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Articles

G. Agamben and the Biopolitical Understanding of the Shoah

G. Agambenas ir biopolitinė Šoa samprata

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Abstract: The Italian philosopher Giorgio Agamben, in his *Homo Sacer*-cycle, has developed a new paradigm for thinking the Shoah. Departing from Michel Foucault's biopolitical thought, he argues that modern political power is made possible by the helix-structure of sovereign power and *homo sacer*. Sovereign power is situated at the threshold of the prevailing juridico-political order and can, in a state of exception, violently suspend or establish the law. In this decision, *homo sacer* is legally excluded from the law. When the state of exception is made general, the law of sovereignty governs all life and everyone becomes *homo sacer*. This happened concretely in the Shoah. In the concentration camps, the *Muselmann* is produced. During the Shoah by Bullet, as happened in Lithuania, the generalised sovereign biopolitics turns into radical thanatopolitics.

Keywords: Agamben, Shoah, sovereign power, biopolitics, *homo sacer* .

Summary: Italų filosofas Giorgio Agambenas savo Homo sacer cikle išplėtojo naują būdą, kaip mąstyti apie Šoa (hebr. Shoah). Atsispirdamas nuo Michelio Foucault biopolitinės minties, jis teigia, kad šiuolaikinę politinę valdžią įgalina suverenios galios ir homo sacer spiralės struktūra. Suvereni galia stovi ant vyraujančios juridinės-politinės tvarkos slenksčio ir esant „išimties būklei" prievarta gali suspenduoti ar įsteigti įstatymą. Toks sprendimas teisiškai palieka homo sacer anapus įstatymo. Išimties situaciją pavertus visuotine, suvereno įstatymas valdo visą gyvenimą ir kiekvienas tampa homo sacer. Kaip tik tai vyko Šoa atveju. Koncentracijos stovyklose sukurtas Muselmann. Šoa iššaudant atveju, kaip nutiko Lietuvoje, suvisuotinta suvereni biopolitika virsta radikalia mirties politika.

Keywords: Agambenas, Šoa, suvereni galia, biopolitika, homo sacer.

Introduction

In the "*Threshold*" – the dubious place between the inside and the outside – which concludes the first volume of the imposing *Homo Sacer*-cycle, Agamben introduces six figures (Agamben 2017: 148-154) [1] . At the centre are the *Führer* and the *Muselmann*, flanked on the one hand by the Roman *flamen diale* or sacrificial priest (*Der kleine Pauly* 1967: II, 560-562) and *homo sacer*, and on the other by the *Versuchperson* or the modern medical guinea pig and the comatose patient.

The *Führer* is not an apathetic tyrant or dictator, but his person and word/law coincide with the biological life of the German people (Anckaert & Pollefeyt 1993). The *Muselmann* finds himself in the grey zone on this side of the ethical distinction between good and evil where life is not worth living. The law that coincides with life is confronted with

a life that becomes the rule. Both figures are decisive. They concern the relationship between political power and bare life.

The Blind Spot in Foucault's Biopolitics

In ancient thought, the division was made between *zoè* (life itself) and *bios* (qualified, political life). According to Foucault, a radical shift in power took place at the beginning of the Modern Period: the emergence of biopolitics (Foucault 1976: 175-211). The whole of life became the object of politics. An anatomical politics emerged, which transformed individual bodies into an unprecedented productivity that made capitalism possible. A biopolitics emerged that regulated and controlled demography. The techniques of discipline and health politics exert power over individuals and groups. These objective techniques are accompanied by subjective techniques of individuation in which individuals submit to the power that controls from outside. The body thus becomes the object and subject of political power. There is a double-bind between totalisation and individuation. The docile body is the basis of capitalism and the consumption society. H. Arendt also made this point in *The Human Condition*: the *animal laborans* shapes the Modern Age (Arendt 1958: 79-134).

Biopolitical power is not only repressive, but above all productive. This means a reversal in the functioning of sovereign power. Previously, the sovereign let the subjects live, but he could also make them die. The biopolitical society makes its citizens live, and lets them die.

Foucault's thinking, however, is marked by a blind spot. He can only indicate the "holocausts" (plural), but cannot think: "Jamais les guerres n'ont été plus sanglantes, ..., jamais les régimes n'avaient jusque-là pratiqué sur leurs propres populations de pareils holocaustes" (Foucault 1976: 179). The blind spot concerns the transformation or incorporation of bare life (*zoè*) into the political sphere. This inclusion can only be understood from the insight that the production of the political body is the original work of sovereign power. Through this, the sovereign power decides who belongs or does not belong to the political sphere. And this transformation happens at the decisive moment of the sovereign exception in which the regular, constituted power is suspended. There, bare life coincides with the political sphere. This is the hidden essence or *arcanum imperii* of political power.

The Nomos of the Earth

Agamben conducts his research at the intersection of the institutional-juridical order and the biopolitical model of power. This approach is congruent with his refusal of the word 'holocaust': "The unfortunate term "holocaust" (usually with a capital "H") arises from this unconscious demand to justify a death that is sine causa—to give meaning back to what seemed incomprehensible." (Agamben 2007: 780). In doing

so, he radically distances himself from the intentionalist models that explain the Shoah from a preconceived plan. Within the broad stream of functionalist models, he sees the Shoah rather as the result of a possibility of Western history. Not as the result of a particular rationality (Bauman 1989), but of the functioning of power. He also breaks with any form of ethico-theological thinking.

Agamben dismantles the structure of society and finds a relation of power that precedes the concrete social relation. The production of a biopolitical body is the original work of sovereign power. The secret of political power is the hidden link between sovereignty and bare life. The state of exception, as presented by Schmitt (Schmitt 1921) indicates this hidden foundation [2] .Although in the first part of *Homo Sacer* Agamben mainly argues with the Nazi philosopher of law, in elaborating his project he is guided by two crucial insights from the neo-marxist Benjamin: the link between power and violence and the relationship between the political powers, elaborated in the essay on violence (Benjamin 1977) and the view on the state of exception from the theses on history (Benjamin 1974) [3] .

The Paradox of Sovereignty

The paradox of sovereign power is at the boundary of the law. In a state of emergency, when the security of the country is threatened, the sovereign has the power to decide on the validity of the law. First of all, the sovereign can establish the juridical order (*Ordnung*). This is the decision on a territory (*Ortung*) and on the relations that make the juridical order valid. It goes together with a *Landnahme*. The instauration of the juridical order presupposes an extra juridical point from which the order can be instituted. However, this extra juridical point must be legally accepted. Illustrative is the foundation of the city of Rome where Romulus uses an initial violence to sanction the crossing of the not yet existing boundary. In the violence of unpunished killing, the juridical order and boundary (*Orndung* and *Ortung*) of the city are established (Livius 1974: I, 5-7). From this boundary point it can also be decided who falls within the law and who does not, and what mechanisms make inclusion/exclusion possible. The state of exception is the door to the political space. Besides, the sovereign can also decide in a legal manner that the law is to be suspended. The sovereign is an exception to the law in force. It is the state of exception.

The exception is not the chaos that precedes order and can be harmonised by a social contract, but is comparable to what remains after a devastating fire. It is the epochal reduction of politics to its basic structure. All humanist decorum has disappeared, exposing the true structure of the construct. It is the primordial situation that appears after the dissolution of order. This can be called the state of nature and the sovereign who institutes the law at the moment when he is outside the law therefore embodies the *nomos* of the earth (Agamben 2017: 21). The state of nature is not the preliminary state of the war of all against all, but the result of the

deconstruction of the constitutional order. When the prevailing juridical order is put out of action (*désoeuvrement:* Nancy 2004), the conditions of possibility of this juridical order appear. It is the relationship of the sovereign power that can establish and abolish the order, and this in a juridical way. The sovereign power states the norm at the boundary point between *physis* and *nomos*.

The Helix-Structure of Sovereign Power and Homo Sacer

The *nomos* of the earth is fundamentally violent and decides the order by setting the boundary between inside and outside. Sovereignty is the original structure in which law refers to life and incorporates it by dissolving itself. Agamben connects the sovereign with a legal figure from Roman law: *homo sace*r. Like the sovereign, *homo sacer* is a borderline concept. *Homo sacer* is the one who may be killed with impunity without there being any question of murder, but who may not be sacrificed either. *Homo sacer* is on the boundary between human and divine law.

Normally, *sacratio* means the transition from the human to the divine order (*Der kleine Pauly* 1967: IV, 1490-1491). In the biopolitical context, however, a double exception of inclusion and exclusion is meant here. *Homo sacer* belongs to God in the impossible sacrifice and is enclosed in the community by the permitted killing, which can never be a crime or a violation of the law. This is expressed by the figure of the ban: the exclusion by inclusion. According to Agamben, this structure precedes the distinctions sacred-prophane and religious-legal.

It is therefore not surprising that Agamben thinks of the complex structure of sovereignty as a helix-relation to *homo sacer*: inside and outside are swirling together. Just as *homo sacer* can be neither killed nor sacrificed, neither can the sovereign. The killing of the sovereign is a crime of majesty, the sacrifice is forbidden. At the two extreme poles of the order, the sovereign and *homo sacer* form two coherent symmetrical figures with the same structure: sovereign is the one to whom all people are potentially *homini sacri, homo sacer* is the one towards whom all people behave as sovereign (Agamben 2017: 87). Both juridical figures reflect each other. The sovereign and *homo sacer* form a helix that underlies modern political power relations. There is a primordial fact of violence at the basis of the political space. Politics exists in the dissolution that cannot be permitted.

From the helix-structure, the factional juridical order can be established. Through the juridical exclusion of *homo sacer* from the juridical order (ban), the sovereign can legally set himself outside the law. This makes it possible to distinguish between constituting power and constituted power. The law-making power opens the space of the concrete political order, which can be either democratic or totalitarian. Both political structures are based on the sovereign power that withdraws from actuality to live as pure potentiality on the boundary of politics. In their biopolitical archaeology, totalitarianism and democracy are not very different from each other and can quickly turn into each other.

Power and Metaphysics

Agamben connects the problem of power with metaphysics (Agamben 2017: 336-43). With this gesture, he intertwines knowledge and power, which allows him to associate the thinking of being with biopolitics. From his Heideggerian inspiration, he finds the problem in Plato, of course, but especially in Aristotle. Critically, it should be noted that Agamben does this in an idiosyncratic way. A confrontation with, for example, a classical reading of Aristotle, such as Aubenque, quickly shows that this is not always evident (Aubenque 1962). In any case, Agamben lays the foundation for a suggestion of a new form of posthumanist political thinking.

The sovereign *nomos* creates the juridical order independently of particular cases. The applied law is always concerned with cases and refers to a specific reality. It is *in actu*. In the sovereign exception, however, the law appears as pure potentiality or absolute power. The constituting power is situated in the boundary area of inside and outside, the constituted power is within the established juridical order.

The complex relation of both concepts of power is analogous to the relation between *dunamis* and *energeia* in Aristotle. Potentiality is not merely the possibility that can be actualised, but has its own consistency in that it also cannot become actualised. It is a capacity for not (an *adunamia*). What is potential can both be and not be (*Met*. 1046a, 32). Thus, not only can we speak of a pure act as a perfect *telos* (God), but also of a pure potentiality, a perfect potentiality or power that exists in the mode of postponement. This perfect potentiality is sovereign with respect to the decision to become actuality or concrete reality. The sovereign potentiality decides for itself whether it becomes actual or not. If the *dynamis* is exercised, a juridical order comes into action (*energeia*). The transition is a possibility because there is nothing in the potentiality that cannot be. Everything in the potentiality is potentiality or possibility so everything can become actuality. When the potentiality gives up its capacity not to be, it becomes actual.

Actuality presupposes potentiality as a possibility. This possibility can both be and not be. This is precisely the absolute power of the exception in the sovereign. The current law presupposes the exception: nature which is outside the *nomos*. The state of nature is the violence of the earth. The legal exception is the assumption and not the figure to be legalised as the transgression of the norm. This is sovereignty of violence. The sovereign occupies the non-space of the exception. The sovereign exception is the potential condition for the validity of the juridical norm and creates the space by drawing the fundamental line between inside and outside, *nomos* and *physis*. However, when potentiality does not pass into actuality, it is, as it were, disconnected from the concrete being. For the disciple of Heidegger, this means a radicalisation of the *Ontological Differenz*, whereby the non-actual being is abandoned or banned.

The *nomos* of the earth has to do with the sovereign power as the original structure of decision to be or not to be. Sovereignty is concerned

with the non-juridical or natural violence that manifests itself when the juridical order is suspended or put out of action. The sovereign power decides on this violence and in this decision the boundary is set which creates the juridical order of the constituted power. The establishment of the judicial order as an inner space means the demarcation against the violent outside.

The Production and Destruction of Homo Sacer

The relation of exception is the decisive violence that makes the juridical order possible, but which also withdraws in order to let the juridical order be. This biopolitical game of power creates the political relations. Biopolitics can turn into thanatopolitics when the state of exception is declared and asserted as universal. The sovereign, who exists as a pure potentiality, can, on a legal basis, declare the state of exception to be the rule because of a state of emergency. This means a suspension of democratic freedoms (e.g. right of asylum in the house, freedom of movement, expression, etc.) allowing the extra-legal sovereign to state the law. The absolute potentiality of the law coincides with life and, as in Kafka's *In der Stafkolonie*, the law inscribes itself as language into the body of man (Agamben 1995: 115-117; Kafka 1994). The *zoè* and the law coincide so that there can be no life outside the law.

The Shoah is the realisation of this absolute possibility. In order for *zoè* to coincide with the law, the regulatory mechanism that allows the inclusion/exclusion of life and political space to function – and which exists in the sovereign decision – must be put out of action and replaced. This happens in three breakpoints or *caesurae*: the introduction of the concept of the unworthy life, the decline of the nation-state, and racial boundaries. These *caesurae* deactivate (*désoeuvrement*) the normal state and reveal the state of exception as pure power and potentiality. In the ultimate boundary, the grey zone of the *Muselmann* in man is revealed.

Life that does not Deserve to Live

The *Muselmann*, as situated on this side of life and death, has a prehistory. Agamben refers to a 1920 pamphlet by Karl Binding and Alfred Hoche on *Die Freigabe der Vernichtung lebensunwerten Lebens* (Agamben 2017: 113-118). The authors are respectively jurist and doctor, two symbolic figures in the constellation of law and life. First of all, the authors argue for the non-criminal nature of suicide. But the ultimate intention is the destruction of life that is not worth living. It is the legitimisation of the Nazi euthanasia programs with regard to individuals who feel hopelessly lost through illness or wounding and long for liberation. But also to groups of mentally retarded people, who themselves no longer have a will to live, but also cannot consent to death. These individuals and groups become the *homini sacri* who can be killed with impunity. This unworthy life is separated from the worthy life that can be engaged as labour force.

The *caesura* means the production of a life that is incorporated into the political space and a life that is excluded. Life itself becomes the object of political decision. Biopolitics makes live and lets die. The dignity of life, and therefore its possible worthlessness, is determined by the negative or destructive force. The worthy life appears in the negation of its opposite. The dignity and worth of life are not anymore an intrinsique human value, but the result of an external decision.

The *caesura* of the dignity of life determines when life is no longer politically relevant and can therefore be killed with impunity. The sovereign power decides who has access to the political space. Sovereign power enters into a monstrous alliance with medicine and the administration of justice. Something similar also takes place with the *Versuchpersonen* or guinea pigs of medical experiments (Agamben 2017: 127-131) and the comatose patients (Agamben 2017: 132-136). This step was crucial for the decisive introduction of the structure of Nazism: the exception could become the rule.

The Decline of the Nation-state and the Obstinacy of the Rest

The nation-state had well-functioning mechanisms of entrance into the political space (Agamben 2017: 99-112). With the breakthrough of liberal citizenship, the democratic industrial mass emerged. Foucault described the disciplinary techniques used to transform the mass into a set of functioning bodies (Foucault 1975).

Simultaneously, the human rights discourse made its appearance. As connected to the new nation-state of France, the *Déclaration des droits de l'homme et du citoyen* already expresses a fundamental paradox in its title. From birth (*nasci*), man possesses a number of rights that allow him to enter a civil-political legal order. Man (*zoè*) becomes citizen (*bios*). The proclamation of freedoms is accompanied by an inscription in the bio-political body. Foucault pointed out that subjectification goes hand in hand with an objectification of the self by subjectively binding oneself to an external control. The transition from life to biopolitics is accompanied by decisions about the bare life. This transitional mechanism loses its force at the crisis of the nation-state.

The nation-state is based on three pillars: a juridical ordering (*Ordnung*), a territorial ordering (*Ortung*) and the birth (*nasci*) through which one becomes part of the nation. The political system inserts life within the functional relationship of a juridical and territorial ordering. The decline of the nation-state occurs at the critical moment of the incorporation of bare life into the nation or the integration of the *zoè* into the biopolitical ordering. The mechanisms of integration are failing. This is evident in the difficult integration of refugees and asylum seekers. They are sometimes literally called 'il-legals' and do not receive the appropriate papers to register in society.

What is important is that in Nazism the nation-state is linked to the *Volk*. If Nazism is a nationalism, the relationship between nation and people is crucial. It should be noted that Agamben ignores the distinction

between a state-nationalism as in France and a *Volksnationalismus* as in Germany (Vos 2003). In a state-nationalism, one enters the status of a legal subject from birth (*Droits de l'homme et du citoyen*). In a *Volksnationalismus*, the mechanism of entry is determined by belonging to a People. The crisis of the nation-state has to do with the *nasci* and the integration of the *zoè* into the biopolitical ordering.

The term *Volk* is characterised by a split. It denotes both the political subject (the collection of citizens as a political unit) and the mass of disinherited or outcasts (the *plebs* as a subset). Here, too, we find the helix-structure of inclusion and exclusion. The bipolar relationship is analogous to the relationship between the *zoè* and political life. The *zoè* cannot be fully included in the whole of which it is a part while it is always included in it. The split appears sharply when defined as Aristotle did: the people is the pure potentiality of the identity (pure source) where the actualisation means its own dissolution. In order to be part of the whole, it must dissolve itself. Hereby a non-integratable rest appears, the *plebs*. Adorno, in his *Negative Dialektik*, speaks of the non-integrable rest (Adorno 1966). The slave cannot join the *Herrenvolk* without rest and remains the refutation of the famous Hegelian dialectic (Hegel 1999: 109-116). This inner split is more original than Schmitt's well-known division between friend and enemy. In a *Volksnationalismu*s, the *Volk* became sovereign (which also means the abolition of the nobility), making the presence of the *plebs* unbearable. The consequence of this second *caesura* in relation to the incorporation of life into the political space is the methodical attempt to eliminate the people in order to create one *Volk*.

Nazism shows its true face here. Belonging to a nation on the basis of birth is inverted. One is excluded on the basis of birth in order to be enclosed in a new biopolitical space. At such a moment of crisis, the camp appears as the fourth element that becomes the new regulator. Structurally linked to it are the new laws on citizenship and denationalisation. With the *Nuremberg*-laws, the Jews were no longer citizens and were therefore also excluded from penal law. However, they are inscribed into a new political space where the exception becomes the rule.

The Racial Boundaries and the Emergence of the Muselmann

The Jews are the people who refuse to integrate into the People. According to Arendt, the Jews were given an ambiguous place in the emancipation movement that aimed to integrate them into society (Arendt 1951: 11-53). The symbiosis failed because, on the one hand, the Jews became citizens like the other citizens, but, on the other, they continued to fulfil the privileged function of money lender for the nation. The bourgeois society did not want to do this because of their entrepreneurial freedoms. The Jewish people were situated at the heart of German society, but were also set apart. In the crisis of the nation-state, this financing function disappeared and is replaced by an imperialist colonialism. Arendt argues that at this point antisemitism arose: the Jews were hated because they

were present without function. Thus they are the symbol of the bare life that is unbearable for the one people. This made radical racism possible.

Nazism tried to free the West from this intolerable shadow by radically excluding the inner split in order to achieve unity. The Jew, defined as a Jew by birth, could no longer be included in the People. The natality became problematic. On the basis of natality, citizenship was denied and the Jews were denationalised. The mechanism of inclusion of the born into the political nation was replaced by the camp as the new regulator. The *Muselmann* was produced. The *Muselmann* stands on the threshold where no further *caesurae* can be made. The result is the dissolution of the bond between People and population, allowing a pure People to emerge when the non-integratable rests are incorporated into a new biopolitical space. The concentration camp becomes the paradigm and the condition of possibility for the establishment of the People in a space.

The Camps as the Cities of the New Europe?

Vasili Grossman opens his novel *Life and Fate* by stating that "the camps were the expanding cities of a New Europe" (Grossman 2006: 6). The objective structure has its own "streets and squares, their hospitals and flea markets, their crematoria and their stadiums" (Grossman 2006: 6). The crematoria emitted "an awfull crimson-black glow that hung over the gas ovens" (Grossman 2006: 6). Within this disciplinary space, in the face of death, the subjects are "guinea pigs in a laboratory" (Grossman 2006: 8). The camp exhibits the characteristics of biopolitics, which can turn into thanatopolitics.

The camp is not external to totalitarian reality, but is the ultimate realisation of it (Agamben 2017: 137-147). Volksnationalist society is dismantled in its crisis, which means that its founding principle appears in its bare state. The helix of raw power (as an unrealised potentiality) exists in the relation to a new space that must be constituted. In this sense, the camp represents the truth of society. This hidden structure cannot itself be tamed, but generates a concrete, socio-political ordering. It now remains to sketch how, from the above, the emergence of the Nazi camps can be understood.

As we know, the concentration camp concept is not exclusively linked to Nazism. In Germany, the legal basis goes back to the *Schutzhaft*, the laws protecting freedom. By means of the *Schutzhaft*, the articles of the constitution relating to personal freedom can be suspended in a temporary state of emergency: "ausser Kraft setzen". The camps did not arise from ordinary law, but from the state of exception and martial law. In Nazi Germany, this law of exception – contrary to its intention – became permanent. The law and life can therefore coincide.

When the *Schutzhaft* was proclaimed by Hitler, after the elections and the burning of the *Reichstag*, the violence of the exception could be exercised on the whole of German society. According to the law, it was possible for the sovereign, outside the law, to exercise sovereign power and the associated violence at his own discretion in order to protect

the people. As sovereign, he could, for the protection of the people, isolate potentially dangerous elements (*homini sacri*) in a new *Ort* with its own *Ordnung*. This was done outside the criminal law. The camps were therefore not prisons, but places where people who could be a threat were locked up (concentrated) in order to be better controlled. Specifically, these were the unworthy, the plebeian rest and the Jews. These groups were a potential threat to the purity of the People. Their integration into the People's Society had been deregulated, necessitating a new integration mechanism. It is a preventive measure by which people are placed outside the juridical order on the basis of the law. This was not only done in a repressive manner, but also produced a certain docile body.

In the camp, the state of exception is included by radical exclusion. Because the state of exception is thus willed ("*ein gewollten Ausnahmezustand*"), the distinction between the exception and the rule becomes vague. The exception becomes the rule. Law and fact form a new helix: the *quaestio iuris* and the *quastio facti* intermingle, leading to total arbitrariness. This makes everything possible in the camps: something is the rule because it happens and something happens because it is the rule. The Jews therefore had no legal status (Nuremberg) and were denationalised (*nasci*-element has disappeared). The Jew is pure *zoè* or bare life and the camp is the most biopolitical space. He could therefore be killed without being murdered, on the other hand he could not be sacrificed. The *Muselmann* is the new *homo sacer*.

Programmatic Conclusion: A Speleological Posthumanism or an Abyssal Thinking?

Agamben's biopolitical analysis takes place beyond humanism. In 1946, Heidegger had written his *Brief über den Humanismus* (Heidegger 1976). In it, he opposed Sartre's existentialist reading of *Seind und Zeit* (Heidegger 1984). Not man, but being is the fundamental issue. A true understanding of man (and humanism) is only possible when one leaves the onto-theological metaphysics of western philosophy and understands man from the *Lichtung des Seins*. Classical humanism thought of man too much from a forgetting of the *Ontologische Differenz*. For Foucault, this meant the proclamation of the death of man (Foucault 1966: 398). Like Foucault, Agamben strips man of his central, anthropocentric place in politics and makes him an anonymous plaything in a struggle of forces. In a microphysics of power, freedom fades into an illusion. This also means a farewell to any possible political contract theory.

Agamben replaces the free individual with a power relation that becomes clear in the state of exception: the helix-relation of sovereign and *homo sacer*. After the decline of the nation-state, the camp becomes the regulator and the space where bare life (*nasci*) is incorporated. This incorporation in a new space means a universalisation of the state of exception.

The concentration camp is the new biopolitical space. The *Muselmann* shows the truth of the reality of this biopolitical power. He is at an

archaeological depth on this side of good and evil. This grey zone is inhabited only by bodies, on this side of the life-death distinction. The *Muselmann* is the *Dasein* in the eyes of death where every humanistic value and dignity disappears. He even forgets his own situation. This goes hand in hand with the impossibility of testimony. It means that thanatopolitics leaves an archive without witnesses. The thanatopolitics is the ruin that reveals the structure of social power. This structure – after the decorum of the human being has disappeared – is power.

In the *Muselmann*, a *terra ethica* becomes visible, a space prior to the free individual and his dignity and the possibility of ethics (Agamben 2017: 807). In his research, Agamben descends, as it were, into the dark speleological cave of power. According to him, it is possible here to develop a cartography for a new ethics. He had previously connected the biopolitical space with Aristotle's fundamental metaphysics. This led to a radicalisation of the *Ontologische Differenz*. Agamben finds inspiration in his mentor Heidegger. In the *Ereignis*, the *Ontologische Differenz* is radicalised so that it becomes possible to think of a life without politics, beyond humanism (Heidegger 1989). The political community is deactivated. Agamben connects these possibilities with his literary work – less well known – with the topic of forms of life and with an idiosyncratic thinking of Paul's messianism (Borso 2010), always by Benjamin. The challenging question is whether the *Gelassenheit* (Heidegger 1959) in which Being is free (or "banned") as a new ethics does not open up a possibility for unbridled, unleashed violence. In any case, Kojève, who in his famous seminars on Hegel formed the elite of the French intelligentsia and who also coined the term *désoeuvrement* (Sabot 2009), does, in his reflections on the disappearance of man, not shy away from the existence of blind violence (Kojève 1947: 434-437).

The most radical shift from biopolitics to thanatopolitics, however, occurred in the Shoah by bullet (Desbois 2007 & Prazan 2010), as it took place in Lithuania (Saldukaitytė & Anckaert 2023), and in the extermination centers (Grossman 2010). There, biopolitics changes radically into thanatopolitics and corpses are produced (Agamben 2017: 807-808). Agamben rarely uses the distinction between concentration camp and the other forms of the Shoah. The reality of the concentration camp was the inclusion/exclusion of the inmates and the production of the *Muselmann*. In the Shoah by bullet and the exterminations center (which was not a 'camp' but only a place of massive executions) people were killed immediately, without survivors and possible witnesses. As Raul Hilberg's standard work shows, in Lithuania the Jewish population was mainly executed by *Einsatzkommando* 3 of *Einsatzgruppe* A (Hilberg 1985: 292-294 et passim). Statistics from the Belgian documentation center Dossin show that there were 300 000 victims in the concentration camps, 2 790 000 in the extermination centers and 2 000 000 in the Shoah by bullet. In addition, 700 000 victims are mentioned in the ghettos.

Unthematized by Agamben, a fourth *caesura* is made here after the *caesurae* that separated the unworthy life from politics, the crisis in the nation-state that allows thinking the People, and the racial division in

which natality became problematic as an entry into the nation-state and resulted in the *Muselmann*. This forth *caesura* opens the abyss of nothingness. It is the nothingness into which even the *Muselmann* disappears. The Shoah by Bullet is not the productive power, but the destructive power. The *Grund* of the *terra incognita* gives way to the *Ungrund* or the *Abgrund*. In a subsequent article we shall develop some outlines of an ethics that is *Grundlos*. Opposite the grey zone where waymarks for a future ethics can be placed, cartographic coordinates can be mapped out, the radical nothingness appears, making any future *Grundlegung* of an ethics impossible. A rare author like Rosenzweig has faced this nothingness in order to develop a new thinking (Rosenzweig 1976). This forms the impetus for a next article (Anckaert 2023).

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Notes

1 As a rule, we refer to the texts in their original edition. In Agamben's case, however, we refer to the English translation.

2 The complex relation between Agamben and Schmitt is the topic of the crucial articles Lethen (1997a and 1997b) and Terpstra (1997).

3 Very instructive on the Agamben and his relation to Benjamin is V. Borso (2010).