

*Intervention as therapeutic order⁽¹⁾***Mariella Pandolfi - Laurence McFalls**

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In the wake of the Cold War, a whole new cast of characters has come to inhabit the stage of world politics. On the one hand, we see with new acuity migrants, immigrants legal and illegal, refugees, asylum-seekers, clandestine déclassés shading off into international criminal and terrorist networks, and a host of other shadowy figures suspended in camps, holding areas, safe havens, extraterritorial and extralegal detention and/or interrogation centers, and the like (PANDOLFI M. 2009). On the other, we are beginning to discern the presence of actors who escape the relatively clear categories of citizens and soldiers familiar from the short, but naturalized epoch of the sovereign nation-state: armed peace-makers, peace-keepers, and peace-builders under the international command of the United Nations or of shifting “coalitions of the willing”; experts-without-borders of all ilk moving from hotspot to hotspot under the aegis of private interests (NORDSTROM C. 2004), non-governmental organizations, governmental and international agencies, or a self-proclaimed mandate to help, to advise, to organize, to rescue or to develop. Any scholarly attempt to make sense of this new, strangely peopled scene of international politics must quickly confront the limits of conventional disciplinary categories. Anthropology, for example, cannot come to grips with these new kinds of human experience without understanding the juridical, political, and material bases of the emergent forms of authority and domination outside of, beyond, and next to the conceptual framework of the sovereign, territorial state. Similarly, political and social theory cannot fathom the meaning of these new forms of order, or rather of managed disorder, without drawing on ethnographic insights into the practices, conditions, and experiences of the new figures on the world stage. This need for interdisciplinary inquiry has thus seen the field of critical medical anthropology spawn the broader research programs of the anthropology of humanitarianism and of a cross-disciplinary critical investigation of the new forms of power and subjectivation to which, notably,

the practices of militarized humanitarian interventions and the discourse of human security contribute.

In this essay, we shall attempt to sketch the genealogy of these new forms of domination and subjectivation by drawing on the theoretical reflections of Max Weber, Carl Schmitt, Hannah Arendt, Michel Foucault and especially Giorgio Agamben as well as on our field experiences in the postcommunist Balkans (PANDOLFI M. 2008a, 2008b), which have served as a veritable laboratory for the elaboration of a new human configuration. We shall do so, first, by examining the practical effects of the emergence of a new military humanitarian apparatus for the management of crises and affected populations; second, by tracing the origins and implications of the parallel articulation of a discourse of “human security”; third, by theoretically qualifying the emergent mode of domination as “therapeutic” and its inherent violence as “iatrogenic”; and, finally, by briefly reflecting on the consequences for the anthropology of the present.

Logics of exception, apparatuses of securitization

In his recent book, *État de violence: essai sur la fin de la guerre*, Frédéric Gros (GROS F. 2006: 217) reminds us that contemporary states of violence have characteristically habituated us to the simultaneous presence and action of a series of figures: the soldier, the mercenary, the computer engineer, the security agent, the humanitarian actor. Victims and their torturers, the soldiers who both fight and destroy, build and rebuild infrastructures, the aid workers who care and heal and deploy the logistics of emergency, the experts who redesign the economy and the juridical and democratic order all belong to the same encompassing apparatus. This apparatus has its own peculiar means of deployment in space and time; it transmits lifestyles; it shapes new power relations; it establishes new networks of information and stimulates new strategies, all the while suffocating the voices of those who do not follow its lead in the name of urgency and neutrality (RIEFF D. 2002). Its agents move around the globe, erasing, mixing and confusing the differences between different sites of violence. At the same time, they neutralize public opinion by obscuring the process by which the logic of exception and emergency measures elides into permanent crisis and the perpetuation of violence, a process which ultimately leaves war and peace, torture and rescue, destruction and development and perhaps even life and death indistinguishable.

Our point here is not to uncover the historical sources of this contemporary violence but rather to focus attention on the new means of population management, heralded today on a global scale, which participate in the ambiguous production of, or rather in the reconfiguration of, violence. “Humanitarian safe havens,” “holding zones” in international airports (KOBELINSKY C. - MAKAREMI C. 2009), zones of “asymmetric conflicts”, extra-territorial detention camps, refugee camps, all of these new sites of violence carry a heavy affective charge and are difficult to read, but they also describe the dark side of the current narrative of global chaos. It is precisely from these extreme outposts of the contemporary order that we wish to reexamine the humanitarian and “securitarian” management of populations as a mode of governing life with its own peculiar effects. This management of life, we contend, is not a reactive response to a new kind of violence but, to the contrary, is a constitutive element of the new global dynamic of violence and of its heterogeneous practices, which must be radically reconsidered in all their ambiguity.

A concrete example should help clarify the conceptual confusion that we are trying to untangle here. One of us has gathered considerable field experience on one of these sites of violence, namely in Albania during the Kosovo war of 1999 and in Kosovo itself after the war (PANDOLFI M. 2000, 2008a). At the time, the most obvious and impressive feature in the field was the sheer multitude of volunteers, of journalists, of United Nations officials, and of soldiers engaged in an ambiguous peace-keeping mission, not to mention the proliferation of acronyms, be they of UN origin (UNDP, UNDPIC, UNHCR, UNMIK), (inter)governmental (USAID, IOM, CIDA), non-governmental (MSF, CARE, OXFAM) or military (KFOR, AFOR).

Ten years later has anything really changed in Kosovo? Since the unilateral declaration of independence in 2008, the international presence has not ended. Au contraire! Alongside KFOR, UNMIK (whose limited mandate knows no end) and the countless NGOs, we find new actors such as the International Civilian Office (ICO) and the International Civilian Representative (ICR). To add to the opacity, the international presence is now redoubled by a parallel European layer so that, for example, the ICR is also the European Union Special Representative (EUSR) while the European Union Rule of Law Mission (EULEX) operates under the auspices of the same UN Security Council Resolution that authorized the not-yet-wound-down UNMIK. In response to this international Hydra, a number of local elites, from Yugoslav-era intellectuals to former UCK “freedom fighters,” have transformed themselves into “international business facilitators” at the beck and call of outside agents and agencies. Nominally independent,

but recognized as such still only by a minority of the international community, Kosovo remains in fact under the tutelage of a nebulous of the international presence. For so long a legal no man's land, Kosovo has been unable to meet the conditions of possibility for becoming a sovereign state under the rule of law. Its bureaucracy is still a composite established and funded by and often responsible to various intervening institutions, and although it may enjoy a certain legitimacy, this bureaucracy certainly does not correspond to a legal-rational order in the classic Weberian sense. What is more, the maintenance of external authorities surely perverts the norms of what pretends to be an independent, democratic state and effectively leaves Kosovo in a «permanent state of exception» (PANDOLFI M. 2006, 2007) ⁽²⁾.

Kosovo may constitute a particularly emblematic case, but wherever “humanitarian” interventions occur – in the wake of natural catastrophe (FASSIN D. - VASQUEZ P. 2005), in securing vulnerable populations however defined (DUFFIELD M. 2001), in controlling the flow of refugees and migrants (AGIER M. - BOUCHET - SAULNIER F. 2003) to protect their lives or the ways of life that they may disturb – the principle of exception comes into play. It does so, of course, in the commonly accepted sense that the management of crises requires intervention which violates the principle of non-interference in the affairs sovereign states consecrated since 1648 with the Peace of Westphalia as well as the principle of the autonomy of the individual enshrined in 1948 with the Universal Declaration of Human Rights. On a more theoretical level, however, the rupture with the common state of affairs or the suspension of the norm, from which crisis and ensuing intervention arise, refers to the concept of the “state of exception” as foundational element of political order. It is precisely in the light of the Kafkaesque machinery of humanitarian intervention, concretely observable in places such as Kosovo, that we prefer to examine the political logic of the state of exception rather than its effects of embodiment, for this apparently neutral, phenomenological term veils the mechanisms of a new power configuration.

The philosopher Giorgio Agamben (AGAMBEN G. 1998, 2005) has reopened the debate surrounding the notion of exception within the sphere of political action. References to the state of exception have of course multiplied exponentially since the end of the bipolar international order and especially with the advent of such problematic notions and practices as “humanitarian war” and “the war on terror.” Drawing on the political thought of Machiavelli, Carl Schmitt, Walter Benjamin and Hannah Arendt, Agamben, in his book *State of Exception* ⁽³⁾, undertakes a genealogy of the

politico-juridical concept of this term that has passed into common parlance. At the center of his reflection we find the problem of power as a mechanism that links violence and law as well as violence and life in a «relation that binds, and at the same time, abandons the living being to law» (AGAMBEN G. 2005: 1). We can understand this elliptical formulation and its concrete implications for our contemporary world by following Agamben's exposure of the impossibility for the law to step outside of its foundational violence. Agamben's project in fact takes up Michel Foucault's program of analyzing power in a manner that frees itself from the idea of «a power centered on the proclamation of law, an image of power-as-law [the unilateral capacity to forbid or to allow], of power/sovereignty that the theorists of law and of the institution of monarchy elaborated» (FOUCAULT M. 1976: 118, *authors' translation*). Whereas Foucault attempts, through the concept of *biopower*, to construct «an analysis of power through the concrete and historical play of its procedures» (*ibid.*: 119). Agamben is interested in studying less the multiple mechanisms of power than the logic of power, namely that of the exception, whose structure from the very outset must be seen as a paradoxical relationship between the norm and reality. Agamben places this idea of a fracture at the heart of politics and situates the law at the centre of his analysis of the state of exception.

At its etymological root, the state of exception refers to an exception, i.e. a “taking from without”, and has a topological structure in which we can recognize the *aporia* of intervention (recall the role of the international community in establishing the bureaucratic legitimacy of the Kosovar “state”): to be on the outside while belonging. In this grey zone between might and right, the exception is brought to bear through very concrete governmental mechanisms in a double process in which force acquires legitimacy: on the one hand, we see the post hoc legalization of non-legal procedures, i.e. the introduction into legality of that which is extra-legal; on the other hand, we observe the effort to preserve the integrity of the law despite its being confronted by a reality not in line with the conditions of applicability foreseen by the legal norm. In other words, the notion of the state of exception allows us to address two questions at the junction today of law and violence: How can the extra-legal participate in a legal process? How, in the face of the legally unforeseen realities of life can the law be suspended in order to guarantee its own preservation? This double process thus brings into being a link between life (the unforeseen, arbitrary force) and law in which life is written into the law or, as Agamben writes, «abandoned to law».

It is precisely through the prism of the law and its relations to reality, to force and to life itself that Agamben shows how the exception lies at the

center of a fundamental dichotomy upon which the western tradition of thought has defined the political, that is, on the dividing line between disorder and order. Thus, for Carl Schmitt (SCHMITT C. 2005), the exception is this liminal point, this ambiguous border between order and disorder where power and legitimate violence originate. The fragility or slipperiness of this dividing line that defines politics has become clear today when political thinkers as well as politicians speak no longer of instituting order but of managing disorder. Indeed, on the sites of contemporary violence, from zones of post-conflict reconstruction to humanitarian enclaves to extraterritorial detention centers of western democracies, the exception no longer serves as the frontier between order and disorder but has come to instantiate the ambiguous process of managing disorder itself. By looking at these processes on sites of exception we can in fact begin to understand the novelty of contemporary violence and the subjectivities and types of bodies it produces (or reduces).

Politicians, the media, and mainstream academics have in recent years jointly engendered a discursive consensus on the global present as being characterized, on the one hand, by zones and situations of extreme violence that threaten order on a planetary scale, and, on the other, by the need for and development of integrated crisis management in order to succeed in what the influential Washington Institute for Peace in 1996 labeled «managing global chaos». This management of global chaos combines surgical intervention – as rapid, as targeted, and as effective as possible – and the humanitarian administration of populations through the provision of a minimum threshold for survival. Generally seen as limited to extraordinary crisis zones, this dialectic of new violent disorder and of its humanitarian and securitarian containment pervades contemporary politics (DUFFIELD M. 2001). Indeed, the slippage from the institution of order to the management of disorder is precisely what Foucault (FOUCAULT M. 2004a) identified as the securitizing rupture of liberalism that inaugurated our modernity. As he explained in his lectures at the Collège de France published as *Sécurité, territoire, population*, the concept of “security” allows for the controlling of disorder whereas “discipline” or sovereign authority imposed order. This slippage at the basis of the contemporary *biopolitical* order (or managed disorder) is what Agamben has in mind when he says of the state of exception, following Benjamin (2006), that it «has gradually been replaced by an unprecedented generalization of the security paradigm as the normal technique of government» (AGAMBEN G. 2005: 11).

The concept of the state of exception thus allows us to better grasp what is at stake, both theoretically and materially, in contemporary expressions of

violence. The notion of security that the management of global chaos entails, by defining it negatively as the neutralization of insecurity and the management of risks, the merging of two discourses. The first one describes a timeless or primitive violence constantly festering and occasionally erupting in senseless riots or *jacqueries* in a theatre of age-old victimization and of ancestral or ethnic hatred. The second evokes an equally timeless but modern moment of freedom, security and democracy. Between them there emerges a construct of an enemy, not one to be killed or enslaved, not an irreconcilable other, but rather a different configuration of the human, one who can be re-configured by the humanitarian *techné*: techniques of standardization through the physical and psychic care introduced by humanitarian aid, but also techniques of intervention applying targeted force.

In criticizing this new biopolitical discourse of technically managed violence, we leave aside any consideration of the political intentions, strategies, and interests whose interplay have reconfigured power relations at a global level over the past decade. Instead, we wish to identify the consequence of an apparatus of managerial violence that marries the new techniques of management to the problematic reconfiguration of the relations between violence and subjectivity in what we shall attempt to define as a political *techné*. Deployed on the sites of humanitarian and securitarian interventions, this *techné* raises questions about time – torn by the opposing paradigms of urgency and of the *longue durée*, about space – dismembered through the paradigm of the zone, and about the law – disfigured by the violence of its normalizing mechanisms. An ensemble of know-how and technologies that can be exported from one crisis zone to another across the planet, this *techné* evolves as a fiction always understood as exterior to the localized violence that it is supposed to manage. What precisely are these technologies and know-how? They include: the international jurisprudence that seeks to codify the right to intervene and the “responsibility to protect”⁽⁴⁾; post-conflict reconstruction packages; check-lists for nation-building wisely composed by political scientists; and new forms of the “police” from peace-keepers to “good governance” consultants. These practices constitute a step-by-step recipe for re-establishing political order legitimated from the outside. Yet precisely by establishing order from the outside, by being within from without (ex-ception), this *techné* insinuates itself within new cycles of violence, all the while obscuring its role.

The inseparability of technical violence from the real-life violence it allegedly manages lies in the effects of its temporality. Military and humanitarian urgency, impelled by shared and powerful emotions maintained by an eternal loop of media dramatization, generates a visceral emotional legiti-

macy. Who would not agree but to punish the wicked, to help the victims, and to prevent further dangers? Urgency, the need to act *im-mediately* engenders a state of exception that allows any and all strategic derogations, be they legal, moral, economic, political. Intervention thus derives its virtual legitimacy from the new barbaric or catastrophic temporality of genocide, rape, war, epidemic, earthquake etc. and therefore always requires an apparatus ready to prove its indispensability, its ability to act *now*. In a world constantly threatened with chaos, where any locality can suddenly erupt into a crisis zone susceptible to the temporal suspension of urgency and the application of the norms of exceptionality, this apparatus must always be on alert; the potentiality of an exception becomes a permanent state of (anticipated) exception, and consequentially the distinction between war and peace evaporates. This temporal, spatial, and legal generalization of the state of exception has until now gone largely unnoticed, perhaps because every event remains segmented in the reflexive imagination or because the end of the apparent stability of the bipolarity order has produced the expectation of unordered violence. Still, paradigmatic cases such as the Balkans (or Afghanistan) help to crystallize the awareness that urgency and permanency have become indistinguishable and that their conflation has invaded the organization of daily life. There we find “armies of peace” waging war to “consolidate peace” or to “keep the peace” in some sort of quasi-messianic expectation that local communities will someday recover control of their lives. An enduring state of exception produces this indefinite space between war and peace; it begins with a temporality of urgency as it saves victims but persists over the *longue durée* as the borders between perpetrators and victims blur to the point of inversion and maintaining the intervention becomes an end in itself. (We need think only of Kosovo, where the Serbian population, initially suspected co-perpetrators of genocide, then protected minority, attacked representative bodies of the international community in response to the previously persecuted albanophone majority’s declaration of “pseudo-independence”).

Under such circumstances, it no longer makes sense to ask who is right or wrong, to split hairs over responsibility, or to look for practical mistakes or better technical solutions. States of emergency, or urgency, or exception are today no longer temporary, well defined derogations from a legal order. The humanitarian and security crises of the present have become indefinite suspensions, exceptions where might and right, legality and violence remain on a threshold of indecision, or in an *aporia* that exposes the impossibility of a distinction between legality and the exercise, no matter how technically or managerially competent, of violence.

We have thus far exposed the practical (temporal, spatial, legal) effects of the contemporary military-humanitarian apparatus. The availability and application of techniques of crisis management and the humanitarian government of affected populations has led to a confusion of the immediate and the perpetual in permanent states of urgency, of the local and the global in zones of intervention, and of the exception and the norm in the suspension of the law in the name of order. The emergent generalization of a global order of arbitrary violence in which we all participate and which shapes a new human configuration has perhaps escaped notice, but it has been accompanied by a discourse, to which we now turn, that both justifies and enables the new *techné* and its effects.

Securing the human

The end of the Cold War has ushered in a normative re-evaluation of the notion of international “security.” Security now takes as its object the physical and psychic well-being of individuals who are grasped through the notion of the “global population.” This new political rationality imposes itself under the name of “human security.” It is founded upon a strategy of risk management (LAKOFF A. 2007) that focuses on the interrelationships between various threats: threats to health and the environment that stem from migratory flows, poverty, crime, terrorism and armed conflicts. These threats were until recently considered to be the objects of management and regulation internal to states. In the “human security” discourse, (GLASIUS M. - KALDOR M. 2005, MAKAREMI C. 2009), not only have these collective problems come into the purview of the international community, but with the definition of “human security” as the capacity of individuals to lead peaceful and fulfilling lives, even individual happiness has entered the domain of concern of the international community. In short, “human security” provides a blanket excuse for the intervention of private actors or state coalitions whether mandated by the UN or not.

The concept of human security, defined as “freedom from want” and “freedom from fear” first appeared in the annual report of the UNDP in 1994. Its birthplace, the United Nations Development Program (MACFARLANE N. S. - FOONG - KHONG Y. 2006), is also the place where statistical techniques and knowledge are housed and developed in order to produce figures such as birthrates, mortality rates, and development indexes which measure the qualities of the world’s population on a global scale. The genealogy of these principles places human security squarely within the problematic of

democracy and just war, or rather, just intervention. “Freedom from want” and “Freedom from fear” are two of the four freedoms outlined by President Franklin Roosevelt in his speech to the Us congress on January 6, 1941, in which he justified the nation’s entry into World War II. These four liberties include freedom of expression, freedom of religion, and the emancipation from want and from fear. As he explained:

«The third is freedom from want, which, translated into world terms, means economic understandings which will secure to every nation a healthy peacetime life for its inhabitants – everywhere in the world.

The fourth is freedom from fear, which, translated into world terms, means a world-wide reduction of armaments to such a point and in such a thorough fashion that no nation will be in a position to commit an act of physical aggression against any neighbor – anywhere in the world»⁽⁵⁾.

These four liberties, intended to convince an overwhelmingly isolationist Us Congress to vote in favor of a just war and a democratic victory, have been registered in the international documents that govern contemporary discourse on human rights. They are part of the official legal arsenal of human rights, inscribed in both the Charter of the United Nations (1945) and the Universal Declaration of Human Rights (1948), as well as subsequent agreements including treaties on human rights. These liberties were later adopted in 1994 as the foundational principles of human security, and nearly a decade later were accepted as an integral part of the eschatological order promoted by the UN. In 2003, these principles would be taken up by the Barcelona Group in its interpretation of “human security” as a European doctrine.

Over time, human security has inserted itself in the universalistic discourse of human rights, which, divorced from local history, is capable of being applied to a multitude of enterprises from institution building to peace keeping, etc., invoking its relationship to both democracy and international law. Originally, human security was defined according to seven different dimensions of security: economic, food, health, environmental, personal, community and political security. This totalizing grid increasingly envelops the individual in its successive layers of insecurity, until it finally succeeds in reaching the physical body. Within the doctrine of human security, the physical body must be secured against hunger and illness, harkening back to the idea of biopolitics articulated by Michel Foucault (FOUCAULT M. 1997, 2004a, 2004b). Biopolitics represents the point at which politics appropriates human life in its biological form. At this moment, both life and politics are radically transformed, and invested – even circumscribed – by the normative and immanent dimension of biological life.

The political space of humanitarianism follows this trajectory, weaving itself into the fibers of the body that is to be transformed through the beneficence of aid. For example, humanitarian intervention claims as its objective the food and health security of refugees. This aid process inevitably recasts the refugee as victim, a remolding that is at the heart of security operations. Human security operations therefore follow exactly the lines of inequality that shape the international order. Security operations create a new space that fosters the implementation of liberal management on an international scale. In this managerial realm, absolutely every dimension of human life is recast as an issue of security, and the discourse of security gains increasing strength as it penetrates ever deeper into the body, eventually circumscribing human life into a technique of pure survival. This silent mechanism is carefully regulated by an ensemble of norms and universal standards, and it conjugates the relationships of power and axes of domination that shape the contemporary world order.

In strategic terms, “human security” secures the well-being of those who would otherwise be a threat to “our” security. Target populations are both subjects and objects of security, in an enterprise that is constantly reinventing the definition of what it means to be human. “Human security” is therefore also an act of production: producing “humans” that need to be secured through a web of techniques and political practices where actors may or not be linked through the state. Who are the humans that are destined for this program, these citizens who are the subjects of rights? In *The Origins of Totalitarianism* (1951), Hannah Arendt notes that the problem with human rights is that they are invoked at the precise moment at which the rights of a citizen, the political artifice that confers human dignity, are stripped away. This leaves us with «the abstract nakedness of being human and nothing but human». Arendt’s distinction between the political subject participating in a community and the biological subject as a depoliticized vessel to be filled with universal human rights of course informs Giorgio Agamben’s often (mis)cited concept of “bare life”. Frequently misunderstood as biological or rather zoological life, bare life for Giorgio Agamben (1998) is not the same as natural life; it is not an ontological concept, but rather a politico-legal construct, the result of a political blurring of the distinction between the political and the natural. The juridico-political category of “bare life” exists precisely within the state of exception, that thin borderline between violence and the law, between order and disorder which, as we saw in the first part of this essay, has expanded to fill the political space of our present world.

Thus, a new humanitarian species has imposed itself upon the international scene. Growing in momentum since the end of the Cold War, a new figure has emerged that moves us beyond Cartesian and post-modern subjects, eclipsing even the post-colonial subject. This new species is no longer defined in terms of gender, social class, ethnicity or state-citizenship, but brings the face of a new human configuration: that of the "bio-citizen". This contemporary figure lays claim, not to a state charter, but to a complex set of international rules, rights and responsibilities that are designed to protect the subject as a living being. Through commission reports and declarations of intent, the global community has strategically patched together a semblance of UN consensus and defined a new map of human rights. This new geography demands "responsibility in the act of protection" but in reality transforms individuals into beings whose only right or responsibility is biological survival. Human security promotes and constructs not only the universal "rights of man of the citizen" but the universal rights of the body.

"Freedom from want" promotes an ideal form of life where all needs are satisfied. In practice, these needs are to be satisfied through a new integration of humanitarian programs and development projects. Whereas development and humanitarian projects previously occupied distinct fields of intervention, they are increasingly being conducted by the same NGOs. "Freedom from fear" therefore encompasses the multitude of actions undertaken to put an end to a situation of violence. This includes both military and humanitarian interventions, which seek respectively to address the sufferings of civilian populations and to restore international security and order. This complementary relation between humanitarian and military interventions is praised as reflecting the humanistic advances that the global community has made since the archaic restrictions of the Cold War. As Duffield reminds us, «This broadening of security is usually seen by politicians, policy makers and many academics as a 'new' departure» (DUFFIELD M. 2007: 3). However, the optimism of this "new departure" is unfounded.

As the military-civilian forces of human security are increasingly deployed throughout the world, the procedures of saving bodies are becoming increasingly divorced from local contexts and political struggles. In the process, these forces, and the transnational movements that created them, are re-framing individuals as biological citizens, creating a New Order which honors, above all, the security, integrity, and safety of the biological body. The reduction of persons to biological bodies inevitably strips them of their ability to defend themselves. Devoid of the localized rights and capacities that make them fully human, they are subject only to the rights that

they are granted by the international community and its mercurial set of commissions and regulations. Once an individual is reduced to a biological citizen (NGUYEN V. K. 2005a, 2005b), he may very well be protected from local threats, but he is also laid bare to the ravaging tendencies of an increasingly militarized world.

It does in fact seem as if the much trumpeted priority of global “good governance” today is set to deliver freedom from want and freedom from fear to all people on earth. Yet these concepts, which constitute the corner stones of United Nations’ world programs, also reveal a world order whose strategies seek to extend a control network over human passions and life itself. This ambivalence yields a construction of what in the first part of this essay we called a new kind of enemy, a latent but ubiquitous enemy, this different configuration of the human, the bare life that the human security discourse has described and tried to have inscribed in a new international legal order, a form of life that is always subject to government through humanitarian *techné*. All old forms of domination are obliterated in this new configuration of the other. We see this other most clearly among the obvious targets of intervention (humanitarian victims, displaced and relocated populations, refugees), but bare life lurks within each of us just as the state of exception pervades our ostensibly well ordered lives.

Therapeutic domination

If the discourse of human security and the “exceptional” *technés* of humanitarian government really do constitute a new form of domination, then we must ask what formal logic defines this domination and what effects it has on the contemporary human subject. We have described the techniques of humanitarian government and the discourse of human security as converging around a state of permanent, pervasive violence exercised against bare life. While in fact a politico-legal construct, bare life has been naturalized by humanitarian discourse and practices, which in turn are morally justified by their benevolence. Of course, any claim to authority ultimately, and more or less sincerely, appeals to “good” intentions. Our point here is not to call into question the generally noble, often self-sacrificing intentions of the proponents and protagonists of humanitarian government, but rather to reveal the purely logical structure of their claim to authority (see also MCFALLS L. 2009).

Playing on emotional norms and new cultural sensibilities to individual vulnerability, the good intentions of humanitarian intervention take on a

salvationist form that vacillates between the medical and the religious. On the one hand we witness a process of medicalization and pharmaceutical treatment of social suffering. On the other, we see redemptionist myths of political liberation and the rise of a universal mission of the international aid community. Together they congeal into a thickening hegemony of compassion. This moral and political economy (humanitarianism has become big business, too, after all) of compassion operates not only at the margins of the present, in so-called crisis zone, for our modernity creates a zone of indeterminacy, and hence vulnerability, not so much between inside and outside (of the nation, the town or the home) but within every subject, as well as within the realm of the political itself, which is today plagued by a devastating misgiving in the face of an elusive horizon of danger and threats. Marc Abélès (ABÉLÈS M. 2006) has described this convergence of collective and individual sentiments and discourse of vulnerability as “a politics of survival,” in which expectations of disaster and, at best, rescue have supplanted the promise of a better life as the unsurpassable horizon of contemporary politics. Humanitarianism, as discourse and action, is of course the typical expression of this new survivalist public sphere.

Survival and salvation do indeed describe the ultimate ends to which humanitarian government aspires, and quite literally as well as figuratively therapeutic means, from public health campaigns to “surgical strikes,” define its action. Following Max Weber (1988), however, we can also understand a mode of “legitimate” domination (i.e. an exercise of command that appeals to its own normative justification) without reference to its substantive goals or means. Weber identifies three “pure,” or ideal-typical, forms legitimation claims can take – the traditional, the charismatic, and the legal rational – on the basis of the formal structure of the relationship between rulers and subordinates. Thus, traditional authority refers to a relationship in which the norm for obedience is inherent to the ruler’s person embodying (a) value(s) in a “timeless,” ordinary regime of continuity, whereas charismatic authority emanates from the very person of the ruler in an extraordinary, revolutionary temporality of rupture. By contrast, legal-rational authority is literally disembodied in that the ruler appeals to an entirely impersonal norm or procedure necessarily in a regime of continuity, the validity of the norm depending precisely on its lack of personal and temporal context. This formal typology logically suggests a fourth mode of legitimation, namely one in which a dominant actor makes an impersonal claim to authority in a context of rupture with existing norms (SIMARD A. 2009).

It is possible to associate this fourth form with scientific authority, under which the impersonal procedure of scientific method challenges existing orders of knowledge in a revolutionary process of scientific advancement (McFALLS L. 2007), but by metonymic analogy to medical knowledge we can also call this fourth pure form of authority *therapeutic domination*. Under this form, as in the doctor-patient relationship of command, the ruler claims obedience by virtue of the application of a scientifically valid, impersonal procedure – a treatment protocol – in the extraordinary context of crisis. As Pupavac (PUPAVAC V. 2001, 2005) has argued, humanitarian interventions have in empirical practice taken on the quite literally medicalized form of what she calls “therapeutic governance”, i.e., the application of social and clinical psychological treatments to traumatized or otherwise stressed target populations. While it encompasses substantive practices of therapeutic governance in Pupavac’s sense, the concept of therapeutic domination abstractly describes any relationship of command justified by an appeal to an impersonal rule or procedure in rupture with a previous enduring order. Nonetheless, the formal structure of figuratively therapeutic domination logically suggests that the substantive contents of its normative claims will be literally therapeutic. As with legal-rational claims to authority, therapeutic domination’s appeal to impersonal procedure applies to no-body in particular and hence to every-body in general. Paradoxically, and in contrast to legal-rational authority, the apparently disembodied norms of therapeutic authority focus precisely on the human body itself because of this mode of domination’s extra-ordinary temporal quality. Intervening in rupture with established practices, therapeutic domination not only depersonalizes but decontextualizes social relationships. Without any reference to culture or history, therapeutic domination reduces social agents to human bodies. Thus, unlike charismatic, traditional or even legal-rational authority, no particular conception of the good life, but only the minimal but absolute value of life itself, can inform therapeutic domination.

The contradictions inherent to an impersonal but extraordinary mode of legitimation become evident if we associate with each kind of relation of legitimate (i.e. rationalized) domination Weber’s four ideal-typical modes of rationality, namely: habit, affectivity, value rationality (*Wertrationalität*), and instrumental rationality (*Zweckrationalität*). We can map these types of rational motives for social action along the two dimensions of their relative motivational strength and of their degree of conscious (intellectual) articulation, with habit (e.g., custom) being a relatively weak and unconscious “reason” for action; affect (e.g., *eros*) being a potentially powerful but not

necessarily self-conscious motive; the rationality of ultimate value ends (e.g., salvation) being also very powerful and usually subject to conscious articulation; and finally instrumental rationality (e.g., utility maximization) being absolutely self-conscious in its calculations but relatively weak in its motivational strength precisely because of the fungibility of its ends. In purely abstract terms, then, the quotidian and personalized claims of traditional authority appeal to habit and affect whereas charisma by virtue of its personal and extraordinary quality appeals to affect and value rationality and legalist proceduralism in its impersonal routine draws on instrumental rationality and habit. Logically, a simultaneously extraordinary and impersonal claim to authority would have to appeal to both value rationality and instrumental rationality at the same time, i.e. to the substantive rationality of ends and the formal rationality of means, two conscious but contradictory motives for action.

The centrality of a logically contradictory, impersonal but extraordinary mode of legitimation, i.e. of therapeutic domination, both to intervention and to contemporary Western politics as a whole restates, once again, Agamben's fundamental thesis – translated into Weberian terms. As Agamben argues, the “structure of exception” is the formal paradox at the core of, and has permeated, the Western political and metaphysical tradition at least ever since Aristotle excluded “mere (or bare) life” (*zoe*) from the ends of the polis in its self-legislating pursuit of the “good life” (*bios*). Whether it exist between the “good life” and “bare life,” civil society and the state of nature, constitutional order and the state of emergency, law and force, language and being, or, as in the case at hand, the rationality of means and the rationality of ends, the structure of exception entails a relationship of “inclusive exclusion” where the existence of the first term both depends on and negates the second. The (state of) exception *proves* the rule (of law) in both senses of the verb: to confirm and to contest, just as therapeutic domination saves lives at the same time as it depersonalizes them, or empties them of the contents of a life worth living as the rationally efficient application of the humanitarian *techné* denies the substantive ends to which the individuals and communities that it “saves” aspire.

To be sure, all forms of domination repose on violence, but the peculiar violence of therapeutic domination, which destroys that which it purports to save, is particularly insidious because irrefragable. Extraordinary and embodied charismatic authority, for example, in appealing to affective and substantive-value rationalities practices its violence between leaders, administrative staff, and the administered masses with the explosive exuberance of purges, (self-)sacrifice, genocide, assassinations and terror. Its

destabilizing, unpredictable quality provokes a countervailing resistance as the political personnel and the masses undermine the transformative mission of charismatic violence through their attempt at securing their provisions in a process that Weber (1988) calls the routinization of charisma that gives way to a traditionalized or legal-rationalized order. Under a bureaucratic order, the “legitimate” violence of an ordinary, impersonal legal-rational domination appealing to habit and technical, instrumental reason depends on the internalization of violence in a process that Foucault (FOUCAULT M. 1975, 1976, 1997 as well as ELIAS N. 1939) describes as (self-) disciplining. Resistance takes the form of legitimation crises and periodic charismatic, chiliastic revolts. By contrast, the peculiar violence of therapeutic domination short-circuits resistance, converting it into a further source of legitimate violence. Because therapeutic authority applies an impersonal treatment protocol under extraordinary circumstances to the alleged the objective benefit of those subordinated to it, this form of domination amounts to an appropriation of the body, its “bare life.” Attempted resistance therefore necessarily takes the form of the subordinate’s re-appropriation of his or her body. In an analogy to the asymmetrical doctor-patient power relationship, we can define the patient’s attempt to recover his or her body as a refusal of treatment. We label this attempted resistance “iatrogenic violence” not only because it is physician induced but because it constitutes a new pathology. Thus iatrogenic resistance is futile since it re-pathologizes its perpetrators and necessitates further therapy. Far from reasserting their humanity, those who resist the therapeutic domination simply turn themselves into harder “cases” to crack. Suicide bombers represent the paradigmatic case of iatrogenic violence, but countless examples of less extreme varieties – from HIV patients who engage in wilful promiscuity to the Serbian minority in Kosovo that attacks the international forces there to protect them – are evident wherever therapeutic interventions occur.

From metonymy to metastasis

The analogy of the doctor-patient relationship not only elucidates the logic of therapeutic domination but encapsulates the analysis presented here. In its modern, disenchanting pure form, medical authority is, of course, biopolitics, i.e. the technical and moral mastery of bodies as life in its barest biological (or zoological) sense. Effective in the extraordinary, exceptional context of crisis, it applies a norm (treatment) extraneous to normal life in the name of a return to normal life, i.e. it reproduces the structure of

exception at the heart of sovereign power. Once subordinated to therapeutic domination, patients cannot recover control over their lives but instead fall into a cycle of iatrogenic violence, developing new pathologies for more treatment (think, for example, of even the best case of the “recovered” alcoholic who is not “cured” but always remains “at risk”). The state of exception thus extends indefinitely as the patient’s existence becomes framed in a discourse of recovery, remission, relapse in an individualized version of the totalizing discourse of human security, whose utopian goal of “freedom from want” and “freedom from fear” can only result in a permanent humanitarian-securitarian crisis.

In short, the doctor-patient relationship is not metaphoric but metonymic; it is not similar to, but part and parcel of our contemporary biopolitical order. What is more, it describes the exceptional relationship that has become the rule. It has metastasized. In so doing, it has also brought medical anthropology not only to the forefront of the new anthropology of humanitarian intervention (FASSIN D. 2004, 2007, PANDOLFI M. 2000, 2002, 2006, 2008a, 2008b, REDFIELD P. 2005, 2008), but to the center of social scientific, juridical, and philosophic reflection on the now permanent global state of emergency. Once perhaps “marginal” to the discipline, questions of the embodiment of illness and of medical treatment address the human condition at large as humanitarian *technés* experimented in the laboratories of intervention not only in such far-flung places as the western Balkans but in schools and hospitals nearby. In a premonitory passage of *Homo Sacer I* where he reflects precisely on the war-torn Balkans as a site of both biopolitical genocide and biopolitical humanitarian intervention, Giorgio Agamben warns:

«...what is happening in ex-Yugoslavia and, more generally, what is happening in the process of dissolution of traditional State organisms in Eastern Europe should be viewed not as a reemergence of the natural state of struggle of all against all – which functions as a prelude to new social contracts and new national and State localizations – but rather as the coming to light of the state of exception as the permanent structure of juridico-political de-localization and dis-location. Political organization is not regressing toward outdated forms; rather, premonitory events are, like bloody masses, announcing the new *nomos* of the earth, which (if its grounding principle is not called into question) will soon extend itself over the entire planet» (AGAM-BEN G. 1998: 38).

Agamben’s warning is not one of catastrophic violence, upon which the current humanitarian-securitarian discourse thrives. Instead, he is alluding to a therapeutic order that politico-juridically as well as technically subjectivates bodies as bare life.

Notes

⁽¹⁾ This article provides an overview of the various trajectories that our work on humanitarian intervention has taken in recent years. This research has been funded by grants from the Fonds Québécois de Recherche sur la Société et la Culture and from the Social Sciences and the Humanities Research Council of Canada. Our research has benefited from fruitful interactions with friends and colleagues including those at Byron Good and Mary-Jo Del Vecchio Good's *Friday Morning Seminar* at Harvard University, at seminars at the École des Hautes Études en Sciences Sociales in Paris directed by Marc Abélès, Didier Fassin, and Michel Agier, and at workshops that we have organized on the topic over the last years at Université de Montréal in the framework of our Groupe de recherche sur les interventions militaires et humanitaires (GRIMH). We are grateful to Gil Anidjar, Vincent Crapanzano, Mark Duffield, Alessandro Dal Lago, Ugo Mattei, Michael Fischer, Vinh-Kim Nguyen, and Salvatore Palidda for many rich exchanges. We would also like to extend our thanks to the graduate student members of the GRIMH, in particular Marie-Claude Haince, Chowra Makaremi, Phillip Rousseau et Samar Seremi

⁽²⁾ A perfect illustration of the confused, superposed hierarchies of authority in effect in Kosovo can be found in EULEX's self-description on its website (<http://www.eulex-kosovo.eu/?id=2>, viewed last March 28, 2009): "The European Union Rule of Law Mission in Kosovo (EULEX) is the largest civilian mission ever launched under the European Security and Defence Policy (ESDP). The central aim is to assist and support the Kosovo authorities in the rule of law area, specifically in the police, judiciary and customs areas. The mission is not in Kosovo to govern or rule. It is a technical mission which will monitor, mentor and advise whilst retaining a number of limited executive powers. EULEX works under the general framework of United Nations Security Resolution 1244 and has a unified chain of command to Brussels."

⁽³⁾ The originality of Agamben's approach, in relation to the classic Schmittian view (elaborated most notably *Political Theology* 1922 and *The Dictatorship* 1921), which he also draws on, is his introduction of the question of life, following in this the analysis outlined by Walter Benjamin in his *Theses on the Philosophy of History* (1940, see thesis VIII).

⁽⁴⁾ The Responsibility to Protect populations from genocide, ethnic cleansing, war crimes and crimes against humanity is an international commitment by governments to prevent and react to grave crises, wherever they may occur. In 2005, world leaders agreed, for the first time, that states have a primary responsibility to protect their own populations and that the international community has a responsibility to act when these governments fail to protect the most vulnerable among us. The central theme is the idea that sovereign states have a responsibility to protect their own citizens from avoidable catastrophe, but that when they are unwilling or unable to do so, that responsibility must be borne by the broader community of states.

⁽⁵⁾ Source: <http://www.fourfreedoms.nl/index.php?lang=en&id=11>. Last viewed March 28 2009.

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