

# What Is a Camp?

WHAT HAPPENED in the camps exceeds the juridical concept of crime to such an extent that the specific political-juridical structure within which those events took place has often been left simply unexamined. The camp is the place in which the most absolute *conditio inhumana* ever to appear on Earth was realized: this is ultimately all that counts for the victims as well as for posterity. Here I will deliberately set out in the opposite direction. Rather than deducing the definition of camp from the events that took place there, I will ask instead: *What is a camp? What is its political-juridical structure? How could such events have taken place there?* This will lead us to look at the camp not as a historical fact and an anomaly that—though admittedly still with us—belongs nonetheless to the past, but rather in some sense as the hidden matrix and *nomos* of the political space in which we still live.

Historians debate whether the first appearance of camps ought to be identified with the *campos de concentraciones* that were created in 1896 by the Spaniards in Cuba in order to repress the insurrection of that colony's population, or rather with the *concentration camps* into which the English herded the Boers at the beginning of the twentieth century. What matters here is that in both cases one is dealing with the extension to an entire civilian population of a state of exception linked to a colonial war. The camps, in other words, were not born out of ordinary law, and even less were they the product—as one might have believed—of a transformation and a development of prison law; rather, they were born out of the state of exception and martial law. This is even more evident in the case of the Nazi *Lager*, whose origin and juridical regime is well documented. It is well known that the juridical foundation of internment was not ordinary law but rather the *Schutzhaft* (literally, protective custody), which was a juridical institution of Prussian derivation that Nazi jurists sometimes considered a measure of preventive policing inasmuch as it enabled the “taking into custody” of individuals regardless of any relevant criminal behavior and exclusively in order to avoid threats to the security of the state. The origin of the *Schutzhaft*, however, resides in the Prussian law on the state of siege that was passed on June 4, 1851, and that was extended to the whole of Germany (with the exception of Bavaria) in 1871, as well as in the earlier Prussian law on the “protection of personal freedom”

(*Schutz der persönlichen Freiheit*) that was passed on February 12, 1850. Both these laws were applied widely during World War I.

One cannot overestimate the importance of this constitutive nexus between state of exception and concentration camp for a correct understanding of the nature of the camp. Ironically, the “protection” of freedom that is in question in the *Schutzhaft* is a protection against the suspension of the law that characterizes the state of emergency. What is new here is that this institution is dissolved by the state of exception on which it was founded and is allowed to continue to be in force under normal circumstances. *The camp is the space that opens up when the state of exception starts to become the rule.* In it, the state of exception, which was essentially a temporal suspension of the state of law, acquires a permanent spatial arrangement that, as such, remains constantly outside the normal state of law. When Himmler decided, in March 1933, on the occasion of the celebrations of Hitler’s election to the chancellorship of the Reich, to create a “concentration camp for political prisoners” at Dachau, this camp was immediately entrusted to the SS and, thanks to the *Schutzhaft*, was placed outside the jurisdiction of criminal law as well as prison law, with which it neither then nor later ever had anything to do. Dachau, as well as the other camps that were soon added to it (Sachsenhausen, Buchenwald, Lichtenberg), remained virtually always operative: the number of inmates varied and during certain periods (in particular, be-

tween 1935 and 1937, before the deportation of the Jews began) it decreased to 7,500 people; the camp as such, however, had become a permanent reality in Germany.

One ought to reflect on the paradoxical status of the camp as space of exception: the camp is a piece of territory that is placed outside the normal juridical order; for all that, however, it is not simply an external space. According to the etymological meaning of the term *exception* (*ex-capere*), what is being excluded in the camp is *captured outside*, that is, it is included by virtue of its very exclusion. Thus, what is being captured under the rule of law is first of all the very state of exception. In other words, if sovereign power is founded on the ability to decide on the state of exception, the camp is the structure in which the state of exception is permanently realized. Hannah Arendt observed once that what comes to light in the camps is the principle that supports totalitarian domination and that common sense stubbornly refuses to admit to, namely, the principle according to which anything is possible. It is only because the camps constitute a space of exception—a space in which the law is completely suspended—that everything is truly possible in them. If one does not understand this particular political-juridical structure of the camps, whose vocation is precisely to realize permanently the exception, the incredible events that took place in them remain entirely unintelligible. The people who entered the camp moved about in a zone of indistinction between the outside and the inside, the exception and the rule, the licit

and the illicit, in which every juridical protection had disappeared; moreover, if they were Jews, they had already been deprived of citizenship rights by the Nuremberg Laws and were later completely denationalized at the moment of the “final solution.” *Inasmuch as its inhabitants have been stripped of every political status and reduced completely to naked life, the camp is also the most absolute biopolitical space that has ever been realized—a space in which power confronts nothing other than pure biological life without any mediation.* The camp is the paradigm itself of political space at the point in which politics becomes biopolitics and the *homo sacer* becomes indistinguishable from the citizen. The correct question regarding the horrors committed in the camps, therefore, is not the question that asks hypocritically how it could have been possible to commit such atrocious horrors against other human beings; it would be more honest, and above all more useful, to investigate carefully how—that is, thanks to what juridical procedures and political devices—human beings could have been so completely deprived of their rights and prerogatives to the point that committing any act toward them would no longer appear as a crime (at this point, in fact, truly anything had become possible).

If this is the case, if the essence of the camp consists in the materialization of the state of exception and in the consequent creation of a space for naked life as such, we will then have to admit to be facing a camp virtually every time that such a structure is created, regardless of the nature of the crimes committed in it and

regardless of the denomination and specific topography it might have. The soccer stadium in Bari in which the Italian police temporarily herded Albanian illegal immigrants in 1991 before sending them back to their country, the cycle-racing track in which the Vichy authorities rounded up the Jews before handing them over to the Germans, the refugee camp near the Spanish border where Antonio Machado died in 1939, as well as the *zones d'attente* in French international airports in which foreigners requesting refugee status are detained will all have to be considered camps. In all these cases, an apparently anodyne place (such as the Hotel Arcade near the Paris airport) delimits instead a space in which, for all intents and purposes, the normal rule of law is suspended and in which the fact that atrocities may or may not be committed does not depend on the law but rather on the civility and ethical sense of the police that act temporarily as sovereign. This is the case, for example, during the four days foreigners may be kept in the *zone d'attente* before the intervention of French judicial authorities. In this sense, even certain outskirts of the great postindustrial cities as well as the gated communities of the United States are beginning today to look like camps, in which naked life and political life, at least in determinate moments, enter a zone of absolute indeterminacy.

From this perspective, the birth of the camp in our time appears to be an event that marks in a decisive way the political space itself of modernity. This birth takes place when the political system of the modern nation-state —

founded on the functional nexus between a determinate localization (territory) and a determinate order (the state), which was mediated by automatic regulations for the inscription of life (birth or nation)—enters a period of permanent crisis and the state decides to undertake the management of the biological life of the nation directly as its own task. In other words, if the structure of the nation-state is defined by three elements—*territory, order, and birth*—the rupture of the old *nomos* does not take place in the two aspects that, according to Carl Schmitt, used to constitute it (that is, localization, *Ortung*, and order, *Ordnung*), but rather at the site in which naked life is inscribed in them (that is, there where inscription turns *birth* into *nation*). There is something that no longer functions in the traditional mechanisms that used to regulate this inscription, and the camp is the new hidden regulator of the inscription of life in the order—or, rather, it is the sign of the system's inability to function without transforming itself into a lethal machine. It is important to note that the camps appeared at the same time that the new laws on citizenship and on the denationalization of citizens were issued (not only the Nuremberg Laws on citizenship in the Reich but also the laws on the denationalization of citizens that were issued by almost all the European states, including France, between 1915 and 1933). The state of exception, which used to be essentially a temporary suspension of the order, becomes now a new and stable spatial arrangement inhabited by that naked life that increasingly cannot be inscribed into the order. *The increasingly widen-*

*ing gap between birth (naked life) and nation-state is the new fact of the politics of our time and what we are calling "camp" is this disparity.* To an order without localization (that is, the state of exception during which the law is suspended) corresponds now a localization without order (that is, the camp as permanent space of exception). The political system no longer orders forms of life and juridical norms in a determinate space; rather, it contains within itself a *dislocating localization* that exceeds it and in which virtually every form of life and every norm can be captured. The camp intended as a dislocating localization is the hidden matrix of the politics in which we still live, and we must learn to recognize it in all of its metamorphoses. The camp is the fourth and inseparable element that has been added to and has broken up the old trinity of nation (birth), state, and territory.

It is from this perspective that we need to see the reappearance of camps in a form that is, in a certain sense, even more extreme in the territories of the former Yugoslavia. What is happening there is not at all, as some interested observers rushed to declare, a redefinition of the old political system according to new ethnic and territorial arrangements, that is, a simple repetition of the processes that culminated in the constitution of the European nation-states. Rather, we note there an irreparable rupture of the old *nomos* as well as a dislocation of populations and human lives according to entirely new lines of flight. That is why the camps of ethnic rape are so crucially important. If the Nazis never thought of carrying out the "final solution" by impregnating Jewish



women, that is because the principle of birth, which ensured the inscription of life in the order of the nation-state, was in some way still functioning, even though it was profoundly transformed. This principle is now adrift: it has entered a process of dislocation in which its functioning is becoming patently impossible and in which we can expect not only new camps but also always new and more delirious normative definitions of the inscription of life in the city. The camp, which is now firmly settled inside it, is the new biopolitical *nomos* of the planet.

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