That is why refugees are unwanted people. And the solution which Denmark discusses is to isolate them. According to the plan, Lindholm island, which lies two miles out to sea in the southeast of the country and for decades has housed a research center for seriously ill and contagious animals, will be the site for immigration centre with a 100 resident capacity. These center will be for people who do have not a residence permits but cannot be deported because of threats to their life if they are sent home. The intention is to keep these refugees on that island as much as possible, and if possible

¹⁰ <http://www.un.org/en/universal-declaration-human-rights/>

to keep them there their whole life.¹¹ This example show us the warnings offered by Foucault, Agamben, and Arendt have come true.

Also, camps are in all around the world show us the circumstances which asylum seekers are faced. The Refugee Council's figures informs us about the largest camps in the world. For example, Kakuma Refugee Camp which established in 1992 in Kenya is the largest camp in the world with 184,000 residents who are mainly comes from South Sudan, Somalia and from other nations. Beside this camp, Kenya has three more camps respectively Hagadera Refugee Camp with 105, 998 residents, Dagahaley with 87,223, and Ifo with 84,089 residents. People in these camps fled their countries of origin because of civil war. In these camps, there is almost no any oppurtunity to earn money for their expenses, and disease and malnutrition is very common. In Jordan, Zaatati camp is hosting more than 77,000 refugees primarily from Syria. In South Sudan, Yida camp is hosting 70,331 refugees primarily from Sudan. In Tanzania, Katumba camp is hosting 66,416 refugees primarily from Burundi who fled their countries of origin because of civil war.¹² From the onset of Syria conflict, Turkey is the target country for numerous Syrians. Turkey hosts more than three million of refugees in 26 camps. ¹³

According to Human Right Watch's rapport, European governments are unwilling to accept refugees to their countries. Also, the EU and its member states try to not take any responsibility on immigration problem. In 2017, over 150,000 refugees arrived Europe by sea. In the western Mediterranean, there was intensive refugee movement from sea, apart from refugees who arrived the destination almost three thousand people died or missed in the same year. Nongovernmental organizations took part to rescue immigrants, but later, some organizations stopped their rescue operations due to security concerns. Also The European Commission declared that,

¹¹ <https://edition.cnn.com/2018/12/05/europe/denmark-immigrant-island-scli-intl/index.html>

¹² <https://www.refugeecouncilusa.org/category/refugee-camps/>

¹³ http://www.goc.gov.tr/icerik6/temporary-protection-in-turkey_917_1064_4768_icerik

European states hosted 22,518 refugees over the past two years. For the next two years, they announced that they will accept 50,000 refugees to Europe. Although, EU and its member states agreed on that, they did not implement it. Only 29,401 people were accepted.¹⁴ Those who were not allowed to enter, were left die and some resides in a camp and the others were forced to turn back their countries of origins. This shows that “let them die” mentality.

Mohammed Ali is only one of the example who spent his whole life in a Kakuma camp in Kenya. In World Economic Forum he gave a speech as a representative of refugees of that camp. He says his life always shaped by displacements, and confinement. He adds that he spent the last 20 years of his life in a camp. People in a camp, he says that, they are just as the other people who have aspirations, dream, and needs. He gives his mother as an example that his mother never had a chance to leave the camp for 25 years. “We have not figured out life yet and I feel I am on the sidelines, watching in.. Will I spend the next 20 years in the camp?” he asks. Additionally, he says: Will we have a sense of belonging and identity? He asked world the refugee experience must be demystified. Refugees are not animals or criminals, because it is not a crime to flee their country. Mohammed’s speech reveals minor detail about refugees’ living conditions in a camp. His speech is significant since he emphasized that living in a camp means living with uncertainty. Moreover, living in a camp means living nowhere. Since no one cares about what happens in there. People in the camp generally cannot earn money for expenses, cannot have equal education, and health opportunities as as any other basic human needs. Their life is depends on the mercy of a government or NGO’s.

The fate of refugees should not be left in the hands of only some countries. There must be an international organization for keeping refugees safe. All countries should take responsibility for refugees. This is because being a refugee is not very pleasant at all. Additionally, no one wants to leave their country of origin people only do so if there is a death threat, famine, or civil war. Refugees cannot be blamed because of

¹⁴ <https://www.hrw.org/world-report/2018/country-chapters/european-union#907eba>

these circumstances. The ones responsible for these subhuman life the are not the refugees themselves. No one, no matter the reason, should be deprived of life.

The study indicates that it is not a matter of coincidental consequences of fate, but a result of certain biopolitical policies, and that very loop is, again, what put refugees into jeopardy harder than ever. That is, refugees have to struggle harder than ever they have to do before. Indeed, I should add that under the circumstances of today's biopolitical policies, no one is guaranteed that they will not end up being a refugee. Thus, it may be a good time to reconsider the concept of "human", as well as we should rethink the universal declaration of human rights.



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