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The bare life in the al-Hol camp in Syria

The case of the Swedish children

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Abstract

This paper aims to understand the constitution of the al-Hol camp in Syria, where thousands of women and children from 57 different countries are detained in subhuman conditions. I did that by studying the case of the Swedish children, motivated by the contradiction that those children did not get help even though they belong to one of the most liberal welfare states in the world. As a result, part of them died freezing in the camps. I applied Giorgio Agamben's theory of bare life to understand this case. I started by introducing Agamben's theory critically. Then I applied his theoretical framework to analyze the discourse that the Swedish Foreign Ministry has used in its response to the UN. By analyzing this discourse, I argue that those children have been constituted by the sovereign power of the Swedish state as homo sacers living bare life in the al-Hol and Roj camps in Syria.

Key words: Al-Hol camp, Swedish Children, ISIS, Syria, Sweden, Bare Life, State of Exception, Giorgio Agamben, Biopolitics, Political Theory, International Relations.

Words: 10 952.

To the children who died freezing in the al-Hol and Roj camps in Syria, Your death is the total testimony of the triumph of the state of exception.

And to you, Giorgio Agamben, reading your books was a turning point for me as a political science student and as a human, even though it kept me on the threshold of bare life, swinging between my previous life as a refugee, and my new life as a citizen, in this 'zone of indistinction'.

F.A

“Today it is not the city but rather the camp that is the fundamental biopolitical paradigm of the West.”

Giorgio Agamben, *Homo Sacer*, p. 181

“The tradition of the oppressed teaches us that the state of emergency in which we live is not the exception but the rule.”

Walter Benjamin, *Selected Writings, Volume 4, 1938-1940*, p. 392.

“The invisible presence of the *homo sacer* as the potential of modern state -the potential which can be made into reality once ‘the conditions are right’ brings into relief once more the most terrifying, and still most topical, aspect of the ‘Holocaust experience’: that in our modern society people who are neither morally corrupt nor prejudiced may also still partake with vigour and dedication in the destruction of targeted categories of human beings; and that their participation, far from calling for the mobilization of their suspension, obliteration and irrelevance.”

Zygmunt Bauman, *Modernity and the Holocaust*, pp. 249-250.

“My fear is that the indefinite detainment of prisoners of Guantanamo, for whom no rights of appeal will be possible within federal courts, will become a model for the branding and management of so-called terrorists in various global sites where no rights of appeal to international rights and to international courts will be presumed.”

Judith Butler, *Precarious Life, The Powers of Mourning and Justice*, p. 100.

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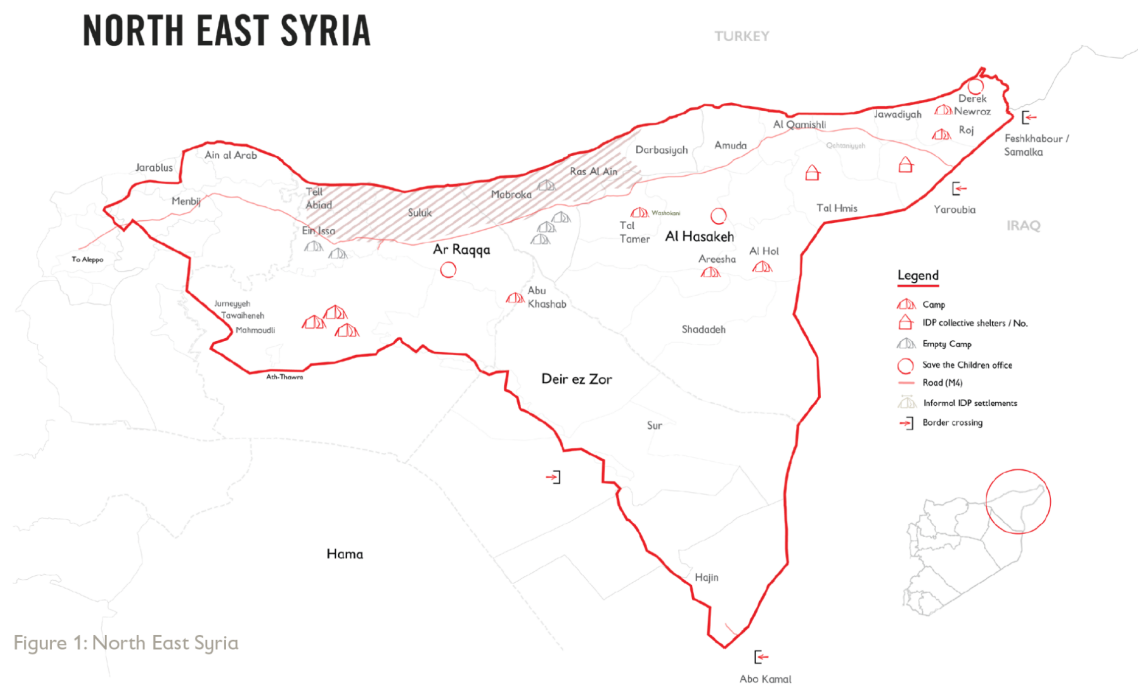


Figure 1: North East Syria

Figure 1: North East Syria (NES), source: (Gorevan, D, and Achilles, K., 2021:5).



Figure 2: A general view of al-Hol on 6 September 2021. Photo credit Muhannad Khaled/ Save the children. Source: (Gorevan, D, and Achilles, K, 2021:12).



Figure 3:¹ Children in Roj camp, NES, Foto Credit RTC Sweden, Source: (RTC, 2021:6).

¹ Many thanks to Repatriate the Children (RTC)- Sweden for granting me permission to use this image.

1. Introduction

After the collapse of the so-called Islamic State in Iraq and Syria (ISIS), also called (IS) or (Daesh), The families who were living under the rule of ISIS were captured and detained. Men and adult children above 12 years old were put in crowded prisons. Women and children under 12 years were detained in three different camps; al-Hol, Aen eas, and Roj, in North-East Syria (NES), under the de facto authority of the Autonomous Administration of North and East Syria (AANES). The biggest one was the al-Hol, with a capacity to contain around 10 000 people, which later was forced to include more than 60 000 detainees belonging to 60 different nationalities exposed to unbearable vulnerability. Fifty percent of the al-Hol population are under 12 years (Gorevan, and Achilles, 2021:3). With around 22 000 foreign children (RTC, 2021:12).

Fionnuala Ni Aolain, the UN Special Rapporteur on the promotion and protection of Human Rights and Fundamental Freedoms while Countering Terrorism, described the al-Hol camp as European Guantanamo (Hedberg, 2021, 8 Feb), where women and children live in “horrific, subhuman conditions” (SVT, 2021, 8 Feb). The UN experts describe the situation that “Thousands of people held in the camps are exposed to violence, exploitation, abuse, and deprivation in conditions and treatment that may well amount to torture or other cruel, inhuman or degrading treatment or punishment under international law, with no effective remedy at their disposal.” (UN, 2021, 8 Feb). Save The Children International (Gorevan, and Achilles, 2021) also reflected in their report about the al-Hol, a mini Hobbesian world more than a refugee camp, where tents burn, children are kidnaped and killed, and violence is part of everyday life.

Al-Hol is closer to being a city than a camp. This city exists outside any legitimate sovereignty, in a blurred juridical position. The UN called 57 countries including Sweden by naming them to take back their citizens from (NES), as part of their legal responsibility due to international Law, (Hedberg, 2021, 8 Feb). The media used to portray those women and children as “monolithic adherents to ISIS ideologies” (Gorevan, and Achilles, 2021:5) by calling them ‘ISIS children.’

Swedish children in the al-Hol and Roj camps were around (unconfirmed) 80 in 2019, which became (confirmed) to 22 in 2021 (RTC, 2021:7). The Swedish government did not offer to help them come home and refused the UN claims about the legal responsibility of Sweden to repatriate Swedish citizens. As a result in 2019 four Swedish children died; one of them died because of the cold weather. The case of the Swedish children was shocking because their situation reflects the extreme opposite of the picture of Swedish childhood. Jennie Sivenbring mentioned that this case reflects the contradiction between the picture of Sweden as a liberal, civilized society and the way it handles the case of its people in the al-Hol (Sivenbring, 2021:538). This contradiction motivated me to understand this case, which put Sweden on the UN shame list among totalitarian countries. If we can understand the case of the Swedish children in the al-Hol, we can also understand the case of al-Hol in general as I argue. To understand this case, I will use Agamben's *bare life* theory.

Agamben is an Italian philosopher; he was a student of Martin Heidegger, influenced by Hanna Arndt, Michel Foucault, and Walter Benjamin. In his theory about *bare life*, Agamben concluded that the camp is "the hidden paradigm of the political space of modernity" (Agamben, 1998:123). Following Agamben's approach, I will argue that the children in the al-Hol and Roj camps can be understood as homo sacers living bare life in the camps. This bare life is a production of the Sovereign power. I will apply this theory in the discourse that the Ministry of Foreign Affairs has used in Sweden, which was addressed to the UN. Sweden refused the UN's call to repatriate its citizens by using the discourse of sovereignty. As a consequence of this discourse as I will argue, the children could not return to Sweden, and part of them died.

Agamben wants to do a radical shift in political theory. I found his theory reasonable to be used in this case, and beyond this case, to be an alternative paradigm in political science. Agamben awakened fear inside me, and he convinced me, especially after seeing his theory materialized in many concrete examples since 9/11. My goal besides understanding the case of the al-Hol camp is to spread this awakening and center Agamben theory as a crucial theory in political science. This goal will translate into a literature review by focusing on the genealogy of Agamben's theory, his primary sources, how he elaborates his theory, and how I will use this theory in my case study.

I will also address the main criticism against his theory, my response to that, and how this reflects in my analysis. In my theoretical framework, I will elaborate in parallel, on Agamben's ontology with mine and how I will use his ontology in my analysis.

My theoretical framework is based on post-structuralism and its post-positivist ontology and epistemology; I will clarify this in detail later. The method that I will use is Laclau and Mouffe's discourse theory with some modification. The primary data is the Swedish response to the UN about the Swedish citizens in NES and Svenska Dagbladet (SVD) news about the death of the Swedish children in Syria. Another secondary data came from the Swedish media and NGOs like Save The Children and Repatriate The Children: Sweden (RTC).

The research question is: *How can we understand the case of the Swedish children in the al-Hol and Roj camps by using Agamben's theory of bare life?*

2. Previous Studies

Agamben is a controversial scholar; his theory considers as "Copernican revolution" (Negri, 2007:111) in the western political ontology, which has an impact on; political science (Edkins et al., 2004; Norris (ed), 2005; Matthew and DeCaroli (ed), 2007), human rights (Lechte and Newman, 2013) and in philosophy in general (Moran and Salzani (ed), 2005). Therefore, I reviewed previous references to see his theory's contextualization in the broad field of political and social science. I will include the main relevant points in this review.

I will also depend on Agamben's main books; *Homo Sacer* (1998), *Remnants of Auschwitz* (2002), *State of Exception* (2005), *The Signature of All Things, On method* (2009), and *What is Real?* (2018). I will argue both for Agamben's theory and my case study in this review. So I do not need to repeat the same argument to defend my analysis in my case study against the same kind of criticism.

2.1 The genealogy of Agamben's theory

Agamben's central concept in his theory is *Bare life*, "the life of homo sacer (sacred man), who may be killed and yet not sacrificed, and whose essential function in modern politics we intend to assert" (Agamben, 1998:8). Agamben argues that modern sovereignty produces bare life; the "sovereign sphere is the sphere in which it is permitted to kill without committing homicide and without celebrating a sacrifice" (Agamben, 1998:83). According to this relation, "the production of bare life is the originary activity of sovereignty." (Ibid). Where there is a sovereign power, there is the constitution of bare life.

Agamben expanded the historical development of his concept and took us back to ancient Greece. The current English word, life, is expressed in ancient Greece in two different terms; *Zoe*, "which expressed the simple fact of living common to all living beings (animals, men, or gods)" (Agamben, 1998:1), and *Bios*, "which indicated the form of way of living proper to an individual or a group." (Ibid). Agamben argues that this distinction is reflected in Plato and Aristotle's texts; when they speak about political life, they mean qualified life or *Bios*, not simple natural life *Zoe* (Ibid). The outcome of this distinction was that natural life was excluded from the polis (Ibid:2). This distinction is reflected in the *Politics* of Aristotle, which "become canonical for the political tradition of the West" (Ibid).

Aristotelian definition of living animal as qualified life dominated western politics until the "threshold modernity" (Foucault, 2020 (1976):143). As Agamben cited (Agamben, 1998:3), "For millennia man remained what he was for Aristotle: a living animal with the additional capacity for political existence; Modern man is an animal whose politics places his existence as a living being in question." (Foucault, 2020(1976):143). It was the birth of biopower, where "politics turns into biopolitics" (Agamben, 1998:3), and "territorial state" tuned to be "state of population" (Ibid). Foucault argued that In the state of population, the prison, *the Panopticon*, became a paradigm of modern society, "Is it surprising that prisons resemble factories, schools, barracks, hospitals, which all resemble prisons?" (Foucault, 2020(1975):228). In this modern society, the primary function of the state is to create '*docile bodies*' (Foucault, 2020(1975), especially pp:135-169). This modern state has, according to Foucault, the possibility to "protect life and to authorize a Holocaust" (Agamben, 1998:3). This point was helpful to Agamben's

theory. Nonetheless, Foucault's theory needed to be modified or completed according to Agamben, as we will see. Agamben replaced Foucault's prison with the camp as a paradigm "Today it is not the city but rather the camp that is the fundamental biopolitical paradigm of the West" (Agamben, 1998:181). So, Auschwitz is not a marginal event, as much central to understanding Western politics.

Hannah Arendt was another source of Agamben's theory, especially her approach to the concentration camps. In her book, *The Human Condition* (1998/1958), she analyzed the relation between *Homo laborans* and natural life, and how this is integrated into the center of current politics (Agamben, 1998:3). According to Agamben, what was missing in Arendt's analysis is the biopolitical perspective in understanding the totalitarian power and concentration camps. For instance, Arendt argues that "The concentration camps are the laboratories in the experiment of total domination, for human nature being what it is, the goal can be achieved only under the extreme circumstances of human-made hell" (Arendt, quoted in Agamben, 1998:120). While Agamben has another approach, the concentration camps took place as consequences of the biopolitics era that Europe has entered with the modern state. "For Arendt the production of *Muselmänner* is antipolitical, ...for Agamben, it is the emergence of the essence of the political." (Norris, 2005:263). The *Muselmänner* here considers the ultimate form of bare life; this will be clarified later.

Without including biopolitics in the analysis, which is missing in Arendt's view, we can not understand the concentration camp as Agamben argues. Arendt and Agamben, argue that Nazi ideology per se is not enough to understand the camp, especially as the first concentration camp in Germany was established before the Nazis came to power (Agamben, 1998:167). The transformation from politics to biopolitics constituted totalitarian politics (Agamben, 1998:120). Arendt included rational actors in her analysis, which has a goal to control and dominate; while Agamben adopted a post-structuralist approach, there is no human agency; the camp is a production of the discourse of sovereignty.

Other studies from different schools support this argument; for example, the Frankfurt school- except Hebrams- understood the Holocaust and the rise of Nazism and fascism, and other

totalitarian regimes as a consequence of the 18th-century enlightenment project and its sophisticated development in technology, see, for instance, *Dialectic of enlightenment* (Horkheimer and Adorno, 2002). The link between the modern worldview and Holocaust was also obvious to the sociologist Zygmunt Bauman in his celebrated book, *Modernity and the Holocaust* (1991). He argues that the Holocaust is a production of modernity.

Foucault, from his side, failed or maybe did not have time because of his early death to use a biopolitical perspective to study totalitarian states and death camps (Agamben, 1998:4). Another gap that Foucault has left, was his abandonment of analyzing Juridico- Institutional, as a consequence of his refusal to study power in its classical definition, and replacing it by studying power as a relation instead (Agamben, 2009:13). This abandonment led to blind spots in Foucault's works, according to Agamben, "Hidden point of intersection between the juridico-institutional and the biopolitical model of power." (Agamben, 1998:6). Agamben argues that Foucault's theory needs to be complete.

Zoe was not included in polis only as a consequence of the modern state and its biopolitics power. It exists at the beginning of the Western theory of politics with Aristotle. But the difference that the *Zoe* was margin to polis in the old polity, what did happen with the modern state, in the biopolitics era, that it "bring(s) to light the secret tie uniting power and bare life" (Agamben, 1998:6). The paradox here is that by including bare life into politics with the modern state, it is excluded also from politics. Bare life is included and excluded at the same time, by the state of exception. "In Western politics, bare life has the peculiar privilege of being that whose exclusion found the city of man." (Agamben, 1998:7). By doing that, Agamben argues that he could bridge the blind spot that has been left by Foucault. In sum, the Western metaphysical mission was to politicize the bare life (Agamben, 1998:8).

Agamben concluded that we need to make radical changes in our approach to politics, or as Negri describes it a 'Copernican revolution'. This new understanding will be the base of Agamben's political philosophy "The fundamental categorial pair of Western politics is not that of friend-enemy but that of bare life-political existence, *Zoe/bios*, exclusion/inclusion" (Agamben, 1998:8). In this sense, there is no difference between the liberal and communist

states, and the difference between those, and Nazism and fascism, the only difference is that Nazism and fascism “transformed the decision on bare life into the supreme political principle” (Agamben, 1998:10). Foucault has a similar understanding, “Nazism alone took the play between the sovereign right to kill and mechanisms of biopower to this paroxysmal point. But this play is in fact inscribed in the workings of all states.” (Foucault, 2003:260). Nazi only take it to ‘final solution’, while this priority exists in all modern states, capitalists and socialists. Foucault’s theory lacks the main concept of Agamben; *bare life*, but it supports his argument about the essence of the modern states, that the left/right dichotomy can not help to make sense of the behavior of the modern states when it comes to using the sovereign right.

Foucault argues also that the ‘final solution’ took place in Germany not because it was the most anti-Semitic country; many countries in Europe were much more anti-Semitic than Germany, like France. The final solution took place as a consequence that Germany was the most sophisticated country and for its disciplinary power and biopower, “No state could have more disciplinary power than the Nazi regime” (Foucault, 2003:259). While only Nazis consider an absolutely suicidal and racist state. It was obvious that Agamben inherited this conclusion from Foucault, which he did not deny, “The dimension in which the extermination took place is neither religion nor law, but biopolitics” (Agamben, 1998:114). It supports the argument about the importance of biopolitics to understand the function and the outcomes of the modern states, like the Holocaust and the Gulag.

Agamben argues that we need to replace *bare life* as the main concept to understand politics instead of the classical paradigm, “Once their fundamental referent becomes bare life, traditional political distinctions (such as those between Right and Left, liberalism and totalitarianism, private and public) lose their clarity and intelligibility and enter into a zone of indistinction.” (Agamben, 1998:122). For Agamben, this made sense of ex-communist in Serbia turned to lead “program of ‘ethnic cleansing’” (Ibid), and the rise of fascism and neo nazism in Europe now (Ibid).

The idea that the state of exception is not linked only to a totalitarian regime as much as a consequence of a historical era reflected earlier in Walter Benjamin’s writing, who concluded

that “The tradition of the oppressed teaches us that the state of emergency in which we live is not the exception but the rule.” (Benjamin, 2003:392; see also Agamben, 2005:57). Agamben adopted Benjamin’s thesis and developed it into a paradigm considering Benjamin’s debate with Carl Schmitt about the state of exception (Agamben, 2005, especially ch 4).

Agamben’s bare life theory was developed and published in 1998 when the liberals or part of them celebrated *the End of history* as Fukuyama argued (2006), after the decline of the totalitarian communist bloc. The EU extends to Eastern Europe, as did Nato. Even Vladimir Putin wanted to join Nato and be western (Rankin, 2021, 4 Nov). China planned to join the World Trade Organization (WTO) and was in the process of liberalizing its economy. The political scene encouraged optimism, at least from a liberal point of view, but Agamben could not be optimistic. He insists on his theory about the bare life and the state of exception. What happened after 9/11 brought his theory to the scene again. He returned to affirm his theory in a new book, *State of exception* (Agamben, 2005), and elaborated more on the case of Guantanamo Bay detention camp as another version of Auschwitz, and a new production of bare life.

“The USA Patriot act issued by the U.S. Senate on October 26, 2001, already allowed the attorney general to ‘take into custody any alien suspected of activities that endangered ‘the national security of the United States’What is new about President Bush’s order is that it radically erases any legal status of individual, thus producing a legally unnamable and unclassifiable being. Not only do the Taliban captured in Afghanistan not enjoy the status of POWs as defined by the Geneva Convention, they do not even have the status of persons charged with a crime according to American laws. Neither prisoners nor persons accused, but simply ‘detainees,’ they are the object of pure de facto rule, of a detention that is indefinite not only in the temporal sense but in its very nature as well, since it is entirely removed from the law and from juridical oversight. *The only thing to which it could possibly be compared is the legal situation of Jews in the Nazi lager(Camps), who, along with their citizenship, had lost every legal identity...As Judith Butler has effectively shown, in the detainee at Guantanamo, bare life reaches its maximum indeterminacy!*” (Agamben, 2005:3,4); see also; Butler, 2004:ch 3).

It was crucial to include this lengthy quote from Agamben because many criticized him for this approach, which will help clarify this point later. In addition, I need it in my case study when I compare this case with mine. Moreover, this materialization of Agamben’s theory will support his argument against those who criticized him for being ‘metaphysical’ as we will see. Agamben

¹ The emphasis in italic by me.

concluded that the state of exception would extend even more, “It is not possible to return to the state of law” (Agamben, 2005:87). What he did is a matter of demystification of discourse that rules this current moment. He aims to expose “the fiction that governs this arcanum Imperii (secret of power) par excellence of our time” (Agamben, 2005:85). Because we live in a dangerous moment where “the state of exception has today reached its maximum worldwide deployment. The normative aspect of law can thus be obliterated and contradicted with impunity by governmental violence that while ignoring international law externally and producing a permanent state of exception internally- nevertheless still claims to be applying the law” (Agamben, 2005:87).

Agamben’s theory awakened fear inside me, especially after seeing a state of exception materialized in concrete examples worldwide. It will support my argument about the al-Hol camp as a consequence of the discourse of sovereignty. When Sweden refused by using the discourse of sovereignty the UN’s call to follow the international law of Human rights, it reflected a new era of the extension of the state of exemption. It is not Sweden which was described before as a “Humanitarian superpower” (Pierre, 2016:10) that refuses human rights law. The new era that Sweden entered has been mentioned earlier by the Swedish political scientists who noticed the decline of Swedish exceptionalism (Pierre, 2016:1-16). As an icon state in the liberal world, Sweden could not be an exception in producing bare life and following the global trend to act not to its exceptionalism but instead due to a state of exception, as I will clarify later.

2.2 Criticism and reservation on Agamben’s theory

Agamben’s theory was criticized by many scholars from different disciplines. For instance, William Connolly (2007) argues that Agamben ignored the shift that happened to sovereignty in Globalization, “Agamben pays little heed to the changed global context in which sovereignty is set” (Connolly, 2007:35). This point is valid to show what is missing in Agamben’s theory. For example, Auschwitz happened in the course of the nation-state, while in the case of the al-Hol camp it is taking place in the ‘post-nation state’ era. I will consider this point to develop the notion of bare life and the sovereign state in the global context. I will also consider Connolly’s evaluation by bringing Hardt And Negri to his analysis.

As has been discussed previously, Agamben put Auschwitz as a paradigm of Western politics; it does not matter if it is a totalitarian regime or a liberal regime. The main criticism from Carl Levy (2010) addressed this point. Levy argues that it is inappropriate to compare Auschwitz with Guantanamo or refugee camps. This comparison, according to Levy, insults the memory of the victims of Auschwitz (Levy, 2010:100,101). This point is important to be clarified because the same criticism could be addressed to my argument in my case study. Therefore, covering this point will cover mine also. In fact, Agamben did not suggest moral equality between Nazi camps, refugee camps, and Guantanamo camp (Lechte and Newman, 2013:99). As Agamben carefully clarifies, what combines Auschwitz with Guantanamo camp is their legal position, see p. 8.

The ‘metaphysical’ aspects of Agamben’s analysis were criticized by many scholars also, like Andrew Norris (2005) and Philippe Mesnard (2004). Mesnard argues that Agamben’s metaphysical theory reflected a radicalization of Heidegger’s thoughts (Mesnard, 2004:141). This metaphysical approach “lack(s) of an historical outlook” (Ibid:148). The central paradigm in his thought, *Muselmänner*, as Mesnard argues, was a consequence of “radicalizing Levi’s word”² (Ibid:145). Hence, this concept can not be considered as an outcome of the real Auschwitz as much as belonging to Agamben’s thought, “Agamben ignores this reality by establishing his ‘Muselmann’”(Ibid:150). Hence, this concept “reified into its own representation” (Ibid:151), according to Mesnard.

Agamben indeed used a metaphysical approach to politics, especially in his book *Homo sacer*; but this enriched his argument and strengthened it. To make ‘Copernican revolution’ in political science needs to deconstruct the ontological foundation of the current leading paradigm, see a further argument to this point on pp. 15-17. Besides, he supports his argument with juridical-historical examples in his book *State of exception*. So it is not accurate to claim that he lacks the historical aspects. In addition, the Holocaust and producing *Muselmänner* have been studied before by various scholars, who concluded the essentiality of the Holocaust and

² Primo Levi was a Jewish prisoner in Auschwitz; he used the word ‘*Muselmänner*’ in his diary in the camp, which was published later, see Agamben, 2002.

Muselmänner as a concept in Western politics. For instance, from a socio-historical perspective, Richard Rubenstein and John Roth conclude that “Civilization itself now includes death camps and Muselmänner among its material and spiritual products.” (Rubenstein and Roth, 1987:324). Furthermore, Zygmunt Bauman adopted Agamben’s concept about *bare life* in his later revision of his book *Modernity and the Holocaust*, “The invisible presence of the *homo sacer* as the potential of modern state -the potential which can be made into reality once ‘the conditions are right’ brings into relief once more the most terrifying, and still most topical, aspect of the ‘Holocaust experience: That in our modern society people who are neither morally corrupt nor prejudiced may also still partake with vigour and dedication in the destruction of targeted categories of human beings; and that their participation, far from calling for the mobilization of their suspension, obliteration, and irrelevance.” (Bauman, 1991:249,250).

Bauman, is far from being a metaphysical theorist, and his conclusion crosses with Agamben’s that the Holocaust belongs to the present, it does not belong to the museum. It is a political paradigm, not just a historical event. It exists as a hidden matrix in the current political paradigm, waiting ‘once the conditions are right’ to materialize again. In this sense, Muselmänner can not be Agamben’s production, as Mesnard argues, as much as Western production. The novelty with Agamben is that he developed this concept to be a paradigm.

Many scholars criticized Agamben’s theory from inside post-structuralism, or it was more “reservations” (Laclau, 2007:11) than being criticism. Especially since they share with Agamben the same theoretical framework that he used. Criticism was directed mainly in the direction of his pessimism (Edkins, 2007:70), and his nihilist aspects “Political nihilism is his ultimate message” (Laclau, 2007:22).

The most important criticism and most helpful to my paper is Negri’s paper (2007). Negri argues that Agamben has its own interpretation of Heidegger. “The disenchantment of politics” (Negri, 2007:112) was the goal of Agamben, motivated by skepticism that occupied the second part of the twentieth century. The nihilist statue in Agamben’s analysis was not a problem in itself for Negri, as much as how to answer the question: “Can nihilism be overturned as well?...where would this occur” (Negri, 2007:114). In another way, Negri wonders if Agamben can keep using

Heidegger's ontological analysis by reading it positively, a "progressive use or...an alternative use of Heidegger" (Negri, 2007:115). We can see here that Negri looks for a kind of human agency because the absence of agency in Agamben's analysis disturbed Negri's Marxist background. At the same time, Negri succeeded in returning Agamben's nihilism to Heidegger. For him, we should look there to overturn this nihilist moment and find a sort of human agency that can make a change. Negri did not hesitate also to describe Agamben as a "weak postmodernist" (Negri, 2007:116). At the same time, he admired his genius for bringing ontology to the center of his thought (Ibid:117). Furthermore, biopolitics for Negri can be productive; according to Negri, this absence in Agamben's analysis prevents him from seeing the ability to change and takes him out of his nihilist worldview (Ibid:122).

Negri himself is a post-structuralist. He applied a Gramscian-post-structuralism approach to world politics in his celebrated books; *Empire* (2000) and *Multitude* (2005), which were written in cooperation with Michael Hardt. Negri and Hardt tried to overcome the nihilist aspect of post-structuralism by emphasizing the agency of *Multitude* in the age of *Empire*. *Empire* is the central concept to Negri and Hardt after "the decline in sovereignty of nation-states"(Hardt and Negri, 2000:xi) in the process of globalization, led that sovereignty transformed into another sphere beyond the nation-state level. Hence, "sovereignty has taken a new form, composed of a series of national and supranational organisms united under a single logic of rule. This new global form of sovereignty is what we call Empire." (Hardt and Negri, 2000:xii) This new form of sovereignty has no fixed territorial center, nor fixed boundaries (Ibid: xii). It offers "new possibilities to the forces of liberation" (Ibid: xv). This new power is called *Multitude*; a network power considered "the living alternative that grows with Empire." (Hardt and Negri, 2005:xiii). *Multitude* is another main concept that represents the biopolitical struggle in the age of the Empire.

According to Negri and Hardt, biopolitics is not only a source of subjugation and creating docile bodies, it creates counter-power that leads to liberation and genuine democracy. Negri and Hardt, in their books, showed a counterproject to the nihilism of Agamben, even though they agree with him in describing the current era as a "state of constant war" (Hardt and Negri, 2005:xiii), which

contrast with Agamben's states of exception. Nevertheless, they differ from Agamben in their optimism and hope for a better future.

Negri has two main aspects that offer support to my paper; the first one is his concept of *Empire* and the transition of sovereignty to the Empire level. I do not agree with him about the decline of the nation-state's sovereignty, because the nation-state still has power; we can talk about the weakness of the nation-state. We had an even more globalized economy than the current one in 1870-1914 (Hirst. et al., 2009), then it ended with an intense form of the nation-state. This current era could be followed by a strong form of nation-states. That is why I will be more careful to adopt this Marxist or new Marxist linear understanding of history. I do not believe we are in the process of decline, but I agree about that transition of sovereignty to what he calls Empire level in some aspects, and just for the current moment, it is not a linear process. This will cover the criticism from Connolly (2007:35) that Agamben's analysis does not consider this transition. Therefore, the state of exception of Agamben will elaborate partly on the global level by using Hardt-Negri's concept of Empire besides the nation-states level. This will help to understand the rise of ISIS as a non-sovereign state in the course of this transition, hence, producing stateless bare lives children inside its territory, I will clarify this later in pp. 23,24.

The second approach of Negri and Hardt is the possibility of changing or finding the agency of multitudes. Even though the idea of Negri and Hardt looks interesting to be adopted, many would like to believe that this possibility exists, about a real future of global democracy and genuine liberalism. However, they did not convince me during my enjoyable reading of their books; *Empire* and *Multitude*. I still see the specter of Marx inside their biopolitical analysis. So, I will not adopt this part in my paper, see further discussion on pp. 26,27. Negri and Hardt's thoughts have been reviewed and criticized by many International Relations scholars, see for instance (Tarak and Laffey, 2002; Walker, 2002).

Judith Butler from her side (2004) applied Agamben's theory in her reflection on Americans' 'War on terror'. Butler noticed how the US suspended the role of law by declaring a state of emergency. Sovereignty is "emerging precisely at the moment when the rule of law is suspended and withdrawn" (Butler, 2004:60). Law is considered an instrument to justify a state of

emergency, “law deployed tactically and partially to suit the requirements of a state that seeks more and more to allocate sovereign power to its executive and administrative powers” (Butler, 2004:55). In the case of Swedish children in the al-Hol and Roj camps, we will see how the Swedish government used the same tactic in defending the actions of its executive power to not repatriate the Swedish citizen from NES.

For both; Butler and Agamben, Guantanamo was the concrete outcome of this discourse, where the prisoners were reduced to bare life in indefinite detention outside the authority of law in no man’s land. In this example and using Agamben, “postmodern works seek to show how sovereign states, even liberal democrats, constitute themselves through exclusion and violence” (Devetak, 2005:175). For Butler, Agamben, and me, considering the most liberal states in our analysis helps to reveal the matrix beyond the current political system.

2.3. The al-Hol camp in the previous studies

The studies about the al-Hol camp were motivated mainly by the security approach. Jennie Sivenbring (2021) chose to analyze the narrative of the Swedish media about the Swedish children and the process of repatriation in light of the convention of the child’s rights. According to Sivenbring, the children are represented as “a new kind of people,” which is danger and dangerous. She also explained how this case was securitized by approaching the children as possible terrorists (Sivenbring, 2021:545). Sivenbring’s paper is useful to my analysis; the children in the al-Hol as a ‘new kind of people’ contrast with Agamben’s concept of bare life. Sivenbring’s paper did not tell us the discourse that constitutes the al-Hol camp. Her paper has no aim of understanding the camp as a political phenomenon with its ontological foundation in western politics, which will be the mission of my paper.

3. Theoretical Framework

3.1 Ontology

Ontology is the crucial part of understanding the bare life in the al-Hol camp, “ontology lies at the beginning of any inquiry” (Cox, 1996:144), and it exists expressly or implicitly in any research. By using Agamben’s theory about bare life, it is essential to clarify the ontology on which his theory is based. Agamben belongs to the “philosophical militant” (Ugilt, 2014:15), he believes that there is a question of ontology that can not be separated from the inquiry that researchers make. Hence, “ontology itself is practice” (Ibid), and “Think ontologically means to act” (Ibid). By adopting this approach; Agamben refuses the Kantian distinction between ‘pure reason’ and ‘practical reason.’ This kind of ontology leads “to situate philosophy directly within the political arena,...To invent what I call the ‘philosophical militant,’ to make philosophy into a militant practice in its presence, in its way of being: not simply a reflection upon politics, but a real political intervention” (Badiou, 2012:xii; see also, Ugilt, 2014:14). The central concept of Agamben can not be understood without explaining the cruciality of his ontological thinking; that is why I need to clarify this point.

Heidegger’s effect was apparent in Agamben’s claim that to understand the history of politics; one must understand the history of metaphysics first (Norris, 2005:264). Ontology is no anymore a transcendental issue, something we could avoid or has nothing to do with, in our political analysis. Agamben follows the rest of the post-structuralists that “instead of seeing a distinction between theory and practice, sees theory as practice” (Campbell and Bleiker, 2016:198; see also Jorgenson and Phillips, 2002:4). Ontology is a matter of act. Here, we can see how this novelty in Agamben’s theory has been reflected in his call for a new paradigm in politics.

In this paper, I adopt the same post-positivist ontology that Agamben adopts in his approach. What motivated me to do that is the recent discovery in Quantum physics makes it hard to see reality independent of us. World, or reality constituted by the observer, As Werner Heisenberg argues, “We have to remember that what we observe is not nature in itself but nature exposed to our method of questioning,...as Bohr has put it, of the old wisdom that when searching for

harmony in life one must never forget that in drama of existence we are ourselves both players and spectators.” (Heisenberg, 2000:25). The world exists within, and we can not separate ourselves from it; we constitute it by how we question it. By using Heisenberg and Niels Bohr, I argue against those who claim that post-structuralism is “unsystematic and unscientific” (Kurki, 2008:191). The claim of positivists that post-structuralism is unscientific is accurate in the course of classical physics (Newton theory) which monopolized for decades the identification of what is considered as ‘science’ with its claims of objectivity and neutrality. While new physics based on *probability* refuses this claim. This supports also the argument that human science should not follow the method of classical natural science (here we are talking about Cartesian dualism; res extensa and res cogitans, (Heisenberg, Ch:5)). Because even natural science has changed its method in Quantum theory and became closer to human science with *Heisenberg’s uncertainty principle*, “therefore, the two processes, that of science and that of art are not very different.” (Heisenberg, 2000:66). In summary, there is no independent reality from a scientific perspective, which contrasts with the post-positivism ontology that I adopt in my paper.

On another side, Agamben himself showed interest in elaborating more on his ontology with Quantum theory and modern physics theory in his book *What is Real?* (Agamben, 2018). It will be hard to use his concept in a positivist or even constructivist sense based on positivist ontology. In this sense, post-structuralism ontology refuses any essential ontological foundation of human beings and any universal claim linked to that. For Agamben, “The ontological foundation is therefore not a solid foundation, but rather a zone of blurred distinctions” (Ugilt, 2014:17). The Quantum uncertainty principle is reflected here in his concepts. For instance, one of the main concepts of Agamben, the *Muselmänner*, a concept used in Auschwitz for those who lived in a blurred zone, and their humanity had been taken away, but they kept their basic natural being; the naked life or bare life. This zone of indistinction formed Agamben ontology. Therefore, this will be adopted in my analysis, and this concept will be used to analyze the case of the children who died freezing in the al-Hol camp. They are neither insider nor outsider, neither citizens, nor refugees, neither innocent children nor terrorists; they are at the threshold, in an uncertain and blurred area. The positivists can not understand what Agamben means, like how Cartesians can not understand the Quantum uncertainty principle.

Refusing any essential reality leads to another criticism against this kind of ontology, which is denying reality. If everything exists in discourse, it means no solid world exists, which challenges ‘common sense,’ because everyone knows that there is a material world, this table, this computer, etc! Post-structuralism argues that “the fact that every object is constituted as an object of discourse has nothing to do with whether is a world external to thought, or with realism/idealism opposition...What is denied is not that...objects exist externally to thought, but the rather different assertion that they could constitute themselves as objects outside of any discursive condition of emergence” (Laclau and Mouffe, 2014:94). The al-Hol camp exists, but this existence can not be understood as I argue without the discourse of sovereignty. The camp as “the fundamental biopolitical paradigm of the West” (Agamben, 1998:181) materialized as consequences of this discourse.

3.2 Epistemology

Following post-structuralism that there is nothing outside the discourse, or like how Derrida insists, “there is nothing outside the text.” (Derrida, 2016:172). This entails that we do not have access to objective truth; neither researcher can claim any kind of neutrality. There is no independent truth to discover, as much as how ‘reality’ or ‘truth’ is constituted. The primary mission is to understand, not explain (Hollis, 1994:143). The reality in this sense is “products of our way of categorizing the world” (Jorgensen and Phillips, 2002:5). This led Wittgenstein to understand social reality as a *game* and actors following the *role* of this game, which opposes the notion of the rational actor of game theory (Hollis, 1994:143,144). Quine, from his side, understands science as a “web of belief” (Ibid:77). On the other hand, the French tradition with post-structuralism has a similar understanding; social reality should be understood from within. Reality is constituted discursively; hence, to gain knowledge about reality, we need to study its discourse. As Foucault emphasized that “there is no knowledge without a particular discursive practice, and discursive practice may be defined by the knowledge that it forms.” (Foucault, 2002:201).

Post-structuralism refuses the basic assumption of positivism; the correspondence theory of truth and that the language reflects reality, the universal validity of the positive scientific language, and its validity to studying human science (Campbell and Bliker, 2016:202). Instead,

post-structuralists affirm on “social constitution of meaning, the linguistic construction of reality, and historicity of knowledge” (Ibid). According to this epistemology, my goal is to understand, not explain, and find the discourse that constituted the bare life of the children in the al-Hol camp.

The main criticism against this epistemology is motivated by ‘Cartesian anxiety’ among the positivists in their search for a ground to knowledge. Post-structuralism believes in relativity; this principle is attacked by the positivists because they argue that adopting relativity means that anything goes. From a scientific perspective, Paul Feyerabend argues that “All methodologies have their limitations and the only ‘rule’ that survives is ‘anything goes’” (Hollis, 1994: 89). I have mentioned before to Quine and his argument that science should consider as a “web of belief,” hence, “Nature has become a myth or cultural posit, like the gods of Homer or every physical object which we bump into” (Hollis, 1994:82). Thomas Kuhn, from his side, supports this relativity by including the social and political factors in constituting what is the ‘normal science,’ which opens the door to the sociology of science. Quine also argued that “science is selective and seeks the truths that count for most, either in point of intrinsic interest or as instruments for coping with the world.” (Quine, 1961:xi). This argument challenges the correspondence theory of truth, the observer can not capture facts, and language is not a transparent tool to describe independent reality. Language instead constitutes reality. This constitution happens via discourse. The words of the Swedish authority, the sovereign words, constituted the Swedish children in the al-Hol as homo sacers, as I will argue in the analysis section.

3.3 Concepts

The main concepts that I will use in my analysis are; *Bare life*, *state of exception*, *homo sacer*, and *muselmänner*. I have explained those concepts in my review of Agamben’s theory, and I will repeat it in short here.

Bare life is the life that “may be killed but yet not sacrificed”; no one will question the responsibility of this death. Sovereignty produces the bare life. State sovereignty appears in the state of exception when the basic laws suspend. State of exception is legitimized by the state

sovereignty's power. In the state of exception, the sovereignty produces homo sacer, which took its ultimate concrete materialization in the camp. The camp is the production of the modern state. Muselmänner is constituted when the homo sacer took its ultimate appearance.

Muselmänner is a concept used in Auschwitz (Agamben, 2002, ch 2) to describe the Jews who lost their ability to be human, and reached "the 'bottom' of the human being" (Agamben, 2002:54). The Muselmann, which means the Muslim, "marks the threshold between the human and the inhuman" (Agamben, 2002:55). The Muselmann considers, without saying any words or leaving any testimony, the 'complete witnesses,' "they are those who 'touched bottom': the Muslims, the drowned....the drowned have nothing to say,...they have no 'story,' no 'face'" (Agamben, 2002:34). Muselmann, as a concept used by the Holocaust historians for "the person who is died while alive and whose death is no longer a human death" (Rubenstein, and Roth, 1987:323). Agamben took this concept from the testimony of the prisoners of Auschwitz, he transformed it into a paradigm (Agamben, 2002:ch 2; Agamben, 2009:ch1). Every prisoner is homo sacer, and the ultimate stage of homo sacer is Muselmann. I will use this concept in my paper to analyze the case of the children of the al-Hol camp, whose death was 'no longer human death' due to the state's sovereign power as I argue.

4. Methods and Material

As I argued earlier, the world does not exist outside discourse, and there is no access to reality. The only possible knowledge is understanding the discourse and the process of constituting reality. With this ontology, discourse analysis becomes a suitable method. By applying this method, I will argue that the sovereign power of the state constitutes the al-Hol camp and the bare life of its people. I will adopt Laclau and Mouffe's discourse theory (Jorgensen and Phillips, ch 2) because I do not include any non-discursive or material factors like how it is in Critical discourse analysis. I will argue that the al-Hol camp and its people are productions of the discourse of sovereignty, and they are not producing the discourse; this also differs me from discursive psychology (Jorgensen and Phillips, 2002:7). The people of the al-Hol are pure production of the discourse; they do not produce the discourse; hence I will stick in this detail with Laclau and Muffes's approach to discourse analysis. By adopting this view that discourse

constitutes our world, I am not marginalizing the material world and only focusing on texts and talk because “entities such as the economy, the infrastructure, and institutions are also parts of discourse” (Jorgensen and Phillips: 2002:19). The al-Hol camp, with its location in the Syrian desert and its tents with guards and surveillance that prevent people from going outside the camp, is considered part of the discourse. The dirty water tanks and the lack of health care, doctors, and nurses are part of the bare life and the discourse of dehumanization of more than 60 000 homo sacers, women, and children by the global system. The UN could not do anything as a consequence of the protection that the 57 countries have due to their sovereign power, as I will argue.

My goal is not to unmask objective reality but rather “to explore how we create this reality so that it appears objective and natural” (Jorgensen and Phillips, 2002:33). I have reservations about Laclau and Mouffe’s discourse theory in which they see discourses in a conflicting picture, one of those discourses tries to achieve hegemony over the others. I follow Foucault and Agamben after him to identify one ruling discourse in each historical period (Jorgensen and Phillips, 2002:13). So I have only one discourse here; the discourse of sovereignty. To apply this method, I will first define the main nodal point; sovereignty. The sovereignty that produces bare life. Hence, the state, through its sovereign power, produces *Zoe* (unqualified life) and *Bios* (qualified life) and constitutes camps like Auschwitz, Guantanamo, and the al-Hol in my case. This is the hidden matrix that I will unveil in my analysis when it comes to understanding the constitution of the al-Hol camp.

The data that I will use are primary data and secondary data. The primary data is (OHCHR, 2021, 21 Mar); the response by the Government of Sweden to The Office of the High Commissioner for Human Rights (UN Human Rights) (OHCHR), which exists on the website of OHCHR. Another primary data is the SVD news about the death of Swedish children in Syria. (SVD, 2019) “Fyra svenska barn kan ha dött i SyrienLäger”. This data was crucial because it represents the formal argument by the Swedish Government in their answer to the UN and the response to the death of the Swedish children in the camps. I used secondary data like (Sivenbring, 2021), Waiting is not an option (RTC, 2021), and When am I Going to Start to Live? (Gorevan, and Achilles, 2021), and other sources from the media about al-Hol.

5. Analysis

5.1 Sovereignty between Sweden and the UN

The United Nations used naming and shaming tactics to push the 57 countries to repatriate their citizens from NES. (UN, 2021, 8 Feb). Fionnuala Ni Aolain from the UN appeared on the Swedish media as a kind of lobby to push Sweden to act, especially that until spring 2021- when the UN escalated its lobbying- “no Swedish children have received any help in repatriation” (Sivenbring, 2021:537). While Kazakhstan, for instance, repatriated 410 children, and consider an aspiration model (Gorevan, and Achilles, 2021:37). The issue was crucial to the UN; if the liberal states do not care about their children, how can the UN convince the rest of the states to care? According to Save the Children, it will take more than 30 years to repatriate foreign citizens from NES if we continue at the same tempo (Save the Children, 2022, 23 Mar). It means that we have possible Indefinite detention, like how it was in Guantanamo. There is no legal guarantee for how long those women and children will stay in this detention, in this no man’s land.

Sweden, represented by the Director-General for Legal Affairs in the Ministry of Foreign Affairs responded to the Office of the High Commissioner for Human Rights in Geneva (OHCHR, 2021, 21 Mar). I will analyze this written response, to define the nodal point that constitutes the Swedish argument and how this affects the situation of the Swedish children in the al-Hol camp. Sweden argues that they do its best to find a solution to the situation in the camp (OHCHR, 2021, 21 March). When it comes to the women who have Swedish citizenship, Sweden argues that they “may commit crimes” (Ibid), and those crimes happen outside the Swedish sovereignty. Hence, the land where those crimes or possible crimes did happen, has a responsibility to prosecute them in local courts in NES (Ibid). In addition, the Ministry of Foreign Affairs in Sweden advised Swedish citizens not to travel to Syria; hence, Sweden has no responsibility to those who did not follow this recommendation, as the representative of Sweden argues (Ibid).

Sweden refused the UN claim about “Sweden’s legal responsibility for its citizens in the camp” (Ibid). Sweden argues that the UN interpretation is wrong because according to the international human rights law, “Jurisdiction is mainly limited to the territory of the relevant state” (Ibid), therefore, Sweden has nothing to do with camps existing outside its sovereignty like the al-Hol and Roj camps. Sweden argues that the only way to make a state responsible according to international law is when it exercises extraterritorial jurisdiction outside its borders when this state has de jure or de facto authority or on this territory, directly or by a local proxy authority (Ibid). However, even from this perspective, Sweden argues that they have no responsibility because “Sweden does not exert effective control over the relevant territory in NorthEast Syria, either directly or indirectly”(Ibid). Therefore, Sweden has no legal responsibility to repatriate the Swedish citizens there, according to this argument.

The UN argued earlier that the situation in the camps reached the threshold of torture according to international law; hence Sweden has a responsibility to “protect the right to life” (Ibid). Consequently, this makes Sweden responsible in case their citizens are violated because of the situation in case they did not repatriate them. The argument about the responsibility to perpetuate violence by not repatriating those citizens was also refused by the Swedish authority, “Government obviously refutes any claim that Sweden could be held responsible for perpetrating human rights violation in connection with the situation in the al-Hol and Roj camps” (Ibid). Again, Sweden talks as a Sovereign state, defending itself due to its sovereign power. According to that, Sweden has no sovereignty over al-Hol or Roj camps, “The government holds that Sweden is under no legal obligation to repatriate its citizens currently located in the al-Hol and Roj camps.” (Ibid), because the women “may have committed serious crimes, including association with Daesh”(Ibid), this led Sweden to conclude that “The government is not under any obligation to explore the possibilities to repatriate the women” (Ibid). Moreover, when it comes to the children, “the goal is for the children with links to Sweden to be brought to Sweden, if and when possible.” (Ibid). On that account, the children will not be repatriated, because if Sweden does not want the mothers, this means they can not bring the children because AANES refused to separate children from their mothers (Ibid).

The Swedish argument is motivated by considering this case as an emergency case, which needs to prioritize security over basic human rights like the right to life for children. Even though this securitization can not function outside the discourse of sovereignty. Furthermore, the argument of Sweden is about sovereignty, not security. It could be motivated by security, but the discourse of Sweden used sovereign language to argue against the UN. and the UN was powerless in front of the discourse of sovereignty by Sweden and the rest of the 57 countries.

Sweden tried, according to this report, to make life in the camps “more bearable” (Ibid), with its financial aid. This aid does “not target any particular nationality” (Ibid). It is for all who need help, especially women and girls as Sweden argued. Sweden here also wants to emphasize that what it did in the camps was motivated by its general humanitarian responsibility to help people in crisis, and not because they have to do that due to legal responsibility to its citizens. That is why humanitarian aid is for everyone. But, unfortunately, this help could not save four Swedish children from death, one of them died freezing.

Sweden based its argument on its sovereign power; according to that, Sweden has a responsibility to the Swedes who live under the sovereignty of Sweden. Meanwhile, the Swedes who live outside the Swedish sovereignty can not get help. The Swedish children will get aid like other children in the camps. The nodal point here is state sovereignty, and this sovereignty constituted and produced *Zoe* and *Bios*. The qualified Swedish (*Bios*) live inside the discourse of sovereignty, inside Swedish territory, while unqualified Swedish (*Zoe*) live outside the discourse of sovereignty. Sovereignty as a nodal point leads to key signifiers and constituting identity for those inside the state sovereignty and those outside the state sovereignty. Those children who live in the al-Hol and Roj camps are not like the children who live in Sweden. The children inside the Swedish territory would not die freezing, and if this happened, this would lead to legal and political responsibility.

5.2 Stateless children

The children in the al-Hol and Roj camps, part of them born in the territory of so-called Islamic states. The Islamic states (ISIS) have no legitimacy in the international system, hence, they have

no de jure sovereignty over the territory they rule. Like the other children who were born in the territory ruled by ISIS, the Swedish children have no legitimate proof of their nationalities. Neither Syria nor other states or any international agencies would recognize the document from ISIS. The absence of sovereignty in ISIS territory constituted stateless children. So, basically, they do not have any juridical existence; they are homo sacers, living bare life in the al-Hol, and Roj camps. In this new form of the problem when a territory lacks sovereignty, Negri and Hardt could help us with their concept of Empire. In the age of Empire and its endless war on terror, there is a transition of sovereignty to a new form, beyond sovereign state. This passage is going on. Consequently, this blurred transition era produces territory without sovereignty, like the Guantanamo detention camp, and a more obvious example, is the territory of so-called Islamic states. This geography exists in the 'real' sense, but it does not exist legally due to a lack of sovereignty. The debates between the UN and the 57 countries that have people in the al-Hol about who has responsibility reflect this new blurred era. This transition in sovereignty produced those children as homo sacers.

Not just the children who could not prove their identity are considered stateless, even those who proved their identity, but, when their countries refused to take them back it constituted them as stateless, "Western countries' refusal to repatriate prevents their citizens from exercising their right to nationality and their right to return to their home country. Thus, the children become de facto stateless when countries refuse to take them back" (Luquerna, 2020:148). So, both ISIS and those countries who refused to repatriate their children constituted the children in the al-Hol as stateless homo sacers. In both cases, exercising sovereignty of the 57 countries and the absence of sovereignty in ISIS territory constituted this fact. Hence, sovereignty is the main nodal point.

5.3 Ungreivable Muselmänner

When Butler applied Agamben's theory, she argued that in the detainee at Guantanamo, bare life reached its maximum indeterminacy, she did not hide her fear that "the indefinite detainment of prisoners on Guantanamo. ...will become a model for branding and management of so-called terrorists in various global sites where no rights of appeal to international rights and to international courts will be presumed" (Butler, 2004:100). I argue that the state of exception escalated even more and took another extremist form in the case of the al-Hol camp. In

Guantanamo, the prisoners were mainly men, while in al-Hol, they were mainly children under 12 years. Stateless children, part of them died because of lack of clean water and because the tents could not protect them from cold weather. Even though some of them belong to the richest and most liberal countries in the world, these rich countries could offer good tents for their children. In Guantanamo, the prisoners are linked in some way or another to terrorism, while those under twelve years old children have nothing to do with terrorism. Butler in 2004 did not even imagine that her fear could be possible in this version of bare life in the al-Hol, where children were treated as threats, as terrorists, and died freezing, stateless homo sacers.

RTC mentioned that Swedish children were around 80 in 2019, then it became 22 in 2021. With the lack of documents, the disappearance of the children was not a big issue, especially since there was no interest in identifying them. It was the opposite; instead of helping the children to be identified, Sweden used this situation to hinder bringing them home. The argument of the Swedish Ministry of Foreign Affairs is based on “their citizenship is difficult to determine; thus, there are no international legal obligations to help the children” (Sivenbring, 2021:550). We can see here how a sovereign state constitutes bare life; those children, stateless children, have no right to be protected by their country because they lack citizenship. As Sivenbring mentioned, we can use Butler’s concept about ungrivable lives on them (Ibid), or as I argue, they fit precisely Agamben’s concept about the bare life. Because they have no nationality, they are outside the protection of sovereignty; although these stateless children are living under the threat of death or killing, they have no right to life. Their situation is “as if they are ontologically already lost and destroyed” (Ibid), this ontological destruction as Sivenbring described it happened as a consequence of the sovereign power as I argue, they lost the qualified life by losing their citizenship as a consequence of the decision of the Swedish authority.

When SVD (2019, 2 July) published about the four Swedish children who died in Syria, one of them died because of cold weather. SVD contacted the Swedish Ministry of Foreign Affairs to ask them about this case; they responded that they got such information, but it has not been confirmed yet! According to the SVD, the Ministry of Foreign Affairs can not answer how many Swedish children exist in the camps. The SVD constituted their death as a natural phenomenon; a child died because of cold weather, ungrivable nameless children. No one seems in the SVD

report to have a responsibility, neither the Swedish Government nor the Kurdish authority in NES. The children just died. Homo sacers who died without consequences, their ‘death is no longer a human death’. Here we meet with the bare life in its ultimate appearance so-called Muselmänner. The death of those children without saying any words, without knowing their names, or their families, those ungrievable children are the *complete witnesses* to the bare life in the al-Hol camps. As much as the discourse of sovereignty by its politicians and national media marginalized their death, and depoliticized it, as much their death return as *the total testimony* of the triumph of the era of bare life in the hardcore of the most liberal states in the current world. Those children, with their testimony, argue for Agamben’s thesis that the “state of exception comes more and more to be foreground as fundamental political structure and ultimately begins to become the rule.” (Agamben, 1998:20). The Swedish discourse about those children’s death reflects these facts.

5.4 Discussion

I have already addressed the main criticism against Agamben’s theory and responded to it, See pp. 9-14. Regarding my case study, the possible comment against my analysis could be that I have ignored another possible discourse, like the discourse of Human rights against the discourse of sovereignty. This is a valid point. I have already mentioned why I have a reservation about Laclau and Mouffe’s theory about conflicting discourses where one discourse is hegemonized over the other, see pp. 19-20. In the end, the Sovereign power could decide without considering other arguments even when it comes from the UN. After three years, there are still children in al-Hol. So, the only discourse that appears and decides is the discourse of sovereignty. The UN argument is also based on the discourse of sovereignty which makes the 57 countries responsible for their citizens. The conflict was about how to interpret this discourse juridically.

Another valid point It could address in my paper is being nihilist, pessimistic, and absence of human agency. The same points were addressed to Agamben. My answer is that neither my empirical data nor my theoretical framework encourages me to believe that struggling inside this current system will make a change. “There is no escaping from power, that is always -already present, constituting that very thing which one attempts to counter it with” (Foucault, 2020(1976):83). Any attempt to resist from inside, like fighting for more liberal rights will

strengthen the system. What the Gramscians like Laclau and Mouffe or Hardt and Negri considered agency, seems to be a Sisyphean task. As Foucault argues, the power will form and reshape any resistance, and resistance will strengthen the power. Therefore I stick with Agamben and Foucault and refuse to mix post-structuralism with Marxist aspects. I do believe also that this current leading political system will continue to produce camps and bare life, in harsher versions. However, this is not nihilism if we try to find a solution. Furthermore, the solution, according to Agamben, is to replace this current sovereign system with another. The change needs to be done on the ontological level “the problem moved from political philosophy to first philosophy” (Agamben, 1998:44). Therefore we need to find a “new and coherent ontology of potentiality (beyond the steps that have been made in this direction by Spinoza, Schelling, Nietzsche, and Heidegger) has replaced the ontology founded on primacy of actuality and its relation to potentiality, a political theory freed from the aporias of sovereignty remains unthinkable.” (Agamben, 1998:44). I wanted to address those points at the end, not to open a new argument, as much as it is a call for a new investigation to find a new paradigm in political science instead of this which produces bare life and death camps.

6. Conclusion

In conclusion, I have argued that *Bare life*, as the central concept elaborated by Agamben, provided us a good understanding of the case of the Swedish children in NES. The sovereign power of the state constituted *bare life* that materialized in the al-Hol camp in Syria. I did that by analyzing the Swedish response to the UN, and their argument that Sweden has no legal responsibility because the al-Hol does not exist inside the sovereignty of Swedish territory; hence, there is no legal responsibility. Besides, those children became stateless as a consequence of the lack of recognizable identification of sovereign states. Neither ISIS is considered as a state nor does Sweden want them back, which constituted them as stateless and homo sacers. I have also argued for the cruciality of Agamben’s theory as an alternative paradigm. I did that by introducing his theory and meta-theory critically, then applying them empirically to the case of the al-Hol camp. Finally, I have addressed the main criticism against Agamebns theory and

possible criticism of my approach, like the absence of agency and nihilism. Besides, the claim that it is immoral to compare refugee camps to Auschwitz. I have responded to those points.

This theory could be used in many different cases like the case of Israel as an apartheid state that produces millions of Palestinians as bare lives who live in refugee camps for decades (Amnesty International, 2022; OHCHR, 2022, 22 Mar; IHRC,2022, 22 Feb). Inside western liberal states, this bare life materialized in the ghetto law, like the case of Denmark (The Economist, 2019, 28 Nov) where people are punished discriminately according to where they live, hence, their ethnicity, inside the same state. This could be the most dangerous sign of the shift in Europe to the state of exception, especially since Sweden is now interested in the Danish model (Malmqvist, 2022, 28 April). In China, the program of so-called ‘reintegrate’ or ‘assimilate’ Muslim minorities (Amnesty International, 2021, 10 June) took a harsher version which also could be understood by using Agamben’s theory.

The biggest challenge I had to handle while preparing for this thesis was Agamben’s ambiguous language; this ambiguity was reflected in his concepts. Many scholars complain about that, including Jacques Derrida (Lechte, and Newman, 2013:103,104). This point will hinder political scientists from applying his theory. On the other hand, It seems that many political scientists have the same interest, as Agamben, to elaborate more on the relation between social science and Quantum theory, like the attempt of Alexander Wendt to unify physical and social ontology (Wendt, 2015). This would open the door to bridge the gap between constructivists and natural science. Consequently, Agamben’s theory could lead to more research in the philosophy of Social science.

7. References

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