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Erasmus Mundus Master's Degree
in Women's and Gender Studies

Speaking near Necropolitics: Sovereignty, Geopolitics of Death and
Sexual Difference

By Soukaina Chakkour

Master Thesis

Submitted to Utrecht University – Gender Studies Center
In partial fulfillment of the requirements for the Erasmus Mundus Master's Degree in
Women's and Gender Studies

Main supervisor: Dr. Peta Hinton. Utrecht University
Support supervisor: Dr. Marek Wojtaszek. Łódź University

Utrecht, Netherlands
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Abstract

Death has always played an important role in politics. With the concept of biopolitics, developed by Michel Foucault (1978), biopower became the main paradigm for analyzing power relations. However, there are geographies and social realities which are not centered around life, but rather around death, indicating that necropower as a category of analysis is significant in capturing the complex reality in which we live. Developed by Achilles Mbembe (2003), necropolitics offers a space for reflection and analysis that biopower is unable to exhaust. This thesis aims at understanding the mechanisms, institutions and imaginaries which are mobilized in the manufacturing of death-worlds and the production of subjects designed for death. By positing the issue of sovereignty as central to the circulation of necropower, this thesis engages with the ideas of Giorgio Agamben; namely the state of exception and the institution of the ban, which are important theoretical tools to understand necropower. By referring to the case study of the migrants who died in the Mediterranean Sea in April 2015, this thesis picks up from this example in order to discern the elements that produce death. In experimenting with necropolitics as a paradigm for analysis, this thesis equally engages with the idea of sexual difference as a space of a more subtle form of necropower by revisiting the theories of Gayatri Spivak on the (post)-colonial female subject using the example of the Sati practice, in which women burn themselves after their husbands die.

Keywords: sovereignty, necropolitics, state of exception, ban, sexual difference

TABLE OF CONTENTS

Acknowledgments	4
Abstract	5
Table of Context	6
Introduction	7
Research Question	7
Chapters' Presentation	8
Chapter 1: Sovereignty Revisited	10
Sovereignty: An Introduction	10
Between Sovereignty and Governmentality: A Foucauldian Reading.....	11
Foucault in a Contemporary Context: Butler's Reading of Sovereignty.....	15
Sovereignty, Exception and Ban: Agamben's Reading of Sovereignty	17
Theoretical Implications.....	20
Chapter 2: Necropolitics as a Category of Analysis	23
Life and Death as Central Categories: An Introduction.....	23
Agamben on Bare Life and Homo Sacer	24
Braidotti's Affirmative Politics on Life and Death	27
Mbembe on Necropolitics	28
Engaging Necropolitics as a Category of Analysis: A Discussion.....	32
Chapter 3: Necropolitics and Migration: A Case Study	35
Context.....	35
The Space of Necropolitics	37
Bureaucracy as a System of Necropolitics.....	40
The Migrant as an Abandoned/Banned Figure.....	42
Chapter 4: Sexual Difference and Necropolitics	45
Braidotti's Sexual Difference	46
The Subaltern: Spivak and the Female Subject	47
The Sati Women as Subaltern.....	49
Sexual Difference as a Site for Necropolitics.....	52
Conclusion	55
References	57

Introduction

The preoccupation with life as the fundamental space of politics produces an indifference towards death as an equally fundamental dynamic in shaping and molding politics. To displace this indifference by inserting and centering the question of death in politics is the task of this thesis. Lying at the threshold of human knowledge, death is an intimidating concept to deal with since it is also the mark of the limits of human knowledge. But the impossibility of speaking about death does not necessarily mean that we cannot speak *near* death, on the edges of death. *Necropolitics* is an analytical tool which provides the necessary space for elaborating an investigation death as a crucial dynamic in politics. Achilles Mbembe developed the notion of necropolitics in his essay of the same title (2003) in order to demonstrate how necropolitics plays a role in contouring politics. In this thesis, I consider necropolitics to be a useful analytical category that can be mobilized to bring to light certain political debates, and to illuminate certain aspects of the political reality in which we live. . The politics of death require careful examination. As necropolitics is inscribed within a system of power, the task is to try to break down this inscription, to analyze it. In dealing with such questions, one must understand the mechanisms, institutions and tools which are mobilized in the manufacturing of death.

Research Question

In many ways, the manufacture of death has been a political affair. War is the most obvious example of the death industry in politics. But in the political reality in which we live, death is also a matter of systematic and patterned ways, which require the mobilization of certain concepts in order to perform prudently the task of exploring more indirect ways of manufacturing death. How is necropolitics as a concept inscribed in the order of power? How is death deployed politically? These are the questions which I would like to deal with in this thesis. In referring to the order of power, I mean the different structures which play a role in the distribution of power and the effect of such distribution.

The title of this thesis is inspired from documentary film maker Trinh T. Minh-Ha, who in dealing with film theory, emphasizes the importance of *speaking nearby* rather than *speaking about*. This is her attempt to make the invisible visible; to allow that which is

obscured to be seen (Chen, 1992: 87). An interrogation of necropolitics entails precisely this: to explore the hindered structures that are not so visible and that are not so obvious and to shed light on them. In this sense, mobilizing the concept of necropolitics is an attempt to explore that which has been considered to make up the limits of human knowledge: the death-world. The concept of necropolitics is one that refuses to be contained in a certain context, that rejects the limit of a certain content. In this sense, it is an elastic concept, which is able to accommodate itself to different historical and geopolitical contexts. It is necessary to recognize this elasticity. Therefore, the task in this thesis, is to speak near necropolitics; experimenting with the concept, interrogating it on certain aspects of the political scene in which we live. The *speaking nearby* is also a way of recognizing the limits of any theoretical investigation. As such, the *speaking nearby* provides the necessary space for a flexibility in dealing with the concept; it alleviates the pressure of speaking *about* it in authoritative terms and attempts to sketch out some of its aspects and its manifestations in the contemporary political scene. *Speaking nearby* allows us to converse with the concept.

Chapter Presentations

In the first chapter of this thesis, I will be looking at the idea of sovereignty as a structure which enables necropolitics. In doing so, I will be mainly dealing with the ideas of Michel Foucault (governmentality), Judith Butler (the return of sovereignty) and Giorgio Agamben (the structure of sovereignty) in order to point out to the elements and the conditions which make sovereignty what it is. The point of this chapter is to try to understand the role of sovereignty in producing an effect of power in the political scene in which we live.

The second chapter of this thesis will therefore proceed to speak *nearby* necropolitics. Departing from sovereignty and its proximity to the question of life and death, this chapter will elaborate on the concept of necropolitics; its critique and the ways in which necropolitics is deployed as a policy and as a mode of government. This chapter would follow on the first one in bringing together different theoretical insights that place the question of life and death at the center of politics, by putting forward the ideas of Giorgio Agamben (*zoe* and *bios*), Rosi Braidotti's critique of these ideas; and finally presenting Achilles Mbembe's essay *Necropolitics* (2003) which deals with the concept extensively.

The third chapter of this thesis deals with a case study that will allow us to put these theoretical debates in a geopolitical context that has to do with migration. The case study involves the example of the migrants who died in the Mediterranean Sea in April 2015. The objective of this chapter is to insert the concepts of sovereignty and necropolitics in a geopolitical context in order to discern, in a concrete way, how necropolitics comes into play in the organization of power, how the subject selected for this exercise –in this case the migrant- is inscribed politically in this order of power.

The last and fourth chapter of this thesis navigates with necropolitics to a new terrain. By resorting to feminist theory and postcolonial theory, this chapter will bring the idea of necropolitics to a new area of analysis, mobilizing the concept of sexual difference as a way of trying to articulate a feedback from necropolitics on sexual difference. The theories of Rosi Braidotti and Gayatri Spivak will be used in performing such exercise. The objective of this chapter is an attempt to experiment with necropolitics by extending the concept on a new theoretical territory and by considering another historical and geopolitical context for it. As such, the last chapter of this thesis remains experimental.

Chapter 1: Sovereignty Revisited

Introduction

There is not a single narrative or genealogy that can fully account for the concept of sovereignty. The question of sovereignty can be pursued in a variety of ways depending on the way it is taken up as a concept.

In International Relations theory, sovereignty is widely engaged. As these theories focus on the State as a primary political actor, sovereignty is defined, in broad terms, as the autonomous ability of a body to govern itself (Krasner, 2009: 14). International Relations theorist Stephen D. Krasner identifies two forms of sovereignty: sovereignty in international relations, which means that: “States are juridically independent, autonomous, not subject to any external authority” (Krasner, 2009: 15). This translates to the principle of non-intervention which is a basic pillar in state theory and international relations. The principle on non-intervention means that states are not allowed to interfere in internal affairs of other states. Second, he identifies domestic sovereignty which “refers both to the legitimated authority structure within a state and to its effectiveness, its ability to actually control activities both within and across its borders” (Krasner, 2009: 15). On the surface, both forms of sovereignty seem to have the same political aim, that is, to maintain a certain autonomy to govern the external and the internal spheres of politics.

Dictionaries supply a basic definition of sovereignty. According to the Merriam-Webster online dictionary, sovereignty denotes two things: first, “a country’s independent authority and the right to govern itself” (Merriam-Webster Dictionary, 2015), which is a definition that resembles the image of sovereignty proposed by the International Relations theories mentioned above. Second, it also means “unlimited power over a country” (Merriam-Webster Dictionary, 2015). The dictionary leaves the characteristics of this ‘unlimited power’ unaddressed. The ‘unlimited power’ is rather a cryptic definition of the concept, which prompts more questions than it gives answers. One might pose a question: what is the composition of this ‘unlimited power’, that is the prerogative of sovereignty? What are the structural and technical elements that form the materiality of this ‘unlimited power’? To answer these questions, I will discuss the theories of Michel Foucault, Judith Butler, and Giorgio Agamben trying to understand critically the concept of sovereignty. The reasons why

I have opted for these authors is because they pursue a structural analysis of the functioning of sovereignty which is useful if one wishes to critically reflect on the concept.

Between Sovereignty and Governmentality: A Foucauldian Reading

In her book, *Precarious Life: The Power of Mourning and Violence*, published in 2004, Judith Butler follows a Foucauldian analysis to identify the peculiar position of sovereignty in the contemporary political scene. Here, Butler's analysis and the conclusions she draws correlate with the historical context of the time. In this sense, she takes as her point of departure the historical condition that characterized the US politics after 9/11, and the unfolding of events that followed. As empirical material she mainly uses the situation in Guantanamo and the war in Iraq. She argues that the contemporary political scene brings forward a new form of sovereignty. In doing so, Butler starts by analyzing Foucault's ideas on governmentality and sovereignty.

If we turn to Foucault's text on governmentality (1991), we would find that his formulation of sovereignty as a concept consists of the complete obedience to the law (Foucault, 1991: 94- 95). In Foucault's conception, sovereignty involves two elements: the ruler, i.e. the sovereign and those upon which sovereignty is exercised. The sovereign stage, Foucault would argue, is characterized by the total submission to the law. This is the main aspect of the sovereign era, which Foucault traces historically back to the Middle Ages and is epitomized by the figure of the monarch. Foucault makes a historical distinction between the Sovereign State and the State that *governs*. In his view, this is the mutation, that is the transition from the Sovereign State to the Governing State that will allow the State to survive as such. Foucault proceeds by marking fundamental differences that exist between sovereignty and governmentality. According to Foucault, sovereignty is intrinsically linked to the "shape of law" (Foucault, 1991: 95), whereas governmentality is a matter of "disposing of things: that is to say, of employing tactics – to arrange things in such a way that, through a certain number of means, such and such ends may be achieved" (Foucault, 1991: 95).

The extent to which this particular proposition is valid today is evidently up for discussion, as Butler tries to contest this formulation in *Precarious Life*. However, what is of importance for this section of my thesis is how Foucault conceptualizes sovereignty, which he understands first and foremost as a system of legalities "with a finality of imposing laws

on men” (Foucault, 1991: 95). Foucault, therefore, defines sovereignty by its effect, or what he calls ‘finality’. With law at its finality, sovereignty can only be understood within this Foucauldian paradigm in its relation to the law. It should be stated here that Foucault does not necessarily offer a genesis of this form of sovereignty; rather, his insights are limited to descriptive-historical formulations of sovereignty. However, his analysis of sovereignty should be understood within the parameters of his theory of power: if sovereignty has existed and persists to exist, it is because it allows for a particular arrangement and exercise of power. Consequently, one can conclude that Foucault is not preoccupied with an abstract notion of sovereignty; he is mainly concerned with *sovereignty-as-power*, or in other words, with sovereignty *as the exercise of power*. For Foucault, law materializes sovereignty; law being understood in its juridical sense (i.e. criminal law, family law...). Accordingly, Foucault understands sovereignty as the bundle of laws that must be obeyed in order for the exercise of power to circulate.

By the eighteenth century, Foucault argues that there was an important transition in this circulation of power, namely the emergence of the problem of the population. An understanding of the idea of population necessitates its juxtaposition with the idea of subject which characterizes the sovereign era. The subject can be defined by their capacity to obey the law, whereas the population can be defined by its capacity to be managed, controlled and governed. The population, according to Foucault, challenged the State with preoccupations that sovereignty was unable to exhaust, since sovereignty is only concerned with obedience to the law. These preoccupations exceed the mere necessity of obedience to the law; they also include births, deaths, systems of knowledge...etc. The body that governs and that is sovereign was no longer preoccupied with the original sovereign ‘finality’; that is obedience to the law. Its focus shifted onto the capacity of the population to be managed and controlled. This marks a crucial transition from the sovereign era to the one of *governmentality*.

As regards sovereignty itself, Foucault states that the end of sovereignty, as an expression of power circulation, exhausts itself paradoxically—in the words of Foucault: “The end of sovereignty is circular: the end of sovereignty is the exercise of sovereignty” (Foucault, 1991: 95). This exercise of sovereignty denotes, according to Foucault, total submission to law. Therefore, we can conclude that the exercise of sovereignty fulfills its end, which is obedience to the law. The population emerges precisely to disrupt this circular

exercise of sovereignty, thus transforming sovereignty to another sphere: the government. As I stated above, Foucault asserts that governmentalization provides the State with vital power which guarantees its survival. Once the sovereign era exhausts itself in the subjective form of total obedience, the State, as Foucault argues, faces decay. However, as the ‘subject’ or the political body itself mutates into the population, the population that needs to be managed and governed through various tactics, it is the need to manage this population which allows for a steady continuation of the State. In a way, the emergence of the problem of the population, revitalizes the State in the sense that it disrupts the circular practice of the main principle of sovereign power; that is obedience to the law.

The sovereign power is restricted by the juridical framework, for its continuity is contingent upon obedience to the law. The law is understood here as the ensemble of legislations in the basic sense (Foucault, 1991: 99); whereas the art of government –or governmentality, Foucault uses both terms interchangeably- remains blocked by this juridical framework of sovereignty. As the problem of the population emerges laying out new problems and issues for the State, the art of government is finally able to see light. When sovereignty emphasizes the law as the bidding element between the State (the ruler) and the citizen (the subject), governmentality is more about management. Foucault then proceeds to delineates is new mode of power, that is, governmentality:

1. *The ensemble formed by the institutions, procedures, analyses and reflections, the calculations and the tactics that allow the exercise of this very specific albeit complex form of power, which has as its target population, as its principal form of knowledge political economy and as its essential technical means apparatuses of security.*
2. *2. The tendency which, over a long period and throughout the West, has steadily led towards the pre-eminence over all other forms (sovereignty, discipline, etc.) of this type of power which may be termed government, resulting, on the other hand, in the formation of a whole series of specific governmental apparatuses, and, on the other, in the development of a whole complex of savoirs.*
3. *3. The process, or rather the result of the process, through which the state of justice of the Middle Ages, transformed into the administrative state during the fifteenth and sixteenth centuries, gradually becomes ‘governmentalized’.* (Foucault, 1991: 102, 103).

With this formulation at hand, I must emphasize some elements, which are of importance to my thesis : instead of the law-abiding subject, governmentality targets the population who is a target of sovereign power. For example, governmentality is not concerned with the criminal who disobeys the law; it is rather concerned with the criminal who cannot be controlled and managed, who cannot be calculated, studied, tracked, incarcerated, and governed. Unlike sovereignty which is only mirrored in the law, governmentality is focused on the questions of security and knowledge, thus generating novel preoccupations for the State. Most importantly, governmentality deals with developing the tactics that would allow for power circulation. These tactics are mainly products of administrative processes developed within societal institutions (prison, school, hospital, university...). This means that governmentality is the new form of sovereignty as an exercise of power. It does not substitute sovereignty as such, nor does it complement it; rather displaces the very framework in which power circulates: if the law was this framework for sovereign power; for governmentality it is the capacity to manage and control.

Foucault makes it clear that the real issue is not about the etatisation¹ of society, but rather the governmentalization of the State. The advent of governmentality does not mean that the State becomes more invasive within society; instead this State shifts its concern with sovereignty to a preoccupation with governance. Here, the State takes on a new image and operates new forms, with the focus on the capacity to be administered. For example, the continuation of the State is contingent on its ability to compartmentalize the population in specific institutions, for more effective management. Foucault, for example, refers to the hospital and the prison to name such institutions (Foucault, 1991: 67). Foucault does not completely eliminate sovereign power; he is rather interested in tracing this new mode of government. This means that sovereign power and governmentality can exist separately, or simultaneously, or/and continuously. One can be intrigued by the conditions that allow for governmentality and sovereign power to exist at the same time and the effect of such a peculiar entanglement. In referring to the post-9/11 United States of America, Judith Butler offers an insight that contributes to a better understanding of the links between governmentality and sovereignty which will be explored in the next section.

¹ Etatisation, from the French word Etat, meaning the state. Etatisation means 'rendering state', 'becoming state'

² Butler is speaking here in the context of the American war on terror in a post 9/11 US. The Guantanamo bay detention camp was set 2002 in order to hold and interrogate prisoners of extraordinary danger

Foucault in a Contemporary Context: Butler's Reading of Sovereignty

As opposed to Foucault's abstract definition of governmentality, which he delineates in a set of tactics, Butler attempts to sketch the notion of governmentality by referring to the very institutions and practices that *produce* governmentality: administrations, bureaucracies, and policies are some examples she gives (Butler, 2004: 52). Moving away from the Foucauldian concern with the population, Butler is interested in exploring the links that *bind* sovereignty and governmentality, insofar as they are related to the State as vitalizing elements. This is her own addition to Foucault's ideas. Whereas Foucault believes that governmentality is the eminent character of State operations, Butler demonstrates how sovereignty may emerge from within governmentality under a new form. To support her argument, Butler examines the cases of prisoners in Guantanamo Bay who were declared to be in an indefinite detention by the US Department of Defense and the US Department of Justice², that is, they were detained indefinitely by these State bodies. Butler notes the arbitrary nature of these detentions and the fact that these indefinite detentions are not only infringements of international law, but they constitute a new form of doing politics. Based on the case she is examining, she proceeds to make the following claim:

In the name of security alert and national emergency, the law is effectively suspended in both its national and international forms. And with the suspension of law comes a new exercise of state sovereignty, one that not only takes place outside the law, but through an elaboration of administrative bureaucracies in which officials now not only decide who will be tried and who will be detained, but also have ultimate say over whether someone may be detained indefinitely or not (Butler, 2004: 52).

Butler clearly indicates the mechanisms which are mobilized in order for what can roughly be called sovereign bureaucracy to take place: the expressions 'security alert' and 'national emergency' are elements of the discourse that is widely diffused to legitimize these actions, i.e., the indefinite detentions of political prisoners. The result of this mobilization is twofold: suspension of the law and exercise of sovereignty *outside the law itself*. These two consequences will be developed more clearly in the next chapters.

What Butler foregrounds for us here is that the overlap of "the state of emergency" and the "administrative/bureaucratic measures" as the revitalizing force for State power in

² Butler is speaking here in the context of the American war on terror in a post 9/11 US. The Guantanamo bay detention camp was set 2002 in order to hold and interrogate prisoners of extraordinary danger

such a way that the capacity of the population to be managed and controlled is extended and elaborated. This elaboration entails an exercise of sovereignty under administrative and bureaucratic institutions in the mode of emergency. Butler calls this a return to “the executive power” (Butler, 2004: 62); which effectively heralds the inauguration of this new sovereignty. The executive power here denotes administrative divisions, such as the military. For Butler, sovereignty thus emerges in bureaucracies and in administrative proceedings in a way that does not necessarily undermine governmentality. Instead, it reinforces both forms of power. Butler describes the suspension of law as performative act “which brings a contemporary configuration of sovereignty within the field of governmentality” (Butler, 2004: 62). What binds the two together is the substitution of laws (the mark of sovereignty) with the rules (the mark of governmentality). This substitution reinstates sovereignty -- not under juridical proceedings (which would correspond to Foucault’s initial understanding of sovereignty as total obedience to the law), but instead under administrative and bureaucratic tactics (which is an exercise of governmentality). In the case of the prisoners of Guantanamo, who were declared as indefinite detainees, it was the bureaucrats who took the decisions which assume a lawless form of power.

For now, we can conclude what allows for the convergence of sovereignty and governmentality, according to Butler, is the *suspension* of law; which allows for the bureaucrats and the administrators to intervene. However, the suspension of law is an extra-legal act, which makes it a jurisdiction of sovereign power. Since the suspension of law is allocated to the executive and administrative powers, sovereign power is also thus transferred with this decision (Butler, 2004: 55). Based on this, Butler believes that the suspension of law remains ambiguous as to its genesis (that is, whether it is sovereignty or governmentality that produces it); and it is precisely this ambiguity that *produces* the new form sovereignty. This is to say, it is not that sovereign power suspends the law; but that the act of its suspension, which is carried out under nameless and faceless administrative divisions, “produces sovereignty *in its action and as its effect*” (Butler, 2004: 66). What we can conclude from this is that sovereignty basically returns using the tactics of governmentality, thus reinstating itself without doing away with governmentality.

What starts to become clear as we read Butler’s account of sovereignty and governmentality is a certain skepticism she expresses about this new form of sovereignty. The issue on which

this skepticism seems to rest is the entanglement of both sovereignty and governmentality that is facilitated by the state of emergency. She states that “the resurrected sovereignty is this not the sovereignty of unified power under the conditions of legitimacy, the form of power that guarantees the representative status of political institutions. It is, rather, a lawless and prerogatory power, a ‘rogue’ power *par excellence*” (Butler, 2004: 56).

The implications of this lawless and prerogatory power, as Butler calls it, are significant. It is my ambition to attend to some of these implications in the light of contemporary *necropolitics*. For the time being it suffices to limit ourselves to a discussion of the workings of sovereignty as it has been engaged in this particular theoretical trajectory, and to this end we now turn to Giorgio Agamben’s theory on sovereignty.

Sovereignty, Exception and Ban: Agamben’s Reading

The skepticism surrounding sovereignty is also found in the work of Giorgio Agamben, who offers what I see as a more technical overview of sovereignty. As opposed to Butler, whose discussion is grounded in the American context, Agamben pursues his discussion in a different context, which relies both on contemporary and past events and concepts. Both authors do not separate sovereignty from its main agent; namely the State; yet whereas Butler is more concerned with the entanglement of sovereignty and governmentality, Agamben conflates sovereignty with two logics or modes of operations at once. It is in this sense that his definition of sovereignty is more technical. The two logics that are deployed in Agamben’s theory are: the exception and abandonment (or ban). These are the technical elements which materialize and produce the effect of sovereignty and which we I will examine in the following section.

One must start by explaining Agamben’s understanding of exception as a central category in his theory of sovereignty. The exception, for Agamben, is not only a political category but also a philosophical dilemma. His initial reference to the exception is not concerned with politics as such, but rather with the dialectical idea that the exception reveals the general. For example, in legal theory, the law (that is the general) is revealed by the cases in which it no longer applies as such (the exception). Given this, Agamben concludes that there is a certain superiority that pertains to the exception in the sense that the exception in revealing the general, maintains a higher position than the rule (the general). For Agamben, the general or the rule is always dependent on the exception, since the rule necessitates the

exception, not only to define itself but, most importantly, to establish and consequently maintain itself as such. It can be said that the exception constitutes the internal logic of the rule and vice-versa. How is then this exception constituted? And what are its characteristics in relation to sovereignty?

First, Agamben notes, “The exception is a kind of an exclusion” (Agamben, 1998: 18). This exclusion is operated not by an absolute rupture with the rule, but in relation to it. The rule is understood here as the rule of sovereignty; it can also be understood as a rule of law. What he means here is that the exclusion that is performed by the exception maintains that what is excluded is simultaneously included. Agamben calls this “inclusive exclusion” (Agamben, 1998: 20). In his own words, “When something is included solely through its exclusion, then this operation constitutes a relation of exception (Agamben, 1998: 18). Agamben, in this sense, offers a peculiar understanding of the exception. In a way, he introduces the idea of the exteriority of the exception while at the same time he maintains that this is a relational exteriority and a relational exclusion, one that is neither completely exterior nor completely excluded.

Second, this relation expresses itself in terms of ‘suspension of the rule’, which is a category also found in Judith Butler’s theory on sovereignty. This suspension of the rule is the operation that allows for both the exception and the rule to establish a relation of interchangeability. The rule here is understood as a juridical order. The existence of the rule depends on the exception and the exception depends on the rule. However, this dependence only reveals itself once the suspension of the rule is activated. In the words of Agamben, “The exception does not subtract itself from the rule; rather, the rule suspending itself, gives rise to the exception and, maintaining itself in relation to the exception, first constitutes itself as a rule” (Agamben, 1998: 18). There can be no determination as to what comes first -- the exception or the rule. It can be concluded that the exception and the rule are two sides of the same coin: theirs is a relation of dependence by definition. Both necessitate each other in order to be reproduced as *realities*. So far, I have enumerated two characteristics of the exception as it is discussed by Agamben. To sum up, the exception is an inclusive exclusion (i.e., an exteriority that is included), and the exception simultaneously is operated by the suspension of the rule; an operation, which allows for both the exception and the rule to be established as such. How is this reading of the exception relevant to sovereignty then?

The political reading that is offered by Agamben in regards to the association of sovereignty and the exception is heavily indebted to Carl Schmitt. In *Political Theology*, published in 1922, Carl Schmitt writes: “Sovereign is he who decides on the exception” (Schmitt, 1985: 5). The *decision on the exception* is the political association that Agamben gives to the exception and sovereignty. In this sense, “the sovereign who decides on the exception” means that the sovereign decides on the “inclusive exclusion” and on the “suspension of rule”. One might ask: who then decides on the sovereign? The answer to this question comes in the image of the exception itself. According to Agamben, the exception is the space or the *threshold* which gives sovereignty its meaning. The ambiguity of the figure of the sovereign lies precisely in that: the sovereign, while deciding on the exception, remains outside the law or the rule but at the same time, this figure lies at the very center of the rule. To put it simply, “the exception is the structure of sovereignty” (Agamben, 1998: 23). This means that sovereignty is structurally reliant on the exception as its founding category.

I have now explained the first structural element which composes sovereignty. I will now turn to the second element enlisted by Agamben. Insofar as the exception is an exclusion and is an exteriority, Agamben conflates the exception -- or the state of exception -- with another category: the ban. He claims, “The relation of exception is a relation of ban” (Agamben, 1998: 23). Agamben traces the name in its Germanic origin and in Romance languages. *Ban* is a Germanic term which indicates both exclusion from the community, the command, and insignia of the sovereign (Agamben, 1998: 23). In Romance languages, to be banned means both to be at the mercy of and at ‘one’s own will, freely” (Agamben, 1998: 23). I will briefly mention these etymological tracings in passing here as they will be elaborated later on in the next chapter. The ban, when operated, not only expresses the relation of the exception; but it also accentuates the ambiguity that surrounds the figure of the sovereign and the space of the exception. Agamben writes:

He who has been banned is not, in fact, simply set outside the law and made indifferent to it but is rather abandoned by it, that is, exposed and threatened on the threshold in which life and the law, outside and inside, become indistinguishable. It is literally not possible to say whether the one who has been banned is outside or inside the juridical order (Agamben, 1998: 28-29).

The role of the ban, therefore, appears to expose the zone of indistinguishability that is produced by it. This space of ambiguity is important in terms of understanding the operations

of sovereignty. If the sovereign is the one who decides on the exception and the exception in itself is a relation of ban, then the sovereign is also the one who decides on the ban: who is abandoned and threatened is defined by the sovereign. For Agamben, the gesture of abandonment is epitomized in the figure of *homo sacer*. Broadly speaking, *homo sacer* is “a human victim” captured by the sovereign ban, who may be killed and not sacrificed (Agamben, 1998: 53). It is important to understand the substantial importance of this figure in Agamben’s theory of sovereignty. However, the figure of the *homo sacer* will be analyzed in more depth in the next chapter, as it is related to the question of life and death. For the moment, it can be used as an example of the ban that is equated with the exception; both of which are *the sovereign’s decision*. Reading Agamben’s insights, I conclude that sovereignty is an ambiguous space in which the decision on the exception is made, and consequently the ban is instituted. This ambiguity consists of the paradox of interiority and exteriority which sovereignty is unable to discern.

Theoretical Implications

In this chapter, I have discussed two conceptualizations of sovereignty. On one hand, Butler argues that contemporary politics are framed by the entanglement between sovereignty and governmentality, where the former emerges as a bureaucratic and administrative decision, and the latter preserves itself precisely because of the nature of the sovereign decision (that it is bureaucratic and administrative). The state of emergency –or the state of exception- is the political condition which allows for this peculiar entanglement of sovereignty and governmentality. On the other hand, Agamben argues that the sovereign decision operates under two fundamental principles: the exception and the ban. This places sovereignty in a space of ambiguity. Both authors clearly express certain skepticism regarding the notion of sovereignty. I opened this chapter by posing a basic question on sovereignty, which is inspired by a dictionary definition presented in the introduction of this chapter; in which sovereignty is explained as the unlimited power over a country. What is the composition of this unlimited power then? Both Butler and Agamben offer categories of analysis which respond to this question: the state of emergency, the exception and the ban constitute elements which lie at the heart of this unlimited power. The political ramifications of such insights are significant to the coming chapter. Sovereignty is not only a political category created to maintain a certain political order; on the contrary, sovereignty operates subtly and effectively to produce a political reality that is very complex and multi-layered.

Butler argues that sovereignty, when invested in the bureaucratic or executive body, can lead to the positioning of some bodies in extra-legal situation. She gives an example of indefinite detentions which seem to increase whenever a state of emergency is declared. This illustration can be extended to the political reality in which the state of emergency increasingly proves itself to be the norm and the mode of operation of State power. In Agamben's theory, the exception and the ban both produce the relation of exclusion-inclusion, leaving us with ambiguity at the threshold -- the sovereign remains the only figure who decides. In Agamben's view, sovereignty is inherently paradoxical precisely because of this ambiguity and because the sovereign always assumes a space both inside and outside the law (Agamben, 1998: 17).

As both authors express this skepticism on sovereignty, it is necessary to reflect a little bit on it. The space of indistinguishability which Agamben speaks of leaves room for an ambiguity that is difficult, if not impossible to articulate. The fact that sovereignty remains ambiguous makes it inherently problematic and therefore asks to question and interrogate this sovereign figure continuously, although there is no guarantee to the usefulness of such exercise. Since the place of sovereignty remains ambiguous and since this ambiguity is essential for sovereignty to function, then the sovereign space remains a space which refuses any form of accountability. Butler makes a similar conclusion on the *return of sovereignty*, as she argues that the suspension of the law "produces the "unaccountability" of this operation of sovereign power" (Butler 2004: 66). The skepticism surrounding sovereignty is therefore justified, as the issue of accountability emerges as a political necessity and requires a certain extent of rigorous delineation of rules, as opposed to producing the arbitrary character of sovereignty, which both authors agree that it is essential for its circulation in the first place.

Moving away a little bit from the state of emergency, the exception and the ban as techniques of reinstating sovereignty, both Butler and Agamben problematize the concept by linking it to the question of life and death. For example, in addition to her claim that the bureaucrat is invested with the power of detaining prisoners indefinitely, Butler also makes the claim that this *rogue power* equally gives the "governmental bureaucrat with an extraordinary power over life and death" (Butler, 2004: 59). Agamben, on the other hand, by presenting the figure of the homo sacer, who may be killed without consequences, also places

the question of life and death at the center of his analysis. This, therefore, asks for investigating the role of life and death in the sovereign order, which is the task of the next chapter.

Chapter 2: Necropolitics as a Category of Analysis

Life and Death as Central Categories: An Introduction

As we have seen in the previous chapter, the discussion on life and death is fundamental in understanding sovereignty. Life and death are not concepts that exist abstractly; they are in fact injected with politics. They have also been a major focus point for social theory and political analysis (Braidotti, 2007: 1). In it within this light that this chapter would like to pursue the discussion over life and death and the links they bear to sovereignty using Mbembe, in an attempt to problematize this latter. This chapter will be focusing on the question of life and death, carrying therefore a theoretical discussion, using the ideas of Giorgio Agamben and Rosi Braidotti before moving on to discussing Achilles Mbembe's necropolitics. The aim of this chapter is to attempt to draw on these concepts in order to understand how the order of power is structured around the question of life and death. More importantly, my aim in this chapter is to attempt to highlight the role of sovereignty in ruling over life and death. Achilles Mbembe for example claims that: "To exercise sovereignty is to exercise control over mortality and to define life as the deployment and manifestation of power" (Mbembe, 2003: 12). In this sense, sovereignty is understood as: first, a mechanism of power and second, as an exercise of control. We must then keep in mind that the exercise of sovereignty forms part of the exercise of power: in this case, we have two regimes which are projected onto each other and which reproduce each other simultaneously; that is to say, their existence both depend on one another. How is does life and death become a space for sovereignty? And how life and death, as forces, are inscribed within regimes of power are some of the questions I will attempt to discuss in this chapter. Power, by investing in life and death, creates inequitable structures of power. Sovereignty, for example, is one system which allows for such consequences. As such, I will attempt in this chapter to present an idea about the *place* of life and death in the power structure. Life and death are therefore used here as categories of analysis which allow us to dissect the structure of power in a certain political language, of which sovereignty plays a role as it has been pointed out in the previous chapter. The main question in this chapter is concerned with understanding how power deploys life and death in creating its own structure. I will then begin by Agamben's understanding of the question of life and death, and the different categories of life that he offers; before presenting

Braidotti's critique of Agamben's theory. This chapter will then focus more on Mbembe's canonical essay, *Necropolitics* (2003), in order to problematize the question of life and death in contemporary politics. The question that really poses itself is the following: How is the relation between sovereignty, life and death more clearly articulated?

Agamben on Bare Life and Homo Sacer

In the framework of his critical investigation of sovereignty, Giorgio Agamben refers to the categories of life and death as central to the functioning of sovereignty. Agamben takes up the notion of biopolitics, which is originally formulated by Michel Foucault. Biopolitics is a concept developed by Foucault in the first volume of *The History of Sexuality* (1978). This concept refers mainly to the historical transition which marked power: whereas in the fifteenth and sixteenth century, power circulated through the ability to kill³; by the turn of the eighteenth century, power focused more on life itself. Life was no longer to be terminated in order for the rule to be established and for the sovereign body to exist, it was rather to be managed and administrated through different institutions (i.e: the prison, the hospital...etc.). As sovereignty is an exercise of power, Agamben argues that biopolitics became a domain of sovereignty: "the production of a biopolitical body is the original activity of sovereign power" (Agamben, 1998: 11). We can deduce from this statement that Agamben sticks to *life* as the pivotal category in the exercise of sovereignty, as his emphasis on biopolitics is significant. If *life* as a category of analysis is thus very crucial, how is it more clearly understood by Agamben?

Agamben enumerates three categories of life: *zoe*, *bios*, and *bare life*. To begin with, Agamben starts from a basic distinction, by conducting a genealogical inquiry, between the meaning of *zoe* and *bios*. *Zoe* is "life common to all living things (Agamben, 1998: 9), whereas *bios* is "a qualified life, a particular way of life" (Agamben, 1998: 9). To explain this distinction further, it can be said that Agamben understands *zoe* as the already-given biological life, the life that exists with no political content, cultural attributes or political significance, which is a perception of life that resembles the pre-discursive. *Bios* is understood culturally and discursively: it is life that is politically charged, culturally endowed

³ Foucault remarks that the right to kill (*droit de glaive*) using the example of the monarch, whose only symbol was the sword (Foucault, 1978 : 136). This was the exercise of sovereignty. As the historian he is, Foucault notes that as capitalism developed in the in the 17th century, the focus of power sifted from the right to kill to the right to let live (Foucault, 1978: 141).

with meaning and socially recognizable in different categories. For instance, the *prisoner* is an example of *bios*, because it is a political category in the sense that it is incriminating. It is also a social and cultural category with a history and genealogy behind it. In addition, it is also a discursive formation in terms of how it sprouts in society according to different cultures. As such, the prisoner is *zoe* that is no longer *zoe* because this figure has been attributed politically and constructed discursively.

These two categories are presented by Agamben in abstract terms; and perhaps to understand more these two categories and their relevance to this thesis, it is important to turn to the third category presented by him; that is *bare life*. Going back to the idea of sovereignty, we must remember that Agamben equates sovereignty with the exception and the ban simultaneously. To elevate a body to the exception results in the ban of this body from the juridical order and consequently from the social order: this is the exercise which produces *bare life*. Accordingly, *bare life* is a life that neither detaches *bios* nor *zoe*, it is life that has been excluded and banned from the juridical order and the social order by the figure of the sovereign. This presents us with a paradoxical situation: if *bare life* is excluded and banned from the juridical and the social order by a sovereign decision which establishes a relation of the exception; then this means that this life is not fully excluded, nor fully included. It lies in fact at the threshold of the social and the juridical order. What does this “exclusive inclusion” mean? What are the political ramifications of this ban? Agamben argues that *bare life* is life that can be killed without impunity; it is life that can be disposed of without consequences. The consequence of which is the constant possibility of being exposed to death; which is a possibility sustained by the figure of the sovereign, who holds the exclusive right to decide on the exception as was suggested earlier by Schmidt in the previous chapter. Agamben states that: “the sacredness of life, which is invoked today as an absolutely fundamental right in opposition to sovereign power, in fact originally expresses precisely both life’s subjection to a power over death and life’s irreparable exposure in the relation of abandonment” (Agamben, 1998: 53). With this claim, Agamben exposes the hidden face of the politics of sovereignty, which while it sustains a certain idea of life, renders this latter infinitely exposed to death. *Bare life* is such an example of this exposure to death, and Agamben further argues that “the production of bare life is the originary activity of sovereignty.” (Agamben, 1998: 53). Who is then the bearer of the sovereign exception and the sovereign ban, whose life is infinitely exposed to death? To answer this question, Agamben presents the reader with the figure of the *homo sacer*.

In the previous chapter, there was a brief mention of this rather enigmatic figure. The *homo sacer* is a figure in ancient Roman Law which is excluded both from human law and divine law: it lies at “the intersection of a capacity to be killed and yet not sacrificed, outside both human and divine law” (Agamben, 1998: 48). This intersection which Agamben speaks of reminds us again of the threshold, which is where he places *bare life* as discussed in the previous section. However, the peculiarity of the *homo sacer* is that it is a figure that, when killed, no consequences can be accounted for, and if it lives, it has no religious value on its own, as it cannot be presented as sacrifice. The two distinctive features of the *homo sacer* are precisely what reveal the vulnerability of this figure: when abandoned by the law (unpunishability of the killing) and banned from the religious order (deprivation from sacrificial value), the *homo sacer* is effectively placed in a position of extreme vulnerabilities, as the figure is unable to insert itself in a legal system or in the symbolic system (i.e. the religious value) in a substantial way. In this sense, the *homo sacer* leads its life as *bare life*, as there are no consequences to its killing. The figure exists both inside and outside the social order: outside because of the abandonment; and inside because the absence of any consequential repercussion of its killing remains always a possibility. Since the sovereign makes the decision on the exception, the sovereign operates directly on questions of life and death of the subjects. The production of the *homo sacer* is always a prerogative of the sovereign. The *homo sacer* then, is the bearer of the sovereign ban.

Homo sacer stands outside the law, yet this figure is very much inside the law, in that only the sovereign, i.e. the law-giver and the one who decides on the exception, can make such a decision about life and death. What is therefore surprising is that the *homo sacer* contains the dimension explored earlier in sovereignty, that is the state of exception (*homo sacer* is a body elevated to the state of exception); and the ban (since the *homo sacer* exists both inside and outside the law, on the threshold). Effectively, *homo sacer* is the bearer of the sovereign ban, and the space that it assumes is bare life that is no longer the infinite possibility of exposure to death but the de facto actuality of an exposure to death. That is to say that *homo sacer* effectively assumes a position of the living dead, since its death doesn't hold any significant value whatsoever. *Homo sacer* represents the line of distinction between life that is worth living, and the life that is not worth living, which has no value and can be killed without consequences nor punishment. By referring to the case study at hand, I will explore the political implications in more detail in the following chapter. For now, we will turn to a critique of Agamben by looking at Rosi Braidotti's ideas before we move on to

studying the materiality of those idea, which is, in the case of my thesis concerned with looking at the migrants who drowned in the Mediterranean Sea in April 2015.

Braidotti's Affirmative Politics on Life and Death

As opposed to the apocalyptic aspect of Agamben's ideas, Braidotti presents us with a different reading of *zoe* and *bios*, in the framework of affirmative politics. Her intervention is also a response to Agamben's theory. Rosi Braidotti calls nonhuman life *zoe*, as opposed to *bios*, which is, put in simple terms, human life. *Zoe*, for her, is a "posthuman yet affirmative life-force" (Braidotti, 115); and it is relevant precisely because it extracts from human life its undeserved importance and specificity in the sense that it desacralizes life as such, particularly human life (or life having value in itself). The conceptualization of *zoe* as a pure life-form, for Braidotti, gives it autonomously a "productive aspect" (Braidotti, 135). This is a cosmic understanding of the question of life as *zoe*. Because "life is not the prerogative of humans only, it opens up a *zoe*-political or post-anthropocentric dimension" (Braidotti, 2013: 111). Braidotti however does not necessarily analyze this concept of life as separate from death and its forces. She describes the relationship between death and life as a "continuum" (Braidotti, 2013: 132) and therefore rejects any dystopian idea about death, as Agamben would suggest. Instead, Braidotti, using Deleuze's analytical tool of becoming, theorizes death in terms of a temporal displacement: Death is always that which is at the core of our existence, and in death, according to Braidotti, "we are all have been". Death, more specifically, the impersonal death, therefore is a not a barrier, but a condition of possibility" (Braidotti, 2013: 132). This temporal displacement is crucial because it does away with *separation* as the only mode of understanding life and death. Life and death are never separated, but they are instead very much connected through flows. For Braidotti: "life as a virtual suicide is life as constant creation" (Braidotti, 2013: 135). Therein lies the ethics of affirmation and vitalism which she defends and which must be the framework through which death is no longer understood through the lenses of fear or negativity. We can conclude that Braidotti's understanding of life and death is not dialectical in the sense that it establishes a relation of opposition between life and death, but Braidotti rather views life and death as a continuum. Her perspective is posthuman in the sense that it takes away from life its anthropocentric focus; and in doing so, it displaces highly the idea of life and death as central to human beings. In addition, her temporal displacement of life and death (life as a virtual suicide) insinuate that mortality or finitude are not the end. Furthermore, Baridotti adds the

technological dimension as an integral part of life and death. She rightly notes that “‘life itself’ lies at the heart of bio-genetic capitalism” (Braidotti, 2007: 1). In a reference to biopower, Braidotti states that life is targeted by the forces of capitalism, which now incorporates new capitals and raw materials (genetic capital, for example). “In the technologically-mediated world in which we live, the flesh and the machine can no longer be distinguished” (Braidotti, 2007: 2). It is therefore important to recognize the importance of technology in the production of death and the constitution of life and existing social relations.

This reading of life and death that is suggested by Braidotti, although theoretically rigorous (the conflation of many dimension in the understanding of life and death is important), remains *devoid of the political content* that is necessary to understand the effect of living and dying in the contemporary world. By *political content*, I mean the structures of power in which life and death are inscribed. It is important to recognize the vital generative forces of life and death and to displace both concepts from an anthropocentric system that puts the human at its core; nevertheless, it is also important to understand that life and death greatly structure social relations and institutional relations, which are not necessarily *vital nor affirmative*. On the contrary, it can be argued that life and death, even as a continuum, would still produce inequitable systems of subjugation (making subjects), for mortality is surely not the horizon in which life ends; but it is a horizon which produces certain subjects who play a crucial role in structuring and producing the political reality in which we live. But who are the subjects which are produced in those horizons? And how are they produced? Braidotti does not necessarily identify these subjects. The answer to these questions is key into injecting the political content that is necessary to understand life and death politically, beyond affirmative politics or negativity⁴. This operation is necessary because it also points out to the difference that exist between structures of power, which in some cases might target life and in others; might target death.

Mbembe on Necropolitics

In general, Mbembe’s reading of death can be said to go hand in hand with Braidotti’s attempt to extract from death its affirmative value. Mbembe identifies death as the “space in which freedom and negation operate” (Mbembe, 2003: 39). As opposed to Braidotti, there is

⁴ Some ideas in this paragraph have been previously used for a paper by me submitted in the Fall 2014 for the course on “Somatechnics: Bodies and Power in a Digital Age” at Utrecht University: “Excitable Bodies, Expendable Bodies: A New Era of Biopolitics and Necropolitics”.

already a political language that is being used: freedom as a category is crucial in positing death as a political concept. Also, akin to Braidotti's account, Mbembe's understanding of death contains the technological dimension (Mbembe, 2003: 35). It is necessary to highlight these similarities before delving into the ideas and propositions offered by Mbembe.

Mbembe's essay can be described as a postcolonial text that attempts to introduce death as a central mechanism that operates within global politics. Mbembe mobilizes a number of ideas in order to demonstrate how necropower reconfigures social relations, blurring the lines between resistance (to the forces of hegemony) and suicide, sacrifice and redemption, martyrdom and freedom (Mbembe, 2003: 39, 40). In addition to this, he also identifies some of the spaces in which necropower operates, such as the plantation, in order to highlight the importance of using such an analytical tool, instead of relying only on biopolitics as a paradigm for analysis.

To start with, Achilles Mbembe's essay⁵ returns to a fundamental idea in Foucault, that is biopolitics. In Mbembe's terms, biopolitics is a form of life that has been captured by power (Mbembe, 1998: 2003:12). Mbembe's ambition in his text is to contest Foucault's idea of life as a pivotal category for power. Instead, he proposes to look at death-worlds and the role of necropower in configuring social, economic and political relations. In the creation of death-worlds, *life* as a force is not targeted by power, it is rather death that is being deployed. This is precisely why Mbembe argues that biopolitics as a category of analysis is insufficient in accounting for the political reality in which we live. This is then the departing point for Mbembe, who does not discredit biopower or completely eliminate it as a form of politics. His critical observations are rather concerned with what can be described as the other side of biopower. And it is this spirit that he asks the questions: "What place is given to life, death, and the human body (in particular the wounded or slain body)? How are they inscribed in the order of power?" (Mbembe, 2003: 12). By attempting to sketch out the *place* of life and death in the order of power, Mbembe problematizes further the assumption that power only targets life as a force, and attempts to look for the *bodies* which are not targeted in their abilities as *living forces*.

⁵ Mbembe's text is considered one of the first texts to highlight necropower as a pivotal concept in the understanding of sovereignty. This is the main reason I am working with this text.

If the idea of biopower cannot account for fully containing the political reality; then necropower, the space of death, must be deployed in order for a more ample understanding of the order of power to be developed. From these questions, it is already implied that the life that lives and the life that dies are inscribed differently in the order of power and Mbembe precisely tries to discern and dissect these inscriptions. Mbembe delineates three political operations through which he conducts his analysis of necropower: resistance, sacrifice and terror. The entanglement of these three elements is the result of the different configurations of power relations which are in turn the result of necropower. But in order to understand Mbembe's text we must start from his point of departure. Like Butler and Agamben, Mbembe starts by questioning sovereignty and connecting it to the state of the exception (which is largely inspired by Agamben's theory) (Mbembe, 2003: 12). For Mbembe, the main attributes of sovereignty are "to kill and to allow to live" (Mbembe, 2003: 12). The state of exception comes into play precisely to allow for such operations to take place. It can also be argued that the state of exception exhausts this control over life and death and takes it to its limit, that is to say that the state of exception activates necropower and grants it the energy to dictate which lives may live and which may die.

What is interesting in Mbembe's observations is his fundamentally different understanding of life and death. Life and death here are not just 'forces', which exist autonomously; rather they become political instruments: domains in which power can circulate. As a manifestation of power (Mbembe, 2003: 12), sovereignty instrumentalizes life and death, depriving them therefore of their capacity as *autonomous forces*, and renders them devices by which power is conducted. This remark, however, remains very vague in the sense that it does not exhaust a material reality that can be used as an example. Mbembe then asks the fundamental question, which is central to this thesis: "under what practical conditions is the right to kill, to allow to live, or to expose to death exercised?" (Mbembe, 2003: 12). This question can also be formulated in simpler terms: who are the persons designated for death and who are the persons who are allowed to live? What are the systems which play into the establishment or categorizations of these people?

For Mbembe, the establishment of racism and a relation of enmity are vital for the circulation of necropower; and it is in this sense that "sovereignty consists of the will and the capacity to kill in order to live" (Mbembe, 2003: 18). Here, sovereignty operates in such a

way that the elimination of some lives becomes necessary for other lives to live. Racism serves as a filter to make such decisions, and in this sense also, racism is not only a system of segregation, or of separation, but racism is indeed a technology of death.

Closely related to this idea is the notion of the enmity. According to Mbembe, the *Other* is always perceived as a danger, not only on one's safety, but on one's life. Therein lies the logic of enmity: the life of the *Other* is not threatening to some aspects physical safety or any other form of safety, it is a threat to life altogether. The physical elimination of the other then becomes the necessary approach to such perceived threat. Mbembe calls this as one of "the many imaginaries of sovereignty" (Mbembe, 2003: 18).

How is this death then carried out? In what spaces does it take place? Mbembe refers to the state of exception as an important mechanism that allows for death to circulate, as stated earlier in this chapter. For Mbembe, the plantation and the colonial world are two spaces in which the state of exception is the primary if not the only mode of governance. To explain this, Mbembe in referring to the plantation invokes the example of the slave, a figure that lies between subjecthood and objecthood. The establishment of the state of the exception lies precisely in the production of the figure of the slave within this threshold, leaving it swinging between objecthood and subjecthood. In turn, in the colonial world, the state of the exception seems to be the only mode of operation. Mbembe in this sense, invokes the idea of *inhumanity* as the logic deployed in order for the state of the exception to be established. These are the historical examples which Mbembe gives in order to show how the state of exception functions within *politics* (Mbembe, 2003: 20).

In the contemporary world, Mbembe refers to South Africa Apartheid and the occupation of Palestine, designating these two geo-political realities as the ultimate expression of necropower. Mbembe finds the example of the occupation of Palestine useful because it illustrates the conflation of many powers: disciplinary (the institution of racism), biopolitical (the establishment of the relation of enmity), and necropolitical (the right to kill). The concentration of these powers creates a death-world, where "entire populations are the target of the sovereign" (Mbembe, 2003: 29). Mbembe conducts this discussion in the framework of understanding colonial theory. However, the way this killing is conducted is what is of importance here. Mbembe describes the techniques that are being used to wipe entire populations off the face of the earth, he refers to the state of siege, deprivation from

basic utilities such as water, restriction on movement, interference within quotidian life and many other techniques, in addition to the obvious choice of armed violence; all of this for Mbembe constitute the practice of necropolitics and its propagation in an invisible way (Mbembe, 2003: 30).

Engaging Necropolitics as a Category of Analysis: A Discussion

As we can see, Mbembe's ideas surpass the biopolitical and they take interest in the systems of domination which target death as the exercise of sovereignty. Sovereignty for Mbembe is materialized by the ability to kill and to let live. Going beyond the Foucauldian paradigm of analysis, which limits itself to biopower only, Mbembe presents the reader with geographies and social realities of death which are not contained by the biopolitical space. In this sense, his text contains a political language that reveals also the mechanisms which serve the *right to kill* and legitimize it (i.e. racism and the relation of enmity). It is important therefore to recall that Mbembe does not completely discredit the idea of biopower, his text is rather an invitation to consider how death-worlds are also spaces in which sovereignty operates, not biopolitically, but necropolitically. His investigations go beyond analyzing the idea of death and the idea of necropower, since he also addresses the different meanings which are assigned to concepts such as terror, survival and martyrdom. The scope of this chapter and this thesis does not allow a deeper analysis of these concepts. However what is interesting to note is Mbembe's emphasis on maintaining the juxtaposition between these meanings in certain spaces: for example, martyrdom in the Palestinian territories is about survival; whereas it can be understood elsewhere as terror. The space and location of these conceptualizations are therefore elements which play a role, not only in the production of death, but also in altering its meaning and displacing it. This alteration of meaning is crucial in terms of detecting the structured nature of death itself in contemporary politics. This structuration however is crucial in terms of understanding the inequitable layers of power: how it functions in the interest of some and against the interest of others.

Mbembe starts his essay with posing a very problematic question: ““What place is given to life, death, and the human body (in particular the wounded or slain body)? The focus on the *slain body* in Mbembe's text is very peculiar, because it distances itself from the very the biopolitical paradigm of understanding power. Since Foucault theorized that power

targeted the body in its capacity to live, the basic assumption is the investment in such body would require a certain maintenance of it. However, for the body which is *slain* and *wounded* (which Mbembe, broadly speaking, locates in the third world), the same logic is not deployed. By switching off the centrality of biopolitics as the paradigmatic model, Mbembe looks at the paradigms of power which do not target life in its capacity to *live*, but rather in its capacity to die. However this death is politically problematic since it does not have any consequences. With the *slain body*, there is already an implication that this body is part of a system of domination and that power itself is structured unfavorably towards some *bodies* as opposed to others: Therein lies the main idea that I would like to retain from Mbembe in this chapter: how some bodies (filtered through mechanisms of racism and enmity, which are only two examples) become bearers of the sovereign ban and therefore become the bearers of the indefinite exposure to death. What Mbembe calls the *slain body* can easily be recognized in Agamben's language as *homo sacer*: a figure whose materiality is insignificant in the order of power that its death does not matter, it can be killed without consequences. Later in the text, Mbembe also refers to this *slain body* as the *living dead*. This, in a certain sense, corresponds to Agamben's conceptualization of *homo sacer*, who as the bearer of the sovereign death lies at the threshold: its death or life come to basically mean the same thing since the first is unpunishable and the second is without value. When power expresses itself in necropolitical terms, then the consequence of this can be understood as the insertion of certain bodies in the space of the *living dead*. The mobilization of death in certain geopolitical contexts, of which Mbembe identifies the plantation and occupation is the direct result of the activation of the sovereign ban: which, using the state of exception as the rule, also forbids the *slain body* from the social order; thus depriving this latter from both *zoe* and *bios* and effectively reducing its value to *a bare life*. We can therefore see that the production of *bare life* is an important pole in the circulation of power and the establishment of the political order which rests on sovereign politics. The death-world that is created and whose primary space is the body is a space that has been abandoned, banned and therefore reduced to bare life.

There are important points to retain from Mbembe's theories. Necropower operates very much the same as biopolitics operate. However necropower comes in in the picture to expose a political reality that dictates that the lives of some necessitates the death of others. Death or killing as a logic is used as a device, an instrument in order not only to ensure the

continuity of sovereignty but also to establish systems of occupation, of racism and to make decisions over whose life matters and whose life doesn't. In this sense, technologies of racism and occupation serve as legitimating systems to make such decisions; as such they are crucial filters that are being put at place. By referring to racism and the relation of enmity, Mbembe indeed injects the concepts of life and death with the political content that lacks in Braidotti's theory and grounds Agamben's abstract concepts in historical contexts and examples. For example, in terms of Agamben's concept of bare life, Mbembe's necropolitical analysis allows us to identify systems of racism as one mechanism that contributes to the production of bare life, the life that does not matter and that can be killed without having obvious consequences. As Mbembe also indicates, what makes these deaths more dangerous in terms of their political consequences is the fact that sometimes it is carried out invisible. This latter point is worth emphasizing since it will be used in the coming chapter as I will try to navigate with this theoretical discussion in the Mediterranean Sea using the example of the dead migrants.

Chapter 3: Necropolitics and Migration: A Case Study

Necropolitics, as I have shown in the previous chapter, play an important part in the contemporary political scene. While Agamben presents us with the figure of the *homo sacer* and the idea of bare life as analytical tools to understand sovereignty; Mbembe, on the other hand, considers the notion of necropolitics in order to identify spaces where the decision over life and death is made. He refers to the Palestinian territories where death, establishing a relation of enmity, *circulates* not to achieve itself; rather, it *circulates* a mode of governing, to use Foucault's term. How does the decision over death become a mode of government? In what concrete political situations is the decision over the death as a sovereign decision comes into play? What figures in today's society can be identified as the bearers of the sovereign ban? The focus of this chapter is the attempt to put the theoretical language used in the previous two chapters in a grounded political context, in order to demonstrate how necropolitics reconfigure the political reality in which we live. As a case study, I will be referring to the deaths of the migrants that occurred in the Mediterranean Sea in April 2015, which is one of many episodes of border violence. The aim of this chapter to to attempt to insert the theoretical discussion that was carried out in the previous chapter into a geopolitical context in order to concretize some of the theories and the ideas which were discussed.

Context

In April 2015, 1265 migrants died in the Mediterranean Sea (Migrant Fatalities Worldwide, 2015). This is a number that is considerable if we compare the number of fatalities in the past year: in 2014 for example, 50 people were found dead in the Mediterranean Sea (Migrant Fatalities Worldwide, 2015). The Mediterranean Sea has always been an important route for migration from North Africa to Europe, which has produced a migratory pressure on the European countries (Moretti and Cela, 2014: 120). Historically speaking, after the Second World War, the demand for migrants came from Europe due to weak welfare states in Southern Europe and an increasingly ageing population (Moretti and Cela, 2014: 122). However, with increasing migrants' flows, the European countries sought to establish restrictions on movement in order to regulate and manage these migration flows and alleviate the migratory pressure put on it. The patterns and causes of the migration flows are very difficult to speak of in generalistic terms, a case by case study is necessary to

determine these patterns and causes (Moretti and Cela, 2014: 125). However, the restriction on movement seems to be a common denominator. As Europe remains foreclosed for people who want to enter, this has “turned the Mediterranean into a cemetery of migrants” (Moretti and Cela, 2014: 124), an observation that is backed by the death toll in the area mentioned at the beginning of this paragraph. However, the restrictive policy adopted by Europe has never yielded in stopping the flows of migrants (Moretti and Cela, 2014: 124). The etiquettes “*first world*” and “*third world*” are often used to designate the two poles from which migration takes place. Those two terms will be analyzed more closely in the coming sections of this chapter. For the moment, it will suffice to say that migratory flows mainly take place from the third world to the first world.

Although at the beginning, the restriction on movement seemed to stem from issues of integration and identity⁶, the attacks of September 11 have shifted these concerns to a discourse that is more concerned with security (Moretti and Cela, 2014: 125). This has led to increasing restrictions on entry to Europe, leaving migrants facing the impossibility of entering Europe in legal ways. In the past five years, as the situation in North Africa and the Middle East unfolded dramatically, thousands of migrants attempted to cross, ending either in death or in detention centers until they can be deported back. In 2013, two shipwrecks carrying migrants near Lampedusa lead to the death of 400 migrants (Migrant Fatalities Worldwide, 2015). The European anxieties over migration issues have led to the establishment of a surveillance system in 2013- Euro Sur- in order to coordinate, facilitate and monitor all movement happening at the borders of Europe (Migrant Fatalities Worldwide, 2015). In addition to Euro Sur, the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, otherwise known as Frontex, which was founded in 2004, became the main agency for the control and supervision of movement on people crossing over to Europe through the Mediterranean (Migrant Fatalities Worldwide, 2015). The website of the Agency includes the following statement on freedom of movement: “Fostering the free movement of people has been an important objective of European integration since the 1950s. Free movement of goods, persons, services and capital were identified as foundations of the Community in the Treaty of Rome (1957)” (Mission and Tasks, Frontex: 2015). As much as freedom of

⁶ Italian scholars Eris Moretti and Eralba Cela state in a study of migration flows in the Mediterranean, published in 2014, that the issue of integration was prevailing before the attacks of September 11. In the receiving European countries, the discourse on identity preservation was advanced to put forward an anti-migration discourse (Moretti and Cela, 2014 : 122-123).

movement is emphasized in this introductory statement of the mission of Frontex, the reality suggests otherwise. With people from Third World countries facing bureaucratic and legal obstacles to reach Europe, freedom of movement as a principle seems, in this case, and given the geographical and the economic disparities, to be a double standard: whereas Europeans are free and able to enjoy the possibility of crossing from Europe to the Southern hemisphere of the Mediterranean, people coming from this latter do not have the same freedom. The death of the migrants this past April testifies to the double standard of the freedom on movement.

The context that is presented above presents us with the elements with which I would like to articulate an *expression* of necropolitics in the contemporary political scene: the migrant as *an abandoned/banned figure*, the bureaucracy as a *mechanism of necropolitics*, and the division between the first world and the third world as *the space which produces a necropolitics*. The aim of discussing and using this case study is to highlight, in concrete terms, the expression of necropower in necropolitics.

The Space of Necropolitics

In an article by Adriana Estévez, which examines the idea of “biopolitics from the periphery”, the author argues that the third world expression of biopolitics is in fact necropolitics (Estévez, 2014: 75). As subjects of the third world, the migrants who died in the sea form part of this dynamic: that is that the third world, which otherwise can be referred to as the periphery. Therefore the migrant experiences the biopolitical management in its opposite condition: that is necropolitics. We must then first start by analyzing and understanding the first world and the third world and the gap between them. In this context, I would like to suggest that the gap that is produced between them is the space of necropolitics.

It should be mentioned that the terms *first world and third world* are very problematic. “*Third world* refers to “the colonized, neocolonized and decolonized countries (of Asia, Africa, and Latin America) whose economic and political structures have been deformed within the colonial process, and to black, Asican, Latino and indigenous peoples in North America, Europe, and Australia” (Mohanty, 1991: 4, 5). If this definition indicates anything, that would be that the categorization *third world and first world* is not a matter of

geography (the North-South divide); the term is rather historically grounded in colonialism. As Mohanty points out, the term *third world* “foregrounds a history of colonization and contemporary relationships of structural dominance between first and third world peoples” (Mohanty, 1991: x). It is therefore necessary to understand the historicity of the term and how it produces a geopolitical reality of dominance that originated with colonialism. Given the case study in this chapter however, other indications could be used to justify the choice of *first and third world*. The criterion of freedom of movement is one indicator. As it has been explained in the context of the case study at hand, the flows of migrants originate from the third world, a space that is historically *dominated*, and one aspect of this domination is the restriction on the movement of third world people. The expression of *movement* in the first world has a different meaning: movement is allowed and there is no restriction on it. It is in this sense that freedom of movement can be used as an indicator.

The purpose of deploying this indicator –freedom of movement- is to try to understand its role in the death of the migrants in order to point out to the structural elements which produce the *necropolitical* space. In international theory, *movement* is a legal category, expressed primarily as a human right (UN, Universal Declaration for Human Rights, 1948). Article 13 of the Universal Declaration for Human Rights states that: “Everyone has the right to freedom of movement and residence within the borders of each state.” (UN, Universal Declaration for Human Rights: 1948). In theory, this is the law, but reality dictates otherwise. As we can see from the context of the example we are dealing with, movement is not available for everyone. By lending itself to the legal frame; and by declaring movement as a ‘human right’, making it effectively a legal category, movement itself is already inscribed within a system of legality, bureaucracy and sovereignty; which enables it to become a *mechanism* for necropolitics. The insertion of it in the legal system then already invests this *human right* with the ability to be subject to restrictions and regulation. This is the case for the people who want to reach Europe but their movement is restricted, leading to unfortunate destinies.

To explain this idea starting from the case study at hand, we have to posit that for the migrants, movement has a radically different meaning than the limited scope which is provided by ‘movement as a legal category’. The movement of the migrants is about survival. However, in the order of power between the first and the third world, ‘movement’ remains

first of all a legal category. This marks the radically different meaning of movement that exists on both sides. The legal aspect of ‘movement’ opens this category to other modes of operations such as bureaucracy or the legal/illegal dichotomy, thus inscribing this latter in the sovereign order. This is to say that movement as a legal category takes a different meaning for those who cannot afford the privileges granted by the order of power between the first and the third world. While for the first world, there is a permissiveness regarding movement; the expression of this in the third world is equated with restriction dictated by the bureaucracy on movement (an example of these restrictions is the visa requirements). In the case of the migrants who die, this restriction takes itself to the extreme: the production of death. Mbembe claims that the biopolitical management occurs in parallel with the deployment of death and the exercise of necopower (Mbembe, 2003: 18); for the migrants, this is precisely the case. And while Mbembe names racism and enmity as two categories which allow for death to circulate as it has been mentioned in the previous chapter; the third and first world could be considered in this case as filters through which death is deployed as a form of politics. As *points of location*, the third and first world become filters through which movement is either declared permitted or restricted. The restriction on movement however does not mean impossibility of movement; it only indicates that this movement becomes conditioned by a set of rules and laws. However, in extreme cases, this leads to rather serious consequences such as death. As Etévez argues in her essay: “the Third World faces a *politics of death*, a form of *necropolitics*” (Estévez, 2014: 76). In the absence of a safe choice to cross, one which is beyond the imposed legal options which cannot be afforded by everyone, the migrants is sentenced to their death. In this sense, the death of these migrants can only be understood in terms of the impossibility of a safe crossover. The condition of being either from the first world or the third world determines the status of the movement: legal or illegal, allowed or denied. Since the restriction on the movement is therefore conditioned by the *point of origin*, then the necropolitical space can be said to be composed of this geopolitical landscape. Between the first world and the third world, there is a space; and it is the space of necropolitics, which –in this case- expresses itself in the forbidden movement, leading therefore to death.

Bureaucracy as a System of Necropolitics

Let us then attempt to also point out to the concrete manifestations and repercussions of the restriction on movement. In performing this exercise, it is necessary to analyze the bureaucratic procedures dictated by the restriction on movement in order to demonstrate the complicity of the bureaucratic system in the production of death. As it has been mentioned before, one example of the bureaucracy of migration is the visa requirements. When those latter are not satisfied, then the decision over a denied visa, for example, translates itself directly into putting one's self in a situation of precariousness, because it leaves the person wishing to cross over with no other choice than to do it illegally. The absence of the option of a legal crossover, which wouldn't put the life of the people involved in danger; is the direct result of the bureaucracy put at place. To satisfy visa requirements is not available for all third world countries nationals. This impossibility then leads the persons wishing to cross to giving in to other options, which unfortunately, leads to their death as it is the case of the example I am using in this chapter.

Another reading we can use to understand the complicity of the bureaucracy at place is governmentality. As it has been mentioned in the first chapter, governmentality is a set of tactics aimed at managing the population. As a form of management, the bureaucracy put at place is also embedded in the larger complex system of governmentality: by installing a policy of selectiveness according to certain indicators in order to decide on who may or may not cross legally. By putting the decision over who may cross and who may not in the hands of the bureaucrats, the decision over the life of the people involved is equally called into question. For third country nationals, who may cross and who may not, becomes, in some cases, synonymous for who may live and who may die, which effectively activates the right to kill, although this occurs in an indirect way, which is an aspect that must be emphasized since it contributes significantly to the discourse produced on the death of the migrants. The general trend in this discourse prefers to point to the direct factors contributing to the death of the migrants, for instance the human traffickers. And while it is important to also consider these factors; it is no less important to also speak about other more subtle and structural elements which are responsible for the death of the migrants as well. This is what Mbembe refers to as *invisible ways of killing*, which is an idea that was mentioned in the last chapter.

The danger of such *killings* lies precisely in the fact that the complicity of the bureaucratic systems, sustained by the sovereign order is hindered under the guise of legality.

Since this decision is concerned with the entry to another country, it is also simultaneously concerned with the issue of sovereignty since its objective is to regulate the movement of the people through the border, which a significant manifestation of the sovereign order, perhaps it is also the most obvious one. The decision for example over the visa, which is completely made inside consulates and embassies, evaluated by bureaucrats and justified mostly by papers determining certain legal aspects, invests those same bureaucrats, although in indirect ways with the possibility of making a decision over the life of the people who wish to go to Europe. In this case, the reading of Butler on the return of sovereignty is well placed to describe the situation: sovereignty indeed is reaffirmed through a bureaucratic system and it effectively returns through governmentality. The visa requirement as an example is only one way of trying to analyze how bureaucracy plays a role in producing necropolitics.

It is therefore equally important to speak about the political consequences of such remarks and their repercussions. In *Precarious Life*, Butler argues that the entanglement of sovereignty with governmentality under the reign of the bureaucrats leads to the cancellation of accountability (Butler, 2004: 66). It is important therefore to reflect on this cancellation of accountability as it also confronts us with the ethical dilemma of who is responsible for the death of the migrants. This is an important question to consider, and the objective here is not to answer the question in a certain way; but rather to invoke the ambivalence of the situation itself: it is not that a denied visa kills the migrant; but how the denied visa may lead to the death of the migrant that I wish to point to in this case. The cancellation of accountability can also be translated in Agamben's language as the production of *bare life*: since no one is held accountable for the death of the migrants, then their death is indeed unpunishable. There is a certain liability that pertains to the bureaucratic system that is put at place in dealing with questions of the movement of the people, however the difficulty lies in the impossibility of identifying a concrete liable party to account for the death of the migrant. Therein lies the danger of leaving the decision over movement in the hands of the bureaucratic system: the lack of accountability and the absence of responsibility. These political repercussions are necessary to consider in interrogating the sovereign system, here exemplified in the border

system, in order to articulate the defects of such system and its unfortunate political consequences. As a mechanism, bureaucracy in this case fulfills a necropolitical function: to decide on who may cross and who may not, who may live and who may die.

The Migrant as an Abandoned/Banned Figure

After examining the space of necropolitics (the first and third world as categories of division), and the mechanism of necropolitics (the bureaucracy), I will now turn my attention to the very subject of the deaths we are dealing with: the migrant. In this section, the idea of abandonment is central. In the case study we are dealing with, the flows of migrants are perceived as excesses that must be managed one way or another. The migrant *as excess* expresses itself in the disposability and the perishability of its body. This is to say that the migrant as a figure is invested with an energy that is disposable. This is precisely what produces *within* the migrant a necropolitical dimension, which in turn reduces the migrant to its ability to be killed and disposed of. We can call this in other terms, the production of bare life as it has been pointed out earlier. The necropolitical management then depends on cornering certain subjectivities in their condition: in the case of the migrants, this condition is illegality, which enables the reduction to bare life. By declaring certain bodies illegal, sovereignty expresses itself necropolitically.

The ban that is constituted on the figure of the migrant in terms of the restriction on movement constitute simultaneously the abandonment of the figure of the migrant. The abandonment is materialized in placing the migrant in a situation of illegality. With the fulfillment of such task, the migrant then is effectively put at the mercy of necropower: its life becomes exposed to death. As the migrant is placed in a domain of illegality, this reflects also its status as *homo sacer*: who can be killed without consequences and whose life does not matter. The death of the migrants expresses the de facto relation of abandonment through the exception: by elevating the very conditions of the migrants into a state of exception – which becomes easy when mobilizing the discourse of securitizing and safety – the migrants who abandon everything come to be abandoned. The abandonment effectively bestows on the migrants the status of bare life, abstracting their existence to *a life that does not matter*. The necropolitical management becomes what Agamben predicted to be: To kill without committing murder, to kill without being punished.

The migrant then becomes the space of the necropolitical production: the result of unfortunate bureaucracy in a space where death is a matter of hazard, and where accountability vanishes under the weight of faceless bureaucracy. We can conclude then that the migrant is reduced to bare life; while abandoning their home countries are actually being abandoned by politics and sovereignty. The migrant then is a figure, which is saturated with death since the repercussion of their movement can (and it does) lead to their death. The inscription of the figure of the migrant in the sovereign system starts with their displacement to the realm of illegality. This illegality is a zone of necropower, since it deprives the life of the migrant from any significance in the order of power by making the death of the migrant unpunishable. The position of illegality might also be recognized in Mbembe's language as the position of the *slain* and *wounded* body whose death does not matter. The placement of the migrant in the zone of illegality also fulfills the function of *excluding* the migrant from the political sphere: as such the act of abandonment is twofold: within it lies also the act of exclusion and Agamben is right in conflating the *exclusionary inclusion* with *the ban*.

To finish this chapter however, I would like to also state that this necropolitical dimension can be problematic in a particular sense: by maintaining that power (in this case necropower) is central to the repercussions of movement, a necropolitical reading contributes on some levels to reducing the migrant to a state of passivity, which has other political and most importantly, ethical repercussions. A necropolitical reading of the situation at hand deprives, for instance, the migrant of any sense of agency and reduces this figure to its capacity as a *dead subject* only. This is problematic as it fails to recognize the migrant as an *active agent* in the sense that the migrant also performs a certain resistance to the restrictions put on their movement. While it is very vital to point out to the complete inequity that results in such deaths, it is equally important not to be completely drawn in a discourse that victimizes the dead. That is to say that a necropolitical reading must not necessarily disregard the potential of the migrant as an agent of resistance, although the state in which the migrant is dealt with remains a state of death.

The distribution of death, one can conclude, occurs on many levels: on a spatial level, as geopolitical divisions play a role in producing certain realities (in the case at hand the first and third world); on the level of bureaucratic management (which in this case serves to put restriction on movement), and on the level of abandonment enacted by the

sovereign decision as the body of the migrant is abandoned to the forces of nature to die. This is one necropolitical reading of the deaths that occurred and are still occurring in the Mediterranean Sea.

Chapter 4: Sexual Difference and Necropolitics

In this last chapter, we will move to another ground of discussion, navigating with the concept of necropolitics as a category of analysis to a new area. Necropolitics is a concept that can be extended throughout different histories, geographies and political sceneries. Whereas, in the previous chapter, the ambition was to try to take up the example of the migrants to demonstrate a concrete expression of a *necropolitics*, this chapter will be crossing over to another field of analysis, in an attempt to interrogate and experiment with the idea of necropolitics in the field of gender and feminist theory. It is my ambition in this chapter to try to engage this area (or at least some it) with *a* necropolitics, in order to explore the convergence of the two theories and what they may have to offer. For this, I have opted to work with Rosi Braidotti's idea of sexual difference (1993) in order to articulate a clear idea on female subjectivity. Starting with Braidotti's insights, I will then move to discuss the practice of Sati, which is a practice of self-immolation after the death of a husband, in the light of necropolitics, which was highlighted by Spivak in her canonical essay "Can the Subaltern Speak?" (1988). Engaging sexual difference with necropolitics has been dealt with before on other levels, the example of femicide⁷ is usually used to indicate the predicament upon which women are perceived as disposable. The example of honor killing⁸ can also be used in terms of indicating the power over women's life. In general, one can say that there are different examples by which necropolitics, as power circulation, can take a form of its own application in patriarchal, sexist and heteronormative system. Since the notion of necropolitics refuses a specific definition and a particular way of understanding, it can operate on different levels.

In this chapter, we will go in the first section through the ideas of Braidotti on sexual difference in order to form a consistent account of female subjectivity. We will then move to discuss Spivak's particular conception of sexual difference and how it links to the question of the voice, consciousness, and the colonial project. Perhaps the most important part of this chapter is the analysis of the example that Spivak gives: the Sati ritual which will be discussed, bringing forward both necropolitics and sovereignty as important navigatory tools

⁷ For a discussion on this, see: Wright, Melissa W. "Necropolitics, narcopolitics, and femicide: Gendered violence on the Mexico-US border." *Signs* 36.3 (2011): 707-731.

⁸ For a discussion on this see Ahmetbeyzade, C. "Gendering Necropolitics: The Juridical-Political Sociality of Honor Killings in Turkey". *Journal of Human Rights*, Volume 7, Issue 3. 2008.

to guide us through understanding and analyzing this example. In the last section of this chapter, we will go through how sexual difference can be a site for necropolitics, before going back to the ideas of Braidotti in a humble attempt to broaden the discussion on necropolitics.

Rosi Braidotti's Sexual Difference

Before going in to explain how Braidotti conceptualizes sexual difference, I think that it is very important to note that feminist theory is very divergent and very diverse; and it would be extremely dangerous to limit it to only one precise conception. As there are different feminist theories which approach the issue of sexual difference (Lucy Irigaray and Elizabeth Grosz are prominent figures for example); in this chapter however, I am limiting myself to the notion of sexual difference, as it was developed by Braidotti. Braidotti defines feminist thought as follows: “feminist thought is a practice that aims to locate and situate the grounds for the new female feminist subjectivity” (Braidotti; 1993: 3). As a defender of the *politics of location*⁹, it is necessary to recognize the importance of such prudent approach to understanding female and feminist subjectivity. *To locate*, according to Braidotti, is not only important in terms of the spatial distributions of differences, but also, according to her, it is equally important in terms of the temporalities involved in a particular context (Braidotti and Butler, 1994: 42). According to Braidotti, the politics of location simply mean differences between women (Braidotti, 1993: 4). Braidotti develops this idea in order to highlight the intersection of different attributes, which produce a certain subject (race, ethnicity, class... etc.). She also refers to this concept as *situated knowledges* (Braidotti and Butler, 1994 : 42). It is therefore necessary to understand that in theorizing a female subject is dependent, not only on the ontological reality in which this subject is found, but also on the historicity of this very subject. This is an important note to make because this chapter will be referring to a *female subject* whose historicity is very crucial to the analysis that I would like to conduct. Braidotti considers the politics of location be a rigorous tool of analysis because it stresses “the importance of rejecting global statements about all women and to attempt instead to be as aware as possible of where one is speaking from” (Braidotti, 1993: 8).

⁹ Adrienne Rich first spoke of the politics of location in a talk given in Utrecht during a conference on Women, Feminist Identity and Society in the 1980s in 1984. She refers to the body as a starting point and how the body encompasses different layers of differences which must be highlighted (Rich, 1984 : 215).

As a starting point, Braidotti centers the question of sexual difference on the body; she refers to the body as “our primary situation” (Braidotti, 1993: 7). She then introduces three levels of sexual difference. The primary level is the difference between men and women (Braidotti, 1989: 9). Sexual difference, for Braidotti, highlights the lapse between “male-made notions of femininity and the experience of women” (Braidotti, 1993: 9). With this idea, Braidotti is trenchant in terms of preserving a certain distinction of being-a-woman and addressing this being-a-woman in a structure of power (i.e. patriarchy). The second level that Braidotti designates in explaining sexual difference is the differences which exist among women themselves and which depend, as I have pointed out earlier, on their location (race, sexuality, ethnicity, etc). The third level she highlights is the “split nature of the subject” (Braidotti, 1993: 9), that is to say the difference that exist *within* each woman. It is crucial here to note that Braidotti emphasizes sexual difference as a way of accounting for the historical and the social condition that captures women: “being-a-woman’, as the result of a construction of femininity in history and language, is to be taking as the starting point for the assertion of the female as subject” (Braidotti, 1989: 101). This assertion comes in as useful when speaking of female subjectivity since it affirms a this latter without dehistoricizing its manifestation. In addition, by uncovering the different layers of sexual difference, Braidotti’s conceptualizing is useful in the sense that it rejects a holistic idea of the subject in general, and the female subject specifically. Thus, so far we have a clear idea of how female subjectivity is construed in sexual difference, this subjectivity is captured in a historical order of power, which therefore necessitates the assertion of its existence being-a-woman taken as a starting point. It is a complex and multi-layered subjectivity *among* and *within* itself, which is important to consider when attempting to approach it in a sense.

The Subaltern: Spivak and the Female Subject

In the spirit of the politics of location, we will now turn to the text of Gayatri Spivak “Can the Subaltern Speak?” (1988) in order to present an example of a female subjectivity, embroiled in different systems of power. Spivak’s text can be pursued in a variety of ways as it offers an analysis that exhausts different angles that will be discussed in the previous sections). In what follows I will limit myself to presenting briefly the text and its main ideas, before moving on to speak about the example that Spivak herself presents in her text: the practice of Sati. In the framework of postcolonial theory, Spivak offers a critique of the writing the *other* by the white hegemonic male intellectual. As a first in a long series of

postcolonial texts (Mbembe's *Necropolitics* is one of them), Spivak brings to the attention of the reader the danger of writing the other by *assimilation*. She criticizes Foucault, Deleuze and Freud, finding refuge in Derrida, who according to her, remains significant in terms of paying attention to the structures of power. The aim of her text is not only to highlight the wfsaccomplicity of the male white intellectual in repeating colonialism itself, but also to reject this very repetition in favor of representational politics which reinserts the voice of the subaltern in the history which has silenced it. This summary is more or less the general tone in her essay, and while this would be a crucial discussion to pursue, I will limit myself to presenting her point without further detailing as the main concern of this chapter is to navigate the notion of necropolitics with female subjectivity and sexual difference.

Spivak, who describes herself as a feminist, also refers to the female subject: the sexed subject whose ontological integrity lies in its difference. This idea goes hand in hand with Braidotti's emphasis on sexual difference and being-a-woman as a starting point, that is to say that both authors maintain a certain proximity to the female subject as the primary subject of investigation. Spivak pursues the issue in a postcolonial and a colonial context in order to demonstrate that the female as subject remains mute and silent. Broadly speaking, Spivak criticizes the intellectual who she claims is "complicit in the persistent constitution of Other as the Self's shadow" (Spivak, 1988: 75). Spivak rejects the idea that the oppressed, when given a chance, "*can speak and know their conditions*" (Spivak, 1988: 78, original emphasis). Spivak identifies the problem as a problem of tracing back itineraries to consciousness and to subjectivity, which according to her, when it comes to the subaltern, do not offer a substantial material to seduce the intellectual, therefore the subaltern remains mute: "the 'true' subaltern group, whose identity is its difference, there is no unrepresentable subject that can know and speak itself [...] The problem is that the subject's itinerary has not been traced so as to offer an object of seduction to the representing intellectual. (Spivak, 1988: 80). Because subaltern groups exist at the very margins, their history remains with them there in the margins, which means that it simply does not exist as it is suggested by Spivak when she claims that: "in the context of colonial production, the subaltern has no history and cannot speak" (Spivak, 1988: 83).

In a more specific way and when it comes to the question of women as subaltern, Spivak considers they are even "more deeply shadowed" because, in addition to the

irretrievability of their consciousness, “the track of the sexual difference is doubly effaced” for the representing intellectual (Spivak, 1988: 82,83). With this, Spivak invokes the peculiarity of sexual difference in the context of colonial production, which is a sexual difference only understood in terms of its absence. Because the link does not exist in the first place, this puts women always in a condition of subalternity that is multilayered by the double irretrievability of their consciousness and the effaced sexual link between which further complicates the politics of representation that are practiced within the colonial production. We can see therefore that Spivak centralizes the question of sexual difference and highlights its role in terms of determining a certain female subjectivity that is not only silenced, but also that exist only on the terms of relationality to a hegemony – men.

The Sati Women as Subaltern

The example that is used by Spivak in her text is what interests me in this chapter as I think that it allows an engagement, on a certain level and to a certain extent, the idea of necropolitics and sexual difference in a postcolonial framework. Sati, in Hindu, means the *good wife* (Spivak, 1988: 98). It is a ritual which consists of widows immolating themselves after their husbands die. Spivak describes the ritual herself as: “the Hindu widow ascends the pyre of the dead husband and immolates herself upon it. This is widow sacrifice” (Spivak, 1988: 93). There is already a certain politics of death that are being articulated in using this example, and these politics rest upon a subjugated sexual difference, one whose itinerary has been effaced and its consciousness lost in the dominant discourse (dominant discourse here means both the local hegemony and the colonial control). The extent to which this ritual expresses the free will of the widow or not is highly problematic, as Spivak presents in her texts different interpretations of it by going back to the original Hindu scriptures and by looking at how the British handled the ritual. The British back then categorized it as “murder, infanticide” (Spivak, 1998: 98), declaring the practice illegal in 1829. With this ban, the ritual was reworked by the British in legal terms and therefore had entered a new territory of operation, that of the law, as Spivak states herself: “In the case of widow self-immolation, ritual is not being redefined as superstition but as *crime*” (Spivak, 1988: 97, original emphasis). The perspective of the British is immediately cast by Spivak as part of the colonial project and the civilizing mission, whereby “white men are saving brown women from brown men” (Spivak, 1988: 93), which makes its ban a form of *reward* to the widowed

women according to her. On the other hand, she also elaborates on the local logic of the ritual, which she summarizes in the argument that “the women wanted to die” (Spivak, 1988: 93). Spivak finds both propositions very problematic, because they both contribute to suppressing the voice of the women involved: “Between patriarchy and imperialism, subject-constitution and object-formation, the figure of the woman disappears” (Spivak, 1998: 102). Indeed, the disappearance of the figure of the women is merely stating the facts: if we want to take Spivak’s example to the letter, the Sati cannot speak because in fact they are dead,¹⁰ and the implications of this death; how this death is negotiated between white men and brown men is what makes this example most interesting. It is interesting in the sense that it demonstrates how female subjectivity becomes a territory of negotiation between the forces of hegemony.

Spivak therefore offers different interpretations as to try to understand this particular situation. She finds Jean-François Lyotard’s idea of the *Différend* very useful in terms of trying to understand the self-immolation of the widow, which remains a site of power negotiation in which the widow is not a negotiating part at all. Lyotard named the *Différend* as a discourse which remains inaccessible and untranslatable in a dispute (Spivak, 1988: 97). As such, since the widow remains absent from the negotiation over the life of women that is happening, Spivak concludes that: “the constitution of the female subject *in life* is the place of the *différend*” (Spivak, 1988: 97). The choice of her words here: *the constitution of the female subject in life*, I think, is very peculiar and it alludes to what I would call a predisposition to an absence of the widow, sustained throughout *the life* with her subjugation to the male subject and finally realized with her death during the act self-immolation.

Spivak also tries to allocate to the husband a sense of place in order to understand how his death contributes to this debate. She theorizes that “the dead husband becomes the exteriorized example and place of the extinguished subject and the widow becomes the (non)agent who ‘acts it out’” (Spivak, 1988: 96). This is Spivak’s attempt to try to extract from the example of Sati the location of the husband and the location of the widow in the ritual. She maintains throughout her text that the husband remains always in a higher position. However, in trying to really understand the self-immolation, she invites the reader

¹⁰ This argument that I make here is rather simplistic, as Spivak’s text reaches beyond only recuperating the voice of the women, and her text serves mostly as a postcolonial critique to the dominant hegemony. However, this argument serves well in engaging a certain form of necropolitics with sexual difference.

to consider again the power invested in the husband and how it extends to the body of his widow in the form of death. Spivak reads the suicide of the Sati women as sacrifice: “with the husband standing in for sovereign or state, for whose sake an intoxicating ideology of self-sacrifice can be mobilized” (Spivak, 1988: 98). Although she briefly mentions this and does not elaborate on how the husband stands in for a sovereign or state, this is an important observation to retain, because it also alludes to the constitution of a sovereign regime in terms of the distribution of sexual difference. Even on a level of comparison, it is peculiar that sovereignty is invoked and is materialized by Spivak in the figure of the husband. However, if the husband stands in for a sovereign, for whom a sacrifice must be made, and if the woman remains silent throughout this sacrifice, then Spivak’s statement can also be read in terms other than a simple comparison. Perhaps it also reveals the necessity of establishing a sovereign regime in dealing with sexual difference within a system of hegemony, in which the sovereign, in all irony, is a dead husband. If the irony of the situation reveals anything, it would be the mutative abilities of the figure of the sovereign, who might be a dead husband as well as a state. If this signifies anything, that would be the mutating abilities of sovereignty, as the flesh of this latter does not necessarily consist only in laws and constitutions, but also its flesh can be figures existing within societies and which assume a position of power (i.e. in this case, the dead husband).

Going back to the interpretations of Spivak in terms of trying to understand the repercussions and the situation in which the widow (woman) finds herself, she does state that, in the case of the Sati, “the constituted sexed subject as female was successfully effaced” (Spivak, 1998: 98). However, she also states that this effacement goes beyond being just a silencing the voice of women. In her attempts to articulate more clearly the place of the widow, she states that:

“the case of Sati as exemplum of the woman-in-imperialism would challenge and reconstruct this opposition between subject (law) and object-of-knowledge (repression) and mark the place of ‘disappearance’ with something other than silence and nonexistence, a violent aporia between subject and object status.” (Spivak, 1988: 102)

This swinging between the status of object and subject recalls Mbembe’s example of the slave, whose subjugation required the maintenance of this figure between a status of subjecthood and objecthood. This claim stresses again on the ambiguity that is being

reworked in order to maintain the subjugated status of female subjectivity, which is neither fully an object nor a subject, but something that in between and that remains inconclusive. As the widow remains absent and her voice silent from the debate over her own body, it would be safe to assume that the establishment of this ambiguity and its subsequent necessary maintenance is one of the techniques by which a subjectivity is captured in a form of vulnerability, thus allowing it to become a space for power to operate necropolitically. And as this power remains hesitant in either granting it the status of subject or completely downplaying it to the status of object, sustaining the ambiguity then is vital in the constitution of such vulnerabilities, their manipulation, their deployment and their life becomes arbitrary.

Sexual Difference as a Site for Necropolitics

What we can see from Spivak's insights on the Sati woman – the good wife – is that both the colonial powers and the locals deploy systems of power which are both dangerous and which both produce the same effect on different levels. While for the British, the defacto sovereign over India at the time of colonial control, they saw no appropriate measure to deal with the Sati woman than to criminalize the practice: this is an exercise of sovereignty at its best: the institution of a law based on the British's universalistic logic and rule, which is also a claim emphasized by Spivak since it demonstrates the operations of hegemony. For the *brown* men however, marking women with the obligation of the act of self-immolation links directly to a practice of a necropolitics which does not necessitate a state of emergency or a State altogether. In this case, self-immolation is the direct result of an instituted sexual difference based on a subjugated female subjectivity, one which is already construed as not only *other*, but a disposable other, whose life is in fact the life of the master (the male). If the value of the *goodness* of the woman is to be determined by the act of voluntary suicide by self-immolation, then the act of abandonment *precedes the abandonment itself*: these women are already-abandoned, for their worth, as subjects, is to be determined by their death.

Here, the death of the woman becomes the sole signifier of their worth, their value. To use Agamben's term, their *bios* (their qualified life as the *good wife*) is in fact their death, which presents us with a paradoxical situation. The difference that these women bear –their sexual difference– s a site of a necropower at work, because in their case the only *good wife* that can exist is a *dead wife*. We should consider that this is not to put the Sati practice in

condemnation, nor to speak of it in terms of political correctness and universalistic values; but it is to highlight how sexual difference, here embodied in the female sexed subject, lives a life that is already dead. This is because the value of the body that immolates itself is already predetermined and already weighed by the Master (the male), the Sati practice can reveal to us in a sense how a sexual difference that is inscribed in an order of power that is patriarchal, can easily become a site of necropolitics. In this case, and as opposed to the example discussed in the previous chapter, we are referring not to certain spaces or certain geographies, but to an imaginary and a discourse which captures sexual difference politically; and which only understands the limit of female subjectivity in its extension on the male subject: the death of this latter, after all, is the main reason of the death of the woman. With the colonizers, the space that is sexual difference becomes a site of power negotiation between the white men and the brown men over the brown women. When the British declared the practice illegal, they captured sexual difference in the order of sovereignty, making it a space of the law. All of this is part of a power negotiation that, as Spivak rightly concludes, withers away with the female subject altogether.

We can then see from this chapter that the construction of the *other* is the primary technology of death that is induced politically. The deployment of necropower here extends itself upon the female subject and takes sexual difference as its primary material and ground of operation. And with this reading of a necropolitics of sexual difference, it is therefore necessary to consider other alternatives. Spivak, in her text, calls for the reinstitution of representational politics, calling on female intellectuals to reinsert the forgotten voices of these women. She states that: “representation has not withered away. “The female intellectual as intellectual has a circumscribed task which she must not disown with a flourish” (Spivak, 1988: 104). With this, Spivak calls onto female intellectuals to engage with subaltern subjectivities.

Such initiatives can be very useful. Nevertheless, the exercise of a politics of representation can be problematic precisely because of what Spivak highlights in her text: that problem of *writing the other by assimilation*, which only contributes to their subjugation. This is the reason why I think that a return to Braidotti’s ideas of the politics of location and the invention of new female subjectivities is necessary. In line with Spivak’s effort to recuperate lost voices, Braidotti emphasizes, as it has been stated earlier in this chapter the

importance of the sense of location. She defines the latter as the attempt to develop a “countermemory” and “alternative genealogies” (Braidotti, 1993: 8), which is precisely what Spivak does in her text. Braidotti, like Spivak, maintains that women do exist in a historical situation which captures them in a subjugated form. She argues “as women, we are firmly attached to a culture and a logic of discourse which has historically defined woman, and the feminine, in a pejorative sense” (Braidotti, 1989: 104). Therefore she highlights the necessity of breaking through this historical condition. As also mentioned earlier, Braidotti sticks to the idea that being-a-woman is a point of departure for any change to be made. She admits that the voice (which means the ability to speak from one’s embodied position) is a central issue in trying to transform the situation of domination altogether. The transformation for Braidotti, implies the acknowledgment and recognition of the voices of other women.” (Braidotti, 1993: 4). Spivak calls for the same thing, but she also highlights the female intellectual as the figure who would be reinserting the voices of these women into history. The issue with Spivak’s proposition lies in the fact that it centers on the figure of the intellectual as the instrument by which the voice of the female silenced subject is recuperated. This still contains the risk that Spivak tries to highlight all the way in her text: by speaking for the subaltern, the intellectual risks to shadow the voice of the subaltern. Braidotti, on the other hand, by resorting to a methodology which refuses the centrality of a certain subjecthood or linearity of conceptualizing that subjecthood proposes a more consistent methodology in dealing with these questions. For example, she refers to transdisciplinarity as the “the crossing of disciplinary boundaries without concern for the vertical distinctions around which they have been organized” (Braidotti; 1993: 3), thus advocating a style which rejects certain figures of representations.

These are important issues to consider and reflect upon, as sexual difference remains trapped in its destined historical situation, which sometimes can lead to death, or to silence, as we have seen from the example of the Sati. Braidotti states that “the question for the feminist subject is how to intervene upon the notion of Woman in this historical context, so as to create new conditions for the becoming-subject of women here and now.” (Braidotti 1993: 9). The task, therefore is, to precisely figure out how to become-subject, away from sovereign politics and without being trapped in necropolitical operations.

Conclusion

In this thesis, *speaking near* necropolitics is revealed to extend itself on territories, geographies and histories in ways which are worth exploring. As it was mentioned in the introduction of this thesis, necropolitics is a concept which refuses a certain definition and which molds itself according to different geopolitical contexts and histories. As such, the concept raises more questions than it gives answers, which is precisely why it is a useful navigatory tool that is able to describe and interrogate parts of the political reality that have been obscured.

Experimenting and conversing with the concept therefore requires invoking the elements and the conditions in which this concept is produced as a political reality. *Sovereignty, the state of exception, the relation of abandonment* are some of the aspects that I have tried to understand and analyze in this thesis in light of necropolitics. In the broad sense, this concept performs a crucial feedback on the political reality in which we live. Sustaining this feedback in the framework of the debate that necropolitics sparks is necessary as this concept illuminates the discussion on certain aspects of our existence as *subjects* in the world in which we live. As a category of analysis, necropolitics sheds light on some aspects of the distribution of power. The distribution of power is not only an abstraction, but it is also a conditioning element of the organization of societies and communities, and of our production as subjects. This is why it is necessary to reflect on the questions and the issues that necropolitics presents us with, because this exercise also entails the reflection on our very existence.

We have seen in this thesis how sovereignty as a structuring element of power enables necropolitics through mechanisms of exception and abandonment. We have also seen how necropolitics arranges an order of power that is centered around the right to kill and around death. Using the example of the migrants who died in the sea, we have seen in this thesis how necropolitics participates actively in the creation of death-worlds, with the complicity of bureaucracy. In the last chapter of this thesis, which remains highly experimental, the concept of necropolitics has been pushed to other areas, in the attempt of analyzing sexual difference as a site and a space of necropolitics from a postcolonial perspective.

The reflection on necropolitics therefore would always require extending the concept to new territories of analysis and of investigation. In these concluding remarks, I would like to emphasize Bridotti's idea of speaking from one's location. The politics location enables to reflect and analyze concepts which are problematic in more prudent and careful ways. As a student, my task in this thesis is to investigate necropolitics theoretically. But this location, as a student should not impede me from pursuing other terrains in dealing with necropolitics. The deployment of death politically remains a problematic and controversial issue as it also puts us in the discomfort of dealing with questions that are ethically sensitive. This feeling of discomfort has accompanied the writing of this thesis from beginning to end, as I was faced with questions about the human condition that actually reveal more about the *inhumanity* of this condition than anything else. However, it is important also to recognize the importance of such task, even if it yields discomfort. Necropolitics confronts its reader with the extreme forms of power distribution, which simultaneously confronts the reader with the horrors of the human condition: death and killing. In this sense, by analyzing the sites of necropolitics, for which I have chosen migration and sexual difference as two examples, has also created in me the curiosity of pursuing these issues ethically, beyond my location as a student and as a researcher. The process of articulating and developing ethical positions in dealing with political issues is always in process.

Nevertheless, the concept of necropolitics can also be pursued in questioning and interrogating other aspects of our reality, such as democracy which remains a system that is taken for granted despite the fact that it is well inserted into the sovereign order. It is therefore very important that some of these questions are raised. A theoretical intervention in the concept of necropolitics must also bring forward the question of resistance, at least on political terms. As the structure of sovereignty as a political form prevails, either in political terms or in terms of ruling over subjectivities (i.e. upon female subjectivity), it is also necessary to push this concept to its limit and wonder about *a politics outside of sovereignty*.

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