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Modern State as a Source of Legitimized Violence;

Dilemma of Sovereignty and violence

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DEDICATION

This thesis is dedicated to my lovely woman Mona.
I am truly thankful for having you in my life

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ABSTRACT

Elimination of violence and establishment of sustainable peace have been among the longest-standing human ambitions. Violence with its paradoxical picture, however, has been an inseparable part of human history. Regarding different aspects and forms of violence, it could be defined as something to do with a change in the “normal” state of affairs.

According to mentioned definition of violence, a comprehensive understanding of this phenomenon is tied to proper understanding of political life. As a result of the main characteristic of modern state, “ the monopoly of the legitimate use of physical force in the enforcement of its order”, violence could be classified in legitimate and illegitimate. In other words, modern state by introducing itself as sovereign, which is considered as natural, for-granted and even necessary to keep order and maintain security, has the right to define “normal state”, make decision on “the state of exception” and accordingly legitimize violence in different scales.

To explain the role of modern state in legitimized violence, I employed the concept of camp, which is according to Giorgio Agamben the fundamental biopolitical paradigm of modern societies. Hence, illustrating the similarities between variety camps in states with different political, economic and ideological structures, could disclose the real violent face of modern state. Suspension of the state of law and dehumanization are two common processes that are employed by state in camps to legitimize violence against people.

Key Words: Sovereignty, legitimized violence, modern state, camp, dehumanization, suspension of the state of law.

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Chapter one: Introduction

Elimination of violence and introduction of sustainable peace have been among the longest-standing human ambitions. Regardless of the social, economic and political systems at play, humans have always strived to curb violence and promote peace at the same time. Despite those efforts, war, which is most obvious manifestation of violence, has been an inseparable part of human history, so much so that we place historic periods in pre- or post-war categories.

In other words, despite efforts by philosophers, politicians and social activists in different periods throughout history, violence has been omnipresent in human life, so much so that some thinkers and schools of thought view violence as an instinctive part of human life which is necessary and at times useful in the evolution of human history.

Other thinkers have rejected the theory that describes violence as a natural phenomenon. They regard violence as a social constructed phenomenon which can be avoided both individually and socially. Although the theoretical endeavors of the latter represent a broad spectrum, they have provided activists and students with an in-depth theoretical framework to work on. Of course, existence of rich literature and an in-depth theoretical framework does not necessarily translate into easy research; rather at times it can further complicate things.

In addition to theoretical differences surrounding violence, the complicated forms violence has taken on as a result of technological advances along with its emergence from behind the colorful masks of modern life have made research in this area all the more difficult. A quick look at newspapers and news websites reveals the prevalence in society of different forms of violence such as domestic violence, child abuse, cyber violence, violence against women, school and workplace violence, violence against religious and ethnic minorities, violence against protesters and demonstrators, civil wars, etc.

The shocking number of news stories about violence in modern societies which claim to be on the path of evolution shows that the necessity to study violence is felt more than ever before and that such research should be a top priority to sustain human life.

By putting violence in different categories such as individual, social and international, modern societies try to present themselves as entities which pursue the root causes of violence in their bid to bring it under control, prevent the repeat of violent acts, and ease the sufferings of the victims of violence. Such efforts cover a wide range of anti-violence measures designed to promote peace and beef up security. Conferences organized by universities and articles penned by academics on violence against women and children, campaigns targeting racial discrimination and violation of human rights, and international conferences to promote peace in conflict zones are all symbolic efforts by modern societies to contain violence and maintain peace and stability.

Sustaining the modern way of political life which has manifested itself in the form of nation-state relations depends on the containment of violence by governments or international governmental organizations such as the United Nations. This goal is manifested in the preamble of UN charter clearly: “to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, ... to unite our strength to maintain international peace and security”. According to these dreams all the efforts to globalize the values enshrined in the Declaration on Human Rights and promote legitimate defense as well as preventive and just wars as being conventional are all in line with the containment of violence even by employing legal violence that contributes to stability and sustainability.

So, claims by modern societies that they have been successful in lowering the level of violence have always been challenged by critics. Regardless of quantitative comparisons when it comes to levels of violence in modern and traditional societies, qualitative factors such as the level of social awareness and accumulation of experience should not be overlooked. Besides, thanks to technological advances, the destructiveness of violence is not comparable with the past.

Two world wars, the horrendous experience of ethnic violence, colonialism and its repercussions which are still being felt in civil wars around the world today, and the use of atomic weapons are all catastrophes committed in modern times by modern governments. These violent incidents cast doubt on claims by modernists that their measures to monopolize violence have actually helped contain violence.

The existence of a wide spectrum of theories on violence on the one hand, and the complicated nature different forms of violence take on, on the other, has resulted in different categorizations of violence. Regarding all different categorization, in the

method I have chosen to study violence in my dissertation, violence falls into two categories: illegitimate and legitimized.

Illegitimate violence is the kind of violence commission of which is illegal and punishable by law. In addition to illegality, such violence is condemnable in the court of public opinion and its commission draws a backlash from society. Illegality is the most important factor in defining illegitimate violence. Any drop in the number of illegitimate violence cases is an index for human evolution. Modern societies claim that they have decreased the number of cases involving illegitimate violence, as compared with pre-modern societies, by giving the government a monopoly on violence and use of force.

So illegitimate violence could be defined as the kind of violence which is committed by someone outside the government in an attempt to disturb order and “normal state”. Such violent measures could be in line with individual or group interests. The legal system uses penal and disciplinary mechanisms to prevent the repeat of such violence. In fact, illegitimate violence is a kind of violence that is not originated from the monopolized source of use of force.

There is a second kind of violence which could be defined as legitimized violence because of its origin, the tools which are used to commit it, and the institutions that have those tools at their disposal. As it was stated before the monopoly over violence in modern societies lies in the hands of the government. Governments use such violence against individuals they accuse of seeking to disturb law and order. Such violence relies on legality and legitimacy.

In other words, in order to maintain and sustain their structures, modern governments rely on the kind of stability and order which becomes only possible through their unbridled power. They say failure to maintain stability and security or what is sometimes portrayed as peace does not stem from structural deficiencies or fundamental defects of state in its modern form; rather, it has its roots in the disruptive measures taken by those who are opposed to the accepted norms of nation-state system. So modern governments use the kind of violence they view as legitimate to counter on both local and international fronts any attempt at changing this system. They build on concepts such as national security, international peace and security, and sustainable peace to justify their conduct. In fact, dual concepts such as legitimized and illegitimate violence have been created to justify modern state and the nation-state system as the only way to sustain human life.

Before leaving this subject behind and posing the main questions this study is designed to answer, I need to draw your attention to the key role of sovereignty in creating dual concepts such as legitimized and illegitimate violence, security and insecurity, and war and peace. It is the sovereignty that determines the boundaries of these dual concepts which in turn play a key role in the macro-policies on national and international levels.

In fact, without dealing with the mysteries of sovereignty one cannot focus on legitimized violence. Today the concept of violence, its redefinition and its relation to violence is so important in socio-political discussions that it always tops the list of items to be discussed.

In order to better understand the relation between sovereignty and legitimized violence, one needs to introduce an objective example shared by all governments. For example, a shared behavior which has its roots in a shared logic can serve our purpose. Camp can play such a role in the relationship between sovereignty and legitimized violence.

The concept of camp, as put forth in the works of Giorgio Agamben, can provide us with a perfect objective example. That it appears in different forms, stems from sovereign power, governments have shared logic in creating it, and there is an unwritten law in its internal organization, lends camp the capability to portray the link between sovereignty and legitimized violence in the best way possible.

The main question of this thesis is whether state in its modern form – nation-state – is the root cause of legitimized violence.

Of course there are some secondary questions that help put to the test the assumptions of the theory.

1. What is legitimized violence and how does the modern government employ it?
2. What is the relationship between sovereignty and legitimized violence?
3. What is camp and how does it reveal the role of the modern state and its sovereignty regarding violence?

And finally the question that is posed to challenge the existing trends.

4. Is it possible to achieve sustainable peace in a system made up of modern states which are the root cause of violence themselves?

1-1. Brief description of the thesis

The thesis is composed of four chapters. As I have already discussed here, I try to make clear the purposes of the paper; to illustrate the role of modern state in legitimized violence and the function of sovereignty toward the legitimizing process of violence. In this way, it seems to be necessary to begin with definition of some key conceptual words like violence, legitimized violence and sovereignty. In current chapter an introduction to the study of violence and its necessities is outlined, and followed by a general introduction and purpose of study. In addition, a methodological approach which is useful for this paper is described briefly.

In second chapter I will explain the difficulties and vagueness in definition of violence. By discussing the main theoretical approaches, the definition of legitimized violence would be concluded based on Hannah Arendt, Walter Benjamin and Zizek. The nexus between violence and politics, law making violence and law preserving violence and direct or indirect role of state in various forms of violence are the key concepts of this chapter.

In the next chapter, I will explain the role of sovereignty in the process of legitimization of violence by modern state. According to a historical approach, the concept of sovereignty would be deconstructed to explain how a combination of theological characteristics of modern state and monopolized right of use of force legitimize violence. The transformation of sovereignty is discussed from Foucault point of view and concluded to Agamben theoretical approach in relation between modernity and sovereignty.

In the last chapter the concept of camp as a symbol of legitimized violence would be introduced. At the first step, the concept of camp is described and expanded to a general situation in relation between people and states. Then, five camps in five countries by different ideological, economic and political structures are compared to clarify the similarities between them in the process of legitimization of violence through denationalization and dehumanization of people. Nazi concentration camps, Guantanamo Bay detention camp, forced work camps in Soviet Union, Kahrizak prison in Iran and refugee camps in Australia are the case studies of this paper.

1-2. Research motivation

For a humanities student in Iran, the political subjects are not just theoretical approaches which should be studied at the class. In fact, contrasts between nations and governments and social crises go beyond theoretical concepts. Daily life in my homeland is a reflection of the theories students come across in books and articles. So when you enter higher education to make a difference, your social surroundings turn into an arena in which social and political abnormalities are taken on. The more you get involved in social realities, the more you begin to find the role of political system in social crisis.

Over the past century Iranian society has tried to achieve democracy, social justice and sustainable development. During this time, governments with different political ideologies have been responded to the demands of people violently. Similarities in the employed policies of Islamic government with previous Pahlavi dictatorship regarding people have been motivated me as political science student in Iran to investigate modern state and its violent behavior regardless of ideological and structural differences. In fact, I want to explain the nature of modern state, as a construction of contemporary political thoughts, is violent. An idea that can be expanded to any forms of government.

As a start point to my study, one day as a game I gave to some of my friends ten pages of speeches without name and ten names of the famous politicians to match to speeches. The result was shocking and motivating for me. Seven of ten student added the name of Ayatollah Khomeini- the leader of Islamic revolution of Iran- to the speech of Vladimir Lenin. Five of those matched Adolf Hitler to the speeches of Australian government against refugee. And the most interesting answer was about putting the name of Ahmadinejad, former president of Iran at the end of the speeches of David Cameron, prime minister of United Kingdom, against London riots at 2011.

According to my background and the conclusion of this game I found that the similarity between states in labeling their oppositions is not related to their superficial ideological differences. Thus, this paper is the result of my motivation to explain the common element in all modern states which naturalized nation-state, dehumanization of its oppositions, and legitimized violence against them.

1-3. Instead of methodology; the trap of methodological nationalism

Employing a methodological approach would be less problematic when a research paper is focused to analyze an occurred violence in a specified place or historical event. The main concern of this kind of study is to explain the historical, economic or political reasons of violence, determine the perpetrators and victims of violence and how to transform violent situation to a peaceful one in a given political system. But when your assumption is that the main source of violence is the political system you would be faced with a lack of methodological approaches. Regarding this situation, a useful methodological approach is needed to criticize for granted concepts of current political system. Accordingly, I will start by introducing methodological nationalism as my general point of view in methodology and continue with discourse analysis as my methodology.

Methodological nationalism is a dominant conceptual tendency that has shaped social sciences, and consequently impressed our understanding of the world order. Wimmer and Schiller define it as the naturalization of the nation-state by the social science. However, in spite of the considerable contradicted currents – such as political economy in the Marxian traditions and methodological individualism in the school of marginal utility and rational choice – methodological nationalism has been a hegemonic approach in the social sciences. In fact, it is realized as the assumption that the nation/state/society is the natural social and political form of the modern world (Wimmer and Schiller, 2002). Therefore, the buttress of the epistemic structures and programs of mainstream social sciences have been relied upon the experience of modern nation-state formation.

Within the discussion of methodological nationalism there are some already granted propositions; first of all, it considers societies as equal as nation-state societies, in which the foundation of social-scientific analysis are states and their governments. Then, the division of humanity into a limited number of nations is conceived as a natural process; toward this process, different nations categorize themselves as nation-states, internally, and set boundaries to differentiate themselves from other nation-states, externally, whereby the latter delamination – together with the competition between nation-states – represent the most fundamental categories of political organization (Beck, 2003). However, in order to depict how our understanding in analyzing the world structures, the arisen conflicts of these

structures, and the solutions of these conflicts has been trapped by methodological nationalism, three different modes of it are discussed below. These modes intersect and mutually reinforce each other, forming a coherent epistemic structure, a self-reinforcing framework of observing and explaining the social world.

According to the first mode, ignorance, the classical social theory has a blind spot, where the discussion is in regards to realizing the emergence of nation-state together with nationalism and ethnicity. In one hand, this ignorance could be ascribed to a disciplinary division of labor at the beginning of twentieth century, in which the study of the rise of nationalism and the nation-state was delegated to history and only communal identities and nation-building processes outside Europe and the United States were made the domains of anthropology and later of development studies (Wimmer, 1999).

On the other hand, even it could be traced to a methodological problem whereby an established fact is in the background of the most sophisticated theorizing about the modern condition that nationalist forms of inclusion and exclusion bind modern societies together (Berlin, 1979); the problem has been shown by Billig for everyday discourse and practice, and it holds true for grand theory's encounters with the social world as well: "because they were structured according to nation-state principles, these became so routinely assumed and 'banal', that they vanished from sight altogether" (Billig, 1995).

The ignorance is often combined with 'naturalization' – which is the process of the determination of the limit and definition of the unit of analysis by taking for granted the boundaries of the nation-state – and 'territorial limitation', which puts restrictions for the study of social processes to the political and geographic boundaries of a particular nation-state (Wimmer and Schiller, 2003).

The functionality of this process strongly depends upon the categorization of the social science project into different "national" academic areas, a process highly influenced by both nationalist thinking itself, and the institutions of the nation-state organizing, along with the social science thinking in universities, research institutions and government think tanks. The proposed solution of national problems in different scopes such as economics, politics, and social services is addressed through the main research programs of funding bodies. The connection between educational institutes and national ministries of education has led most of the studies to a national-oriented approach (Wimmer and Schiller, 2002).

In addition, most of statistics and other systematic data are produced by government departments of nation-states and therefore take the national population, economy and polity as their given entity of observation (Smith, 1983), therefore it is realized why naturalizing the nation-state has become a part of the everyday routine of postwar social sciences, in international relations as much as in economics, history or anthropology. As a result, after World War II, nation building and state formation are considered natural in the works of modernization theorists, since the nation-state model represented the only considerable way of organizing politics (Wimmer and Schiller, 2003).

Finally, the last mode is territorial limitation in which to the 'state' is generally realized to be a sovereign system of government within a specific territory. In political science, this has seen the emergence of a mainstream theory that understands the state as a neutral playing ground for different interest groups – therefore excluding from the picture the fact that the modern state itself has entered into a symbiotic relationship with the nationalist political project (Wimmer and Schiller, 2002).

In the territorialization of social science, the social sciences have become obsessed with explaining processes within nation-state boundaries as contrasted with those outside, and have accordingly lost sight of the links between such nationally defined territories. Wimmer and Schiller assert it as follows: “to cast this in an image ... the web of social life was spun within the container of the national society, and everything extending over its borders was cut off analytically – similar to the way a pancake takes on a discrete shape, separated from the batter, once it is laid on a hot griddle, to switch to a kitchen metaphor”. The container society surrounds a culture, a polity, an economy and a bounded social group. Major theoretical debates evolved around the relative weight of each of these dimensions in structuring the whole social fabric – Parsonians voting for culture while Marxists are interested in economy – and whether society determined individual actions or the other way round, with social structures coming up from individual agency. There were very few opinions given to why the boundaries of the container society are conducted as they are and what consequences flow from this methodological limitation of the analytical horizon – so that removing trans-border connections and processes from the picture (Wimmer and Schiller, 2002).

1-4. Research method; discourse analysis

Applying a research method that criticize the naturalization of the concepts in social science seems to be necessary for escaping from the trap of methodological nationalism. Thus, discourse analysis is employed to explain the historical origins of the concepts such as violence and sovereignty. In fact, in this paper, discourse as one of the most prevalent terms in different branches of social sciences is related to the work of Michel Foucault (1926-1984). According to Foucault, discourse is “social construction of reality, a form of knowledge that determines what is knowable, sayable and doable in a particular historical context” (Foucault, 1977).

It could be said that focus of this approach is on context. Discourse analysis, however, is the study of both text and context, which are two kinds of data that provide the communicative content of an utterance (Schiffrin, 2005). The nexus between text and context has been made the term discourse analysis ambiguous and multidisciplinary; two characteristics that can be puzzling in definition of any term. As a result of such vagueness, it can be concluded that discourse is a multi-model (Alba-Juez, 2009) and can be categorized in different approaches. But the common denominator of all these approaches is that they are interested in language in use rather than focus on language as an abstract system. Based on this characteristic, the discipline has been called “discourse analysis” instead of “language analysis” (Alba-Juez, 2009).

In spite of methodological nationalism in which state is considered as a natural unit of social life, the meanings in discourse analysis are social constructed and there is no meaning of the world intrinsically (Schram, 1993). As a result, social constructionists have developed discourse analysis. Regarding this relation, distinguishing basic pillars of social constructionism can be considered as first step of using discourse analysis as a research tool. Main assumptions of constructionism include: first, people cannot be objective and then they can construct their own versions of reality. Second, since language is a social and cultural thing, our perception of reality is socially and culturally constructed. Finally, people are products of social interaction (Potter, 1996). Hence, discourse analysis is a way of understanding social interaction.

Although constructionist theory does not directly guide discourse analysis in particular ways, a constructionist epistemology leads the discourse analyst towards a

specific kind of analytic interpretation (Nikande, 2007). Thus, distinguishing different dimensions of discourse, which are based on constructionism, is prerequisite to apply it. Three interrelated aspects of discourse are identifiable:

- 1- The object of analysis (including verbal, visual or verbal and visual texts);
- 2- The process of object production and receiving (writing, speaking, designing and reading, listening, viewing) by subjects;
- 3- The socio-historical situations (contexts) that govern these process (Janks, 2002).

Regarding to these aspects, discourse analysis is employed to explain the historical roots of sovereignty and violence. Regarding the assumptions and dimensions of this research method I will try to illustrate how modern state and nation-state are social constructed in which sovereignty legitimize violence against excluded people. According to this purpose, two mutual processes of dehumanization and denationalization would be analyzed in the relation of sovereign power and people.

Furthermore, discourse analysis is related to identity construction. In this way, discourse is more than just language that we use to show who we are. The way we dress, the gesture we use and even the food we eat influence how we display social identity. Discourse, then, “involve the socially situated identities that we enact and recognize in the different setting that we interact in (Gee, 2005). Hence, social identities are not pre-given, but are formed in the use of language and other ways we use to display ourselves. “People are who they are because of the way they talk not because of who they are” (Cameron, 1999). Accordingly, it would be discussed how sovereign state introduces itself as the only source of identity through nationalism. Regarding this process of identity making, modern state determine who is deserve to be considered as people, nation or more precisely who can be included in society and who would be excluded. The exclusion that is corresponds with legitimizing process of violence.

Chapter Two: Legitimized Violence

2-1. The concept of violence:

We are faced with a paradoxical picture of violence in modern life. That is why Jürgen Habermas depicts the twentieth century as “gas chambers, total war, state-sponsored genocide and extermination camps, brainwashing, state security apparatuses, and the panoptic surveillance of entire populations” (Habermas, 2001) but on the other hand, notwithstanding this intimidating picture, some believe that modern societies seem better equipped than traditional communities to handle conflicts in a relatively peaceful fashion. To make their case, they argue that acts of violence in modern societies are on the decline (Joas, 1999).

This paradox has its roots in the conceptual vagueness of the definition of violence. In fact, consensus is elusive even among scholars as far as the definition of ‘violence’ is concerned (Estanko, 2003). However, working on the concept of violence and the ambiguity associated with it is not merely a scholarly concern. In the absence of consensus on the definition of violence, we would not be able to employ proper means and mechanisms to combat violence, and consequently our strategies and approaches to achieving durable peace would, at best, be on shaky ground. Such failure in turn could cost some people their lives. Hence, development of scientific insight into violence is one of the most immediate tasks of our time. Given that this is a matter of extreme urgency, the fact that our knowledge about it is so limited is shocking (Turpin and Kurz, 1997). In spite of this conceptual vagueness and paradoxical picture, it can be safely argued that violence is a ubiquitous phenomenon, one which is present in national and international arenas, and has long been part of both our public and private lives.

To clarify the definition of violence in this paper, it would be useful to draw attention to two interrelated meanings of the word violence which are rooted in Latin and seem inseparable from its present-day usage. On the one hand, *Violentia* means *vehemence* which is forcefulness of expression or intensity of emotion and conviction (Imbush, 2003); on the other, *Violare* refers to an infringement of certain rules or norms. In light of the latter, a common way of defining violence is to focus on criminal violence and contend that resorting to the use of force that is banned under

law constitutes violence (Riedel and Welsh, 2002). According to this definition there is a one-way relation between violence and law and what we describe as violence can only cover interpersonal relationships in which there is always a perpetrator and a recipient, whereas later in this paper we will discuss how these two concepts are interactive. The two meanings of the word always seem to merge. Rarely does the word “violence” merely refer to sheer force; rather, it refers to a qualified force, one which is excessive or goes beyond certain limits (Bufacchi, 2005).

In addition to being interrelational, violence is a relative concept. Its meaning changes from one society and one point in time to another; besides, it is so subjective in content that an act which is viewed as utterly violent by someone might not be so, or at least not to the same degree, for another individual (Garay, 2008). So it can be argued that because violence is always relative, it defies definition. In other words, in light of the fact that violence is a multifaceted, socially constructed and highly-ambivalent phenomenon, it is extremely difficult to define it (Haan, 2009). Anyway violence has a subversive undertone which has something to do with a change in the “normal” state of affairs (Zizek, 2008). The key concept of this definition of violence is the “normal” state of affairs. What is the normal state and who defines this can tie the concept of violence to politics.

2-2. Violence and political life:

As for the characteristics of violence it can be said that the problems associated with violence may be of great importance in developing a proper understanding of political life, yet the concept of violence remains elusive as ever and often misconstrued (Bufacchi, 2005). To highlight the close link between violence and political life Charles Tilly states that in the centralized states of the modern world, collective violence and political conflict cannot be regarded as discrete phenomena. Whether violent or not, political conflicts generally emanate from the same kind of causal processes and are in accord with a similar logic. Certain elements might heighten the tension and render some players better prepared to resort to more risky and violent means. Anyway, it should be noted that at least in principle there is always the possibility for a conflict to turn nasty (Tilly, 2003).

Tilly goes on to claim that “altogether about 100 million people died in the twentieth century as a direct result of action by organized military units backed by one government or another. A comparable number of civilians likely died of war-induced disease and other indirect effects” (Tilly, 2002).

By virtue of these ghastly developments, it may perhaps be understandable that an in-depth approach to fathoming the many forms of violence and its relation to political life is conspicuous by its absence. Consequently there is no mechanism to stop violence from taking a toll on the lives of millions of people on a daily basis. If images mean more than mere words, what transpired in the 20th century, or in the preceding ones for that matter, surely did not create enough desire to learn more about violence. However, if there is genuine willingness to put a lid on violence or contain it more successfully, it is imperative that we come up with an inclusive definition of violence and consequently develop a better understanding of this phenomenon. Thus, it is of great significance to explore the root cause of violence, digest its essence and importance, and develop an insight into where it stands in reference to power, the state, and domination and into how it is linked to the public realm and legitimacy.

In order to get to the bottom of this interconnected network of concepts, a step-by-step approach would be necessary. Traditional conceptions of power look at coercion from a biological point of view and regard it as a force with an inner desire to expand. Such an approach to violence is dangerous because its supposedly creative results provide a rationale for acts of violence which is then regarded as a sought-after beneficial activity. And metaphorical notions that violence and creation are naturally linked result in the glorification of the former (Arendt, 1970).

Notwithstanding traditional beliefs, in modernity, to think of violence as having a positive, integrating function is almost an anathema; only danger and impurity remain. This modern desire to expel violence, to keep it concealed and out of sight -as occurs with everything impure- in political theory would seem to translate itself, when not in silence, in a manifest difficulty to speak of violence as a political problem (Balibar, 2002). Nevertheless, the roots of modern political philosophy could be traced back to a link between violence and power, and the link in question is so unshakable that one could claim that violence and political power are two mutually constitutive concepts in modern times.

In modern political thoughts, any effort to trace this mutuality would seem incomplete in the absence of reference to Thomas Hobbes. The Leviathan is created –

through a covenant – as a political resolution to a state of nature which is hypothetically murderous. This agreement lies at the center of all legitimacy, but an impossible contradiction rears its ugly head here. On the one hand, the sovereign is entitled to resort to violence as long as he abides by the terms of the deal which require him to stand up for the safety of citizens. In other words, the use of force against those who fail to adhere to the provisions of the deal is acceptable. On the other hand, however, citizens have the right to commit acts of violence against the sovereign if he fails to comply with the terms of the covenant -otherwise it would not be a covenant. This envisages no solution to the problems that would emerge in case of a rebellion. A circular logic which offers no way out is thus created. Restoration by the sovereign of order will amount to compliance with the deal and entitles him to the use of violence. His failure to restore order, on the other hand, translates into his inability to guarantee the security of citizens and justifies violence against him. In the end, those who successfully commit violence achieve legitimacy which implicitly translates into the rule of the strongest (Howes, 2003).

Furthermore, it could be said that in modern times political possibility presupposes the possibility of violence. Max Weber hinted at this puzzling interconnection when he famously defined the state as a “political association ... [whose] administrative staff successfully upholds a claim to the monopoly of the legitimate use of physical force in the enforcement of its order” (Weber, 2009). Initial calculations thus suggest that the link between violence and politics is quite obvious. In modern societies, the concentration of force in the hands of the state always amounts to a political resolution – despite the state’s partiality – to the problem of violence (Garay, 2008).

There is no actor, group or struggle that can be called political, which does not seek to gain at least a certain amount of influence over the deployment of physical force. It should be noted that violence is a major component of politics and the chain linking the two is much stronger than what a mere instrumental relationship would suggest. At least it does not contribute to the achievement of an end in the same way others do. That is because “... it is possible to define the 'political' character of a corporate group only in terms of the means peculiar to it, the use of force...” (Weber, 1964).

The specter of conflict and the possibility of violence will hang over the world as long as politics – as it is even shaped by the democratic revolution of modern times

– persists. Although one can go too far in stating the fact that the use of violence is unnecessary, in essence, violence remains an integral part of politics as long as it is a possibility or a threat. What is of consequence here is the dual sense – both positivity and negativity – in which violence is a component of politics. Societies in modern times seem to be grappling with an inevitably paradoxical picture in which political survival relies heavily on what modern society finds disgusting. The very same problem that politics sets out to resolve is part of what defines it: physical force poses a threat to the legitimacy of the very political order it helps create. The democratic process puts the possibility of violence at the heart of politics on a permanent basis, and at the same time lends a negative connotation to brute force in relation to politics. For “the dogma that the only legitimate authority is one that rests on the consent of the governed” makes it seem strange to “think of the lawful exercise of power by a democratic authority as an act of violence... since one does not naturally think in terms of self-coercion” (Wolin, 1963).

The complexity of this paradoxical picture becomes clearer when we recall the fact that “the monopoly of the legitimate use of physical force” (Weber, 1964) implicitly suggests that the state takes on the task of distinguishing between legitimate and illegitimate violence. “The right to use physical force is ascribed to other institutions or to individuals only to the extent to which the state permits it. The state is considered the sole source of the right to use violence ” (Weber, 1964). So the onus is on politics to regulate violence. But this is certainly quite an unsatisfactory solution because the legitimacy of violence is decided by the same politics which happen to be founded on violence that needs to be legitimated. In other words, violence and politics together draw a circle which offers no way out, and there is no solution to the problem it poses: “the effect – the legitimation of violence – would have to become the cause” (Honig, 2007).

This paradoxical relation suggests that any political theory cannot avoid being, intentionally or not, a theory of violence. Every political theory has to make certain assertions about violence: on its uses and its possible containment, on its efficacy and its justifications. To analyze the concept of violence and its relation to politics, I will start by Walter Benjamin who distinguished between two forms of violence that mutually presuppose and deconstruct each other; law making and law preserving violence. Then, I will analyze Arendt’s claim that violence is never legitimate. This argument is naturally linked to Weber’s conception of the state because it opposes

Weber's monopoly of "legitimate violence". Finally, I will borrow the categorization of violence by Zizek to explain what I mean by legitimized violence.

2-3. Benjamin, law making and law preserving violence

Benjamin believes every individual possesses a certain amount of potential violence. If every individual has natural ends, naturally they will use a variety of means to achieve them. Benjamin discusses the use of violence by someone to achieve a just end is no more problematic than their desire to make efforts toward a desired goal. This is very similar to the Platonic thesis that every individual has a conception of the good, and thus a natural proclivity to pursue that conception. To Benjamin, violence is simply the potential result of possession of ends by individuals and their employment of means which are bound to conflict with others around them. He claims, "these views have been recently rekindled by Darwin's biology, which, in a thoroughly dogmatic manner, regards violence as the only original means, besides natural selection, appropriate to all the vital ends of nature" (Benjamin, 1996).

As a consequence of the significance of violence to attain natural ends, it has a central role in law. Benjamin describes relations between means and ends as the most essential within a legal system. He argues that if violence does not belong in the ethical or legal category, it can only be looked for in the sphere of means, no matter what its justification or legitimization. Therefore, the basic dogma of any theory surrounding violence is that "just ends can be attained by justified means, justified means used for just ends" (Benjamin, 1996). Benjamin talks of two legal schools that diametrically legitimate violence: "natural law" and "positive law".

Benjamin does not throw his weight behind either school, although he recognizes measures by the school of "positive law" to focus attention on the justification of means, whereas the school of natural law thinks of violence as a semi-organic "product of nature, as it were a raw material". However, when both schools speak about violence they display belief in the instrumental nexus of ends and means, a common mistake shared by both. "Natural law builds on the justness of the ends in a bid to 'justify' the means; positive law tries to 'guarantee' the justness of the ends through justification of the means." Benjamin, however, denies any criticism of violence based on the theory of just ends or just means.

This denial is both of theoretical and political significance. Whereas the stance of natural law is often considered when the focus is on legitimization of armed struggle against hegemony, colonialism or the state, the opposite position of positive law is normally put forth by the state in a bid to justify repression and institutionalized coercion. Although the two hold diametrically opposite views in their emphasis on either just ends or justified means, they share the belief that violence has always to be looked at within the causal realm of means and ends. Benjamin, however, states that independent criteria should be employed for both just ends and justified means.

When it comes to models and patterns employed by the state, Benjamin draws a line between two forms of violence that rely on each other and deconstruct each other: “All violence as a means is either lawmaking or law-preserving” (Benjamin, 1996). The former amounts to establishing and cementing power through violence, i.e. terror, war on terror, or “original accumulation”; the latter, however, is firmly established in state institutions. Benjamin calls these two forms of violence “mythic violence” because their integral dialectic results in a circular logic which is inescapable, that is to say, any act designed to destroy the law leads to a new positing of law which again violently attempts to preserve itself. For Benjamin this cycle which features overcoming the law by re-establishing it clearly indicates that there is something fundamentally “rotten in the law” (Benjamin, 1996).

In practice, however, it is difficult to differentiate between these two forms of mythic violence. In the field of direct state repression, i.e. police force, law-preserving force and law-making violence are always blended spectrally (because police preserve law by enforcing new rules or by re-evaluating the established sanctions), whereas in the realm of the social order mythic violence has become almost invisible.

In other words, in law-making, violence serves a dual purpose. Firstly, law preserves as its end what is to be established as law. An example of systemic violence here is the legal and governmental bodies responsible for passing legislation. Secondly, as its means, law preserves violence as the tool with which to accrue those ends. Systemic state-violence is present in this sense as the police force, the criminal justice system, and other bodies responsible for state-sanctioned restrictions upon individual liberty (Khatib, 2011). Law serves as a punitive counterweight against the violation of particular rules at the hands of individuals. Therefore, under the authority of the rational contract, the state resorts to violence to both establish and maintain the law. In fact, we have no choice but acknowledge and reciprocate the rational contract.

This forced consent is then used to generate the monopoly of violence that is represented by these two functions of the state's legal institutions.

Therefore, violence must remain legally authorized within the body of systemic violence that controls others. Actual laws themselves are not as important as the fact that the powers of the law are maintained in total. The main result of this analysis of law-making violence is that the legal system and criminals have a common origin, that is, the seminal act of violence. Benjamin characterizes this shared ground in the figure of the 'great criminal' and says 'criminals' are those who act to achieve natural ends, but lack proof of their historical origin, so they cannot be legally authorized. In other words, the difference in origin between the state and the criminal should be sought in the fact that based on a natural end the state maintains a historical claim to legitimate violence that precedes that of the criminal (Benjamin, 1996).

2-4. Arendt; violence and the political

A step-by-step approach to define violence would be necessary if one wants to get an Arendtian sense which entails a complex, yet clear definition, of violence. According to Arendt, anyone who thinks about history and politics is conscious of the enormous role violence has always played in human affairs. Notwithstanding this significant role it is surprising that, on the one hand, violence has seldom been chosen for special consideration. She says: "violence and its arbitrariness were taken for granted and thus neglected; after all, no one doubts, or examines for that matter, what is obvious to all" (Arendt, 1970).

And on the other hand, many have found the practice of violence and the complexity associated with it fascinating, so much so that it has been argued that violence "binds men together as a whole, since each individual forms a violent link in the great chain" (Fanon, 1968). However, such a bond should not be mistaken for power. Arendt has contended that this sort of brotherhood has "misled many good people into the hope that a new community together with a 'new man', will arise out of it"(Arendt, 1970).

The brotherhood or relations based on the means of violence are strong at the time of formation, since it is usually built under an ideological process, but as ideology is questioned, the bonds become rather weak. Comparing to Benjamin, it

could be said that the binding role of violence is related to law-making violence while in the next steps law-preserving violence is used to defeat rivals.

According to Arendt the first step toward defining the concept of violence is to differentiate between violence and power. Although in common use these two words are sometimes used interchangeably, “violence” is indeed different from “power”. She draws a clear line among such terms as “power”, “strength”, “force”, “authority”, and “violence”, in order to distinguish the civil rights struggle from the pull towards destruction: “to use them as synonyms not only indicates a certain deafness to linguistic meanings, which would be serious enough, but it has also resulted in a kind of blindness to the realities they correspond to.” (Arendt, 1970)

The roots of such differentiation can be looked for in the way she analyzes the political space which is characterized by action and speech (Arendt, 1959). As for the relationship between language and violence, Arendt states: the point here is that violence itself is incapable of speech, and not merely that speech is helpless when confronted with violence. Because of this speechlessness political theory has little to say about the phenomenon of violence and must leave its discussion to the technicians (Arendt, 1963).

Arendt explains that power “corresponds to the human ability not just to act but to act in concert. Power is never the property of an individual; it belongs to a group and remains in existence only so long as the group keeps together” (Arendt, 1970). Hence, power relies on numbers and cannot occur in the absence of plurality. Power is not a feature possessed by an individual, neither is it the capacity of one single person to take action in a certain way. To her power is always linked to groups of individuals. In this sense, power needs legitimacy which has its roots in consensus, an important point that will be thoroughly dealt with shortly. Expression of collective will is what Arendt describes as power. In this sense power does not need any guidance or justification; rather it emerges naturally because it is an end.

On the contrary, violence does not depend on numbers, plurality, freedom, or consensus; rather “up to a point” it “can manage without them because it relies on implements.” Therefore, in relation to power and politics, violence “is distinguished by its instrumental character.” It is a means to an end, not an end in itself. And since violence is a phenomenon that usually draws condemnation, it “always stands in need of guidance and justification by something else.”

Violence can surely destroy power. To be more exact, one can say that violence has the ability to demolish the source of power (numbers) and plurality in the public-political realm, because its instruments allow the destruction of numbers (people) both physically and morally. But power can never emerge from violence. “That violence obstructs subjects’ bodily motion. It silences them as well.” To destroy freedom and speech, violence cannot be a political action. In other words, “to be political, to live in polis, meant that everything was decided through words and persuasion and not through force and violence” (Arendt, 1959).

Moreover, she contends that most political theorists seem to agree that violence is a blatant exercise of power, and that politics pursue power to exercise legitimate violence. A line, however, should be drawn between power and violence. But even those few who do so, still look at power as offspring of violence, though somewhat milder than the raving gunman or nation that goes on a rampage. Arendt says the fact that “power” and “violence” are held to be synonyms is rooted in the same function they share: they indicate the means by which man rules over fellow man. But they appear in their diversity, if one stops considering public life as a business of dominion of one or some over others/many (Arendt, 1970).

The notion that power is the same as violence waiting for the right moment to make its presence felt is in line with political arguments that favor the absolute right of monarchies, the rule of oligarchies, the rule of aristocrats or democrats, or the rule of bureaucracy which in essence amounts to the rule of nobody. In bureaucracy which is a necessity of the modern world, that is both crowded and wealthy, there is no one to take your complaints to. Bureaucracy constitutes tyranny in the absence of a personal tyrant. When bureaucracy stops someone from acting, the human condition is thwarted. Arendt states that humans require a new model for political involvement in order to avoid becoming obedient, unthinking automatons. This new approach will not make violence its archetype. That freedom of action is foiled in modern societies amounts to glorification of violence in the modern world. Our societies have become immense in size and dysfunctional. Public services are under a lot of strain and public needs remain unmet. The very size of modern societies makes them fall apart. In fact, regardless of who is in charge, there is a common desire in all societies to resort to violence in a legitimate form (Arendt, 1959).

Hannah Arendt doesn’t seem to be of the opinion that violence is completely useless in the context of political action. Arendt believes that violence could at times

be justified as a means to achieve just ends, ends which are significant in politics (Finlay, 2009). In other words, instrumental justification seems to be a key criterion for Arendt.

Arendt's focus on these themes accounts for one of the contexts in which she makes her case for the need to instrumentally justify violence. As far as morality is concerned, Arendt says that violence "can be justifiable, but it never will be legitimate. Its justification loses in plausibility the farther its intended end recedes into the future" (Arendt, 1969:52). Similarly, it is the violence's conduciveness to achieving just ends that accounts for its rationality. 'Violence, being instrumental by nature', she writes, "is rational to the extent that it is effective in reaching the end that must justify it. And since when we act we never know with any certainty the eventual consequences of what we are doing, violence can remain rational only if it pursues short-term goals" (Arendt, 1970).

In determining a correct criterion for justification, Arendt contrasts instrumentality with two principles which are erroneously used in revolutionary literature. 'Legitimacy' theories unfoundedly invoke the subjective origins of violence as proof of its justifiability. For Arendt, however, legitimacy belongs to power and the solidarities through which it makes its presence felt in the world: 'Power' which 'comes up when people get together and act in concert . . . gets its legitimacy from the initial get-together rather than from any potential action that ensues.' Thus, 'an appeal to the past' will be needed to meet a challenge to legitimacy (Finlay, 2009).

By contrast, the goal-centered nature of violence looks for validation in 'an end that lies in the future. That is what Arendt describes as 'justification' (Arendt, 1970). The second error is to look at violence as valuable without making any reference either to its origins or ends. Here is what Arendt says in the preface to *On Revolution: a theory of war or a theory of revolution . . . can only deal with the justification of violence because the justification constitutes its political limitation; if, instead, it arrives at a glorification or justification of violence as such, it is no longer political but anti-political* (Arendt, 1970).

According to Arendt, a lack of power always translates into a spike in violence. Achievement of an end lends rationality to acts of violence. Because we can seldom predict the implications of our actions over the long run, all violence should be meant to secure short-term goals. Violence can be a means to promote wrongs. But certain risks overshadow the use of violence which can overwhelm the users' short-

term goals. If violence persists after that preliminary quick strike, it can transform the politics into customary violence. And if violence is unsuccessful in serving its original purpose, efforts to return to the status quo are bound to fail. Contributing to the emergence of a world that is more violent in nature is the most likely outcome of using violence to achieve one's ends.

2-5. Zizek; subjective, objective and systemic violence

When we think of something as violent, we gauge it by a presupposed set of standards in a "normal" non-violent situation and the highest form of violence comes as a result of imposing such standards with reference to which some events appear to be "violent". Zizek understands the term 'violence' to commonly mean whatever is experienced as a violent intrusion (Zizek, 2008).

In other words, he believes the common understanding of violence is closely related to the subjective form of violence or *prima facie* which is the most visible form of violence including inter-personal violence, criminality, terrorism, and international conflict. In such violence there is an easily identifiable agent such as a criminal, a terrorist, a policeman, a soldier... any individual. Subjective violence is the kind of violence that erupts right before our eyes. Subjective violence is the most visible form of violence, because it is measured by a neutral standard. In fact, subjective violence is corresponding with illegitimate violence.

On the other hand, there is objective, which is the neutral standard against which the subjective act seems "violent". Objective violence is the invisible form of violence that manifests itself either in a symbolic form which appears, among other things, in language, or in a systemic form (Packman and Writer). The notion that objective violence is not there to be seen helps us perceive something as subjectively violent.

In addition, Zizek describes systemic violence as "the often catastrophic consequences of the smooth functioning of our economic and political systems" (Zizek, 2008). Systemic violence refers to social, political and economic forces that are needed to sustain things so that they can carry on 'as normal'. In other words, the existence of such violence is imperative in order to reproduce the status quo and its social structures. The smooth functioning of the police force and that of the criminal

justice system and market forces, etc. adds up to *prima facie*, systemic violence. It is not the apprehensible violence we experience in our everyday lives. To elaborate on this, Zizek tells a joke about a suspected thief. Every evening, as a worker leaves a factory he works in, the wheelbarrow he rolls out of the facility is carefully inspected. The guards found nothing, it was always empty. Guards finally find out what the worker is stealing are the wheelbarrows themselves. Zizek contends that the same applies to systemic and subjective violence. Systemic violence and subjective violence cannot be looked at through the same standpoint. Systemic violence is “something like the notorious ‘dark matter’ of physics” as Zizek puts it; it is “the counterpart to an all-too-visible subjective violence” (Zizek, 2008). Normally it can’t be seen, because it sustains the very zero-level standard against which we think of something as subjectively violent. Therefore systemic violence must be taken into consideration in making sense of what otherwise seem to be ‘irrational’ manifestations of subjective violence (Zizek, 2008).

Zizek states that he wants to develop an insight into violence as a phenomenon rather than merely making others heap moral scorn on it. In fact, the victims of violence – particularly extreme cases of violence such as the Holocaust – are unable to analyze the phenomenon, because they are traumatically involved in it (Zizek, 2008). Zizek refuses the argument which labels violence as an urgent matter which demands immediate action rather than contemplation on the part of intellectuals. Therefore, it is always necessary to think and develop prior understanding before taking action. He believes the main threat does not lie in passivity, but in pseudo-activity which only validates things as they are. In Zizek’s words, “sometimes, doing nothing is the most violent things to do” (Zizek, 2008).

According to this classification, Zizek contends that the argument that focuses on the urgency of violence is a new trap set by systemic violence. During his study of violence Zizek has identified a new stratum of Capitalist rationale which has been ironically labeled as “liberal communism” by a group of entrepreneurs. They call the new trend the smart, creative and frictionless capitalist. While Capitalism represents one of the most important forms of systemic violence within contemporary societies (Zizek, 2008), this new trend tries to add a sense of urgency to violence and get involved in solving the problems through humanitarian and charitable activities. But, what is important here for Zizek is that Capitalism still sticks to its underlying logic: the ruthless pursuit of profit. Introduction of a charitable element into this equation is

designed to paper over the truth, appease guilt or, at least to be perceived as appeasing guilt. Furthermore, it is quite clear how this functions as “objective violence” and how the charitable element of capitalism creates the perfect red herring for the systemic violence.

They set a philanthropic standard for themselves by which they desire to be gauged, whereas the more appropriate criterion to look at them is their concealed function in Capitalist exploitation. For example, when their philanthropy is contrasted to a street robber, it is crystal clear who the violent criminal is, but when we start to analyze the thing which is not readily perceptible – objective violence – we develop an understanding of their violent criminality at another level which is camouflaged by philanthropy (Packer and Wright).

What Žižek concludes about violence is that it is often the case in which nations and individuals do not properly analyze the violent situation surrounding them. Consequently we could be tilting at windmills at a time when we have no idea who we are fighting or what we think we might achieve from it. Žižek’s radical solution to this problem is to sit tight and do nothing. He claims “better to do nothing than to contribute to the invention of formal ways of rendering visible that which Empire already recognizes as existent”. Today’s threat emanates from those who need to appear to be “active” on the surface in order to hide a deeper level of violence, apropos the “liberal communists”. Because such violence is so well concealed, for Žižek, inaction is often the only thing one can be certain that they are doing right.

2-6. Summary:

This chapter has sought to define what I mean by the term “legitimized violence”. To define the concept of legitimized violence we are faced with a combination of two concepts that their common denominator is vagueness and ambiguity in different aspects. Violence with its multifaceted, socially constructed and highly- ambivalent characteristics defies definition. As a result of mentioned elements, violence, in this study, is considered as something to do with a change in the “normal” state of affairs.

According to the definition of violence it is inevitable to consider this concept from a political perspective and explain its relation to power. In fact, what is the

“normal state” and who defines this situation can tie the concept of violence to politics. Modern political philosophy is born out from this nexus, in what extent that it could be said violence and political power in modernity are mutually constitutive concepts. However, Modern societies seem to be inevitably haunted by a paradoxical situation, in which violence threatens the legitimacy of the political order it helps sustain.

To explain this puzzling situation, I borrowed Benjamin’s classification of violence in which he ascribes the relation between politics and violence to the realm of law. According to Benjamin we are faced with two kinds of violence whereby political orders establish and continue; law making violence and law preserving violence. Benjamin calls these two forms of violence “mythic violence” because their intrinsic dialectic leads into an inescapable and circular logic: any law-destroying act results in a new positing of law which again violently tries to preserve itself. The origin of this mythical characteristic of violence would be discussed in relation to sovereignty in the next chapter.

In addition, I have employed the term “justification”, from Arendt, to explain how violence could sometimes be justified as the means for achieving just ends, ends which were important for politics. In other words, violence can be justified, and not legitimized, in its law making process because of origination from plurality and action. But if violence lingers after the initial quick strike, it can change the political environment to habitual violence; the situation we are experienced through a systemic violence through law preserving violence.

Accordingly, we haven’t properly analyzed the violent situation with which we might be situated. In fact, the violent situation is considered for granted by a complicated bureaucracy managed with liberal communist who are trying to put urgency on violence and be involved in solving the problems through humanitarian and charity activities while this very system is perfect symbol of objective violence.

Chapter three: The Dilemma of Sovereignty

3-1. Sovereignty; a multifaceted concept:

The concept of sovereignty is a constant in political thoughts, one that gives shape to our understanding of the relationship between the governing and the governed. Although sovereignty has a permanent presence in theoretical discussions as well as in forming traits in social relations, it is not meant to be an explicit concept. In other words, sovereignty, as a building block of modern states, is one of the most thoroughly discussed concepts in political thoughts. However, vagueness remains the only point about sovereignty around which there is consensus. “There exists perhaps no conception the meaning of which is more controversial than that of sovereignty. It is an indisputable fact that this conception – from the moment when it was introduced into political science until the present day – has never had a meaning, which was universally agreed upon”, Oppenheim said (Nagan and Hammer, 2003).

Nothing produces better testimony to the success of political modernity than the almost universal recognition of sovereignty – both in the past and today – as being vital to understanding political power. According to this fact, even today, after the emergence of globalization literature, a viable alternative vocabulary for political thinking is conspicuous by its absence (Jennings, 2011b). That is to say, sovereignty is a concept for which there are several uses and as many definitions. After all, discourses and practices surrounding sovereignty have created the necessary logic and justification for the political frameworks humans have invented, at least since the dawn of Modernity (Bartelson, 1995).

Although Jean Bodin’s theory about sovereignty is regarded as a first systematic step toward laying down the concept and function of sovereignty, the origin of theorizing on sovereignty can be traced back to Aristotle’s *Politics* in which sovereignty is identified as an existing supreme power in the state that may be in the hands of one, a few, or many (Aristotle, 1999). In the 12th and 13th centuries AD, the struggle between Church and State saw the fundamental propositions of the theory of sovereignty flourish. Consequently, the notion of government based on the consent of the governed emerged. However, in the predominant theory of the Middle Ages, people were viewed as nothing more than a mass of subjects (C. E. Merriam, 2001).

Jean Bodin defined sovereignty in favor of a strong central control of a national monarchy in the 16th century. Sovereignty, in his definition, is “the absolute and perpetual power of a commonwealth”. In a later Latin edition of his theory, sovereignty is defined as “the supreme power over citizens and subjects, unrestrained by law” (Bodin, 2001). In fact, this definition became the framer of the theory of sovereignty upon which modern political theory has been built.

Bodin’s definition of sovereignty features three characteristics: absoluteness, perpetuity and indivisibility. Hence, he has depicted an image of sovereignty that is free from obligation to any and all laws. On the contrary, however, he states that the laws of God, of nature, and of nations amount to restrictions on every ruler. But in practice, all these limitations are more ethical than political in character, and could at best bind only the conscience of the ruler (Merriam, 2001), which, according to historical facts, cannot be trusted.

However, he regards the law as the source of power, and in the same breath views a prince as being above the law, one who is not subject to his own decisions or decrees. Given that Bodin’s theory gives the king the role of the sole legislator, his sovereignty is totally exclusive (Benoist, 1999). It is an exclusiveness which is transitioned from the divine absolutism to the royal absolutism. He replaces God’s monopolistic and absolute sovereignty by monopolistic and absolute sovereignty of the state. Such replacement confirms Carl Schmitt’s theory, that would be discussed later which states “All significant concepts of the modern theory of the state are secularized theological concepts” (Schmitt, 1985).

While Bodin constructed the state of absoluteness, Thomas Hobbes introduced the most thorough argument for absolutism ever in *Leviathan*. He depicted an anarchical condition, state of nature, in which a war of all against all prevailed. To end this chaos, eventually individuals decide to enter society and place themselves under the authority of a prince. Although Hobbes hypothesized a social contract based on the rationality of individuals and the consent of the governed, in his theory security comes at a price and that is obedience. So in the Arendtian point of view, sovereignty is placed in opposition to the concept of politics. Obedience is a concept which is related to the sphere of violence rather than to politics.

Furthermore, sovereignty and its subjects are created simultaneously (C. E. Merriam, 2001). Therefore, the concept of people is born as a result of a contract, and sovereignty cannot be delegated or alienated by people who do not exist until

sovereignty is created (C. E. Merriam, 2001). In other words, individuals are not naturally subjects of the law and only after conclusion of a contract they are viewed as bearers of a right. So the real consequences of sovereignty manifest themselves in practice. In other words, sovereignty is both an abstract concept in political theories and a wide range of practices which lead to the production and legitimization of authority. Thus, states or other forms of authority must produce and reproduce their sovereignty, in part through convincing others – their citizens, other states, and global institutions – of the existence and legitimacy their sovereignty (Shaw, 2008). This process of producing authority has continued long enough for sovereignty and sovereign states to be viewed as natural and inevitable factors in human life through which the world must be articulated and convinced. (Shaw, 2008).

The central role of sovereignty in defining the state is clear in Max Weber's works more than any other scholar's. In *Politics as a Vocation*, Weber defines a state by its means as opposed to its ends. He says "every State is based on force" (Weber, 1964). However, force is not the sole building block of a State; Weber contends that force must be legitimate for pragmatic as well as normative reasons alike.

Weber describes the state as "a relationship of rule (*Herrschaft*) by human beings over human beings, and one that rests on the legitimate use of violence (that is, violence that is held to be legitimate)" (Weber, 1994). He believes there are three forms of legitimacy as far as the monopoly of force is concerned; the first one is the authority of the eternal past, the second authority is charisma and the third Weberian category of legitimacy covers rationally-devised rules, rule by virtue of legality and belief in the validity of legal statute and the appropriate juridical competence.

In locating legitimacy in the rule by consented-to leaders and the law which constitute custom, Weber's definition of the state suggests that it is the use of a now legitimized monopoly on violence that helps realize the now legitimated ends of society. Hence he claims "the state is the form of human community that (successfully) lays claim to the monopoly on legitimate physical violence" (Weber, 1964). In the modern state, the powers to wield legitimate force, ideally, depend exclusively on the legality of the authority of a democratically elected political leadership. In other words, the modern state is the only player on the political front which monopolizes violence. Tilly builds on the same assumption to label state-making as organized crime. In fact, sovereignty paves the way for legitimized violence.

The revolutionary tradition's view of politics was taken up in the 20th century and passed down to the contemporary critique of sovereignty. But the only thing that contemporary critiques of sovereignty do is to echo the earlier conceptual vocabulary and logic. Consequently they contribute to the naturalization of the modernist self-description of political life. However, recent years have seen a remarkably under-theorized paradigm shift in critical thought, and as a result sovereignty seems to have emerged as the concept of our time. Indeed, as far as critical scholarship is concerned, in the past 15 years the question of sovereignty has gone from a specially-provocative curiosity question to its very conceptual core (Jennings, 2011b).

Indeed, critical thoughts on sovereignty have tried to expound on the way that sovereignty, both as a political practice and a theoretical notion, has turned out to be very resilient and almost impossible to do without. In order to better grasp the theoretical foundation of sovereignty as a legitimizer of violence and tie its function to our definition of legitimized violence, it would be worthy to lead off with Carl Schmitt because a host of modern theorists of sovereignty like Agamben have oriented themselves to two epigrammatic texts by Carl Schmitt, although it could not be considered a merely critical theory on sovereignty at all.

3-2. Carl Schmitt; antagonism and decision

As a first step to define the concept of sovereignty, Schmitt rejects as fictitious claims about the hermetic legal system. Instead, he argues that political life is defined in its essence – not by laws, rather by the categorical fact that the possibility of violence in life can never be ruled out. Schmitt believes that at some point in time every community must face the challenge posed by some force, either external or internal, that seeks to decimate it. At that moment, the response most people and communities produce is inadequate, but someone or some group, will take a defensive stand against the other side that they call the enemy (Jennings, 2011a). In *The Concept of the Political*, Schmitt describes as sovereignty the necessity of making a distinction between friends and enemies in the face of the ever-present possibility of violence. Hence, “The political,” friend-enemy relationship lies at the heart of politics (Schmitt, 2007). This distinction is similar to those made in other areas, including ugly

and beautiful in esthetics and good and evil in ethics; but it cannot be reduced to those.

Schmitt says the sovereign “is he who decides about the exception” (Schmitt, 1985). This definition should not be viewed as being tantamount to the suspension of existing legal order. Schmitt’s definition of sovereignty consists of two key elements required if one seeks to develop a correct understanding of his theory. The first factor is decision which means a true sovereign decision that is never subsumed under any rule or norm, because, in essence, it amounts to their ultimate origin. In other words, the instituting sovereign decision cannot be reduced or traced back to anything external to itself (Kalyvas, 2000). Therefore, the essence of sovereignty for Schmitt is its power to create new constitutions. Furthermore, the sovereign is not only the constituent subject, but the reflection of the will of people. In other words, the sovereign is one with the authority to make a total decision on the type and form of political existence, which amounts to determining the existence of a political unity in its entirety (Kalyvas, 2000). So, for Schmitt, a constitution is democratic only when it has its roots in the direct and immediate expression of the constituent power of the popular sovereign will; this may seem more populist than democratic, though.

It should be noted that the decision on the state of exception is always made in a historico-political context. It is pre-normative, but it is always made in a situation of concrete disorder and there is no external arrangement that could provide predictions about its outcome. A decision in this sense amounts to embracing the contingency constituent for the political, however, as Giacomo Marramao rightly points out “the decision is not a coup de theatre - a mere arbitrary gesture for its own ends, *art pour l’art* - but the cut, the innovative schism, which is the origin of every concrete, actually existing legal system” (Marramao, 2000).

The fact that historico-political circumstances are concrete puts a limit on the extent of arbitrariness on the part of the sovereign creator. The decision is sovereign because it is an ultimate act of establishing the new order, an act which cannot be judged by any existing norm, because it creates those norms. In an era that follows the French Revolution, people, not as a collection of individuals but rather the self-conscious collective will, are the only legitimate sovereign (Schmitt, 2008).

Under this definition, although the sovereign is defined as the constituent subject who is not above the law, the exception which is a second factor could set the stage for the sovereign to act and make decisions outside the confines of the law. The

exception, then, is the condition of the possibility of sovereignty and not its essence. Indeed, the exception is a moment of crisis. Renato Cristi quotes Schmitt as saying that “sovereignty became visible only during exceptional circumstances, when a constitution was destroyed and another was born. In these circumstances, sovereignty showed up under the guise of constituent power” (Cristi, 1998). The sovereign subject therefore ignores the law, simply to make the ‘instauration’ of a new one possible. The sovereign will of the people is not above the law; it is below the law and its origin indeed.

The kind of relation between the exception and the sovereign suggests that if the sovereign makes a creative decision to define what law is, it cannot be rescinded once the decision is made (Kalyvas, 2000). Therefore, the sovereign subject remains both below and next to the constituted power at the same time. And in today’s regulated life the constituted powers is unfavorable thanks to rules, procedures, and instituted mechanisms. In fact, the popular power that lies at the center of the constitution and the democratic legitimacy it wields is dismissed as a perilous prejudice, a myth, or an unpleasant factual datum, while constituted power takes center stage in political theory (Kalyvas, 2000).

For Schmitt “it is the essence of sovereignty both to decide what is an exception and to make the decisions appropriate to that exception” (B.Strong, 2011). It is here that the complexity of this apparently simple and straightforward truth comes to light. The question is what is it that enables the sovereign to decide on the exception and thus be sovereign?

3-3. Foucault; sovereign power and body

Foucault considers sovereignty as a key theoretical obstacle he wants to overcome in his analysis. And he regards the task at hand as urgent, since he believes the forms of power obscured by preoccupation with sovereignty are extremely essential to our understanding of contemporary societies. He once criticized his contemporaries by saying, “In political thought and analysis, we still have not cut off the head of the king” (Foucault, 1990).

In a bid to deconstruct the concept of sovereignty, he suggests that over time the society of the past in which individuals were viewed as disciplinary bodies turned

into a society in which individuals were seen as an integral part of the population, statistically managed by a centralized power, and where mechanisms of reproduction and health control were at work. In other words, the old power which gave a sovereign the right “to kill and let live,” that is to say to have life and death of an individual at his/her will, was superseded by the modern biopower, a new concept which took over the right “to make live and let die,” i.e. regulate society by stressing the protection of life and welfare without explicitly threatening death. The foundation of such a society would be that wanton killing should come to an end and that the concept of war should become paradoxical (Radovanović, 2007).

Based on Foucault’s claim, sovereign power is closely linked to the body of the King, a “double body” that consists of both the physical body of the actual sovereign, and an intangible, unchangeable body representative of the kingdom itself (Foucault, 1995). In pre-modern society, laws were viewed to be a direct extension of the will of the sovereign, so breaking those laws amounted to not only violating the immediate victim, but personally taking on the sovereign himself. According to Foucault, sovereign power was centered on the King’s right to seize everything - including the lives of citizens whenever they directly threatened his authority. This “seizure,” Foucault asserted, was to be made in public. Therefore punishment was the most obvious manifestation of a sovereign’s power; a clear act through which the sovereign exacted penalties in order to draw his people’s attention to “the dissymmetry between the subject who has dared to violate the law and the all-powerful sovereign who displayed his strength” (Foucault, 1995).

Therefore, public torture was basically a theatrical performance whose goal was to provide, for public consumption, a physical showdown between the sovereign and the criminal. Foucault believes all sovereign acts of power were brutal and public in order to discourage future enemies from having designs on what the sovereign possessed. In light of the fact that even the smallest crime was regarded as a direct challenge to the power of the sovereign, he constantly sought to eliminate his enemies; foreign ones through long wars, and domestic ones through public execution (Hall, 2007).

In other words, what the sovereign did was not meant to protect the land or the lives of the people who lived in the territory under his control. Rather, he simply acted to stand up for his ownership of his territory and his subjects, with priority given to territory rather than subjects (Foucault, 1994).

Though the sovereign was said to have unlimited, absolute power, Foucault described his right over life and death as a “strange right”. In other words, the sovereign’s power over both life and death was said to be equal; evidently he could not grant life in the way that he could take life and cause death. Thus Foucault concludes that there was an imbalance in the sovereign’s power over the body (Foucault, 2003).

Accordingly the sovereign power was limited and on shaky ground. Hence, the 16th century authors tried to distance themselves from the conventional notion that sovereignty granted an absolute right to the sovereign by articulating what they called an “art of government”(Inda, 2005).

This art of government sought to come to terms with the theory of sovereignty by trying to legitimize certain aspects of sovereign power through the concept of a social contract (Foucault, 1994). In fact, late-modern political criticism has lent an unfortunate advantage to normative theories of democracy and has made the concept of reason a pillar of both the project of modernity and the theme of sovereignty (Bohman and Rehg, 1997).

In this paradigm, reason amounts to the truth of the subject and politics adds up to the exercise of reason in the public arena. The exercise of reason is equal to the exercise of freedom, a backbone of individual autonomy. The explanation of sovereignty, in this case, relies on the belief that the subject is the master and the controlling architect of his or her own meaning (Mbembe, 2003). Sovereignty is therefore defined as a two-way street involving self-institution and self-limitation.

In light of the fact that politics is viewed as the work of death and sovereignty as the right to kill, biopower emerges as a key component in understanding Foucault. In his formulation, biopower functions through dividing people into two groups: those who must live and those who must die. Such a power, which operates on the basis of a division between the living and the dead, defines itself in relation to a biological field it takes control of and vests itself in. This control is based on the distribution of human species into groups, the subdivision of the population into subgroups, and the establishment of a biological interruption between one group and the others. This is what Foucault identifies as racism (Mbembe, 2003).

The fact that race, or racism for that matter, has such a prominent place in biopower equations is quite justifiable. After all, race has been a more constant present in Western political thought and practice than class-thinking, an ideology that

defines history as a struggle of classes for economic purposes. It is especially true when it comes to imagining the inhumanity of, or rule over, foreign peoples (Mbembe, 2003).

According to Foucault, racism is mostly a technology designed to allow the exercise of biopower, “that old sovereign right of death”(Foucault, 2003). In the economy of biopower, the function of racism is to control the distribution of death and to make the murderous functions of the state possible. Foucault says biopower is “the condition for the acceptability of putting to death”(Foucault, 2003). He explicitly says that the sovereign right to kill (*droit de glaive*) and the mechanisms of biopower are part and parcel of the way all modern states function. In fact, they are the building blocks of state power in modernity. Therefore, biopower tends to regularize, some call it normalize, its subjects as members of a joint group of population. “The normalizing society is one in which the norms of discipline and regulation overlap along an orthogonal articulation”. So, the new power that emerges here takes monopoly both over body and life, which means over life in general (Foucault, 2003).

Foucault believes Nazi Germany was a perfect example of a state exercising the right to kill. Such a state, he claims, made sure the management, protection, and cultivation of life was coextensive with the sovereign’s right to kill.

3-4. Agamben: the nexus of Schmitt and Foucault

Agamben’s point of view is applicable as one seeks an answer to the question about what enables the sovereign to decide on the exception and thus be sovereign. In a bid to overcome the vagueness blurring the relation between sovereign, exception and violence, Agamben turns to Schmitt in order to neutralize the empirical discontinuity which, according to Michel Foucault, modernity has introduced by politicizing the biological framework of life. He believes sovereignty is precisely a function that blurs the distinction between keeping alive and putting to death, just as it eliminates the distinction between right and violence, value and fact. Sovereignty is a condition for political life, and it is the sovereign who grants subjects their right to living because he has already banished their lives to death (Luisetti, 2011).

Following one of his favorite source essays, Walter Benjamin’s “Critics on Violence”, Agamben views the relation between constituent power and constituted

power as relation between the violence that posits law and the violence that preserves it (Neilson, 2004). For Agamben, constituent power “posses no title that might legitimate something other than law-preserving violence and even maintains as ambiguous and ineradicable relation with constituted power (Agamben, 1998).

Agamben starts off with the notion that the exception is the primary relation of the entire Western paradigm of politics. He explains that the Greek drew a line between the simple fact of living – *zoe* – and the qualified political law – *bios*. He states that this version of politics turns canonical for modern humans, centering on rival articulation of the good life (Agamben, 1998).

Agamben then builds on Foucault’s distinction between this classical paradigm and the introduction of a distinctively modern “biopolitics”, in which biological life of both the individual and the species turns into what is on the line in politics. He contends that in the process of transition from the classical to the biopolitical paradigm, the “bare life” that was set aside from politics and the polis as an unqualified fact of living is placed in the field of politics. He also argues that the original exclusion of “bare life” from political life amounts to what he describes as an “inclusive exclusion” (Neal, 2007).

According to Agamben, the existence of modern Western subject does not simply come in opposition to sovereign political authority, but is built on an originally sovereign relation. For Agamben, sovereign exceptionalism is not simply an oppressive abuse of what should otherwise be a balanced link between liberty and security, subject and sovereign. Rather, exceptionalism lies at the heart of sovereignty itself (Neal, 2007).

In fact, Agamben regards the state of exception as a modern institution which has its roots in the French revolution. Initially, Agamben names two main schools of thought in connection with the legality of the state of exception. The first sees it as ‘an intrinsic part of positive law because the necessity that grounds it is an autonomous source of law’ (Agamben, 2005). In international law today this approach is codified based on the notion of derogation. When faced with a public emergency that ‘threatens the life of a nation’, international human rights deals – and many constitutions – give the states the go-ahead to put the protection of certain basic rights on hold. The existence of derogation-like clauses is often presented as a ‘concession’ to the ‘inevitability’ of exceptional state measures in emergencies, and also as a

means to bring these emergencies under control. As such, they are considered ‘one of the greatest achievements of contemporary international law’ (Humphreys, 2006).

In practice, the derogation model ‘creates a gap between fundamental rights and the rule of law’, in which states can remain lawful while violating individual rights. In effect, this creates what Tom Hickman describes as a ‘double-layered constitutional system’ (Hickman, 2005).

Agamben’s second group looks at the state of exception as ‘essentially extrajudicial’, something that comes before law or something totally different from law. For these writers, a constitutional approval of the state of exception amounts to a pragmatic recognition of limited constitutional dominion. Echoing Alexander Hamilton, that ‘the circumstances that put the safety of nations at risk are infinite; and for this reason no constitutional limits can wisely be slapped on the power to which the care of it is committed’ (Agamben, 2005), supporters say that it is neither possible nor desirable to use standard judicial accountability mechanisms to curb executive action in times of emergency (Gross, 2003).

A legal space must instead be created for unlimited state action, although only for the time it takes to restore constitutional order. Attempts to impose legal controls will simply infect ordinary rights protections with extraordinary elasticity. But Agamben rejects both approaches – ‘In relations to the juridical order, the state of exception is neither internal nor external, and the problem of defining it has to do with a threshold, or a zone of indifference, where inside and outside do not leave each other out, but rather blur one another’. ‘How can an anomie be inscribed within the juridical order?’ he wonders (Agamben, 2005).

Therefore, Agamben argues that sovereignty is defined by a “state of exception” wherein a sovereign, whose position is defined, paradoxically – by being both inside and outside the law – can put on hold the normal juridical framework and the legal limits and protection that are enshrined it (Newman, 2004).

For Agamben the state of exception is not so exceptional. Rather its immanence and its existence as an all-present possibility under the modern state have turned it into a predominant political form in liberal democracies and authoritarian countries alike. It gets even worse because the aggrandizement of state sovereign power imposing a permanent state of exception, despite the etymological paradox associated with such a condition, leads to a decline in the number of the members of society from citizenship, from legally protected social belonging associated with

human or civil rights, to humans denied all legal protection, all rights, and dispossessed of societal membership (Colatrella, 2011). Thus comes their reduction, based on a concept from Hannah Arendt, to “bare life”, to mere physical existence whose precariousness is exposed to the whim of either state power or even the animosity of neighbors who may decide that their existence could turn out to be inconvenient or undesirable. In the absence of any restraint on state power’s ability to impose a state of exception, various parts of the contemporary population, and potentially all of us, are in danger of being reduced to this condition of bare life, which Agamben describes as *Homo Sacer*, a juridical figure in Ancient Rome, someone who could not be sacrificed in religious ceremonies, but who could be killed by anyone with impunity (Agamben, 1998). In other words, he is totally stripped of any legal status, cultural or social value, or societal membership that has to be recognized by others.

He renews the concept of bare life based on the description of Hannah Arendt, who in the *Origins of Totalitarianism* used the phrase “the abstract nakedness of being human” (Arendt, 1958) to refer to the condition of refugees in Central Europe after World War II.

For Agamben, this reality is taken even further – into the relation of the citizen to the nation state itself. Refugees or people who are politically dispossessed and without a country are not the only ones whose lives are on the line, all of us are in danger. At any moment the state we think we belong to could become aggressive, declare a state of exception and suspend or throw out some or all of our rights and liberties. We are all exposed. Certainly some groups find themselves in this condition sooner than others or more fully than others. But as they say they are the canaries in the coalmine, it is only a matter of fiat or of time before we get together. The concentration camp resident or the Jew in Nazi Germany becomes the paradigmatic individual for the modern person, who is reduced at least potentially at all times to *homo sacer* – to bare life as Arendt puts it, to someone whose legal, citizenship, even cultural belonging are taken away, a juridically deracinated human awaiting his/her fate at the hands of those who can do as they please, and with impunity (Colatrella, 2011).

By juxtaposing these concepts, the sovereign state of exception and the bare life of *Homo Sacer*, Agamben shows the relationship between the top and bottom of the Schmittian political hierarchy. He aims to warn us and to demonstrate to us that

under conditions of the modern state none of us is safe. In other words, Agamben wants to expound on the present danger to civil liberties, the danger of special powers wielded by governments declaring states of emergency, the increasingly common turn to “delegated democracy” through authoritarian methods by only formally elected leaders and the risk of physical repression at the hands of state power even in liberal democracies.

3-5. Summary

In this chapter I have discussed on the definition of sovereignty and its role in legitimizing violence. I have outlined the importance of sovereignty in political modernity where the concept of sovereignty has been accepted as the sole important term for comprehending political power to what extent that we are without a viable alternative vocabulary for thinking politically.

To elaborate the nexus between sovereignty and violence, I started by Schmitt’s theory in which the sovereign “is he who decides about the exception”. In other words, sovereign defines the “normal state” and conceals itself behind this accepted normal situation and became visible only during exceptional circumstances.

I have explained what enables the sovereign to decide on the exception by borrowing the term “biopower” from Foucault. He deconstructs the concept of sovereign power and its close connection to the body of the King which is transformed to legitimize sovereignty through social contract. According to him, sovereign right to kill and the mechanisms of biopower, categorization of people, are constitutive elements of state power in modernity.

I have tried to illustrate the nexus between state of exception and biopower through Agamben’s point of view. According to Agamben, the exception is the original relation of the entire Western paradigm of politics. Regarding this assumption, state of exception is a modern institution and exceptionalism is the very structure of sovereignty itself. In fact, state of exception is a possibility always under the modern state has now led to it becoming the predominant political form in liberal democratic countries as well as authoritarian ones. To examine his assumption, the concept of camp would be discussed in the next chapter.

Chapter Four: Revealing Role of the Camp

4-1. Camp:

Nothing is as effective as the picture Arendt paints in demonstrating the horrible experience Nazi concentration camps imposed on humanity. Says Hannah Arendt: “There are no parallels to the life in the concentration camps. Its horror can never be fully embraced by the imagination for the very reason that it stands out of life and death” (Arendt, 1958). As a result of that horrifying experience, the mainstream post-war political line of thinking, that is to say Western Liberal Democracy, has sought to prove that it is impossible to allow a repeat of the horrible experience of World War II, citing the fact that such an incident would be irreparable.

As an instance, *The Boy in the Striped Pajamas*, a book for children and young people about the Final Solution and the Holocaust, closes with a deliberately comforting and reassuring message to its intended young readers: “and that’s the end of the story about Bruno and his family. Of course all this happened a long time ago and nothing like that could ever happen again. Not in this day and age” (Boyne, 2006).

According to this mainstream ideology, the state of exception is mostly dissected in relation to Nazism, totalitarianism and concentration camps. And concentration camps have been depicted as metaphors for the rule of violence which has its roots in absolute power (Mbembe, 2003). In fact, in bid to somehow mask the modern government the mainstream has tried to connect the establishment of these camps to the violence that prevails inside them. In other words, the inherent violence of the modern government which is in fact one of its building blocks has been downplayed as a preventable slip.

Unlike the mainstream, some analysts have drawn on historical perspectives to suggest that concentration camps are not rooted in Fascism, but rather they are built on a colonial, imperialistic foundation on one hand, and on serialization of technical mechanisms to kill, on the other. (Mbembe, 2003).

A research by Enzo Traverso suggests that the death chambers of Nazis were a product of a prolonged inhuman process to industrialize death. (the factory, the bureaucracy, the prison, the army). The serialized, mechanical killing turned into a swift, silent, impersonal and purely technical trend. In certain areas the shift in

question was bolstered by racial stereotypes. Facilitated by some kind of class-based racism, it led to the identification of stateless people with slaves in colonies (Traverso, 2003).

Regarding this historical perspective, to Agamben concentration camps are not a mere historic relic. Inspired by Foucault in his analysis of prison, Agamben believes camps are in existence at the present time too. His analysis of the camp does not turn to memory archives. He tries to paint a more delicate picture of the political status quo by going through key substructures which are hidden from sight. To him, a concentration camp is not demarcated by walls; rather it symbolizes a line between political existence and bare life. In other words, camps are not merely the ones which were run by Nazis. In his thesis, the camp is the fundamental biopolitical paradigm of modern Western societies (Agamben, 1998). In other word, the concept of camp in Agamben refers to an “event that repeats itself on a daily basis” (Panagia, 1999). In fact, analyzing the camp is a history of the present,

He says, “The camp is the space that is opened when the state of exception begins to become the rule” (Agamben, 1998). According to this interpretation of camp, Bari Stadium where the Italian police hold illegal Albanian migrants before deporting them, a corner of a French airport where foreigners seeking asylum are questioned, and the island off the coast of Australia where foreign migrants and asylum-seekers are held have all same characteristics like Nazi concentration camps and forced labor Gulag in Soviet Union.

In fact, in all these cases, an apparently innocuous space [...] actually delimits a space in which the normal order is de facto suspended and in which whether or not atrocities are committed depends not on law but on the civility and ethical sense of the police who temporarily act as sovereign (Agamben, 1998).

In the political-juridical structure of the camp, he adds, the state of exception ceases to be a temporal suspension of the state of law. According to Agamben, it acquires a permanent spatial arrangement that remains continually outside the normal state of law. Because its inhabitants are divested of political status and reduced to bare life, the camp is, for Giorgio Agamben, “the place in which the most absolute *conditio inhumana* ever to appear on Earth was realized” (Agamben, 2000).

In other words, Agamben fundamentally changes the traditional understanding of “camp”. The camp that in the past was an expression of the difference between

friend and enemy, symbolizes, in Agamben's work, the state of exception where law and fact, rule and exception overlap (Lemke, 2005).

According to Agamben, modern biopolitics is "double-sided: the spaces, the liberties, and the rights won by individuals in their conflicts with central powers always simultaneously prepared a tacit but increasing inscription of individuals' lives within the state order, thus offering a new and more dreadful foundation for the very sovereign power from which they wanted to liberate themselves" (Agamben, 1998). It is the same reference to "bare life" that in liberal democracies results in the pre-eminence of the private over the public sphere, while in totalitarian states it becomes a decisive political criterion of the suspension of individual rights. But even if both forms of government rely on the same political substance – bare life – it does not necessarily mean that they are equal in normative terms. Rather, he wants to show that the democratic rule of law is by no means an alternative project to the Nazi regime or the Stalinist dictatorship, since the later radicalize biopolitical tendencies that according to Agamben could be found in various political contexts and historical epochs (Lemke, 2005). However, Agamben does not seek to downplay or ignore the fundamental differences that exist between democracy and Nazism; rather he wants to focus on what completely different forms of governance have in common.

In addition, he claims that modernity is the biopolitical age par excellence, since it is only in modernity that exception and rule become ultimately indistinguishable (Lemke, 2005). After the end of Nazism and Stalinism a new era of biopolitics comes into being. There is no simple historic continuity between totalitarian regimes and democratic states; instead Agamben notes an increasing aggravation of biopolitics. According to him, "biopolitics has passed beyond a new threshold" [...]: "in modern democracies it is possible to state in public what the Nazi biopoliticians did not dare to say" (Agamben, 1998). While the Nazi biopolitics concentrated on identifiable individuals or specific subpopulations, "in our age all citizens can be said, in a specific but extremely real sense, to appear virtually as *homines sacri*" (Agamben, 1998). He explains that the borders that drew distinction between individuals or social groups during Nazism and Stalinism, unleashing violence against them, have now moved to within individuals. In other words, in the modern world all citizens are potential subjects to be reduced to bare life. The line of separation between political existence and bare life "moved inside every human life and every citizen. Bare life is no longer confined to a particular place or a definite

category. It now dwells in the biological body of every living being” (Agamben, 1998).

In fact, the capacity of the sovereign to classify one as homo sacer is immanently possible for all. Thus, for Agamben, all citizens are subjected to the possibility of the sovereign ban and as a result all maintain a relationship to the space of the camp (Jamal and Sandor, 2010). In the eyes of Agamben, the emergence of camps comes in parallel with a new look at civic laws and the process of abolishing citizenship. In other words, creation of camps which is based on transformation and identity distinction is a modern form of an old process which centers on national identity, nation-building and citizenship. Thus, Exclusionary processes and the “othering” of difference are pivotal to the construction and manifestation of the nation, national identity and citizenship (Hall, 1997).

The state of exception (the temporary suspension of the juridical-political order) becomes a new and longer-lasting spatial arrangement inhabited by the bare life that can no longer be inscribed in that order – the camp thus becomes the permanent space of exception and disjuncture between birth (bare life) and the nation-state. The camp is manifested in a number of ways, from the most obvious – the indefinite detention of refugees and asylum seekers, to the more insidious – the displacement of the most marginalized of populations to the outskirts of modern cities. Hu suggests we must expect not only more extreme forms of the camp but also “always new and more lunatic regulative definitions of the inscription of life in the city” (Agamben, 1998). The indefinite detention of refugees in Australia, the brutality against detainees at Guantánamo Bay and Abu Ghraib prison are contemporaneous examples of how the camp continues to operate in not only western societies but also in all modern states as a formidable and potent instrument in the perpetuation of the biopolitics of Auschwitz.

What makes a camp is not necessarily the violence perpetrated inside but rather its politico-juridical framework. Thus the camp becomes not only the space where the exception becomes the norm, but the space where the sovereign power may dictate arbitrarily which politics of life to apply and, hence, a space where the distinction between human and inhuman seems no longer to make sense (Puggioni, 2013). As a result of the dehumanization, sovereign permits violence and even murder against these excluded individuals. This was the justification that permitted the Nazi regime or others who build camps.

It is at this juncture (where the state of exception is invoked) that the potential for the human to become the inhuman is at its greatest and most precarious. And, it is the camp that ultimately contains and bears witness to this transmogrification because it operates as a significant mechanism in the internment of bare life – the product of a state of exception (Zannettino, 2008).

4-2. Case study:

A comparative analysis of the way different camps are formed under different forms of governance in different geographical areas reveals that these governments have a single logic in common. Auschwitz in the heart of Europe, Gulags of the Stalinist Soviet Union, Guantanamo, where terror suspects were held, Kahrizak, where local protesters were detained, and the islands the Australian government uses to hold asylum-seekers share two processes: suspension of the state of law and dehumanization.

The similar treatment of the residents of the camps at the hands of rulers – legitimized violence – the logic that is common in creation of these camps – national security concerns – and their presence in different political systems put a seal of approval on the theory of Agamben. In fact, creation of camps unmasks the modern state, something that dashes hopes of achieving peace in the nation-state system.

4-2-1. Nazi concentration camps; Nazism, racism and camp

Establishment of Nazi concentration camps and atrocious tortures against the inhabitants of them had its roots in three distinct features of European thought and policies in the first half of the 20th century. Traditional anti-Semitism and anti-“Gypsyism”, a complex mixture of social prejudices – such as the idea that “Gypsies” were carriers of dangerous diseases and prone to stealing children whenever possible – was widely accepted throughout Europe. In addition, in the 1930's, Hitler and his Nazi regime led a campaign of propaganda spreading lies about the Jews. As the "Minister of Public Enlightenment and Propaganda" of the Nazi party, Josef Goebbels created a negative image of the Jewish people, blaming them for the economic and social problems of Germany and the world. The propaganda was intended to

dehumanize the Jews by naming them an “inferior race,” to create widespread anti-Semitism and lay the groundwork for the elimination of the rights and freedoms of the Jews (Federation, 2014). This kind of otherness creation was combined with an extreme form of racism, which believed so-called “anti-social behavior” to be a hereditary trait of certain groups of population. The third crucial feature of persecution mechanisms – introduced by the German Nazis after their ascent to power in 1933 – was the system of so-called “preventive fighting of crimes”, which enabled the authorities to arrest and imprison everybody, whom they considered to be “potentially dangerous” to society, even if they had not committed any crime or misdemeanor (Baumgartner, 2007). As a result of these features, we are faced with a ideal type of making state of exception and so on the process of dehumanization.

Initially, the Nazis encouraged Germans to boycott Jewish businesses. The passing of the Nuremberg Laws in 1935 formally established who was a German versus who was a Jew under “the Reich Citizenship Law,” and enforced the persecution of Jews. These laws prevented Christians from marrying Jews and stripped Jews of their civil rights, removed them from jobs, and restricted their daily lives, among other things. Passed on September 15, October 18, and November 15 of 1935, the Nuremberg Laws increased the isolation of the Jews in deliberate, gradual steps. At first, only Jews in certain professions were affected. Jewish doctors and lawyers could only serve other Jews. Teachers and professors were forced out of their positions. Shop owners had to sell their businesses to Aryans for a fraction of their worth. As time passed, Jews were eventually excluded from society altogether.

As a farmer marks his cattle with a brand to separate them from his neighbor's cattle, the Nazis forced Jews to sew the Star of David on their clothing in order to mark and identify them in an attempt to both separate them from the rest of society and to shame them. This abuse of the Star of David also distorted a symbol of pride that was sacred to the Jews. The marking of Jews in this way was but a single step in the movement to dehumanize them.

The Nazi built three types of camps: Ghetto, concentration/labor camps and death camps. A ghetto was an isolated section of a city in which Jews were forced to live. The conditions the Nazis created in the ghettos were horrible and unhealthy - usually cramped, dirty, and with little food. The Nazis, by design, made the living conditions in the Warsaw Ghetto as horrific as possible. There were curfews and guards on duty at all times along the walls to make sure no Jews crossed over to the

non-Jewish side. Many Jews suffered from disease, which spread rapidly in such close quarters. For example, a typhus epidemic broke out about a year after the ghetto was created, killing many. Due to low food rationing, Jews inevitably starved to death. Some chose to kill themselves rather than stand the physical and emotional pain any longer.

In concentration camps, prisoners were forced to become hard laborers and were given very little to eat. They were forced to wear striped uniforms and armbands or labels to identify the type of prisoners that they were. The different colors of the bands represented different groups of people. Due to disease, starvation, and harsh treatment by the Nazis, most people died in the concentration camps or were deported to death camps where they met with the same fate.

Death camps, on the other hand, were set up specifically for mass murder. Jews deported to death camps were either shot, or killed in gas vans. The gas vans were tightly sealed, and when prisoners were loaded into the van, the driver would press the accelerator releasing carbon monoxide gas that suffocated and killed them. Later, when more structured methods of murder were set up at death camps, the prisoners were told they had to take a shower. The Nazis ordered them to take off their clothes and follow signs that said "To the Shower Room." However, in the so-called "Shower Room," Zyklon B, a poisonous gas, was released until everybody suffocated to death. Prisoners who exhibited useful strength were made part of the *sonderkommando*, inmates forced to collect the dead bodies and put them in crematoriums to be burned. According to these historical facts, a process of making otherness, enemy and state of exception was established to dehumanize Jews based on law and legitimize violence against them.

4-2-2. Gulag: Communism, Stalinism and camp

Literally, The word Gulag is an acronym, meaning Glavnoe Upravlenie Lagerei, or Main Camp Administration. Over time, the word "Gulag" has also come to signify not only the administration of the concentration camps but also the system of Soviet slave labor itself, in all its forms and varieties: labor camps, punishment

camps, criminal and political camps, women's camps, children's camps, transit camps. Even more broadly, "Gulag" has come to mean the Soviet repressive system itself, the set of procedures that prisoners once called the "meat-grinder": the arrests, the interrogations, the transport in unheated cattle cars, the forced labor, the destruction of families, the years spent in exile, the early and unnecessary deaths (Applebaum, 2003). In fact, Gulag and Nazi Concentration camps are the ideal types of the dominant logic of government in state of exception and the clearest picture of legitimized violence deployed by them. But The Nazi concentration camps and the Gulag differ in a very important way. Nazi camps were used to exterminate whole groups of people, most notably the Jewish population of Europe. The Gulag was used as a weapon of ongoing political control over one country. The Gulag system did not target any particular group of people: in fact all ethnic groups, nationalities and religions were imprisoned (Hosford et al., 2008).

In other words, Gulag served primarily as a way to gain control over the entire population, rather than punish criminal acts. Between 1929, when prison camps first became a mass phenomenon, and 1953, the year of Stalin's death, some 18 million people passed through the system. In addition, a further 6 or 7 million people were deported to exile villages. The total number of people with some experience of imprisonment and slave labor in Stalin's Soviet Union could have run as high as 25 million, or about 15 percent of the population (Applebaum, 2001).

The criminals sentenced to prison camps can be divided into two categories: criminals and political prisoners. First group not only included people who committed crimes such as murder, rape, and robbery, acts that would be prosecuted in most countries but also people who committed "crimes" so minor that they would not be punishable in other countries. These "crimes" included unexcused absences from work, or petty theft, such as taking bread from a restaurant kitchen to feed one's children. This type of "criminal" made up the vast majority of prisoners in the Gulag system, and was punished by sentences of eight-ten years of forced labor. Their "trials" usually took five minutes, if there was one at all. Second group were political prisoners. This was a group which included opponents of the Soviet regime, but most of these people were arrested and sentenced based only on the suspicions of being "anti-Soviet." Political prisoners constituted no more than 25% of the total prison camp population at any one time. Political prisoners were charged under Article 58 and were known in the Gulag system as "58ers." Article 58 was approved as part of

the Soviet criminal code in 1928, and was the main code used to charge and sentence “political” prisoners, those supposedly engaged in counter-revolutionary or anti-Soviet activities. However, the language was so vague and was interpreted so widely that it could be applied in almost any case (Hosford et al., 2008).

In these forced-labor camps deportees had to cope with much harder living conditions, on the very edge of survival, and for each and every one of them the struggle to cheat death became their greatest endeavor. Everything else was secondary to staying alive: the gulag set each one of its victims in competition with the others in their search for a crust of bread, a less backbreaking job, a stay in hospital, a lighter sentence, anything that could mean an extra day alive. Actually, the gulags were organized in a way designed specifically to annihilate prisoner’s inmates psychologically and to prevent them from reacting (Radice and Samuelli, 2003). That is to say a general climate of dehumanization was dominant in the Gulag.

The perverse mechanism of treating men as beasts, depriving them of their human qualities as they sought desperately to save themselves was a method used to control prisoners in the Nazi lagers too. In both cases it served a dual purpose: it suppressed the victim’s will to rebel and at the same time facilitated the dirty work done by the camp guards, by distancing them from possible humanitarian sensibilities and feelings of pity, compassion, altruism. It makes no difference whether the gulag is regarded as a place of brutal forced labor or as a means for wiping out “enemies of the people”: the methods employed to control prisoners were based on the same principles as used by the Nazis against the Jews (Radice and Samuelli, 2003). In fact, the life of million people was reduced to bare life by the states that were established to free people from the chains of classification.

4-2-3. Guantanamo: Western Liberal Democracy and camp

What is going on at Guantanamo is historically rooted in a deal the United States struck with Cuba in 1903, which remains in effect to date. Under the agreement the Cuban-owned islands are US jurisdiction. The deal could be revoked only if both sides consent to doing so. That is why the island has become a legal black hole, an area to which rules of no country are transparently applicable, that has been

repeatedly exploited by Democratic and Republican administrations alike as a “covert platform” to deal with a variety of perceived threats, from refugees to epidemics to terrorism (M.Hansen, 2011).

Although the United States has used Guantanamo to hold suspects for years, the name Guantanamo drew international attention only after America transferred 9/11 suspects to the island. What happened in Guantanamo was not the violation of the rights of inmates at the hands of the US administration; rather it was the humanity of the prisoners that was trampled there.

In 2002, the first suspected “enemy combatants,” were brought to Guantanamo from Afghanistan; at its height it held 775 prisoners from dozens of distant countries around the world. The unique qualities developed and tested over the last hundred years – its legal ambiguity, its invisibility, its infrastructure – made it worth transporting people there from such long distances. Although only one of what grew to be a larger network of places to detain suspected terrorists, it became an international symbol for a new paradigm of national defense (Sevcenko and Gabriel, 2011).

When placed in a human rights frame, Guantánamo is often described in terms of the government’s denial of rights to the prisoners, but equally important has been the denial of their humanity. Guantánamo has been a project of dehumanization, in the literal sense; it has sought to expel the prisoners—consistently referred to as —terrorists—from our shared understanding of what it means to be human, so as to permit, if not necessitate, physical and mental treatment (albeit in the context of interrogation) abhorrent to human beings. This has been accomplished through three forms of erasure of the human: cultural erasure through the creation of a terrorist narrative; legal erasure through formalistic legerdemain; and physical erasure through torture (Ahmad, 2009).

While these three dimensions of dehumanization are distinct, they are also interrelated. From a cultural aspect, since the moment Guantánamo opened as an interrogation center for terrorist suspects, the Bush Administration described the prisoners as “the worst of the worst”, as unfathomably dangerous, and as trained and hardened killers. As the then- Chairman of the Joint Chiefs of Staff declared in January 2002, these are the kind of people who would chew through the hydraulic cable of a C-17 cargo plane to bring it down. The government coupled these characterizations with menacing imagery, as anonymous sources leaked pictures of

men being transported to Guantánamo while strapped to the floor of a plane, heads covered, hands shackled, an American flag draped above, and still more pictures of men in orange jumpsuits, crumpled on the ground behind chain-linked fence. Taken together, these images helped to construct a state iconography of the “war on terrorism”. They told a narrative of transnational forces of evil fanatically committed to the destruction of the United States, to which the United States then responds with military and moral superiority. Thus, the enemy is subdued, neutralized, and rendered abject, and remains broken and contained (Ahmad, 2009).

According to legal erasure, since the first prisoners arrived at Guantánamo, the Bush Administration’s position had been that they lack any rights whatsoever, under any source of law (Ahmad, 2009). Thus did the Bush Administration attempt to define a rights-free zone, through a manipulation of rights which seemed demonstrably political. For years, hundreds of Guantánamo detainees were denied their right to have a judge rule on the lawfulness of their detention. The few that faced criminal charges during the Bush years were not brought before any ordinary US court of law; instead, for such prosecutions the government invented an ad hoc system of military commissions, applying rules that fell far short of international fair trial standards.

The post-September 11 Guantánamo governance regime sought to detain and interrogate indefinitely, without charge, and without opportunity for judicial review, any non-U.S. citizen in the world whom the Executive deemed to be an “enemy combatant”. In addition, the regime contemplated the trial by military commission of select “enemy combatants” for alleged war crime offenses, under rules of the Executive’s making. Notably, the “enemy combatant” construct was a legal invention of the Bush Administration, distinct from the presumptive “prisoner of war” status to which the prisoners otherwise would have been entitled, the intended effect of which was to remove the prisoners from the ambit of both the Geneva Conventions and the U.S. courts. In this way, in the eyes of the law, the prisoners were made invisible. Hidden on a remote and mysterious island, which was made inaccessible to lawyers and human rights advocates for nearly two years, the prisoners were nearly erased (Ahmad, 2009).

Taken together, the cultural and legal erasures discussed above enabled the physical erasure of prisoners at Guantánamo and in particular, their torture. This is to say that law has been deployed to create the preconditions for the exercise of a state power so brutal as to deprive the Guantánamo prisoners of the ability to be human. In

this way, Guantánamo recalls Hannah Arendt's formulation of citizenship as the right to have rights (Arendt, 1958). By this she meant that without membership in the polity, the individual stood exposed to the violence of the state, unmediated and unprotected by rights. The result of such exposure, she argued, was to reduce the person to a state of bare life, or life without humanity. What we see at Guantánamo is the inverse of citizenship: no right to have rights, a rights vacuum that enables extreme violence, so as to place Guantánamo at the center of a struggle not merely for rights, but for humanity—that state of being that distinguishes human life from mere biological existence (Agamben, 1998).

4-2-4. Kahrizak: Islamic version of the camp

In the case of Iran, we are faced with a unique kind of process of dehumanization through Islamic ideology. In general, The Penal Code of the Islamic Republic of Iran allows amputation and flogging for a range of crimes, including theft, enmity against God (*mohareb*) and certain sexual acts. The Iranian authorities argue that punishments of this kind sanctioned by Islamic sharia, are not considered as a humiliation, a degradation of humanity or torture, and that the application of such alternative sentences helps to reduce the incidence of crime and reduce complications arising from incarceration (Shahid, 2010).

Thus, Iran's government employs the term "*Mohareb*" to label its opposition and legitimize violence against them. *Moharebeh* in the Islamic context literally means "waging war against society" and in Islamic jurisprudence traditionally referred to acts such as killing noncombatants, assassinations, setting fires, or poisoning water wells, crimes so serious and repugnant that their perpetrators were not to be given quarter or sanctuary anywhere (Fadl, 2005).

In addition, another source states that the concept has its roots in a Quranic verse that calls for death, maiming or banishment for those who "wage war" against God; "The punishment of those who wage war against Allah and His Messenger, and strive with might and main for mischief through the land is: execution, or crucifixion, or the cutting off of hands and feet from opposite sides, or exile from the land: that is their disgrace in this world, and a heavy punishment is theirs in the Hereafter."

The term is widely used by Iran's Islamic judiciary, citing Sharia law, and is “usually used against those who take up arms against the state,” and usually carries the death penalty. This term, however, is used to label all opposition groups during the incarceration and interrogates to legitimize the violence of government against them. In fact, according to some interpretation of Islamic rules, Islamic government of Iran is considered as the representative of Prophet Mohammad government. Regarding this interpretation, any kind of opposition would be enmity of God and prophet Mohammad.

Despite a constitutional prohibition on the use of all forms of torture for the purpose of extracting confession or acquiring information, reports continue to be received about torture and cruel, inhuman or degrading treatment taking place in various places of detention since the establishment of Islamic government of Iran (Shahid, 2010). But Kahrizak, where is known as Iran's Guantánamo Bay among protesters, became a significant embarrassment for the Islamic Republic when a group of released prisoners gave testimonies to international media about the misfortunes they suffered in custody after 2009 election protests.

Authorities first made plans for the Kahrizak detention center in 2001. The center's cells, located underground, were apparently built without free access to fresh air and toilet facilities. With the appointment of Ahmad Reza Radan to the post of Tehran police chief, the center became a key site for carrying out the “Public Security Plan” targeting drug addicts and so-called “thugs and louts” endangering public morality. Opposition groups have published unverified reports of human rights abuses and as many as 6,000 deaths inside the prison during the years 2007 and 2008.

Several thousand civilians and activists were arrested after the disputed presidential election in 2009. The head of the national security forces, Esmail Ahmadi Moghadam, stated in an interview with state television on August 5, 2009 that only the most dangerous offenders involved in the election protests were to be delivered to the Kahrizak center, which has a 50-prisoner capacity. Despite of his claim, the number of protesters who were sent to Kahrizak was much more than 50 and many of them were students and young demonstrator.

The Human Rights Activists News Agency documented the scandal by piecing together the personal accounts of those who experienced the jail in Kahrizak. “Flogging, beating with batons and metal bars and electric shocks were common. Some were forced to pose their sexual organ in humiliation and some were sexually

abused by bottles and batons. Some were bound and others had to pee on them,” the report says. But it was only when 24-year-old Mohsen Rouhalamini, the son of a distinguished conservative figure, was named among those killed that the Iranian authorities were forced to respond (Dehghan, 2010).

One of the most controversial issues from Kahrizak was rape of prisoners. The issue was first revealed by the 2009 presidential candidate Mehdi Karrubi. He wrote in an open letter to Hashemi Rafsanjani, the head of the Expediency Discernment Council: “Some savagely raped young boys; many are now suffering from depression, or other serious physical and mental problems, and have crawled to a side in their homes. I have been told about these things by the people who hold very high offices in this country; known icons, a number of whom are veterans of the Holy Defense (the Iran-Iraq war). These people have claimed that such things have happened in the prisons, and that if even one of them is true, it is a catastrophe for the Islamic Republic”(Dehghan, 2010).

According to interview with some prisoners of Kahrizak, rape was not used systemically. Instead, the agent of government used rape as a form of torture in order to extract information or forced confession, and in order to bring inmates to submission. Surprisingly, most victims of rape and sexual torture were men (Iran, 2013).

Clerics serving the political establishment formulated the charge that protestors are “fighters against God” (mohareb), and should be sentenced to death. The first to proclaim this was apparently Ayatollah Alam Al-Hoda, who during a pro-government march in Tehran on December 30, said “among the protestors, some are sheep and some are goats;” he then called for the execution of Green Movement leaders. Ahmad Jannati, president of the government’s Guardian Council, during a Friday sermon on January 1, repeated and emphasized that harsh punishment should be imposed on those who are “against the Islamic Revolution and against velayat-e-faqih,” or clerical governance. Interior minister Muhammad Najjar warned protestors that if new demonstrations took place, the police would deal decisively with them, and also called them mohareb, or “fighters against God.” At the same time, Ismail Ahmadi Moghaddam, the head of the national police, said there would be no tolerance toward those arrested on Ashura, especially if they had fought police. Member of Parliament Ruhollah Hosseinian, said a law would be introduced for “summary execution of any mohareb.”

In fact, Islamic government of Iran labels their opposition as Mohareb to change their legal situation and consequently legitimize violence against them.

4-2-5. Australia: refugees as enemy

Australia, along with other resettlement countries, introduced a system of refugee selection in 1979, which was the beginning of the 'off shore' refugee policy. According to this policy Australian officials visit refugee camps and centers, and along with officials from UN refugee agency, select people to come to Australia. Government officials are urged to select those refugees most likely to resettle successfully in Australia. These are the young, the healthy, the well educated, and people with a family support system already established. An active policy prevents selection of those with an obvious disability or those likely to require substantial social support. The many refugees who are not fit the stringent requirements of developed countries remained in the camps, often for years. The problems which had led to them not being accepted in the first place were usually exacerbated by the physically and mentally debilitating conditions of camp life. This is the genesis of the so-called "queue" which on shore asylum seekers are accused of jumping by the Minister for Immigration (Pittway, 2002).

Throughout late 2001 and 2002, the Australian Government, seeking re-election, campaigned on a tough line against so-called "illegal" immigrants. Represented as "queue jumpers," "boat people," and "illegals," most of these asylum seekers came from Middle Eastern countries. According to UN reports two-thirds of the detainees were from Iran, Sri Lanka, Pakistan, Afghanistan and Iraq—all countries affected by Australian-backed US military interventions or economic sanctions, or the Western-supported repression in Sri Lanka.

Both Labor and Liberal-National Coalition governments in Australia claim to be pursuing this policy for the "humanitarian" purpose of stopping refugees losing their lives on dangerous voyages to Australia. But the inhuman conditions outlined in the UN reports highlight the fraud of this claim and expose a life-threatening regime that is triggering suicide attempts and severe mental trauma.

In fact, the Australian Government and media try to represent refugees as asylum-seeker "crisis". For an instance, Minister for Immigration and Border

Protection Scott Morrison issued a statement about what occurred on Papua New Guinea's Manus Island, where one refugee was killed and dozens injured in or around an Australian-run detention camp. Morrison initially reported that the deceased asylum seeker, 23-year-old Iranian Kurd Reza Berati, sustained fatal head injuries outside the detention center. This account was presented by the government as part of its portrayal of the refugees as violent criminals, who had allegedly attempted to burn down the camp and escape detention but were then thwarted by Papua New Guinean police (O'Connor, 2014).

In spite of Morrison's claim, Liz Thompson, an Australian professional migration agent who quit her job there after the assault on the detainees in her interview on the SBS television told security guards and police, joined by some local people, conducted terrifying attacks on detainees inside the facility. Her interview further exposed the lies initially told by Morrison that the violence occurred outside the camp after refugees escaped (Head, 2014).

One year before, two reports released in late November by the United Nations High Commissioner for Refugees (UNHCR) reveal the plight of asylum seekers banished by the Australian government to the remote Pacific island of Nauru and Papua New Guinea's Manus Island. According to these reports, In Nauru, the UN team found detainees living in tents under hot, cramped rat-infested conditions. The children were lice-infested, some had skin infections and all suffered deteriorating mental health. In one section of the camp holding 305 people in family groups or single adult women (including pregnant women), the report observed "cramped conditions with very little privacy in very hot conditions, with some asylum-seekers sleeping on mattresses on the ground." These conditions "raise serious issues about their compatibility with international human rights law." The monitors drew particular attention to the lack of toilets and showers and the near complete absence of privacy. Conditions were similar on Manus Island. The Manus Island asylum seekers were concerned about the danger of malaria-carrying mosquitoes and other parasites common to the island. Those who were allowed to leave the camp for brief excursions, even for a walk or run, were kept under heavy guard. The UN reports show that the Australian government is actively pressuring asylum seekers to return to the countries they fled. Refugees had received an official letter stating: "if you are not pleased with the current processing arrangement, we can put you in touch with the International Organization for Migration who may assist you with return to your

country of origin”(Church, 2013).

The UNHCR said the policy meant that refugees risked being driven back to their countries, not having made a truly voluntary decision to go. To add to the pressure on refugees to give up on their protection claims, decisions on their applications have been stalled. Far from pursuing humanitarian concerns, both Labor and the Coalition have sought to scapegoat refugees and whip up a nationalist and xenophobic atmosphere as a distraction from their own pro-business policies under conditions of rising joblessness, sharpening austerity measures and deepening economic crisis (Church, 2013).

The human impacts of these policies are profound, and there has been no genuine “solution” aside from an expensive and unsustainable policy of exporting onshore arrivals to Australia’s Pacific neighbors. In the meantime, the rhetoric aimed at so-called “illegals” and “queue jumpers” is starting to impact on all refugees and migrants in Australia. Most disturbingly, Government attacks portraying asylum seekers as serial child abusers were also paralleled – those on TPVs remain ineligible, presumed “undeserving,” for the family reunion program. Far from offering protection, the TPV policy prolongs and compounds the trauma of many asylum seekers in Australia today (Leach, 2003).

In fact, it is the logic of sovereign exception coupled with the nation-state enables the emergence of the refugee and the camp, where the reemergence of bare life becomes possible. The refugee, according to Agamben, represents such a disturbing element in the order of the modern nation-state because by breaking the continuity between man and citizen – nativity and nationality – they put the originary fiction of modernity in crisis. In highlighting the difference between birth and nation, the refugee causes the secret presupposition of the political domain – bare life – to appear if only momentarily within that domain (Agamben, 1998). Thus, the refugee represents the first and only real appearance of rights outside the fiction of the citizen that always subsumes them.

The effects of sovereign power, to a greater or lesser degree, come to be inscribed on the private bodies and minds of all human beings who are citizens of modern nation-states. Whilst the lives of Australian citizens are in many respects shaped and determined by the forces of government (i.e. the control and management of reproductive rights, crime and punishment, health and welfare, etc.), citizens are afforded basic human rights, which assist to guarantee their fair and just treatment in

all legal and social arrangements. Refugees, on the other hand, occupy a paradoxical position at the intersection of government control and access to human rights. They have no “rights to rights” in a state to which they do not belong but are at the same time subject to that same state’s sovereign rule in relation to the treatment of stateless peoples. It is at this juncture, where biological body and political body intersect, that the refugee becomes the biopolitical centerpiece of what it means to be a human being who is not one (Zannettino, 2008).

4-3. Summary

In this chapter, first, I have discussed how dominant trend of political thoughts after Second World War, Western liberal democracy, depicts the concept of the state of exception in relation to totalitarianism and dictatorship. In other words, they to conceal the tie between sovereignty, as a common dominator of modern states, and state of exception to connect the horrible experience of concentration camps to Nazism as a symbol of the absolute power of the negative, which is preventable.

In spite of this main trend, Agamben believes the camp is the fundamental biopolitical paradigm of modern Western societies. According to this definition, camp is a space that is opened when the state of exception begins to become the rule. Regarding Agamben’s point of view some constructing elements of camps could be considered, which are common in all the camps regardless of the form of state; first, political-juridical structure of the camp in which the state of exception ceases to be a temporal suspension of the state of law. Then, the second element is dehumanization, which in Agamben’s word is considered as reduction to bare life. That is to say, because inhabitants of the camp are divested of political status and reduced to bare life, the camp is “the place in which the most absolute *conditio inhumana* ever to appear on Earth was realized.”

In the second part of this chapter, I have studied five camps in countries with different political ideologies and economic structures. As a result of my study, all these camps have been established based on a temporal suspension of law whereby state make decision on state of exception and exclusion. The next common step in the camps is a widespread brutal violence against excluded people, which is legitimized according to special legal situation of them.

Chapter five: Conclusion

This thesis has attempted to explain the role of modern sovereign state in legitimized violence. According to mentioned goal, in current section, I will summarize the discussion by coming back to the questions that I suggested in the first chapter;

1. What is legitimized violence and how does the modern government employ it?
2. What is the relationship between sovereignty and legitimized violence?
3. What is camp and how does it reveal the role of the modern state and its sovereignty regarding violence?

To answer to the theses questions, I have discussed how a comprehensive understanding of what violence is inevitably related to political perspective. According to sovereignty and monopolized right of use of force, modern state considers itself as the only source of definition of “normal state”. As a result of this situation, violence is defined as something to do with a change in this “normal state” of affairs. In fact, the foundation and continuity of modern state has been depended on the production of a situation in which its right to make decision about what normal is seems to be legitimized.

By categorizing violence into law making and law preserving, it could be said that, nowadays, while excessive law-making violence is today somewhat ‘outsourced’ from the capitalist center into the periphery, in post-Fordist capitalism of the present time mythic violence tends to blur its law-making aspect by turning into an apparently implausible juridical web of bio-political practices. This form of law-preserving violence functions as a self-producing and self-eternalizing ‘microphysics of power’ producing and re-producing, disciplining and controlling, regulating and authorizing bare life as actual, potential or superfluous labor force. Mythic violence has therefore become the political economy of bare life (Khatib, 2011).

In the next step, to explain the relation between sovereignty and violence, I employed Schmitt’s theory in which the sovereign “is he who decides about the exception”. In other words, while the right of modern state to define “normal state” is silent and concealed, the presence of sovereignty express itself through making decision on exception. Actually, sovereignty is masked behind this accepted normal

situation and became visible only during exceptional circumstances. In other words, legitimized violence originates from sovereignty to reconstruct the "normal state" through making decision on "state of exception".

What enables modern sovereign state to decide on the exception is related to the concept of "biopower" from Foucault. He connects sovereignty to the body of individual and explains the importance of this concept in our understanding of contemporary societies. According to the definition of biopower, the concept of sovereign power and its close connection to the body of the King has been transformed to legitimize sovereignty through social contract. As a result of this fact, sovereign right to kill and the mechanisms of biopower, categorization of people, are constitutive elements of state power in modernity.

Regarding sovereignty as right to kill and mechanisms of biopower as constructing features of modern state, According to Agamben, the exception would be the original relation of the entire Western paradigm of politics. In fact, state of exception is a possibility always under the modern state has now led to it becoming the predominant political form in liberal democratic countries as well as authoritarian ones.

To examine our theoretical assumptions, the concept of camp is discussed as the fundamental biopolitical paradigm of modern Western societies. According to Agamben, camp is a space that is opened when the state of exception begins to become the rule. Regarding this definition of camp, I analyzed two constitutive features of camp, which are common in all the camps regardless of the form of state. First, the state of exception becomes a permanent situation in camp. In other words, political-juridical structure of the camp could be recognized by a situation in which the state of exception ceases to be a temporal suspension of the state of law.

As a result of this special legal situation, the second feature of camp introduced as the process of dehumanization, which in Agamben's word is considered as reduction to bare life. In fact, because inhabitants of the camp are divested of political status and reduced to bare life, the camp is "the place in which the most absolute *conditio inhumana* ever to appear on Earth was realized.

Regarding these two elements, I have analyzed five camps and explained, in all these cases, an apparently innocuous space [...] actually delimits a space in which the normal order is de facto suspended and in which whether or not atrocities are

committed depends not on law but on the civility and ethical sense of the police who temporarily act as sovereign (Agamben, 1998).

I have studied five camps in countries with different political ideologies and economic structures. As a result of my study, all these camps have been established based on a temporal suspension of law whereby state make decision on state of exception and exclusion, a black whole in law that originates from law making feature of sovereignty. In addition, the second common element in the camps is a widespread brutal violence against excluded people, which is legitimized according to special legal situation of them. In fact, modern sovereign state introduced the excluded people as perpetrators of fragmentation in "normal state" of affaris through labeling them as "inferior race", "enemy of proletariat", "terrorist", "Mohareb" and "crisis".

Finally, I want to propose a question to challenge the existing trends; is it possible to achieve sustainable peace in a system made up of modern states which are the root cause of violence themselves? It seems by accepting the assumptions of this thesis, our attempts to achieve peace suffer a methodological weakness in which we consider the current form of world construction for granted and unchangeable.

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