Before and Beyond Auschwitz: Ethics, Memory, Citizenship and Belongings

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ABSTRACT *This paper explores how Western culture has struggled to include Auschwitz (as a symbolic location) within its view of humanity and culture, both theoretically, politically and emotionally. The principal points of reference are Giorgio Agamben, Hannah Arendt and Zygmunt Bauman. The paper argues that pre-Auschwitz concepts and experiences of 'normality' can no longer be applied in the post-Auschwitz world. It ends by tracing the relationship between the European treatment of the Jews in the 20th century and the current European treatment of asylum seekers and refugees. Copyright © 2011 John Wiley & Sons, Ltd.*

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   This whole world is a narrow bridge but the essential thing is never to be afraid. (Nachman of Brazlav)

PRIMA E OLTRE: BEFORE AND BEYOND

Coming together in the beautiful and ancient setting of Macerata for the conference 'Auschwitz: Prima e Oltre' we cannot know what it is to live before Auschwitz because all of us born into the postwar European world have grown up in its long shadows, even if for many years we could not recognize them for what they were. We can read historians to tell us and for a few years we can still listen to the voices of survivors who lived through these terrible times in the hope that we can fully 'take in' what they have to say to us. But as Walter Benjamin recognized in a terrible premonition of what was to come, the stories of historical progress – of history as the unfolding of a freedom and progress – have been broken and shattered into fragments that no longer, if they ever did, 'make sense'. (For insightful paths into Walter Benjamin's writings on crisis of historical progress see Benjamin, 1973. A helpful introduction to Benjamin's early life and thought is given by Caygill, 1998, and a discussion of Benjamin's relationship to philosophy in Benjamin and Osborne, 1993.)

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It is as if we cannot hope to put the different pieces back into some kind of order and that we have to learn to live with uncertainties and fears in a world that has to be thought about 'after Auschwitz' in radically different terms. The traditions of philosophy and social theory that we have inherited wanted to believe, for a while at least, that Auschwitz did not really exist and that the world could somehow 'return to normal' – to a 'before' or even to a 'beyond' where Auschwitz no longer questioned the very terms of modernity.

As we listened to papers given in the glorious council hall of the University of Macerata we were surrounded on both sides by painted murals on the walls that reminded us of narratives of history, freedom and progress that seemed unable to speak with conviction to the present. On one side there is an image of a girl – seemingly representing a portrait of innocence – presenting to religious authorities, and facing it on the other wall a prince on a white horse – every girl's patriarchal dream of a her future prince – delivering democracy in the city. But these visions of historical progress no longer seem secure 'after Auschwitz' and they seem naïve and carry an innocence that no longer seems believable, if it ever really was. These are images that confirm the legitimacy of traditional authority – of Church and State – that have been radically brought into question as we are obliged to rethink the terms in which people can live together with their differences within a democratic culture and politics.

Prima – Before – looks like a time of innocence for Auschwitz did happen and though it took a considerable time to 'come to terms' with these shocking images of dead bodies and images of mass crematoria in which human bodies were to be burnt after they suffered death agonies in 'showers' we can still feel as if our inherited intellectual and political traditions fail us. We still do not understand *how* this could have happened at the heart of modern 'civilized' Europe and the collusions and silences of university disciplines and the Christian Churches who failed to speak out clearly against the destruction and murder of European Jewry. How was it that human beings could treat their neighbours in such brutal and uncaring ways? How could industrialized mass murder on such a scale become possible within a Europe that took pride in its 'culture' and 'civilization'?

For years in the postwar world Europe sought to treat Nazism and Fascism as aberrations, so resisting to ask questions about the relationship between modernity and the Holocaust – the Shoah. Politicians still talk too easily about 'European values' of freedom and democracy in the hope that they can put these terribly histories 'behind them'. But as Primo Levi recognized, the only real 'witnesses' – those who could have forgiven – are the drowned – the murdered – so it is not a matter of 'seeking forgiveness' but of taking responsibility to interrogate European histories of white supremacy that was legitimated through Christian missionaries and racial sciences that have legitimate colonial genocides that prepared the ways for the Holocaust (see Levi, 1965a, b, 1989).

In her biography of Primo Levi, Myriam Anissimov (2006) recalls that he did not share Camon's idea that the German people were collectively responsible for the Holocaust. For Levi, the history of the deportation and extermination of the Jews was closely bound up with the history of fascism. As he tells Camon:

Violence is a seed that does not die. It is painful to recall this to other people and to ourselves. The first European experience of destruction of the labour movement and sabotage of democracy was born in Italy. And Fascism arose out of the immediate postwar crisis, out of the myth of the mutilated victory, and was fuelled by ancient miseries and guilts. For Fascism was born a delirium that extended to the cult of the providential man, to enthusiasm organized and imposed. Every decision was left to the caprice of a single man. (Quoted in Anissimov, 2006, 354)

But if writing is a way of 'living with' – as a kind of responsibility to 'tell others' so that together you search for the questions that might help towards an understanding of 'Why Auschwitz?' – Primo Levi leaves us with the question of how you can carry on living when the story has been told and when you know that so many people better than yourself did not survive. What does it mean to have survived? How can you live with the guilt of survival when for years after the war people were not interested in what they had to say? If a few returned they were often destined to live in a 'grey zone' as it was impossible to return to life as it had been. As the survivor Nelly Sachs wrote in her poem 'Survivors':

World do not ask those snatched away from death
Where they are going:
They are always walking towards their graves.
The pavements of strange cities
Were not made for the sound of refugees' steps.
The windows of the houses which reflect a lifetime
With the picturebook skies, those shifting gift tables.
They were not polished for eyes
That drank horror at its source.

World, a strong iron burned out the fold of their smile;
They would so much like to come to you,
For your beauty's sake,
But for the homeless one all roads wither
Like cut flowers . . .

(Sachs, 1985, 598)

Natalia Ginzburg, an Italian novelist whose first husband, a victim of the Nazis, died in a Roman prison in 1944, shares what it was like to return to her flat in Turin – and the impossibility of returning to what it once was – also talks of flowers:

The war is over and people have seen a lot of homes knocked down and now they don't feel safe in their own homes and any more, in the way they used to feel safe and snug in them once. Something has happened that they can't get over and years will go by but they will never get over it. So we have lamps lit on our tables again and vases of flowers and portraits of our loved ones, but we don't believe in any of these things any more because once we had to abandon them without warning or scrape around pointlessly for them in the rubble. . . .
When you have been through it once, the experience of evil is never forgotten. Anybody who has seen homes knocked down knows only too well what fragile blessings vases of flowers and paintings and clean white walls are. . . .But we do not go defenceless against this fear. We have a toughness and resilience which others before us never knew . . . We are forced to go on discovering an inner calm that is not born of carpets and vases of flowers . . . (Ginzburg, 1985, 504; quoted from RSGB Forms of Prayers, 1985)

OLTRE': 'BEYOND' AUSCHWITZ

We are on the edge of being able to relate to the precariousness and vulnerability of life 'after Auschwitz' and of beginning to frame questions, so it can seem too hasty for Europe to think 'beyond' Auschwitz. Of course, where there was silence in the 1950s and 60s, now in the 21st century there is a proliferation of discourses around Auschwitz and it has become framed as a 'global event' that we can all learn from as it helps to shape a globalized ethics. In the years after the Second World War is was the haunting of the extermination camps, including Auschwitz, that helped frame the hopes embodied in the Universal Declaration of Human Rights that was somehow to guarantee 'never again'. But postwar histories have turned out quite differently and atrocities that we have witnessed in Vietnam, Cambodia, Ruanda, the former Yugoslavia and Dafur remind us that genocide is not an experience of colonial power and domination or of the Holocaust alone. Atrocities and neighbourly violence are not simply part of the past but they are part of the present, and the intensity of the wars in Iraq and Afghanistan shows us that military violence in a global 'war against terror' shows us the ease with which 'others' are framed as 'less than human'.

The hope that the juridical instruments of international law backed by the authority of the United Nations would bring the world together to offer a renewed hospitality to others who were deemed 'different', so that refugees and asylum seekers would be offered sanctuary, have proved impossible to actualize. This was to frame a hope that the world could somehow return to a time 'before' Auschwitz and so to wish that Auschwitz had never really happened. But Auschwitz shows us what is possible in the relations between human beings and makes us aware that if it happened it could happen again. International laws and conventions could not, in themselves, guarantee that we could return to a world that could somehow make Auschwitz impossible. As children whose families had somehow escaped their fate of extermination, we were somehow to be 'protected' by our parents, who would 'take on' these terrible histories as their own. We would be told that the past belongs to them alone and they alone would take responsibility for it and somehow ensure that its effects did not leak into their children's minds and bodies. As part of a distorted logic as second generation we were to live in the present and in the future *as if* Auschwitz had not happened in the very recent past. I have reflected upon the dynamics of a second-generation experience in both personal and theoretical terms in Seidler (2001).

The 'black hole' that Primo Levi talks about existed for us as children, as if the Shoah was a kind of unspeakable Genesis before which there was no history, no life. For us there was no familial time that stretched to 'before' Auschwitz, but as children of refugees and survivors from continental Europe it was as if there was no life before the Holocaust. This was our year zero. As children we were supposed to carry the hopes of our parents that we could be protected from these terrible traumatic histories and so be unaffected by them. At least this is what we were told, so it meant that somehow we were left with the impossible task of both having to know about Auschwitz but having to live as if Auschwitz had not really happened for us – it was part of a 'past' that existed for our parents' generation but did not really exist for us. It was none of our business and we were to reassure our parents that, as children, we were free of its inheritance. We were to be clear of historical legacies, though at the same time we were somehow expected to be 'proud' of 'being Jewish' at the same time and unspeakably we felt that it was an identity that had been shamed by the stories that 'they had gone like

sheep to the slaughter'. We knew enough to have absorbed into our bodies the fear that 'Jewish' was a dangerous identity because you could be murdered for it.

Somehow we owed it to our parents to be 'normal' and so 'become English' and become 'like everyone else'. As Levinas has explained, this is part of the dream of modernity, but how could we be 'normal' when at the same time we knew that our uncles, aunts and cousins had been murdered in Treblinka? They had lived in Warsaw and those who had been able to survive in the Warsaw ghetto were eventually murdered in Treblinka. In June 2010 I listened to a talk by Jan Tomasz Gross, author of *Neighbours* (Gross, 2003), in Senate House, University of London, where he showed a disturbing image of a group of Polish peasants and police officers sitting in front of a collection of skulls and bones. He was speaking as part of the Mellon Sawyer Seminar Series February–October 2010 on 'Fratricide and Fraternity: Understanding and Repairing Neighbourly Atrocity' in the School of Advanced Study, University of London. His book reconstructs the events that took place in July 1941 in the small Polish town of Jedwabne, where the Jews of the town were murdered by their Polish neighbours, 'not by the German occupiers, as had previously been assumed'. The book occasioned an unprecedented re-evaluation of Jewish–Polish relations during the Second World War.

Gross revealed that these people had been engaged in digging into the mounds of ash which were what remained of the Jewish dead in search of 'buried treasure' that might have escaped the scrutiny of the guards. There was nothing shameful in these activities and people were ready to be photographed with their spoils. But it was disturbing in a way I could not articulate at the time, to realize that I could have been witnessing the remains of my own dead relatives – the family that did not get away and never had the chance to become refugees or seek asylum. They were left to their fate. Like other families they were caught in historical events that were not of their making. It was the enormity of the Shoah that it has been so hard to 'take in' and only when visiting the scale of the recent monument in Berlin – 'The Memorial to the Murdered Jews of Europe' – did I feel I was getting a sense of the scale of the tragedy. It was here that I also discovered that as an extermination camp there were no records of those who had been murdered in Treblinka – so that people had died without a bureaucratic trace.

It can be difficult to acknowledge that Hitler largely succeeded in his efforts to murder the Jews of Europe. This is something that the Christian Churches – both Catholic and Protestant – do not want to acknowledge, for they need to believe, for their theologies to be sustained, that there was at least a remnant that had survived intact. Jews are supposed to be present to witness the Second Coming and if they have been destroyed this shows that Christian theologies have been broken, even though they are reluctant to face these truths. But rather than engage in critical discussions across generations the Churches have taken refuge in Adorno's (2003) notion that silence is the only appropriate response after Auschwitz. This silence has worked to block communication between generations and within families as the German state has taken responsibility for remembrance and memorialization. But this has sometimes worked to absolve families from open discussion about their own grandparents and their involvements in the war, and it has created its own tense silence that has been difficult to crack. Maintaining a respectful silence in the face of Auschwitz has meant that Jews have been figured as the phantom objects of Christian compassion, for in Germany at least many people grow up with little lived experience of Jews who come to occupy their unconscious fantasies as 'victims' of Nazi violence.

Different generations have found it difficult to talk openly to their children, and their children have rarely witnessed their grandparents' and parents' emotional loss and grief at what happened. Rather, 'the Holocaust' has become a matter of public memory and school history lessons that can weigh heavily on the shoulders of generations who feel that their German identity has been shamed. Many students take pride when studying in Britain that people cannot tell from their accents that they are German. Sometimes it has been mothers in families who have been concerned to teach these histories to their children and encouraged them into a sense of responsibility, while fathers have remained more distant, having intellectually rejected their own parents' Nazi pasts. They have framed a cosmopolitan ethics and an identification with a universal humanism that can create its own forms of historical disavowal. They have worked on these issues intellectually but often are left with emotionally unresolved feelings with their parents' generation, for dialogues have been broken and tensions remain.

But standing in silence before memorials to the dead on the fixed dates that have been allocated by the State – for there are 'no words' that can express the enormity of the losses people feel – can sustain unhelpful boundaries between private, familial spaces and spaces of public memory. It can also work to block necessary communications between different generations as children never really experience their parents' emotions about the times they lived through. Sometimes these are issues of gender and communication and a younger generation, often of women, seeks to break the silences they have inherited in their families. They feel a need to hear the words spoken and the emotions expressed. They often feel closer to their grandparents and feel that their kindly grandparents could not possibly have been involved in these terrible events. They want to know but at the same time they do not want to dig too deep and discover what they do not want to hear. In different European countries these predicaments fall in different ways – there are very different histories, for instance, in Germany, Italy, France, Holland and Great Britain. There are different legacies but also different ways in which societies have come to terms with their own traumatic histories, either in relation to colonial histories or the Holocaust.

These narratives of historical memory have become vital in a postwar period that has seen global shifts of populations and issues of migration, refugees and asylum helping to shape diverse multicultural societies. Questions about how Europe learns to live with differences and ways that democratic societies have learnt to engage with their own painful histories remain central if we are to shape European futures that can engage honestly with the horrors and superiorities of many European pasts and their colonial and imperial inheritances. This is not to create a hope of living 'beyond' Auschwitz but it does mean learning how to engage at different levels, both personally and politically, with family and collective histories. We have often been encouraged by a neo-liberal moral culture to think that we can put 'the past behind us' without really 'facing up' to its painful realities and learning to speak openly and emotionally truthfully within families. Often these are the stories that younger generations need to hear if they are to find their own orientations to the pasts they inherit. This does not mean making them responsible for the deeds of an older generation but it does mean not feeling shamed by the past but taking a responsibility to remember for the future. This offers a sense of both greater freedom and responsibility.

WE REFUGEES': HUMAN RIGHTS AND REFUGEES

Giorgio Agamben opens his essay 'Beyond Human Rights' (2000) recalling an article published by Hannah Arendt (1943) in a small English-language Jewish publication, *The Menorah Journal*, titled 'We refugees', in which Arendt is reflecting upon the condition of a countryless refugee – a condition she herself was living. She was addressing others who shared her situation from Germany, Austria and France whose families had attempted to be '150 percent German, 150 percent Viennese, and 150 percent French'. They had struggled for years to win acceptance and to assimilate into a dominant culture, as German, French and Austrian citizens 'like everyone else'. Within the terms of the contract first offered by Napoleon in France they were obliged to pay the price for equal citizenship of disavowing any collective identity and learning to treat their Judaism as a matter of individual religious belief alone. They were to be 'like everyone else' – just that they happened to have different individual religious beliefs. (For a sense of Giorgio Agamben's work see, for instance, Agamben, 1997, 1998.)

Arendt is concerned that people displaced from their own countries as refugees learn the critical lessons of their experience that show up the failures of the liberal democratic state in being able to protect their own citizens in time of crisis. In this way the refugee can become the paradigm of a new historical consciousness. The fate they were suffering as Jews was soon to be shared by other European nations who were to pass under Nazi rule. As Arendt frames it, if they lucidly contemplate their own condition they will realize they have a priceless advantage: 'History is no longer a closed book to them and politics is no longer the privilege of Gentiles. They know that the outlawing of the Jewish people in Europe has been followed closely by the outlawing of most European nations. Refugees driven from country to country represent the vanguard of their peoples'. (Arendt, 1943, 77. For a sense of the development of Hannah Arendt's thinking over time on issues of refugees and displacement see, for instance, Arendt, 1969, 1977, 1978, 1979. For an interesting exploration of the relationship of experience to critical understanding in Arendt's work that discusses storytelling as a form of critical theory beyond the limits of philosophy, see Disch, 1994.)

Within the terms of the contract for Jewish emancipation, as Sartre explored it in *Anti-Semite and Jew* (Sartre, 1948), Jewish consciousness as a form of collective consciousness was to cease to exist. (This is a theme that I also explore in Seidler, 1994a, and more recently in relation to theologies and philosophy in Seidler, 2008. These themes are taken up in different ways in Bauman, 1990.) This meant that Jews were to be obliged to forget that their had their own history and politics as a people with memories of their own kingdoms. They were to cease to remember that they had their own collective history as their children in school were to be taught the shared history of the Western European nation states, which often forgot histories of anti-Semitism and expulsions. In this sense their own history came to be 'a closed book' and they could no longer participate in politics collectively, but simply as individual citizens with their own political views. They could no longer conceive of themselves as a people or a nation that was transnational, going across national boundaries. They were to be tested in the First World War where, fighting within opposing national armies, cousins had to be prepared to kill each other. But the fact that so many German Jews were proud of their war service in the end offered them no protection against Nazi rule. Somehow this still did not allow them to 'pass' as Germans.

Raul Hilberg, in his masterly exploration of the everyday institutional workings of the Holocaust *The Destruction of European Jews* (Hilberg, 1961; see also Friedlander, 1993; Baumel, 1998; Kritzman, 1995) closes his chapter 'Reflections' with a tragic and truthful observation that provides a context for Arendt's reflections:

> The German annihilation of the European Jews was the world's first completed destruction process. For the first time in the history of Western civilization the perpetrators had overcome all administrative and moral obstacles to a killing operation. For the first time, also, the Jewish victims, caught in the straight jacket of this history, plunged themselves physically and psychologically into catastrophe. The destruction of the Jews was thus no accident. When in the early days of 1933 the first civil servant wrote the first definition of 'non-Aryan' into a civil service ordinance, the fate of European Jewry was sealed. (Hilberg, 1961, 1044)

When I first wrote this out I wrote 'complete', only then to have to correct it to 'the world's first completed destruction process'. There were just a few remnants that survived in countries that had not been successfully occupied. I want to say that it did not completely succeed because we are here writing the story and the regime has passed into history. But this is a form of self-deception and Arendt helps us refuse it. wThis was a catastrophe that happened and it is only if Jews insist on reclaiming their own histories and politics that they can begin to ask appropriate questions of the particular relationship between the European Enlightenment and the nation state. This was a learning that refugees, like Arendt, were struggling with having lost all rights but who, however, no longer wanted to be assimilated at all costs in a new national identity. They did not want to treat their stateless condition as a temporary condition as they moved from being rejected by one nation state to being offered asylum in another. They did not want to repeat history.

STATELESS PEOPLE

Agamben realizes:

> We are used to distinguishing between refugees and stateless people but this distinction was not then as simple as it may seem as first glance nor is it even today. From the beginning, many refugees, who were not technically stateless, preferred to become such rather than return to their countries. (This was the case with Polish and Rumanian Jews who were in France or Germany at the end of the war, and today is the case with those who are politically persecuted or for whom return to their countries would mean putting their survival at risk.) (Agamben, 2000, 15)

But it is also important to recognize with Agamben that, starting with the First World War, many European states began to pass laws allowing the denaturalization and denationalization of their own citizens. France was first in 1915 with regard to naturalized citizens of 'enemy origin'. The Italian Fascist regime passed a law with regard to citizens who had showed themselves 'undeserving of Italian citizenship'. With the 1935 Nuremberg laws we have the division of German citizens between those with full rights and citizens without political rights. The fact that you were born in the country and that your family lived there for generations made no difference. As Agamben acknowledges, these laws 'mark a decisive turn

in the life of the modern Nation-State as well as a definitive emancipation from naïve notions of the citizen and a people' (Agamben, 2000, 16).

I had always known that my mother had been born in Vienna and that she had been forced to leave but in some way I had not really accepted that she had been a refugee or that my stepfather, who escaped late from Germany, had been stateless for a time. My mother wanted to forget that she was a refugee though she could hardly forget that she was a 'foreigner' since she always spoke with an accent, and in the 1950s language remained a central marker of belonging. But she very much wanted her children to belong and she constantly reassured us that because we were 'born in England', which meant, almost as a matter of logic, that we were 'English' and that nobody could take this away from us. At some level we probably felt different because we knew that she had been deprived of her citizenship and that she had been born in Vienna. But she did not want to disturb our chances of 'being normal – being like everyone else', which seemed to be the only guarantee of possible security and safety. She claimed the painful family histories for herself, so that her children were protected from the past.

Hannah Arendt titled the chapter of her book *Imperialism* (Arendt, 1968) that concerns the refugee problem 'The Decline of the Nation-State and the End of the Rights of Man'. According to Agamben

> One should try to take seriously this formulation, which links indissolubly the fate of human rights with the fate of the modern Nation-State in such a way that the waning of the latter necessarily implies the obsolescence of the former. Here the paradox is that precisely the figure that should have embodied human rights more than any other – namely, the refugee – marked instead the radical crisis of the concept. (Agamben, 2000, 16)

But we need to be careful here, because it was not simply the decline of the nation state that had brought about the attacks on their own citizens, even if we recognize that effectively the 'Rights of Man' only seemed to have meaning as the legal and political rights of citizens within nation states. Some people have wanted to argue that Jews lost their legal and political rights in Nazi Germany but they still could claim their human rights. But the point for Agamben is that the crisis comes in recognizing that this distinction has no meaning in reality and that deprived of legal and political rights by the state means that people become 'less than human'.

Agamben follows Arendt when he says that

> The conception of human rights based on the supposed existence of the human being as such, Arendt tells us, proves to be untenable as soon as those who profess it find themselves confronted for the first time with people who have really lost every quality and every specific . . . fact of being human. (Agamben, 1995, 290)

We learn that within the liberal capitalist state we have implicitly accepted that 'to be human' has come to mean being 'the bearer of legal and political rights'. In Kant's terms as a rational self I am the bearer of specific rights but this also means that if I cease to be the bearer of rights I cease to be human and so become 'invisible' in the public sphere of politics and culture, where I exist as 'less than human'. It is as if Jews became 'non-persons'/'non-beings' as they were defined bureaucratically as 'non-Aryan'.

Somehow they had ceased 'to exist' as they were gradually excluded from cinemas, restaurants and public parks. If they were still present physically, it was as if people could see through them and they were not really there at all. As Agamben presents it:

> In the system of the Nation-State, the so-called sacred and inalienable human rights are revealed to be without any protection precisely when it is no longer possible to conceive of them as rights of the citizen of a State. (Agamben, 2000, 17)

HUMAN RIGHTS

According to Agamben,

> That there is no autonomous space in the political order of the Nation-State for something like the pure human in itself is evident at the very least from the fact that, even in the best of cases, the status of refugee has always been considered a temporary condition that ought to lead either to naturalisation or repatriation. A stable statute for the human in itself is inconceivable in the law of the Nation-State. (Agamben, 2000, 17)

This helps us recognize that if you cease to exist as a citizen with rights, you cease to exist as human. You cease to have an individual voice of your own and you are reduced to a category – 'non-Aryan', 'refugee', 'asylum-seeker'. You are expected to wait silently as other people speak for you because you can no longer speak for yourself.

For Agamben, as for Arendt, this goes back to the original ambiguity in the very title of the 1789 *Declaration des droits de l'homme et du citoyen*, 'in which it is unclear whether the two terms are to name two distinct realities or whether they are to form, instead, a hendiadys in which the first term is actually always already contained in the second' (Agamben, 2000, 17). There is no existence for the human being as such, as so no 'human rights' that are not already the particular rights of citizens that states guarantee, so states can equally withdraw.

According to Agamben 'Nation-State means a State that takes nativity or birth (nascita) (that is, naked human life) the foundation of its own sovereignty' (Agamben, 2000, 17). So traditionally the fact that a person is born in a particular territory brings them under the sovereignty of the state. I could feel that as I was born in England, I 'was' English in a way that my parents could only 'become' English through naturalization. As Agamben realizes:

> The principle of sovereignty to the nation (in conformity with its etymon, native (*natio*) originally means simply 'birth' (*nascita*). The fiction that is implicit here is that birth (*nascita*) comes into being immediately as nation, so that there may not be any difference between the two moments. Rights, in other words, are attributed to the human being only to the degree in which they are the immediately vanishing presupposition (and, in fact, the presupposition that must never come to light as such) of the citizen. (Agamben, 2000, 20)

So Agamben can conclude that

> If the refugee represents such a disquieting element in the order of the Nation-State, that is so primarily because, by breaking the identity between the human and the citizen and that between nativity and nationality, it brings the originary of sovereignty to crisis. (Agamben, 2000, 17)

It is through the figure of the refugee that we can recognize the unhinging of the old trinity of state–nation–territory, which is why the refugee becomes the central figure of our political history. It explains why the refugee remains such a threat. As Agamben insists:

We should not forget that the camps were built in Europe as spaces for controlling refugees, and that the succession of internment camps–concentration camps–extermination camps represents a real filiation. One of the few rules the Nazis constantly obeyed throughout the course of the 'final solution' was that Jews and Gypsies could be sent to extermination camps only after having been denationalised (that is, after they had been stripped of even the second-class citizenship to which they had been relegated after the Nuremberg laws.) When their rights are no longer the rights of the citizen, that is when humans are truly sacred, in the sense that this term used to have in ancient Roman law: doomed to death. (Agamben, 2000, 18)

This explains why Agamben thinks

The concept of refugee must be resolutely separated from the concept of 'human rights,' and the right of asylum (which is in any case by now in the process of being drastically restricted in the legislation of European States) must no longer be considered as the conceptual category in which to inscribe the phenomenon of refugees. (Agamben, 2000, 18)

As far as Agamben is concerned, 'the refugee should be considered for what it is, namely, nothing less than a limit-concept that at once beings a radical crisis to the principles of the Nation-State and clears the way for a renewal of the categories that can no longer be delayed' (Agamben, 2000, 18).

This is a radical project, and Agamben is clearer about what we need to do than about how this can be achieved. The refugee becomes perhaps 'the only thinkable figure' in which – at least until the process of the dissolution of the nation state and its sovereignty has achieved full completion – we can see 'the forms and limits of coming political community'. This means, according to Agamben, that we have 'to abandon decidedly, without reserve, the fundamental concepts through which we have so far represented the subjects of the political (man, the citizen and his/her rights, but also the sovereign people, the worker and so forth) and build our political philosophy anew, starting from the one and only figure of the refugee' (Agamben, 2000, 17.) One suggestion is to bring back the notion of people, which usually refers to a minority, as opposing itself to the concept of nation that has so far unduly usurped it. Europe would not longer be conceived of as a 'Europe of the nations', but rather as an extraterritorial space for all European residents.

COSMOPOLITANISM

According to Zymunt Bauman in *Liquid Love* (Bauman, 2003) a spectre of xenophobia hovers not only over Europe but over the planet. This brings together old tribal suspicions with 'the brand-new fear for safety distilled from the uncertainties and insecurities of liquid modern existence'. As Bauman frames it, 'People worn out and dead tired as a result of forever inconclusive tests of adequacy, and frightened to the raw by the mysterious, inexplicable precariousness of their fortune and by the global mists hiding their prospects from view, desperately seek culprits for their trials and tribulations' (Bauman, 2003, 119). Easily encouraged into the view that it is criminals who make us insecure and that it is outsiders who cause crime, they conclude that it is 'deporting the outsiders that will restore our lost or stolen security'. As McNeil puts it, 'Politicians across Europe use the 'outsiders cause crime' stereotype to link ethnic hatred, which is unfashionable, to the more plausible fear for one's own safety' (McNeil, quoted in Bauman, 2003, 120). *Liquid Love* explores questions of migration and displacement within a framework that Bauman establishes with

Liquid Modernity (Bauman, 2000)   and marks a significant break with an earlier relationship with postmodern social theories that he explored in *Postmodernity and its Discontents* (Bauman, 1997).

In the French Presidential election in 2002 both right and left – Chirac and Jospin – were competing with each other through offering ever harsher measures against the immigrants that breed crime and the criminality bred by immigrants. As Bauman explains it, 'they did their best to refocus the anxiety of electors that stemmed from the ambient sense of pracarite (an infuriating insecurity of social position intertwined with an acute uncertainty about the future of the means of livelihood) into a fear of personal safety (integrity of the body, personal possessions, home and neighbourhood)' (Bauman, 2003, 120). Though he doesn't explain the processes, he suggests that anxieties can be channelled in this way. If people are unsure about the sources of the uncertainties they feel forced to live with, they can be more easily directed. As people live with uncertainties and fears they find it difficult to name within the prevailing political culture, it should be hardly surprising that Le Pen was largely the beneficiary since his attack on immigrants was the sharpest.

As Bauman recognizes, '"Blaming the immigrants" – the strangers, the newcomers, and particularly the newcomers among the strangers – for aspects of social malaise (and first of all for the nauseating, dis-empowering feeling of Unsicherheit, incertezza, precarite, insecurity) is fast becoming a global habit.' There is a desire for the strangers to return from wherever they have come from and so a resistance to Kant's cosmopolitan vision shaped more than two centuries ago, in 1784, as a consequence of the banal fact that the planet we inhabit is a sphere and that we all stay and move on the surface of that sphere. This means, as Kant observed, that we have nowhere else to go and hence are bound to live forever in each other's neighbourhood and company.

As Bauman realizes, 'Keeping a distance, let alone lengthening it, is in the long run out of the question: moving round the spherical surface will end up shortening the distance one had tried to stretch. And so *die volkommene burgerliche Vereinigung in der Menschengattung* (a perfect unification of the human species through common citizenship) is the destiny that Nature chose for us by putting us on the surface of a spherical plant' (Bauman, 2003, 125). This means recognizing that 'Nature commands us to view (reciprocal) hospitality as the supreme precept we need to – and eventually will have to – embrace and obey . . .' (Bauman, 2003, 125).

But history tells us a different story, as Bauman recognizes. 'Busy with arranging marriages of nations with states, states with sovereignty, and sovereignty with territories surrounded by tightly sealed and vigilantly controlled borders, the world seemed to pursue a horizon quite different from the one Kant had drawn' (Bauman, 2003, 126). Learning from Agamben's reading of the French revolutionary *Declaration of the Rights of Man and the Citizen* that 'the bearer of rights was the man who was also (or in so far as he was) a citizen' (ibid.) he also recalls Arendt's recalling of Edmund Burke's premonition that the abstract nakedness of 'being nothing but human' was humanity's greatest danger. 'Human rights', as Burke noted, were an abstraction, and humans could expect little protection from 'human rights' unless the abstraction was filled with the flesh of the Englishman's or a Frenchman's rights. As Arendt appreciated, 'The world found nothing sacred in the abstract nakedness of being human' and 'The Rights of Man, supposedly inalienable, proved to be unenforceable . . . whenever people appeared who were no longer citizens of any sovereign state'.

But, as Agamben recognizes, this is not simply a matter of human rights proving to be 'unenforceable' but the way in which human rights have been conceived within an Enlightenment modernity shaped through the nation state. So Bauman misses something significant in Agamben's question of whether 'man' and 'citizen' were to name two distinct realities when he argues that 'A social, all-too-social, puissance, potenza, might or Macht was obviously needed to endure the humanity of humans' (Bauman, 2003, 127). Bauman is making a different point when he recognizes that 'throughout the modern era, such "potency" happened to be, invariably, the potency to draw a boundary between human and inhuman, in modern times disguised as the boundary between citizens and foreigners" (ibid.)

This links to a weakness that is also shared with Agamben that has to do with the gendered nature of the discourse of human rights as it emerges with Kant's rationalism (see Seidler, 1988/2010; this is a theme also explored in Seidler, 1987, 1994b). This is also obvious in Burke's reference to an Englishman's rights, for these were rights that only a dominant masculinity could take for granted. For in crucial respects to 'be human' was assumed to 'be masculine', as only a dominant masculinity could take its reason for granted. Kant's cosmopolitanism was framed through particular assumptions of 'race' and 'gender', for he assumed a radical distinction between reason and nature, as I argued in *Kant, Respect and Injustice* (Seidler, 1988/2010).

Kant gives a secular form to a Christian disdain for the body and emotional life as threats to reason, for the body is linked to sexuality and the 'sins of the flesh'. It is vital to recognize that women and people of colour were deemed to be 'closer to nature' in ways that inevitably compromised their claims to humanity. Since they could not take their reason for granted they could not take their 'humanity' for granted since, for Kant, to be 'human' was to be 'rational'. This explains why Kant argues that women needed men and the institution of marriage in order to ensure a secure enough inner relationship with reason through accepting their subordination to men. It was through marriage that women secured a relationship with reason and so their humanity.

Kant's *Geography* makes clear that civilization could only really exist in the temperate zones of Europe and that the progress of humankind would depend upon the intellectual advances that Europe alone could be expected to make. Those who were deemed 'closer to nature' were cast as 'uncivilized', needing to accept their subordination to European colonial powers if they were ever to make the transition from nature to culture. The 'natives' were defined through the reason they supposedly lacked. Since they were uncivilized and tied into a relationship with nature, they could not make progress on their own. Within a dominant Christian tradition, being human was established in contrast with being animal, and 'animality' was crucially identified with the body and sexuality. This helps explain the sense of 'abstractness' that pertains to the 'human' since, as Kant frames it, a rational self can affirm its rationality through 'rising above' its 'animal nature'. The category of the 'human' comes to be disembodied and radically split from emotions and desires that are deemed to be threatening. (For an exploration of Christian conceptions of respect and equality and the ways they help shape, in different ways, secularised forms of moral theory in Kant, Kierkegaard and Simone Weil, see Seidler, 1991.)

LESS THAN HUMAN'

An Enlightenment vision of modernity tended to identify 'the human' with the 'rational self'. For Kant this crucially meant that history and culture are deemed forms of unfreedom and

determination. People as 'free and equal' rational selves have to be prepared to 'rise above' their 'empirical natures'. This reveals the structure of a process of abstraction through which modernity encourages people to separate from their class, gender, 'race' and ethnic backgrounds in order to affirm their freedom as rational selves. This still echoes in the tradition of modern philosophy and social theory that has found it difficult to adequately recognize how particular traditions and histories can serve as forms of dignity and self-worth. As the emancipation of Jewish people within Western European states made clear, people were encouraged to treat their 'Jewishness' as a matter of individual religious belief alone. It became shamed as people learnt to disavow it to be able to present themselves as 'free and equal' citizens 'like everyone else'. They were to discount whatever connections they might have with Jews living in other states, and their sympathies for the plight of refugees from Nazi-controlled Europe had to be carefully moderated lest they bring suspicion upon themselves.

As Arendt implied, humanity that can take 'the form of fraternity' is 'the great privilege of pariah peoples' who otherwise have been deprived of a place of their own on the world drawn by the people who coined and deployed their names. As refugees and asylum seekers they often find that they are the concern of others who not really have any interest in listening to what they have to say for themselves. As 'stateless persons' or as 'sans papiers', they become, as Agamben explores it, the latter-day reincarnations of the ancient institution of homo sacer, the ultimate embodiment of the sovereign right to exempt and exclude and human being who has been cast beyond the limits of human and divine laws, and to make them into beings to whom no laws apply and whose destruction brings no punishment.

As with Jews in Nazi Germany, it is as if they have become invisible, ceasing to exist outside the fictions of a Nazi imaginery. German and Austrian Jews were forced into exile often after years of feeling quite distant from any organised Jewish community have readily assimilated into the dominant culture. They had forsaken what could otherwise be sources of strength. As 'non-Aryans' they had been expelled so that the German nation could be 'purified'.

As long as Jews were allowed to live inside the nation, then according to Nazi ideology the nation would be weakened and undermined. As Bauman recognizes, 'All bids for purity sediment dirt, all bids for order create monsters. The dirty monsters of the era of the promotion of the territory/nation/state trinity were nations without states, states with more than one nation, and territory without a nation-state. It was thanks to the threat and fear of those monsters that the sovereign power could claim and acquire the right to deny rights and set such conditions for humanity as a great part of humanity, as it happened, could not meet' (Bauman, 2003, 133).

Bauman draws upon Carl Schmitt, saying: 'He who determines a value, eo ipso always fixes a nonvalue. The sense of this determination of a nonvalue is the annihilation of the nonvalue'. So it was that Jews were to be separated out as the value of 'German purity' came to be valued in racial terms. They were the exception that needed to be excluded so that the nation could come together in racial purity. As Schmitt has it, 'The exception does not only confirm the rule; the rule as such lives off the exception alone'. It is only through knowing that Jews have been excluded from public life that the nation can recognize itself as 'being purified'. As Agamben explains, 'The rule applies to the exception in no longer applying, in withdrawing from it … In this sense, the exception is truly, according to its etymological root, taken outside (excapere), and not simply excluded' (Agamben, 1995, 131).

As Bauman highlights, 'Sovereignty being the power to define the limits of humanity, the lives of those humans who have fallen or have been thrown outside those limits are unworthy of being lived'. He explores the implications through recalling a 1920s booklet published under the title *Die Freigabe der Vernichtung lebensunwerten Leben* (*Allowing the Destruction of Life Unworthy of Living*), authored by penal law expert, Karl Binding, and a professor of medicine, Alfred Hoche. Commonly credited with the notion of *unwertes Leben* ('life unworthy of living'), they argue that life of this sort has thus far been unduly and unjustly protected at the expense of kinds of life that should command all the attention and loving care owed to humanity. They saw no reason why the extermination of *unwertes Leben* should be seen as a crime and so liable to punishment.

As Agamben recognizes, this notion of 'life unworthy of being lived' is a modern articulation of the ancient category of homo sacer. It is non-ethical, as it always was, standing beyond the confines of both human and divine law. As Bauman recognizes, as the human species became identical with the 'family of nations', those who were excluded, say also as refugees, were excluded from the realm of humanity into a nowhere land of homini sacri.

During the two centuries of modern history, people who had failed to make it into citizens – the refugees, the voluntary and involuntary migrants, displaced persons, asylum seekers – were naturally assumed to be the host country's affair and handled as such. Sometimes willingly, often reluctantly, states have to accept the presence of aliens and admit successive waves of immigration. As Bauman highlights, 'If birth and nation are one, then all the others who enter or wish to enter the national family must mimic, or are compelled to emulate the nakedness of the new-born' (Bauman, 2003, 130). They have to accept a ritual whereby for a while they have to stay in quarantine in a non-space of betwixt and between. Drawing upon Victor Turner's work, they must stay for awhile in a state of 'social nakedness'. This is a 'nowhere space' that separates the plots in a world that is divided into plots. As Bauman frames it, 'Inclusion, if it is to be offered, must be preceded by a radical exclusion' (Bauman, 2003, 129).

Drawing upon Levi-Strauss in *Tristes Tropiques* (Levi-Strauss, 1992), one of the two alternative ways of dealing with the presence of strangers which were generally approved by all other sovereign powers on the planet was the anthropophagic, which boiled down to 'eating the strangers up'. As Bauman expresses it:

> Either literally, in flesh – as in cannibalism allegedly practiced by certain ancient tribes – or in its sublimated, spiritual version, as in the power-assisted cultural assimilation practiced almost universally by nation-states with the intention of ingesting the carriers of alien culture into the national body while dumping off the indigestible parts of their cultural dowry. (Bauman, 2003, 137)

The alternative anthropoemic solution meant 'vomiting the strangers' instead of devouring them: rounding them up and expelling them either from the realm of the state's power, as happened to the Jews of Germany and Austria, or from the world of the living as happened in the euthanasia and extermination programmes in the 1930s and 1940s.

As recent treatment of asylum seekers in Western Europe has shown, since deportations and expulsions make dramatic and rather disturbing television, so tarnishing the international reputation of the perpetrators, most governments prefer to steer clear of the trouble if they can, by locking the doors against all who knock asking for shelter. They are seeking permission to create camps that exist outside the boundaries of Europe so that the 'deserving

cases' can be dealt with out of sight. They know that the problem of asylum and refugees will not go away in an unstable and uncertain global situation, so governments at least want to render invisible their inhumanities.

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