

The Biopolitics of Victim Construction, Elision and Contestation in Northern

Ireland and Lebanon

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Abstract

In this article I explore two postconflict societies – Northern Ireland and Lebanon – in regards to their different approaches to dealing with victims and victimhood. While in Northern Ireland the state and other agencies have constructed a victims’ sector, Lebanon’s political elites have advanced political amnesia to silence victims’ rights. To help conceptualize these divergent policies, I utilize two contrasting representations of the biopolitical, namely those formulated by Michel Foucault and Giorgio Agamben. Foucault’s original statement presents biopolitics as governance directed towards the production of collective life and well-being. Rather than promoting life, Agamben’s subsequent vision of the biopolitical sees modern sovereignty as established through its power over life. Foucault’s biopolitics, I argue, provides a framework to understand how the victims’ sector and victims’ subjectivity was constructed as part of the Northern Irish peace process. Agamben’s version of the biopolitical allows scope to examine how victims and their families in Lebanon are rendered as ‘bare life’ and positioned within the state of exception. Despite the lack of unpredictable agency accorded by both Foucault and Agamben to biopolitical processes, I explore the complex forms of contestation – including ‘destituent resistance’ – generated by victims’ social movements.

Introduction

How a post-conflict society deals with so-called legacy issues, particularly victims of violence, is often considered the litmus test of whether a peace process is deemed successful (Brewer and Hayes, 2013). The recognition of victims' rights is vital for creating a political and social system that is inclusive, just and viable, and the postwar state in conjunction with international partners is supposed to develop a publically funded victims' sector for individuals to receive support (Mendeloff, 2004). Yet the recognition of victims' rights is hardly standard practice in postwar states. Many states deny victims' rights as part of a concerted project of political amnesia. This quintessential peace versus justice trade-off in divided societies (Wiebelhaus-Brahm, 2009) demands that the immediate exigencies of statebuilding take precedence over the individual requirements of victims (Moon, 2009). In short, to secure the compliance of former warlords with the new peaceful order, these figures are granted amnesty from prosecution (ICTJ, 2014).

In this paper, I explore two post-conflict societies that exhibit contrasting approaches to victims: Northern Ireland and Lebanon. In Northern Ireland, the state and its partners have intervened to create a victims' sector as part of its strategic commitment to foster political order. In Lebanon, alternatively, the postwar political elites, responsible for mass-scale sectarian disappearances during the civil war, have conspired to enforce state-led amnesia about victims to safeguard their hold on political and economic institutions. To understand these dynamics I deploy divergent concepts of the biopolitical as formulated first by Michel Foucault (1976, 1977, 1978, 1980, 1982) and subsequently by Giorgio Agamben (1995, 1998, 1999). Foucault's biopolitics traces how the development of governance strategies designed with

placing human life under regimes of authority over knowledge, power, and the processes of subjectivation. Rather than promoting life, Agamben's vision of biopolitics sees modern sovereignty as established through its power over life. State sovereignty, according to Agamben, operates through its ability to reduce life to 'bare life', a process in which individuals and groups, framed as national security threats, are excluded from rights and exposed to murderous violence.

Foucault's understanding of the biopolitical is used to examine the development of the victims' sector in the Northern Ireland peace process. The endpoint of biopolitics, according to Foucault, is to make modern subjects and subjectivities. This objective includes two interrelated dimensions: the strategies used by governance for intervention on collective existence; and the modes of subjectification in which individuals and groups can be brought to work on themselves in the name of life and health. Thus, in Northern Ireland, the strategies of governance have led to the construction of a victims' sector as part of its attempt to build security and political order. This project entailed an attempt to generate a new collective agency, in which the state gets certain groups to attach themselves to the victim identity so that the broader population will become more amenable to hegemonic control. Agamben's divergent reading of the biopolitical is deployed to examine how victims and their families in Lebanon are rendered as 'bare life' and positioned within the state of exception. Through the use of political amnesia, the Lebanese state silences and violently excludes the rights of victims who are positioned as threats to state security.

Foucault and Agamben's biopolitics have been critiqued for presenting themselves as totalising frameworks of power that permit minimal contestation (see Jamal and Sandor, 2010). In response, I draw attention to the complex and

unpredictable modes of agency generated by biopolitical processes, especially via the mobilization of victims' movements in Northern Ireland and Lebanon. In Northern Ireland, state funded victims' movements emerged to challenge a peace process they view as profoundly unequal and which victimizes their ethnopolitical group, to the extent of destabilizing the peace process. In Lebanon, where amnesia is deeply embedded into the logic of the state, non-sectarian victims' movements act as reminders of not only the war but the dangerous consequences of a political elite lacking accountability. Lebanese victims' movement force the wider society to confront the legacy of the civil war, which continues to breed a culture of distrust between groups.

This paper is comparative on a number of levels. It compares two quintessentially 'divided societies' – Lebanon and Northern Ireland – in regards to their treatment of victims. As divided societies, Lebanon and Northern Ireland are marked by deep societal cleavages that have provided the basis for conflict. While ethnonational divisions – between Irish nationalists and UK unionists – mark Northern Ireland's conflict, Lebanon is seen as largely ethnoreligious, but which has also overlapped with contending political aspirations. Contrasting forms of power-sharing are used in both places to include the respective groups in government as part of the peace process, which has generated specific consequences for victims.

The comparative aspect of this paper is further evident in terms of analysing victims' movements in the two societies and through the application of two contrasting theories of biopolitics. As such, the methodology used in this paper rests on theory building approaches – how particular theories help explain and contextualize particular case studies. While scholars (Owens, 2009; Ramadan and Fregonese, 2017) have used biopolitics to understand a range of phenomena – particularly camp

refugees – the extension of biopolitics to victims of intrastate violence in this paper is unique. Thus, my intention is to encourage ‘conceptual travelling’ (Sartori, 1970) – the application of social theory to new cases. The data used in this paper comes from two major projects. For Northern Ireland, the author collected a range of materials, including pamphlets by victims’ groups, interviews with activists, and public policy documents. Much of this material is now housed in a permanent on-line digital archive. For Lebanon, ethnographic fieldwork was conducted during five fieldwork phases (September 2012, July 2014, June 2015, January 2016, September 2018), each of which lasted from one week to a month. Interviews (n = 29) in Beirut included leading activists in victims’ groups, including SOLIDE, ACT, UMAN, Families of the Disappeared. These organizations represent different constituencies of victims.

Families of the Disappeared is a non-sectarian group mostly concerned with the status of victims kidnapped and murdered by the various militias during the civil war.

SOLIDE, alternatively, exclusively focuses on Lebanese citizens detained by the Syrian security forces during its occupation of Lebanon (1975-2005). Families of the Disappeared and SOLIDE often cooperate for the purposes of protest and campaigns, which are coordinated by ACT. As families and representatives of victims in Lebanon continue to experience some state harassment, interviews are anonymized. Notably, many of the members of these organizations are elderly women, though in some cases the leading representatives are male.

Biopolitics: Life, Wellbeing and Victims

Biopower is a term most closely associated with the sociology of Michel Foucault.

According to Foucault (1980: 36), the technologies of government underwent a ‘very profound transformation’ of the mechanisms of power’, so that the goal of governance

is primarily concerned with the welfare of the population, the improvement of its condition, the increase of its wealth, longevity and health. With biopolitics, governance focuses on the population at ‘the level of its aggregate effects’ (Foucault, 2000: 219); it regulates the phenomena that typify groups of human beings, including ‘propagation, births and mortality, the level of health, life expectancy and longevity, with all the conditions that can cause these to vary’ (Foucault, 1980: 139).

Biopolitics, writes Foucault, is ‘power bent on generating forces, making them grow, and ordering them, rather than one dedicated to impeding them, making them submit, or destroying them’ (1978: 136). Biopower, therefore, exposes the structure, relations, and practices by which political subjects are constituted and deployed, along with the forces that have shaped and continue to shape modernity (Foucault, 1982; Inda, 2008).

For Foucault, the art of government is distinct from sovereignty – the exercise of power by the state over a defined territory. Power, argues Foucault, is not ‘erected around the problem of sovereignty, nor therefore around the problems of law and prohibition’ (1980: 121). As such, biopolitics does not simply emanate from a unitary government; it involves a multiple network of actors, organizations, and entities within and outside state contexts. Biopolitical governance consists of at least two connected elements. First, the art of governing is possible only within particular epistemological regimes of intelligibility – the construction of knowledge about populations that render them thinkable so as to make them amenable to political programming. In essence, biopolitics is a problematizing sphere of activity (Inda, 2008). Problems – ranging from urban unrest, and economic downturns and ethnic conflict – need to be defined and classified in particular ways so that concrete policies can be formulated as solutions and thus amenable to the apparatuses of security as its

essential technical instrument. Second, to expedite a solution, biopolitical governance aims to cultivate particular types of collective agency and subjectivity (Foucault, 1982).

Foucault's biopolitics provides a framework for understanding the process through which victims are constructed as a central facet of governance after conflict. As noted above, in order for biopolitical technologies to be applied to populations, the reasons and rationalities for carrying out such interventions must be elaborated. In short, the societal problem has to be firstly defined in a particular way so as to lead to particular types of policy solutions. One powerful mode in which intrastate conflict is framed – in both scholarly and policymaking thinking – is the 'new wars' paradigm, which sees contemporary violence as 'population-centric' – it is directly aimed at civilians via forms of ethnic cleansing and genocide, in which mass rape, mutilations, and torture are a deliberate logic. In consequence, 'war-torn societies are "traumatized" and require therapeutic management if conflict is to be ameliorated' (Moon, 2009: 72).

In deploying the 'traumatic frame' to understand civilian responses to conflict (Moon, 2009), postwar reconstruction necessitates initiatives to help the population work through traumatic experiences so that they can experience 'catharsis', healing' and 'closure' to allow the divided society to 'move on' and rebuild fragile state institutions. In fact, trauma is constructed to be not only an outcome of contemporary conflict but also a possible factor in its perpetuation. The failure, therefore, to confront traumatic experiences can lock societies into a pernicious cycle of violence, as it is assumed that the 'abused' will later become the 'abuser' (Pupavac, 2004).

Policies to deal with collective trauma have become a central part of postconflict reconstruction. For example, the World Health Organization (2002)

recommends ‘methods of trauma-healing’ to facilitate the ‘social process of reconciliation and peace-building’. The term ‘therapeutic governance’ has been coined by Pupavac (2004) to describe how such psychosocial programming creates depoliticising and dehumanising effects. Thus, the claim to govern for postconflict states lies in their ability to lay national trauma to rest (Moon, 2009), a policy that ironically acts to detach victims from rights.

For Foucault, the end goal of biopolitics is to make modern subjects and subjectivities. Applying a Foucauldian perspective: if peacebuilding is achieved by dealing with trauma, it is necessary to make populations see themselves in some way as victims. This form of biopolitics operates by getting certain groups to attach themselves for the first time to the victim identity. By constructing public policies and institutional mechanisms to cater for victims, it is hoped that the broader population will become more amenable to political order and control. Foucault (1977) saw the purpose of governance as attempts to replace ‘wild bodies’ with ‘docile bodies’. ‘Docile bodies’, in the context of peace processes, refers to how populations, once violent and ‘wild’ become, through state intervention, compliant with the objectives of stability and security.

Notably, to ensure efficacious governance, biopolitical regimes focus on uncovering the ‘truth’ so that the population is rendered amenable to political programming. The agencies of biopolitics, as Rose (1999: 30) argues, are preoccupied with ‘analyzing what counts as truth, who has the power to define truth, the role of different authorities of truth, and the epistemological, institutional and technical conditions for the production and circulation of truths’. This aspect is particularly salient in peace processes in respect to dealing with victims. Indeed, an integral component of contemporary peace processes involves some form of ‘truth

construction', such as truth and reconciliation mechanisms, truth recovery processes, truth-telling formats, tribunals, commissions and historical inquiry teams, which aim to find out the truth about unsolved murders, whether conducted by the state or by outlawed paramilitary groups. Once truth is established, so the logic follows, this will lead to victims' healing and is a necessary element of reconciliation (Mendeloff, 2004).

It is of course important to note that the construction of the victim identity is not necessarily conducive to reconciliation and peacebuilding. Here, we can make a categorical distinction between 'victims' and 'victimhood'. While the former category is a recognition of a status of loss for individuals, the latter indicates a group identity in which traumatic memory is politicized to justify action, including violence, against those accused of being responsible for victimizing the group (Jacoby, 2015).

Agamben: Bare life, the state of exception, and victims

Agamben's (1998: 4) rendering of the biopolitical intends 'to correct' or at least 'to complete' Foucault's analysis. In distinction to Foucault's biopolitics which views power as an assemblage of institutions, procedures, knowledges, with little overall unity, Agamben places sovereignty at the nucleus of biopolitics. While Foucault's biopolitics is concerned with the management of life, Agamben emphasizes the sovereign's biopolitical power to classify and make distinctions with regards to forms of life and through a juridico-institutional power over death. Sovereign power does this by reducing subjects to a form of 'bare life' – a simple biological life stripped of both political and legal representation. Agamben captures this status of 'bare' life through the image of *homo sacer*. In Roman law, *homo sacer* represented a figure banned and stripped of rights and who can be killed by anyone without fear of justice.

For Agamben (1998), modern nation-state sovereignty operates by designating groups as *homo sacer* – reduced to bare life and thus subject to ‘legitimate’ state violence in a ‘state of exception’, in which the rule of law is suspended on the basis of protecting state security. Originally intended as an emergency procedure, the state of exception has ‘tend[ed] increasingly to appear as the dominant paradigm of government in contemporary politics’ (Agamben 2005: 2). Life is therefore embedded in the political sphere in the form of an ‘exclusion/inclusion’ relationship. Life can only be included in the polity insofar as it can legitimately be negated and, in consequence, by affirming sovereign power. In the state of the exception, it is the **sovereign who is both ‘outside and inside the juridical order’** (Agamben, 1998: 15).

Agamben (1999) argues that the camp represents the biopolitical nomos of the west. While the Nazi death camps figure as the purest example of the biopolitical, scholars have applied Agamben’s biopolitics to a range of modern camps, including Abu Ghraib, Guantanamo and refugee camps in Palestine (Agamben, 1995; Jamal & Sandor, 2010; Owens, 2009; Ramadan & Fregonese, 2010). Yet, the status of victims in contemporary intrastate conflict and peace processes also provides an illustration of Agamben’s biopolitics. During violent conflict, the state or rebel groups who proclaim sovereign power diminish particular members of the civilian population to the status of bare life and then apply violence – often murderous – to them under the state of exception. In the period of transition from political violence to peace, the rights of victims are often suspended and denied under the pretence that victims’ justice forms a threat to security and stability. The status of bare life for victims is not only that their rights are placed in abeyance; their very existence is nullified as part of a programme of political amnesia.

Northern Ireland: The Construction of the Victims' Sector

The violent conflict in Northern Ireland, which began in 1969, led to circa 3,700 deaths and 50,000 serious injuries (Morrissey and Smyth, 2002). The conflict is typically identified as ethnonational: between Irish nationalists who demand the unification of the six counties of Northern Ireland with the Republic of Ireland and Ulster unionists who resist such a move by desiring to maintain Northern Ireland's constitutional status in the UK (Nagle and Clancy, 2010). The conflict included a number of atrocities carried out by the rival paramilitary groups and the British state. Violence was targeted at state forces, civilians in sectarian attacks and members of paramilitary organizations.

According to Dawson (2003: 130), the conflict was characterized by a lack of provision of support services for victims and 'widespread psychic trauma was neither publically acknowledged nor discussed'. A UK government minister, Des Browne (2003) subsequently admitted, 'in all that time [thirty years of conflict] there were no policies in relation to victims'. **Despite this 'culture of silence', a small number of publically unfunded victims groups emerged in the 1980s. Most of these groups campaigned to illuminate the role of the British state in colluding with illegal paramilitaries to murder members of the nationalist population (Morrissey and Smyth, 2002), such as Justice for the Forgotten,** The issue of victims, however, effectively emerged as part of the developing peace process. In 1997, the policy silence was broken when a public report set out to 'examine the feasibility of providing greater recognition for those who have become victims in the last thirty years as a consequence of events' (Bloomfield, 1998: 8).

The significance of victims to the peace process was institutionalized in the **1998 Good Friday Agreement (GFA), a peace accord mainly designed to forge**

consociational power-sharing institutions to accommodate nationalists and unionists.

A section of the GFA is dedicated to 'Reconciliation and Victims of Violence': 'it is essential to acknowledge and address the suffering of the victims of violence as a necessary element of reconciliation' (Northern Ireland Office, 1998: np). In consequence, a number of state-led initiatives were developed to construct the victims' sector post-GFA, including the establishment of a Victims' Liaison Unit to coordinate policies for victims; the formation of a Memorial Fund to pilot schemes for victims' groups; and the creation of regional Trauma Advisory Boards, which aim to coordinate the provision of health services to victims' groups. The state has also set up a number of inquiries and investigations into a number of controversial killings, many of which are unresolved. In 2006, for example, the UK government allocated £30million for the establishment of a Historical Enquiries Team (HET) to investigate some 2,000 unsolved murder cases. Funding is another area through that the state supports the formation of victims' groups. From April 1997 to March 2007, the British state furnished, by its own calculations, £43,962,152 (Nagle, 2016) on organizations they identify to be involved in providing support for victims' group, supplemented by £7.6 million from the EU. At present (2019), it is estimated that there are approximately 80 victims' groups across Northern Ireland. Notably, however, many of these initiatives had a short shelf life. In 2005, The Commission for Victims and Survivors Northern Ireland replaced the Victims Liaison Unit, as the statutory body with responsibility for issues related to victims and survivors; the Legacy Investigations Branch superseded the Historical Enquiries Team; and the Memorial Fund no longer exists.

While the initiation of a state funded victims' sector appeared to correspond to an inclusive process of conflict resolution, it also reflected the British government's

attempt to attain hegemonic leadership of the process from above. As Dawson (2003: 129-130) argues, by seeking to construct a single integrated victims' lobby, the state sought to position itself as a neutral arbiter (rather than as a participant in the conflict) by encouraging reconciliation between the two 'warring factions'.

Returning to Foucault, the peace process generated the biopolitical construction of the victims' sector. For Foucault, governance requires particular epistemological regimes of knowledge about populations to make them pliable to political programming. Social issues need to be problematized and identified through specific discursive languages so that particular policy solutions can be crafted in response. In order for the Northern Ireland peace process to take root, it firstly required an understanding that the conflict engendered traumatizing consequences that if not dealt with would stymie the progress of compromise and reconciliation. Thus, to engender a lasting, peaceful solution, the construction of the victims' sector and victims' agency became essential to this aim.

Contestation: The Ulster Victims' Movement

There is, however, a tendency to see Foucault's biopolitics as a form of mechanical determinism. Since subjects are supposedly created by power-relations they do not consciously control, the creation of subjectivity is a homogeneous process in which subjects are little more than 'individual copies that are mechanically punched out' (Habermas, 1987: 293). Yet Foucault recognized that biopolitical programming cannot be expected to generate predictable outcomes and there instead multiple points of weakness that permit resistance and the emergence of subversive subjectivity. Rather than expedite forms of social agency and subjectification that bolster governance, such rational 'administrative planning', as Habermas puts it, 'produces

unintended, unsettling and publicizing effects' (1988: 72). Biopolitical governance can, in certain circumstances, lead to new forms of collective identity and mobilization that generate unintentional and even destabilizing results. In the context of Northern Ireland, while the construction of the victims' sector was intended to foment peacebuilding, victims became a major site of ethnonational contestation that had the power to subvert the peace process.

A particularly powerful expression of this unpredictable agency is illuminated by the emergence of unionist victims' social movements in the aftermath of the GFA. Between 1998 and 2000, in the region of thirty unionist victims' groups emerged as newly formed organizations. While many of these groups helped distribute services to victims who identified themselves as unionist, a broader, umbrella movement surfaced which campaigned on the basis that the GFA represented a deal that victimized the unionist community. This broad-based mobilization, which I call the 'Unionist Victims' Movement', utilized protest activity to challenge the terms of the peace process. Thus, rather than deny the identity of victims, unionist movements harnessed its emotive power to pursue divisive ethnopolitics.

The Unionist Victims' Movement' emerged in a context of unionist disenfranchisement with the GFA. Although a small majority of unionists supported the 1998 Agreement, unionist confidence in it quickly eroded. Informed by a liberal pluralist, multicultural framework, the Belfast Agreement – among many aspects – redressed a number of imbalances and grievances identified by Irish nationalists (Hayes et al, 2005). Labelled the 'equality agenda' by nationalists, a rather contrary descriptor was used by unionist politicians. For them, the Agreement ushered in a series of policies that were clearly inequitable, such as the reform of the police service, a historically almost wholly unionist institution, which adopted recruitment

quotas to amend the imbalance of nationalists in the force (Nagle 2017). Unionist politicians framed these quotas as acts of blatant discrimination against unionists (Hayes et al, 2005). Unionists pointed to further concessions given to militant Irish nationalist groups to embrace the path to peaceful politics, such as the release of prisoners convicted of paramilitary offences, amnesties for so-called ‘on-the-run’ paramilitaries and the downscaling of the British military presence across Northern Ireland.

Notably, unionist grievances with the GFA were articulated through the language of victimhood. In proclaiming victimhood, unionism embraced a new form of self-identity and a mode of subjectification that can be seen as a consequence of the biopolitical peace process. While unionism historically presented an image of a confident democratic majority secure in their political identity, the advent of the 1998 Agreement – especially its emphasis on supporting victims – increasingly saw unionists display ‘a predilection for victimhood’ (Finlay, 2001: 3).

A leading example of this politicized victims’ identity was the ‘Northern Irish Victims of Terrorism Association’ (NIVTA), which was formed by 80-strong committee of victims’ groups, Protestant clergy, political parties and cultural organizations. The movement embarked upon a 117-mile trek across Northern Ireland, which they called the ‘Long March’. The march, the committee announced, was intended as a demonstration of ‘human rights’ for what they labelled as a victimized unionist community in Northern Ireland. On subsequent occasions the organizers and participants spoke about the march upholding ‘Protestant civil rights’ (Irish Times, 19 June 1999). An organizer of the ‘Long March’ stated: ‘we want to show who are the real victims in Northern Ireland’. Echoing this theme, another leader stated: ‘We aim to highlight the fact that Protestants have legitimate grievances

which have been ignored' (Belfast Telegraph, 26 May 1999). NIVTA stated its aims as: 'the right to live free from murder, fear and intimidation, recognition and support for the victims of terrorism, respect for democracy, parity of esteem for unionists and economic justice for deprived unionist communities' (Belfast Newsletter, 17 June 1999).

Alongside NIVTA, a number of state-funded unionist victims groups emerged at the same time and which took a strong position of opposition against the terms of the GFA, which they claimed had victimized them. Explaining their origins, another prominent victims' group, West Tyrone Voice, stated:

like other pro-British innocent victims' groups, [it] has its genesis in the latter months of 1998, in the wake of the early and accelerated release of terrorist prisoners in accord with the provisions of the Belfast Agreement 1998. Victims realised that there was nothing in this agreement for them, felt keenly the injustice of such early release of terrorists back on to the streets, and came together to 'voice' their concerns (West Tyrone Voice, 2008: 1).

The emergence of the unionist victims' identity and social movement exposed a contradiction in the biopolitical peace process. While the biopolitics of peace process appeared to recognize and accommodate victims, former paramilitary members were, at the same time, granted amnesty. This situation generated paradoxical dynamics – peace is generated by both amnesty and the encouragement of victimhood, two forces that are typically irreconcilable in postwar societies.

Lebanon: Amnesia as State Religion

Lebanon's civil war was extremely complex and can more readily be defined as a succession of conflicts with different phases, including interventions by Syria, Israel,

and the Palestinian Liberation Army. Although the conflict was not at root sectarian, it nonetheless expedited an intense 'sectarianization' of society. Sectarianization describes how the key belligerents manipulated and constructed ethnoreligious identities, typically through acts of extreme violence, to cleave society along communal lines in pursuit of strategic self-interest. The civil war left 144,000 dead, of which 90 per cent were civilians (Jaquemet, 2009: 69-70; ICTJ, 2014). Thousands of civilians were kidnapped or abducted, often simply for purely sectarian reasons, and their bodies have never been recovered. A police report from 1991 stated that there were 17,415 persons missing, a figure subsequently revised downwards (Maalouf, 2009: 1; ICTJ, 2014: 15).

The conflict officially ended with the 1989 Taef Agreement, which failed to mention victims or any mechanism for dealing with the legacy of the war. 'The Lebanese state and society', Jaquemet (2009: 69) argues, 'have favored amnesia over truth seeking'. This culture of social forgetting about the civil war was shaped by the Taef Agreement and the resumption of power sharing. The motto of Taef – 'no victor, no vanquished' – meant that none of the groups should be held accountable for the violence and duly punished.

The post-war political elites had a vested interest in promoting forgetting. Many of them were leading sectarian warlords responsible for the atrocities carried out during the civil war and they subsequently used their peacetime political offices to silence investigations and formal inquiries into the war (ICTJ, 2014).¹ Recognizing that they would be first to be prosecuted, in 1991 the parliament passed a general amnesty Law 84, which on a selective basis pardoned political crimes committed during the civil war (Picard, 2002: 165) and made no mention of victims. In addition, circa 8,000 militia fighters were integrated into the security forces and the public

administration. The Lebanese president justified the amnesty law as a necessary condition for peace. As one activist for victims explained to me, the law ‘erected amnesia to a state religion’:

When you know very well that all of the big projects undertaken in this country were just strengthening the rule of those former warlords who whitewashed their traditional records. You cannot tell me that with these people who promoted the religion of amnesia you can really build peace (interview, June 2015).

The logic of ‘clean slate’ ideologies (Khalaf, 2012: 78) about the civil war and victims was further sanctioned by what was euphemistically titled the ‘Pax-Syriana’. Syria occupied Lebanon during the civil war and despite its promise to withdraw after a short transitional period from the signing of Ta’if, the regime extended its self-appointed role as protector of Lebanon. As an authoritarian regime, the Syrian state had little interest in promoting transparency and accountability and instead pursued a policy of installing former warlords into government positions as a means of maintaining control over Lebanon. Thus, under Syrian tutelage, the state enforced a culture of silence about victims and the memory of the civil war, including a media censorship law (1994), and by denying victims justice through criminal tribunals or restitution via compensation schemes and truth and reconciliation formats (Haugbolle, 2010). This situation is reinforced today as the state closes down any attempt to locate and retrieve the bodies of the disappeared. In distinction to Northern Ireland where a victims’ sector and identity was constructed as part of the peace process, the status of victims in the post-civil war era have been completely elided.

How does Agamben’s reading of the biopolitical help illuminate this process of state-sponsored amnesia and denial of victims’ rights? For Agamben, biopolitics is

inextricably connected to the capacity of the sovereign to suspend the law in the state of exception. Those identified by the sovereign as a mortal threat to national security are classified as *homo sacer* – figures that possess only bare life and deprived of political and legal rights – and consequently can be removed through legitimate state violence. Such killing without punishment leads to deaths that are ‘not honoured, mourned or memorialised’ (Owens, 2009: 572). In postwar Lebanon, the state of exception has been applied to the issue victims, which is placed as a danger to peace and security. The former warlords, now reinvented as political luminaries, deployed the state of exception via Law 84 to apply political amnesia and to ensure that victims do not receive rights and the families of the disappeared are left without justice.

Agamben’s parsing of biopolitics, however, rests on a strong relationship between a unitary form of sovereignty and the state of exception. The power of the sovereign is enacted through its capability to cast out any person from the political order. Yet, this vision of a homogenous sovereign is problematic in relation to Lebanon. As noted by Ramadan and Fragonese (2017), Lebanon has not achieved sovereignty defined as the nation-state with exclusive authority and a monopoly of legitimate violence within its borders. The Lebanese state instead resembles a plural form of governance within a framework of hybrid sovereignty. This arrangement sees the Lebanese state enact rule through calculated collaboration with, and tolerance of, nonstate and quasi-state actors. For example, Hezbollah, the militia/political party, operates as a *de facto* state within Lebanon with its own independent army. This complex mode of sovereignty is further intensified by the role of powerful external actors – particularly Iran, Syria and Saudi Arabia – thus ensuring Lebanon is ‘marked by a perpetual blurring of imagined boundaries between the state and its outside’ (Hourani, 2013: 40). The hybrid character of Lebanese sovereignty is additionally

reinforced by the ‘allotment state’ (*‘muhasasa’*): the power-sharing system which not only guarantees government positions for the powerful ethnoreligious leaders, but a high degree of communal autonomy over their own affairs (Nagle, 2018).

Thus, rather than a single sovereign, the application of the state of exception in Lebanon is ‘a hybrid act, taken by and between state and other actors’ (Ramadan and Fragonese, 2017: 953). This hybrid sovereignty, I argue, acts to intensify the biopolitical status of victims in Lebanon. The uneasy balance of power that binds a multiplicity of internal and external actors rests on enforcing a culture of denial regarding victims and the disappeared. The actors that constitute Lebanon’s plural governance networks were responsible for the violence of the civil war and conspire to deny victims’ rights on the basis that any admission of responsibility by one group for atrocities would unravel the so-called civil peace. **The issue of victims is thus rendered into a security issue** and reinforces the system of hybrid sovereignty; it constitutes part of the governing logic of this apparatus that is regulated through a balance of power between factions.

Destituent Resistance and Victims?

Agamben’s description of biopolitics has been critiqued for a ‘lack of attention and space for resistance and agency’ (Jamal and Sandor, 2010: 1). For those individuals categorized by the sovereign as *homo sacer* there is no possibility for the re-articulation of politics (Owens 2009). **In response, a number of scholars have sought to explore the way that groups resist their classification as ‘bare life’.** Owens, for example, explores how refugees engaging in lip sewing as a form of protest against their status demonstrates that the ‘complete embrace of bare life’ is the only way to **‘unmask’ the violence of sovereignty and re-establish more open relations of power**

(Owens, 2010: 573). Agamben (2014) has also attempted to address this absence through the framework of what he calls 'destituent power'.

Destituent power differs from revolutionary forms of resistance which violently oppose and replace the sovereign with a new constitutive order. Violent resistance by those accorded bare life is ultimately reincorporated back into the sovereign's logic of power, especially by the sovereign framing such acts as security threats that require an intensification of the state of exception. Rather than oppose or instil a new constitutive order, destituent power is the form of activities that make governmental apparatuses inoperative by evading, nullifying rendering powerless the practices and techniques mobilized by sovereign authority. As Joronen (2017: 94) explains, 'destituent resistance' is 'turning techniques of government so that they are unable to efficiently execute what they were originally aimed to do'. I turn to explore the possible forms of resistance, including destituent power, used by Lebanese victims' movements in the context of the state's hybrid sovereignty.

To a large extent, resistance has been articulated in Lebanon by victims' movements. These non-sectarian movements – often featuring the families of the disappeared – mobilize to demand accountability and justice from the state. This mode of contestation fundamentally relies upon unmasking power. If the postwar system of political sectarianism expedites disappearance, victims' movements represent what Arendt (1958) termed a 'space of appearance'. As a victims' campaigner explained to me, victims and the disappeared are 'the dirt swept under the carpet' by the political elites. The objective of the movements, therefore, is to become public.

The act of disappearance is a primary tactic of terroristic groups and states that seek to maximize fear among the population. Illegal abductions generate what

Taussig (1999) calls a ‘public secret’: something widely known across the society but fear forbids people to speak openly about it. The emergence of Lebanon’s first victims’ movement signified an effort to make visible the situation of the disappeared. ‘The Committee of the Families of the Kidnapped and Disappeared’ (CFKD) – which began in November 1982 – sustained a fierce public campaign with protest tactics. During the civil war, the movement held regular sit-in protests outside government buildings, held symbolic intercommunal meetings at the interface between Christian and Muslim districts, and shut down one of the capital’s main roads where abductions often occurred. During the peace process, the movement holds an annual demonstration/commemoration of the day the war started to highlight the unresolved issue of the disappeared (Jaquemet, 2009; Maalouf, 2009).

Another victims’ movement, which mobilizes for the families of people abducted by the Syrian security forces during and after the civil war, also uses visibility and protest politics. The Support of Lebanese in Detention and Exile (SOLIDE) describes itself as ‘a non-sectarian and independent NGO based in Beirut’ (SOLIDE, 2012), began its protest campaign in December 1989 when activists formed a 24-kilometer human chain in the city centre. SOLIDE’s most notable protest began in in 2005 when they set up a permanent tent in Beirut city centre, directly in front of the UN building and within clear sight of the presidential place and parliament, to demand the government establishes a national mechanism for victims. Furnished and decorated with pictures of the disappeared, the tent provides a focal point for the families and activists to gather and as a starting point for protests against the parliament and other government buildings. A SOLIDE spokesperson explained: ‘The tent is a reminder that there was a war and one of the things that remains after

the war is the issue of the victims. It's a reminder in front of the parliament here, the government behind us' (interview, June 2015).

Both CFKD and SOLIDE utilize traditional social movement protest tactics to try and challenge the state's denial of victims' rights. SOLIDE, in particular, use protest to force the state to react with violence against the families of the disappeared, an act which illuminates to the wider society and the international community the moral deficiencies of the political elites. An evocative part of SOLIDE's protests is the mothers of the disappeared, elderly women who are at the front line of demonstrations. These women are willingly corralled into confronting the security forces guarding government and state buildings. A leader explained:

The ladies lay on the road with chains. They link each other with chains to remind people of the chains of the disappeared. We had a demonstration outside the parliament where we brought pictures and banners. We clashed with the security there and we had a meeting and then we stormed the Presidential Palace with the families and the civilians that came with us, and we stormed the palace and I got to parliament. It was number one news on the news (interview, June 2015).

Yet, to return to Agamben, the protest tactics used by SOLIDE represent a form of constitutive power, an attempt to contest or overthrow the power of the state. Such resistance only reaffirms the power of the security state to apply the state of exception. Rather than forging important policy changes, SOLIDE's protest activities have generated coercive strategies from the state. In April 2004, the police attacked SOLIDE protestors after they gathered in the city centre to submit a petition to the UN. In 2006 when SOLIDE organized a press conference to launch a report into the

Ministry of Defence's use of torture in post-war Lebanon, the security forces arrested and interrogated members of the movement.

The potential of victims' movement to challenge and resist state power is further compounded by the state's hybrid sovereignty. There is no centralized and unitary state that victims' movements can operate within and oppose. With little possibility of directly forcing the sectarian leaders to expedite policy change, victims' movements 'upscale' their efforts by targeting the international community. Movements urge international agencies to force the Lebanese state to become more accountable to victims, a strategy that appears rational given the stress on the importance of recognizing victims' rights as a core *modus operandi* of the international order. As a movement leader stated:

For me the most important feature of the missing is the fact that it's an ongoing crime. It is a kind of living reminder of the war that by international law you cannot say that if someone disappears 'khalas', 'we forget'. What is the use of going to the parliament when you don't trust the members of parliament to do anything? Here in front of the UN, at least you can voice your demands. Kofi Annan, the UN representative came here as well as many UNCHR [United Nations Commission for Human Rights] officers and spoke to us (interview, June 2015).

The attempts by the families of the disappeared to make the international community put pressure on the sectarian elites to address victims made little headway. In their foremost desire to see Lebanon maintain what they view as a modicum of stability, the UN are unwilling to push for any form of dealing with the past lest it should antagonize the sectarian elites or undermine the balance of power. A SOLIDE activist recounted:

We had several meetings with the UN, and we tried to establish a truth and reconciliation and justice mechanism in Lebanon like in South Africa. The advice the UN gave us was that Lebanon is a country of compromise, so the people who are responsible for what happened during the war are running the country today. So forget about justice (interview, June 2015).

The refusal of the UN to support the victims' movement echoes Agamben's reflection on the international community's complicity in enforcing the state of exception. While victims of state violence signify a 'disquieting element' (Agamben, 1994) to the international order, these *hominus sacri* are included in that order through a separate international regime of humanitarianism: 'a space of exception set apart from the common world but still under control' (Agier, 2011, 147). While international human rights organisations and the UN seek to make victims' rights a central part of their humanitarian policies, these actors can only grasp human life in the figure of bare or sacred life, and 'despite themselves, maintain a secret solidarity with the very powers they ought to fight' (Agamben, 1998: 133–34).

Despite the politics of visibility and unmasking affirming constitutive power, can Lebanon's victims' movements deploy 'destituent resistance': the capacity to deactivate the effects of power so that it is unable to operate 'bare life'? One way in which movements evoke destituent power is through resisting any attempt by the state to classify the disappeared as officially dead. For Agamben, those defined as homo sacer and assigned bare life are the 'living dead', they are alive but classed as already dead. In Lebanon, many of the leading activists for victims refuse to accept that their relatives are dead, a position that obstructs the state's efforts to elide their complicity in sectarian murder.

On May 25, 1995, Law 434 was introduced by the Lebanese government, which provided 'principles for declaring the missing dead' (Maalouf, 2009; ICTJ,

2014: 15). Under the auspices of Law 434, any person missing for at least four years is legally classified as deceased, and the families are permitted to undertake legal procedures to record their deaths and even claim limited financial compensation. By categorizing 'the disappeared' as legally 'dead', the political elites hoped to completely close down any form of state-led investigation into finding the truth about those responsible for the crimes let alone attempting to retrieve the bodies (ICTJ, 2014: 16). The families refused to acquiesce with Law 434. Through retaining the status of 'disappeared' rather than accepting 'dead' for the missing, they maintain that the Lebanese political class and indeed wider society urgently needs to confront the legacy of the civil war and that maintaining a form of social silence keeps the wounds of history open. The notion of the 'living dead', therefore, is apprehended by victims' movements to articulate a form of destituent power, which deactivates and renders the logic of governance inoperative (Agamben, 2014).

Conclusion

In this paper I have used Foucault and Agamben's divergent interpretation of biopolitics to examine the different strategies for dealing with victims in two postconflict societies. Foucault's original statement, which sees biopolitics as the 'numerous and diverse techniques for achieving the subjugations of bodies and the control of populations' (1980: 136), is used to analyse the way in which the state and other agencies have constructed a victims' sector in Northern Ireland as a means of furthering **hegemonic leadership over the peace process**. Agamben's biopolitics, which rests on the sovereign's power over life, is harnessed in the paper to illuminate how the hybrid Lebanese state have pursued a policy of negating victims' rights. While biopolitics, in both versions, have often been critiqued for providing little

scope for unpredictable agency and resistance, I have explored these forms via the mobilization of victims' social movements. In Northern Ireland, the emergence of Unionist Victims' Movement harnessed the emotive power of victimhood to disrupt and even oppose the terms of the peace process. In Lebanon, victims' movements use destituent power to resist attempts by the state and the wider international community to impose silence and amnesia on victims' rights and the disappeared.

Dealing with the legacy of intrastate conflict is seen as one of the fundamental criteria necessary to support accountability, rule of law, and sustainable peace and reconciliation. Addressing the rights and needs of victims is at the heart of this approach and the legal obligations of a responsible state is to protect and uphold victims of violence and if a government fails to attend to victims and their injuries it is failing in one of its most basic political duties (Biggar, 2003). Despite such responsibilities, many states draw a line under the past, thus, in the process, omitting victims' needs. This paper, therefore, seeks to contribute to a broader understanding of these dynamics by utilising theories of the biopolitical. These conceptual languages, I argue, provide a structure to help understand how victims are either constructed or negated in peace process and also the role of victims' movements in these processes.

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