

On biopolitics and human rights: an analysis concerning humanitarian help

Daniel Arruda Nascimento *

Abstract

With the intention of considering again the relation between Biopolitics and Human Rights, the following lines are devoted once more to the dialogue that Giorgio Agamben establishes with Hannah Arendt. *The origins of totalitarianism* and *The human condition*, published respectively in 1951 and 1958, and *Homo sacer: il potere sovrano e la nuda vita* and *Mezzogiorno senza fine: note sulla politica*, published in 1995 and 1996, shall be our more prominent references. The dialogue will be, however, oriented by the courtship of humanitarian help. We should take seriously the hypothesis of the Italian philosopher hereupon. For one side, the humanitarian sense emerges in our century purified of every political commitment, contributing to consolidate the comprehension of life as mere life, as biological life, as simple fact of being alive. For another side, holding paradoxically the vision of *bare life* as the one dismissed of rights, we could observe that the humanitarian aid replaces the recognition, the assignment and the guarantees of rights. The distribution of food and medicine delays always more the gesture of recognition of equality, the fair assignment of rights and the guarantees of opportunities in order to allow the exercise of those rights. It takes us to the point where we can not avoid anymore the suspicions that a secret solidarity, renewed between the international organizations of humanitarian aid and the forces that they must confront, nourishes the contemporary dreams.

Keywords

Biopolitics; Human Rights; Humanitarian help

* Regular professor to the Institute of Sciences of Society at Fluminense Federal University, in Brazil. He received his graduate education in Law at Fluminense Federal University, finishing in 2000. He was awarded the degrees of Master in Philosophy at Pontifical Catholic University of Rio de Janeiro in 2007 and of Doctor in Philosophy at University of Campinas in 2010. His research focuses predominantly in Political Philosophy. He is the author of "From the end of the experience to the end of the juridical: course of Giorgio Agamben", a book published in portuguese (*Do fim da experiência ao fim do jurídico: percurso de Giorgio Agamben*, São Paulo, LiberArs, 2012).

Resumo

Com o escopo de revisitar a relação entre biopolítica e direitos humanos, as linhas que se seguem se dedicam mais uma vez ao diálogo que Giorgio Agamben estabelece com Hannah Arendt. *The origins of totalitarianism* e *The human condition*, publicados respectivamente em 1951 e 1958, e *Homo sacer: il potere sovrano e la nuda vita* e *Mezzogiorno senza fine: note sulla politica*, publicados em 1995 e 1996, serão as referências mais proeminentes. O diálogo será, todavia, orientado pelo cortejo da ajuda humanitária. Devemos levar a sério as hipóteses do filósofo italiano a este respeito. Por um lado, o humanitário surge no nosso século purificado de todo comprometimento político, contribuindo para consolidar a compreensão da vida enquanto mera vida, vida biológica, simples fato de ser vivente. Por outro lado, aferrando-se contraditoriamente na visão da *vida nua* como aquela desprovida de direitos, podemos observar que a ajuda humanitária substitui o reconhecimento, a atribuição e a garantia de direitos. A distribuição de cestas básicas e remédios adia sempre mais o gesto de reconhecimento da igualdade, a justa atribuição de direitos e a garantia de oportunidades para o exercício de direitos, levando-nos ao ponto de não mais evitar as suspeitas de que uma secreta solidariedade, celebrada entre os organismos internacionais de ajuda humanitária e as forças que deveriam combater, embala os sonhos contemporâneos.

Palavras-chave

Biopolítica; Direitos humanos; Ajuda humanitária

Thinking historically, we can say that modernity brought many elements which contributed, since the beginning of its conception, to the association of human rights to the rights of the individual. The improvement of the status of man as human, the configuration of the subject as the seat of reason and standard of truth, the constitution of a subjective nucleus able to assimilate rights and protected from sovereign power are some of those elements that grew progressively. The moment was at that time auspicious to link human rights to the rights of the natural individual, prioritizing certain senses of the subject and consolidating the endemic individualism. This way was probably the only possible way in order to make recognized human rights. However, the inhabitant of our century hesitates between the worship without measure to the canon of human rights and the distrust. The inhabitant of our century is the one who does not know if giving credibility to the speech in defense of human rights is a task worthy of himself: the doubts are strengthened insofar he can overlook

significantly and warily around. Indeed, the ditch that separates the formal proclamation and the real negation of human rights, in many of our societies, guides us to analysis, critically, which ones are the devices through what human rights could coexist with, and even legitimate, social inequality, structural injustice and acts of violence and war (RUIZ, 2010, p. 195). The twentieth century followed the conflict within a contradictory movement: the effectuation of rights in institutional politics and international rules walked together with the indiscriminate use of violence, including the one that comes from the states (TELES, 2010, p. 287). We wonder how human rights and its rhetoric can operate in reverse since its original prominence.

In a conference which brings the provocative title *Barbarism: user manual*, pronounced in 1994, Eric Hobsbawm demonstrates that the ascension and the downfall of the modern illuminist project have a narrow connection both with the establishment of human rights and the increase of violation of those rights and the barbarism in general. If the validity of a formal declaration of human rights can be associated to the development of the enlightenment, the failure of this one implicates in abandonment concerning the protection of man for the simple fact of being man (HOBSBAWM, 1998, pp. 268-269).

The one who wants to understand deeply the condition of contemporary man – regarding the fact that human beings are the obvious addressees of rights granted to those that are humans – needs nevertheless to read the pages written by Hannah Arendt and published in the middle of twenty century. *The origins of totalitarianism* is an amazing book. It is always over again impressive see how Hannah Arendt, even if she is quite sensible to the necessity of recognition and safeguard of rights to humans, can be able to confront her writings to the precipitate oratory of human rights. Well known is the dedication of her work to the problem of refugees and stateless and, in a highest level, to the relation of decadent rotation between Nation-state and rights of man. The tentative of solving the European political problems creating Nation-states with heterogeneous populations and populations without fixation to territory, as well introducing minority treaties, aroused minorities that feel arbitrarily reduced to the situation of servitude. Since the end of nineteenth century and the first quarter of twentieth century, the emergence of social revolutions, here understood in a large sense, the new geopolitical configurations and the programs of denationalization and denaturalization aroused people that did not belong to any State. The refugees, escaping from their mother countries, theoretically protected by the right of asylum, were united

to the stateless, displaced people with no constitutional protection. The declarations of universal rights, which were proclaimed on the behalf of man, saw their men disappear into a member of a people, “the whole question of human rights, therefore, was quickly and inextricably blended with the question of national emancipation” (ARENDT, 1973, p. 291). The human rights, supposedly unalienable, proved to be unenforceable “whenever people appeared who were no longer citizens of any sovereign state” (ARENDT, 1973, p. 293). Later, “the lost of national rights in all instances entails the lost of human rights” (ARENDT, 1973, p. 299).

We should observe that the analysis of Hannah Arendt do not belong just to the transformations resulting from the totalitarian regimes. The worries of the authoress, expressed in her text, brings us further on, that is to say, brings us to comprehend the situation of that man recipient of human rights accompanied by his modern historical becoming. Even before the totalitarian advent, “it was this spirit of unorganized solidarity and agreement that prevented any government’s exercise of its full sovereign power” (ARENDT, 1973, p. 278). Almost there was no European country that had not, between the two biggest wars, approved any legislation which could allow the rejection and the elimination of an elevated number of its inhabitants if this alternative shows itself as the most appropriate for its government. “No paradox of contemporary politics is filled with a more poignant irony than the discrepancy between the efforts of well-meaning idealists who stubbornly insist on regarding as ‘inalienable’ those human rights, which are enjoyed only by citizens of the most prosperous and civilized countries, and the situation of the rightless themselves” (ARENDT, 1973, p. 279). What did the totalitarian occurrence was to demonstrate that the affirmation of unalienable human rights could only reveal hypocrisy and cowardice (ARENDT, 1973, p. 269). Hypocrisy and cowardice, we must add, that draw out in times, falling back, to a certain degree, to the moment of the institution of rights of man, and extending themselves as inexhaustible predicaments until our days.

Being already far from the horrors of the world wars and beyond an unbearable political euphoria that came afterwards, we arrive to a moment whereon it is more and more important to reconsider the statute of rights of man. The pretended tender and balmy political atmosphere, where we are set in, where all crisis are accounted as if they have only an economical aspect, disguises so the urgency of admitting that we are far behind of the real universal protection as the imminence that great events might shake our confidence in the processes of civilization. Among those academic scholars that

have the intention of updating the thought of Hannah Arendt, connecting it with the unforgettable contributions of Michel Foucault, we shall find Giorgio Agamben. He is aware of the responsibilities that come together with his functions as a professor. The encouragement to philosophical reflections brought with the publication in 1995 of *Homo sacer: il potere sovrano e la nuda vita* can never be despised.

Assumed certain argumentative line, under the eyes of the Italian philosopher: the announce of human rights through universal declarations corresponds to the inscription of life at the calculation of state power; the fracture of the relation between birth and nation leads to collapse the systems of protection; the inclusion of man in the scope of rights just happens in the form of exclusion (NASCIMENTO, 2012, pp. 179-187). All of this, even though it is not possible to ignore that multiple efforts have as horizon the effectuation of such protection and aid – as well on the political, juridical and institutional fields, efforts which are carried by constituted power, by organized civil society or by social movements. Without trusting as in the past in reason and without the conviction on the foundations of their legitimacy, some universal values are, after all, honored by us as long as barbarism must be avoided. This is one of the major factors that engender the conversion of values into law by States, the conception of affirmative public policies, the outbreak of non-governmental organizations and of diffuse social movements, all having as aim the respect of human rights. However, for an inhabitant of our century worried with the destinies of contemporary political thought, it is not senseless to excogitate that the declarations of human rights became a kind of monster with two opposite faces, one directed to self contemplation and another directed to the non-supported victims.

In a essay of 1996, published around one year after *Homo sacer: il potere sovrano e la nuda vita*, Giorgio Agamben draws the attention of his reader to the ambivalence of the *biopolitical* conflict in progress, where liberty and happiness of men are played onto the same land which assigns its subservience to power: the *bare life* (AGAMBEN, 2010, p. 402). Our time is the one where the prominence of calculation and management of life reaches every aspect related to man's life, his liberty, his happiness and the possibility of his destruction. That is very natural for a level of evolution of humanity which achieved for the first time – with its technological development and consequent enhancing of destructive power – the real possibility to extinguish the whole planet (ARENDRT, 1970, pp. 03-04), across a decision taken, for example, by a small group of men representing some government...

From all this discussion follow the complexity that implicates the classification of humanitarian action. Let's come along with the exam belonging to Giorgio Agamben. For one side, the humanitarian sense emerges in our century purified of every political commitment, if *political* is to be comprehended as the service of organization of the city or rather the community of living.

“The separation between humanitarianism and politics that we are experiencing today is the extreme phase of the separation of the rights of man from the rights of citizen, in the final analysis, however, humanitarian organizations – which today are more and more supported by international commissions – can only grasp human life in the figure of bare or sacred life, and therefore, despite themselves, maintain a secret solidarity with the very powers they ought to fight” (AGAMBEN, 1998, pp. 147-148).

Excluding itself to the political range – which is the space of talking and acting as well as it is the space of playing, appearing, pretending and fooling – the humanitarian help contributes to consolidate the comprehension of life as mere life, as biological life, as simple fact of being alive. For the other side, holding paradoxically the vision of *bare life* as the one dismissed of rights, we could observe that the humanitarian aid replaces the recognition, the assignment and the guarantees of rights. The distribution of food and medicine delays, always more, the gesture of recognition of equality, the fair assignment of rights and the guarantees of opportunities in order to allow the exercise of those rights.

The dream which rocks the secret solidarity between the international organizations of humanitarian help and the forces that they should combat, yet if we are counting with the imaginary of those who help without avoiding the bitterness in mouth, correspond to the naïve happiness of the humanitarian photographer when he finds a scene worthy of pity, when he faces the opportunity of a photo that causes compassion and touches the contributor.

The “imploring eyes” of the Rwandan child, whose photograph is shown to obtain money but who “is now becoming more and more difficult to find, alive,” may well be the most telling contemporary cipher of the bare life that humanitarian organizations, in perfect symmetry with state power, need (AGAMBEN, 1998, p. 78).

The most painful to those that want to approach the relation between human rights and humanitarian aid is to realize that the last one keeps the victims in the condition of victims. Furthermore, the most painful is to realize that the justifications

to avoid every step beyond the transitory and lifesaving humanitarian help can only be understood by those who are not in the condition of victims. From the standpoint of the victims, such justifications are not apprehensible and sound as an excuse in order to preserve historical processes of domination.

We should take seriously the hypothesis which asserts that the humanitarian help comes in substitution to recognition, assignment and guarantees of rights. It must be examined with seriousness not only because the organisms that sustain humanitarian aid are in most cases sustained, likewise, by companies and governments used to predatory praxis – or because such activities relieves a sort of feeling of collective guilty (nourished by the uncontrollable and exclusive habit of consumption concerning the medium citizen). Also because, from the standpoint of the victims maintained victims, might only sound amazing the articles of *The Universal Declaration of Human Rights* of 1948, such as the ones where are announced the rights to equal treatment and protection (articles i, ii and vii), to access to tribunals of justice (articles viii and x), to access to public services (article xxi), to security (article xxii), to work and to just remuneration (articles xxiii and xxv), to education (article xxvi) and to culture (article xxvii), insofar is the world divided by economic inequality and unequal power to buy. We should take seriously the mentioned hypothesis because, while a good part of the worldwide resources are consign to the activities of humanitarian aid, we leave aside to another moment in the future the consequences of a slow reflection about what justice means, the implications of necessary distribution of richness and better political participation in community decisions.

What nowadays is universalized and extended until the limit of the condition of the citizen was before observed in the historical situation of the refugees, a problem that remains for almost a hundred years without finding any solution. In a passage published in 1996, in a piece belonging to a chapter with the suggestive title *Al di là dei diritti dell'uomo*, referring to the failure of the international committees for the refugees, Agamben underlines that: “[...] each and every time refugees no longer represent individual cases but rather a mass phenomenon (as was the case between the two world wars and is now once again), these organizations as well as the single states – all the solemn evocations of the inalienable rights of human beings notwithstanding – have proved to be absolutely incapable not only of solving the problem but also of facing it in an adequate manner. The whole question, therefore, was handed over to humanitarian organizations and to the police” (AGAMBEN, 2000, pp. 17-18).

What appears to be protection of life can be not real protection of life. In a situation of a complete deprivation of rights, the right to life does not need to be frontwards threatened in order to have life threatened. This is the argument mobilized by Hannah Arendt: it is possible to create a situation of complete deprivation of rights before undercutting the right to life, what seems ultimately to be the same of the privation of the conditions in which life remains. We are obviously touching the question of the efficacy of a formal declaration of rights... Thereby, protection of liberty can serve for nothing to conserve liberty if it does not come together with the features of liberty (ARENDR, 1973, pp. 295-296). This is a crucial point for Hannah Arendt: “the fundamental deprivation of human rights is manifested first and above all in the deprivation of a place in the world which makes opinions significant and actions effective” (ARENDR, 1973, p. 296).

After some lines in the same chapter, we can see Hannah Arendt emphasizes how paradoxical was the connection of human rights with the notion of human nature. If the human rights were, although just in the beginning or by secondary commitment, attached to the existence of a human nature, in the moment that men of twentieth century emancipate themselves from nature, it became clear that any nature could grant rights. The concept of human rights founded in a supposed human nature fell down in the same instant the victims which historically came forward had lost all belonging to a political community, and all qualities except the fact of being still humans. “The world found nothing sacred in the abstract nakedness of being human [...] the abstract nakedness of being nothing but human was their greatest danger” (ARENDR, 1973, pp. 299-300). Abandoned by the political community, those victims lost every access to rights, whatever humans, whatever civics, being indulged to own nudity, being exposed to violence and to death. “The paradox involved in the loss of human rights is that such loss coincides with the instant when a person becomes a human being in general” (ARENDR, 1973, p. 302).

All things considered, knowing the works of Arendt and Agamben, how not to think that the first one anticipates in a way the thesis of the second one, or that the second one deeply received the influences of the first one? Besides the side by side reading of the two authors, a dispensable document can confirm it: a cordial letter from the student Giorgio Agamben written in Rome in February 21st 1970 and addressed to Mrs. Arendt reveals his admiration and his affiliation. He typewrites: “I am a young writer and essayist for whom discovering your books last year has represented a

decisive experience. May I express here my gratitude to you, and that of those who, along with me, in the gap between past and future feel all the urgency of working in the direction you pointed out?” Concerning the limits of human rights, both seem attentive to the absolute nudity of human condition, both seem to be worried with the human life deemed only by its biological element, what will be hold as a concept for the Italian philosopher: the concept of *bare life*.

Recording that Michel Foucault had defined the difference between the modern *biopower* and the sovereign power of the old State with the accommodation of two symmetric expressions, *make die and let live*, in the second case, and *make live and let die*, in the first case, Agamben will allude to a third expression, which here acts as a satellite image: never more *make die* or *make live*, but *make survive*. The decisive installment of the biopolitics of our century is the production of a adjustable survival, in which what is at stake, every time, is the possibility to overstretch till limits the divisions imposed to humans – divisions, for example, as the one that separates the man and the animal, or the human and the not human (AGAMBEN, 1998, p. 145). What does *to survive* means, we could ask. To survive means *to live in spite of*. To survive is to be alive when the most probable is not to be alive, in other words, is to live when all previsions point to the reverse result. This is the condition of contemporary man? To survive... it is not what the animals do, or at least the smallest animals, those with few defense instruments, in the natural and selvage selective process? *Make survive* means make live beyond the dangers, or means make live after that the experience of life had become manipulated.

The works of Hannah Arendt are not restricted to the analysis of the conditions of the victims that came before and were hit by the totalitarian occurrence. If we have a look to the last pages of the insuperable book which received the title *The human condition*, published in 1958, we can hardly cogitate that her diagnostic of our century could be optimistic concerning human rights. With modern life and the ascension of *labor* and the metabolic activity as the most significant activity of man in world, the *animal laborans* wins. Politically, the attention to the biological conservation of human life became for us the requirement of every human activity.

It is not necessary to be a philosopher to realize that humans are not just something that needs food to eat. A popular song, well known for the Brazilians, has a strophe which is repeated many times with energy or furiousness: *a gente não quer só comida!*, which means *we do not want only food!* (the mentioned popular song is named *Comida*, it was composed by Marcelo Fromer, Arnaldo Antunes and Sérgio Britto, and it

was played for the first time in 1987). Astonishingly, the modern principle of the sacred character of life made empty the human life. From inside this long process of hollowing out, a new biopolitical torrent moved towards biological life, making it the object for official calculations of the government, yet as a matter of laboratory and demographic manipulations.

The most tragicomic side of what we are discussing here, nevertheless, is probably that the abandonment of those addressees of human rights is not perceptible for those who are not abandoned. The reason for this can just be the following one: the violations of rights became commonplaces, trivial, banal. We risk conceiving human rights as something which exists only when it is not necessary or which is absent precisely when it is more indispensable.

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