

**Prolegomena to the  
Study of People and Places  
in Violent India**

**Ananya Vajpeyi**

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Foundation for Universal Responsibility

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*Kissa-e-dard sunaate hain ki majboor hain hum...\**

– Muhammad Iqbal  
“Shikwa: 2” (1909)

*Willingly or not we come to terms with power, forgetting that we are all in the ghetto, that the ghetto is walled in, that outside the ghetto reign the lords of death, and that close by the train is waiting.*

– Primo Levi  
“The Gray Zone” (1986)

\* “We narrate a saga of pain, for we must...”

Khushwant Singh translates the line from Urdu as:

“We speak out now, we are compelled to repeat our tale of woe.”

# Preface

This monograph will not be one. It will be a set of long and short pieces, all broadly related to one another and published over time by WISCOMP. I have long agonized over the genre in which to present the findings of my study. In the end, I took a friend's suggestion to use the essay form, since it probably best reflects the role of serendipity in my research methodology, and permits room for reflection unencumbered by scholarly apparatus. The first essay, published here, is written as a letter to the Italian political philosopher, Giorgio Agamben, whose work is the basis of my own. The essays can be read as a series or as separate pieces of writing: they were born in a single crucible of time and reading, but follow distinct threads of thought.

My project took birth in a moment of personal despair. I applied for a WISCOMP fellowship in the early stages of deep and debilitating crisis. Confronted with catastrophe in my own life, I turned, by some instinct whose origins seemed unclear, to a site of pain in the larger world of politics: the space of the camp. Two and a half years later the connection between my private experience and my choice of a theme for scholarly investigation is transparent to me. At that time, however, I failed to see how I was seeking to generalize, corroborate and perhaps displace what I was going through, vis-à-vis a context that far exceeded the calamities of an individual's destiny. It dawned on me that no one is protected. My journey into the pain of others gave me a path out of the thickets of my own distress.

I want to attend to violence and suffering in an analytical mode because I see and sense, and perhaps to a certain extent undergo, these realities of the human condition. One is forced to process both violence and suffering in an immediate way, viscerally, but it must also be possible to think about them in a manner that allows one to transcend the state of merely being a sensitive individual and instead to actively intervene in the world. I believe that regardless of the quantum of one's own exposure to or experience of human pain, it is one's responsibility to address it in some fashion. I suspect I'm not the sort of person who works as a volunteer in a relief camp or runs a rehabilitation program for refugees. Nevertheless I could, I hope, help others to think through the 'camp' and the 'refugee' as categories of objects-in-the-world, to

perceive and comprehend them as states of being, to become aware of them as effects and instances of violence and suffering that invite redress.

Together these pieces (the first of which appears here) are a meditation on the space of the camp and the figure of the refugee. I had intended, and accordingly proposed to my various benefactors, employers and funding agencies, to ground my investigation in India, where I thought I would identify a few major relief camps and interview their inhabitants. What I have decided to do, instead, is write about a set of linguistic, photographic and filmic texts, some of which have reference to India and many of which don't, referring instead to Europe, Africa, or other parts of the world. My reading has been as much about all that Slavoj Žižek condenses into the terrifying phrase "Shoah and Gulag" as it has been about conflict in South Asia. It is not that I could not, in the course of my research, visit Indian campsites. I did travel to Jammu, where Pandits from Kashmir have been displaced in large numbers. I planned, not once but twice, in two consecutive years, an extensive fieldtrip to Gujarat, where Muslims found themselves in camps and ghettos after the violence of 2002. Many friends and colleagues offered to help me find my feet in Gujarat. I will return to Jammu, and visit Gujarat eventually, but not as a part of this project. Ethnography and empirical scholarship have their place, but for now I have kept my work largely textual. The reason for such a decision lies in the faith I have, in the humane and humanizing work of the kind of knowledge that we refer to as "theory", and in my belief that at first (or at least at first), one must approach suffering through the epistemologies of humanism and the human sciences, and not in the spirit of either data-collection or a curiosity, howsoever empathic, about the misfortunes of individuals.

In his important essay of 2003, "Necropolitics", Achille Mbembe has built on the work of, among others, Hannah Arendt, Michel Foucault and Giorgio Agamben, to create a theoretical framework for the study of violence in – to some extent colonial but primarily – post-colonial Africa. (He is also concerned, in that essay, with Marx and Hegel, and with Georges Bataille, but I am setting aside these others for the moment). My own effort is to build on Arendt, Foucault and Agamben as well, only for India, or for South Asia more broadly. By "violence" I mean to indicate a number of related themes, viz., conflict, rule of

law, citizenship, politics, power, state authority, policing, injury, humanitarianism, relief, emergency, war, displacement, migration, and so on, that converge in the categories of the camp and the refugee. This array, and the inter-relatedness of its constituents, will become clear, I hope, in my writing. Miriam Ticktin has undertaken a similar exercise, focusing on immigrants in contemporary France. (Besides Arendt, Foucault and Agamben, Ticktin relies heavily on Carl Schmitt and Walter Benjamin too). Since I am beginning my project later, I have the advantage of being able to learn from, incorporate and in some places argue against both Mbembe and Ticktin, in addition to drawing on the basic groundwork that we all share. Naturally, while all of these have been invaluable resources, I cannot do much for South Asia using, for example, Arendt's preoccupation with the Holocaust, Foucault's detailed study of early modern and modern European institutions, Agamben's insistence on Roman law and Nazi jurisprudence, Mbembe's obsession with death and with extreme forms of violence, and Ticktin's specific analysis of race and immigration in French law. Many ideas developed by these writers are suggestive, but cannot go far in describing, analysing or predicting South Asian phenomena. Needless to say, what follows is a first pass at theory-building: by no means will I be able to present anything like an adequate theoretical tool-kit for the study of "people and places in violent India".

Indians of my generation have seen at least three moments of horrific communal violence: Delhi 1984, Ayodhya 1992 and Bombay 1993, and Gujarat 2002, besides bloody and on-going war in Kashmir and in the Northeast. (Many of us were also around during the Emergency in the mid-late 1970s, but perhaps were too young to make much of that alarming passage in the history of independent India). These events, together with the political ascendance of the Hindu Right in the 1990s, have made it impossible for some of us not to be concerned at the spectre of fascism that forever haunts our apparently democratic polity. My former classmate and friend Tenzin Rigzin (previously named Vinish Gupta), a monk in the Tibetan Buddhist order domiciled in India, is not in agreement with me about the need to describe and analyse suffering within the parameters of the humanist discourses. "Do you not think that enough has been said?" he asked me, and of course the answer to that is "Yes" – but it is also, surely, "No". Each one of us must do what is within one's admittedly limited capacities. I reminded him of, and reiterate here for my readers, my inability to write about

these matters from within the discourses of transcendence, in which I have no competence whatsoever, nor much hope of ever gaining any. Let us leave redemption to those who are its experts, and proceed into the darkness. If the light does not shine from above, at the very least we can keep our eyes open.

**Ananya Vajpeyi**



# Acknowledgements

Between August 2004 and April 2006 my reading, research, travels and lectures have received support from several organizations. Principal among these have been WISCOMP: Women in Security, Conflict Management and Peace, New Delhi; Waag Society for Old and New Media, Amsterdam; the South Asia program at SAIS: School for Advanced International Studies, Johns Hopkins University, Washington DC; Centre for the Study of Law and Governance, Jawaharlal Nehru University, New Delhi; *The Indian Express* newspaper, and Nehru Memorial Museum and Library, New Delhi. In addition, I have also benefited from my interactions with the Human Rights Project at Bard College, New York and the Peace-building and Conflict Transformation post-graduate diploma programme at Lady Shri Ram College for Women, New Delhi. A brief consultancy I did for Delhi Policy Group in January and February 2006, working closely with Radha Kumar, helped me to understand very clearly the difference between the discourse of policy and that of political theory, even when both might be addressing the same subject, namely conflict.

It has been fortunate for me that I came to receive support from these particular organizations, even though they might seem to constitute an unlikely set. I have had occasion to observe a variety of institutions where scholars, activists and policy-makers do work on conflict, violence, migration, and so on. It's not as if these other places fail to produce a substantial output of findings. But I've realized that I must have the right environment – “right” for me, that is – in terms of both methodology and politics if I am to be able to think creatively. My sense is that I might not have enjoyed the freedom to do research and writing in the way that I have wanted to, had I not been able to go back and forth between the worlds of academia, journalism and art – a mobility that all of my host institutions thus far have facilitated, or at the very least tolerated. If I had been forced to function from a conventional office environment, I doubt I would have anything to show for time spent. I do face some scepticism (including, occasionally, my own) about my abilities as a specialist of this or that subject, but in the end, it must be said that I could not keep this boat afloat except by tacking back and forth between disciplines and professions.

Also likely to stop one dead in one's tracks are some of the common ailments afflicting many sites of knowledge production in the contemporary political climate: cynicism, conservatism, insincerity and authoritarianism. I am lucky to have found myself for the most part among people who I know are ethical in their everyday life as well as their intellectual labour. For key institutional and logistical support I wish to thank Meenkashi Gopinath, Geert Lovink, Paul Keller, Janine Huizenga, Sunil Khilnani, Neerja Gopal Jayal, and Amit Prakash. Thanks also to Dilip Simeon and Thomas Keenan. Shekhar Gupta and Raj Kamal Jha hired me, without my having any experience whatsoever as a journalist, to be the opinions editor of their newspaper, *The Indian Express*: I am grateful to them both for that interesting and educative opportunity. Had I not been, for a time, an insider in the media, I would not have come to appreciate properly why Mark Greif calls the newspaper "a barometer of the metaphysical environment".

Ever since I first got to know him in mid-2004, Pratap Bhanu Mehta has been my most generous interlocutor. Besides spending enormous amounts of his own precious time patiently walking me through all sorts of arguments, he has mobilized research opportunities, money and goodwill for me from various quarters at every turn, driven by a faith that I have done very little, thus far, to deserve – no amount of thanks would be adequate. Ramachandra Guha has been similarly generous over the course of more than a decade that I have known him (but especially in the last two or three years), and I know of no way to thank him either.

Friends on three continents have done more than their fair share by suggesting books, films, exhibitions and fieldtrips, besides engaging me in conversation both in person and on email. I specially want to thank Ravit Reichman, Wim Klerkx, Emmanuelle Ornon, Jeroen de Vries, Fr Rudolf Heredia, Davide Panagia, Miriam Ticktin, Achal Prabhala and Cecile Landman, who bore with me through radical transit with patience, good humour and encouragement, and, each one in his or her own way, introduced me to new ideas or materials that proved critical to my arguments. Paul Keller, who began by being a colleague and became a friend, has shown me by example the genuinely enlightened politics that is possible when young Europeans embrace the best of the Continent's liberal, rational, secular, egalitarian and in all ways progressive traditions. I wish more people of our generation shared his credo.

Basharat Peer has pushed me to write like no one else ever has, and shown the way with his own passionate pursuit of both the writer's craft and the reporter's trade. His presence in my life has led me to become more aware, often painfully so, of the relentless connection between one's personal beliefs and one's practice as an intellectual. In other words, he has made two things, writing and politics – as well as the relationship between them – inescapable for me, I hope permanently so. He has also taught me, somewhat paradoxically, that political commitment, while being important, is only an element in and need not be the guiding principle of one's life – people come first.

I sketched the outlines of this research project in an unlikely but nevertheless singularly enabling environment: the offices of Avestha Gengraine Technologies. Dr. Viloo Morawala-Patell, scientist and CEO, was generous enough to give me space in her lab in Whitefield, outside Bangalore, between September and November 2003. I must express my gratitude to Viloo for shelter from the storm. For care similarly timely and precious I would have thanked Dr. N. Murari Ballal, of Udupi, Karnataka, but he was killed in a road accident in August 2004.

In June 2005 I made a brief trip to Jammu. I met many people there who helped introduce me to the city, its academy, its newspapers and its camps for displaced Pandits from the Valley of Kashmir. My thanks to Nirojini Bhan, Rekha Chowdhary and Amitabh Mattoo of the University of Jammu, Anuradha Bhasin-Jamwal of *Kashmir Times*, and staff at the local office of *The Indian Express*. I would hope to return to Jammu, and especially to the Pandit settlements in and around the city, many more times, before attempting a book-length work on the camp and the refugee.

Shiv Visvanathan commissioned, in Chicago in May 2003, an article on violence for a special issue of the journal *Seminar* that he was to edit. He never did edit such an issue, but the manuscript of the article I wrote for him became the starting point for this volume. *Seminar* subsequently carried a different but related essay of mine, arguing for a law against genocide in India, titled "The Face of Truth" (No. 542, Oct 2004). Thanks to the editors of *Seminar*, Harsh Sethi and Tejbir Singh, who went back and forth with me on email for several weeks in order to get my piece up to speed. Around the same time I wrote another piece, on the movements of migration, titled "From nation to camps"

for *Biblio* (Vol. IX, Nos 11 and 12, Nov-Dec 2004), at the invitation of its assistant editor, Manisha Sethi, who was putting together a special issue on Migration and Asylum. My thanks to Manisha as well.

A series of interventions I made in a web-based conversation moderated by Jordan Crandall between October and December 2004 appeared in a volume edited by him, *Under Fire.2: The Organization and Representation of Violence* (Rotterdam: Witte de With Centre for Contemporary Art and V2 Institute for Unstable Media, 2005). Thanks to Geert Lovink for introducing me to this conversation, and to Jordan Crandall for welcoming me on board. I posted other fragments of my research on the Sarai Reader List ([www.sarai.net](http://www.sarai.net)) as and when I wrote them. My work has also been posted on the lists JUSTWATCH, SAJA, Spectre, Net-time and SACW, and in the Electronic Social Sciences Newsletter ([www.esocialsciences.com](http://www.esocialsciences.com)), on rare occasions by me, but mostly by friends and colleagues, and often by strangers.

Sundeep Dougal, editor of *Outlook* magazine's web edition ([www.outlookindia.com](http://www.outlookindia.com)), repeatedly gave me the challenging opportunity to take cutting-edge European political theory to English-language journalism's audiences worldwide – that too in the context of news stories from India. Nearly a dozen opinion and editorial pieces I wrote for *The Indian Express* between July and December 2005 ([www.indianexpress.com](http://www.indianexpress.com)), and one or two pieces I was unable to have published within the parameters of journalism, also allowed me to think through particular subsets of the larger problems addressed here. Some of my writings have also appeared in *The Telegraph* and *The Times of India*.

MA, MPhil and PhD students at the Jawaharlal Nehru University, New Delhi, and students in the Peace-building and Conflict Transformation post-graduate diploma course at Lady Shri Ram College, New Delhi, bore with me through several lectures and seminars between February and November 2005, where I rehearsed many of the ideas presented in this volume. It has to be said that the issues I discussed and the readings I prescribed were often theoretically complex as well as affectively disturbing. Since I have not had a regular teaching position thus far, these classroom experiences at JNU and LSR, which forced me to communicate difficult subject matter to (mostly) young people, proved very valuable, at least for me. It also helped me to attend the World Social Forum in Mumbai in January 2004 and in Karachi in March

2006, and the European Social Forum in London in October 2004, all of which exposed me to the role of migrants as historical agents, and not just as the victims of history.

In the background of these essays is a set of Power Point slides, almost fifty in all, made together with Janine Huizenga, Creative Director of the Waag Society for Old and New Media, Amsterdam. Janine and I created those slides over several weeks of brainstorming in De Waag, throughout October and November 2004. I supplied the concepts as well as some of the raw images, but most of the images used, besides the design and technical component of the work, were entirely hers. Janine built a visual vocabulary – and a rather beautiful one, I might add – for me to be able to illustrate what I was trying to say.

The things I talked to Janine about had the double disadvantage of being highly abstract to begin with, and not entirely clear even to me at that stage. Yet somehow she found a way for me to show what I had to tell. (This has to do not just with her brilliance as a designer, which is patent, but with her empathy for questions of human suffering, which is a subtle gift). Having the slideshow on my laptop even after I left Amsterdam, and being able to show versions of it to different audiences in Europe, in the US and in India, transformed the project for me. It is difficult to thank someone adequately for such creative and constructive collaboration, and for the discovery of a shared aesthetic. Bjorn Wijers at the Waag Society helped Janine with his inputs: thanks to him as well, especially for his two computer algorithms that played on my “Words of War”.

Perhaps one ought to acknowledge sources of inspiration, even when they are separated from one forever by death. I have been moved to enter intellectually into matters relating to pain, displacement and imagery by the work of three great minds of the twentieth century: W.G. Sebald, Primo Levi and Susan Sontag. Besides the extraordinary lucidity, even luminescence, of their language, and the dispassionate way in which they engaged with the most terrible violence and the most acute suffering, what affected me deeply was the humane quality of their writings. Surely humanism is underrated, if not outright rejected, in the academy nowadays.

The influence of these three humanists must explain, to a large extent, my decision not to write up my findings as a research paper, or a project report. I began to think seriously about the work of photography after

I went to an exhibition, in the summer of 2004, of a few very large photographs by the Frenchman Luc Delahaye titled “History”, at the Huis Marseille in Amsterdam, at the recommendation of my friend Wim. I have subsequently looked at most if not all of his photographic oeuvre. Delahaye too, in my estimation, is a humanist. I have also deeply admired the theoretical writing of Elaine Scarry and the anthropology of E. Valentine Daniel on the subject of pain.

Most recently my friends Manan Ahmed and Mahmood Farooqui, and my former teacher Bruce Lincoln, all accomplished linguists, have generously helped me with the difficult task of untangling the vocabularies of martyrdom and witnessing in different languages and families of languages, and in the different religious traditions associated with them. I am grateful to them, especially Mahmood, who responded to my queries despite his reservations about the relevance of theological etymology to contemporary political action. Thanks also to Hartosh Singh Bal, who very kindly lent me his copy of the biography of Primo Levi by Ian Thomson.

My thanks to Manjrika Sewak and her colleague Dr. Sumona DasGupta at the Foundation for Universal Responsibility, New Delhi. They have both been congenial to work with over the course of my protracted tenure as a WISCOMP fellow. Behind everything, of course, is MG: it is at her door that all praise must come to rest. The blame, naturally, is my own.

Finally, I had planned, at its very inception in the summer of 2003, to give this work to Dilip Simeon. Even though it may be less than adequate as an offering to someone who has taught me a great deal without ever being my teacher in any formal sense, here it is –

*For Dr. D*

**Ananya Vajpeyi**

## Note

I have had next to no formal training in political science. I have approached texts of political theory, therefore, on the basis of my training in theory more broadly, that is to say, literary, linguistic, cultural and critical theory. This means that I have had to make up my reading list in political theory as I went along. I discovered in the course of my research that a number of short texts are very useful, perhaps even necessary, for entering into the work of Giorgio Agamben. These are: Michel Foucault's "Right of Death and Power over Life", Walter Benjamin's "Critique of Violence", Hannah Arendt's "The Perplexities of the Rights of Man", Primo Levi's "The Drowned and the Saved", "The Gray Zone" and "Useless Violence", and Achille Mbembe's "Necropolitics".

Many more texts, by these and other authors, could perhaps be added to this list – certainly Thomas Hobbes, Martin Heidegger and Carl Schmitt must contribute an equally important and enabling set of co-texts – but in the time I have had to read around Agamben thus far, I have found these seven pieces to be absolutely indispensable. They are all easily available in print and on the Internet; they are all lucid, jargon-free, relevant despite the passage of time, and none the worse for having been translated into English from other European languages. I would recommend them to anyone about to read my first essay, written, as mentioned already, in the form of a letter to Agamben. With these texts in the background, it ought to be possible to proceed to unpack Agamben's formulations, often difficult for non-specialists, about the space of the camp and the figure of the refugee, as he develops them over the course of several of his own books. A good place *not* to start would be Jacques Derrida's essay, "Force of Law: The 'Mystical Foundation of Authority'", meant, like much of Agamben's own work, as a commentary on Benjamin's "Critique of Violence".

My newspaper writings have their own set of essential background readings: Susan Sontag's *On Photography, Regarding the Pain of Others*, and "Fascinating Fascism"; Roland Barthes' *Camera Lucida*; W.G. Sebald's four "novels", but especially *The Rings of Saturn* and *Austerlitz*, as also *On the Natural History of Destruction*; Samantha Powers' *A Problem from Hell: America and the Age of Genocide*;

Hannah Arendt's *Eichmann in Jerusalem: A Report on the Banality of Evil*; the photographs of Gilles Peress and Ron Haviv from the Balkan conflict and of Stanley Greene from Chechnya; and Claude Lanzmann's long documentary film, *Shoah*. (This last may be impossible to find in India; nonetheless, I feel that more Indians ought to be exposed to it. I am grateful to Ravit Reichman for insisting that I watch it).

Although I will not refer to them directly, it was also useful for me to watch *Route 181*, a film by Michel Khleifi and Eyal Sivan on their journey through Israel-Palestine, very kindly lent to me by Tom Keenan, as well as *Final Solution*, a film on the violence in Gujarat in 2002, by Rakesh Sharma. Although overtly none of them depicts violence, viewer discretion is advised in watching these three films. They are set in very different parts of the world and historical moments, but all of them chronicle conflict, suffering and the camp as was Agamben calls "the hidden matrix" of politics in our times, and consequently make for difficult viewing.

The strand in my work that addresses Kashmir would not have been possible for me to write if I had not seen Pankaj Mishra's trilogy of reportage pieces on Kashmir for the *New York Review of Books* (Sep-Oct 2000), the poems of Agha Shahid Ali, the paintings of Nilima Sheikh based on these poems (I have in mind the scrolls she has named the *Firdaus Quartet*), and the book, tentatively titled *The Red Sky: Journeys in Search of Kashmir*, that Basharat Peer has been writing for the past three years, and that will be out, hopefully, in 2007 if not sooner.

Moreover, some years ago as a student of Indology I read the riveting essays, five or six in number, of the Oxford Sanskritist Alexis Sanderson on the esoteric subject of Kashmiri Shaivism, especially Kaula Tantra. I did not grasp, then, that Sanderson was writing about a remote past that is irrevocably lost (it's possible that he didn't grasp this fact either). Finding the political present of Kashmir to be utterly severed from its intellectual heritage of the first millennium has been a shock that is absolutely constitutive of my current understanding of this part of the subcontinent. I will own up to this, because in India one is more accustomed to historical continuity than historical rupture, more so, I would hazard, than in countries like Iran, Iraq and Egypt. An assumption about the continuity of the past in the present – along with the politics entailed by such an assumption – underlies a great deal of scholarship about India (including my own in the context of the state



of Maharashtra). I have provided bibliographic details at the end of my letter to Agamben.

At the time when I first made a proposal to WISCOMP in September 2003, it included the following section, on the projected relevance of my work:

**“Policy Relevance:**

If the case were made convincingly that the camp and the refugee are ubiquitous phenomena in India’s political modernity, then it would be become feasible to suggest policy measures along the following lines:

- Greater constitutional checks on police autonomy.
- Greater judicial intervention against police and state violence.
- A nation-wide estimate of refugees, a sort of comprehensive refugee and displaced persons census.
- A systematic mapping of camp-sites all over the country.
- A thorough legislative review, and where possible a rescinding of so-called ‘emergency laws’.
- An examination of the palliative and constructive role of humanitarian agencies in episodes of mass violence.
- Allowing more such agencies, private and public, Indian and foreign, to operate freely within the country.
- Making India a signatory to such international treaties and conventions that protect human rights, outlaw genocide, and rehabilitate refugees as it might be holding back on ratifying.
- Persuading the government to set up an institution along the lines of post-Apartheid South Africa’s Truth and Reconciliation Commission.
- Conducting public trials of political leaders, state functionaries, police officers, and military personnel who might be guilty of crimes against humanity on Indian territories.
- Improving bilateral relations with countries that share borders with India and therefore send and / or receive migrant and refugee populations in significant numbers.

*Indian citizens have every interest in supporting the maintenance of the rule of law, and ensuring that the spaces of exception to the rule of law shrink to the smallest possible scope and scale.”*

While I would stand by everything I proposed in my original plan, I have elected not to write in the mode exemplified by the passage above. Would such a choice mean that my research is, in the end, devoid of any practical use? Obviously, I don't think so. But I have deliberately distanced myself from, if not eschewed altogether, the rhetoric of practical knowledge, not so much for aesthetic reasons as because I have found it, too often, to side-step so much that is painful and difficult about both conflict and the study of conflict, and I am not comfortable doing that myself. Hannah Arendt has described the predicament of finding some register of meaning between the incommunicability of pain, and the pointless dwelling on horrors. This is hard enough a task, but today one is also confronted with the additional problem of choosing between a variety of disciplines and vocabularies that purport to address violence and displacement in a “useful” manner. My minimum effort has been to avoid, as far as possible, a kind of discourse that renders banal aspects of human experience deserving of an attentive seriousness, over and above serious attention.

# Introduction

*Letter to Giorgio Agamben* is a brilliantly conceived and resourcefully argued meditation on the nature of modernity. It can be asserted, with some justification, that the true character of modernity is nowhere revealed more powerfully than in the existence of the “camp” – a banal rendition of the horrific physical and metaphysical realities of modernity. Whether treated as an institution or as a metaphor, the camp brings forth the aporias of modernity in more ways than one can list. In the first instance, the camp is a lawfully created site of lawlessness, a juridically sanctioned space for the existence of almost unbridled discretionary power. Its inhabitants are defined by various legal regimens, yet they themselves have almost no legal standing. They are reduced to, in Agamben’s phrase “bare life.”

The camp also signifies the central paradox of both liberalism and modernity. The paradox is, as Hannah Arendt noted, that the effective realization of human rights requires the constitution of peoples into particular communities. Yet it is in the very process of the constitution of particular communities that arguably the most egregious violations of human rights take place. The camp reveals fundamentally the fact that even the most liberal societies do not have a theory of membership. The inhabitants of the camp show us the normative limits of modern organizational forms precisely because they so insistently force the question of membership upon us. Who is inside a community? Who is outside? In what conceptual terms can we grasp this “outside?” How are its boundaries going to be defined?

The camp is not just a particular site, a small, clearly defined marginal territory that exists at the peripheries of organized nation states. It is the very condition of possibility of the nation state, since defining the state is inconceivable without it. The camp also inflects the very core of the nation state. For what are the so-called bearers of rights, but entities defined by a regimen of membership? Take away the regimen of membership, and it becomes difficult to even conceptualize the status of human beings. The inhabitants of the camps are not citizens. They are “something”. But what is that something – a human being? What content can we give to the term “human”?

Moreover, what if this anxiety is not just an episodic phenomenon that erupts in moments of crisis? What if the vertigo induced by the experience of displacement, loss, incarceration and the countless devastations of modernity was not simply an exception but a condition to which all citizens were potentially exposed? Even posing the question this way sounds presumptuous and morally offensive. After all, by what moral calculus should the “normal” condition of citizens be compared to the condition of those who experience atrocity? Isn’t there something disquieting about using what emerges as a product of catastrophe as a metaphor for our existential condition more generally? This is a question that is been raised in the context of much of modern European social theory, from Foucault to Agamben. The great virtue of this essay is that it frontally wrestles with one of the most important questions of our time: to what extent do the so-called margins of modernity define the center? To what extent can the presence of the dark spaces of modernity like camps alter the meaning and import of our central aspirations? Vajpeyi’s purpose in raising these questions is not to erase the historical specificity of various experiences of catastrophe and loss. It is rather to explore more fully the entangled webs of responsibility and vulnerability that we too often disavow.

In some ways the camp reveals the limits of modern political philosophy; it is the point at which our metaphysical invocations of the “human” break down. This essay is, in my judgment, a provocative meditation on this theme. It dwells not just on camps but on every site of modern politics where the limits of the invocation of the term “human” are revealed. It ranges broadly, from Auschwitz to the pogroms in Gujarat; from jihad to Guantanamo. It discusses, in great depth, the figure of the outsider in its various tropes. It provides a poignant discussion of witnessing in the face of cultural catastrophe. It dwells on the various modalities of violence through which the boundaries of the modern are secured. It subtly explicates the ways in which theory can illuminate our condition and more clearly render visible what is often occluded by our conventional vocabulary. But all these different strands of argument finally converge on one profound question: What does it mean to be a human?

The starting point of this essay is an engagement with the work of Agamben who, more than any other thinker, has provided a route into asking some of the most profound and disturbing questions about modernity. Emerson once famously said that what one soul can give

another is not instruction but provocation. In that spirit, Vajpeyi does not seek to apply Agamben. Rather, his text provides the occasion for her engagement with a wide range of materials and themes drawn from a rich array of sources. This is a work comfortable in many traditions; it rests on deep linguistic and philological learning, and displays an enviable grasp of more literatures than one can list. While the substance is profound and illuminating, the genre in which it is written is itself revolutionary.

Theorists working in India often face the burden of a kind of intellectual excess. They not only have to reflect on a complex historical predicament (that of South Asia), they are also expected to engage with the best of European and American social theory. Most of the work produced ends up erring in one of three ways. Either it subordinates the Indian experience to the logic of theory derived from elsewhere; or it simply brushes aside the demand for theory and retreats into a kind of Indian exceptionalism or worse, nativism. Or, as is most often the case, we cope with this enormous burden by simply giving up.

Here at last is an essay that takes the responsibilities of theory and of the complex historical realities of India seriously, and gives each their due without affectation or cant. It is an important step in the globalization of *theory*, a form of social self-knowledge that is interactional and engaged. It provincializes European theory but at the same time recasts and reappropriates it. But what is striking about this engagement is that South Asia is not mere “data” for theory manufactured elsewhere; rather, it provides the occasion for rethinking the terms in which we theorize about our complex realities. The essay itself is a model for what an engaged theoretical conversation would look like: confident, but not presumptuous; eclectic but not indiscriminate; complex, but not obscure, and above all, concerned with serious moral issues.

For a preface to rehearse the argument would be like having an introduction to a detective story that gives the ending away. I have merely gestured at the important themes running through this wonderful essay, in order to entice readers to come to terms with the essay on their own. For one of the hallmarks of this essay is that it invites readers to engage theory with their experience in a conversational mode, in the best sense of that term. Readers will find much to grapple with and

perhaps disagree with. The more scholastic will quibble over readings of Agamben; the more politically inclined may wonder whether this account of the metaphysics of modernity displaces moral psychology a bit too much; and others still may wonder whether the interpretations of various historical episodes discussed are indeed correct. But no reader will fail to be stimulated by the moral and intellectual seriousness of this enterprise and the imaginativeness and the care with which it is executed.

In the final analysis, what makes this essay powerful is that it contributes to a form of self-reflection that has all but disappeared from public argument in India. Although it is a *Letter to Agamben*, it really is a letter to all of us. Or at least to all those who worry about the violence at the heart of modernity, the forms of memory and recollection through which human beings survive cultural catastrophe, and the quotidian ways in which we become complicit in limiting the scope of the term “human”.

**Pratap Bhanu Mehta**

President

Centre for Policy Research

New Delhi

# Letter to Giorgio Agamben

Ananya Vajpeyi

**Summary:** My letter to Agamben proceeds in three parts. In the first section, I try to raise, and to some extent answer the questions: *Why theory?* *Why European theory?* and *Why Agamben?* in setting up the categories of the camp and the refugee for South Asia. In the second section, I turn from the European theory I am engaging, to address a new type of “bare life” that has emerged around the world since America launched its so-called War on Terror – that of the captured and incarcerated Muslim. Taking as a starting point Agamben’s discussion of *der Muselmann*, with its antecedents in the *Lager* or concentration-camp, I try to map some of the distance between the extermination of the Jews by the National Socialist Reich in World War II, and the torture and killing of suspected terrorists, *jihadi* fighters and Afghan and Iraqi prisoners of war since 9/11. I compare, borrowing momentarily Agamben’s own method of what Antonio Negri has called “immersion into philology”, the parallel vocabularies of witnessing and martyrdom available in Judeo-Christian and Islamic theological etymologies, suggesting that perhaps the illegally detained Muslim in Guantánamo Bay is no more a *shahīd* than the *Muselmann* in Auschwitz was a martyr. In the third and final section, I move from the extreme figure of the *Muselmann* / Muslim, to the more general category of the refugee as well as the internally displaced person (IDP), and from the historically more or less unique Nazi death-camp (with the only analogy being the Serb-run camps in the former Yugoslavia, during the Balkan Wars on the 1990s), to the widely dispersed form of the relief camp. I reflect upon how South Asia experiences the state of exception, the suspension of the rule of law, extreme violence and conflict-induced displacement – all phenomena analysed in Agamben’s work. In particular, I touch briefly on the Indian Emergency (1975-77) during the tenure of Prime Minister Indira Gandhi, and on the carnage of Muslims in the Indian state of Gujarat (2002) at a time when a Hindu supremacist political party, the BJP, ruled both Gujarat and India. I do not undertake a detailed study, but only sketch the outlines of a theory of violent space and violated person in a cultural and historical context far removed from, and yet intimately tied to, the European case so extensively theorized by Agamben, building on the groundwork laid by, among others, Walter Benjamin, Hannah Arendt and Michel Foucault. In places I refer to the work of Achille Mbembe on post-colonial Africa, and of Miriam Ticktin on contemporary France, to compare and contrast the Indian case.

**Keywords:** Camp, Refugee, Violence, Law, Exception, Power, Conflict, Death, Totalitarianism, Human Rights, Police, Humanitarianism, Biopolitics, Thanatopolitics /Necropolitics

# I

Dear Professor Agamben,

This letter comes to you from India. I am a scholar based in New Delhi, and I have been following your work for the last two and a half years. It is not that I have read your writings only in my own country – in fact, I have read you in India, in Europe and in the United States, at different universities and research institutions. I read Italian, but I must confess that I have read you only in English thus far, because I wanted to be sure that I understood you as well as I possibly could. To have read you in the original Italian would have meant, for me, adding the difficulty of translation to the already difficult task of grasping your import. I have been referring to you in my writings and lectures since late 2003, and initially meant to structure this particular piece as a commentary on some of your principal ideas, including most prominently “camp” and “refugee”.

However, I recently came across section 1.9 of chapter one, “The Witness”, in your book *Remnants of Auschwitz: The Witness and the Archive* wherein you ponder, through Greek etymology and Biblical exegesis, the connection between the witness and the martyr.<sup>1</sup> This small section of barely three pages prompted me to re-think my plan to write about your work in an impersonal vein, as a commentator who might just as well have been distant from you in time in addition to being culturally removed from you. Instead I decided to address a letter directly to you, despite all of the complications that such an act would entail, including the danger that I might be considered somewhat impertinent. The world is small enough nowadays that my letter may reach you before I actually post it to you via your university in Verona or your publisher in New York, or alternatively attempt to find your email address through my friends in the Italian academy.

On the occasions when I have shared my interest in your writings with my colleagues and students in India – and such occasions are becoming more and more frequent – I have felt that I owed them an explanation. Why am I not just interested in, but consumed by, your work? What is my motivation in following so obsessively the oeuvre of a European philosopher, that too one who has not, at least so far, had anything to say on any matter concerning either India or Indian philosophy? How do I hope to make your ideas speak to problems in Indian political



theory? None of my Indian interlocutors, nor any member of my Indian audience, has yet asked me these questions outright. However, I feel them hovering over me each time I write or speak about your *homo sacer*, your state of exception, and so many other terms from your conceptual lexicon. Even if no other person queries my engagement with you, perhaps you will, and so I must try to explain myself a little before going into the real subject of this letter.

The question not yet posed to me, but to my mind always impending, does not just concern my interest in your work. It extends to the larger question of why Indian theorists engage their European counterparts when they could find plenty to think about within their own intellectual traditions. This question is a consequence of decolonization, and the levelling of the playing field in which discourses from different cultures of intellection are arrayed in a post-colonial moment. We no longer talk to one another in a space where our conversation with each other is underpinned by a power differential between our respective societies. (In any case, fortunately for us, modern India and modern Italy have no record of colonialism between them, nor did any kind of iniquitous and exploitative mode of relationship ever obtain between the Indian and the Greco-Roman worlds in antiquity). Therefore, on the one hand due to history and on the other due to its lack, we speak as equals, you and I.

Personally I do study aspects of systematic thought from the Indian subcontinent, and have some sense of their histories, their genealogies, and so on. For example, for my doctoral thesis I expended considerable effort in exploring pre-modern texts of law in Sanskrit, in much the same way, though hardly for the length of time, that you have devoted yourself to Latin treatises of Roman law. I too looked at the legal meanings, in the pre-colonial world, of a social category understood to embody lowliness, a lack of privilege, and the denial of ritual entitlements.<sup>2</sup> But my knowledge of that which is my own does not turn me away or alienate me from what you have to say. Rather, I am drawn to your categories, and this attraction, as I said, requires some explanation. Equal we may be, but we are also different. Many Indian intellectuals and scholars know English; many don't. How am I to translate you – i.e., bring you across – for myself, for others like me, and also for others unlike me, here in India? Why do I want to execute such an act of translation?

I will not answer this question directly. I will begin the answer here and now, but then allow the complete answer to emerge in the rest of my letter to you. The main thing is that the space of the camp and the figure of the refugee have a certain ubiquity in our world. These forms of place and person appear to transcend cultural differences and national boundaries, and to have reference to the common humanity of people displaced by political conflict; more specifically, to their common condition as human beings in a state of flight and a state of pain. However, as soon as this is said, it must also be admitted that from World War II, the camp in Europe has manifested itself primarily as a place of extermination, whereas elsewhere in the world it has tended more often to be a place of relief. This means that in certain contexts people are in camps in order to be killed, while in others they are there in order to be saved. In this sense, the Jew in the Nazi *Lager* was not a refugee, nor was the Bosnian Muslim in Trnopolje a refugee. In present-day South Asia, however, Kashmiri Pandits in Jammu are refugees, as are Gujarati Muslims fleeing communal violence, albeit, in both cases, people of these communities became refugees within the boundaries of their own country, India.

Camps exist on five continents, most often in the midst or in the aftermath of political conflict. This has been the case since the beginning of the twentieth century, if not earlier. In his important essay, "Necropolitics", Achille Mbembe provides a sketch of the pre-history of the camp in the institutional forms associated with slavery, the plantation economy, and native labour that existed all over the colonized world, and of the later mutations of the camp in the townships and homelands of South Africa associated with the Apartheid state.<sup>3</sup> In the same essay, Mbembe urges us to regard, retrospectively, the colonies as camps, especially in Africa and India, and argues that colonialism created "death-worlds" rather than life-worlds wherever it went, an argument fully presented in his terrifying book, *On the Postcolony*.<sup>4</sup> According to Hannah Arendt, in one of the darker passages of her impassioned essay, "Total Domination": "Forced labour in prisons and penal colonies, banishment, slavery, all seem for a moment to offer helpful comparisons [to the death camp], but on closer examination lead nowhere. (...). The concentration camp as an institution was not established for the sake of any possible labour yield... The incredibility of the horrors is closely bound up with their economic uselessness. The Nazis carried this uselessness to the point of open anti-utility in

the midst of the war...” (PA: pp.125-26). However, earlier in the same essay, Arendt does look for precedents to the *Lager*:

Many things that nowadays have become the specialty of totalitarian government are only too well known from the study of history... [T]hrough centuries the extermination of native peoples went hand in hand with the colonization of the Americas, Australia and Africa; slavery is one of the oldest institutions of mankind and all empires of antiquity were based on the labour of state-owned slaves... Not even concentration camps are an invention of totalitarian movements. They emerge for the first time during the Boer War, at the beginning of the [20<sup>th</sup>] century, and continued to be used in South Africa as well as India for “undesirable elements”; here too, we first find the term “protective custody” which was later adopted by the Third Reich. (PA: p121).

You, also, have detected the camp in many different sorts of spaces at different moments in history:

The stadium in Bari into which the Italian police in 1991 provisionally herded all illegal Albanian immigrants before sending them back to their country, the winter cycle-racing track in which the Vichy authorities gathered the Jews before consigning them to the Germans, the *Konzentrationslager für Ausländer* in Cottbus-Sielow in which the Weimar government gathered Jewish refugees from the East, or the *zones d’attentes* [sic] in French international airports in which foreigners asking for refugee status are detained will then all equally be camps.<sup>5</sup>

For the past hundred years, refugees too, populate many if not all the nations of the world, and also the territories that are in dispute between nations. The numbers of people affected may be so large as to warrant that as scholars of political, social and cultural forms, and especially as critics of the violence endemic in many of these forms, we devote as much attention to the camp as we do to the nation, to the refugee as we do to the citizen, and to the state of exception as we do to the rule of law. For me the effect of your work has been that I now see the camp as a salient form of place, and the refugee as a salient form of person, both necessary for a proper understanding of political life in our world today. Your insight – “the camp is the *nomos* of the modern” – I take to be axiomatic. But you focus almost exclusively on the camp as an arena of *thanatopolitics*, the politics of death, and on the denizen of the camp as someone marked to die, that too by violent means. It is with regard to these specificities of your work that I feel it necessary to intervene, to open up the possibility of discussing the politics of life,

the *biopolitics* (as you have called it, following Foucault), spatialized in the relief camp, and the refugee, the living person, living not just in the camp but perhaps continuing, in the future, to have a life beyond the camp.<sup>6</sup>

From Foucault, we may derive a history of the constitution and consolidation of biopower, and its articulation via a number of institutions: the prison, the penal colony, the asylum, the hospital, and so on, as also a number of disciplines and practices: demography, eugenics, criminal psychiatry, public hygiene and urban sanitation, for example.<sup>7</sup> From Arendt, we get a sense of the immediate precursors to the Nazi camp, a genealogy of forms of the spatialization of exception and the sequestration therein of bare life that you then extend backwards as well as forwards into history. Mbembe draws our attention to the history of the camp in Africa: plantations, slavery, penal settlements, as well as a whole array of structures in the colonial economy: mining, railways, road works, architecture, timber-felling, cash-crops, etc., that were dependent on the exploitation of natives as labour and often resulted in their outright extermination – and surely this was true in Asia and Latin America as well. (The writings of Joseph Conrad, Roger Casement and Franz Fanon reveal some of this awful history to us, provided we learn to regard it as in a sense being a history of the camp). Miriam Ticktin, in her recent work on unwanted immigrants in France, lists at least four different types of spaces in which these people, often Africans and Middle-Easterners, though sometimes South Asians as well, are forcibly kept by government authorities, in order to prevent them from becoming a part of the French nation: the *zone d'attente* (ZA) or waiting area, the *centre de retention administrative* (CRA) or holding centre, the prison for *sans papiers*, those who lack the paperwork associated with successful immigration, and places like Sangatte, on the Western coast of France, which for some years functioned as a place entirely outside of French law whence illegal aliens tried to emigrate, often at the risk of death, to the UK.<sup>8</sup>

From your elaboration of Foucault's biopolitics via the Arendtian "world of the dying", and from Mbembe's development of your idea of thanatopolitics, that he calls by the even more ominous name of necropolitics, we get two very different, indeed opposed, meanings of sovereign power. In the one case, it is the power over life, and in the other it is the power over death that is enjoyed by the sovereign, which in modernity is the state rather than the monarch. Ticktin has argued

that "... immigrants – and undocumented immigrants in particular – mark an optimal site from which to examine the re-workings of sovereignty..." ("Policing": 349). I would tend to agree, as I too would like to complicate the matter somewhat, returning us from the deadly and deathly aspects of the camp to its alternative definition as a space wherein endangered life finds respite, shelter, and the prospect of perpetuation, howsoever precarious.

You have described the camp as "the fundamental biopolitical paradigm of the West". And yet your concern, arising out of your engagement primarily with the Holocaust, is often focused on the thanatopolitical aspects of the camp: its *homines sacri*, its lives written off as not deserving of being lived, and its *Muselmänner*, the living dead. But you would agree that not every denizen of every camp is marked for death. Living conditions in camps may be atrocious, but that is another thing entirely from a camp that is designed to be a site for atrocities, including the almost unspeakable ones committed in places like Auschwitz. Many camps save lives that would otherwise be lost in conflict. That these lives fall far short of our ideal of citizenship is a different matter. That the camp is still, for most of us who expect to live as citizens, the dystopia to the utopic nation – this too is a separate issue.

What remains to be carefully delineated is the shape that the state of exception might take in a camp which is not a death camp, i.e., in a camp short of the Arendtian *conditio inhumana* or the nightmare wherein everything is possible. For Foucault, in your reading of him, the spaces in which biopolitics is played out are the prison, the asylum, and other disciplinary and penal institutions *within* the purview of the law.<sup>9</sup> For you, the main sense in which life is admitted in the space of the camp, which is the space of exception to the rule of law, is as *nuda vita*, bare life, adumbrated by Arendt's notion of "the rightless", or man in his "abstract nakedness of being nothing but human".<sup>10</sup> My intuition is that it should be possible to look at the relief camp, lying somewhere on the continuum between the prison and the death camp, as a biopolitical space deserving of its own separate description. For, as you have written:

The birth of the camp in our time appears as an event that decisively signals the political space of modernity itself. It is produced at the point at which the political system of the modern nation-state, which was founded on the functional nexus between a determinate localization

(land) and a determinate order (the State) and mediated by automatic rules for the inscription of life (birth or the nation), enters into a lasting crisis, and *the State decides to assume directly the care of the nation's biological life as one of its proper tasks*. (HS: pp.174-5, emphasis mine).

You say that it is not just a camp that is one: a variety of spaces could be tokens of this type. Thus any place inside which people are not citizens, but either non-citizens outright, or less-than-citizens, and moreover deprived of the basic entitlements associated with citizenship and protections associated with the rule of law, is a camp:

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. (HS: p174).

The minute one begins to assess different kinds of political spaces with your notion of the camp in mind, one sees that camps are everywhere, spreading like cancer through the bodies of nations. For one reason or other, across nations, groups of people are marked off from the body politic, and consigned to the camp, where their recourse to rights and to laws is attenuated, or negated altogether. In and around Europe, detention – whether in the context of immigration, or in the context of war – becomes one of the principal modalities for the creation of camps. Elsewhere in the world, camps are conceived primarily as spaces for the administration of relief and humanitarian assistance, or simply as waiting / holding areas for uprooted and unsettled populations. You have yourself pointed to the encroachment upon the city (especially at its outskirts) by camp-like zones, and predicted the camp's gradual replacement of the city as the predominant form of the localization of, that is to say, the spatial arrangement given to, the relationship between the state, the law, life and death.<sup>11</sup> The recent riots in France (late 2005) are symptomatic of the unrest in urban and suburban “camps” for North African immigrants in and around French towns and cities. In all events, the camp is omnipresent.

This is at once the tragedy of politics over the last century and the strength of your category of the camp: the phenomenon is empirically evident, and the description is adequate to the reality. To those who

question the relevance of theory in matters pertaining to human suffering, this is what recommends your work: its ability to accurately describe certain phenomena – albeit phenomena painful to both experience and study – in the world around us. In the epistemologies of Indian philosophical systems derived from the Sanskrit discipline *Nyāya*, usually mistranslated as “logic”, knowledge that is verifiable according to a set of criteria for truth is called *prāmāṇika*, that is to say valid, knowledge. Your theory of the camp is *prāmāṇika*, valid, in exactly the way this word is intended in *Nyāya*-based systems. Its claims and conclusions are available for verification; their truth – their veracity – is there for us to see. For me, the *prāmāṇika* nature of your theory of the camp renders irrelevant objections raised from quarters concerned primarily with the cultural politics of knowledge. The camp is the *nomos* of the modern. In as much as modernity of a certain kind affects – perhaps ‘afflicts’ would be a better term – us all, despite cultural differences, we must be willing to acknowledge its good and bad consequences on the political organization of our societies. You are right: the nation-state is one such consequence; the camp is another.

It stands to reason that if one is not in agreement with the kind of politics that results in the detention of people in camps on the basis of their nationality, race, religion, ethnicity or even their gender (I am thinking here of the infamous “rape camps” in the former Yugoslavia), then one might not be able to bring oneself to practice an epistemology that segregates and devalues knowledge on the basis of its cultural sources or its association with this or that identity group. Doubtless there are elaborate ways of phrasing what I have just stated in the foregoing sentence. But what I am getting at, in continuation with my argument thus far, is my unwillingness to reject your theory on the grounds of it being of European origin.

India is full of refugees, migrants, displaced persons, detainees and so many other kinds of denizens of camps and camp-like spaces. People pour in from neighbouring countries in huge numbers; people are also constantly churned up from within the vast ocean of the Indian citizenry and cast aside into zones that lie inside the nation’s boundaries but are distanced, sometimes entirely severed, from the legal justice system and the institutions of law and order. Our megapolitan cities – Delhi, Mumbai and Kolkata, to name just three of many – have more refugee colonies, resettlement localities, slums, squats, semi-legal and illegal *bastī-s* (habitations) and other kinds of camps and camp-like zones

than they have regularized urban dwelling areas for those who are properly recognized as citizens under the law. Sometimes these spaces are not governed by the logic of death, nor by labour, punishment, relief or rehabilitation. What accounts for the coming into existence of these spaces is simply the instinct for survival, the continuation of life by whatever means, the perpetuation of the biological life of the nation.

To those of my compatriots who like to boast that we never had a Holocaust I would ask: What is the meaning, then, of so many millions of non-citizens and less-than-citizens in India? How come the state of exception is so rampant in this republic, supposedly founded on the principles of equal citizenship, democracy, fundamental rights, social, political and cultural entitlements, universal adult franchise, secularism, and the rule of law, all laid down in the Constitution of India? It will not do to reject a theory like yours either because it is a theory, or because it is, from an Indian vantage, foreign. Your theory must be embraced because we need a theory that explains, predicts and captures, phenomena in our polity that not only obviously exist, but exist on a scale that warrants, nay demands, that they be systematically addressed. Of course there are parts of your theory that will not apply, because India and Europe have separate histories. But, in my estimation, disparities in the causes of suffering and in the genealogies of violence are less important than the shared facts and forms of suffering and of violence. When human rights are violated and people are diminished into beings not quite human, it is then that we are most acutely reminded of our irreducible humanity. The camp is exactly such a reminder.

Mbembe defines “necropolitics” as “... contemporary forms of subjugation of life to the power of death...” (“Necropolitics”: 39). He is concerned with specific forms of sovereignty only, i.e., those that are about “*the generalized instrumentalization of human existence and the material destruction of bodies and populations*” (*Ibid*: 13; emphasis in the original). He rejects the traditional language of politics, which according to him is really the language of biopolitics and not necropolitics, and which constructs what he calls “the romance of sovereignty” (*Ibid*: 13), emphasizing reason and representation, communication and consensus, freedom and limits, individuals and institutions, rights and norms, subjectivity and participation, autonomy and the pursuit of happiness. This language – perhaps we should call it a liberal language – is not apt, in Mbembe’s estimation, for describing the politics of post-colonial Africa, or other emergent political forms



in the contemporary world, where phenomena like suicide-bombing, genocide, rape camps, infrastructural violence, segmentary and deterritorialized warfare, apartheid (and its recent variants), militia economies, and vertical colonization are proliferating.<sup>12</sup>

Mbembe's tracing of the genealogy of the camp to colonialism strikes me as accurate, because, as he writes, "... the colony represents the site where sovereignty consists fundamentally in the exercise of power outside the law..." (*Ibid*: 23). Nevertheless, it would probably be somewhat difficult to bring across unqualified to South Asia – certainly to present-day India – his powerful category of "necropolitics". While the Indian state indulges in a great deal of violence from time to time and in certain enclaves within or adjacent to its territories, it is hard to characterise it as primarily and systematically murderous, or as concerning itself with the manipulation and management of the life and death of bodies and populations to the exclusion of all of the values and ideals that Mbembe argues – perhaps with good reason, given what he sees happening on a continental scale all around him – have been consigned to the dustbin of liberal politics. Certainly the unremitting pessimism of Mbembe's political vision would be significantly at odds with the democratic project of the Indian nation, that continues, nearly six decades after independence, to be about growth, welfare, development and emancipation, regardless of serious setbacks, errors, compromises and failures. Indian citizens are not, for the most part, in the grip of "war machines" or overwhelmed by a "politics of cruelty". Undocumented aliens entering India from neighbouring countries number in the millions. For our purposes, once again, it is necessary to keep in mind that the salient form of the camp in this part of the world is the relief camp and not the death camp; that we are interested in the life, including the political life, lived inside the camp, not in Mbembe's somewhat macabre themes of "death-in-life" and "death-worlds", albeit these strands, understandably, are common to his work, to yours, and that of the Holocaust survivors Hannah Arendt and Primo Levi.

Mbembe has pointed out, and you yourself have acknowledged, that in a sense your work begins where Foucault ends his investigations, at the threshold, as it were, of the death-camp.<sup>13</sup> For us in India, however, there is much more to be done with what I would call colonial knowledge (Foucault's subject) than with Nazi knowledge (your subject); with the technologies, institutions, disciplines and apparatuses of biopower rather than with those of necropower; with the refugee

rather than with “the living dead”, and with the camp, therefore, more in its approximation to an emergency ward than to a death-factory. We experience and observe occasional state authoritarianism against our political rights and civil liberties, pockets where there exists the state of emergency, low-intensity conflict along several of our international borders, the movements and encampments of both internally displaced persons and cross-border refugees, and, in certain parts, armed insurgencies and separatist political struggles. It is safe to say, though, that most of the time, for most of the population, in most parts of India, violent phenomena associated with the camp and its denizens in Europe, Africa or elsewhere, remain the exception rather than the norm. I am thinking now of illegal detention, custodial killings, enforced disappearances, torture, riots, ethnic rape, mass murder, the suspension of the law, military, para-military and / or police rule in place of democratically elected governments, prevention of free movement of Indian and foreign migrants, routinized violations of human rights, and extreme forms of communal polarization. All of these occur, but not with the regularity and on a scale that would permit us to reasonably transplant your theory *as is*, into our national and historical context. Your categories as they are would make a lot of sense in Kashmir, in the North-East, and currently in Gujarat, as also in Naxal-affected districts in central and peninsular India, but for the rest of this country, all of the caveats and qualifications that I am trying to aggregate here become necessary.

You write at such length about the *homo sacer*. In order to tell your readers who he is, you must go into the roots of the law in your culture, talking about legal and political texts and practices from Greco-Roman antiquity. You discuss Plato, Aristotle, Dante, Kant, Hegel, Hobbes, Benjamin, Benveniste, Kafka, Kantorowicz, de Sade, Dumézil, Schmitt, Heidegger, Levinas, Bataille, Debord, Foucault, Derrida, Deleuze, Kojève, Nancy, Badiou, Mauss, Negri, Lévi Strauss, and so many other figures, most of them French, German or Italian, in the relevant history of ideas. So too, for us to learn about the *Muselman* in the concentration camp, we must be taken through the treatises of philosophical and political theory, as also medical and biological science, produced just before and during the Third Reich to prepare the ground for the Nazi extermination of six million European Jews. You explore in great depth the works, abhorrent as they often are, of academics in the Weimar and Wehrmacht periods that provided the counterpart in knowledge to National Socialist ideology and politics. Further, you open up for us

the accounts, both experiential and analytical, of camp and war survivors like the German Hannah Arendt, the Austrians Jean Améry (born Hans Mayer) and Bruno Bettelheim, the Italian Primo Levi and the Romanian Elie Wiesel. You gloss, as you must, Claude Lanzmann's documentary film from the eighties, *Shoah* and its scholarly reception, especially in the American academy.

You refer repeatedly to Yugoslavia (for example, *HS*: p176). Via writings other than your own as well, I have examined in detail what happened throughout the 1990s in Bosnia, Kosovo, Srebrenica, Sarajevo, Croatia, Omarska... I even went to see Slobodan Milosevic on trial in The Hague in October / November 2004. All of this has reference to the deep and recent past of Europe: it is particular, it cannot be transposed to other parts of the world, it yokes together a certain history of ideas and the fate of certain communities in patterns of violence that do not appear *per se* in other cultures. (The same is true of the genocide in Rwanda between the Hutus and the Tutsis: the particularity, the non-transferable horror of it). In being the jewel in the crown of the British Empire, India too was implicated in World War II, albeit we became a free nation in 1947, very soon after the end of the war. For us, however, the war years were also the years in which our freedom struggle was at its peak, and Partition and its attendant bloodbath were impending. To enter into a history of the war from a European perspective requires genuine intellectual effort from an Indian reader, preoccupied as she is in that period with Gandhi, Nehru, Jinnah and Ambedkar, rather than with Hitler, Stalin, Mussolini and Churchill. Millions were displaced and killed on the subcontinent too – in fact, the sheer number of people affected may have been greater in North India and Pakistan than in occupied Europe – but they were Hindus, Sikhs and Muslims, not Jews, Nazis and Communists. However, this does not mean that as non-Europeans we simply cannot understand or relate to what you are talking about (just as Europeans too, grasp the Rwandan case). On the contrary, we understand you almost perfectly. The incommunicability of pain may be undeniable, but to the extent humanly possible, we do know what you mean.

In other words, the camp in its different inflections is available to me in India. You have called it “the new biopolitical *nomos* of the planet” (*HS*: p166; p176), so perhaps you would go along with me in thinking of it as a root political form. It is doubtless “the *nomos* of the modern” and “the fundamental biopolitical paradigm”, in your words, but whether it is “of the West” alone, as you have sometimes qualified it,

I am not so certain. I am labouring this point because I am situated in an intellectual context – the Indian academy – that is torn between its pre-colonial inheritance, its colonial legacy and its post-colonial aspirations, making any engagement with European ideas a fraught exercise, a ligature of self with an other who is not quite other, but not quite self either. To what you call “the old trinity” of land, birth / nation and state, you add “the fourth, inseparable element”, the camp.<sup>14</sup> We in South Asia must deal with this quartet as much as you in Europe have to deal with it, whatever the differences in our respective, and occasionally related, histories of power and violence, law and justice, nation and state, living and dying. You say: “The camp as dislocating localization is the hidden matrix of the politics in which we are still living” (*HS*: p166; p176). You have laid bare the camp, brought the camp out of the places, in the heart of the city or on the borders between nations, where it hides in the light. Now that it is no longer hidden, we cannot hide from it either: we must confront it.

## II

I am writing this letter over the course of several weeks, now turning into months. Each day I am conscious of the difficulty of addressing you from a place where the camp is conceived of as a space of shelter, within which national and international organizations, the state and citizens, public and private agencies, all seek to provide succour to those who are displaced and destitute. The camp as a space of the most unutterable banishment, wherein people are abandoned by fellow beings and either driven to their death or left to die – we have yet to see that for ourselves in South Asia. The relation of the “ban” that you describe is not so readily attested in Indian political life. The other day I had a conversation with a friend of mine who has read a great deal of your work, unusual as it is for Indian intellectuals to read you. He said he believes that it is the rule of law that is the exceptional space, because for the most part what prevails, outside of Fortress Europe, in all parts of the world, is not the rule of law, and certainly not the law as understood in a direct line of descent from the charter myths of the French and American Revolutions. He accused you of seeing things in an inverse pattern: the exception is the rule, he claimed, and the camp is the norm. It is not the denizens of detention and transit camps seeking to migrate into Europe who are in the state of exception: it is rather the citizens of Europe, inhabiting their small, fragile liberal democracies who dwell on a political island, feeling besieged and threatened. They will be overwhelmed, they fear, demographically, racially, ethnically, and on religious grounds, by others from the outside. Should these others try to enter Europe, they must at any cost be prevented from succeeding: such is the fragility of the rule of law in its European home.

My friend’s criticism of European paranoia against potential immigrants, and of the brutality of detention camps for people from Africa, the Middle East, and other parts of the world, on the European mainland as well as in Northern Africa (not to mention far Australia), is surely fair. But he did seem to miss your perspective on the camp, which is also, in its own way, extremely critical of this type of biopolitical space. You have also been alert to the origins of the camp in European history immediately preceding World War II: “It is significant that camps appear together with new laws on citizenship and the denationalization of citizens – not only the Nuremberg laws on citizenship in the Reich but also the laws on denationalization promulgated by almost all European states, including France, between

1915 and 1933.” (HS: p175). For you the camp is not just brutal, unjust, dehumanizing; in fact, it is the very limit at which all things that are human *par excellence* – politics, psychology, philosophy, law, indeed language itself – fall apart, leaving the human being completely and utterly bereft of the props of being. It is also the case that you are preoccupied with the Nazi camp, whereas my friend was more concerned about the camps that exist today inside and on the margins of the EU, and the two are considerably different from one another while being variations on the same basic category. In India we may have yet another instantiation of the camp, or more than one. One has to keep an eye on all these phenomena in their similarity and their difference, and keep on testing your theory against the facts. What you have to say about both Europe and the US strikes me as reasonable, even nearly fifteen years after you first wrote these words (and the recent episode of the Danish Cartoons depicting the Prophet Mohammed further corroborates your insight):

What industrialized countries face today is a permanently resident mass of noncitizens who do not want to be and cannot be either naturalized or repatriated. These noncitizens often have nationalities of origin, but, inasmuch as they prefer not to benefit from their own states’ protection, they find themselves, as refugees, in a condition of de facto statelessness. Tomas Hammar has created the neologism of “denizens” for these noncitizen residents, a neologism that has the merit of showing how the concept of “citizen” is no longer adequate for describing the social-political reality of modern states. On the other hand, the citizens of advanced industrial states (in the United States as well as Europe) demonstrate, through an increasing desertion of the codified instances of political participation, an evident propensity to turn into denizens, into noncitizen permanent residents, so that citizens and denizens – at least in certain social strata – are entering an area of potential indistinction. In a parallel way, xenophobic reactions and defensive mobilizations are on the rise, in conformity with the well-known principle according to which substantial assimilation in the presence of formal differences exacerbates hatred and intolerance.<sup>15</sup>

Low voter turn-out at elections, racism, tougher immigration laws, *sans-papier* populations, riots, urban unrest, xenophobia and anti-Muslim sentiment – all these have only increased in America and on the Continent since 9/11. It is ironic that the most pitiful of denizens at Auschwitz and in other Nazi death camps was called the *Muselman*. The denizens of the Balkan camps in the ’90s, as well as of many contemporary camps for illegal immigrants, prisoners of war, suspected terrorists, detainees

of the American state, *jihadi* fighters and innocent civilians, were or are, in fact, Muslims (and mostly Muslim males). American “Homeland Security” measures are open and explicit about targeting Muslim men more intensely than any other sub-group in the US.<sup>16</sup> I don’t have the figures at hand – if such figures exist – but probably Muslim men from around the world constitute a large, if not the largest, segment of the world’s population confined to camps as a result of the global ‘War on Terror’, the American occupation of Iraq, continuing American operations in Afghanistan, and Europe’s resistance to immigrants, especially those who come from Muslim countries. The name that sought to distinguish a subset of Jews in the *Lager* is now literally applicable to the large number of human beings banned by or banished from the West primarily because of their religious identity.

You explore at length the philosophical meanings of the name “*Muselmann*”, reading Levi, Améry and Bettelheim in tandem, with great precision and care. For those of our fellow humans who find themselves in camps because they happen to be Muslim, it is a terrible fate to then be further reduced to *Muselmänner* because they are in camps where atrocities are committed – a ghastly convergence of different types of victimization upon a single subjectivity, which ultimately destroys subjectivity altogether. A Muslim rendered into a *Muselmann*: such is the complete ruination of a human being possible in a space like Abu Ghraib or Guantánamo Bay. The new terminology in the US defence establishment to designate torture is “extraordinary rendition”. Perhaps it is accurate, if it is being used to mean precisely the rendering of a person, Muslim or other, into *der Muselmann*, or the rendering of man into *homo sacer*, or the rendering of a human life into “life that does not deserve to be lived”.

It is in Islam, strangely, we encounter that other connection you seek, but do not find so easily, in European philosophical traditions – the connection that prompted me to write you a letter, the one between the witness and the martyr. In Islamic theological vocabulary, the terms for “witness” (*šāhid*) and for “martyr” (*šahīd*) are intimately linked, through the common word for the act of “witnessing” / “martyrdom” (*šahādat*). God Himself will give testimony, i.e., will bear witness to the righteousness and purity of a true martyr. In turn a believer must testify that there is only one God, Allah, and that Mohammed is his Prophet. A scholar of Perso-Arabic languages would be better able to tell you the etymological routes by which such a twinning is achieved.

When I pressed him, my friend Manan Ahmed at the University of Chicago provided me with an elaborate explanation, which I will paraphrase below:

*Šahāda* is Arabic. The root is SH-H-D. It means to bear witness, to testify. *Šahādat* is the act of bearing witness. In the Quran the verb is used in that sense – hence, Quran 22:17 [“Allah is the witness of all things” – using the word *šahīd*]. Similarly, the Prophet is called *šahīd* in 2:143 [“Thus, have We made of you an Ummat justly balanced, that ye might be witnesses over the nations, and the Apostle a witness over yourselves”]. In the *hadīth* literature, we get the further elaboration of *šahīd* as one who loses his/her life in an act for God. There, *šahīd* is one who bore witness to God, i.e., one who gave testimony of God’s greatness by giving up his own life.

*Šahīd* is from the Quran. It means “one who bears witness, who testifies”. Actually *šahīd* and *šahīd* are different conjugations of the same root, SH-H-D. 6:19 of the Quran uses all the conjugations of the root [Say: “What thing is most weighty in evidence?” Say: “Allah is witness between me and you; this Quran hath been revealed to me by inspiration, that I may warn you and all whom it reaches. Can ye possibly bear witness that besides Allah there is another Allah?” Say: “Nay! I cannot bear witness!” Say: “But in truth He is the one Allah, and I truly am innocent of (your blasphemy of) joining others with Him.”]. See also Quran 3:140, 4:69 and 39:69.

The development of the meaning of this family of words, from “witness” to “martyr”, is post-Quranic. The primary meanings have to do with testimony, attestation, bearing witness, the Muslim declaration of faith (“I declare that there is no God but God, and I testify that Mohammed is His human creation and His Prophet”), evidence, that which is available to the eyes (visible, patent, apparent), and so on. The connotation of martyrdom comes later on in the history of Islam.

The semantic twinning holds in both Sunni and Shia sects. The idea of the *šahīd* being a martyr arises in the Shia hagiographical tradition centered round the demise of Husayn. As the concept develops into a strong literary genre of lamentations for the martyr, it spreads into Sunni doctrine as well. In medieval Indic Sufi Islam, there are two kinds of heroes: the *šahīd*, who dies in battle, and the *ghāzī*, who is victorious in battle – the battle in question being one fought to spread the faith. Another view, however, is that the connection between the act of witnessing and martyrdom predates Islam to the second-third century Christian ascetic movements; hence, an honorific for those who fell in battle defending the faith (Christianity).



In Sanskrit, the root *smṛ-*, which leads to a variety of lexical forms denoting memory, recollection, nostalgia, recall, canonical knowledge, textual tradition, authoritative texts, memorization, recitation, and so on, is related to the very same Indo-European root that yields the Greek word for “martyr”: *martus / martys / martur / martyr* (all four transliterations into the English are permissible, I’m told). The Sanskrit *smarati* and the Greek *mérimna* share this common root. Monier-Williams’ Sanskrit-English dictionary lists the meanings of the root *smṛ-* as: “to remember, recollect, bear in mind, call to mind, think of, be mindful of; to remember or think of with sorrow or regret; to hand down...” These relationships are not elusive; we do not require vast amounts of exegetical effort to bring them to consciousness. Remembrance, witnessing and martyrdom are intertwined with one another in the very sinews of language, at least in certain languages and families of languages.

The *homo sacer* is no martyr, nor is there any martyrdom in the death of the *Muselmann*.<sup>17</sup> And yet we must recall what happened in the Holocaust; those who can – that is to say, the survivors – must be its witnesses, must provide their testimony. Killing that is not sacrifice, death that is not righteous, the failure of language in the face of the injunction to give testimony about that which does not bear witnessing: these are the awful predicaments yielded by the death camp, far away from the glory and sanctity of martyrdom within the framework of religion. How to remember something that cannot be recounted; what is the vehicle of memory when words fail? If it happened to you, you cannot forget it, as Améry said. This is what you write:

In Greek the word for witness is *martis [sic]*, martyr. The first Church Fathers coined the word *martirium* from *martis [sic]* to indicate the death of persecuted Christians, who thus bore witness to their faith. What happened in the camps has little to do with martyrdom. The survivors are unanimous about this. (...).

Nevertheless, the concepts of “witnessing” and “martyrdom” can be linked in two ways. The first concerns the Greek term itself, derived as it is from the verb meaning “to remember.” The survivor’s vocation is to remember; he cannot *not* remember. (...).

The second point of connection is even more profound, more instructive. The study of the first Christian texts on martyrdom – for example, Tertullian’s *Scorpiacus* – reveals some unexpected teachings. The Church Fathers were confronted by heretical groups that rejected

martyrdom because, in their eyes, it constituted a wholly senseless death (*perire sine causa*). What meaning could be found in professing one's faith before men – persecutors and executioners – who would understand nothing of this undertaking? God could not desire something without meaning. (...). The doctrine of martyrdom therefore justifies the scandal of a meaningless death, of an execution that could only appear as absurd. (...).

But this has very much to do with the camps. For what appears in the camps is an extermination for which it may be possible to find precedents, but whose forms make it absolutely senseless. Survivors are also in agreement on this. (*RA*: pp. 26-28).

As far as I have been able to discover, the Greek word for “witness” / “martyr” is “*martus*” (alternatively “*martyr*” / “*martys*” / “*martur*”) and not “*martis*”, as you indicate above – “*martis*” appears to have to do, rather, with the deity Mars, and the day of the week associated with him (from the Latin, “*dies martis*” = “the day of Mars”, whence the French and Italian “*mardi*”, for “Tuesday”). But this is a minor point, perhaps nothing more serious than a typographical error in *Remnants*. In the Classical Greek, “*martyr*” meant “witness”, and was used in legal contexts; it was with early Christianity that the meaning expanded to include the sense of believers (i.e., Christians) dying for their faith, or bearing witness to the truth of their faith through death. You note this yourself.

Etymology aside, what is of greater concern to both you and me is whether there is any *necessary* connection to be made between the martyr and the witness. You find, and I concur, that in the figure of the camp survivor who once was a *Muselmann*, or even between a survivor and a *Muselmann* who died in the camp, the bond (whether merely lexical and etymological, or semantic and philosophical) of witnessing to martyrdom is broken: the camp does not admit of the idea of martyrdom in any way whatsoever. Death in the camp cannot be salvaged to a higher purpose; it is a “means without end”; it is irredeemable. The only meaning of martyrdom that you are able to recuperate as being applicable to the extermination of a human life in the Nazi camp is the meaning assigned to it by the earliest opponents of martyrdom, the heretics who opposed the first Church Fathers: a scandalous death, death without cause, without reason, without justification – death devoid of meaning. In effect, what you are arguing is that only if we understand martyrdom as the very opposite of itself,

as “utterly meaningless death” as opposed to “the most meaningful death”, can we speak of the *Muselmann* as a martyr. But as a witness, is another story altogether.

My friend Mahmood Farooqui, a Delhi-based historian, pointed out to me that in modern-day Urdu / Hindustani, the word “*śahīd*”, while continuing to mean “martyr” in the sense of one who died a glorious death, is nevertheless used every time we wish to honour someone whose life was lost in an untimely fashion. Thus a loved one killed in a car accident might be referred to with this word: the sense of the heightened value of the dead person’s life and being comes not from any religious purpose in his death (and not from any other kind of moral purpose either, for example, death in the name of his country), but from the very fact that we cherish him in our memory of him, that we remember him, that we mourn him, that we accord, in his death, great value to the life he once had, and regret its sudden ending. Our act of commemoration is what makes of the dead man a martyr, as it were. For this reason, if the dead of the death camps had been Muslims and not Jews, Farooqui explained, then other Muslims would have straightaway referred to them with the terminology of “*śahādat*”, martyrdom.

But the Jews did not die to bear witness to or give testimony for the truth of their faith; their death had no higher moral purpose, either within their own religion or outside the framework of religion altogether; there was no voluntary aspect to their death; they did not give up their lives in the name of a nation; and we cannot condone the fact of their death by remembering them as martyrs to Judaism – thus I objected. Yes, Farooqui agreed, but nevertheless, in honouring the Jews who were killed in the Nazi camps, in remembering them when we remember and regret the Holocaust, we transform each one of them into a “*śahīd*”, a martyr, someone who lost his or her life in an untimely and unfortunate fashion, and someone, therefore, we honour through commemoration, through mourning. I was assured that no believing Muslim would have any difficulty with this use of the word. For a Muslim then, a *Muselmann* who died in Auschwitz could well be a *śahīd* among Jews.

I find this braiding of the three Semitic religions around the absent meaning of the death of the Jew in the Nazi camp to be astounding. What would you make of it, I wonder? My teacher Sheldon Pollock, a Sanskritist and himself born into the Jewish faith, dismissed my

questions about the roots of memory. “Etymology is not destiny,’ he wrote to me, ‘despite Heidegger.” For the *Muselmann* this seems to be true: he cannot be, in life, a witness in any normal sense of the term; in death he cannot have the *śahādat* of a good Muslim or the martyrdom of a good Christian. In the face of the atrocious violence of the death camp, the sheer annihilation it visits upon both the living and the dead, language loses every aspect of its meaningfulness, even that which is sedimented over time, namely, the etymological. The *Muselmann* takes language to its breaking point. Against the implication of the word *śahīd* as it was glossed for me by Farooqui, I imagine that the same would have to be said for the Muslim in Abu Ghraib or Guantánamo Bay, especially if he is a civilian or a soldier, taken into custody not for anything he did or did not do, but for *who he is*, i.e., his race, religion, nationality, ethnicity or some combination thereof. Detention and torture by American forces may very well result in death, but surely by no stretch can that sort of death be redeemed by calling it *śahādat*.

### III

I want to return us to the refugee. For, as you have said:

... given the by now unstoppable decline of the nation-state and the general corrosion of traditional political-juridical categories, the refugee is perhaps the only thinkable figure for the people of our time and the only category in which one may see today – at least until the process of dissolution of the nation-state and of its sovereignty has achieved full completion – the forms and limits of a coming political community. It is even possible that, if we want to be equal to the absolutely new tasks ahead, we will have to abandon, decidedly, without reservation, the fundamental concepts through which we have so far represented the subjects of the political (Man, the Citizen and its [*sic*] 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. (*ME*: p16)<sup>18</sup>

Here's how I intend to proceed, using my reading of your work. I seek to develop a conceptual framework that would allow us to better understand the space of the *camp* and the figure of the *refugee* in India, but also in South Asia more generally. Displaced, detained and migrant populations of all kinds continue to grow numerically on the subcontinent, fleeing increasing amounts of political, religious, ethnic, economic and environmental violence.<sup>19</sup> This large-scale and continual movement of human beings and the transitional nature of their dwellings is qualitatively and quantitatively different from the “mobility” persuasively argued by the historian David Ludden as characterizing South Asian pre-modernity.<sup>20</sup> What sets the post-colonial, and especially the post-liberalization scenario apart from patterns of migration in the past, is the *violence* that causes and accompanies the initial dislocation and subsequent ghettoizing of communities today. A great deal of academic research as well as social activism in India is devoted to regionally, geo-politically, ethnically, and historically specific camp sites and refugee groups. Such work is usually situated at two extremities of the nation-state: either on the borders of the country, where the very nationality of people is under stress; or in the heart of the metropolitan city, where human survival is most threatened, if not by poverty then by communal conflict. I am interested in constructing an explanatory apparatus and descriptive vocabulary that would be adequate to a range of instances, premised on the common factor that I believe obtains across specific cases: violence. This violence not only tends to undermine the political rights of persons as citizens, but also violates

their basic human rights – it is a type of violence that is at once denationalizing and dehumanizing.

My preliminary thinking on this subject is influenced, as you have guessed by now, by you. Your work is based almost exclusively on the European experience of violent conflict throughout the 20<sup>th</sup> century, primarily during World War II, and more recently in the wake of the break-up of the Soviet Union. Nonetheless, it might be reasonable to posit that in South Asia too, a variety of seemingly disparate phenomena of *place* share the underlying form of the camp, while those of *person* share the form of the refugee. It should be possible to study under the same rubric, for example, informal workers, landless peasants, casual labor, dispossessed farmers driven by new global trade régimes to mass suicide, tribals at the receiving end of ecocidal development, the slum-dwelling urban poor, illegal immigrants from neighboring nations, riot survivors, “oustees”, “detainees”, and victims of insurgent and separatist movements forced to relocate within the country. Simultaneously politically disempowered and physically displaced, these and many other such populations are pushed to the limits of both their citizenship and their humanity. The argument needs to be made for us to build the theoretical resources to rigorously address all camps and camp-like spaces, and refugees and refugee-like figures. For we must begin to recognize that it is not only outright war, whether civil or inter-national, that produces camps and refugees, but the subtle and continuous violence of the modern nation-state, to which we are all equally and at every moment vulnerable.<sup>21</sup>

Building on the work, on the one hand of Walter Benjamin, Hannah Arendt and Michel Foucault, and on the other of Martin Heidegger and Carl Schmitt, you have suggested that the West reconfigure its understanding of politics. The focus needs to move away from classical models of state and power, sovereignty and citizenship, and turn instead to the *camp* as a space, and the *refugee* as a figure:

... the capitalist-democratic plan to eliminate the poor not only reproduces itself inside the people of the excluded but also turns all the populations of the Third World into naked life. [We need a new kind of politics to] put an end to the civil war that divides the peoples and the cities of the Earth. (*ME*: p35).

Let us take, for a moment, this suggestion, and translate it – in the sense of bringing it across – for our own use in our part of the world.

Instantaneously we find that our perception of the political landscape of South Asia is indeed transformed, and the problem of violence becomes amenable to a new kind of analysis. For violence is the common thread between the space and the figure, pulling them into existence, tying them together, making them the central motifs of political life here as much as they are in Europe, in the Middle East, in Africa, in Latin America or elsewhere. These two forms may be differently inflected in India than they are in the European cases that you delineate. But both forms exist for us. And both turn out to be useful when we find ourselves in need of a mode of analyzing the enormous violence in our society that, depending on our conscience or the lack thereof, we either do not evade but cannot face, or cannot deny but do not confront.

Despite the clout in India's polity of ominously authoritarian personages like Bal Thackeray of Maharashtra, Narendra Modi of Gujarat, KPS Gill in Punjab and Jagmohan in Jammu and Kashmir (following the short-lived precedent of the late Sanjay Gandhi in the seventies), thankfully in India we have thus far never had concentration camps. Nor extermination camps. Nor rape / death camps.<sup>22</sup> Nor even detention camps, strictly speaking, or, for that matter, labor camps.<sup>23</sup> But we do have the refugee camp. We have the camp for illegal migrants from other countries. We have the camp for populations displaced from one part of the country to another. We have the camp for victims of rioting: the *relief* camp. We also have, on certain margins and slivers of what is arguably Indian territory, the terrorist training camp.<sup>24</sup> In all these spaces, persons shrink to what you call "bare" or "naked" life: bodies that have been injured, maimed, sexually assaulted, burned, tortured or disciplined in physically and psychologically punishing ways; bodies in hunger, thirst and pain; bodies desperately in need of water to bathe and rest to sleep.<sup>25</sup> While people are in these camps they are not among the People, in the sense of citizens possessing a full complement of political rights and social identities. They are effectively not shopkeepers or teachers, say, or housewives or school children, or workers or peasants, or for that matter future terrorists – but rather mere human beings, in a state of bodily dislocation, bodily harm, and bodily vulnerability.<sup>26</sup> Even prisoners have a place inside the law; the inmates of camps are outside the purview of the law. The difference between the prison and the camp is the difference between *confinement within* and *exception to* the prevalence of law.<sup>27</sup> For, as you explain:

*The camp is the space that is opened up when the state of exception begins to become the rule. In the camp, the state of exception, which was essentially a temporary suspension of the rule of law on the basis of a factual state of danger, is now given a permanent spatial arrangement, which as such nevertheless remains outside the normal order. (HS: 168-9; emphasis in the original).*<sup>28</sup>

You build on several pairs of terms simultaneously to answer the question: “What Is a Camp?” (*ME*: pp37-44). The first is the distinction between what the Greeks called *Zoē* and *Bios*, or biological life and political life, the sheer existence of the isolated human organism *versus* the conglomeration of humans in a political collective (*HS*: “Introduction”; p177). This can also be explicated as the distinction between the *human* and the *citizen*, the former inhabiting an ontological zone of exclusion and solitude, the latter a zone of inclusion and groupness. With the help of etymology, you further gloss this binary as the distinction, in modernity, between one definition of a person’s birth: *nativity* (the fact of being born as a singular living being), and another: *nationality* (the fact of being born as a member of a nation). In the nation, the relationship between political power and the natives is *via media* the law. In the camp, however, pure power confronts naked life, without any mediation whatsoever:

If one was a Jew in Auschwitz or a Bosnian woman in Omarska, one entered the camp as a result not of a political choice but rather of what was most private and incommunicable in oneself, that is, one’s blood, one’s biological body. But precisely the latter functions now as a decisive political criterion. In this sense, the camp is truly the inaugural site of modernity: it is the first space in which public and private events, political life and biological life, become rigorously indistinguishable. Inasmuch as the inhabitant of the camp has been severed from the political community and has been reduced to naked life (and, moreover, to a life “that does not deserve to be lived”), he or she is an absolutely private person. And yet there is not one single instant in which he or she might be able to find shelter in the realm of the private, and it is precisely this indiscernibility that constitutes the specific anguish of the camp. (*ME*: p121).

As Davide Panagia explains it, “[W]e are asked to image... the materiality of the naked body left standing, but in a state of extreme desperation. (...). What this involves is a turn towards an understanding of ... the material register of the body as the bearer of life and death.”<sup>29</sup>



Drawing on Hannah Arendt, you emphasize that in the camp *everything is possible* because the law is under suspension; no action, however inhumane, counts as a crime, because the law is not recognizably in force to be then broken by the criminal acts of the powerful over the powerless (*PA*: p119). It turns out that what is humane has to do with the human in the political sense, not with the human in the sense of bare life.<sup>30</sup> Of the camp it can be said: the only law is that there is no law; the state of exception to the rule of law is the one rule that prevails. Accordingly, for those in a camp, there is no appeal to anything or anyone outside of the camp. And the camp need not advertise itself through a particular kind of appearance we have all learnt to recognize from the history of colonialism and the two world wars. As you have said, it may be a boat full of refugees who have left one country but are not allowed to disembark upon their arrival at another. It may be a sports stadium into which immigrants from a neighbouring nation have been herded like cattle. It may be a special area (*zone d'attente*) attached to an international airport, like the Ibis Hotel near Charles De Gaulle Airport in Roissy outside Paris, where certain groups are kept waiting indefinitely, neither inside nor outside the host country, neither at home nor abroad:

The camp is the paradigm itself of political space at the point in which politics becomes biopolitics and the *homo sacer* becomes indistinguishable from the citizen. (...). If this is the case, if the essence of the camp consists in the materialization of the state of exception and in the consequent creation of a space for naked life as such, we will then have to admit to be facing a camp virtually every time that such a structure is created, regardless of the nature of the crimes committed in it and regardless of the denomination and specific topography it might have. (*ME*: pp41-2).

In elaborating on the many ways in which the state controls the bodily being of its subjects through the institutions of the hospital and the prison, and the discourses of sexuality, Foucault has sketched the contours of a *biopolitics*, the politics of life. Nationality too, as you show etymologically, is about the biopolitical – blood and birth. What is at work in the camp is the very opposite principle: it is *thanatopolitics*, the politics of death, and sovereignty as the power over death, not life.<sup>31</sup> In his study of power, Foucault systematically explored almost every point at which the state intervenes in the existence of the living. You point out, however, and Mark Greif corroborates, that Foucault stopped short of investigating the very spot where the state *abandons*

the living, literally *bans* them from the protection of the law, or *banishes* them to the state of exception to the law, namely, the camp (*HS*: pp.119-121). Obviously it makes more sense to execute this kind of analysis in the context of the totalitarian state, absolute domination and the concentration camp; nevertheless I suspect there is something in the theoretical framework provided by you that can help us clarify the structure of Indian forms of the camp. For the camp is not specific to Europe, rather, it is “the hidden paradigm of the political space of modernity, whose metamorphoses and disguises we will have to learn to recognize.” (*HS*: p123). Again:

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. (*HS*: p174).

Thus we could research, historically, the camps that were set up all over North India for Partition refugees, Hindu, Sikh and Muslim, in the aftermath of 1947. More recently we could turn to the camps in Delhi for those affected by the 1984 anti-Sikh violence. It is in camps in Delhi and Jammu that we would find Kashmiri Pandits fleeing the Valley (dis)located throughout the nineties. We could look at the camps set up in Gujarat for Muslims who had their homes and businesses torched and looted in the 2002 riots. We might equally examine long-term settlements of foreign populations that began as camps, in varying relationships of welcome or antagonism vis-à-vis the Indian state: Tibetan, Burmese, Bangladeshi, Nepalese and Sri Lankan Tamil, to name just a few communities from the wider South Asian region migrating into India legally or illegally. (Afghan refugees came in to India regularly as well, first during the Soviet invasion of their country in the late seventies and then during the American invasion a little more than twenty years later, but it is not clear that they are either present in significant numbers, or localized in camp-like settlements). We could follow what happens to the so-called “Pak-oustees” and “Pak-detainees” – groups, mostly nomadic desert tribals, who are shunted continually back and forth between Sindh in Pakistan and Rajasthan and Gujarat in India by the governments and armies of both nations. It is not that such camp and camp-like spaces in India and elsewhere in South Asia have not been studied extensively by Indian social scientists

as well as journalists / polemicists over the last fifty years. Ashis Nandy, Veena Das, Asghar Ali Engineer, Urvashi Butalia, Upendra Baxi, E. Valentine Daniel, Shiv Visvanathan, Sonia Jabbar, Jan Bremen, Arundhati Roy, Peter Van Der Veer, Christopher Jaffrelot, Dilip Simeon, Arjun Appadurai, Riaz Khan, Sanjib Baruah, Kalpana Sharma and P. Sainath, for example, have all worked, in one way or another, on or around the type of space that you systematically theorize. In the South Asian scholarship on communalism, religious fundamentalism and ethnic nationalism, the anthropology of violence, and the histories of separatist, insurgent and militant movements across the political spectrum from the far left to the extreme right, there already exist extensive data awaiting fresh interpretation under the rubric of the camp.

There is so much in what you write about – and Foucault and Arendt before you – that is specific to Europe, or even unique in all human history. Mbembe speaks of the Nazi state as “a power formation that combined the characteristics of the racist state, the murderous state, and the suicidal state.” (“Necropolitics”: 17). Surely the Nazi state has had no parallels, not even the Soviet Union under Stalin. This means that while some aspects of the discussion of totalitarianism, racism, and extermination, emergent from your work and that of your predecessors, can be deployed to understand the *raison d’être* and the form of the camp in South Asia, other aspects, I daresay the more extreme ones, do not transcend their own historicity. I would not make a rash claim of the sort that we’ve never seen any historical instance of what Arendt calls “absolute innocence” or its opposite, “radical evil” in South Asia. No civilization can wash the blood off its hands entirely, and much though we in India have meditated on the idea of non-violence over the past two and half millennia, we have seen our share of lawlessness, prejudice, discrimination, massacre and warfare.<sup>32</sup> Certain kinds of violence that would be shocking in other parts of the world are routine in South Asian societies, and persist, because they have come to be perceived, by both their perpetrators and their victims, as making a kind of cultural sense (violence along the axes of gender and caste would fall in this category of culturally-comprehensible violence). But the fact remains that we’ve never had a death camp on the subcontinent.

The origins of the camp in Europe invariably had to do with a supposed *danger* posed by certain persons that required a temporary suspension of the law, and the internment of these persons to a space wherein this

suspension applied. How *dangerous* the groups so-interned really were in the first place, or could continue to be once they were confined, bore little or no relationship to what was done to them inside the camp.

In fact, Arendt argues strenuously that there was no relationship whatsoever between the danger posed and the fate suffered by the Jews in the Nazi camp: denizens were always, already, by definition and by necessity “absolutely innocent”. (The theoretical and legal underpinnings of this claim are complex – I will not digress into a summary at this point). This is a pattern that should instantly set alarm bells ringing for those of us studying violence in India. How frequently do we hear the Indian state trot out, and the media willingly disseminate, the phrases “law and order problem”, “prevailing tension”, “sensitive situation” or “security risk”? How often are these the excuses to impose a curfew, call out the army, suspend civilian rule, take people into preventive detention, haul them into custody for questioning, and adopt all manner of preemptive measures that suspend the democratically ratified juridico-political order? Ordinances like POTO (Prevention of Terrorism Ordinance) and acts of parliament like POTA (Prevention of Terrorism Act) are good examples of an attempt by the Indian government to give a veneer of legality to what is actually a state of exception.<sup>33</sup> Persons affected by such “laws” that articulate the idea of “prevention” – supposedly of lawlessness – enter into the zone of indistinction that you identify, where they are neither guilty nor innocent but “suspect”, neither penally incarcerated nor free but “detained”.

One of the paradoxes of the state of exception lies in the fact that in the state of exception, it is impossible to distinguish transgression of the law from execution of the law, such that what violates a rule and what conforms to it coincide without any remainder (a person who goes for a walk during the curfew is not transgressing the law any more than the soldier who kills him is executing it). (*HS*: p57).

During Indira Gandhi’s Emergency in the mid-late seventies (1975-77), this kind of perverse reasoning was writ large across the nation for several months. An emergency is precisely the furthest point to which a state of affairs perceived to be dangerous could possibly escalate. In this sense, *during the Emergency all of India under Congress rule was transformed into a camp*. As you show, drawing on Arendt, in the camp there is no distinction between fact (what *does* happen to people) and law (what *ought to* happen to them). Relatedly, there is no distinction between the private and the public, the personal and the political, between the home and the city. Indians need only remember the forced

sterilizations, the shrill rhetoric of family planning, the bulldozers flattening slum dwellings, the silencing of intellectuals, the intimidation of artists, the curbs on the freedom of the press, and slogans like “India is Indira” during the hey-day of Sanjay Gandhi’s extra-Constitutional power. Upendra Baxi alerts us to what happened more recently, and much more ominously, in Gujarat, during February and March 2002, revealing the political logic at work in the Modi régime:

Gujarat brings home to us with poignant intensity the consummation of the practices of communalisation of governance. (...). The government then must for a while be immobilized. *An undeclared emergency must suspend all basic rights of affected citizens.* In the process, all emergency security services must be suspended. The fire fighting and ambulance services should only arrive at the scene of the crime after houses are fully burnt and bodies fully charred. The police should remain passive bystander witnesses of bloody violent enactments. No hindrance may be posed in the way of proactive Hindutva citizens in incitement to violence. *This informal suspension of the rule of law constructs state-free political time and space* but only for a while. For that suspension has a purpose: the production of minority communities as permanently endangered ones.<sup>34</sup> (Emphases mine).

In remaining vigilant about such instances, we remind ourselves that the inhuman violence of the camp and this purportedly non-violent nation are not somehow miraculously off-limits to one another; that we are no more immured to the worst truths about the camp than we are to modernity itself.<sup>35</sup>

Much as you are conceptually indebted and acknowledge your debt to Arendt, Foucault and Schmitt (among others), both *HS* and *ME* together must be read as essentially an extended commentary (*bhāṣya*) on the root text (*sūtra*) that is Benjamin’s “Critique of Violence”.<sup>36</sup> For it is in this short seminal essay that Benjamin triangulates violence with law and justice, and examines the genealogy of violence in natural law as opposed to positive law. He also interrogates violence as a means and as an end; and considers whether means and ends in various cases are legitimate or illegitimate; justified or unjustified. He considers different forms of violence – sanctioned and unsanctioned – the strike, military violence, conscription, capital punishment, mythical violence and divine violence. Even class struggle and the legal contract are discussed as variations on the theme of violence.<sup>37</sup> On your reading of foundational Greek and Roman texts, law (*Nomos*) is enigmatic because it achieves the paradoxical reconciliation of two opposite principles: violence

(*Bia*) and justice (*Dikē*) (*HS*: pp.30-8). Thus, most important for our purposes and yours, Benjamin takes a careful look at police violence:

Police violence... is lawmaking, for its characteristic function is not the promulgation of laws but the assertion of legal claims for any decree, and law-preserving, because it is at the disposal of these ends. The assertion that the ends of police violence are always identical or even connected to those of general law is entirely untrue. Rather, the “law” of the police really marks the point at which the state, whether from impotence or because of the immanent connections within any legal system, can no longer guarantee through the legal system the empirical ends that it desires at any price to attain. Therefore the police intervene “for security reasons” in countless cases where no clear legal situation exists, when they are merely, without the slightest relation to legal ends, accompanying the citizen as a brutal encumbrance through a life regulated by ordinances, or simply supervising him. Unlike law... a consideration of the police institution encounters nothing essential at all. Its power is formless, like its nowhere tangible, all-pervasive, ghostly presence in the life of civilized states. (*Reflections*: pp. 286-7).

In other words, *police violence embodies the state of exception to the rule of law*. The police make the law that they then preserve, rather than preserving a law that exists over and above their own sphere. We need look no further than Gujarat during the post-Godhra riots of 2002 to see the direct connection between police action and inaction, and the death and destruction wreaked upon thousands of Gujarati Muslims. If riot-affected Muslims ended up in camps, it was precisely because the police either actively encouraged or failed to prevent Hindu mobs that went on the rampage against the minority community. The breakdown of law and order consisted not just in the violence unleashed by organized Hindutva factions, but also in the fact that the police colluded with them, either through protection or through studied indifference<sup>38</sup>. Once the police became complicit with the anti-Muslim forces, the law of the land was effectively in a state of suspension. Citizens of a certain community were abandoned by the juridico-political order to their inhuman fate – be it gang rape, being burnt alive, having fetuses ripped out of bellies, having limbs hacked off, theft, mass slaughter, pillage, arson, stoning, fire-bombing or whatever other brutality and humiliation. The police force, which most citizens naïvely assume is an arm of the law, revealed itself to be rather that which replaces it, heavily armed and openly violent. Everything was possible while the state of exception was the rule in Gujarat, and

everything, howsoever horrible to even imagine, leave aside either execute or undergo, did indeed take place by way of savagery against the Muslims. The word perhaps used most frequently in the media to describe what went on was “atrocious”.

Yet it was to escape violence that riot-survivors fled to or were ushered into camps. These were *relief* camps: camps set up by non-governmental organizations and aid agencies as well as citizens’ groups, many of them – like the Shah-e-Alam Relief Camp – of Muslim provenance, to provide shelter from the atrocities unfolding in every direction.<sup>39</sup> Muslims banned from normal civic life, banished into these camps, reduced from (mostly) prosperous Gujaratis to naked life, were now at the mercy of actors other than the state, though thankfully these were benign rather than cruel, there to provide succor and not to do further damage.<sup>40</sup> Besides relief camps, what also emerged was the Muslim ghetto, described by Jan Bremen:

[T]his time there are reports of large-scale treks of members of the minority fleeing to marginal sites on the outskirts of the city [of Ahmedabad]. Juhapura, on the right bank of the river, has emerged as a huge Muslim enclave. It is an overcrowded district which has been inundated with many tens of thousands of refugees in a short period of time. The area is known popularly as ‘mini Pakistan’ and most of the people living there seem also to have slid into a state of utter deprivation. In the mind of the Hindu outsider, they constitute an anonymous mass. It is with reference to such alien landscapes at remote distances from more ‘civilised’ parts of the city that the Other is constructed as having neither name nor face and becomes demonised as an anti-social, criminal underclass which cannot be accepted as part and parcel of mainstream society.<sup>41</sup>

The ghettoization of the communal Other, the spatialization of the state of exception to the rule of law, and the naming of space so created after an enemy nation – the Muslim ghetto with its huge influx of riot refugees comes to be called “mini Pakistan” – are indeed striking. The “utter deprivation” of the inhabitants of Juhapura, and the perception of Juhapura as an “alien landscape” at a “remote distance” from the normal life of free citizens, should come as no surprise. Even if humanitarian relief was to reach this nether world populated by those who are perceived by the majority as demons, on Miriam Ticktin’s reading of you and of others, “...policing and humanitarianism represent two sides of the same coin...” (“Policing”: 347).<sup>42</sup> Both equally signal the state of exception to the rule of law, both come to the foreground, as action

and reaction, when the legal order fails to be in operation for the people. International humanitarian and human rights organizations – different arms of the United Nations, the Red Cross, Amnesty, Doctors without Borders (MSF) – are as much a part of the structural logic of politics in the modern nation-state as is police power.<sup>43</sup> It follows that these are just as intimately connected with the existence and proliferation of camps all over the world we live in today, as is the violence of the police.

Where the police commit or abet atrocities with impunity, and perform or underwrite inhumane acts, humanitarian agencies show up to protect the human rights, the basic humanity, of the victims. This is no different than protecting the bare fact of being alive, of having a living body (or whatever parts of it remain), of catering to those fundamental bodily needs that stand between the life and death of a human. The relief camp is the logical site for humanitarian activity. It may appear counter-intuitive to link police violence and humanitarianism, but you are pointing us to their common basis on the absence of law and order, and the failure of the state to provide protection to the people.<sup>44</sup> Both these interventions, by the police and by humanitarian aid organizations, are manifestations, albeit mutually opposed in appearance, of the breakdown of political and legal processes that, if they were properly at work, would impede the outbreak of certain kinds and scales of violence through the bulwark of citizenship.<sup>45</sup> When receiving a blow from a policeman's baton one is merely human; when receiving a packet of food from a relief agency's volunteer, one is at least human. The subtle commonality lies in being at the edge condition of one's humanity, one random chance away from fatal injury or death by starvation.

It is when the rights (*droits*) of the citizen (*citoyen*) are violated or suspended, that the rights of man (*homme*) ought to come into play.<sup>46</sup> But who is it that populates a relief camp? It is none other than the refugee, who can also be found in the eponymous refugee camp:

[T]he very figure who should have embodied the rights of man par excellence – the refugee – signals the concept's radical crisis. (...) In the system of the nation-state, the so-called sacred and inalienable rights of man show themselves to lack every protection and reality at the moment in which they can no longer take the form of rights belonging to citizens of a state. If one considers the matter, this is in fact implicit in the ambiguity of the very title of the French Declaration of the Rights



of Man and Citizen, of 1789. In the phrase *La déclaration des droits de l'homme et du citoyen*, it is not clear whether the two terms *homme* and *citoyen* name two autonomous beings or instead form a unitary system in which the first is always already included in the second. (HS: pp.126-7).

The refugee is not a citizen, s/he is a non-citizen; s/he does not belong to a nation-state, but rather to the state of statelessness. Like the inmate of the camp, with whom s/he may, on occasion, coincide, the refugee does not have the rights of a citizen, but only human rights (and these more in their flagrant violation than in their rigorous enforcement). You try to alert us to the fact that in this age when “the ideology of the spectacle, of the market, and of enterprise” is hegemonic, *all of us are in danger of becoming refugees, persons without political rights.* (ME: p137). *Moreover, all politics is in danger of becoming a camp, the pure space of exception.* We may consider ourselves mere bystanders to violence, but we are at any moment equally liable to become either its perpetrators or its victims. Through outright war and through global economic inequity, capitalism everywhere tends to reduce politically empowered citizens to naked life – humans who are starving, thirsty, sick, unclothed, poor, homeless, over-worked, under-paid, unemployed, exploited, abused, marginalized, deprived of rights – people denaturalized, denationalized, dehumanized; sovereign subjects who are subjected and not sovereign.

With the drive towards economic liberalization and military nuclearization, with the ascendance of consumerism and of right-wing politics, and now with the open building of an alliance (a “strategic partnership”, as it is called) between India and the United States, in the last two decades the Indian nation has seen an exponential increase in the quantum of violence both within and at its borders. To make its place in what you call “the spectacular-democratic world organization”, India perceives itself as having to prove that it too is a “strong state”. (ME: p86). And as America, Israel and China – all three, for different reasons, the new models for the Indian state – demonstrate, violence, whether self-directed or other-directed, is both an index of and the necessary price to pay for might. However, it would be good for us to bear in mind what Arendt presciently pointed out in the era of the Cold War:

The amount of violence at the disposal of any given country may soon not be a reliable indication of the country's strength or a reliable guarantee against destruction by a substantially smaller and weaker power. And this bears an ominous similarity to one of political science's oldest insights, namely that power cannot be measured in terms of wealth, than an abundance of wealth may erode power, that riches are particularly dangerous to the power and well-being of republics – and insight that does not lose in validity because it has been forgotten, especially at a time when its truth has acquired a new dimension of validity by becoming applicable to the arsenal of violence as well.<sup>47</sup>

Many Jewish intellectuals have insisted that the Holocaust (*Shoah*) be treated as a conceptual singularity; that no other human condition begins to be comparable to what the Jews experienced under Nazism. But your reading of the history of European legal thought genuinely expands the notion of the camp to allow us to see it as a form inherent to biopolitical modernity and the rise of the nation-state the world over. Mbembe too, while bracketing the thorny issue of the uniqueness of the Holocaust, proceeds to demonstrate the workings of necropolitics in his part of the world, namely, Africa. “The camp... is the new biopolitical *nomos* of the planet.” (*ME*: p44). Those of us who live in democratic régimes need to be as alert to the presence of the camp in our political space as do those who endure dictatorships or totalitarian régimes.

Constitutionally guaranteed rights are just as fragile as universal human rights, and vice-versa – such is the reality of biopower in modern life.<sup>48</sup> Every human, every citizen, is a potential refugee, in danger of being abandoned by the law and reduced to naked life. Indians cannot take consolation in or become complacent about their democracy, and assume the tone of self-congratulation that surfaces more and more stridently in the media every year when it comes time for Independence Day, Republic Day or elections. After all, our democratic institutions are modelled on their English, French and American predecessors, a genealogy which makes them vulnerable to violence for similar reasons if not in identical ways to those of the West. We must begin scrutinizing the range of camps in our country, the numbers of people cycled through them, the flow of refugees and displaced persons within and through India, the insidious growth of fascist tendencies in our state, and the mounting incidence of mass murder approaching genocidal proportions.

Yours etc.

## End Notes:

- <sup>1</sup> Giorgio Agamben, *Remnants of Auschwitz: The Witness and the Archive*. Translated from the original Italian by Daniel Heller-Roazen, Zone Books (1999). Henceforth, this volume is referred to as *RA*.
- <sup>2</sup> This social category is called, in Sanskrit, the *śūdra*, and denotes the fourth and lowest class of persons in the four-fold hierarchy of orthodox Hindu society.
- <sup>3</sup> “Necropolitics” by Achille Mbembe, translated by Libby Meintjes. *Public Culture* 15: 1 (2003); 11-40. Henceforth, this essay is referred to as “Necropolitics”.
- <sup>4</sup> *On the Postcolony* by Achille Mbembe. University of California Press (2001). See “Necropolitics”:

Moreover I have put forward the notion of necropolitics and necropower to account for the various ways in which, in our contemporary world, weapons are deployed in the interest of maximum destruction of persons and the creation of *death-worlds*, new and unique forms of social existence in which vast populations are subjected to conditions of life conferring upon them the status of *living dead* (*Ibid*: 40, emphases in the original).

This idea of “death-worlds” is perhaps adumbrated by Arendt, who writes about the Nazi camp:

*The world of the dying*, in which men are taught that they are superfluous through a way of life in which punishment is meted out without connection with crime, in which exploitation is practiced without profit, and where work is performed without product, is a place where senselessness is daily produced anew. (Emphasis mine).

See pp.136-7 of “Total Domination” by Hannah Arendt, in Peter Baehr Ed. *The Portable Hannah Arendt*. Penguin Books (2000); pp.119-145. (“Total Domination” is extracted from Arendt’s *The Origins of Totalitarianism*. Harcourt Brace and Co. (1979 [1951])). Henceforth, this volume – the Portable Arendt – is referred to as *PA*.

- <sup>5</sup> Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*. Translated from the original Italian by Daniel Heller-Roazen. California: Stanford University Press (1998 [1995]); p174. Henceforth, this volume is referred to as *HS*. You write:

Historians debate whether the first camps to appear were the *campos de concentraciones* created by the Spanish in Cuba in 1896 to suppress the popular insurrection of the colony, or the “concentration camps” into which the English herded the Boers toward the start of the [20<sup>th</sup>] century. What matters here is that in both these cases, a state of emergency linked to a colonial war is extended to an entire civilian population. (...). The importance of this constitutive nexus between the state of exception and the concentration camp cannot be overestimated for a correct understanding of the nature of the camp. (*HS*: pp.166-68).

- <sup>6</sup> In “The Birth of Biopolitics”, Foucault defines biopolitics as:

...the endeavor, begun in the eighteenth century, to rationalize the problems presented to governmental practice by the phenomena characteristic of a group of living human beings constituted as a population: health, sanitation, birthrate, longevity, race...

*The Essential Foucault: Selections from Essential Works of Foucault, 1954-1984*. Paul Rabinow and Nikolas Rose Eds. The New Press (2003); p202. Henceforth, this volume – the Essential Foucault – is referred to as *EF*. The *locus classicus* wherein Foucault deploys the terms “bio-power”, “bio-history” and “bio-politics” is “Right of Death and Power over Life” in *The Will to Knowledge: The History of Sexuality: Volume 1*. Michel Foucault translated by Robert Hurley. Penguin Books (1998 [1978]). French original *La Volonté de savoir* (1976). Henceforth, this volume is referred to as *Sexuality*.

<sup>7</sup> A propos biopower, Foucault writes:

But the existence in question is no longer the juridical existence of sovereignty; at stake is the biological existence of a population. If genocide is indeed the dream of modern powers, this is not because of the recent return of the ancient right to kill; it is because power is situated and exercised at the level of life, the species, the race, and the large-scale phenomena of population (*Sexuality*: p137).

<sup>8</sup> See p355 of “Policing and Humanitarianism in France: Immigration and the Turn to Law as State of Exception” by Miriam Ticktin in *Interventions: Volume 7 (3): Practices of Migration* (2005): 347-68. Henceforth this article is referred to as “Policing”. Ticktin also usefully summarizes the work of Claire Rodier on the detention and transit centres, or “camps for foreigners”, that have come up all over Europe, especially since the creation and operationalization of the Schengen collective and the European Union (“Policing”: 358).

<sup>9</sup> According to Foucault:

In the eighteenth century, the development of demography, of urban structures, of the problem of industrial labour, had raised in biological and medical terms the question of human “populations”, with their conditions of existence, of habitation, of nutrition, with their birth and mortality rates, with their pathological phenomena (epidemics, endemic diseases, infant mortality). The social “body” ceased to be a simple juridico-political metaphor (like the one in the *Leviathan*) and became, instead, a biological reality and a field for medical intervention. The doctor must therefore be the technician of this social body, a medicine a public hygiene. At the turn of the nineteenth century, psychiatry became an autonomous discipline and assumed such prestige precisely because it had been able to develop within the framework of a medical discipline conceived of as a reaction to the dangers inherent in the social body. (...) Nineteenth-century psychiatry was a medical science as much for the societal body as for the individual soul.

See pp214-15 of “About the Concept of the ‘Dangerous Individual’ in Nineteenth-Century Legal Psychiatry” in *EF*.

<sup>10</sup> From Arendt, “The Perplexities of the Rights of Man” (*PA*: pp38; 41).

<sup>11</sup> You write:

The camp as dislocating localization is the hidden matrix of the politics in which we are still living, and it is this structure of the camp that we must learn to recognize in all its metamorphoses into the *zones d’attentes* [sic] of our airports and certain outskirts of our cities. (...) The camp, which is now securely lodged within the city’s interior, is the new biopolitical *nomos* of the planet.

And: “Today it is not the city but rather the camp that is the fundamental biopolitical paradigm of the West.” Agamben, “The Camp as the ‘Nomos’ of the Modern” in *HS*: pp.175-76; p181.

<sup>12</sup> In “Necropolitics”, Mbembe discusses these forms in some detail, drawing on the recent histories of the Middle East, Palestine, South Africa, Israel, the Balkan countries, Rwanda, the West Bank, and on the work, most prominently, of Deleuze and Guattari, and of Eyal Weizman.

<sup>13</sup> This as far as Foucault goes on the subject of the Nazi state, in the very same essay wherein he presents the ideas of biopower and biopolitics:

Nazism was doubtless the most cunning and the most naïve... combination of the fantasies of blood and the paroxysms of a disciplinary power. A eugenic ordering of society, with all that implied in the way of extension and intensification of micro-powers, in the guise of an unrestricted state control (*étatisation*), was accompanied by the oneiric exaltation of a superior blood; the latter implied both the systematic genocide of others and the risk of exposing oneself to a total sacrifice. It is an irony of history that the Hitlerite politics of sex remained an insignificant practice while the blood myth was transformed into the greatest blood bath in recent memory. (*Sexuality*: pp.148-49).

<sup>14</sup> “The camp is the fourth, inseparable element that has now added itself to – and so broken – the old trinity composed of the state, the nation (birth), and land.” (*HS*: p176).

<sup>15</sup> Giorgio Agamben, “In this Exile (Italian Diary, 1992-94)” in his *Means without End: Notes on Politics*. Translated from the original Italian by Vincenzo Binetti and Cesare Casarino. Minneapolis: University of Minnesota Press (2000 [1996]), pp. 23-4. Henceforth, this volume is referred to as *ME*.

<sup>16</sup> You have pointed out very rightly: “Because they require constant reference to a state of exception, measures of security work towards a growing depoliticization of society. In the long run, they are irreconcilable with democracy.” Giorgio Agamben, “Security and Terror”, translated by Caroline Emcke. *Theory & Event*, Volume 5, Issue 4, 2001. [http://muse.jhu.edu/journals/theory\\_and\\_event/v005/5.4agamben.html](http://muse.jhu.edu/journals/theory_and_event/v005/5.4agamben.html)

<sup>17</sup> Arendt writes, in “Total Domination”:

The next decisive step [after the killing of the juridical person – see footnote 26 below] in the preparation of living corpses is the murder of the moral person in man. This is done in the main by making martyrdom, for the first time in history, impossible. (*PA*: p132).

<sup>18</sup> In his piece “Apocalypse Deferred”, Mark Greif takes issue with you for your suggestion that we “abandon, fundamentally, without reservation” our conceptual vocabulary for addressing “the subjects of the political”, while in his piece, “The Political Life in Giorgio Agamben”, Colin McQuillan defends your position. See “Apocalypse Deferred: Giorgio Agamben’s *State of Exception*” by Mark Greif in *n+1: Issue 2*. <http://www.nplusonemag.com/agamben.html> and “The Political Life in Giorgio Agamben” by Colin McQuillan in *Kritikos: Vol. 2* (July 2005). <http://garnet.acns.fsu.edu/~nr03/mcquillan.htm>

- <sup>19</sup> According to Bimal Ghosh: “Estimates by the United Nations suggest that the world’s migrant stock is currently hovering around 168 million. The figure might well be as high as 185 million if account is taken of persons who became foreigners as a result of redrawing state borders following the break up of the former Soviet Union. (...). Today, every minute at least ten people are crossing borders around the globe, not including tourists, short-term visitors, and others normally not counted as migrants.” See his, “A Road Strewn with Stones: Migrants’ Access to Human Rights” presented at the *Sixth Annual Assembly of the International Council on Human Rights Policy: International Meeting on Access to Human Rights*. Guadalajara (Jan 17-18, 2003). <http://www.ichrp.org/ac/excerpts/138.doc>
- <sup>20</sup> David Ludden, “History Outside Civilization and the Mobility of South Asia” in *South Asia*, XVII, 1 (1994); 1-23.
- <sup>21</sup> In some project other than my own, it should be possible to look at the camp in South Asia relative to several economic themes: labour, capital, flexibility and so on. Ticktin has flagged this possibility as well (“Policing”: 367).
- <sup>22</sup> For an account of this horrific institution of genocidal rape in the fratricidal war between the Serbs, Croats, Bosnians and Albanians, see Catherine MacKinnon, “Crimes of War, Crimes of Peace” in *On Human Rights: The Oxford Amnesty Lectures, 1993*. Stephen Shute and Susan Hurley eds. New York: Basic Books (1993), pp. 83-109.
- <sup>23</sup> The situation in the North Eastern states vis-à-vis detention camps possibly maintained by the Indian military to check separatist and so-called “anti-national” elements in that part of the country remains unclear, although the notorious Armed Forces Special Powers Act (AFSPA) has been in force in the region since 1958. See Sanjib Baruah, *Durable Disorder: Understanding the Politics of Northeast India*, OUP India (2005), for the most comprehensive survey of the state of exception prevalent in North East India.
- <sup>24</sup> All sorts of other phenomena routinely observed in our country also go by the generic name “camp”. There is the blood-donation camp, for instance, along with a range of camps assembled for medical purposes, or the RSS training *śakhā* (literally: a “branch” to train new recruits of the Rashtriya Swayamsevak Sangh, a Hindu right-wing voluntary association), or various types of sports and youth camps, or camps for so-called spiritual activities. We might carefully grade and sort these for ideology and purpose, but I think it would be safe to mark them off from the kind of camp under analysis, which people do *not* enter voluntarily, for philanthropy, self-improvement or social service.
- <sup>25</sup> Compare Mbembe on bodily injury in “Necropolitics”, although again, he writes not about the camp as such, but about the more extreme contexts of slavery, war and genocide.
- <sup>26</sup> I do not want to digress here into the discussion about the relationship of the people to the People, and of either of these categories to the citizenry. Jacques Rancière develops his idea of the demos along related, but different lines: for him, the demos consists of those who lack the qualification to rule:

Democracy is the power of those who have no specific qualification for ruling, except the fact of having no qualification. As I interpret it, the demos – the political subject as such – has to be identified with the totality made by those who have no “qualification”. I call it the count of the uncounted – or the part of those who have no part.

Jacques Rancière, “Who Is the Subject of the Rights of Man?” in *The South Atlantic Quarterly* 103:2/3, (Spring / Summer 2004): 297-310; p305.

<sup>27</sup> With reference to people whom she calls “stateless” and “rightless”, Hannah Arendt writes, in her essay “The Perplexities of the Rights of Man”, about “the deprivation of legality”: “Their plight is not that they are not equal before the law, but that no law exists for them...” (PA: p36). This deprivation of legality stems not from what people do, but who people are. It does not accrue to them by way of punishment for a crime, but on account of their existence itself, which is not deemed to fall within the purview of any system of law. On the severing of cause (the committing of a crime) from effect (the deportation to the Nazi camp), and on the difference between a regular criminal and a camp denizen she writes elsewhere, describing the death-camp as a space of juridical death that ultimately expands to encroach upon the entirety of the totalitarian state:

The first essential step in the road to total domination is to kill the juridical person in man. This was done, on the one hand, by putting certain categories of people outside the protection of the law and forcing at the same time, through the instrument of denationalization, the nontotalitarian world into the recognition of lawlessness; it was done, on the other, by placing the concentration camp outside the normal penal system, and by selecting its inmates outside the normal judicial procedure in which a definite crime entails a predictable penalty. (...). Under no circumstances must the concentration camp become a calculable punishment for definite offenses. [It is the absolutely innocent who] are the most suitable for thorough experimentation in disenfranchisement and destruction of the juridical person. (...). The ultimate goal... is to have the whole camp population composed of this category of innocent people. (...). The destruction of a man’s rights, the killing of the juridical person in him, is a prerequisite for dominating him entirely. And this applies not only to special categories such a criminals, political opponents, Jews, homosexuals, on whom the early experiments [of the Nazis] were made, but to every inhabitant of a totalitarian state. (“Total Domination”, PA: pp129-30; p132).

<sup>28</sup> A variant is:

*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 [temporary] suspension of the state of law, acquires a permanent spatial arrangement that, as such, remains constantly outside the normal state of law. (ME: p39; emphasis in the original).*

<sup>29</sup> Davide Panagia, “The Sacredness of Life and Death: Giorgio Agamben’s *Homo Sacer* and the Tasks of Political Thinking” in the on-line journal *Theory and Event*: 3 (1).

[http://muse.jhu.edu/journals/theory\\_&\\_event/toc/archive.html#3.1](http://muse.jhu.edu/journals/theory_&_event/toc/archive.html#3.1)

<sup>30</sup> In her “Rights of Man” essay, Arendt has made a most convincing argument, which I cannot adequately condense here, about the uselessness, if one may use that word, of a concept like “human rights”, showing that when people are deprived of their political rights and reduced from being citizens under the law, to persons who are “stateless” or “rightless” or lacking any legal status whatsoever, then they are most likely to have their human rights be denied to them. Human rights turn out to require the backing of legality and of the power of the state, else they do not really apply. The camp denizen, the refugee, the internally displaced person, who is most in need of rights, effectively has none. *Political man, the citizen, is the subject of political rights; but natural man, the human being as such, is not the subject of human rights.* In other words, there are only political rights. If we were to grasp this point properly, we might not be so aghast at the regular “politicization” of human rights in contexts of international conflict – it turns out they were already deeply political all along.

<sup>31</sup> Mbembe uses the synonymous term: “*necropolitics*”.

<sup>32</sup> Arendt has claimed, at the end of her second essay in the collection *On Violence*, that the opposite of violence is not non-violence, it is rather power. There is no place here to debate this philosophically complex point: suffice it to say that South Asia has never been sequestered from either violence or power, whatever its experiments with non-violence – Jaina, Buddhist, Gandhian or other. See *On Violence*. Hannah Arendt. Allen Lane The Penguin Press (1970 [1969]); p56.

<sup>33</sup> See Suhas Chakma on POTO (Prevention of Terrorism Ordinance) and TADA ((Prevention of) Terrorism and Disruptive Activities (Act)) in “Do ends justify means?” and Ryan Goodman on NSA (National Security Act) in “Time to end abuses” in *Seminar: The Monthly Symposium*, No. 512 (April 2002), “States of Insecurity: Symposium on Emergency Laws, Human Rights and Democracy”.

<sup>34</sup> “Notes on Holocaustian Politics” by Upendra Baxi in *Seminar: The Monthly Symposium*, No. 513 (May 2002). <http://www.india-seminar.com/2002/513/513%20upendra%20baxi.htm>. Henceforth, this article is referred to as “Notes”.

<sup>35</sup> For sharp insights into the relationship between modernity and the particular kind of violence under discussion, see Arjun Appadurai, “Life after Primordialism” in his *Modernity at Large: Cultural Dimensions of Globalization*. Minneapolis: University of Minnesota Press (1997 [1996]), pp. 139-57. For a trenchant treatment of the relationship between the body, the person, and what he calls the “ethnocidal” violence witnessed in the latter half of the twentieth century, see his “Dead Certainty: Ethnic Violence in the Era of Globalization” in *Public Culture*: 10, 2 (1998): 225-47.

<sup>36</sup> Walter Benjamin, “Critique of Violence” in his *Reflections: Essays, Aphorisms, Autobiographical Writings*. Edited by Peter Demetz and translated from the original German by Edmund Jephcott. New York: Schocken Books (1986 [1978]), pp. 277-300. Henceforth, this volume is referred to as *Reflections*.

<sup>37</sup> Benjamin’s essay is about justice and legality, means and ends, just versus justified violence; it is about violence as a means and as an end, as just and unjust, as law-making and law-preserving; it is about natural law and positive law, and the place of violence in both. It is about how justice functions according to the criterion of ends, while legality functions according to the criterion of means. It is about founding violence,



preserving violence and destructive violence. I am merely flagging some of its principal themes, not reproducing his arguments or commenting on them afresh.

<sup>38</sup> See the *Report of a Fact-finding Mission* consisting of Kamal Mitra Chenoy, S.P. Shukla, K.S. Subramaniam and Achin Vinaik. This team visited Ahmedabad and Godhra in Gujarat from March 22-March 26, 2002.

<http://www.urdunet.com/gujarat/gujaratcarnage2002.htm>

<sup>39</sup> The term “relief” calls to mind all kinds of “disaster relief” – where “disaster” could mean anything from an earthquake to a tornado, from a flood to a forest-fire, a radiation accident, an air-crash, a terrorist attack, the raising of the height of a dam, a suicide bombing... .We are trying here to restrict the discussion to political and legal situations, rather than getting into the natural disaster, or the man-made ecological / nuclear / mechanical disaster. There is no space here for an analysis of terrorist violence in terms of either the camp or the refugee, especially terrorism that is supported by transnational extremist networks.

<sup>40</sup> Note the terminology of the *Interim Report* of the Panel for the International Initiative for Justice in Gujarat:

The state continues to abdicate its responsibilities to the Muslim citizens of Gujarat in terms of support for survival needs, rehabilitation and reconstruction in the aftermath of the violence. It has left this process almost entirely in the hands of NGOs and charitable organizations. The fact that at present it is primarily Muslim organizations that are providing resources for relief and reconstruction in Gujarat points to shrinking secular spaces and heightens *feelings within the Muslim community that they have been abandoned by the state* and by fellow citizens and it is only within their own community that they will find support and security. [Emphasis mine].

<http://conconflicts.ssrc.org/gujarat>

<sup>41</sup> Jan Bremen, “Communal Upheaval as Resurgence of Social Darwinism” in the *Economic and Political Weekly* (April 20, 2002): 1485-88. Henceforth this article is referred to as “Communalism”.

<sup>42</sup> Miriam Ticktin, “Policing and Humanitarianism in France: The Turn to Law as State of Exception”. Paper presented at a conference on *Law, Culture and the Humanities* at the Cardozo School of Law and New York University, March 07-09, 2003; later published as: “Policing”, where Ticktin writes:

[P]olicing and humanitarianism are related... they represent two sides of the same coin – two essential elements of a moral economy in which law as a regime of systematic justice is not central, and where a democratic political realm has been displaced in favour of a regime of sovereign exceptions. (350)

I am suggesting that the same suspicion of law that has led to increased policing undergirds the growing number of humanitarian exceptions to the law. And I want to suggest that policing and humanitarianism are not unrelated – indeed, they are intimately linked. (359).

For an elaboration of this idea, see the author’s unpublished doctoral dissertation: *Between Justice and Compassion: “Les Sans Papiers” and the political economy of health, human rights and humanitarianism in France*. Stanford University (2002).

<sup>43</sup> Hugo Slim has mapped the relationship between humanitarianism and force from a completely different perspective. He tries to capture the various ways in which humanitarian agencies position themselves vis-à-vis war, and finds that when *humanitarian relief* – by definition non-violent – meets military *intervention* – obviously violent – what emerges is a moral and logistical hybrid: *humanitarian intervention*. See his “Military Intervention to Protect Human Rights: The Humanitarian Agency Perspective”. Background paper for the International Council on Human Rights Policy: *Meeting on Military Intervention and Human Rights* (March 2001). *Journal of Humanitarian Assistance*. <http://www.jha.ac/articles/a084.htm>

<sup>44</sup> See Arendt, “Rights of Man” in *PA*:

The Rights of Man... had been defined as “inalienable” because they were supposed to be independent of all governments; but it turned out that the moment human beings lacked their own government and had to fall back upon their minimum rights, no authority was left to protect them and no institution was willing to guarantee them.... [L]oss of national rights was identical with loss of human rights. (32)

The Rights of Man, supposedly inalienable, proved to be unenforceable – even in countries whose constitutions were based upon them – whenever people appeared who were no longer citizens of any sovereign state. (34)

[The rightless suffered] the loss of government protection, and this did not imply just the loss of legal status in their own, but in all countries. Treaties of reciprocity and international agreements have woven a web around the earth that makes it possible for the citizen of every country to take his legal status with him no matter where he goes.... Yet, whoever is no longer caught in it finds himself out of legality altogether.... (34-35)

The conception of human rights, based upon the assumed existence of a human being as such, broke down at the very moment when those who professed to believe in it were for the first time confronted with people who had indeed lost all other qualities and specific relationships – except that they were still human. The world found nothing sacred in the abstract nakedness of being human. (41)

Humanitarianism and policing both operate in a sphere – sometimes spatialized in the camp – oriented around man as such, not the citizen. The one tries to uphold human rights; the other routinely violates them. Under the optimum functioning of the rule of law, with politics doing its work, there would be no need for either.

<sup>45</sup> Perhaps it is in this sense that Arjun Appadurai has described “refugee camps, refugee bureaucracies, refugee-relief movements, and refugee-oriented transnational philanthropies” as being “postnational”. See “Patriotism and its Futures” in his *Modernity at Large: Cultural Dimensions of Globalization*. Minneapolis: University of Minnesota Press (1997 [1996]), pp. 158-77. To this list perhaps we could add International Humanitarian Law, International Refugee Law, and Human Rights Law, all of which have a problematic relationship with the nation-state.

<sup>46</sup> Of course Arendt’s point is that they don’t: some people lack even “a right to have rights”. (“Rights of Man”, *PA*: p37).

<sup>47</sup> Hannah Arendt, “On Violence”, in her *Crises of the Republic*. Harcourt Brace and Co. (1972).

<sup>48</sup> Observers of Indian politics reacting to the violence in Gujarat have already heard in it an alarming echo of Nazi Germany – Baxi has called the riots “a Holocaustian political catastrophe” (“Notes”) and Bremen has compared the targeted violence against the Muslims of Ahmedabad in early 2002 to the *Kristallnacht* of November 1938 (“Communalism”: 1487). The *Interim Report* of the Panel for the International Initiative for Justice in Gujarat points out: “In many cases, Muslims face an economic boycott, despite claims to the contrary. (...) This situation presents a grim parallel to the ghettoization and economic persecution faced by the Jewish community in Nazi Germany.” <http://conconflicts.ssrc.org/gujarat>

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