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# Giorgio Agamben

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Legal, political and philosophical  
perspectives

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## Exemplary subjects

### Camps and the politics of representation\*

Anthony Downey

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*Today, we are in an intervallic period in which the great majority of people do not have a name. The only name available is 'excluded', which is the name of those who have no name.<sup>1</sup>*

*Alain Badiou, 'The Caesura of Nihilism'*

*And so I must carry with me, through the course*

*Of pale imaginings that leave no trace,*

*This broken, idle mill-wheel, and the force*

*Of circumstance that still protects the place.<sup>2</sup>*

*J H Prynne, 'Force of Circumstance'*

Lives lived on the margins of social, political, cultural, economic and geographical borders are lives half lived. Denied access to legal, economic and political redress, these lives exist in a limbo-like state that is largely preoccupied with acquiring and sustaining the bare essentials of life. The refugee, the political prisoner, the disappeared, the 'ghost detainee', the victim of torture, the dispossessed, the silenced, all have been excluded, to different degrees, from the fraternity of the social sphere, appeal to the safety net of the nation state, and recourse to international law. They have been *out-lawed*, so to speak: placed beyond recourse to law and yet still occupying a more often-than-not precarious relationship to the law. Although there is a significant degree of familiarity to be found in these sentiments, there is an increasingly notable move both in the political sciences and in cultural studies to view such subject positions not as the exception to modernity but its exemplification. Which brings us to a far more radical proposal: what if the fact of discrimination, in all its injustice and strategic forms of exclusion, is the point at which we find not so much an imperfect modern subject – a subject existing in a 'sub-modern' phase that has yet to realize its full potential – as we do the *sine qua non* of modernity; its prerequisite as opposed to anomalous subject? What if the refugee, the political prisoner, the disappeared, the victim of torture, the 'ghost detainee', and the dispossessed are not only constitutive of modernity but its emblematic if not exemplary subjects?

In suggesting that modernity's exceptions predicate its social structure and political reasoning, I am alluding here to Giorgio Agamben's theory of marginalization inasmuch as it suggests ways of thinking beyond the distinctions to be had in dichotomies such as inside/outside, centre/margins, or inclusion/exclusion. In albeit abbreviated terms, Agamben is interested in lives lived on the margins of social, political, juridical, medical, and biological representation, not for their exceptional qualities but for their exemplary status: the manner, that is, in which they are both representative of modernity and an admonitory warning to the ontological status of the modern political subject. The exemplary figure of that exceptionalism in historical terms is *homo sacer*, an obscure figure of Roman law who, although once a citizen, is reduced to 'bare life' by sovereign decree and deprived of basic rights before the law.<sup>3</sup> *Homo sacer*, the sacred and therefore separate man – he who is set apart from others by law – is, for Agamben, the increasingly nascent figure of our times; a time in which we are witnessing the effective re-emergence of largely unaccountable, sovereign forms of power.<sup>4</sup> In focusing on margins and thresholds, Agamben is not proposing a discrete topology of victimhood, and this is what draws me to his work here: he is, on the contrary, suggesting that the potentiality to be victimized – the discretionary ability of the sovereign/state to bring the weight of its unmediated power to bear upon the body of its subjects – is an inherent part of living in a democracy. In Agamben's thesis, we are all potentially *homines sacri*.

To date, focus upon Agamben's writings has been largely confined to issues of governmentality, international law, human rights, carceral technologies, and state power. The following chapter will extend those discussions and suggest that his thesis has significant purchase when it comes to considering developments in contemporary art practices and the politics of representation.<sup>5</sup> To this end, my discussion outlines a possible framework within which to explore the aesthetics and politics of representing the zones of indistinction wherein which 'bare life' subsists. The context of that existence and, for Agamben, the most insidious symbol of modernity is the camp in all its incarnations.<sup>6</sup> Camps, in this context, are not just singular, juridico-political structures, nor is their presence to be understood as exceptional in scope; rather, they expose the 'hidden matrix and *nomos* [law] of the political space in which we are still living'.<sup>7</sup> In the increasingly centralized context of modern life, where the impact of globalization, regional conflicts, and mass migrancy dictate the redistribution of populations on both micro- and macro-levels, the camp – often seen as a border-line, peripheral event – has become, like *homo sacer*, emblematic of the space of modernity.<sup>8</sup> A central aspect of Agamben's thesis is therefore concerned with the processes under which those who enter the camp undergo, often in advance of their internment, forms of legal and political delegitimization and the suspension (if not denial) of their right to representation, be it legal, political or otherwise.<sup>9</sup>

In the moment of entering the camp, forcibly or otherwise, individuals have their appeals and rights to legal and political representation abrogated. It is this

abrogation that Agamben sees at the kernel of modernity and its incremental repeal of an individual's rights (to *habeus corpus*, for one) that is concomitant with the emergence of 'states of exception'.<sup>10</sup> Placed beyond political and legal representation, he argues that the subject of modernity increasingly inhabits a zone of indistinction within which their claims to justice and equality can be effectively suspended. And these spaces of modernity are identifiable in the proliferation of camps – in all their transient forms of permanence – across the modern world.<sup>11</sup> Whilst Agamben's thesis is not without its detractors and, inasmuch as these debates remain on-going and contingent, I will not necessarily provide a definitive answer here as to whether or not the camp offers a model or *nomos* of modern space; rather, I will examine how Agamben's thought reaches such a disturbing and yet increasingly evident conclusion.<sup>12</sup> Thereafter, I will highlight the perhaps more tangible but nonetheless elusive issues that have emerged in contemporary art practices that negotiate the figure of *homo sacer* and the topography of the camp.<sup>13</sup> The initial question is relatively straightforward: if the camp has become a paradigm of modern space, and the figure of *homo sacer* its precarious inhabitant, then how has art as a practice responded (if at all) to such developments?

Given the problems that are already associated with the camp as a heavily policed and yet relatively indistinct zone – in terms of the legal and political status associated with such spaces – the aesthetics and politics of representation needs to be articulated around a series of self-reflexive questions: how do you represent, for one, that which is often considered to be *beyond* legal and political representation? How do you avoid over-aestheticizing the reality of the camp to the point where it can be only ever seen as the symbolic space of suffering? If camps are indicative of a prevalent form of spatialization in modernity's quartering of social, political, ethnic and economic relations, then strategies of representation must be devised to fully explicate the specificity of these camps rather than the spectacle of their presence or their generality as motifs of exclusion and injustice. If Agamben is indeed right when he argues that 'states of exception' have increasingly become the norm in Western democracies, and that we are seeing the re-emergence of sovereign power structures, there is a fundamental conundrum that needs to be addressed in the very idea (or ideal) of representing the context of the camps: if the camp is a zone of indistinction – and the individual entering determined by a lack of legal and political representation – then what forms of representation, if any, can be appealed to in order to draw attention to the camp as a geopolitical reality?

### **Political exceptionalism and the object of representation**

The *nomos* (law) of modernity, for Agamben, and the effective spatialization of social, economic, ethnic and political relations in our time was predicated and made all too visible in the concentration camp.<sup>14</sup> 'The camp intended as

a dislocating localization is the hidden matrix of the politics in which we still live', he writes, 'and we must learn to recognize it in all its metamorphoses'.<sup>15</sup> Understood as that which is beyond the boundaries of humanity, it is in the concentration camp – under the exceptionalism promoted by *Schutzhaft* laws – that we find a veritable 'zone of indistinction' in which *homo sacer*, the bearer of 'bare life', is consigned to *conditio inhumana* whilst awaiting the only possible outcome under such conditions: death.<sup>16</sup> There is a clear provocation underwriting Agamben's reading of the concentration camp and the legacy of such camps on western historical consciousness. Long seen as the exception to Western modernity, the brutal riposte to its humanist logic, the concentration camp is here understood to be the law (*nomos*) of a sovereign power – an unaccountable form of rule – re-emerging in modernity and made manifest in the architecture of genocide. How, we may wish to enquire at this stage, does Agamben qualify such a statement which, in all its provocation, would appear to contradict the long-held view of the concentration camp not only as the exception to modernity but the *de facto* schism in western teleological notions of progress. He does this, in part, by examining the ideal of exceptionalism and the paradigm of inclusive exclusion.

Stemming from the Latin *ex-capere*, which means 'taken outside', the exception is that which is 'included through its own exclusion'.<sup>17</sup> 'One ought to reflect', Agamben writes:

On the paradoxical status of the camp as space of exception: the camp is a piece of territory that is placed outside the normal juridical order; for all that, however, it is not simply an external space. According to the etymological meaning of the term *exception* (*ex-capere*), what is being excluded in the camp is *captured outside*, that is, it is included by virtue of its very exclusion.<sup>18</sup>

It is this state of inclusion through forms of exclusion that underwrites the camp, a space that is included by virtue of its exclusion. This is the political (precarious) logic of late-modernity that underwrites the presence of camps: the logic of inclusive exclusion. This inscription of modernity is inherent in the *zones d'attentes* in French national airports, the so-called 'black sites' involved in 'extraordinary renditions' (it is no coincidence that individuals thus rendered are referred to as 'ghost detainees'; that is, liminal figures who are neither verifiably alive nor officially dead); the zones of indistinction that define sites such as Guantánamo Bay in Cuba; and the state of exception that is modern-day Palestine where millions languish under economic, social, political and other exceptional restrictions.<sup>19</sup> From the infamous Sangatte detention centre in Northern France to its unregulated and makeshift replacement on the Nord-Pas-de-Calais coast, known to locals and inhabitants alike as 'la jungle' – the latter being, until its bulldozing in September

2009, home to as many as 800 refugees;<sup>20</sup> from the concentration camps introduced by Field Marshall Kitchener during the Boer war (1899–1902) to the *Konzentrationslager* of the Third Reich (1933–45), not to mention the forced labour camps of the Soviet Union (1918–91) and the infamous Omarska and Keraterm camps set up by Serbian forces during the Bosnian war (1992–95);<sup>21</sup> from the Overseas Military Facility camps operating throughout Afghanistan to the U.N. Relief and Works Agency camps (responsible for food relief and refugee camps in zones of conflict worldwide); and the Federal Emergency Management Agency (FEMA) sponsored camps that were erected post Hurricane Katrina in the Southern States of the USA, to the terrorist training camps of Peshwari and southern Pakistan; from the infamous Abu Ghraib internment facility camp to the cells of Guantánamo (over which the US assumed territorial control under the Cuban-American Treaty of 1903); from the No Border camp (set up to resist human migration control by coordinating international border camps, demonstrations, direct actions, and anti-deportation campaigns), to the so-called offshore camps set up to denationalize the processing and reception of asylum seekers – in all of these instances, we can see the camp as the conditional artefact and contingent fact of modernity if not, if we agree with Agamben, a prerequisite of its political logic.<sup>22</sup>

We may want to also observe here the conditions that refugees endure today in refugee camps the world over, from Mali to Chad (the latter housing refugees from Darfur); from the Sahrawi refugee camps in Algeria to the Palestinian refugee camps in Southern and Northern Lebanon; from the northern border camps of Iraq to the camps emerging along the borders of Jordan and Syria, all of which are included – segregated, that is – in the perverse political logic of inclusive exclusion. Similarly, the island of Lampedusa, off the coast of Sicily, was effectively a staging-post-cum-camp for North Africans keen to migrate in the post-revolutionary climate of 2011, a pattern that was repeated in other holding centres and makeshift camps across southern Europe.<sup>23</sup> We could also note, under the nomenclature of the camp, the landing strip denoted as ‘Base Camp’ near Warm Springs, where CIA aircraft shuttle workers living in Las Vegas to and from a collection of highly secret military bases across the region. These bases, observed by the photographer Trevor Paglen are, in his words, ‘part of a hidden military geography that is known in military and defence industry circles as the “black world”’.<sup>24</sup> We should also include the more visible and perhaps more provisional encampments that were jerry-rigged in New York in September 2011 as part of the Occupy Wall Street (OWS) movement and, one month later and in solidarity with OWS, erected outside St Paul’s Cathedral in London.<sup>25</sup> The camp, in modernity, is prolific, permeable, pernicious, and persistent. In observing as much, we return, broadly speaking, to the central tenet of Agamben’s work on the subject of modernity: the figure who inhabits the camp and other zones of indistinction is that of *homo sacer*, the sacred

and ‘excepted’ man whose is included through his own exclusion, and whose ‘bare life’ – life that is lived beyond recourse to legal and political representation – is posited as the originary and determining political element of sovereign power.

If the abrogation of legal and political representation before the law is a feature of the camp in all its indistinctness and strategically exempted status, then what happens when representation is inserted into an already compromised regime of visibility and answerability? In an all too amenable substitution that merely reconfirms the apparent absence of both self-representation and self-determination in, say, refugee camps, is it possible that visual and imagistic representation comes to stand in for forms of legal and political non-representation? To these already crucial questions we must also enquire into an emergent aesthetic paradigm in contemporary art that takes as its object of representation the nebulous, crepuscular, suspended, precarious, and often fatal predicament of *homo sacer* as the conceptual bedrock of its output without, concomitantly, questioning the broader ‘value’ – in terms of media discourses and the process of representation – attached to such images and their circulation. Suffering, in sum, sells; nowhere more so than when it is repackaged for consumption and rendered symbolic of a general condition rather than situated within a politics and tactics of representation that questions any easy reception or indeed production of such images in the first place. The viewer, distanced and visually satiated, is never asked nor indeed encouraged to question this representational logic. Representation of that which is denied representation – without, that is, some form of self-reflexivity and mindfulness of the current logic of representing camps – can often offer nothing more than a sop to liberal sentiment. Moreover, these non-reflexive forms of representation can also act as an ameliorative to assuage the thought that we, the viewer, are complicit in the production of the very circumstances needed for the camp to come into being as a topographical entity in the first place?

To propose as much is to note two distinct points: firstly, the relationship between aesthetics and anaesthetics proposed in Ingrid Sischy’s perspicacious comments in the early 1990s. The manner, to quote Sischy, in which the ‘beautification of tragedy results in pictures that ultimately reinforce our passivity toward the experience they reveal’. Sischy continues: ‘To aestheticize tragedy is the fastest way to anaesthetize the feelings of those who are witnessing it. Beauty is a call to admiration, not to action’.<sup>26</sup> Sischy directed her comments towards aestheticization as a form of beautification, but, in our age of spectacle and the voracious agenda of a global cultural and media-based economy, the representation of tragedy and trauma is a mainstay of our cultural and visual landscape. If the camp represents a veritable limit zone of indistinction, and its inmates rendered invisible therein, then what are the ramifications of being brought *into* visibility. In entering the realm of the visible, it may appear as if these subjects are being given a voice or



entering into an economy of communication; but representation *per se* does not afford a voice to that which is being represented. On the contrary, it can merely signal the further co-option and denial of that voice. This may be more problematic than it initially sounds if we enquire further into what is at stake in the moment of representation and what exactly is happening when news media or artists go into and record life (and death) in, for example, refugee camps. In making visible conditions within camps and the fact of the camp as a space, we need to ask whether representation reproduces a regime of visibility that encourages spectacle as a means of visualisation and offers representation as a false means to give voice to that which nevertheless remains voiceless? Already excluded by the logic of inclusive exclusion, the refugee is excluded all over again within the spectacle of apparent inclusion through visual representation.

### Vertiginous distances and the subject of representation

The on-going politicization of life today demands that a series of decisions be made about the delimitation of the threshold beyond which life ceases to be politically relevant – where life becomes ‘bare life’ – and is yet still rendered subject to sovereign power. It is no doubt a source of fatal irony that the very moment in which, for example, the inmates of Guantánamo Bay are left bereft of political community – the very moment in which they are reduced to ‘bare life’ – is also, as world opinion attests, the most politicized of moments.<sup>27</sup> These thresholds, between life and ‘bare life’, need to be redrawn from epoch to epoch; so much so that every society modulates the limit of the threshold. The camp was the limit in Nazi Germany at a particular moment in time; but, as Agamben argues, ‘every society – even the most modern – decides who its “sacred men” will be’.<sup>28</sup> Politics, in the context of the camp, concerned itself with that which was apparently unpolitical – ‘bare life’ and its abandonment by the political community – and the implications of this reach beyond the singular abjection of the camps:

If this is true, if the essence of the camp consists in the materialization of the state of exception and in the subsequent creation of a space in which bare life and the juridical rule enter into a threshold of indistinction, then we must admit that we find ourselves virtually in the presence of a camp every time such a structure is created, independent of the kinds of crime that are committed there and whatever its denomination and specific topography.<sup>29</sup>

So how can artists explore the contemporary zones of indistinction that predicate the camps in which modern-day *homines sacri* live and what means do they have for representing that which is predicated on the strategic denial of representation? Liminality, a state in which both subject (*homo sacer*) and

object (the camp) are suspended in legal limbo, produces a tactical demand for artistic practices to self-reflexively explore a number of interrelated issues when it comes to producing the modalities of visibility that underwrite the empirical fact of the camp. Firstly, invisibility is not to be taken literally here but factored within the extra-legal denial of representation. Secondly, the means of production, the form the work takes, the context of spectatorship, the institutional infrastructures involved in its dissemination, the means of display, and the role of the artist as a quasi-ethnographer-cum-witness, all of these elements need to be taken into account if representation is to offer a means for producing the invisible. The abstraction of experiencing the camp (for spectators and artists alike) and the concretion of being denied representation under the *nomos* of the camp itself (for *homo sacer*) needs to be addressed interrogatively through self-reflexive modes of representation that both eschew direct representation – for fear of reducing the camp and ‘bare life’ to anaestheticized spectacle – and yet engage with the vertiginous proximity of the camp as a socio- and bio-political entity.

In the present-day, for Agamben, the single most pertinent and emblematic zone of indistinction, the camp within which ‘bare life’ is routinely politicized, is Guantánamo Bay; the latter a surprisingly durable threshold space where the rule of law has been reduced to a sovereign decree based upon a ‘state of exception’, and the fundamental right to trial and prosecution after arrest has been effectively usurped. Utilising research and theatrical forms of re-enactment, the work of Coco Fusco restages the trauma associated with interrogation in detention camps such as Guantánamo Bay but without directly representing that trauma as such. For Fusco, the camp as a space is not necessarily a zone of total indistinction, it comes with its own internal and highly schematised systems of abuse. In ‘Operation Atropos’, 2006, a 59-minute film, Fusco joined six other women who enrolled in an interrogation training workshop run by Team Delta, a cohort of retired US ex-military interrogators. Dressed in orange jumpsuits, which referred to the ubiquitous clothing worn by inmates of Guantánamo, the film explores the techniques used to extract information in an era of global warfare. The simulated reality of the workshop involves full immersion in the physical and psychological brutality of being interrogated, with the volunteers being bound and hooded throughout. We watch as Fusco and her volunteers are first ambushed, bound, have their heads covered, and are thereafter subjected to ex-military personnel performing, with brutal verisimilitude, the role of guards and interrogators.

In ‘Bare Life Study #1’, 2005, a precursor of sorts to ‘Operation Atropos’, Fusco staged a similar economy of humiliation to draw attention to widespread practices in Guantánamo Bay. Performing the role of a military policewoman, together with 50 drama students acting as her prisoners, Fusco had the ground outside of the US consulate in São Paulo cleaned with a toothbrush – the cleaning of cells with a toothbrush being a regular form

of punishment (if not amusement for some incarcerators) in both Abu Ghraib and Guantánamo Bay.<sup>30</sup> The camp as a physical reality is not, crucially, referenced in any direct way in Fusco's work; rather, the *conditio inhumana* is restaged. The very act of looking at an event, in this instance a re-enacted form of punishment, can only emphasise the impossibility of fully representing the site of the camp as a locale and the economy of violence therein. Nevertheless, the effect of these enactments is affective inasmuch as they restage the event of trauma in a manner that replicates its estranging logic: trauma, that is to observe, is always a deferred event that masks the originary violence associated with it. To this observation, we need to add that trauma is both the event of violence and its afterlife or legacy. It is past and present event that is doomed to be repeated in the future in a vain attempt to ward off associations with originary violence. Which brings us to a further representational conundrum: where can we locate the violence or the 'real' of the camp and the lives subsisting within them? Where does this violence, associated with forms of non-representation, reside? Is it in the event of the actual camp, which we cannot access (literally and metaphorically), or in the representation or simulation of the associated violence? This is not, I should note, an attempt on my behalf to rehearse the all too weary defeatism of a Baudrillardian-inspired belief in the conceptual bankruptcy and devolved authority of reality (violence and conflict) in the face of a simulated reality (the representation of violence and conflict); nor is it the scenario whereby representations or re-enactments of the real become the 'reality' for many. Rather, it is to argue that the camp – the extra-legal site of un- and non-representation – and the 'bare life' subsisting therein must be reified through means other than direct representation.

On the occasion of the 51<sup>st</sup> Venice Biennial in 2005, Christoph Büchel and Gianni Motti staged their 'Guantánamo Initiative' so as to draw attention to the interstitial location of the detention centre and the questionable suspension of legality that brought it into being. Requesting a new lease from the Cuban government for Guantánamo, so as to transform it from a military to a cultural base, the artists displayed treaties and documents to expose what they viewed as the illegitimacy of the United States' lease contract imposed on Cuba in 1903. They also displayed 47 annual rent checks – all of which the Republic of Cuba has refused to cash – that have been issued by the United States to the Cuban Government since 1959. In choosing to not directly represent Guantánamo Bay and the conditions therein, Büchel and Motti engage here with questions of legality and illegality. The extra-legal context of Guantánamo Bay, its anomalous topographical conditionality and exceptional state of being, recalls discussions immanent in Agamben's observations on the carceral anomaly that is Guantánamo Bay.<sup>31</sup> For Büchel and Motti, the subjection of Guantánamo Bay to the very degree of legal rigour that is consistently denied to its inmates is consistent with *not* reproducing the topography of the camp (in terms of spectacle or otherwise), but as a geo-political

and 'legal' fact. The act of looking is rendered askance and deferred through the prism of extra-legality. Representation becomes a sideways glance that is both interrogative and distanced, emanating as it does from a position that questions legal boundaries and the modes of spectatorship involved in reproducing the 'reality' – if, indeed we could – of either 'bare life' in a camp and the reality of the detention camp that is Guantánamo Bay.<sup>32</sup>

This askance mode of viewing the camp, and the scopic drive that determines variations of viewing, is further explored in the work of Trevor Paglen. Coining the phrase 'Experimental Geography', Paglen employs photography as a means to represent that which often remains unrepresented and has produced images of so-called 'black sites' the world over; the latter being veritable non-places where industrial-military complexes produce unverifiable zones of indistinction including, but not limited to, detention camps. Training his cameras on the expanses of Nevada's deserts, Paglen has photographed the Tonopah Testing Range, the depleted uranium fields and control towers of Cactus Flats (in Nevada), and the chemical and biological proving grounds of Dugway, Utah. Using long-range telephotography, telescopes and large format cameras, he has also managed to capture sites that have never been photographed before. In 2006, he produced an image of the infamous Salt Pit, which is located north east of Kabul in Afghanistan.

This 'black site' is but one of the secret prisons set up by the CIA for the processing of 'ghost prisoners' – an apt definition of *homo sacer* as a subject

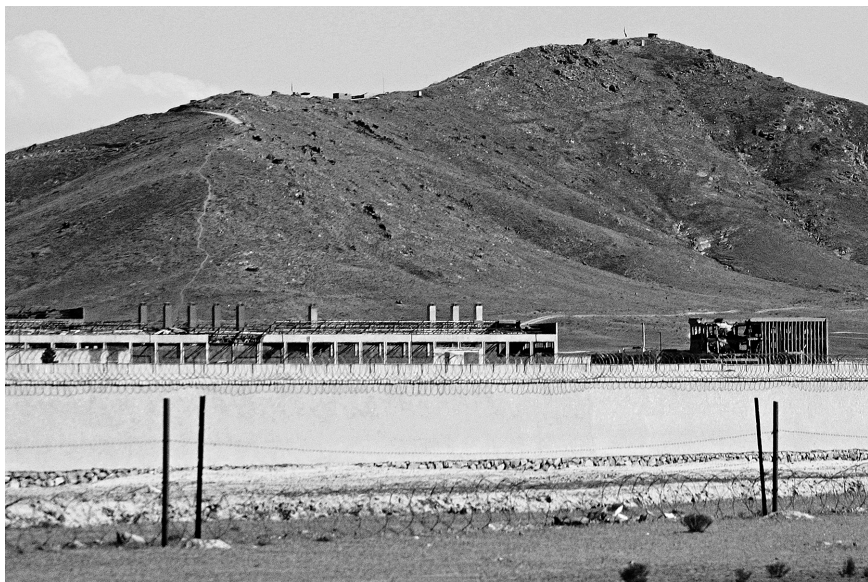


Figure 1: Trevor Paglen, 'The Salt Pit, Northeast of Kabul, Afghanistan' (2006). Courtesy of Trevor Paglen.

suspended between life and death. Synonymous with allegations of torture and homicide, the Salt Pit came to broader international attention following the abduction, arrest, and torture of Khalid El-Masri, a German citizen, who was subjected to ‘special rendition’, transported from Macedonia to the so called Salt Pit, and, whilst there, subject to physical and psychological torture. Using El-Masri’s testimony, Paglen travelled to the region in 2006 and took a photograph of the ‘black site’, purportedly the first and to date only photograph of the site. Describing the process of finding the Salt Pit, Paglen details a process that is akin to detective work:

To find the Salt Pit, I used a collection of commercial satellite imagery, a compass, testimonies from former prisoners, and a map drawn by a former prisoner. Although they were blindfolded, hooded, and shackled, prisoners held who spent time at the Salt Pit consistently describe a ten-minute ride from the Kabul International Airport to the prison. I also had a map drawn by a man named Khaled El-Masri of what he believed the interior of the prison looked like. If you draw a circle around the Kabul airport that represents the distance that one might travel in ten minutes, and compare that to El-Masri’s map, the Salt Pit jumps out at you.<sup>33</sup>

Rather than presenting the viewer with an image of Khaled El-Masri, who had the grave misfortune to be abducted and tortured, Paglen chooses to identify a detention camp and render it – for the first time – visible to a broader public. Whilst it would be critically suspect to second guess Paglen’s motives here, I would propose that the representation of Khaled El-Masri, however poignant, could conceivably play into the logic of the spectacle that underwrites media-based agendas and the overt aestheticisation of *homo sacer* and the victimary logic of ‘bare life’. In rendering visible that which was formerly invisible, Paglen engages in a self-reflexive process that reproduces a topographical reality that had remained classified and, to all legal and political intents and purposes, non-existent.

There were two photographs taken by Paglen in this series, the other, notably, of a separate ‘black site’ whose name remains unknown and detailed only as ‘Black Site, Kabul, Afghanistan’, 2006. This image, if anything, is more ominous than the photograph of the Salt Pit. The latter appears in the mid-distance, squat, functional and almost at one in its environment. The unnamed ‘black site’ in Kabul is more immediate in its framing and all the more menacing in its mundanity. Brought to Paglen’s attention by human rights activists in Afghanistan, this site seems situated in a leafy, urban area. The entrance, guarded but relatively non-descript, has a large red STOP sign painted in its bunker-like walls and a sentry post complete with flood-lights. Its presence is all the more troubling due to the

fact its remains nameless, an indication, no doubt, of its nefarious and on-going declassified but all too easily deduced function.

In foregrounding the logistics and problems of representing the camp as an actual site, Paglen's work, as with Büchel and Motti's, alludes to a singular conundrum in the representational logic that attends images of camps world-wide: the representation of detention camps, in being brought into visibility as a form of spectacle, can remain visualized, explained and represented in a manner that not only elides their contingent and all too durable logic, but also render such spaces as symbolic of suffering and displacement. This is the perennial issue faced by representations that takes as their subject social, political, economic or cultural inequality: the documentation of injustice – or the discursively segregated other – can often present an aesthetically over-determined subject who becomes not only depoliticized but symptomatic of both suffering and otherness. And this is doubly problematic in the context of the detention camp inasmuch as it is precisely the process of depoliticization – the suspension and denial of justice, rights and equality – that has been already visited upon the subject who enters it. Tactics and strategies of representation need to be developed that produce the invisibility of the camp – the legal and political denial of representation – as a reflexive and interrogative visibility that questions the very basis of exclusion and, likewise, the spectacular logic of exclusion.

Throughout artist and activist Ashley Hunt's work there is a similar intention to schematize the 'invisibilities' associated with 'bare life' and the zones of indistinction in which camps proliferate. In his large scale 'A World Map: In Which We See', 2005, nodal points orbit one another in a series of increasingly complex relationships, with each point attracting or linked to another by the sheer weight of its discursive reality. Areas associated with 'bare life' connect to 'sovereign power', 'privilege/subjection', 'inclusion/exclusion', and 'human rights'; elsewhere, phrases appear linked in a causal chain, including 'bodies stripped of social function'; 'bodies stripped of utility for state/capital reproduction and accumulation'; and 'bodies stripped of rights'. Hunt's schematics, an attempt to produce images that articulate the visible and the invisible, address not only global trends and population shifts in, for example, prison populations but also the plight of refugees within the framework of neo-liberalism and the 'states of exception' that have emerged in the inequitable forms of development associated with globalisation. These maps, for Hunt, theorize how 'prisoners in a domestic context, and refugees in an "extra-national" context, compose a growing body of stateless persons, upon whose erasure and subjugation global affluence and neoliberal capitalism are built'.<sup>34</sup>

In not representing camps as such, nor those subjected to 'bare life', and choosing instead to schematize the inter-relations between capital, statehood, sovereign power, and their role in producing the zones of indistinction in which the camp exists, Hunt's work would appear reflexively conscious of

the conundrum of representing camps when it comes to that which, legally and politically, remains beyond representation. In his reference to the work of Avery Gordon, specifically her writings on ‘complex personhood’ and visibility as a form of prohibition, Hunt argues that the representation of so-called victims, whilst it is presumed to humanize individuals, ‘tends to victimize people more, still denying them what [Avery] Gordon has referred to as “complex personhood.” Sympathy may be effective and sometimes necessary, but it is not empathy, and it is terribly close to pity’.<sup>35</sup> The aestheticization of victimhood, the moment of its symbolic reproduction as spectacle, is yet another form of victimization.

Whilst in broad agreement with Hunt’s observations here, it is arguable that empathy, or the apparent reification of empathy, is equally part of the conundrum under discussion – offering as it does yet another salve to our conscience as we look at images of suffering without absorbing our contingent role in that suffering. It is arguable, moreover, and *pace* Hunt, that empathy – the appeal to a liberal, humanitarian, and ethical consensus on victimhood – is a fundamental part of the problem of representation. This line of argument was articulated by Alain Badiou in *Ethics: Towards an Understanding of Evil* where he argued that empathy, articulated around the logic of otherness and forms of humanitarianism based upon neoliberal consensus, is the co-efficient of weak paradigms of ethics that have come to determine our modern take on the plight of refugees.<sup>36</sup> Badiou’s thesis returns us to the imminent need to situate the terms of reference being used in discussions of refugee camps, detention camps, and the so-called ‘black sites’ where ‘ghost detainees’ are deposited for processing – a situatedness that is often compromised by a representational logic of spectacle and its supposed eliciting of empathy and understanding under the name of humanitarianism.

To the extent that Hunt’s works draws attention to its modes and means of representation, which in turn underwrite its concepts regarding extra-territoriality, it also focusses on the way in which images are produced by an author and subsequently received by the viewer. There is no such thing as a decontextualized viewing experience and the artist, institution, critic and we, the viewer/participant, are all involved in the syntax of producing and maintaining forms of cultural production. To note as much is to argue for a form of radical situatedness when producing images of the camp. In *Episode I*, 2003, the Dutch-born film-maker Renzo Martens takes these points to their limit, drawing our attention to the conditions under which images of refugees and camps are produced and for what reasons. For his film, Martens travelled throughout a war-torn Chechnya during the insurgency that followed the siege and subsequent levelling of Grozny in 2000. In a quasi-journalistic attempt to record what was happening there, Martens approached refugees in a UN humanitarian camp and, in an inversion of the reporter-cum-interviewer format, not only asked them what they thought of his presence there

but other questions less associated with either conflict or indeed the run-of-the-mill truisms we have come to expect in such circumstances. A young girl is quizzed on the meaning of love; an aid worker is questioned on the role of the media in the conflict; and a young Russian soldier is cajoled into giving a few lines on the true nature of his feelings. The resulting film shows the various reactions – ranging from amusement to derision to denunciation – to Martens’ provocations.<sup>37</sup>

Martens self-reflexivity in *Episode I*, which consciously borders on narcissism (if it is indeed possible to be both self-conscious and narcissistic at once), can at times produce excruciating results. On more than one occasion he asks his various interlopers why they think cameras come to film them; what they think about the aid agencies that are there to assist them; and, in a UNHCR briefing on the refugee crisis, he has the temerity to ask what the various NGO workers and UN representatives think of him. His question, at the end of such a sensitive briefing, is met with incredulous laughter and Martens could be dismissed here as being not only self-serving and crass but blithely unaware of the circumstances that surround him. In one scene, he goes so far as to ask a man whose face has been badly burnt – and who has just spoken of how disfigured he feels when he looks in the mirror – whether or not he finds Martens handsome. This apparent insensitivity, however, tends to mask the extent to which *Episode I* is a critique of its context, setting



Figure 2: Film still from *Episode I*, Renzo Martens (2003), installation at FACT (Foundation for Art and Creative Technology), Liverpool as part of *My War* (2010). Images courtesy of FACT.



and circumstances: it exists as a film to draw attention to the very means of its existence and the extent to which the media thrives on suffering and conflict in camps such as these the world over. The symbolic figure of the refugee in the humanitarian camps that dot conflict zones remains forever the object of information and not, as in Martens' film, the contingent subject of communication.

The awkwardness of Martens' questions to the inhabitants of the various camps he visits also produces a sense of unease in the viewer, a shameful-ness, if you will, on our behalf for what he is doing in our name. And it is 'in our name' that these images are produced – by which I mean the manner in which the news media report on events in conflict zones and the various incarnations of camps is often 'in our name' inasmuch as our desire to see (not to be confused here with understanding) is the moving force behind the production of such images and their dissemination. This recalls my earlier point: namely, the way in which news media outlets, under the pressure of neo-liberal, free markets, need to produce images that exploit forms of disengaged spectatorship plays all too aptly into the viewer's inability to commit to any response beyond the distancing salve of sympathy and empathy. Excruciating as Martens' film may be, it is in fact an excoriation of both a media-defined regime of (in)visibility – and all of the compromises inherent in that – and our comfortably numbered reactions to such images.

Among the many questions raised by Martens is whether certain narrative and filmic devices can position the viewer – in the face of the often brutal events unfolding on-screen in camps and elsewhere – in the culpable role of accomplice in the events we are watching? And in so doing question the soporific of the self-serving sympathy we casually offer when faced with the tragedy of such events. If we are indeed shocked and surprised by the casual cruelty and disingenuousness displayed in Martens film, we may want to ask why we are shocked and surprised: why do these images, and not the stock media images, bring out such responses in our otherwise anaestheticized forms of engagement? Martens not only engages with the extent to which narrative and video implicate the viewer as a protagonist of sorts in the events portrayed but also, crucially, explores simplistic ethical responses to this work. There is, in short, no such thing as an innocent bystander-cum-viewer in *Episode I*. The voyeurism of the film becomes our scopic desire to see more and all the while remain desensitized to the events portrayed – anaesthetized, if you will. But the film denies any easy solace or accommodation of the viewer's desire to see and yet not see. Moreover, as one observer has noted, Martens 'is clearly asking one of the most important philosophical questions in contemporary art, which is whether resistance and criticism are possible in the arts and whether or not there is even such a thing as engaged or committed art'.<sup>38</sup>

There is more to say on Martens' film than space allows here. It is perhaps sufficient to note that his approach to filming – in both camps and

elsewhere – refuses any easy forms of aestheticization or indeed any form of assuaging disassociation in relation to the events he records. The self-consciousness of the artist cannot be, nevertheless, a substitute for truth as such and can only ever reveal the ambiguities and ambivalences – through forms of Swiftian satire and irony that directly confront the pieties and empty ethical gestures of our age – that attend the representation of that which is denied legal and political representation: the subject of ‘bare life’ and the extra-legal, exceptional space that is the camp.

Whilst the camp may be a predominantly localised location, it can also encompass an entire region. In Ursula Biemann’s *X-Mission*, 2008, she notes that the case of the Palestinian refugee and the camps they inhabit is representative of the ‘exception within the exception’. Utilizing interviews with a lawyer, a journalist, an architect, an anthropologist, and a historian, the film layers its approaches to the camp as a distinct fact and in turn utilizes the formal context and format of video – in a multiple-layer video montage – to understand the production of the camp as an evolving, decentralized site of both physical and mental cohabitation. The use of the formal context of video for interviews and on-location footage, alongside the format of video



Figure 3: Ursula Biemann, film still from *X-Mission: A Video and Text* by Ursula Biemann (2009). Courtesy of Ursula Biemann.

to download other footage and link into a broader network, mimics the fact of the camp itself as a complex discursive space existing within broader forms of interaction – and not, as it were, a static, fixed model of incarceration and internment. Writing of the processes and practices involved in this and other films, Biemann observed the following:

Besides this historical re-contextualisation, and the non-dialectical approach at unfolding knowledge, there is another aesthetic strategy at work in this video essay. Like most of my other video works, *X-Mission* establishes a direct correspondence between the conceptual structure of the video and the particularities of the place it describes. A video on circuitous border movements calls for a different formal structure than one on clandestine, rhizome-like transit migration, or yet another on the construction of an oil pipeline running through three territories. The question of the geographic characteristics of the camp is crucial for the video montage. Video, in sum, does not merely record events, but is used as a ‘cognitive tool’.<sup>39</sup>

This layered visual format, moreover, simultaneously relates to the discursive, virtual and real nature of the Palestinian refugee camps in all of their regional dis-locatedness and forms of overlapping; a reality that has come to determine the day-to-day living conditions within and beyond the camps.<sup>40</sup> Biemann writes:

To render this condition I opted for the form of a cultural report that includes local analysis by experts (architect, anthropologist, journalist, historian) while drawing on data and video material from ‘You Tube’, suggesting use of media that connects the camp to the global distribution of cultural power.<sup>41</sup>

In the broader context of the camp as the potential *nomos* of modernity, we may want to pause here and ask what *X-Mission* tells us about the fact of the refugee camp today and the potentiality for representing it without reducing it to a symbolic presence. Crucially, Biemann is interested in the ‘post-national’ context of Palestine, the fact that in a time where the nation state seems under threat of further dissolution, where does that leave claims for a Palestinian nation. Which brings us to a series of further questions: what models of belonging lie beyond those offered by the nation state and how do we pluralize the fact of the camp – in all its undoubted structural and political unjustness – so that agency and self-determination can be accounted for within its confines.<sup>42</sup>

One of Biemann’s subjects in *X-Mission*, Shaadi Abu Zakqa, argues that the camp is ‘nothing more than a waiting room until [he] gets the right to return’.<sup>43</sup> The right to return, Abu Zakqa clarifies, can be equated with the

right to choose. There is a volitional context here that further alerts us to Biemann's emphasis on agency within the camps, the ability to act rather than to be continually and irremediably acted upon. Writing in the notes accompanying her film, she argues that the camp is not necessarily the site of 'bare life', a life that exists beyond political and cultural distinctions, but is rather 'a highly juridical space of dispossession and repossession'.<sup>44</sup> The distinction is important. 'Growing urban dissolution, enclavization and ghettoization on a global scale', Biemann further observes, 'assign people different sorts of spaces, mobilities and rights. The refugee camp is but a systemic variety of a condition, emblematic of developments in late capitalism'.<sup>45</sup> In her film, Biemann explores the camp as a 'variety of a condition' to be found in late-capitalism and not just the calamitous and sometimes fatal idiosyncrasy of modern-day nation-building. As an emblem of late capitalism, the camp is still indicative of a logic within modernity. This logic, like the status of refugees in the camps, might be precarious – in danger, that is, of imploding in on itself – and it might be also ultimately self-defeating; but, it still underwrites and maintains the exceptional exceptionalism – underwritten by the logic of inclusive exclusion – of the Palestinian refugee camp on a number of levels, be they juridical, political or economic.<sup>46</sup> And it is with these practices in mind that we return to Agamben's modest proposal: the camp is the 'hidden matrix and *nomos* [law] of the political space in which we are still living'.

### By way of inconclusivity

In an oft-quoted sentence from Jacques Rancière, he argues that '[p]olitics exists wherever the count of parts and parties of society is disturbed by *the inscription of a part of those who have no part*'.<sup>47</sup> In the *part who has no part* we find the refugee, the one who remains unaccounted for, the one who hovers between life and death, legality and illegality, representation before the law and its obverse: fatal non-representation. And the space in which he resides is often, in whatever form it takes today, the space of the camp. The interrogative representation of the camp brings this excepted subject to the fore; it can assure, in short, a 'capacity for appearance' in an otherwise prescribed order and spectacular regime of visibility.<sup>48</sup> Finally, without these tactical forms of representational self-reflexivity and commitment on behalf of artists and film-makers to interrogate the assumptions of their practices, we run the risk of reducing the camp to a symbolic presence – and therefore placing it *beyond* politics – which would in turn mirror the very process that could one day see the law (*nomos*) of the camp, to gloss Agamben, become the only logic of modernity. 'We can expect not only new camps,' Agamben adds in a monitory note, 'but also new and more delirious normative definitions of the inscription of life in the city'.<sup>49</sup> The camp, in sum, and to return to our opening comments, could one day appear on our horizon not as the

exception but exemplification of modern forms of organizing space and our relationship to it. And it is in the moment of representing these zones that we can see the subject of 'bare life' for what it is: the abandoned subject of modernity that nonetheless exposes the potential relationship of all subjects to modern forms of power.

## Notes

- \* This essay is a revised and extended version of 'Zones of Indistinction: Giorgio Agamben's "Bare Life" and the Politics of Aesthetics', (2009) 98 *Third Text* 109–25, and 'Camps (or, the Precarious Logic of Late-Modernity)' (2011) 13 *Fillip* 38–47.
- 1 Alain Badiou, 'The caesura of nihilism', Lecture delivered at the University of Essex, September 2003.
  - 2 J.H. Prynne, *Force of Circumstance and Other Poems* (London: Routledge 1962).
  - 3 It should be noted that Agamben's term *homo sacer*, the sacred man, is deployed not so much to indicate the religious experience implicit in the term *sacer* as it is to highlight the other more subdued meaning of the term 'sacred': namely, that which is 'set apart'. In this structure of exceptionalism, the 'sacred' does not reveal a religious element as such, rather, it further defines the moment of being set apart and takes on the hue of accursedness. Agamben's use of the phrase 'bare life', however, is related to the Greek term *zōē* and Hannah Arendt's description of the refugee's 'naked life' in Hannah Arendt, *The Origins of Totalitarianism* (Orlando: Harcourt, 1951). The phrase also has a counterpart in Walter Benjamin's use of 'bare life' (*bloßes Leben*) in Walter Benjamin, 'Critique of Violence', in eds Marcus Bullock and Michael W Jennings, *Selected Writings, volume 1, 1913–1926*, Cambridge: Harvard University Press, 2004). The term 'bare life', as opposed to the literal Italian translation 'naked life' used in the original version of the book, has been largely adopted by translators and commentators alike.
  - 4 In *Political Theology*, Carl Schmitt proposed that the legal order ultimately rests upon the decision of the sovereign. It is the sovereign who determines a 'state of exception' and it is therefore the sovereign who suspends legal order – discontinues or defers its authority – so that legal order can be re-established at a later, less calamitous date. This is perhaps the central paradox of the rule of law under sovereign power: a state of exception – martial law for example – initiates the suspension of law so that the rule of law can be reinstated down the line. The problematic, as Agamben puts it, is when the 'state of exception' – the suspension of law and all that such prorogation entails – becomes the rule. See Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*, trans. George D. Schwab (Chicago: University of Chicago Press, 1985).
  - 5 A number of shows have recently taken up on the element of 'bare life' in Agamben's writings, including *Morality*, Witte de With, Rotterdam (May 2010–September 2010); Documenta 12, Kassel, (16 June 2007–16 September 2007); and *Bare Life*, Museum on the Seam, Jerusalem, 2007.
  - 6 For Andrew Norris, the camp prefigures the grounds for a number of contemporary thresholds: '[c]ontemporary instances of this threshold abound, from refugees and people in concentration camps, to "neomorts" and figures in "overcomas" whom we are tempted to turn into organ farms'. Andrew Norris, 'Giorgio Agamben and the Politics of the Living Dead', in ed. Andrew Norris, *Politics, Metaphysics, and Death: Essays on Giorgio Agamben's 'Homo Sacer'* (Durham: Duke University Press, 2005), p.10.

- 7 Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, trans. Daniel Heller-Roazen (Stanford University Press: Stanford, 1998) p.166.
- 8 The artist and film-maker Ursula Biemann has referred to the refugee camp as a capsule that indicates the intricate political demands of the present. She suggests that the camp is a 'capsule where populations are suspended from the legal order that governs their lives, defined and regulated according to the United Nations' humanitarian conventions and the volatile domain of international politics'. See Ursula Biemann (2009) '*X-Mission: A Video and Text by Ursula Biemann*' in ArteEast, available online at: <http://arteeast.org/pages/artenews/extra-territoriality/249/> (accessed 8 March 2013).
- 9 It is no coincidence that if the person entering the camp was a Jew he had already been deprived of his rights as a citizen by the Nuremberg laws (the so-called *Nürnberger Gesetze* of 1935) which, in the moment of deploying a pseudoscientific approach to biological antecedents and dubious classifications of progeny, effectively denaturalized the Jews on the grounds of race.
- 10 Agamben argues that such 'states of exception' have reached their maximum worldwide deployment in our time: '[t]he normative aspect of law can thus be obliterated and contradicted with impunity with a governmental violence that – while ignoring international law externally and producing a permanent state of exception internally – nevertheless still claims to be applying the law'. See Giorgio Agamben, *State of Exception*, trans. Kevin Attell (University of Chicago Press: Chicago, 2005), p.87. It is precisely this creation of a 'threshold' space, within which juridico-political decision-making finds validity, that delimits the 'state of exception'. Agamben further notes that '[i]n this sense, the sovereign exception is the fundamental localization (*Ortung*), which does not limit itself to distinguishing what is inside from what is outside but instead traces a threshold (the state of exception) between the two, on the basis of which outside and inside, the normal situation and chaos, enter into those complex topological relations that make the validity of the juridical order possible'. See Agamben, *Homo Sacer*, p.19.
- 11 It is important here that the traditional notion of transience associated with the camp be addressed. After the exodus of Palestinians in 1948, thousands of refugees arrived in Sidon, a city located in the south-west of Lebanon. Originally made of tents, these camps became, and remain to this day, permanent features of the city. These refugee camps also constituted *de facto* neighbourhoods of Sidon, but had a separate legal and political status that effectively gave them the status of enclaves. For Charlie Hailey, writing in *Camps: A Guide to 21st Century Space*, the presence of camps has made it 'increasingly difficult to define categorically what is temporary and what is permanent'. He continues: 'Not resolving these questions but effectively tempering their relevance, camps work conditionally – from temporary to permanent and permanent to temporary'. See Charlie Hailey, *Camps: A Guide to 21st Century Space* (Cambridge: MIT Press, 2009), p.4.
- 12 One of the more insightful critiques of Agamben's work to date is Jacques Rancière, 'Who is the Subject of the Rights of Man?' (2004) 103 *South Atlantic Quarterly* 297–310. (Republished in Jacques Rancière, *Dissensus: On Politics and Aesthetics*, London: Continuum, 2010).
- 13 We could note here the distinctions to be had amongst artists who engage with issues concerning refugee camps (Renzo Martens, Yazan Khalili, Yasmine Eid-Sabbagh, Ursula Biemann Phil Collins, Dalia Khamissy, Bruno Serralongue, and Jawad Al Malhi); detention camps (Coco Fusco, Ashley Hunt, Christopher Büchel and Gianni Motti); concentration camps (Harun Farocki, Artur Zmijewski, Omer Fast, and Santiago Sierra); internment camps (Reza Aramesh, Nada Prlja,

- Ayreen Anastas and Rene Gabri); labour camps (Steve McQueen); protest camps (Mark Wallinger); and transit camps (Ursula Biemann and Yto Barrada). For the purposes of my essay, the majority of artists discussed here look at refugee camps and detention camps.
- 14 Giorgio Agamben, *Remnants of Auschwitz: The Witness and the Archive*, trans. Daniel Heller-Roazen (New York: Zone Books, 2002).
  - 15 Giorgio Agamben, *Means Without End*, trans. Vincenzo Binetti and Cesare Casarino (Minneapolis: University of Minnesota Press, 1996), p.44.
  - 16 Schutzhaft was an extra-legal measure to effect the rounding up of Jews for their 'protection' in Nazi Germany. As a measure it did not effect a need for a judicial warrant to be issued for their imprisonment, nor did it warrant their appearance before a judge. In short, the extra-legal law of Schutzhaft is a prime example of how sovereign 'states of exception' beget the conditions for 'bare life' to exist under the logic of inclusive exclusion.
  - 17 Agamben, *Homo Sacer*, p.170. It is worth noting here artist and videographer Ursula Biemann's observation in respect of the exempted inclusivity of the camp as a space of modernity. '[i]n the Palestinian case', (Biemann noted), 'we have to understand the refugee camp above all as a spatial device of containment that deprives people of their mobility and condemns them to a localized life on extremely reduced grounds. Yet at the same time, the refugee camp is a product of supra-national forms of organization (United Nation High Commissioner of Refugees, NGOs) and in that sense, connected systemically to a global context'. See Biemann, *X-Mission*'.
  - 18 Agamben, *Means Without End*, p.40. There is a degree of correspondence to be had here in Aihwa Ong's discussion of exceptionalism and exclusion in relation to forms of neo-liberal governance. 'I conceptualize the exception', Ong writes, 'as an extraordinary departure in policy that can be deployed to include as well as exclude'. See Aihwa Ong, *Neoliberalism as Exception: Mutations in Citizenship and Sovereignty* (Durham: Duke University Press, 2006), p.5.
  - 19 In the absence of sovereign state status and with approximately five million Palestinians living as refugees, Palestine has been referred to as a 'laboratory of the world' and would appear to be the *sine qua non* 'zone of indistinction' – a point not lost on Agamben in his work. See Giorgio Agamben, 'Beyond Human Rights', in *Means Without End*, pp.15–26. A considerable number of books have been written on the anomalous nature of life under occupation in Palestine. I would direct readers to one of the more recent volumes for a comprehensive overview of these arguments. See eds Ophir, A., Michal Govni and Sari Hanafi, *The Power of Inclusive Exclusion: Anatomy of Israeli Rule in the Occupied Palestinian Territories* (New York: Zone Books, 2009).
  - 20 It is perhaps of interest to observe, given the sense of hiatus and limbo associated with camps and detention centres, that the term 'Sangatte' is of Flemish origin ('Zandgat') and means a 'gap in the sand'. It is also perhaps ironic, given its more recent association with detention and stasis, that the first flight across the English Channel was made from the beach at Sangatte by Louis Bleriot in 1909.
  - 21 The Omarska and Keraterm camps were also the site of so-called 'rape camps'. Much has since been written on the way in which rape was used as a form of ethnic cleansing. For extended enquiries into this subject, see Mary Valentich, 'Rape Revisited: Sexual Violence Against Women in the Former Yugoslavia' (1994) 3 *Canadian Journal of Human Sexuality* 53–64; and Todd A. Salzman, 'Rape Camps as a Means of Ethnic Cleansing: Religious, Cultural, and Ethical Responses to Rape Victims in the Former Yugoslavia' (1998) 20 *Human Rights Quarterly* 348–78.

- 22 In the realm of this logic, and adding further detail to the ‘zones where illegal migrants are parked by national authorities’, Agamben also highlights the stadium in Bari where Italian police rounded up illegal Albanian immigrants in 1991 before returning them to their country; the winter cycle-racing track to which the Vichy government consigned Jews before giving them over to the Germans; the *Konzentrationslager für Ausländer* in Cottbus-Sileow where the Weimar republic gathered Jewish refugees from the East; and the *zones d’attentes* in French national airports. It is the structure of the camp, Agamben argues, ‘that we must learn to recognize in all its metamorphoses into the *zones d’attentes* of our airports and certain outskirts of our cities’. See Agamben, *Homo Sacer*, p.175.
- 23 Following the beginning of humanitarian crisis in Syria, Turkey opened the Altinozu refugee camp and another was opened on the island of Malta. A listing of legal, semi-legal, and official camps in and around Europe is published by the Flüchtlingsrat Niedersachsen (Niedersachsen Council on Refugees and Exiles). See: <http://www.nds-fluerat.org/> (accessed 25 June 2013).
- 24 Paglen further notes that ‘[w]hen one begins to count the number of obscure military installations lurking in the recesses of the Nevada desert, an entire “black world” does indeed seem to appear, albeit fleetingly. From their daily departures out of Las Vegas and other cities to the hidden recesses of the Military Industrial Complex, the Janet fleet’s flight plans trace the outlines of this “black world”’. See Trevor Paglen (2006) ‘A Most Peculiar Airline’, available online at: <http://vectors.usc.edu/issues/4/trevorpaglen/> (accessed 8 March 2013).
- 25 Occupy London were *in situ* next to St Paul’s Cathedral from 15 October 2011–14 June 2012. OWS began its occupation of Zuccotti Park in New York’s financial district on 17 September 2011, it was forcibly ended on 15 November 2011.
- 26 See Ingrid Sischy, ‘Photography: Good Intentions’, *The New Yorker* (9 September 1991), pp.89–95. Sischy’s concern was largely to do with what she termed the ‘visual rhetoric’ employed by the photographer Sebastião Salgado who produced photographs fuelled with a form of ‘emotional blackmail’. Aestheticization, to repeat her argument, produces anaestheticization: an inability to deal with the particularity of the subject portrayed beyond its symbolic and depoliticized significance.
- 27 In 2008, the Supreme Court of the United States ruled by a 5-4 in favour of a case brought on behalf of detainees held at Guantánamo. Those incarcerated in Guantánamo, the Court ruled, have full rights of *habeas corpus* under the US constitution. This followed a number of similar rulings that dogged the administration of George W. Bush and their attempts to have such trials held in military courts. However, a series of appeals court rulings since July 2010 have made it increasingly difficult for Guantánamo detainees to win their habeas corpus cases. See Warren Richey, ‘Supreme Court deals blow to Guantánamo prisoners challenging their detention’ *Christian Science Monitor* (11 June 2012), available online at: <http://www.csmonitor.com/USA/Justice/2012/0611/Supreme-Court-deals-blow-to-Guantanamo-prisoners-challenging-their-detention> (accessed 8 March 2013). It is estimated that 779 detainees have been imprisoned in Guantánamo Bay since it opened, of which 600 have been released. It is further estimated that 171 detainees are still house in the detention camp. See Eli Clifton, ‘By The Numbers: 10 Years At Guantánamo Bay’, *Think Progress* (11 January 2012), available online at: <http://thinkprogress.org/security/2012/01/11/402586/ten-years-at-guantanamo-bay-by-the-numbers/> (accessed 8 March 2013).
- 28 Agamben, *Homo Sacer*, p.139.
- 29 Agamben, *Homo Sacer*, p.174.



- 30 In *Torture Team: Deception, Cruelty and the Compromise of Law*, Philippe Sands clarified a number of issues in relation to debates regarding Guantánamo Bay and Abu Ghraib. Firstly, and despite opposing assertions from the Bush government, Sand argued that the ‘illegitimate’ torture techniques used in Abu Ghraib can be traced to the so-called ‘legitimate’ interrogation techniques authorized for use in Guantánamo Bay. These ‘techniques’ included the deployment of so-called ‘water-boarding’, sleep and sensory deprivation, the use of stress positions, sexual and religious humiliation, and environmental manipulation – all of which are in contravention of Common Article 3 of the Geneva Convention. On the subject of these methods, a three-page memorandum listed 18 techniques of interrogation methods that were all new to the US military, including the use of ‘mild, non-injurious physical contact’. The document was signed by Donald Rumsfeld on 2 December 2002. See Philippe Sands, *Torture Team: Deception, Cruelty and the Compromise of Law* (London: Allen Lane, 2008).
- 31 It should be noted here that whilst Agamben’s writings in *Homo Sacer* effectively preface his discussion of the ‘state of exception’ that is Guantánamo Bay, his critique of such a state of affairs was largely developed in *State of Exception*, which has been read as a sequel to the former volume. Drawing a line from Carl Schmitt’s work to the present day emergence of sovereign forms of power in the United States, it is in *State of Exception* that Agamben brings his argument to bear on the political exceptionalism that has been deployed by the Bush administration in its ‘war on terror’ and its transcendentalist appeal to democracy, God, and justice. It is germane to note in this context that Peter Weiss, vice-president of the Center for Constitutional Rights, makes a direct connection between Carl Schmitt’s thinking on sovereignty and President Bush’s views on the powers of the executive branch of government. Commenting upon a recent Supreme Court decision in favour of detainees in Guantánamo, Weiss enquires into the source of the disagreement over inmates there: ‘Basically, it was over the president’s opinion, which owed a great deal to that of vice-president Dick Cheney and Cheney’s chief-of-staff David Addington, that the primary duty of the executive branch is to defend the national security of the state at whatever cost. That this opinion may be sincerely held is beside the point; that it partakes more of autocracy than of democracy is beyond doubt. In this it represents a considerable departure from the thinking of America’s “founding fathers”, but comes close in some ways to that of Carl Schmitt, the influential German jurist who furnished the philosophical basis for the Nazi regime.’ Peter Weiss, ‘Boumediene v. Bush: Guantánamo and Justice’, *Open Democracy* (19 June 2008), available online at: <http://www.opendemocracy.net/article/boumediene-v-bush-guantanamo-and-justice-0> (accessed 8 March 2013).
- 32 For Milena Tomic, the fact of ‘bare life’ being unrepresentable likewise calls for representational strategies that both acknowledge this unrepresentability and yet document, through the act of witnessing, this very fact. Tomic’s thesis, although focussing specifically on ‘bare life’ as opposed to the camp as a geopolitical entity, is interesting inasmuch as it draws upon Agamben’s own aesthetic thesis in *Remnants of Auschwitz: The Witness and the Archive* and the impossibility of representing ‘bare life’ through any other means than those that remain in the lacuna between experiencing ‘bare life’ in Auschwitz and bearing testimony to such a condition. See Milena Tomic, ‘Reframing the Invisible: On the Uses of “Bare Life” in Art’ (2009) 22 *Topia* 159–78.
- 33 See Trevor Paglen (2006), *The Black Sites*, available online at: <http://www.paglen.com/?l=work&s=blacksites&i=1> (accessed 8 March 2013).

- 34 Natascha Sadr Haghghian and Ashley Hunt, 'Representations of the Erased', in eds Maria Hlavajova, Jill Winder, Binna Choi, *On Knowledge Production: A Critical Reader in Contemporary Art* (Utrecht: BAK, 2008), p.169.
- 35 Haghghian and Hunt, 'Representations of the Erased', p.168.
- 36 Badiou writes: 'We must reject the ideological framework of "ethics", and concede nothing to the negative and victimary definition of man. This framework equates man with a simple mortal animal, it is the symptom of a disturbing conservatism, and ... prevents us from thinking the singularity of situations [...] There is no ethics in general. There are only – eventually – ethics of processes by which we treat the possibilities of a situation'. See Alain Badiou, *Ethics: Towards an Understanding of Evil* (London: Verso, 2001), p.16.
- 37 I am reminded here of Aernout Mik's *Raw Footage*, 2006, a collation of footage from the Bosnian war that was deemed 'too boring' and mundane for mainstream news media outlets such as Channel 4, CNN, and the BBC and edited out of the broadcasted footage.
- 38 Els Roelandt, 'Episode III: Analysis of a Film Process in Three Conversations', (2008) 16 *A Prior*, available online at: [http://aprior.org/article/renzo\\_martens\\_episode\\_3](http://aprior.org/article/renzo_martens_episode_3) (accessed 8 March 2013).
- 39 See Biemann, '*X-Mission*'.
- 40 I would also direct readers to a work by Emily Jacir that, in part, explores this form of Palestinian extra-territoriality. The work in question, *Ramallah/ New York, 2000–05*, is a two-channel video installation that looks at the lives of Palestinians living in New York and in Ramallah. Eschewing images associated with media depictions of Palestine, Jacir's video is relatively low-key and shows images of travel agencies, hairdressers, and newsagents in both cities and the people who work there. There is, as in Biemann's film, a concern here with the transcendence involved in understanding space as opposed to its restrictions.
- 41 Biemann, '*X-Mission*'.
- 42 Biemann writes: 'Given the importance of the inter-connectivity among these separated pockets of Palestinian populations, *X-Mission* attempts to place the Palestinian refugee in the context of a global diaspora and considers de-territorialized models of belonging that have emerged through the networked matrix of this widely dispersed community'. See Biemann, '*X-Mission*'.
- 43 For further information on Biemann's *X-Mission* see, '*X-Mission*', available online at: <http://www.geobodies.org/art-and-videos/x-mission> (accessed 8 March 2013).
- 44 Biemann, '*X-Mission*'.
- 45 Biemann, '*X-Mission*'.
- 46 I am conscious here that the term 'precarious' has been used to describe the state of being that exists within camps and the fact of 'bare life'; that is, life beyond political and legal representation. However, in this context, I want to tentatively propose that this logic of precariousness is itself precarious and subject to debate. For further discussions of precariousness in relation to 'bare life', see Judith Butler, *Prekarious Life: The Power of Mourning and Violence* (London: Verso, 2004).
- 47 Jacques Rancière, *Dis-agreement: Politics and Philosophy*, trans. Julie Rose (Minneapolis: University of Minnesota Press, 1999) p.123 (emphasis added).
- 48 Jacques Rancière, 'Politics and Aesthetics: an interview' (2003) 8 *Angelaki* 191–211. I should observe here that Rancière's comments in this interview were directed towards a critique of *inter alia* Hannah Arendt and contemporary readings of her work by theorists such as Giorgio Agamben.
- 49 Agamben, *Means Without End*, p.44.