

Securing the Human: A Critique of Human Security and *The Responsibility to Protect*

by

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Supervisory Committee

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Abstract

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This thesis examines the discourse on human security, in particular the 2001 report by the International Commission on Intervention and State Sovereignty, *The Responsibility to Protect*. I contend that the human of human security is deeply indebted to an account of the modern subject that is also responsible for producing the model of the citizen/state relationship to which human security is conceived of as a response. Human security reaffirms the appropriateness of the sovereign state while at the same time re-conceiving sovereignty as responsibility and empowering certain international actors to intervene in sovereign states should they fail to act responsibly. Like the citizen, the ostensibly universal category of the human is produced through the exclusion or dehumanization of some ways of being human and some human beings. However, I also consider the ways in which human security works to humanize its subjects, producing the kinds of humans that can be secured.

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Introduction

This thesis takes the form of a critical interrogation of human security – in particular, the version put forth in the 2001 document *The Responsibility to Protect*. I suggest that in order to understand the problems and limitations inherent in the logic of human security, one must first examine the figure of the human around which this new security paradigm ostensibly resolves. This is an important task not least because it is the human, supposed to be the primary object of concern for the human security discourse, which remains the most under theorized of all of its terms. In the human security discourse generally, and in *The Responsibility to Protect* particularly, the notion of the human is simply taken as given; it is treated as a completely natural, ahistorical and unproblematic category. In the world there are humans, these humans have natural rights, and the problem at hand is to ensure that security – at the state and international level – is geared towards protecting these humans and their rights. In this thesis I demonstrate that this is not at all the case, that the human of human security must be understood as a product of specific historical narratives about man and his place in the world, narratives which have developed through centuries-old philosophical, scientific, theological, political, and legal conversations, and elaborated in different ways in more recent governmental discourses.

My aim in pursuing this trajectory of analysis is not simply to demonstrate that the human of human security (or human rights) is discursively constructed, or that it has historical context, but to consider how the defining and delimiting of this human also defines and delimits the way in which human security can be thought, the terms in which it can be articulated, the terrain on which it is inscribed, and the practices through which it secures its very object. It is through this conversation that I intend to demonstrate that

human security, far from being the paradigm shift that many proclaim, is bound to the same conceptual triad – man, state, system – that shapes conventional thinking of international politics and security. Thus, the attempts of the human security discourse to challenge the predominant security arrangement that has arisen from this conceptualization (in which man finds his security in the state, while outside there is anarchy and violence) in fact only recycle its terms in new and equally problematic ways.

I will show that the discourse on human security actually functions to legitimize the state as guarantor of security, although the role of the state is conceived differently than in more traditional, statist security paradigms. Maintaining the state formally, and recognizing its structural necessity for organizing and preserving international order, human security allows for the appropriation of the ultimate authority to determine what is exceptional to that order – once thought to be the prerogative of the state – in the form of a decision on when to suspend state sovereignty. Moreover, while human security seeks to address the exclusionary nature of the citizen-state relationship by shifting the referent object of security from states (and whomever they determine to be their citizens) to the human, it intensifies the need for an authority to determine exceptions and draw exclusions anew. While the discourse on human security may employ a language of globalism or internationalism, human security authorizes a specific “face” of the international to intervene in the name of protecting the human – this is, it sanctions certain norms and values and empowers certain actors to enforce these. We can therefore understand it as establishing (or reinforcing) hegemony within international politics, although not – as some would suggest – attempting to establish a full-scale empire that would abolish national divisions or transfer state power to one central authority.

Though couched in universalist terms, the discussion of the human always involves redefining what the human is, and who or what it is not. The appeal to the human works to obscure the logic of exceptions and practices of exclusions that are the prerequisite of human security, like all other security discourses before it. Although there might appear to be a paradox to my reasoning here, it is a necessary one: the human of human security is *formally* delimited by the terms we are given for thinking the modern subject (which are the same terms that enable the birth of the modern citizen). At the same time, the *particular content* that this figure of the human assumes (i.e. who or what is humanized or dehumanized by the practices of human security) is produced by an ongoing process of decisions, exceptions, exclusions and inclusions.

This thesis is divided into four chapters. Chapter one provides a review of the context in which the discourse on human security developed, demonstrating how, in this context, alternative conceptions of security – many of which influence this thesis – were conceivable. It then turns to the discourse on human security to show how this discourse has been narrowed and how this narrowing has given rise to the current, dominant version of human security. Finally, the chapter offers a discussion of *The Responsibility to Protect*, which I suggest is emblematic of this version of human security. Chapter one will make clear my position that this approach to security cannot possibly account for all humans or for all ways of life.

Chapter two offers a discussion of various theoretical developments that have made possible the kind of approach to the human that we see in the discourse on human security. I focus primarily on the constitution of the modern subject that runs from the Greeks through St. Thomas Aquinas, early-modern thinkers such as Hobbes, and

Enlightenment thinkers such as Kant. My concern here is to show how the predominant account of the modern subject – as rational and free, and as the bearer of rights – gives us both the citizen (and its necessary correlate, the state) and the human (and an understanding of the universality in which it participates as well as the cosmopolitan or international which it sanctions).

Chapter three attempts to convey more explicitly the effect of this framing of the human on both the logic and the content of human security. It establishes that human security is necessarily exceptional and exclusionary, and considers how its exceptions work, in practice, to authorize a particular constellation of actors to act in the name of the international and the human (in this case a collection of middle powers working with international organizations and other non-state actors as the face of liberal internationalism). Furthermore, it shows how its exclusions work to determine who is to be secured and who is to be secured against, effectively deciding who is or is not human.

The final chapter considers how the varied practices of human security work to include or “humanize” its subject. It is this final step that is necessary for the completion of my inquiry into human security, for it is through this line of enquiry that we are able to see how this figure of the human reproduces and proliferates and how, through ever-more sophisticated technologies of government and management, the human subject secures itself. To be sure, human security provides but one locus through which this process is enacted, but it is one that is important precisely because of its effectiveness. This ability to shape our understanding of the human and to engage life in its own self-production as human may turn out to be at least as important as the way in which human security violently excludes from the category of the human.

Chapter One

“The human security paradigm not only changes the way we look at the world, it leads to a new way of acting in the world – and to a new diplomacy.”¹

“Nothing has done more harm to our shared ideal that we are all equal in worth and dignity, and that the earth is our common home, than the inability of the community of states to prevent genocide, massacre and ethnic cleansing. If we believe that all human beings are equally entitled to be protected from acts that shock the conscience of us all, then we must match rhetoric with reality, principle with practice. We cannot be content with reports and declarations. We must be prepared to act. We won’t be able to live with ourselves if we do not.”²

Since it appeared in the pages of the 1994 *Human Development Report* of the United Nations Development Programme, the term *human security* has come to stand for a fundamentally new way of thinking about international security, one that challenges traditional, state-centric conceptions of security and puts the individual person – regardless of citizenship – at the centre of security. It is presented as an approach to security much more in tune with the realities of the twenty-first century, capable of addressing new threats and sources of insecurity that transcend state borders and so require international responses. It is assumed to be more consistent with the values of the post-Cold War era, which emphasize the universal rights held by every human being on the basis of their being human, the obligation of all members of the international community to respect these rights, and of the community as a whole to ensure their protection.

¹ Don Hubert and Rob McRae, “Editor’s Preface,” in *Human Security and the New Diplomacy: Protecting People, Promoting Peace*, eds. Rob McRae and Don Hubert (Montreal and Kingston: McGill-Queen’s University Press, 2001), xxi.

² International Commission on Intervention and State Sovereignty (ICISS), *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty* (Ottawa: International Development Research Centre and Minister of Foreign Affairs, 2001), 75.

Human security has been described as a *new paradigm*, and as a *Copernican Revolution*.³ It refers simultaneously to goals, to a set of measurable conditions, to policy instruments, to an expression of values and of principles, and to a way of thinking about, talking about, and acting in a world populated by humans who relate to each other along various lines of social, political, cultural, and economic organization. It is involved in articulating the human condition in terms of the real, the (un)desirable, the (un)achievable, and the (in)intolerable. Those who employ the term seem keenly aware that human security, in addition to redefining security, involves a rethinking of the rights, responsibilities and role of the state, as well as of the system of states or international community of which it is a part. But human security is about more than this – whether explicitly or not, human security expresses particular understandings of what it means to *be human*. As such, a critical interrogation of the logic of human security, and of the implications of putting this logic to work in practices, is a matter of concern not only for theories of international relations or security studies but for political theory generally and for the question of the human being in particular.

Lloyd Axworthy, former Canadian foreign minister and one of human security's most outspoken advocates, wrote in 2001, "In a few short years, the idea of human security has gone from a vague concept to a driving force in international affairs. The vocabulary, definition, and application of the idea is [sic] spreading worldwide."⁴ Human security's significance for, and influence on, international affairs has only increased since

³ Rob McRae, "Human Security in a Globalized World," in *Human Security and the New Diplomacy: Protecting People, Promoting Peace*, eds. Rob McRae and Don Hubert (Montreal and Kingston: McGill-Queen's University Press, 2001), 15, 24.

⁴ Lloyd Axworthy, "Postscript. Reflections on the Ghana Conference and the Freetown Visit," in *The United Nations and Global Security*, eds. Richard M. Price and Mark W. Zacher (New York: Palgrave Macmillan, 2001), 265.

then. As a particular way of thinking about the world and about humans role in and relationship to that world, one which is rapidly gaining influence among important actors in the public and private spheres and at national and international levels alike, human security is put into practice in ways that have implications for all aspects of peoples' lives. To question after the implications of the practices of human security is therefore an important project, but any such an enquiry must also account for the logic that informs these practices. As I intend to demonstrate in this thesis, the logic of human security expresses several of the most difficult tensions of modern politics. While it is significant in and of itself as a site of analysis for anyone concerned with security and humanitarianism, the human security discourse is also relevant to those interested in exploring our ways of thinking about power, authority, human being(s), violence, and the relationship between these.

This chapter proceeds in four parts: first, I introduce the concept of human security through a discussion of the historical and intellectual conditions under which it is generally understood to have developed. Second, I reflect on some of the insights of alternative or critical approaches to studying security, both to explain how it became possible to conceive of human concerns as security concerns as well as to explain my own approach to understanding security as both discourse and practice. Third, I explain how the initially broad conception of human security was narrowed so as to make it "policy-relevant" and, finally, I show how this more narrow understanding of human security is exemplified in the doctrine of the responsibility to protect.

Contextualizing the Historical and Intellectual Origins of Human Security

In order to fully appreciate the significance of human security, particularly the way in which this “new paradigm” quickly gathered attention and widespread support in many academic and policymaking circles, it is necessary to understand the context in which it emerged. Of course, any exploration of the conditions of possibility of human security must note, from the outset, that a preoccupation with the safety and well being of humans is not new – indeed, it has been a major concern for individuals and communities for ages.⁵ To speak of human security as something “new” is to reference the relatively recent transformation through which the concern with the well-being of the human has been taken as a matter pertinent to *security*; this transformation marks the beginning of serious questioning and reconsideration of the traditional, state-centric conception of security which has long dominated the study of international relations as well as the actions and interactions of states and of their representatives at international organizations such as the United Nations.

Why has human security become such a popular way of thinking about security, one that has serious currency with academics and policymakers alike? The contemporary discourse on human security usually frames its own emergence in terms of a set of related circumstances that include the end of the Cold War, the decline in interstate warfare and rise in intrastate conflict, and the combination of a variety of processes generally referred to as “globalization”. This is the case even though, as I later show, many scholars were writing about a human-centered approach to security well before the end of the Cold War. Nonetheless, it is under these historical conditions that human security attained

⁵ Caroline Thomas, “Global governance, development and human security: exploring the links,” *Third World Quarterly* 22, no. 2 (2001): 160.

widespread recognition and acceptance as a politically relevant and useful concept, one that many conventional scholars and policymakers could appreciate.

Most accounts of the paradigm shift in security, particularly those concerned with the emergence of human security, cite the end of the Cold War as a major factor allowing for the development of alternate approaches to security that would shift the emphasis from conflict between states to the security needs of all people, regardless of their membership of a particular state. The Cold War is usually seen as representing a period of time during which the nascent potential of multilateral organizations such as the United Nations was held in check; in the wake of two World Wars, the international community found itself in a situation which, for a brief moment, seemed to prompt serious and critical reflection on the short-comings of traditional approaches to security. While this reflexivity did facilitate some significant changes, including a harsh criticism of old models of power-politics, the founding of a “new” theory of international relations based on liberal idealism, and the creation of the United Nations itself, the conflict between the Soviet Union and the United States effectively shut down any serious possibilities for realizing the liberal dream of multilateral cooperation. With both the Soviet Union and the United States holding veto power on the United Nations Security Council, the chances of reaching agreement and taking multilateral action on any issues related to security were severely limited.⁶ This is not to suggest that there was no international cooperation on matters related to human rights, economic development, disaster relief, or poverty, for example, but that these issues were nonetheless thought of

⁶ Axworthy, “Human Security: An Opening for UN Reform,” in *The United Nations and Global Security*, eds. Richard M. Price and Mark W. Zacher (New York: Palgrave Macmillan, 2004), 248.

as humanitarian concerns which did not really matter in the more serious realm of international security.

Practical political realities prevented any sort of action that would address these concerns in a truly international fashion. For example, the development discourse that was born in the 1940s emphasized from the beginning the interconnections of poverty and economic, social, and political instability. Yet, during the Cold War, development assistance was often geared less towards alleviating poverty and suffering and more towards establishing alliances; how much the money was needed, how it was to be spent, or any questions regarding domestic affairs were usually overlooked so long as a recipient government was willing to ally itself to donor governments on one side or another. With the end of the Cold War, the field of development was reopened and has since come to be closely tied to ideas about security and stability.⁷

Similarly, although peacekeeping operations did occur during the Cold War, these differed significantly from those of the post-Cold War era. As Alex J. Bellamy and Paul Williams explain, international peacekeeping operations during the Cold War were undertaken with the recognition that establishing liberal democracy worldwide was simply not possible; as such, the focus was on maintaining the sovereign independence of states, rather than directly and overtly attempting to influence their domestic political constitution.⁸ However, the scope of peacekeeping (as well as of aid and other intervention strategies) underwent a massive expansion with liberal democracy's triumph

⁷ Mark Duffield, *Global Governance and the New Wars. The Merging of Development and Security*, (New York: Zed Books, 2001), 35-37.

⁸ Alex J. Bellamy and Paul Williams, "Introduction: Thinking Anew about Peace Operations," in Bellamy and Williams, eds. *Peace Operations and Global Order* (New York: Routledge, 2005), 3. It seems reasonable to suggest that this trend may be related to the general approach to international affairs common to the Soviets and to the Americans who, although both interested in promoting their way of life over the other's, were often most concerned to establish friendly relationships with states based on the strategic merit of the alliance, rather than on a given state's domestic political affairs.

in the end of the Cold War and the corresponding surge in popularity of the democratic peace thesis which suggested that, since democracies do not fight each other, the expansion of democracy is the surest way of promoting international security.⁹

Peacekeeping, and humanitarian intervention more generally, came to be about much more than simply ending conflict; peacekeeping today is involved with complex aid and intervention strategies geared at promoting the development of liberal democratic governance and market reforms in the name of encouraging stability and thereby promoting peace.¹⁰

These developments are significant because they reflect a change in perspective that has consequences that extend far beyond peacekeeping operations themselves. These changes can be summed up as follows: first, what goes on “inside” a state has relevance for the security of other states and possibly on the system of a whole; second, the likelihood of conflict in or between states can be reduced by encouraging democracy and market growth; third, the expansion and extension of democracy may be encouraged by certain states and state leaders in particular, but it is also to be facilitated through multilateral initiatives undertaken by organizations like the United Nations.

It would be misleading to suggest that the end of the conflict between the Soviet Union and the United States is significant only because it enabled multilateral

⁹ The democratic peace thesis is not altogether new – indeed contemporary proponents often see themselves as part of an intellectual heritage that dates back to Kant. Nonetheless, in its modern formulation the democratic peace thesis first began to be tested by social scientists in the 1960s and it was elaborated as a political theory most notably by Michael Doyle in his 1983 article “Kant, Liberal Legacies, and Foreign Affairs,” in *Philosophy and Public Affairs* 12, no. 3, as well as by Francis Fukuyama in *The End of History and the Last Man* (Toronto: Maxwell Macmillan Canada, 1992). Since then, democratic peace theory has garnered much attention (both critical and supportive) in the academic community, and has had significant influences in the realm of foreign policymaking as well. The idea that democratic expansion could encourage peace and stability was taken up by the Clinton administration, which in turn played a major role in promoting the spread of the idea – and of policies informed by it.

¹⁰ Bellamy and Williams, “Thinking Anew,” 4.

cooperation on issues of international security. Rather, the perceived need for multilateral cooperation cannot be divorced from the growth of concern over “new” dangers and threats that seemed to demand an international response. In this respect, the end of the Cold War is usually taken to be significant because it coincides with a decline in interstate warfare and a rise in intrastate warfare (or at least a rise in international attention given to intrastate conflicts).¹¹ Many accounts of the emergence of the new security paradigm cite the role played by the end of the Cold War in unleashing the force of ethnic rivalries and power struggles stemming from decolonization after the Second World War, conflicts that had previously either been overshadowed or channeled through the proxy wars and competing alliances of the Cold War era. Indeed, some have suggested that it is as though these conflicts, ready to emerge in the chaos following of decolonization, had been “frozen” during the Cold War and were reanimated by its end.¹²

Intrastate conflicts have been charged with responsibility for a myriad of problems that seem to characterize contemporary conflict, including the erosion of the combatant-civilian distinction, the use of child combatants, the “spillover” of conflict into other states, and the generation of large-scale refugee movements that in turn are seen to contribute to instability in neighboring countries. A vast literature on “failed states” has developed since the early 1990s and it too underscores all of these problems, reflecting a sense that conflict and instability in any state can lead to problems for its neighbors, sometimes causing an entire region to “sink into chaos” or become a “breeding ground” for terror or international crime. The result is that, increasingly, instability and violence are seen as deeply *contagious*, and so it seems necessary and inevitable that the

¹¹ For example, see Axworthy, “Human Security”; Rob McRae, “Human Security”.

¹² McRae, “Human Security,” 15.

international community should respond. The exact extent to which the end of the Cold War actually marks a significant change in the nature and scale of conflict has been debated; what is most significant for our purposes is that increased attention to intrastate conflict and instability (often attributed to underdevelopment) has gone hand-in-hand with an increasing willingness to intervene. As one senior UN administrator explains:

In many ways, it is the intervention itself that should be seen as the defining element in the post-bipolar world, rather than conflict, which of course existed throughout the previous era whether in the form of wars by proxy or in resistance to superpower hegemony. Thus, recent years have witnessed a double lifting of inhibitions that had been largely suppressed by the Cold War's rules of the game: the inhibition to wage war and the inhibition to intervene.¹³

Any discussion of the changing nature of conflict in the post Cold War era, especially the one outlined above, cannot be divorced from the oft-discussed role played by “globalization”. To fully engage with the globalization debate is beyond the scope of this chapter; however, a brief discussion of its influence on the matter at hand is necessary. As I have shown, the contemporary discourse on conflict and security reflects a perception of its international – or global – nature: it is assumed that because conflict in one state can cause trouble for the whole world, an international response to conflict is required. Globalization is thought to figure in this formula in various ways, sometimes as a contributing cause of conflict and sometimes merely as a force that enables and exacerbates conflict. Of course, proponents of liberal democracy are hardly eager to denounce globalization altogether, rather it is the “dark side” or “underside” of globalization that is blamed for international social and political ills. The “globalization as contributor” argument generally points to the ways in which the economic gains of

¹³ Antonio Donini, “The Politics of Mercy: UN Coordination in Afghanistan, Mozambique, and Rwanda,” Occasional Paper No. 2 (Providence, RI: Thomas J. Watson Jr. Institute for International Studies, 1996), quoted in Duffield, *Global Governance*, 31.

global exchange are not equally distributed, causing extreme poverty in some parts of the world. This, combined in some places with a resentment of the global spread of liberal democratic values and dominance of Western culture, can lead to a backlash, which some have termed “localization”. Rob McRae explains:

Localization is both a reaction against globalization (and often the West), and yet facilitated and made more deadly by it. The retreat into tribalism (in the broadest sense of the term) is a reaction against the uncertainties wrought by globalization and the disappearance of traditional economies and ways of life, even of cultures and languages.¹⁴

The “globalization as enabling and exacerbating” argument points to the paradox McRae hints at: globalization may incite resistance and conflict, but it also provides the means for escalating and extending this conflict. Furthermore, the same processes that encourage “legitimate” global exchange also facilitate the global trade in small arms, illicit drugs, and the spoils of conflict (such as conflict diamonds). These resources prop up state and non-state actors alike, and often turn ethnic rivalries or political battles into excessively violent and prolonged struggles for resources. Recently, the same set of circumstances have been used to explain the rise of global terror networks: globalization is blamed for the generalized backlash against the West, for the spread of radical anti-Western ideologies, and for the incredible capacity of terrorist networks to sustain themselves through access to global flows of communications technology, finance, and illegal trade. Of course, the same processes of globalization that enable the intensification and prolongation of intrastate warfare and the spread of global terror networks also facilitate the organization and operation of complex networks of governance involved in intervention.

¹⁴ McRae, “Human Security,” 18.

It is in the terms of this new international security environment that the emergence of the human security paradigm must be understood. Claims about the extraordinary nature of threat and insecurity in the post-Cold War era are deeply bound up with claims about the necessity of a new, multilateral approach to security and, indeed, excitement about possibilities for genuine cooperation and optimism about the prospects for international peace (which has largely become synonymous with democratization, development and the stability that these will bring). In the section that follows I suggest some ways we might understand theoretically this “paradigm shift” in security, and I make the case that human security can be understood both as discourse and practice.

Security as Discourse, Security as Practice

Critical theoretical work on the role of discourse has had a profound effect on the way in which many scholars of International Relations think, speak, and write about security, and has called into question conventional accounts of the relationships between the international system, the state, and the subject. While it is not the purpose of this paper to provide an account of the vast literature on security discourses, securitization, or critical security studies in general, it is nonetheless important to acknowledge these approaches to the extent that they influence the understanding of security that informs my own approach. What critical accounts have contributed to security studies is a sense that security is not something immutable or timeless, nor is it simply reducible to the interests of states or their ability to secure this interest (where “interest” is conceived of as some sort of objective calculation based on necessity). Instead, security is tied to

understandings of what it means to be safe and secure, and to particular ideas about the things that might threaten this secure condition. Indeed, as a collective of critical security scholars have recently expressed, “security is not the opposite of insecurity. How security is defined conditions what is considered as insecurity (risk, threat).”¹⁵

To refer to a security discourse is not to imply that the specific issues with which a given discourse deals (e.g. violent conflict, terrorism, etc.) are imagined, or that these things do not threaten the lives of individuals in some cases. Instead, it is to suggest that it is through discursive practices that certain issues or events come to be problematized as security issues, while others are treated as, for example, issues of humanitarian or environmental concern. Thus, as McDonald and Alex J. Bellamy explain, terrorism, which kills on average 5,000 people per year, becomes re-presented as a security threat of much greater significance than malnutrition, which is responsible for the death of approximately 40,000 people per day.¹⁶

The literature on securitization, perhaps best exemplified in the work of Ole Waever and Barry Buzan, focuses on the discursive acts that constitute security: by speaking about a particular issue as a security issue (a danger, a threat), the speaker isolates this issue, dislocating it from the realm of normal politics and so justifying treating it exceptionally. The referent object of security might be a military or political issue, but it can equally be a health concern (e.g. SARS or Avian Flu), environmental, economic or social issue. For securitization theorists, “in principle, anything can become securitized. Yet, only if a claim to treat something with exceptional measures is accepted

¹⁵ c.a.s.e. collective, “Critical Approaches to Security in Europe: A Networked Manifesto,” *Security Dialogue* 37, no. 4 (Dec. 2006), 457.

¹⁶ Alex J. Bellamy and Matt McDonald, “‘The Utility of Human Security’: Which Humans? What Security? A Reply to Thomas & Tow,” *Security Dialogue* 33, no. 3 (2002): 374.

by a relevant audience does a ‘securitizing move’ (the mere claim) turn into a (successful) securitization (exceptional measures are actually extended).”¹⁷ To mark something – a particular issue, an activity, an event, a person or group of people – as a “security concern” is to set it out of the realm of day-to-day politics, to treat it as exceptional (e.g. exceptionally suspicious, dangerous or threatening) and so to hold out the possibility of dealing with it in exceptional ways.

Other critical approaches to security have emphasized the way in which *practices* (rather than just speech-acts) are constitutive of security. Such a reading points to the way in which practices of security, although they may be accompanied in some cases by a language of exceptionality, in fact comprise a “technique of government”. Such an emphasis draws attention to the ways in which “ordinary” practices of policing (e.g. immigration controls, customs and private security firms, instead of just military actions) participate in the realm of security, such that objects they police come to be understood in terms of threats to security.¹⁸ This means not only that “everyday” governmental practices participate in the realm of security, but that security practices can operate as governmental technologies – Vivienne Jabri, for example, reads contemporary practices of the war on terror as a late modern form of control.¹⁹ Combining these two ways of understanding security, we can see that its meaning is discursively constructed (through the identification of that which is threatening) and also that it is produced and reproduced through practices.

¹⁷ c.a.s.e. collective, “Critical Approaches,” 453.

¹⁸ See c.a.s.e. collective, “Critical Approaches”. This line of thinking is strongly influenced by Michel Foucault’s writings on governmentality, which I discuss in much greater detail in the second chapter.

¹⁹ See, for example, Vivienne Jabri, “War, Security and the Liberal State,” *Security Dialogue* 37, no. 1 (March 2006).

Theories of international politics and security, in particular the directions taken in “critical security studies” have been strongly influenced by developments in thought generally referred to under the headings of “post-structuralism” or “post-modernism”.²⁰ The work of Michel Foucault, in particular, has influenced those who study security discourses as a part of a broader concern with the operation of power at various levels. Foucault used the term power/knowledge to refer to the way power relations operate through the production of certain kinds of knowledge or “discourses of truth”.²¹ For Foucault, relations of power within a society could not be established without “a certain economy of discourses of truth”:

Each society has its régime of truth, its ‘general politics’ of truth: that is, the types of discourse which it accepts and makes function as true; the mechanisms and instances which enable one to distinguish true and false statements, the means by which each is sanctioned; the techniques and procedures accorded value in the acquisition of truth; the state of those who are charged with saying what is true.²²

Discourse, for Foucault, refers on one level to “a regular set of linguistic facts, while on another level it is an ordered set of polemical and strategic facts.”²³ Drawing on Nietzsche, Foucault argues that there is no necessary connection between the object to be known and the knower; knowledge is what mediates between the two, and this relationship is one of struggle and domination. To know knowledge one must therefore study power relations, taking into account the political and economic conditions in which

²⁰ This is the case despite the rather long time it took political theorists and international relations scholars to take note of these developments, which seemed to take hold much earlier in other disciplines such as sociology and the humanities. An emphasis on the influence of “post-structuralist” or “post-modern” approaches should not be taken as meaning to diminish the importance played by other critical approaches in shaping critical security studies. Marxist and post-Marxist theorists, especially those associated with the Frankfurt school, certainly played an important role in this respect.

²¹ Michel Foucault, *Power/Knowledge: Selected Interviews and Writings*, ed. Colin Gordon, trans. Colin Gordon, Leo Marshall, John Mepham and Kate Soper (Brighton: Harvester Press, 1980), 88.

²² Foucault, *Power/Knowledge*, 131.

²³ Foucault, “Truth and Juridical Forms,” in *Power. The Essential Works of Foucault, 1954-1984*, vol. 3, ed. James D. Faubion, trans. Robert Hurley and others (New York: The New Press, 1997), 2-3.

subjects of knowledge are formed.²⁴ So for Foucault, following Nietzsche, knowledge is what is produced out of a relation – which is always a conflictual relation – between the knower and the object to be known. Furthermore, it is always a misconception (*méconnaissance*): it always oversimplifies, smoothes over difference and nuance.²⁵

Foucault's interest in the production of discourses of truth can be understood as a part of an attempt to understand the history of the development of certain *forms of knowledge* in the politico-judicial sphere and in the human sciences or disciplines. The development of these forms of knowledge establishes the nature of the relationship between the knower and the known which, for Foucault, is always a relationship of power.²⁶ The *content* of knowledge, the specific details of a given discourse and the practices associated with it, were certainly important to Foucault but they must also be understood in terms of this broader concern with the “forms of thought, knowledge, expertise, strategies, means of calculation, or rationality”²⁷ that make governing possible in the first place, that enable government to know its object (e.g. the population, economy, etc.) and to thus think and speak about this object in an authoritative manner consistent with a specific political rationality.

Security can be understood as a set of discourses and practices through which we define what it means to feel safe and through which we identify and manage those things that we believe to threaten our safety. It is thus deeply tied to our sense of how we ought to be in the world; in the case of the human security discourse, (in)security is defined in

²⁴ Foucault, “Truth,” 14-15.

²⁵ Foucault, “Truth,” 14.

²⁶ Foucault locates the nature of modern Western forms of knowledge in two related developments: the inquiry (in the sovereign juridical sphere) and, later, the examination (in the human sciences and related disciplines). Both of these are understood as particular *ways of knowing* which are also *ways of exercising power*. They are thus essential for administration, management, government, rule, punishment, etc.

²⁷ Mitchell Dean, *Governmentality: Power and Rule in Modern Society* (London and Thousand Oaks, California: Sage Publications, 1999), 31.

relation to a set of assumptions about what it means for the human to be secure, as well as to claims to know how to achieve this condition by promoting that which is seen to contribute to security, and deterring or abolishing that which contributes to insecurity. Thus, studying security requires an analysis of the particular practices employed in order to secure, and a consideration of the ways in which these practices work to reproduce particular assumptions or a certain vision of the world – i.e. to secure the very terms through which the discourse operates.

At the most obvious level then, we can say that security is deeply related to particular *assumptions* about political life. Moreover, following Foucault, we may also suggest that security is constituted through a particular *ways of knowing* which have worked out in advance a particular conception of the knowing subject and its relationship to the world. Any attempt to understand a given security discourse must deal with the inherited forms of knowledge that permit a discourse's articulation in the first place, and which might also be said to influence its content to the extent that it reproduces particular assumptions about the relationship between the powers that know and name and the subjects and objects that are known, named, and acted upon. To speak of security in terms of discourse is thus to draw attention to the necessity of examining both its epistemological and ontological foundations. Furthermore, as I endeavor to show throughout this thesis, a focus on the novelty of the human security discourse (e.g. on the unique way it represents danger or articulates the meaning and conditions of security) should not detract attention from the way in which its underlying logic is bound to deeply entrenched problematics – most notably, those that arise from the effort to work out an understanding of the relationships between the subject, the state, and the international.

Human security must be understood in terms of dominant, modern ways of knowing *and* in terms of its contextual specificity and unique content – the terms of its naming of danger and (in)security, the identification of the objects (populations, societies, economies, ideologies) to be secured (or secured against), the various practices through which it seeks to manage, govern and combat these, and the governmental rationality that informs these practices. As I have suggested, the development of the human security discourse was connected to a re-presentation of the nature of danger and threat as well as (re)conceptualization of understandings of the conditions of international (dis)order that followed in a large part from the end of the Cold War and the intensification of processes of globalization. Human security at once represents a broadening of approaches to security – especially a willingness to redefine the referent object of security – and a narrowing of these terms in order to make human security practically relevant in a world still very much divided along territorial lines of inclusion and exclusion, security and insecurity, and so on.

Contesting Security: The Literature on Human Security

The broadening of security agendas has allowed for new ways of thinking about the referent object of security – representing a move from the state to the individual – as well as the very meaning of security itself. Hence has it become possible to suggest that security is not simply about the protection from a violent attack by a state's enemies, but can be influenced by the varying degrees to which one is exposed to poverty, environmental degradation, discrimination (whether on the basis of gender, race, religion, etc.) or the extent to which one is able to access basic human rights. As I have suggested,

that it has become commonplace in many circles to view such factors as being coextensive with security should not lead us to assume that this has always been the case. That is not to say that these issues have not been of concern to academics or to policymakers in the past, but to suggest that they were usually considered to be issues of domestic concern, or perhaps of international humanitarian concern, but not really of significance to those engaged in serious strategizing and/or theorizing with regards to international security.

That being said, it would be a mistake to suggest that a human-centered approach to security is something that develops only after the end of the Cold War and the expansion of security agendas. Much of the work coming out of the field of peace studies during the Cold War reflected a sense that security was something that was influenced by a range of direct and indirect (or structural) forms of violence. Similarly, a concern with the security needs of all humans as humans (rather than as citizens) is reflected in much of the work done by scholars associated with the World Order Models Project. Started in 1968 by a group of North American scholars, the World Order Models Project (WOMP) was designed to address the question of large-scale systemic change – namely the transition to a more just or humane world order.²⁸ Drawing on contributions from across a range of disciplines, as well as from social movements, its proposals were explicitly normative, maintaining that peace was tied to human welfare (social and economic), human rights, political justice and ecological preservation, as well as more traditional concerns such as conflict prevention or the threat of nuclear warfare.²⁹

²⁸ Richard Falk, “The World Order Models Project and its Critics: A Reply,” *International Organization* 32, no. 2 (1978), 534-535.

²⁹ Falk, “The World,” 536 and Falk, *A Study of Future Worlds*, (New York: The Free Press, 1975), 11-32.

Much of the work coming out of WOMP in the 1970s and 1980s was explicitly concerned with advancing a human-centered approach to security. In a 1977 article, Roy Preiswerk rails against the “dehumanization” of the social sciences, in particular citing the failure of the discipline of international relations to take into their account of security the diversity of basic human needs, whether related to “inequality, poverty, torture, unemployment, or the arms race.”³⁰ Similarly, R.B.J. Walker notes that war and peace cannot be considered separately from questions of development, environmental degradation, abuse of human rights, or loss of cultural identity.³¹ Preiswerk expresses concern over the fact that “ruling elites” were being allowed to hide “behind the walls of sovereignty and non-interference in domestic affairs.”³² Walker suggests that the pursuit of security for citizens of states actually renders people more insecure and that the state has become a primary source of insecurity.³³

While WOMP scholars and the movements with which they were engaged largely agreed on the importance of the security needs of humans, there was difficulty reaching consensus on how to organize towards that end. Preiswerk’s concerns lead him to conclude that what was needed was to find some way of actually making human rights protection effective.³⁴ This point is made more explicit by Robert C. Johansen, who claims that there is a need to transform the Westphalian system and establish a “a transnational structure of power and authority” capable of coordinating policy as well as enforcing it with regards to the conduct of states. Such an authority would not depend on

³⁰ Roy Preiswerk, “Could We Study International Relations as if People Mattered?” in *Toward a Just World Order*, ed. Richard Falk, Samuel S. Kim, and Saul H. Mendlovitz, vol. 1 of *Studies on a Just World Order* (Boulder, CO: Westview Press, 1982), 183.

³¹ R.B.J. Walker, *One World, Many Worlds: Struggles for a Just World Peace* (Boulder, CO: Lynne Rienner Publishers, 1988), 120.

³² Preiswerk, “Could We Study,” 182.

³³ Walker, *One World*, 121.

³⁴ Preiswerk, “Could We Study,” 193.

a particular territory from which to draw its legitimacy; in addition to operating globally its legitimacy would derive from acting in the interest of humanity.³⁵ This, for Johansen, is part of building a *humane world community*, built on a shared sense of human identity or solidarity that would be backed up by norms and institutions.³⁶ However, as Walker explains, many of the critical social movements central engaged in promoting justice and peace are suspicious “of all common visions”.³⁷ They tend to celebrate diversity and focus on local struggles, rather than working towards global unity. This is the very crux of the tension pointed to in Walker’s discussion of *one world* and *many worlds* – the difficulty of working for solidarity without trying to establish one singular human identity or, on the other hand, of valuing local struggles without dissolving into parochialism.

While it seems fair to say that the sort of critical social movements WOMP celebrated never reached a final resolution of this problem, the very existence of this tension is important for our purposes because it is implicitly contained in much of the discourse on human security. Additionally, what these sorts of discussions do reveal is that, regardless of the inability to solve the tension between local or global struggles, those on both sides of the local/global or difference/unity divide recognized the problematic nature of the state’s claims to provide the space in which justice, peace and security could be attained – hence the focus either on local (i.e. sub-state) struggles, or transnational ones.

It is fair to say then that the concern with a human-centered approach to security predates the emergence of the discourse on human security. Nonetheless, it is human

³⁵ Robert C. Johansen, *The National Interest and the Human Interest: An Analysis of U.S. Foreign Policy* (Princeton: Princeton University Press, 1980), 16.

³⁶ Johansen, *National Interest*, 22.

³⁷ Walker, *One World*, 153.

security that has attracted the most widespread attention and has succeeded in gaining credibility with academics and policymakers representing a range of perspectives and positions. In this respect, the 1994 United Nations Development Project (UNDP) *Human Development Report* can be cited as launching the concept of human security into the mainstream. The report stated,

The world can never be at peace until people have security in their daily lives. [...] it will not be possible for the community of nations to achieve any of its major goals – not peace, not environmental protection, not human rights or democratization, not fertility reduction, not social integration – except in the context of sustainable development that leads to human security.³⁸

Furthermore, the report emphasized, “threats to human security are no longer just personal or local or national. They are becoming global: with drugs, AIDS, terrorism, pollution, and nuclear proliferation. Global poverty and environmental problems respect no national border. Their grim consequences travel the world.”³⁹ Arguing against a narrow, state-centric conception of security, the UNDP report identified seven main components of security: economic, food, health, environmental, personal, community, and political.⁴⁰ Nicholas Thomas and William T. Tow suggest that what was perhaps most significant about the UNDP report was that it recognized that people could be insecure even within a secure state.⁴¹ This same sentiment was expressed in the 1995 report of the UN Commission on Global Governance, which, drawing on experience from international cooperation on humanitarian intervention in Africa and the Balkans, stressed that the concept of security ought to be widened to address the insecurities

³⁸ United Nations Development Programme (UNDP), *Human Development Report 1994* (New York: Oxford University Press, 1994,) 1.

³⁹ UNDP, *Human*, 2.

⁴⁰ UNDP, *Human*, 24-25.

⁴¹ Nicholas Thomas and William T. Tow, “The Utility of Human Security: Sovereignty and International Intervention,” *Security Dialogue* 33, no. 2 (2002): 178.

people faced *within* sovereign states.⁴² From the outset, human security sought to add to traditional, state-based conceptions of security an awareness of the seriousness of issues already well known to those working in international development and human rights, as well as in peace studies or alternative approaches to international relations.

At the most general level, accounts of human security tend to emphasize material sufficiency and freedom from violence, although some scholars have insisted that human security is about more than mere subsistence. Caroline Thomas explains,

human security describes a condition of existence in which basic material needs are met, and in which human dignity, including meaningful participation in the life of the community, can be realised. Such human security is indivisible; it cannot be pursued by or for one group at the expense of another.⁴³

Basic needs such as food, shelter, education and health care are important, she writes, but these must be considered in relation to the “qualitative aspects” of human security:

...the achievement of human dignity which incorporates personal autonomy, control over one’s life and unhindered participation in the life of the community. Emancipation from oppressive power structures, [...] an active and substantive notion of democracy, one that ensures the opportunity for all to participate in the decisions that affect their lives.⁴⁴

Accounts such as the one offered by Thomas have been deeply critical both of state-centric conceptions of security and of attempts to deploy the concept of human security in the service of neo-liberal development strategies.

It is fair to say, then, that the literature on human security reflects a range of

⁴² Thomas and Tow, “Utility,” 178. The report referred to is Commission on Global Governance, *Our Global Neighbourhood: The Report of the Commission on Global Governance* (Oxford: Oxford University Press, 1995).

⁴³ Thomas, “Global,” 161.

⁴⁴ Thomas, “Global,” 162. This conception of human security relies strongly on earlier peace research, notably Johan Galtung’s distinction between direct, structural and cultural violence. See Johan Galtung, “Violence, Peace and Peace Research,” *Journal of Peace Research* 6, no. 3 (1969): 167-191 and Galtung, “Cultural Violence,” *Journal of Peace Research* 27, no. 3 (1990): 291-305. For a discussion of the origins of concerns with human security in feminist and critical IR theory, as well as a critique of the contemporary human security paradigm and its inability to break with realist assumptions, see Mohammed Nuruzzaman, “The Contested Claims of Human Security, Critical Theory and Feminism,” *Conflict and Cooperation: Journal of the International Nordic Studies Association* 41, no. 3 (2006): 285-303.

interpretations about the meaning of the term, as well as how it might function as a measure (e.g. how secure are humans?) and as a set of policy prescriptions directed towards a certain goal (e.g. how can the security of humans be achieved?). As the concept has gained credibility and has been recognized as being pertinent to matters of international security however, discussion has shifted towards a debate between those who advocate a broad definition of human security and those who argue for narrowing its scope so as to make it more analytically useful and more in tune with the realities of policymaking.⁴⁵ The latter approach reflects a desire to ensure that human security is something that can *actually* work at the international level, and this would seem to require some means of establishing that a violation of human security has taken or is taking place in order to organize a response. This might be said to represent an effort to make human security conform to the basic structure in which (inter)state security has often been addressed – i.e. by clearly defining norms, defining what would constitute a violation of those norms, and laying out the criteria for a just and measured response to that violation. Indeed, Thomas and Tow write, “If the human security concept is to be analytically useful, it must meet a fundamental criterion relative to threat definition: it must provide tangible threat parameters against which relative security environments and

⁴⁵ David Roberts explains that each of these two camps has come to be associated with a different literature in the field. Those who advocate keeping a broad definition of human security adhere more strictly to the model put forth in the 2005 UNDP *Human Development Report* and emphasize the *security-development nexus*. The other camp advocates a narrower reading of human security, one that focuses on the impact of violence – i.e. civil war, genocide and population displacement. Roberts asserts that this position is exemplified in the 2005 *Human Security Report*. See David Roberts, “Human Security or Human Insecurity? Moving the Debate Forward,” *Security Dialogue* 37, no. 2 (2006). The reports Roberts refers to are Andrew Mack, ed. *The Human Security Report 2005: War and Peace in the 21st Century*, (Oxford: Oxford University Press, 2005) and United Nations Development Programme, *United Nations Human Development Report 2005: International Cooperation at a Crossroads – Aid, Trade and Security in an Unequal World* (New York: UNDP, 2005). See also Taylor Owen, “Human Security – Conflict, Critique and Consensus: Colloquium Remarks and a Proposal for a Threshold-Based Definition,” *Security Dialogue*, 35, no. 3 (2004): 373-387.

situations can be measured.”⁴⁶ Furthermore, they argue,

Within a given state, events or problems such as those relating to food distribution, gender discrimination and basic shelter are usually contained and resolved within the state’s sovereign boundaries and are thus best viewed as development problems. An event or crisis becomes a truly human security problem, however, when the ramifications of not overcoming it cross a state’s borders and assume a truly international significance, affecting other societies and individuals.⁴⁷

The effort to make human security more practically useful represents a move to re-present threats to human security not so much in terms of the humans directly affected, but in terms of a violation of international norms. The approach advocated by Thomas and Tow is based on the notion that, since individuals, social or cultural groups and “weak” states often cannot ensure their own security, an international response is required to “to safeguard international norms.”⁴⁸ This suggests, contrary to the impetus of many of human security’s first supporters, that circumstances that cannot be directly attributed to the wrongful actions of a particular actor or set of actors – e.g. environmental disasters or some instances of famine – are thus not really matters of security after all. Bellamy and McDonald argue that this effort to make human security answer to the demands of utility actually works to “co-opt human security into a state-centric framework.”⁴⁹ This approach, the authors claim, ignores the fact that often it is states themselves that pose a threat to the people living within their borders.

The question of international norms, the role and rights of the state, and the rights of humans are thus central to the discourse on human security, but it is not immediately clear how their claims (which are often seen to be competing) should be reconciled. Many have suggested that human security does not invalidate traditional approaches to

⁴⁶ Thomas and Tow, “Utility,” 181.

⁴⁷ Thomas and Tow, “Utility,” 179.

⁴⁸ Thomas and Tow, “Utility,” 178.

⁴⁹ Bellamy and McDonald, “Utility,” 373.

security but that the two are complementary. For example, McRae writes, “Human security and traditional security are not alternatives: security is a single continuum, and is protected and enhanced by a series of interlocking instruments and policies.”⁵⁰

Nonetheless, to the extent that advocates of human security recognize that states can be causes of insecurity, they are faced with the dilemma of how to ensure security in an international system which is predicated on the norms of non-intervention and state sovereignty. Although this dilemma has not been completely resolved, I suggest that it is most significantly addressed in the 2001 report of the International Commission on Intervention and State Sovereignty, *The Responsibility to Protect*.

The International Commission on Intervention and State Sovereignty (ICISS) report, which is proclaimed as having achieved the status of “an international doctrine”, has spawned a network referred to as **R2PCS** (Responsibility to Protect/Engaging Civil Society) as well as the recently established Global Centre for the Responsibility to Protect at the City University of New York.⁵¹ The doctrine reflects the most significant development in the discourse on human security since the UNDP report introduced a broad definition of the concept in 1994. Gareth Evans, one of the co-chairs of the ICISS, explains that of all of the Commission’s accomplishments, the one that was *politically* most useful was “to invent a new way of talking about the whole issue of humanitarian intervention,” while the most *conceptually* significant accomplishment was “to come up

⁵⁰ McRae, “Human Security,” 22.

⁵¹ The **R2PCS** network works closely with NGOs, the United Nations and its member states, and representatives of “civil society” in order to advance the goal of protecting civilians in armed conflict. It maintains that the idea of the responsibility to protect has achieved the status of an “international doctrine”, one that was affirmed by heads of states at the 2005 World Summit (a high-level plenary meeting of the 60th session of the United Nations General Assembly). See **R2PCS**, “R2P: Now an International Doctrine,” *UN Reform and R2P*, <<http://www.responsibilitytoprotect.org/index.php/features/383?theme=alt5>> (11 March 2007). The text of the General Assembly Outcome Document affirming the Responsibility to Protect is available at <http://www.responsibilitytoprotect.org/index.php/united_nations/398?theme=alt1> (11 March 2007).

with a new way of talking about sovereignty” – his words powerfully underscoring the impact that can be had even by purely discursive shifts in the realm of security.⁵²

Although I do not wish to suggest that *The Responsibility to Protect* in any way represents the final word in the debate on human security, I do see it as one of the most authoritative and comprehensive expressions of that discourse, one which attempts to address the tensions between the claims of human security and state sovereignty *and* those between the view of security as simply mere subsistence versus more complex, holistic or qualitative accounts. As such, in this thesis I take the doctrine of the responsibility to protect to be emblematic of the logic of human security, with all the tensions and contradictions inherent therein. It is to a more detailed discussion of the ICISS report and the responsibility to protect doctrine that I now turn.⁵³

The Responsibility to Protect

The ICISS was convened by Lloyd Axworthy, then Foreign Minister of Canada, in response to a challenge issued by Kofi Annan to the UN General Assembly first in 1999, and then again in 2000: to address the question of when it was legitimate – even absolutely necessary – to intervene in the affairs of a sovereign state in order to protect the basic human rights of its citizens.⁵⁴ *The Responsibility to Protect* was designed to decisively address the issue of the “right of humanitarian intervention” – that is, “the question of when, if ever, it is appropriate for states to take coercive – and in particular

⁵² Gareth Evans, “The Responsibility to Protect: Evolution and Implementation” (Keynote Address by the President of International Crisis Group and Co-Chair of the International Commission on Intervention and State Sovereignty, to London School of Economics/Kings College London Conference on Ethical Dimensions of European Foreign Policy, London, 1 July 2005)

<<http://www.crisisgroup.org/home/index.cfm?id=3551&l=1>> (8 May 2008).

⁵³ For the purposes of this thesis, “*The Responsibility to Protect*” is used to refer to the actual ICISS report, while the phrase “the responsibility to protect” refers to the doctrine more generally.

⁵⁴ ICISS, *Responsibility*, vii.

military – action, against another state for the purpose of protecting people at risk in that other state.”⁵⁵ The conclusion reached by the ICISS was that it is first and foremost the duty of all sovereign states to protect their own citizens but that if these states are unable or unwilling to do so, “the principle of non-intervention yields to the international responsibility to protect.”⁵⁶

It is important to be clear that while the ICISS report was designed as a response to the apparent tension between the principles of sovereignty and non-intervention, on the one hand, and human security and the right of international intervention, on the other, *The Responsibility to Protect* does not resolve the tension in the favor of one side or the other. Rather, the ICISS frames the idea of a responsibility to protect in terms of its origins both in the principle of state sovereignty and the responsibilities and obligations of states and the international community for upholding human rights and ensuring international peace and security.⁵⁷ *The Responsibility to Protect* can thus be read not as an attempt to downplay the importance of sovereignty, but as a re-articulation of its meaning: the argument is premised on the notion that sovereignty is not just about states’ rights, but about their obligations. According to the report,

Thinking of sovereignty as responsibility, in a way that is being increasingly recognized in state practice, has a threefold significance. First, it implies that the state authorities are responsible for the functions of protecting the safety and lives of citizens and promotion of their welfare. Secondly, it suggests that the national political authorities are responsible to the citizens internally and to the international community through the UN. And thirdly, it means that the agents of state are responsible for their actions; that is to say, they are accountable for their acts of commission and omission. The case for thinking of sovereignty in these

⁵⁵ ICISS, *Responsibility*, vii.

⁵⁶ ICISS, *Responsibility*, xi.

⁵⁷ The ICISS identifies four foundations of the responsibility to protect: the obligation inherent in the concept of sovereignty, the responsibility of the UN Security Council for international peace and security, the norms, standards and national and international obligations associated with human rights, and the actual practices of states, regional organizations and the UN Security Council. ICISS, *Responsibility*, xi.

terms is strengthened by the ever-increasing impact of international human rights norms, and the increasing impact in international discourse of the concept of human security.⁵⁸

The report stresses that while human security remains a contentious concept, it is quickly gaining currency in international law and international relations and it increasingly provides a “conceptual framework for international action.”⁵⁹ Human security is thus creating “new demands and expectations in relation to the way states treat their own people” and it is increasingly recognized that human security “must be one of the fundamental objectives of modern international institutions.”⁶⁰ For the ICISS,

Human security means the security of people – their physical safety, their economic and social well-being, respect for their dignity and worth as human beings, and the protection of their human rights and fundamental freedoms. The growing recognition world-wide that concepts of security must include people as well as states has marked an important shift in international thinking during the past decade.⁶¹

Like much of the rest of the discourse on human security, the idea of the responsibility to protect is linked to a serious questioning of the role of the state in causing human insecurity and of the viability of continuing to uphold the norms of state sovereignty and non-intervention in situations where a state is clearly responsible for the suffering of its own people. Thus, as in the broader conversation on human security, those who advocate the responsibility to protect claim to have a great respect for the principle of sovereignty, but see this principle as conditional upon new norms related to human security. Such a framing makes an international response that suspends state sovereignty seem more viable – the interveners are not simply meddling in state affairs but are responding to a violation of human security as a violation of international norms.

⁵⁸ ICISS, *Responsibility*, 13.

⁵⁹ ICISS, *Responsibility*, 6.

⁶⁰ ICISS, *Responsibility*, 7, 6.

⁶¹ ICISS, *Responsibility*, 15.

An attack on the human is also an affront to the international system. In this way, human security does not replace a concern with state sovereignty, nor does it attempt to override the norm of state sovereignty in every instance. Rather, it attempts to redefine the meaning of sovereignty on the basis of new principles and new norms, which are assumed to have a basis in emerging practices.

As I will suggest in the chapters that follow, human security (particularly as it is expressed in the responsibility to protect doctrine) can be understood as an attempt to find a new way of approaching an old tension – state/system, particularity/universality – in light of a sense that, in a changing international environment characterized by new practices of cooperation and new standards of accountability, the scales are shifting the scale in favor of realizing international peace and security. There are twin developments at work here – one is the increasing credibility given to universalist aspirations in international politics, perhaps best expressed by the development of the human rights framework in the past few decades and, certainly, by the development of the discourse on human security. The second is the increasingly wide-held belief that, in a globalizing world, our fates as human beings are intertwined: insecurity in one area breeds insecurity in others and, thus, international peace and stability is the ultimate goal of all security. The security of anyone anywhere is assumed to be dependent on the security of everyone everywhere. To make this assumption plain is not to suggest that supporters of human security deny that certain people are less secure than others or that the practices of ensuring security for people in some parts of the world depend on the insecurity of others, but simply to suggest that there is increasing recognition that such arrangements are quickly becoming untenable. Indeed, the authors of *The Responsibility to Protect* assert,

“human security is indivisible”.⁶²

Interestingly, *The Responsibility to Protect* expresses a sense that, when it comes to intervention, we already know what must be done and we simply have to figure out how to reconcile these demands with existing principles and orders of conduct in the international political sphere. The task at hand is to ensure that humanitarian intervention is both just and effective – it is assumed that the interveners know what the causes of instability and insecurity are, as well as how they should be dealt with. *The Responsibility to Protect* acknowledges that practical challenges exist (given that processes of conflict prevention, intervention, and rebuilding are messy and prone to delays) but the language indicates that the basic idea of what we, the “international community”, are striving for can be taken for granted. A strong and stable state, good and accountable governance, and a market economy are the keys to security. We know what human security means and we more or less know how to achieve it. If only everyone would play along, if only our institutions would function as intended, in only states would act as they should...

Of course what this assumption of consensus conceals is that the discourse on human security, like all discourses and practices of security, is a work in progress – it requires constant (re)articulation and repetition to work at all. As such, *The Responsibility to Protect* can be read not simply as a neutral and objective account of how to achieve human security in the face of a host of challenges, but as an attempt to frame what it means for humans to be secure and, furthermore, to secure what it means to be human. Examining the doctrine of the responsibility to protect, I suggest, one finds that it is caught in many of the same tensions as the rest of the literature on human security, and that the resolutions it offers to these tensions are always unstable. In one sense, the

⁶² ICISS, *Responsibility*, 5.

doctrine of the responsibility to protect effects a return to more traditional, statist conceptions of security with its emphasis on the freedom from violent conflict. On the other hand, it recognizes that preventing violent conflict is dependent upon a vast array of factors – economic, political, institutional, social, and cultural – that determine how secure humans are and the extent to which the state can contain and guarantee this condition of security.

The Responsibility to Protect is comprised of three main sections: the *responsibility to prevent*, the *responsibility to react* and the *responsibility to rebuild*. The report reflects an awareness of the complex factors that influence human security and emphasizes that the term “human security” is intended to draw our attention away from a narrow focus on military conflict. This sense is reflected in the approach taken to prevention and rebuilding, which are designed to deal with immediate concerns through “straightforward assistance”, “positive inducements” or “threatened punishments” while also tackling root causes of conflict through political, economic and legal reform. As with the other elements of responsibility addressed in the report, the section on prevention emphasizes that preventing “deadly conflict and other man-made catastrophes” is first and foremost the responsibility of states but, should a state be unwilling or unable to prevent conflict, there is a residual responsibility that lies with the international community. Various actors can participate in different ways; for example, the report emphasizes the need to build better early-warning systems, organized through the United Nations but involving various national, regional, and international observers including conflict monitoring NGOs and human rights groups like Amnesty International and Human Rights Watch. On the subject of “political will”, the report emphasizes both

domestic and international elements: firstly, it is important to try to secure support for conflict prevention among those who live in the state concerned; secondly, it is necessary to secure support from foreign governments, without which the conflict prevention efforts organized through international institutions will likely be ineffective.

While the sections of *The Responsibility to Protect* that address prevention and rebuilding do represent an important element of the basic doctrine, there can be little doubt that the major and intended purpose of the ICISS was to address the question of when it is legitimate to intervene in the affairs of a sovereign state in order to protect the security of the people there. The “responsibility to react” is assumed to apply to situations where preventative measures have failed. The ICISS emphasizes that coercive political, economic or judicial measures should be attempted before intervening militarily. Nonetheless, the doctrine of the responsibility to protect is based on “the emerging principle ... that intervention for human protection purposes, including military intervention in extreme cases, is supportable when major harm to civilians is occurring or imminently apprehended, and the state in question is unable or unwilling to end the harm, or is itself the perpetrator.”⁶³ The difficult question becomes how to determine when there is in fact an “extreme and exceptional” case occurring, one whose very exceptionality provides a basis for suspending the principles of sovereignty and non-intervention. The ICISS reports that there is a sense, even among political leaders representing a range of perspectives on the issue of international intervention, that “these exceptional circumstances must be cases of violence which so genuinely ‘shock the conscience of mankind,’ or which present such a clear and present danger to international

⁶³ ICISS, *Responsibility*, 16.

security that they require coercive military intervention.”⁶⁴ In identifying the “precise threshold of violence and abuse or other violation” that must be crossed in order to justify intervention, the ICISS settled on: “*large scale loss of life, actual or apprehended, with genocidal intent or not, which is the product either of deliberate state action, or state neglect or inability to act, or a failed state situation; or large scale ‘ethnic cleansing,’ actual or apprehended, whether carried out by killing, forced expulsion, acts of terror or rape.*”⁶⁵

The doctrine of the responsibility to protect has received an immense amount of attention and support internationally, although even with its narrowed definition of human security there is still much debate over how it is to be applied. The report favors intervention by the United Nations while allowing for the possibility of intervention organized under the auspices of other organizations or parties should the United Nations fail to act. So far, there has yet to be a United Nations intervention in a sovereign state that has directly and publicly justified itself by invoking the doctrine.⁶⁶ However, there have been suggestions that Canada’s participation in the 2004 coup against Haiti’s democratically-elected leader, Jean Bertrand Aristide, was justified through an invocation of the doctrine of the responsibility to protect – a particularly alarming allegation given

⁶⁴ ICISS, *Responsibility*, 31.

⁶⁵ ICISS, *Responsibility*, 32 (emphasis in original).

⁶⁶ In March 2007 a United Nations report was released condemning the situation in Darfur and calling on the international community to react, invoking the responsibility to protect. The following month, UN Security Council Resolution 1755 was passed, affirming other resolutions and outcome documents that had endorsed the responsibility to protect, and deciding on the extension of the UNMIS mission in Darfur. A resolution adopted unanimously in July 2007 called for the deployment of 26,000 United Nations and African Union troops to Darfur; however, facing opposition from the Sudanese government, the deployment was delayed and eventually less than a third of that number were sent. The **R2PCS** network continues to encourage the international community to respond to the crisis in Darfur, claiming that governments who “have fought rhetorically for the past 4 years, invoking R2P for reactions to atrocities in Darfur, ... now have a responsibility to be accountable to their words, and follow through and commit their resources.” See **R2PCS**, “Introduction,” *Crisis in Darfur*, <<http://www.responsibilitytoprotect.org/index.php/pages/6>> (8 May 2008).

the violence that has accompanied the coup and subsequent intervention.⁶⁷ The language of the responsibility to protect has been invoked by a number of policymakers and academics to justify a range of interventions, as it was by both British Foreign Secretary Jack Straw and by American President George Bush to justify the war on Iraq.⁶⁸

To identify human security as a *discourse* should draw our attention to the importance of critically interrogating the way in which it understands (in)security, as well as the way in which it understands what it means to be a (secure) human. As Walker explains, “Claims about security are already part of, not radically separated from, claims about the kind of free subject that is to be secured. The subject of security is precisely the modern subject.”⁶⁹ In the chapters that follow I address what I consider to be some of the major problems inherent in the logic of human security, as it is expressed primarily in *The Responsibility to Protect*. Rather than focus on a discussion of the practical questions of implementation or possible results of the model of intervention put forth in the doctrine of the responsibility to protect, I focus on addressing those problems and tensions that I feel it contains within it implicitly, but which it fails to fully acknowledge, address, or overcome.

⁶⁷ See Nik Barry Shaw and Yves Engler, “November 2006: How Canadians “Protect” in Haiti,” *Canadian Centre for Policy Alternatives* (1 Nov. 2006) <<http://www.policyalternatives.ca/MonitorIssues/2006/11/MonitorIssue1516/>> (08 May 2008). Shaw and Engler refer to the “Ottawa Initiative”, which brought together representatives of the Canadian, French and American officials at Meech Lake, Quebec; there is was allegedly decided that Aristide should be removed from office and that the responsibility to protect justified this. Certain declassified memos between then-Canadian Ambassador to Haiti, Kenneth Cook, and the Privy Council Office and Department of Foreign Affairs and International Trade suggest much the same. See Anthony Fenton and Dru Oja Jay, “Declassifying Canada in Haiti: Part I,” *The Dominion*, 7 April 2006, <<http://www.globalpolicy.org/security/issues/haiti/2006/0407canada.htm>> (08 May 2008).

⁶⁸ José E. Alvarez, “The Schizophrenias of R2P” (paper presented at the *2007 Hague Joint Conference on Contemporary Issues of International Law: Criminal Jurisdiction 100 Years After the 1907 Hague Peace Conference*, The Hague, The Netherlands, June 30, 2007) available online at <<http://www.globalpolicy.org/empire/humanint/index.htm>> (8 May 2008).

⁶⁹ Walker, “Editor’s Introduction,” *Security Dialogue* 37, no. 1 (March 2006): 8.

The first problem, which I address in the second chapter, revolves around the human who is at the centre of human security: who is this “human”, how is it related the modern political subject of power traditionally conceived of as a citizen, and what does it mean to be responsible to or for it? The second problem, addressed in the third chapter, deals with the sorts of power or claims to authority that are enabled by claims about the human: how are power and authority exercised both within and by sovereign states and by the international force that claims the authority to suspend state sovereignty on the basis of a responsibility to protect humans? As I will suggest, both of these sets of problems – the nature of power/authority and the subject of power/authority – as they are expressed in the doctrine of the responsibility to protect *seem* to make a move away from the particular/state/citizen framework and towards more universal/international/human categories. However, this movement is chimerical, and indeed impossible, insofar as the logic of human security *needs* the sovereign state, just as much as it needs to retain the ability to exclude some ways of being human from its definition of humanity. Because it relies on assumptions about the way sovereignty (and the sovereign state and category of the citizen) works, human security actually reproduces some of problems inherent in these older formulations of political life and security, although often in new and different ways.

While there is a continuity between human security’s approach and older ways of organizing political life, exercising power and authority, and constituting subjects, human security – particularly in the model proposed by the doctrine of the responsibility to protect – is innovative in its capacity to employ highly-refined practices and modes of power in order to manage states and humans around the globe. The final chapter of this

thesis represents an effort to come to terms with these developments, and in particular to consider the implications of producing the human as a subject who can be secured.

Chapter Two

The purpose of this chapter is to situate the appeal to the human in a broader theoretical context, to consider the philosophical and theoretical work that has had to be done in order to construct the human as a meaningful category. A thorough history of man, of the human, or of the modern subject is obviously beyond the scope of this paper; my efforts are geared towards understanding some of the core assumptions, problems, and limitations of the discursive framework that makes possible the reference to the human, in order to consider how these continue to structure the basis upon which contemporary political or legal appeals to the human – such as those of human security – are made. The question of how the human of human security becomes the object of knowledge and subject of various modes of power and governmental practices is taken up in the next two chapters.

The notion of human security is bound in many ways to developments within the field of human rights which itself deals, at least ostensibly, with the universal – i.e. with “the human” as the figure of all human life everywhere, and with the rights that pertain to all humans by simple fact of their being human. Accordingly, this chapter is organized around an effort to understand the human security discourse’s apparent recourse to appeals to universalisms. After discussing the development of a conception of man and mankind in classical antiquity, I consider the development of the natural law tradition in which human rights is generally assumed to be rooted. I then move on to examine the way in which theories of natural law and natural right were transformed by the writings of early-modern thinkers, many of whom may be seen as challenging religious universalisms in order to ground a conception of political authority, of man, and of his rights man in immanent sources. However, the move away from universalisms was not

complete; rather, these thinkers offered a secularized version of the account of universal man, one still derived from an account of nature, albeit understood in a radically different way. By transforming nature into an observable, intelligible object, these thinkers emphasized an account of man as an inherently rational creature, capable of using reason to understand his own nature (including his origin and his end) in order to master it. Of course, this line of analysis must proceed through at least some discussion of theories of the state and sovereignty, in order to consider the parallel development through which political authority was grounded in immanence, with the result that conversations about modern man and his rights have been so bound to assumptions about particularistic arrangements of political life and sources of authority.

An understanding of these changes is helpful not only because, as I have suggested, it helps us to understand the development of the modern subject to which the human of human security is bound, but because these developments also provide the basis for the very state-citizen relationship to which human security is proffered as a response. Recognizing the often violent and exclusionary nature of state (and citizen)-centric theories of rights and of security, human security offers a seemingly easy alternative: the human. Thus, as I have suggested, it might appear that human security represents a return to universalisms.⁷⁰ It will be my contention, however, that to represent human security as such is oversimplifying and misleading. This is the case for at least two reasons: first, as I suggest in this chapter, insofar as the developments of an immanent conception of man and his relation to political community and political authority was never fully secularized, never fully divested of a language of universalisms

⁷⁰ Of course, this argument would have to be conditioned by recognition of the fact that early universalist theories, such as the natural law tradition, never adopted such a broad understanding of their referent object as does human security.

or appeals to transcendence, it is simply incorrect to present human security as a *break* with immanence and particularism and a *return* to transcendence and universalism.

Second, as I will discuss in much greater detail in the third chapter, just as the human of human security owes a deep allegiance to the development of the modern subject of the state, so human security's vision of political order remains deeply tied to the state and to a conception of the international as a system of states. Human security is thus hardly universal in the globalist sense of the term; rather it is bound within the man-state-system triad that has traditionally provided the basis for thinking about modern politics.

The purpose of this discussion is not to provide a history of ideas, but simply to review how the figure of the human – and the role played by that human – appears in the predominant narratives which have shaped and continue to shape our approach to politics (at the state and international levels), security, and rights. While these narratives assume their particular character as much from the strategic pillaging of historical writings as they do from actual developments in thought, they remain important because they *are* the stories that are told to make sense of contemporary political arrangements, to legitimize or criticize them, and to suggest alternatives. Philosophically, the origins of human rights are usually traced to the natural law tradition beginning, in some accounts, with Aristotle himself or, in others, with his influence on scholastic thinkers, most notably St. Thomas Aquinas. In the conventional narrative about human rights, natural law after Thomas is adapted in different ways by early-modern philosophers and is eventually incorporated into liberalism, providing the basis for a theory of law based on a defence of man's rights – rather than on appeals to natural or divine Right – and dissimulating much, though not all, of natural law's ties to theology. Although this brief description represents a vast

oversimplification of what many would claim is an already problematic narrative, I will argue that transformations in theories of nature and of natural law are nonetheless important for a discussion of how we have come to understand the human, its rights, and its security.

(Hu)Man (and) Nature

One could write many histories of the origin of man. There can be no universal, definite account of when or how exactly man comes to be understood as distinct from nature, from other animals, or from God, nor of when certain groups of men come to understand themselves as different from other men or as common to other men (i.e. as human). Indeed, one could pursue these questions through various anthropological, biological, cultural, theological, and sociological analyses and never come up with one answer that stands as true for all people everywhere. Nonetheless, in the context of the history of Western philosophy in which our dominant, contemporary theories of human rights and security have their origins, we may look to a few specific traditions, namely those of Ancient Greek and Roman philosophy and Christian theology.

There is some disagreement over the extent to which the concept of the human and humanity that emerges from these traditions bears a relation to the contemporary understanding of the human that is the object of human rights and human security. For the most part, scholars agree that human rights (as an actual legal practice) are a largely modern invention, even if some elements of their origins can be traced as far back as classical Greek thought.⁷¹ Moreover, it is important to understand that the ancients'

⁷¹ Richard A. Bauman, however, has argued that there existed in Ancient Roman ethical and legal theory a much greater sense of human rights than is conventionally accepted. These defenses largely took the form

conception of humanity and of mankind, to the extent that they existed at all, differ greatly from our contemporary understanding of these terms. It is clear that some sense of mankind does develop with the Stoics, who saw all men as participating in a universal humanity and often advocated of brotherly love and sympathy. In the mid-second century BC, the Roman dramatist Terence wrote, “I am a man: I deem nothing pertaining to man foreign to me.”⁷² Two hundred years later, his words were quoted by Seneca, who argued for the unity of humanity and divinity in nature, which he believed imbued man with traits of justice and fairness, and taught mankind to help one another.⁷³ Seneca thought that all men were born into a particular political community (whether as slave or citizen) as well as into the Cosmopolis, the society of men and gods.⁷⁴ The notion that man was a part of a greater society was influential among many of the Stoics and later thinkers sympathetic to them, and may even have origins going back to Socrates: Plutarch writes that Socrates said he was not an Athenian or a Greek but a citizen of the world.⁷⁵ Nonetheless, it is clear that for the Ancient Greeks the *polis* remained the ultimate association for the development of one’s capacities, and citizenship was cherished above

of a sanction on brutal violence, although it is unclear how universally this applied and, furthermore, Bauman himself has difficulty proving that this sanction should be understood in terms of “rights”. Richard A. Bauman, *Human Rights in Ancient Rome* (London: Routledge, 2000), 1.

⁷² Terence, *Heautontimorumenos* 77, quoted in Bauman, *Human*, 1.

⁷³ Baumann, *Human*, 1. The passage in which Seneca quotes Terence is *Epistulae Morales* 95.51-53.

⁷⁴ Anna Lydia Motto, “Seneca, Exponent of Humanitarianism,” *The Classical Journal* 50, no. 7 (1955), 315.

⁷⁵ Plutarch, *Plutarch’s Morals*, vol. 3, rev. William W. Goodwin, (Boston: Little, Brown, and Co., 1878), 19. Epictetus also cites Socrates in this regard, linking his position to a question of the kinship between man and God: “He then who has observed with intelligence the administration of the world, and has learned that the greatest and supreme and the most comprehensive community is that which is composed of men and God.... – why should not such a man call himself a citizen of the world, why not a son of God...?” Epictetus, *The Discourses of Epictetus*, trans. George Long, book 1, chapter 9, in vol. 12, *Great Books of the Western World*, ed. Robert Maynard Hutchins, (Toronto: Encyclopaedia Britannica, Inc., 1952), 114. Similarly, Diogenes Laërtius writes of Diogenes of Sinope, “The question was put to him what countryman he was and he replied ‘A Citizen of the world’.” Diogenes Laërtius, *The Lives and Opinions of Eminent Philosophers* trans. C.D. Yonge, (London: Henry G. Bohnm, 1853), 240.

all.⁷⁶ For the most part, in Athens and in Rome, one encountered citizens, free men, or slaves; outside there were barbarians, but not men in the sense of a shared humanity.

Although there are clearly indications that some philosophers held a deeper conception of the human and its rights (for lack of a better term), for the most part the legacy of *humanitas* bequeathed by the ancient Greeks and Romans to both the scholastics and the Renaissance humanists was much more limited. The use of the word *humanitas* appears first in Cicero.⁷⁷ In the Roman Republic it was used as a translation of the Greek *paideia* (education) and denoted *erudito et institutio in bonas artes* (scholarship and training in good conduct).⁷⁸ Drawing on the idea of humanity in Hellenistic philosophy, the Romans distinguished between *homo humanus* (the educated Roman) and *homo barbarus*.⁷⁹

In Christian theology, however, *humanitas* comes to stand for something very different: the notion of mankind's universal access to divine spirituality through salvation.⁸⁰ It is with Christianity that humans are most clearly demarcated from all of the

⁷⁶ Andrew Linklater, *Men and Citizens in the Theory of International Relations* (London: The MacMillan Press Ltd., 1982), 21.

⁷⁷ B.L. Ullman, "What are the Humanities," *The Journal of Higher Education* 17, no. 6 (1946), 302. See also Augusto Campana, "Origin of the Word Humanist," *Journal of the Warburg and Courtauld Institutes* 9 (1946): 60-73.

⁷⁸ Douzinas, "The End(s) of Human Rights," *The Melbourne University Law Review* 26, no. 2 (2002): 454. Douzinas explains that it is this conception of *humanitas* that so strongly influenced the humanism of the Italian renaissance, with its opposition to medieval scholasticism and return to Greek and Roman prototypes. (More detailed accounts of the Italian use of the term are offered by Ullman and Campana). Bauman concurs that this is the most specific meaning of *humanitas/humanus* (in its adjective form) but notes that, in its more general usage, it could connote "an incentive to do the right thing. In particular it acts as an incentive to avoid savage and brutal behavior towards other members of the human race, either as individuals or in groups." See Bauman, *Human*, 2.

⁷⁹ Douzinas, *End(s)*, 454. Interestingly, Linklater explains that even prior to the development of Stoic thought, Hellenism came to mean a character acquired by a person, rather than something attained by birth. He cites Isocrates claim in the *Panegyricus* that the pupils of the great city had become the teachers of the world, with the result that "Hellenes" suggests no longer a race but an intelligence... the title 'Hellenes' is applied rather to those who share out culture than to those who share a common blood." Isocrates, *Selections*, Vol. 1, trans. G. Norlin (London, 1928), 149. Quoted in Linklater, *Men*, 21.

⁸⁰ Douzinas, *End(s)*, 455. In English, the use of the word humanity to denote mankind or the human race is first recorded in the late 16th Century, although it appears in the late 14th Century in connection with the

rest of nature because they alone possess a soul. Certainly, as Douzinas points out, Christianity also allowed for strong hierarchies within this universal category, and during the Middle Ages only the King, as God's representative on earth, was a subject proper. As we shall see, early modern liberal philosophers worked to universalize this grounding of subjectivity, and with the Enlightenment was formed a conception of "man" – as an autonomous individual imbued by nature with freedom and equality – that still provides the basis for contemporary thinking about the subject (of law, of politics, of rights, etc.)⁸¹

The word human has its origins in *homo* (man) and *humus* (earth). The reference to *humus* indicates that humans are separate from the gods, i.e. that they are creatures of the earth. This is a distinction that has been absolutely essential in determining the character of that creature we call the human, but it only accounts for part of the picture. The rest is filled out by the essential separation of man (or culture) from nature. Certainly, various traditions have conceived of humans' relationship to the gods or the heavens and to nature in very different ways – in some cases humans have direct relationships with the gods, in others they are utterly separate and cannot know of their ways; in some cases humans depend on and participate in the cycles of nature, in others they merely dominate it. Nonetheless, that man is understood to be mortal and yet distinct from other animals and from his environment are two great and enduring pillars of Western thought, without which all of our contemporary concerns about the human would be utterly unconceivable.

The Greek poets believed that men resembled the gods, but to an extent which they could never fully comprehend. One of the most significant features that

sense of *humane* (understood to mean well-behaved, courteous, polite, etc.) and circa 1430 in reference to Christ's humanity.

⁸¹ Douzinas, *The End of Human Rights* (Portland: Hart Publishing, 2004), 186.

distinguished men from gods was their knowledge; whereas the gods had a perfect knowledge, man's knowledge was imperfect and limited. Michael Steinberg argues that the relativism of the sophists simply expressed what many thinkers of the time recognized: "human understanding was weak, and absolute truth was available only in the glimpses granted through art or religion."⁸² Steinberg argues that the Hellenistic Greeks thus had two experiences of truth: the truth of divine knowledge (revealed in arts such as Homer's) and the truth that arose from tradition and reasoned debate between citizens. Although the latter was long thought to be inferior, with increasing rationalization of life and acceptance of civic life – however much this remained conditioned by an acknowledgement of its limited character – the model that came to dominate the Greek sense of the cosmos was a civic one: gods and men were fellows in the great common city. The human race became immortal, in a sense, through successive generations, and meaning was derived from participation in cycles of nature and in the community, as well as from the mere fact of living in the presence of gods.⁸³

In Plato's *Republic* we read that Socrates criticizes the poets because they only imitate; they do not convey truth. Plato locates the source of intelligence and knowledge in the individual person capable of exercising reason.⁸⁴ Steinberg contends that, however strong Plato's attack on civic life, it remained a minority viewpoint in a world where the influence of the poetic and artistic depictions of the gods was felt strongly, and indeed shaped much of daily, lived reality. However, he acknowledges that Plato's "radical anti-

⁸² Steinberg, *The Fiction of a Thinkable World. Body, Meaning, and the Culture of Capitalism*, (New York: Monthly Review Press, 2005), 99.

⁸³ Steinberg, *Fiction*, 100.

⁸⁴ Steinberg, *Fiction*, 104.

civic critique” would be echoed by Christian theologians in the Latin West.⁸⁵ Unlike the Ancient Greeks, the Christians were not content simply to live in the presence of God. Instead, Christianity offered a comprehensive account of all daily life and all the cosmos, one that hinged on the “split between the temporal realm of the events themselves and the perpetually valid sphere of the rational”.⁸⁶ By revealing the true nature of the cosmic order, it simultaneously explained life on earth, providing a way for giving absolute truths about *everything*. Most importantly, it guaranteed that man could access this truth, that is was given to man to know and understand his world and its meaning within the context of the divine order. Steinberg writes:

The truth once sought through divination and the inspired visions of poetry was now pursued through reason, separate but somehow inherent in the world of experience – hence its divine nature. In the common culture of the pagan Empire reason had been an instrumentally useful ability which, though valuable, could give no access to truth. With Plato, and even more with the assimilation of Platonic philosophy to Christianity, reason became foundational as well as a structuring element of a model, founded on innately revealed truth, which could be used to grasp the world in thought.⁸⁷

Mankind emerges as a unitary category in differentiation to the gods and to nature. In classical Greek religion, art, and philosophy we start with a figure of man who

⁸⁵ Steinberg, *Fiction*, 103. The author notes that this was less the case in the East, where Christianity did not bring about as much of a break with pre-Christian culture, and where the influence of neoplatonism, rather than Platonism proper remained strong. (Here he is drawing a strong distinction between the thought of Plato himself, which he identifies by its anti-civic nature, and the neoplatonism of the academy, which he sees as characterized by a moderate skepticism and as “Platonic only in name”).

⁸⁶ Steinberg, *Fiction*, 102.

⁸⁷ Steinberg, *Fiction*, 134. There were certainly intimations of this general tendency in Stoic philosophy. Indeed, as Steinberg argues, Stoicism is important because it is likely the first instance in which knowledge is conceived of in terms of language – man comes to know the world by translating sensory impulses into propositions, and then by reason determines which is correct. It is in the West, under Christianity, that thinking and language come to be thought as one and the same. Although the Stoics’ philosophy was geared towards *self*-mastery we can see how this thinking would easily lead to the conclusion that humans can master all that they can comprehend – i.e. everything. However, Stoicism had a limited future in the Christian world, not only because it was incompatible with a Christian ethics of love but also because it sought only to provide an account of the world as it was, taking everything, including the divine, to be immanent. Christianity offered an account not only of what was, but how it came to be and why. Under the fully transcendent Christian god, the world is rendered both rational *and* purposeful. God creates and rules over the entire universe, and it is given to man by his very nature to rationally comprehend God’s plan. (See Steinberg, *Fiction*, 77, 90-92.)

is marked as distinct from the gods largely because of his mortality and his imperfect knowledge of the world. Gradually, as man begins to problematize his own knowledge he discovers a world “out there” from which he is separate, but which he can access through sensory impulses, translate into representation, and come to know accurately. Nature thus appears as a double figure – that from which man is separate, but also that which gives unto man his own very nature – i.e. man is by nature a rational creature. For the Stoics, it is through the perfection of this rationality and exercise of reason that man comes to know the world as it is and is thus truly following nature, rather than just impulses or instincts. This is a theme that is repeated throughout the history of philosophy, as thinkers grapple with the great task of accounting for man’s separation from the rest of nature and so for the development of society, culture, civilization and, in so doing, must contend with the question of what man’s own nature is.

Thus far I have used the term *nature* to connote that from which man is distinguished (i.e. his environment or world) as well as that which bestows upon a being what is proper to that being (i.e. man’s nature). While convenient, these usages of the idea of nature should not be taken as *naturalizing* nature, so to speak. Rather, it should be made clear that nature itself is a concept with a specific genealogy – in Western philosophy its development can be attributed largely to the invention of the concept by classical Greek philosophers. Douzinas argues that the invention of nature provided a means of challenging the ancestral basis of authority by introducing the idea of the good – i.e. that which is *good by nature*. Thus the sophists used the idea of nature to challenge claims about custom and law, and Socrates and Plato in turn appealed to nature to argue

against the sophists' moral relativism and for the authority of reason.⁸⁸ The invention of nature was deeply tied to ideas about justice, the two united together in theories of natural law. The development of theories of natural law mirror many of the same changes I have described above in the brief account of the "invention" of man. Nonetheless, this history also has its own peculiarities and I shall endeavor in the next section to show how transformations of natural law and natural right played a significant role in contributing to the contemporary understanding of the modern subject who is the bearer of rights. As rights-bearer, and as a rational and autonomous actor, it is this subject who is capable of willing that political formation that is the modern state.

Natural Law and Right(s)

It is widely agreed that what we today refer to under the heading of human rights (or human rights law) is rooted in the natural law tradition that developed in Europe. This tradition was expressed most coherently by scholars in the 17th and 18th Centuries, but is largely rooted in the 13th Century writings of St. Thomas Aquinas. The tradition of natural law, however, has a history almost as old as the concept of nature itself.

According to Douzinas, in Archaic Greece, right and custom or law and convention were thought as one and the same. The Greek word *dike*, which we usually take to refer to what is rightful, lawful and just, did not come to assume this meaning until the Classical period; in archaic Greece it connoted primordial order, the way of the world. *Dike* covered *nomos* (which originally shared the same meaning as *ethos* and only later came to mean law) as well as *thesmoi*, which together referred to the customs and norms that

⁸⁸ Douzinas, *End*, 27.

bound both gods and morals.⁸⁹ Douzinas contends that it is the introduction of the idea of nature that allows *dike* to transform into *dikaion* (right and just) and *nomos* into *physikos nomos* (natural law).⁹⁰

We discover the first coherent expression of natural law in Aristotle, who distinguishes between particular law and a common law, the later pertaining to “something of which we all have an inkling, being a naturally universal right and wrong”.⁹¹ For Aristotle, the natural law can never be fully known – it does not assume a permanent, positive form such as that of the commandment in Hebraic and Christian thought.⁹² Justice, understood in terms of right (*dikaion*, later *jus*) could be manifested in law (*nomos*, later *lex*), but particular laws could not contain all that justice entailed, nor were they properly just in less they corresponded to what was naturally right. This is at least in part because nature was understood to be changing and uncertain – for Aristotle *physis* was profoundly dynamic – a notion totally alien to the modern conception of nature as knowable, definable and calculable. Furthermore, the classical teleological understanding of the cosmos meant that the nature of a being referred at once to its efficient cause, its developing essence, and its end. Thus being cannot be separated from becoming, nor essence from existence. Indeed, man could not be thought as separate from nature because the good was understood as that which lives according to nature – virtue and value were understood through this teleological conception of nature. To be separate

⁸⁹ Douzinas, *End*, 25-26.

⁹⁰ In response to the Sophists, who wanted to oppose *physis* to *nomos* – the latter understood merely as custom and tradition – Plato suggested that nature does not contradict law but determines the normative character of all being. Nature refers to the highest order, that of the soul and its transcendental realm, which gives shape to the empirical world. Of course, for Plato this distinction related to his separation of form and reality, but it would also be easily adopted by Christian theologians seeking to distinguish a Creator who transcended nature and yet gave meaning to it. See Douzinas, *End*, 27.

⁹¹ Douzinas, *End*, 26. The quotation is from Aristotle, *The Art of Rhetoric* trans. H.C. Tancred Lawson, (London: Penguin, 1991), A 1368b.

⁹² Douzinas, *End*, 40.

from nature was not simply “wrong” as we might understand it today, rather it meant a thing or being’s not being what it is.⁹³

It was the Stoics who gave natural law an anthropocentric inflection, maintaining that well-being was rooted in human being. Natural law was universal and divine, and under it all rational human beings were united as equals. The Stoics accepted democracy and monarchy, but for them society was secondary – nature was the source of all law.⁹⁴ The Stoic idea of natural law and natural right, adapted by Cicero, had a significant impact on the Roman idea of law. Douzinas contends that the idea of universalism expounded by the Stoics was easily transformed into a support of cosmopolitanism that was used to counter ethnic and local nationalism in the Empire.⁹⁵ In Stoic thought the natural law of Plato and Aristotle was transformed into something eternal and absolute – it is a creative principle present in its purest form in God and, in man, in the soul. This notion of natural law would prove to be hugely influential in the development of modern ideas about human nature. By elevating rational man above the rest of nature, reason – rather than nature – would eventually become the source of law.⁹⁶ It was under the influence of Christianity that the Greek invention of nature was transformed into the creation of God. Douzinas explains, “The cosmos was reduced to the natural universe; the natural ends given to all things and beings were turned into their providential position in the plan of salvation, and teleology became eschatology.”⁹⁷

Much of St. Thomas Aquinas’s philosophical work reveals his deep affinity with Aristotle, although his theology – which he saw as greater than philosophy – is deeply

⁹³ Douzinas, *End*, 28-30.

⁹⁴ Douzinas, *End*, 28-30.

⁹⁵ Douzinas, *End*, 50.

⁹⁶ Douzinas, *End*, 51-53.

⁹⁷ Douzinas, *End*, 53.

Christian.⁹⁸ For Thomas, human nature comes directly from God and its law is expressed as natural law (*lex naturalis*).⁹⁹ This natural law is founded on and participates in the eternal law of God, which depends on *divine reason*. Natural law exists passively within man's own inclinations, and its dictates are arrived at by reasoned reflection on those inclinations. Thus, because all men by nature have reason they can arrive at knowledge of the dictates of natural law. Nonetheless, both eternal law and natural law are also expressed positively – through divine positive law God reveals His eternal law to man (imperfectly through Moses, perfectly through Christ) and through human positive law, natural law is given specificity and invested with powers of sanction and enforcement.¹⁰⁰ What is most significant for our purposes here is that by basing human nature on God's nature, and by making reason a central characteristic of both humanity and divinity, Thomas is able to claim that the laws of the earthly – and to a limited extent, divine – order are knowable by man, through exercise of his reason.

Like Aristotle, Thomas holds that man is an inherently social and political animal. But whereas for Aristotle man can achieve his end in this life (i.e. in the city-state) we have seen that for Thomas man's end can only be achieved in the next life. For Thomas, unlike some other Christian philosophers, this fact does not amount to a devaluation or denunciation of political life. Instead, Thomas holds that each individual has reason by

⁹⁸ Frederick Copleston explains that, like many other Christian thinkers, Thomas's concern with knowledge of the real and concrete (i.e. the realm of philosophy) was secondary to his concern with revelation; god is the ultimate end of all human cognition but since man cannot attain full knowledge of him through use of earthly faculties, god *reveals* himself to man. (Although Thomas is concerned with revelation he does not hold, as Augustine does, that the mind requires any special illumination from God in order to interpret sensory data, nor to abstract from these or draw connections between the particular impression and the universal form to which it corresponds.) Furthermore, while the philosophies of both Aristotle and Thomas are eudaemonistic, for the latter man's end – perfect happiness – is the same as the knowledge of God, which cannot be fully realized in this life. Striving for this end is given naturally to man, and so the will is natural, but the end remains a supernatural one. For Aristotle, of course, this cannot be the case. Frederick Copleston, *A History of Philosophy*, Vol. II (Toronto: Doubleday, 1993), 389-390, 402, 412.

⁹⁹ Copleston, *History*, 407, 410.

¹⁰⁰ Copleston, *History*, 409-410, 418.

nature, but he is also by nature meant to live in social and political community and indeed requires these to achieve his natural end.¹⁰¹ Thus, the state is natural – it is prefigured in human nature, which is created by God, which must therefore mean that God wills the state. While Thomas certainly held that the Church was higher than the state because it attended to man's supernatural end, he nonetheless saw the state as a perfect society and granted it autonomy in seeing to its own affairs (i.e. the proper government of men, in this life, so that they may better pursue their end).¹⁰² The authority of the sovereign comes from God via the people; thus, the ruler must exercise authority for the good of the people – this is achieved through the use of reason. Although the ruler and the people occupy different positions in the natural order, they are both duty bound to uphold the natural law (i.e. to follow reason and so pursue the end towards which all men are directed).¹⁰³

We can see, therefore, how important Thomas's understanding of human nature is for his vision of law and political society. It ought to be apparent how this particular vision can also be called on to support a theory of human rights, although we must avoid the risk of anachronistically ascribing to Thomas himself a defence of human rights as they are today understood. We can see from this early formulation of a theory of natural law, nonetheless, that all humans are universally endowed by nature with reason, from which they can discern what is right. What is right is therefore true for all humans everywhere. Furthermore, while it is in accordance with nature (or God, or Right) that certain individuals will be designated rulers over others, they must rule with an eye to the common good and cannot violate the natural law, which applies universally. We thus

¹⁰¹ Copleston, *History*, 413.

¹⁰² Copleston, *History*, 415.

¹⁰³ Copleston, *History*, 421.

have the beginnings of a theory of universal equality and of humanity's universal subjection to a law that is both natural and eternal. Of course, what we today refer to as human rights are widely supposed to be a secularized version of this; the contemporary discourse on human rights retains all the claims to universality without seeking the authorization of any specific divinity. Instead, the human itself, with its ability to discern what is absolutely right and true through exercise of reason, becomes both the referent of and the authorizing force for human rights.

It is certainly the case that, to varying extents, many early modern and Enlightenment theorists sought a divine support for their arguments about natural right and the social contract. Nonetheless, the concern became one of identifying what was universally true of man (hence the attempt to deduce an empirical account of universal man from a fictive state of nature, in which he was stripped of all local or natural particularities).¹⁰⁴ It is this move that would provide the basis for legitimizing political authority organized in the modern state, and lend both the Universal Declaration of the Rights of Man and the Declaration of Independence much of their weight. It is therefore unsurprising that, as we shall soon see, the universal rights expounded in these declarations became articulated in such a particular way, one which no doubt served only to reinforce the growing power of the modern state. A universal account of man as rational and free is essential both to the development of the ideas about the citizen and about the human, to the theories of social contract that give us the modern state, and to Enlightenment theories of mankind's progress towards cosmopolitanism that so influence contemporary internationalist approaches to politics. It is the tension between these two manifestations of the human – the citizen, who derives his rights from and owes his

¹⁰⁴ Douzinas, *End*, 62-65.

obligation to his state, and the human, whose rights and obligations lie in his shared humanity, which trumps any particular differences – that give shape to our modern international politics.

Sovereign Man and Sovereign State

We have seen that, like Aristotle, Thomas understood man to be an innately social and political animal and so took the state to be a natural institution. However, if one rejects this vision of man as political by nature, there arises the need to find an alternate explanation for political community.¹⁰⁵ For those early-modern scholars attempting to respond to what Walker refers to as “the collapse of universalistic accounts of political, religious and metaphysical hierarchies,”¹⁰⁶ the task was to ground a theory of politics in man’s own innate nature (based on a universal account of man, no doubt, but not necessarily reliant on normative claims about the way he was made to be by a Creator). In Hobbes, we read that the state of nature is a violent place where men are continually in conflict with one another; it is because of enlightened-self interest, not any natural social tendency, that men come together and sacrifice some of their autonomy and liberty for the protection of the sovereign. In the state, individual man’s interest is subordinate to the common good, but it is nonetheless the needs, interests, and behavior of man that provide the very basis for the state’s authority.

Hobbes draws a clear distinction between right and law. Right is associated with freedom, and stands in the same oppositional relationship to law as liberty does to

¹⁰⁵ For many other Christian scholars, Augustine included, the state was not natural but a product of the original sin. Copleston, *History*, 415.

¹⁰⁶ Walker, *Inside/Outside: International Relations as Political Theory* (New York: Cambridge University Press, 1993), 17.

obligation. Right is fully grounded in nature, whereas the only law derived directly from nature is the law of self-preservation, which derives from *human* nature. Human nature, and natural law, can be arrived at through observation and reason, which for Hobbes assumes the form of calculation.¹⁰⁷

In Hobbes' fictive state of nature, the human being is thought of simply in terms of rights – i.e. freedoms – that exclude duty.¹⁰⁸ While Hobbes paints a picture of man as a creature of desires and passions which may outstrip even his reason, he preserves man's capacity to enter into a social contract by isolating another key feature: *the will*. Douzinas contends that it is through exercise of the will that man is able to come to a decision and thus to become fully sovereign (or, for Kant, a fully autonomous and responsible subject).¹⁰⁹ For Hobbes, man's willing is thus a limitation of his own rights and the empowerment of a Sovereign – Hobbes's Leviathan – who assumes the same character as man. The sovereign's law (civil law), while born in opposition to right (which is given naturally), nonetheless manages to maintain the appearance of deriving from nature precisely because it is arrived at through the use of faculties available to man in his own nature, and becomes a tool for modifying that nature so that man may live in society. Where man's rights are limited, the sovereign's are affirmed; where the violence of the state of nature is brought to an end, the violence of the law is inaugurated. Douzinas makes the full force of this point clear:

Laws are laws because of their source and sanctions, not because of their reason. The supremacy of state authority mirrors the natural freedom of the individual; Leviathan, the perfect partner and necessary constraint of the individual, both shares and inaugurates the individual's attributes.

¹⁰⁷ Douzinas, *End*, 71.

¹⁰⁸ Douzinas, *End*, 71.

¹⁰⁹ Douzinas, *End*, 73.

The power of the Sovereign is therefore the result of individual desire and right.¹¹⁰

Hobbes's natural man of rights, the progenitor of liberalism and of legal positivism, is that same figure who enables absolute state power.

Those rights that subsist under Hobbes' Leviathan are not public rights (i.e. rights against the state) but private ones, dealing primarily with property and possession.¹¹¹ It is with Locke that the link between rights and property is cemented. Like Hobbes, Locke grounds his account of government in an idea of a violent and conflict-driven state of nature, and he sees reason as leading man towards submission to state power in order to secure his own self-preservation. For Locke, man breaks from nature by mastering it (and his own drives) through his labor – property is thus essential to his conception of man's rights. As Douzinas explains, happiness is tied to the ability to “shape and acquire things” – nature and human nature can be controlled by the individual or by the projection of mankind's collectivity, the sovereign.¹¹²

With Hobbes and Locke natural law and politics are finally wrest from any transcendental accounts of nature (as dynamic life force or as manifestation of the eternal law of God) and are instead grounded solely in an account of man and his rights.¹¹³ Moreover, man is understood as an autonomous individual who, through exercise of his

¹¹⁰ Douzinas, *End*, 78.

¹¹¹ Douzinas, *End*, 80.

¹¹² Douzinas, *End*, 84.

¹¹³ It is worth noting that while my analysis has focused on extent to which changes in the relationship between man and nature is driven by developments in Western philosophy, theology and theories of law and of the state, there is an important parallel with other economic, social and political developments (perhaps most notably the birth of capitalism). A full discussion of these would doubtless be a worthwhile endeavor, although one which is beyond the scope of this thesis. An interesting account is offered in William Leiss, *The Domination of Nature* (Montreal and Kingston: McGill-Queen's University Press, 1994). Leiss contends that Christianity is deeply anti-naturalistic but that it was unable to abolish all naturalistic divisions while feudalism, with its absolute separation between lord and serf, remained dominant. For Leiss, feudalism retains its material relations based on this naturalistic division and it is the *move to capitalism* that changes this.

reason and his *will* is able to shape both himself and his world – to truly triumph over nature. Although this is a secularizing move, it still appeals to an idea of nature (over which we are supposed to have triumphed) in order to ground legal and political authority, sanction social hierarchy, and guarantee man's knowledge. Nature is still the authorizing and legitimating force, only it is no longer understood to function normatively but appears as something which man can know nominally.

The political significance of this transformation in the understanding of man and his relationship to nature is even more apparent in Enlightenment thought, particularly the work of Immanuel Kant. Kant's theory of knowledge is simultaneously dependent upon empirical reality and enabled and confirmed by the guarantee of transcendentalism.¹¹⁴ Starting from recognition of the fact that what we know by understanding and reason is conditioned knowledge, Kant asserts that there must exist an unconditioned which conditions everything else. This is the supreme being, God. As thing in-itself that is beyond experience, this supreme being cannot be known. Nonetheless, without any immediate knowledge of God, reason must determine its own limits on the basis of the unconditioned's conditioning of the entire world.¹¹⁵ So, reason must seek a unity for knowledge, in recognition of the limits imposed on it by the very fact of its own conditionality. Though we cannot know God we must, by reason alone,

¹¹⁴ For Kant, an absolute apprehension of an object in-itself is impossible; instead, the mind is dependent upon impressions that are sensed in experience and then converted into representations. Under the direction of a-priori concepts (categories), these representations are synthesized by understanding, which is a faculty of judgment. Just as understanding brings particular impressions into unity with the concepts, these unities of judgment must be secured by reason. Reason ensures, as it were, that the understandings of particular things in the world fit with what must be true for the whole world. However, reason must be subject to certain checks too: Kant observes that reason can too easily overstep its bounds and come to a variety of seemingly rational yet nonetheless contradictory positions. Thus, it is the task of reason to determine its own limits. See Douzinas, *End*, 191 and Franke, *Global*, 78.

¹¹⁵ Franke, *Global*, 80-81.

take his existence for granted in order for this unity to be possible.¹¹⁶ This is the crux of Kant's great transcendental/immanent split, which functions to ensure the completely universal character of reason by securing it within the boundaries of the finite world. Franke contends that, at the same time that Kant's theory of knowledge contains strong elements of an empirical realism, it also reveals an idealism at the core of his thought. He writes:

...it is clearly the case that he [Kant] takes the objects of reason to exist only within one's mind. Given the fact that they are not things in themselves either but, rather, conditions underlying the possibility of things, the intuitions that give appearances over to understanding and the categories in which appearances gain order each originate *within the subject*.¹¹⁷

Thus, for Kant, the laws of rationality rule the world and the human mind alike and so, through reason, man can know and understand the world absolutely, and so too can he master it.¹¹⁸ Nature, which in the Classical conception was something independent of and superior to man, becomes an object of study, that which can be mastered through determination of its laws. Finally, man stands completely apart from the rest of nature – including human nature – and from this place of separation can order and direct it.¹¹⁹ Andrew Linklater explains, “Far from confronting a natural world the component parts of which might be repositioned but whose ultimate constitution defied modification, men faced a world which was their own historical product; and they did so as agents capable of transforming the conditions of their social and political existence.”¹²⁰

Crucially, the modern subject is not simply rational man but a creature of the will. As willful, man is not a mere creature of desire or impulse but a completely autonomous

¹¹⁶ Franke, *Global*, 81.

¹¹⁷ Franke, *Global*, 80 (emphasis added).

¹¹⁸ Douzinas, *End*, 189.

¹¹⁹ Douzinas, *End*, 190.

¹²⁰ Linklater, *Men*, 26.

and sovereign subject capable of ruling himself and his world. Man's will is thus also the mark of his freedom.¹²¹ Kant identifies three basic rights of man: freedom, equality and independence.¹²² For Kant, man's freedom is contingent upon his ability to obey only those laws which he could have reasonably consented to and so, the sovereign too is bound follow his own laws. Given these rights, man can attain peace and security in the state. Kant sees the social contract not as a historical fact but as a "regulative fiction", as that which *must be* by reason.¹²³ He explains, "The origin of the supreme power, for all practical purposes, is *not discoverable* by the people who are subject to it."¹²⁴ Entry into political society requires a collective, universal will by which all agree to some restraint on their freedom. This universal will is itself an idea of reason, which is the basis of the state's power to coerce its subjects under the universal law.¹²⁵ Kant refers to this as a "law which is so sacred (i.e. inviolable) that it is practically a crime even to cast doubt upon it", one which "cannot be thought as coming from human beings, but from some infallible supreme legislator".¹²⁶ However, as with the very idea of the social contract itself, Kant says that we cannot assume that the derivation of authority from God is a

¹²¹ Kant supplemented his discussion of pure reason, by which the subject knows the world, with a theory of practical reason, which provides the individual subject with coherency by submitting all his warring desires to an *a priori* moral law. This moral law is not merely prescriptive, it is not simply that from which issues forth decrees which one can know. Instead, for Kant the moral law must be treated "*as if* it were a fact of nature amenable to reason, as it if were a 'universal law of nature'." Moral law is thus not something that is experienced; rather it exists as an *a priori* fact of reason, and is the basis of freedom. To follow the moral law is not to attempt to do good but to follow the categorical imperative, which is modeled on the idea of universality. The sovereign subject does not simply follow the law as if following a dictate or code, but through his reason and freedom and because of his duty, participates in the law. See Douzinas, *Ends*, 191-193.

¹²² The latter refers to one's ability to participate in government, either directly or through voting. Kant thus excludes what he refers to as "passive citizens" from enjoying fully the rights of man, although he maintains that all are free and equal in the eyes of the law. H.S. Reiss, "Introduction" in Immanuel Kant, *Political Writings*, ed. H. S. Reiss, trans. H. B. Nisbet (New York: Cambridge University Press, 1991), 26-27.

¹²³ Douzinas, *End*, 193.

¹²⁴ Kant, *Political*, 143.

¹²⁵ Reiss, "Introduction," 27-28.

¹²⁶ Kant, *Political*, 143.

historical fact, but an idea of reason. As in his theory of knowledge, in Kant's political theory we have a notion of a God who conditions man's very nature (and therefore also reason and the end towards which man is progressing), yet who is beyond human comprehension. The transcendental functions to sanction political power in the form of the state, while also conferring unto man and to the sovereign his own proper place as master of his domain – i.e. of all that is within the finite universe.

For Kant, history, like nature, is an idea required by reason. He resists the notion that the past is available to us as an object of knowledge or that we can make sense of the whole of a series of events in the past – we are limited by our own position in time. Nonetheless, given that all events must have a cause, reason requires the presupposition of an unconditioned that lends the totality of history some kind of unity. Reason must therefore assume that there is a purpose to nature. However, Kant does not hold that some natural law predetermines everything but that, because we can assume from the operation of his reason that mankind is free, we can also know that mankind is leading itself towards its own end. For Kant, enlightenment was key to the progress to which human nature is destined.¹²⁷ The reason of mankind drives collective progress, even if individual men cannot know precisely what transpired in the past or what will transpire in the future.

Importantly, for Kant the philosopher can determine “a universal history of the world in accordance with a plan of nature aimed at a perfect civil union of mankind” – this task of working out a history is assumed by Kant to actually further the “purpose of nature itself”.¹²⁸ Adopting a teleological view of nature, Kant asserts that because man is

¹²⁷ Kant, *Political*, 57.

¹²⁸ Kant, *Political*, 51.

the sole rational creature, he must be developing towards reason.¹²⁹ However, this means that the source of the social contract cannot be located in man's reason, since mankind has not always possessed perfect reason. Instead, Kant identifies the source of man's willingness to enter into society and the state as the mutual antagonism between men, which is anti-rational.¹³⁰ Kant refers to this antagonism as man's asocial sociability – he is compelled to live in society and yet also to live as individual.¹³¹ For Kant then, man is not originally a perfectly political creature, nor is he one who can rationally master all his desires. However, mankind's collective development leads, through social development, to the perfection of man's reason. Mankind's development thus necessitates the state but, for Kant, it also strives towards cosmopolitanism. Kant writes,

The peoples of the earth have thus entered in varying degrees into a universal community, and it has developed to the point where a violation of rights in *one* part of the world is felt *everywhere*. The idea of cosmopolitan right is therefore not fantastical and overstrained; it is a necessary complement to the unwritten code of political and international right, transforming it into a universal right of humanity.¹³²

In the way their thought appears to us today, Hobbes, Locke and Kant reveal the fundamental importance of a universal account of man as a rational, willful creature. Man is the bearer of that unique human capacity for self-development and self-direction, a capacity that makes possible the transformation of political relations.¹³³ This account of the modern subject is necessary both for the development of ideas about the citizen who founds the state, and for ideas about the human who is a part of a universal humanity. The development of the idea of moral equality can be seen as splitting Western theories

¹²⁹ Kant, *Political*, 42.

¹³⁰ Reiss, "Introduction," 38.

¹³¹ Kant, *Political*, 44.

¹³² Kant, *Political*, 107-108.

¹³³ Linklater, *Men*, 26.

of (inter)national politics into two camps – that which understands the individual’s moral obligation (and source of rights) as pertaining exclusively to his particular political association, and that which sees it as pertaining to the entire community of humankind.¹³⁴

The notion of universal right of humanity was clearly a powerful philosophical and political force during the Enlightenment. Without this idea, the French Declaration of the Rights of Man and the American Declaration of Independence and later Bill of Rights would have been inconceivable. Both of these sought to restore some sense of immanent laws and rights – rights belonging to man by virtue of his own very nature, and discoverable through reason – that had been obscured through abuses of political power. Douzinas argues that both declarations drew their authority from the autonomous individual supposedly discoverable by reason or common sense. Grounding their appeals in an account of human rights, the declarations simply supposed their subject, “man”. There is a basic tautology at work here: the idea of rights supposes a subject (“man”) to which they refer while the essence of this man is derived from a proclamation of his rights. Through the act of proclamation, Douzinas explains, “[man] linguistically asserts and politically legislates without any ground or authority other than himself.”¹³⁵ Further, he writes, “It is in the nature of human rights to be proclaimed because there is no one outside historical humanity to guarantee them.”¹³⁶

While human rights must always have specific content – a right to this or a freedom from that – the abstract man or human who is their subject remains ontologically groundless. He is supposed to legislate the power of the legislator, but his own empirical

¹³⁴ Linklater, *Men*, 46.

¹³⁵ Douzinas, *End*, 93.

¹³⁶ Douzinas, *End*, 93.

content arises only out of particular instances of law making.¹³⁷ Thus, this ostensibly universal human appears variously as only *a man*, or only a white man, or only a property-owning white man, etc. Moreover, this human can only exist insofar as there is an existing power to recognize and uphold his rights – despite the universality they claimed, the declarations established the rights of *citizens* under a particular state.

Douzinas writes:

It was the act of enunciation which established the power of a particular type of political association, the nation-state, to become the sovereign law-maker and secondly, of a particular ‘man’, the national citizen, to become the beneficiary of rights. [...] If the declarations ushered in the epoch of the individual, they also launched the age of the state – the mirror of the individual. Human rights and national sovereignty – the two antithetical principles of international law – were born together, their contradiction more apparent than real.¹³⁸

Furthermore, he insists, by binding political association to a particular territory and nation, and rights to a particular group of people (citizens), the declarations of rights provided the conditions of possibility for the genocides and ethnic cleansings of the 20th Century.

Walker explains that the attempt to counter the universalist claims of Christianity has given us the territorial state as an expression of difference, and so we have inherited the notion that the state is the place for identity and universality whereas the international is the place not of universalism, but of difference.¹³⁹ He writes:

In the struggle to reconcile the claims of men and citizens, of a universalist account of humanity and a particularist account of political community, early-modern political thought both affirmed the primacy of the particular – the statist community, but also the individual – and attempted to legitimise accounts of political authority within particular communities through a reinterpretation and secularization of claims to universal reason and natural law.¹⁴⁰

¹³⁷ Douzinas, *End*, 95.

¹³⁸ Douzinas, “End(s),” 448-449.

¹³⁹ Walker, *Inside*, 117.

¹⁴⁰ Walker, *Inside*, 62.

The understanding of man and his rights that develops with social contract theory is one that allows only for rights within the state. From this tradition emerges an account of the sovereign state as assuming the same role as that of man in the state of nature – i.e. it exists in a potentially violent and conflictual relation with others and, while it may choose to cooperate or consent to certain rules or norms, it cannot be bound to anything it has not consented to. Linklater explains,

Citizens, therefore, cannot appeal to supposedly absolute principles of international morality in order to evaluate the conduct of their state, or as a basis from which to refuse it their allegiance. Nor can they claim on the basis of their allegedly inalienable human rights that they may make claims on the world stage for assistance against their governments. Their moral rights are defined in relation to, and are entirely enclosed by, the sovereign state.¹⁴¹

The inauguration of the modern state was based on both a revival of ancient values of political separateness and civic virtue and a broader notion of a moral community from which men derived the very rights that were formalized by the state.¹⁴² Thus, Linklater contends that the modern state system is based on two antithetical principles, which he refers to as moral particularism and moral universalism. Moreover, it is deeply influenced by the conflict between men and citizens. This dilemma has continued to trouble modern international politics and it is reflected in Annan's challenge to the General Assembly – to find some way of reconciling the principle of state sovereignty with the duty to protect universal human rights. And it is this dilemma to which human security – and specifically the doctrine of the responsibility to protect – is attempting to respond.

¹⁴¹ Linklater, *Men*, 45.

¹⁴² Linklater, *Men*, 41.

Of course, there have been many efforts to re-conceive an ethics of international relations, most of them beginning from a universalist premise – i.e. that the claims or rights of people are prior to those of citizens recognized by the state. Walker contends that such approaches usually seek to find a different way of solving the dilemma between universality and particularity while affirming the universalizing claim of modernity. Increasingly, human rights has become the basis upon which this is done, offering as it does “an historically established principle that transcends the claim to state sovereignty.”¹⁴³ Moreover, as is the case with human security, the renewed interest in cosmopolitanism/internationalism (and in the case of human security it is certainly the latter) is sometimes also supported by the claim that all people everywhere are no longer subject only to the state but to a range of other forces beyond its control – environmental disaster, nuclear proliferation, terrorism, the spread of conflict, poverty and disease, and so on.¹⁴⁴

We can identify the tension between the human and the citizen, the cosmopolitan or international and the state as “fundamental to the experience of the modern states-system.”¹⁴⁵ Moreover, we can see how this tension arises from the very fact that the modern subject is always already split – the citizen cannot exist without an account of universal man who is rational, equal and free. Although it may seem paradoxical, we can see that the discourse on human security is best understood as still rooted in a tradition that we are accustomed to thinking of as drawing its authority from immanence and concerned with particular political arrangements *yet* we can show that this tradition is not so devoid of universalist assumptions or aspirations as it might first appear. If, as we have

¹⁴³ Walker, *Inside*, 75.

¹⁴⁴ Walker, *Inside*, 170-171.

¹⁴⁵ Linklater, *Men*, 23.

seen, human rights and state sovereignty are not radically opposed but fundamentally linked, the efforts of the authors of *The Responsibility to Protect* to hold states accountable for human rights and security – an apparent challenge to sovereignty – cannot be taken at face value. In the next chapter I will show how the doctrine of the responsibility to protect actually works to reaffirm the state – although its function is conceived of in slightly different terms – while at the same time establishing the human security as an inviolable norm that requires enforcement by a particular face of the international.

Like Hobbes' natural man, the human of human security is at once announced by and called upon to sanction a particular manifestation of political power that promises to secure him. While defined as formally free, equal and rational the universal human remains an abstract and empty figure, whose content is filled in various ways depending on the kinds of claims being made about him and the ends towards which those claims are directed. The next two chapters are concerned with how this human is constituted by the discourse on human security, and will seek to gesture towards what ways of living or being might thereby be left out. The rational, autonomous individual rose to ascendancy at the expense of a whole range of other possible ontological framings, whole traditions of conceiving of one's relationship to the cosmos, to the environment, and to other the other beings one encounters.

The efforts to make humanity truly universal, to confer upon all peoples of the world their natural rights obtaining by fact of their existence as rational individuals, is thus necessarily an exclusive and reductive project. That this has been the case with the effort to establish a national citizenry is the lesson of the 20th Century. Through the

conferral of civic rights and the securing of the national population the lives of many people have been measurably improved, the lives of others brutally cut short. It is impossible to predict to what extent either will be the case as efforts are made to realize human security around the world. I should note that it could not be further from my intention to speculate on whether the effects of practices of human security will be “good” or “bad”. Whatever measure one might apply to determine this – and none would be safe from criticism – it is probably safe to say that both will be the case. Rather, I am concerned to demonstrate that human security necessarily carries on strategies of inclusion and exclusion inaugurated with the birth of modern man, and so cannot possibly account for all ways of being human or all human beings. The human is an adaptable category, and the next chapter will seek to show the particular ways in it has been used in the discourse of human security and will demonstrate how this limits some manifestations of power and authority while authorizing others.

Chapter Three

The human is an abstract universal; devoid of any intrinsic content, it comes to acquire a particular meaning only through its articulation by *someone*. Any expression of the human will always reflect the values and assumptions of those who claim to speak for it, will always emphasize some ways of living while excluding others, will always come down to a decision on which forms of life are worthy of being designated “human” and which are not. This process of constitution through exclusion has been highlighted as being central to the development of our ideas about the subject, the human, and the citizen. What is still required in this regard is a more serious consideration of the process whereby the human of human security is constituted through exclusion, and the way in which this works to naturalize the figure of the human particular to human security and *The Responsibility to Protect*, as well as to empower the specific configuration of actors (along with their strategies for governing human populations) who derive authority precisely from the claim to be acting in the interest of this human.

I begin this chapter with a discussion of Carl Schmitt’s theory of the exception and its relationship to sovereignty. Schmitt’s definition of sovereignty hinges on the capacity of the sovereign to decide on the exception. I will argue that this model of exceptionalism can be used to describe not only the operation of the sovereign state, but indeed the process through which the forces enabled by human security and the doctrine of the responsibility to protect claim the authority to suspend state sovereignty (i.e. to pronounce upon the exceptional moment in which the norms of sovereignty and non-intervention no longer apply). This discussion also opens up the possibility of critically questioning what is really at stake in the doctrine’s apparent challenge to sovereignty – I

argue that it actually reaffirms the importance of the state in international security, although it defines its function in slightly different ways than we are accustomed to encountering in more traditional models of security.

The chapter then moves on to more specific concerns: if claims to speak on behalf of the human authorize new practices and empower new actors, what and who are these? I show that human security is articulated in a way that gives influence to middle powers, and so authorizes a kind of hegemonic liberal internationalism while disallowing other alternatives such as American domination of the international security agenda. As a liberal solution, human security not only emphasizes traditional military concerns but democracy promotion, economic development, and institutional reform as well. (As such, it is actively engaged in a project of defining what the desirable human life ought to look like as well as how it is to be lived – an issue I take up further in the final chapter.) At the end of this chapter I suggest that human security is, however, still about *security* – it must identify threats to the security it is trying to establish and maintain. Thus it is always involved in determining which humans are to be secured and which are to be secured against. I turn to Foucault’s notion of biopolitics to elucidate the discussion of this more exclusionary, potentially violent side of human security.

Sovereignty, Security, Exception

Human security is framed as a way of redressing the exclusions of the state-centric vision of security but, as a re-articulation of the story of the modern subject (one with a universalist “human” inflection), it necessarily repeats many of the exclusions central to the development of our modern conception of the citizen, in addition to enacting new

exclusions particular to its brand of liberal internationalism. Human security does not emerge out of some existing normative order; rather, as a discourse, it works by declaring an exception (i.e. to the traditional model of state sovereignty and international security) which itself functions to create the order that human security envisions.

The emphasis in *The Responsibility to Protect* on *de facto* practices, new standards, and changing norms reflects a perception that we have reached a point in history where the rules of the old order no longer apply, or at least not in toto, and that no particularistic locus of power can avoid answering to the demands for security, rights, and dignity of the universalized category of the human. At the same time, the idea of the state as a container of modern political life and identity is central to the doctrine. In introducing the concept of the responsibility to protect, the ICISS suggests that it is necessary to rethink sovereignty, to shift from thinking about it as control and move towards thinking about it as responsibility.¹⁴⁶ What is at stake with human rights, the authors assert, is the “transition from a culture of violence to a more enlightened culture of peace”.¹⁴⁷ Human rights law, they claim, is getting closer to achieving “universal justice”.¹⁴⁸ Whether or not this sort of rhetoric can be taken at face value, it is indicative of the kind of assumptions necessary for the logic of human security to work – i.e. it requires a faith in universal values and aspirations, as well as in a universal subject or community of subjects to which these pertain.

The seeming naturalness key to the common-sense appeal of human security is no doubt dependent on the development of contemporary attitudes about human rights.

Douzinas explains that in the wake of the second World War, the logic of human rights

¹⁴⁶ ICISS, *Responsibility*, 14.

¹⁴⁷ ICISS, *Responsibility*, 14.

¹⁴⁸ ICISS, *Responsibility*, 14.

worked to found major international institutions and to turn the principle of non-intervention into a central tenet of international law. Human rights worked to legitimize the new post-war order, while at the same time the human rights abuses of the victors went largely ignored. Most importantly, I suggest, the radical newness of human rights norms was obscured by claims that human rights were natural and universal and that human rights law was simply the embodiment of timeless principles. The exception that inaugurated the new order was forgotten as the terms of that order came to be accepted, and the origins of human rights were displaced into a fictional pre-existing natural state from which Right and Truth are often presumed to derive.

Douzinas argues that the debate on human rights has largely obscured the distinction between universalization and globalization, the latter coming to substitute for the former as we become obsessed with calculating how many states have signed on to international human rights laws or with indexing human rights abuses in order to try to calculate empirically how “universal” rights really are. However, Douzinas argues, “[t]he community of human rights is universal but imaginary: universal humanity does not exist empirically and cannot act as a transcendental principle philosophically.”¹⁴⁹ Furthermore, he explains, “[a]s always, the universal is placed at the service of the particular: it is a prerogative of a particular to announce the universal.”¹⁵⁰ As Douzinas points out, this means not only that the particular can appeal to the language of universalism while excepting itself from it in certain instances – as when major powers decide that there are cases in which they are not bound to international human rights law

¹⁴⁹ Douzinas, End(s), 451.

¹⁵⁰ Douzinas, End(s), 453-454.

– but also that they can determine what the universal means and how it is to be interpreted.

The process of establishing a normative order through an appeal to universals (universal truths, a common universal history, etc.) while at the same time holding out the possibility of suspending the principles of that order in “exceptional” instances is not something new that emerges with human rights law – indeed, the same dynamic is at work in the founding of the sovereign state. Schmitt argues that the basis of the normative order cannot be understood in terms of its own validity – a belief that would explain a society’s legal and political norms as holding force either because the people have consented to them or because of some intrinsic quality of rightness or fairness, for example – but only in terms of the exception that defines the norm. In his seminal 1922 text, *Political Theology: Four Chapters on the Concept of Sovereignty*, Schmitt declared that the norm explained nothing, the exception, everything. He suggested that the sovereign could be defined as he who decides on the exception.¹⁵¹ In so doing, he marked the exception as a matter of relevance not simply in states of emergency, but as something fundamental to the operation of sovereignty itself.

For Schmitt, the exception might generally be described as “a case of extreme peril; a danger to the existence of the state, or the like,” but, because it occurs outside of the normal legal order, it cannot be determined through recourse to law.¹⁵² The act of deciding what constitutes an exception is the exclusive prerogative of the sovereign who, in deciding on the exception, also determines what constitutes the normal order. The sovereign has the right to suspend the normal legal order (i.e. the Constitution, other

¹⁵¹ Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*, trans. George Schwab (Chicago: The University of Chicago Press, 2005), 5.

¹⁵² Schmitt, *Political*, 6.

laws) in order to protect it. Thus, for Schmitt, the decision on the exception (which includes the decision on what to do about the exception) places the sovereign outside of the normal legal order while at the same time revealing his belonging to it.¹⁵³

Nonetheless, it is the decision – not the norm – that is the true basis of sovereignty and of the state. Schmitt writes, “every legal order is based on a decision, and also the concept of the legal order, which is applied as something self-evident, contains within it the contrast of the two distinct elements of the juristic – norm and decision. Like every other order, the legal order rests on a decision and not on a norm.”¹⁵⁴

Schmitt writes,

What characterizes an exception is principally unlimited authority, which means the suspension of the entire existing order. In such a situation it is clear that the state remains, where law recedes. Because the exception is different from anarchy and chaos, order in the juristic sense still prevails, even if it is not of the ordinary kind.¹⁵⁵

To understand this statement, one must understand Schmitt’s distinction between chaos, order, and the state of exception. Schmitt writes that norm cannot be applied to chaos.¹⁵⁶

This indicates that the decision is *constitutive* of order; the decision is what enables a normal situation to be produced out of chaos. For Schmitt, sovereignty is the basis of the entire normal order; the decision defines the normal situation to which every law applies. The legal order depends on the normal situation, and it is only the sovereign who may decide if this situation exists or not. Thus, sovereignty is defined as the ability to decide and, as Schmitt explains, “authority proves that to produce law it need not be based on

¹⁵³ Schmitt, *Political*, 7.

¹⁵⁴ Schmitt, *Political*, 10.

¹⁵⁵ Schmitt, *Political*, 12.

¹⁵⁶ Schmitt, *Political*, 13.

law.”¹⁵⁷ It therefore corresponds that in declaring a state of exception, the sovereign suspends the normal functioning of the law without causing a return to disorder (chaos), because it is the sovereign decision, not the law, which is the source of the order in the first place.¹⁵⁸

While Schmitt it is useful it is also true, as Walker points out, that his analysis fails to give us a sense of how exceptions are actually made or how they achieve their apparent legitimacy. Furthermore, Walker argues, while Schmitt’s analysis of the exception is fundamentally temporal – the exception occurs in an instant – it always assumes the spatial form of the sovereign state.¹⁵⁹ But we can equally see instances of exceptionalism working in the system of states, enacted by a sovereignty that is not sovereign in the statist sense of the term but that nonetheless functions as sovereign (particularly if we accept Schmitt’s definition of sovereignty as the capacity to decide on the exception!) Indeed, this operation of the exception at the international level describes precisely the way in which the logic of human security (as expressed in the doctrine of the responsibility to protect) is able to function. The doctrine outlines the terms of an

¹⁵⁷ Schmitt, *Political*, 13.

¹⁵⁸ It is for this reason that Schmitt can locate Thomas Hobbes, with his motto *auctoritas, non veritas, facit legem* (authority, not law, establishes truth), as the classical “decisionist” thinker. (Schmitt, *Political*, 33.) Of course, we have seen that the grounding of Hobbes’ sovereign authority depends upon a prior understanding of what man is (in the origin story told through the fiction of the state of nature) as well as what he is capable of. Thus, although no normative order *per se* is established prior to the constitution of sovereignty, the very possibility of man submitting to sovereignty depends on the acceptance of a universal account of what this creature man really is. As I have suggested, this process is itself always dependent upon the exclusion of other ways of being or of different “moments” in the story of history, of earlier “stages” in human “progress”. So the possibility of political life depends, in the first instance, on the exclusion of man’s natural origins and on the articulation of a universal account of mankind, one which accords man rationality, willfulness and freedom, and so secures his capacity to decide to give up his power to a sovereign who will make decision in his place. The account of sovereign man rests on the capacity to decide on the exception (i.e. deciding to except oneself and one’s species from the chaos of the state of nature) as much as the operation of state sovereignty does. Indeed, in Hobbes at least, it is this first decision that enables all subsequent decisions by the sovereign.

¹⁵⁹ Walker, “Lines of Insecurity: International, Imperial, Exceptional,” *Security Dialogue* 37, no. 1 (March 2006), 79.

international order in which an international authority holds out the possibility of suspending the sovereignty of the state precisely in the name of upholding the order of sovereign states. The state still plays a role in this international order, yet it can no longer be understood to be fully sovereign in the sense that Schmitt described. This is because the state has lost its exclusive hold on the ability to determine and rule over the state of exception.¹⁶⁰ Before turning my attention to the role played by the state in the doctrine of the responsibility to protect, I will expand upon my contention that the logic of the exception is useful in understanding the authority provided for in *The Responsibility to Protect*.

As discussed in the first chapter, the ICISS report outlines three elements of the responsibility to protect: the responsibility to prevent, the responsibility to react, and the responsibility to rebuild. While the authors insist that the responsibility to prevent constitutes the most important element of its approach, it is not surprising that it is the second element – the responsibility to react – that has generated the most controversy, as it is this section that defends the use of coercive action against states (including sanctions, international prosecution, and military intervention).¹⁶¹ The ICISS recognizes that intervention in sovereign states can often cause harm – destabilizing the order of states, inciting civil conflict, and undermining what the ICISS believes to be the very goal of the principle of non-intervention: to encourage states to “solve their own internal problems

¹⁶⁰ Certainly, there are many states sovereigns that do operate through the logic of the exception; in fact, for some this has become the primary mode of governing, as Giorgio Agamben has suggested with regard to the United States. What I am suggesting here is that, at the international level, we can observe the operation of an authority that is above the state, in that it claims the right to suspend state sovereignty to protect the international order as a whole. The fact that this international authority has limited power (e.g. it could hardly function in the face of total opposition from major powers like the United States and it is inconceivable that it would ever claim the right to suspend the sovereignty of that country) does not detract from my argument that it is a development worthy of attention.

¹⁶¹ ICISS, *Responsibility*, xi.

and prevent these from spilling over into a threat to international peace and security.”¹⁶² *The Responsibility to Protect* authorizes the power to suspend sovereignty while insisting on the importance of the sovereign state. At first glance this is an unusual arrangement, one that no doubt arises from the effort to ground a security paradigm in universality (i.e. to represent all humans and protect all humans regardless of any particular differences or boundaries) while recognizing its constraint within a world that is divided along territorial lines of belonging and obligation.

The report stresses that the UN Security Council is in the absolute best position to determine if military intervention is warranted, as well as to organize and carry out such intervention. It is important to be clear, however, that the report is not simply an affirmation of already-existing Security Council powers. In addition to the suggestion that the UN General Assembly (in Emergency Special Session) or other regional or sub-regional organizations within the UN may carry out intervention should the Security Council fail to act in a timely manner, the report contains the following passage:

The Security Council should take into account in all its deliberations that, if it fails to discharge its responsibility to protect in conscience-shocking situations crying out for action, concerned states may not rule out other means to meet the gravity and urgency of that situation – and that the stature and credibility of the United Nations may suffer thereby.¹⁶³

This statement is crucial to an understanding of the nature of the authority that may legitimately conduct military interventions under the terms of the doctrine of the responsibility to protect. Indeed, while the report maintains that the Security Council *should* be the one to authorize intervention, the legitimacy of the decision to act derives not from the authority of the Security Council but from *necessity*. The report states,

¹⁶² ICISS, *Responsibility*, 31.

¹⁶³ ICISS, *Responsibility*, xiii.

“above all, the issue of international intervention for human protection purposes is a clear and compelling example of concerted action urgently being needed to *bring international norms and institutions in line with international needs and expectations.*”¹⁶⁴ The “needs and expectations” are presumed to already exist and to have legitimacy of their own; outdated norms and institutions are lagging behind. This logic is clearly tautological, given that the legitimacy and necessity of intervention (which are here collapsed into the one and the same) can be determined only through reference to themselves. Of course, this is an impossible tautology; the rightness of an intervention does not simply emerge out of the circumstances that demand it. Instead, there must always be one who decides on the matter.

It is here that we can see clearly the analogy with the sovereign decision. To be clear, the ICISS report contains no explicit claim to sovereign right as such; rather, the right to decide on intervention is assumed on the basis of knowledge (of when there is imminent threat) and capacity (to deter the threat). This recognition of the necessity of intervention thus presents itself as neutral when is really based on a decision as to what constitutes the exception, as well as to the *very order to which it is deemed exceptional*. The report articulates a vision of a changing world (dis)order, in which the familiar bipolarity of the Cold War has broken down and the international stage is dominated by a host of new actors and new security issues. It emphasizes the increase in the number and relevance of non-state actors, including NGOs, media and academic institutions, as well as “an increasingly diverse array of armed non-state actors ranging from national and international terrorists to traditional rebel movements and various organized criminal

¹⁶⁴ ICISS, *Responsibility*, 3 (emphasis added).

groupings.”¹⁶⁵ Correspondingly, traditional inter-state warfare has become a much less pressing security concern when compared with the rise in intra-state and transnational conflict, exacerbated by the globalization of technology and the proliferation of illegal trade (in arms, diamonds, drugs, etc.) According to the authors of the report, the events of 11 September demonstrated that

In an interdependent world, in which security depends on a framework of stable sovereign entities, the existence of fragile states, failing states, states who through weakness or ill-will harbour those dangerous to others, or states that can only maintain internal order by means of gross human rights violations, can constitute a risk to people everywhere.¹⁶⁶

Of course, it is the articulation of world (dis)order in these terms that allows the ICISS to advance the sort of solution it does. While *The Responsibility to Protect* involves a lengthy discussion of the nature of the “new” security threats, it is as much a text about the conditions for order. The rise in non-traditional warfare and the threat of terrorism do not prompt a reconsideration of the feasibility of a world divided into territorial states; rather, these threats appear as evidence of the need for a rethinking of ways of defending the statist order. This logic reveals at least two fundamental assumptions: the first is that violent conflict is something that can and should be prevented and the second is that the state is the best forum for managing conflict. If violent conflict does arise and become uncontrollable within the state, this represents an instance of state failure – that is, the state is not functioning properly. The possibility that conflict may be caused in part by the attempt to apply the institutional form of the state to the territory (and its inhabitants) in question is simply not considered. Intervention by the

¹⁶⁵ ICISS, *Responsibility*, 4.

¹⁶⁶ ICISS, *Responsibility*, 5.

international community is thus presented as an exceptional response to an exceptional situation.

The doctrine performs the functions of naming an order, declaring the naturalness of that order (e.g. by invoking the notion of “universal” human rights which are supposed to provide a sense of what it would mean to live securely as a human) and by asserting the need to defend that order.. Thus, the doctrine is able to justify the use of force in the name of peace and security. The taking of the human – rather than the state – as the referent object of security has deep implications for the concept of sovereignty. Indeed, it is this claim to be acting in the interest of the human that allows the authors of the doctrine to redefine sovereignty and, thus, to hold out the possibility of suspending sovereignty in the interest of securing the human.

Sovereignty as Responsibility

A close reading of *The Responsibility to Protect* suggests that the commonly assumed antinomy between state sovereignty and the power exercised by the international system of states is a false one. The doctrine authorizes the suspension of sovereignty while at the same time maintaining the importance of stable, sovereign states – here, however, sovereignty is reconceived as responsibility. To understand what is at stake in the doctrine’s approach to sovereignty it is useful to consider how sovereignty – often taken for granted in analyses of modern international politics – actually works. Throughout the history of the modern state and modern state system, sovereignty has functioned both as a way of exercising power and a way of conditioning states. Walker suggests that, in the modern states system, there exist certain “rules of international order” and that

compliance with these is a precondition of any state's admission into the modern system and for the recognition of their sovereignty.¹⁶⁷ One of these rules, he writes, is “no ‘barbarians’ or non-moderns”. He explains, “modern political life must involve a decision about who gets to be treated as a properly human being and who is not fit to participate in the modern international order, not fit to be recognized as a legitimate member of the international community.”¹⁶⁸ This rule regulates who can be admitted to modern politics; it works through various teleological narratives (e.g. about the move from pre-modern to modern, from the violent state of nature to establishment of civil society within the state) that reaffirm a particular historical or temporal account of the movement into modernity and into the international (at the same time confirming the specific spatial form through which this is achieved). Furthermore, this rule also regulates states already considered “modern” by imposing upon them certain standards (e.g. democracy, rights, norms codified in international law) which continually condition the recognition of their sovereignty. Thus, Walker explains, “temporally articulated criteria for entry into the international as the proper setting for modern political life (one must have become a properly modern subject/sovereign) have converged with spatially articulated criteria for continuing to be authorized as an authorizing sovereign and authorized subject.”¹⁶⁹

Antony Anghie argues that the logic of sovereignty developed in way that permitted the exclusion of the non-Western world on the basis of a distinction between civilized and uncivilized.¹⁷⁰ International law justified imperialism as a way of bringing the civilized into its order, while denying them the right of self-rule. However, in the

¹⁶⁷ Walker, “Lines,” 71.

¹⁶⁸ Walker, “Lines,” 71.

¹⁶⁹ Walker, “Lines,” 72.

¹⁷⁰ See Antony Anghie, “The Evolution of International Law: colonial and postcolonial realities,” *Third World Quarterly* 27, no. 5 (2006).

period following the First World War, under the League of Nations, there developed a sense that certain peoples could develop a capacity for self-rule through civilization and advancement. The League of Nations attempted, through the use of various techniques of government, to bring about the advancement of territories in the “Third World” (excluding colonies of European powers) in order to extend sovereignty and promote self-government. Anghie contends:

As a consequence, once more, it was in the non-European world that the League could devise legal, administrative and institutional mechanisms to address this great challenge, and in so doing develop the technologies of management and control that have become entrenched in the repertoire of techniques subsequently used by international institutions.¹⁷¹

Though the colonies of the Great Powers were initially excluded from this sort of approach, a similar logic was applied to them after the Second World War. The United Nations quickly developed mechanisms for assisting in the process of successful decolonization (i.e. in extending the doctrine of self-determination to these colonies and in helping them achieve self-government). The newly decolonized territories or “new” states, were thus immediately brought within the international order, using international law to defend their sovereignty, to guard against further foreign intervention, and so on. At the same time, this meant that the decolonizing world was still bound by (European) international economic law and had to accept the “old rules” to become fully sovereign within the international system.¹⁷² Although international law often served to perpetuate economic subordination, the “new” states had little choice but to abide by it because it

¹⁷¹ Anghie, “Evolution,” 747.

¹⁷² While many of the “new” states made attempts to use international law to achieve economic independence, particularly by nationalizing certain sectors of the economy, Western powers resisted most of these efforts, claiming that they could not be bound to international law that they had not agreed to.

was international law that provided the basis for the formal recognition of these territories as sovereign entities.¹⁷³

We can see that the logic of sovereignty has been intimately bound up with imperialist practices – sovereignty has functioned to separate those societies that can create, manipulate and use international law from those that are simply bound by it. At the same time, it is the logic of sovereignty that provides the authority, or right, to intervene in those places that are not sovereign. While it is a category fundamentally linked to juridical order and rule, sovereignty has been based upon, first, notions of race and culture and, later, other “de-racialized” standards that denote degrees of civilization and advancement. These distinctions function to establish a sort of sovereignty threshold – that is, they determine whether a society or a people within a given territory are capable of sovereign self-rule. This brief account of the role sovereignty has played throughout the history of imperialism is important for understanding what unfolded with decolonization, providing the context in which human security could develop and in which it could become necessary to reconceive sovereignty and its relationship to international order.

Anghie explains that, in the process of gaining independence, the newly decolonized territories adopted Western models of progress and development, as well as the form of the nation-state. Of course, this has proven to be a highly complicated process: tensions arise as different groups compete for economic and political control and these tensions may be exacerbated by the fact that the borders of “new” states were often drawn along lines that were either totally arbitrary or designed to serve the interests of former colonial powers. These tensions, sometimes compounded by poverty,

¹⁷³ Anghie, “Evolution,” 748-749.

environmental degradation, resource scarcity or manipulation by outside powers (whether by the United States, Soviet Union, transnational corporations, or some other figure) often erupt into violent conflict. These are precisely the sorts of circumstances responsible for generating the instability and insecurity that human security is responding to.

As I suggested in the introductory chapter, during the Cold War many of the kinds of conflicts described above were managed by the competing superpowers or, if they were not useful in the ideological battles between East and West, were simply ignored. However, with the end of the Cold War, the burgeoning of the field of human rights law, and the rise in the number and capabilities of non-governmental organizations and international organizations, the issue of international intervention to prevent or end violent conflict has become a major global issue. Confronted with increasing pressure to “do something” about violent conflict around the world, the international community has been forced to reconsider the basic principle of non-intervention that goes hand-in-hand with sovereignty and, moreover, to reconsider the meaning of sovereignty itself. In *The Responsibility to Protect*, sovereignty becomes conditional (i.e. it can be suspended by some body or collection of actors claiming to represent the international system) and this conditionality is based on the proper execution of sovereignty by the state (i.e. sovereignty refers not the state’s right of rule so much as its ability to effectively manage its population and its territory in a manner consistent with the goals of human security).

Human security’s challenge to state sovereignty should not be understood as part of a broader project to do away with the state. Rather, the state is absolutely essential to the logic of human security, but it is redefined: instead of simply existing by virtue of its

sovereignty, the state is understood functionally (i.e. in terms of its capacity to enforce human security). On the topic of the changing meaning and significance of sovereignty, the ICISS reports:

In a dangerous world marked by overwhelming inequalities of power and resources, sovereignty is for many states their best – and sometimes seemingly their only – line of defence. But sovereignty is more than just a functional principle of international relations. For many states and peoples, it is also a recognition of their equal worth and dignity, a protection of their unique identities and their national freedom, and an affirmation of their right to shape and determine their own destiny.

...the conditions under which sovereignty is exercised – and intervention is practised – have changed dramatically since 1945. [...] The emerging concept of human security has created additional demands and expectations in relation to the way states treat their own people. And many new actors are playing international roles previously more or less the exclusive preserve of states.

[...] All that said, sovereignty does still matter. It is strongly arguable that effective and legitimate states remain the best way to ensure that the benefits of the internationalization of trade, investment, technology and communication will be equitably shared. Those states which can call upon strong regional alliances, internal peace, and a strong and independent civil society, seem clearly best placed to benefit from globalization. They will also be likely to be those most respectful of human rights. And in security terms, a cohesive and peaceful international system is far more likely to be achieved through the cooperation of effective states, confident of their place in the world, than in an environment of fragile, collapsed, fragmenting or generally chaotic state entities.

[...] The defence of state sovereignty, by even its strongest supporters, does not include any claim of the unlimited power of a state to do what it wants to its own people. [...] Sovereignty as responsibility has become the minimum content of good international citizenship.¹⁷⁴

In this re-presentation of sovereignty, the sovereign state is taken to be an essential element of international order, but it is no longer conceived of as the basis of this order. The sovereign state comes to function in international politics in the same way that norm and laws function in Schmitt's discussion of the juristic order – that is, they serve to regulate the order (as defined by the sovereign power) and as such are basic units

¹⁷⁴ ICISS, *Responsibility*, 7-8.

of the juristic order, but if they fail to fulfill their function, they can be suspended precisely in the name of defending the order of which they are a part. Just as Schmitt did not see the state of exception as being permanent, the international authority that suspends sovereignty insists on the temporary nature of its intervention. The international community must intervene only when the state “breaks down”, and only for the purpose of rebuilding the state so as to enable it to assume (what is now supposed to be) its proper function.

What this effectively amounts to is a redefinition of the state in terms of its capacity to manage violence and manage its population (in addition to managing its economy so as to be “best placed to benefit from globalization”). This redefinition of the function of the state is not unique – it most certainly has a history going back much further than the development of this particular “alternative” security paradigm. Indeed, Foucault describes this well in his discussion of governmentality, which I take up in the next chapter. Nonetheless, it is with human security that the state’s very legitimacy is tied to its capacity to govern effectively (i.e. in accordance with international norms of good governance) and *The Responsibility to Protect* represents the first serious attempt to establish the authority to suspend state sovereignty should the state fail in this regard. In the next chapter, I will discuss the extent to which human security is pursued by means of various practices of governing (e.g. economic restructuring, institutional reform, democracy promotion, education, etc.); what is important for our purposes here, however, is that the doctrine of the responsibility to protect requires the state in order to fulfill these functions. The state provides one important conduit through which human security

accesses the human – hence the preoccupation of “the responsibility to prevent” and “the responsibility to rebuild” with reforming the state and its institutions

The language of responsibility thus works in two ways: it redefines what it means to be a sovereign state and, at the same time, it authorizes the international community to enforce that definition by intervening in states that are not executing their sovereignty *properly*. Prior to decolonization, powerful countries could simply intervene in non-sovereign territories when they deemed it to be in their interest to do so; however, with the global extension of sovereignty, intervention has to be justified in new ways and its methods and strategies have to be changed. With the doctrine of the responsibility to protect, intervention comes to be framed not in the terms of the language of *right* but instead in the language of *responsibility*. Indeed, Ramesh Thakur, a member of the ICISS, writes that the phrase “responsibility to protect” was preferred over humanitarian intervention because: “Where ‘humanitarian intervention’ raises fears of domination based on the international power hierarchy, the ‘responsibility to protect’ encapsulates the elements of international solidarity.”¹⁷⁵ Whereas speaking in terms of intervention in states raises might raise fears of neo-colonialism or neo-imperialism, framing intervention in terms of the responsibility of the international community to protect the security of humans renders the project seemingly more benign.¹⁷⁶ As Thakur explains, the ICISS assumed that the establishment of clear guidelines for the protection of human

¹⁷⁵ Ramesh Thakur, “Outlook: Intervention, Sovereignty and the Responsibility to Protect: Experiences from the ICISS,” *Security Dialogue* 33, no. 3 (2002), 328.

¹⁷⁶ Simon Dalby argues that the logic of the division of global space into territorial states enables powers staging interventions around the globe to defend themselves against charges of imperialism, since the end of intervention is not the conquest or direct control of territory. That this excuse might be wearing thin with regards to, say, American military intervention abroad does not detract from the fact that it is generally accepted with regards to intervention by the “international community” or, as Dalby points out, more indirect strategies of exercising control. See Simon Dalby, “Political Space: Autonomy, Liberalism, and Empire,” *Alternatives* 30 (2005), 421-422.

security would mean intervention would be less biased and less open to domination by one particular country or a group of countries and their agenda. This sort of rhetorical framing reveals something essential about the way the logic of human security operates: the ostensibly universal figure of the human is tied to the ostensibly unproblematic category of the international. Since the consensus over the need to protect the human is assumed, the “international” appears as a purely altruistic actor, and concerns about the reality of power politics – or, for our purposes, the way in which the human and international order are constructed in very specific ways that empower certain kinds of actors and certain kinds of action – can be glossed over.

It is clear that while *The Responsibility to Protect* speaks of *international* intervention, what it means is intervention by a particular constellation of (largely Western) powers or international organizations in the non-Western world. For example, the authors write:

Conflict prevention measures, like other forms of assistance, are always best implemented when based on detailed knowledge and understanding, and maximum possible cooperation between helpers and those helped. In analyzing the causes of conflict and applying preventive measures it is important that developed countries be aware of the cultural barriers that may inhibit the interpretation of information coming from other countries and regions, and that they overcome any reluctance to examine closely their own policies for evidence of their potential negative impact on developing countries.¹⁷⁷

This passage is important because clarifies the implicit assumptions about who is doing the intervening and who is being intervened in. There is thus good reason to assume that the move to responsibility does not in itself absolve human security of complicity in the sort of power dynamics that characterized the ordering of the modern international system by imperial powers. But the point of this enquiry is not to argue that human

¹⁷⁷ ICISS, *Responsibility*, 23.

security, or the doctrine of the responsibility to protect, is imperial or that those behind it consciously seek domination. In fact, I suspect that authors of *The Responsibility To Protect* are quite sincere in their efforts to design an international security paradigm that conforms to universal standards of justice, and they do this by taking as the object of security another universal – the human. However, I have sought to trouble in this thesis the very notion of the possibility of such universalisms, and to establish that the forms they currently take reflect the values and assumptions of a particular tradition that develops out of Western philosophy and theories of the state (and states system), subject and rights.

I have suggested that, in the doctrine of the responsibility to protect, intervention is designed as response to states that are not using their sovereignty properly. But who decides on these new norms regarding sovereignty? After all, these are norms which (regardless of any proclaimed grounding in universal principles of human rights) obviously redefine what sovereignty means. Just as the ostensibly universal principles upon which human security is based require someone to announce them, so the model of the ideal state in which these rights can be upheld needs someone to articulate its particular content. Furthermore, human security appears to uphold the state/citizen relationship while insisting that it is subordinate to the responsibilities owed by everyone everywhere to a universal humankind. Here, humanity is associated with the figure of the international that is supposed to defend it. In the discourse on human security, the international – just like the human – is assumed to embody universal values and principles but – again, just like the human – these are impossible. If claims about the

human authorize the international to protect it, who is empowered to act on behalf of the international?

Empowering Middle Powers and Legitimizing Inter-national Liberal Hegemony

As discussed, the ICISS report emphasizes the role to be played by the United Nations in promoting human security, and stresses that military intervention is best undertaken under its auspices. But human security extends far beyond the United Nations: it has been the focal point of many international networks and research collectives, has been addressed by meetings of NATO and the G8, and has been adopted by several countries as an integral part of their official foreign policy.¹⁷⁸ By and large, however, its advocates have come from a few key countries, most notably Canada, Norway and Japan. This has important implications both for setting the human security agenda and for establishing how it will be pursued on the international stage.

Canada, Norway and Japan were among the first countries to incorporate elements of human security directly into their foreign policy.¹⁷⁹ The Canadian version, adopted under the Liberal government, is narrower and more conservative than that advocated in the 1994 UNDP report, retaining a strong focus on the state. While human security is

¹⁷⁸ Examples of such international networks include *The Commission on Human Security and Human Security Unit* (both organized under the auspices of the United Nations Secretariat of the Office for Coordination of Humanitarian Affairs), *The Human Security Network* (with foreign ministers representing Austria, Canada, Chile, Costa Rica, Greece, Ireland, Jordan, Mali, the Netherlands, Norway, Switzerland, and Slovenia included), *The Human Security Gateway* (A Canadian Research and Information Database), *The Human Security Report Project* (produced by the Human Security Centre at the School for International Studies of Simon Fraser University, Canada), and *The Canadian Consortium on Human Security* (an academic-based consortium geared towards promoting policy-relevant research on human security).

¹⁷⁹ Gary King and Christopher J. L. Murray, "Rethinking Human Security," *Political Science Quarterly* 116, no. 4 (2001-2002): 489.

seen as distinct from national security, the two are considered mutually supportive.¹⁸⁰ Canada and Norway, along with countries including Austria, Chile, Ireland, Jordan, the Netherlands, Slovenia, and Switzerland have supported limited human security agendas, focusing largely on the effects of war and on international and human rights law.¹⁸¹ In contrast, Japan is one of the few to adopt a broader conception of human security, focusing on issues including environmental degradation, human rights, infectious disease, poverty, transnational crime, illicit drugs, refugees, poverty and antipersonnel landmines.¹⁸²

Many middle powers have long had a role in liberal projects of economic development and democracy promotion, along with humanitarian assistance and peacekeeping. By securitizing issues long perceived as *humanitarian* concerns, the discourse on human security gives these issues (and the middle powers involved with them) a place of greater prominence in international affairs. There are at least two implications here: first, human security provides an alternative to American domination in the politics of security. It underscores the importance of the United Nations and places strong emphasis on international cooperation and consensus.¹⁸³ This sort of approach is designed to open up seats at the table for those who can demonstrate knowledge about security issues and make relevant policy suggestions, rather than allowing the security agenda to be determined by an elite club made up of countries with the biggest military budgets (along with their bands of allies). It thus resists any sort of full-scale empire. The

¹⁸⁰ King and Murray, "Rethinking," 490.

¹⁸¹ King and Murray, "Rethinking," 490. Examples include efforts to deal with antipersonnel landmines, small arms and children in war.

¹⁸² King and Murray, "Rethinking," 490.

¹⁸³ The authors of *The Responsibility to Protect* themselves explain, "really major powers tend never to be as interested in multilateralism as middle powers and small powers, because they don't think they have to be." ICISS, *Responsibility*, 70.

second implication is that human security is an *inter-national*, rather than a *global* approach to security. While it certainly incorporates non-government actors like NGOs and international researchers, human security is conceived of in the terms of a statist framework. That being said, it is important to distinguish between the sort of international approach I am discussing here (one that operates through states while holding out the possibility of intervening in them) and the idea of the international as a community in which all nations participate equally and collectively determine the content of the norms by which they will be bound. Rather, the inter-national of which I write is hegemonic – it works through the authorization of dominant (but not universal) values, norms and laws and the countries who seek to promote these.

Human security appears to be a liberal project through and through: it emphasizes respect for international law, cooperation and norms which themselves reflect liberal values of democracy, accountability, good governance, rights and relatively free markets. That these are dominant international norms does not mean that they are universal, only that they are hegemonic. Moreover, the framing of international order in these terms provides legitimacy to human security and authorizes those enforcing it. But international order is not produced spontaneously – as with the founding of sovereign authority, it arises from the moment of decision on the exception. The order and the legitimacy of those who claim to be working to secure it are produced together. Claims about the increasing danger of intrastate conflict, international terrorism and transnational crime – all portrayed as violent aberrations in what *should be* a peaceful world order – automatically necessitate someone to defend against them. Furthermore, by declaring intrastate conflict to be exceptional (i.e. to be a “failure” of the state to manage its

population and territory) human security reaffirms the state (and its monopoly on violence) as the norm.

I have suggested, following Walker, that admission to the modern states system and to modern political life is contingent upon states' and subjects' conformity to particular understandings about what it means to be a modern state or subject. The human of human security must be produced through the exclusion of that which the human cannot be. As we have seen, the human is not something we can take for granted – like the citizen it derives from a particular way of thinking the modern subject and is constituted through exclusion. Walker explains, “the exceptionalisms that we associated with the spatial limits of the modern state (friends and enemies) and the temporal limits of the states system as the political expression of the modern world (civilized and barbarian) have been conflated... We have not all come inside.”¹⁸⁴ Like any other security paradigm, human security requires a threat against which it seeks to secure its object – but when the referent object of security is supposed to be “the human” (i.e. all humans everywhere), how will human security distinguish those humans who are deemed to be threats to security? What may become of those lives that are not human enough? In order to answer this question I turn again to Schmitt, and to Foucault's notion of biopolitics.

The Human and the Dehumanized

“How, then, do we begin to conceptualize war in conditions where distinctions disappear, where war is conceived, or indeed articulated in political discourse, in terms of peace and security, so that the political is somehow banished in the name of governmentalizing practices whose purview knows no bounds, whose remit is precisely the banishment of limits, of boundaries and distinctions. Boundaries, however, do not disappear. Rather, they become manifest in every instance of violence, every instance of

¹⁸⁴ Walker, “Lines,” 80.

control, every instance of practices targeted against a constructed other, the enemy within and without, the all-pervasive presence, the defences against which come to form the legitimizing tool for war."¹⁸⁵

Jabri writes that wars (such as the war on terror or, I suggest, interventions legitimized through appeals to human security) increasingly take place across spaces assumed to be boundless, and are directed towards securing everyone everywhere from threats that may be anywhere in the world. But, she contends, war that is boundless requires boundaries, borders and exclusions to operate – these boundaries do not always follow state lines, but are inscribed upon the bodies of those “constructed as enemies, as threats to security.”¹⁸⁶ Although writing from a very different perspective, Schmitt displayed a similar concern with the consequences for those deemed “enemies” when war extended beyond interstate conflict. According to Jean-François Kervégan, one can trace in the development of Schmitt’s work a transition from a concern with the state to a concern with the question of order in a world in which the political is no longer confined to the modern state. For Schmitt, the transformations in the international legal order after World War I (particularly the Treaty of Versailles and the League of Nations,) represented an attempt to reintroduce morality into law and thereby to criminalize certain kinds of state action and certain kinds of states. Kervégan contends:

This succeeds in transforming international law into an annexe of penal law, and war into a matter of law and order, aimed at suppressing those responsible. But

¹⁸⁵ Jabri, “War,” 48.

¹⁸⁶ Jabri, “War,” 54. Throughout the next few paragraphs I draw comparisons between human security and Jabri and Schmitt’s analyses of war. I do not wish to suggest that human security is to be understood as a war (although the military interventions it can authorize might be described as such) but simply to draw attention to the similar way force operates in practices of human security and the kinds of war that Jabri and Schmitt each describe. The kind of force operationalized by human security dissimulates its exceptional nature precisely by taking up the form of the enforcement of existing norms. The security of human security is thus intentionally vague – it can authorize war but it is never called war, its use of force is described in clean, perfunctory language that makes bloody violence seem alien. Through this language of the routine, the force of human security is always portrayed as responding to an exceptional situation, and never as partaking in or constituting one.

above all, criminalizing the enemy succeeds in eliminating any limitations on the acts of war, limits inscribed in modern laws of war. In other words, the introduction (or reintroduction) of a moral perspective into law presumes recourse to a new conception of the enemy, that of *total enemy*, and results in a transformation of ‘limited’ war, such as classic war between legally equal sovereign powers, into total war.¹⁸⁷

For Schmitt, the appeal to political unity at the international level, which is couched in a language of the universal and of the moral, conceals the fact that what is at work are the interests of a few powerful states.¹⁸⁸ Kervégan argues that, for Schmitt, this vision essentially amounted to “world domination based not on direct political control but on a combination of economic hegemony and interventionism justified in moral or humanitarian terms.”¹⁸⁹

To give consideration to Schmitt’s criticism of liberal internationalism is not to automatically reaffirm either of the alternatives he poses (i.e. in the earlier Schmitt, a strong sovereign capable of policing order within its borders or, in the later Schmitt, a world divided under the power of a few regional blocs). Nonetheless, his point about the danger of justifying international military interventions in terms of morality is relevant to a discussion of human security. The most obvious critique, in line with Schmitt’s warnings, is that interventions such as those authorized by the doctrine of the responsibility to protect often mask hegemonic power interests. But Schmitt’s work points to another problem: the question as to whether the “humanization” of security might in fact open the door to even greater violence than already achieved under the rubric of traditional, (inter)state security. We must not forget that any vision of security includes not only what is to be secured but also what is to be secured against. Schmitt’s

¹⁸⁷ Jean-François Kervégan, “Carl Schmitt and ‘World Unity’,” trans. Daniel Hahn, *The Challenge of Carl Schmitt*. Ed. Chantal Mouffe, (New York: Verso, 1999), 60.

¹⁸⁸ Kervégan, 61.

¹⁸⁹ Kervégan, 62.

fear was that with the moralization of security, the ultimate extension of a logic in which a state was understood to be criminal, would mean the total annihilation of that state.

When it is the human itself that is taken as the object of security, is it possible that certain forms of human life will be deemed eligible while other forms are deemed ineligible and therefore needing to be exterminated? This was certainly Foucault's bleak warning about the fate of biopolitics, in which the detailed regulation of human life and human populations ultimately involved the identification and elimination of those forms of life deemed to be inimical to life itself.¹⁹⁰

Foucault coined the term biopower to refer to the emergence of a form of government that deals with man-as-living-being or man-as-species. His oft-cited elaborations on disciplinary power focus on the practices which inscribe the man-as-body; by indicating that biopower deals with man-as-species he meant that it targets not the behaviour of individuals but the general processes that characterize the global mass of individual bodies (i.e. a population), including birth and death rates, disease, production, etc.¹⁹¹ Foucault refers to this as the development of the “‘biopolitics of the human race’, in which government intervenes at the level of the population and conceives of the population as a political problem.”¹⁹² He argues that whereas sovereign power can be understood as the right to *let live and make die*, biopower is concerned with *making live and letting die*. However, in its move to promote life, biopower ultimately reveals its violent potential; Foucault notes that because biopower's aim is “not only to manage life

¹⁹⁰ See Foucault, *Society Must be Defended. Lectures at the Collège de France 1975-1976*, ed. Mauro Bertani and Alessandro Fontana, trans. David Macey (New York: Picador, 2003), 237-263.

¹⁹¹ Foucault, *Society*, 242.

¹⁹² Foucault, *Society*, 243, 245.

but to make it proliferate”¹⁹³ it actually reasserts the killing function of sovereign power by distinguishing between those forms of life which ought to be promoted and those forms which are inimical to life itself. For Foucault, this is a distinction enabled by racism which, when it is “inscribed as the basic mechanism of power”¹⁹⁴ enables the state to justify the need to exterminate entire elements of the population (races) for the sake of the population as a whole. It is racism that enables the distinction between those forms of life that must live and those that must die, and so allows biopower to reassert “the old sovereign power of life and death”.¹⁹⁵

While Foucault’s elaboration of the function of racism was focused on the Nazi state, he foresaw that racism would not always be constrained to ethnic differences – he suggested that it might be Socialism which would take biopower to its next, most murderous extreme through a biological or evolutionary racism.¹⁹⁶ Foucault’s concept of biopower is useful for the purposes of this study because it demonstrates that the power that aims to secure life must ultimately make a decision on what forms of life are worth living. Such a project always involves a measuring and categorization of life and, therefore, may determine some lives to be unfit and even to pose a threat to life itself. The doctrine of the responsibility to protect is framed not in the language of the sovereign right to kill, but in the terms of a necessity and responsibility to use force in order to promote life. What such language obscures is that military force is to be used against *humans*.

¹⁹³ Foucault, *Society*, 254.

¹⁹⁴ Foucault, *Society*, 254.

¹⁹⁵ Foucault, *Society*, 254-255.

¹⁹⁶ Foucault, *Society*, 261.

The violence authorized by the doctrine of the responsibility to protect achieves the appearance of legitimacy through a denial of the fact that the threats or enemies (whether they be leaders of failed states who refuse to abdicate power, rebel forces, terrorists, or simply those who resist foreign incursion into their land or foreign restructuring of their economic, political and legal systems) are human. The denial of this fact, the dehumanization of those humans who cannot be secured but must be secured against – might appear to be an omission or at most a necessary contradiction. I suggest, instead, that it is actually indicative of the way in which human security operates. Human security aims not to secure all human beings, but to secure a certain way of being human while annihilating all others. In some cases this may involve physical violence targeted at specific kinds of dehumanized humans and, in other cases, the obliteration of alternative modes of individual or communal existence and means of survival not compatible with liberal understandings of how political and economic life ought to be organized. By taking the human as both that which is to be secured and that which is to be secured against, human security opens up the possibility of an even greater violence against the human. The move to secure the human must be read as an attempt to define what it means to be secure and what it means to be human.

I have suggested that we should not understand human security or the doctrine of the responsibility to protect as the defence of a preexisting normative order rooted in timeless, universal principles. Instead, I suggest that it is the product of transformations in the way we view human beings, the state and the international (as a system of states but also as the site and source of norms and institutions), changes which have been responded to by particular actors with particular interests in a manner that allows them to craft an

alternative security paradigm which emphasizes certain values and norms. These are presented as being universal, enforced by a community of states (the “international”) united by a shared humanity. The use of force is presented as being necessary to safeguard these norms, and to protect humankind. However, it is the declaration of an exception that both produces the order of human security and authorizes the specific configuration of actors who seek to protect it. Rather than being confined to a singular generative instance, the exception is continually invoked in order to reestablish the normality of the normal order.

I also suggest that human security has the potential to be violently exclusive – it aims to secure one way of being human at the expense of all others. However, while I point to exclusion as central to the operation of human security, I do not wish to suggest that what is required is simply to make human security more inclusive. My criticism that the humanity of human security is not truly universal is not meant to suggest that we should seek out some account of the human that is. As I suggested in the previous chapter, in so far as we are starting from a reading of the human deeply influenced by our conception of the modern subject, such a thing is impossible. (Nor am I particularly convinced of the desirability of establishing universality on some other grounds.) Furthermore, my focus on the centrality of the exception and of exclusion should not be taken to suggest that this is the only way human security operates. Instead, as I suggest in the next and final chapter, human security’s success hinges on its ability to be inclusive – to actively engage people in remaking themselves in the image of a human who is the ideal, securable, governable subject. This chapter has focused on how the power underlying human security is established, and how it functions in exceptional moments –

the next chapter will focus on the practices that sustain human security in its normal operation, and on how these work to produce a certain kind of human.

Chapter Four

The previous chapter offered an account of how, in its effort to secure the human, human security must always distinguish between those humans worth securing and those who must be secured against. It established the logic of human security as one that may easily become violently exclusionary; precisely because its referent object is that abstractly universal category, the human, human security “fills in” the specific content in the way it sees fit, and may dehumanize those human lives or ways of life that do not fit, or that appear threatening to this way of being human. In this chapter I wish to explore not how human security dehumanizes, but how it humanizes. That is, I am concerned to show how human security – as discourse and set of practices – is productive of a certain kind of subjectivity or way of being human. If, as I suggest, the human itself is an abstract and empty category, how is it filled in by human security and, just as importantly, how does human security engage humans in refashioning themselves as particular kinds of subjects? To address these questions, and to continue my project of understanding the way in which traditional modes of power (e.g. sovereignty) might be transformed to serve the purposes of human security, I turn to Foucault’s concept of governmentality. I conclude by considering what it means to take the human as something that can be secured. Instead of focusing on the measurable effects or practical implications of interventions geared at promoting human security, I orient my enquiry towards a consideration of what is missed, excluded or precluded from an account of the human as securable.

Sovereignty and Intervention in the Post-Colonial Order

Walker writes that where modernity – which operates as a condition for entry into the international system – converges with international law to form a powerful regulative ideal and where the limits of the system are conceived temporally (i.e. the transition from pre-modernity to modernity) and hierarchically (i.e. the system forbids empire), exceptions work either as claims about inhumanity (e.g. about the primitive or barbarian) or claims that the system of sovereign states – as a collection of particularistic entities within each of which universality is experienced through citizenship – has been trumped by some sort of universal humanity.¹⁹⁷ I have suggested that we see a version of the latter claim at work in the discourse on human security, although here the state is not devalued or replaced but is instead recognized on the basis of its ability to guarantee the security of its citizens (who are entitled to certain rights by virtue of their participating in a broader humanity). Rather than being trumped by universalism, the system is described as being precisely that which can provide a defence of our universal humanity. Furthermore, the first claim is always at work below the surface, qualifying who can and cannot be a part of this humanity, or clarifying the path – which is always a progressive path, leading from barbarity to civilization, or from a pre-modern state of nature to modernity, from battles over particular differences to security within a universal condition – one must take in order to become fully human.

In the previous chapter I suggested that sovereignty works as a force that is enabling and empowering – i.e. it designates territories as states, authorizes their rulers, and includes them within the international system – while at the same time ensuring that

¹⁹⁷ Walker, “Lines,” 76.

all newly sovereign states are bound to the terms of the existing order. This account reveals that, in the modern state system, the relationship between states (or sovereignty) and the interstate system has always been a complicated one and that it cannot be reduced to an antinomy between anarchy (in which all sovereign states blindly pursue their own narrow self-interest) or systemic order. It also demonstrates that sovereignty is both constituted and constituting, a force involved in producing the modern state (and modern state system) and not merely an attribute of it. I suggested that, with the doctrine of the responsibility to protect, sovereignty is reconceived as responsibility, meaning that sovereignty implies a whole set of norms regarding how a state should act in the management of its own territory and population – it is not just something that denotes rightful rule or regulates relations between states. So, sovereignty means defending human security and, increasingly, acting in accordance with standards of “good governance”, respecting human rights and international law, organizing one’s economy in such a way so as to share in the benefits of globalization and the internationalization of trade, and so on. Sovereignty is employed as a tactic of government.

The discourse on and practices of human security, though they take the form of an appeal to universal standards, constitute the enforcement of one particular way of organizing social, political and economic life and one way of being human – a point that has been emphasized throughout this thesis. Yet this point should not be taken to imply that human security merely provides a way for one group of actors to dominate the rest of the world. The logic of human security and the doctrine of the responsibility to protect are successful precisely because they have branched out beyond directly coercive tactics (without abandoning these altogether), employing a diverse array of practices for

managing societies and governing individuals on the basis of their consent, freedom and engagement. These are geared not towards domination, but towards transformation. Examining the doctrine of the responsibility to protect, we see that an intervention's success is measured by the ability of the intervening party to understand the culture of the country in which it is intervening and to engage and involve local populations in their own self-government, their own self-constitution as humans who can be secured. The rest of this chapter will focus on how human security is engaged in producing the kind of states and kind of subjects (humans) that are securable. I suggest that the mode of power and range of practices operationalized in contemporary interventions can be understood as a form of governmentality.

Governmentality, Sovereignty, and Intervention

In "The Subject and Power" Foucault explains that all of his work has been preoccupied with a central concern regarding how human beings are constituted as subjects.¹⁹⁸

Foucault asserts that the state is far more concerned with the individual than is often recognized. As such, he is only interested in the power exercised through the structure of the state insofar as this power is understood to be both totalizing *and* individualizing.¹⁹⁹

He explains that in classical juridical theory, power is conceptualized as something concrete, as a right that can be possessed; hence enquiries into political power have traditionally tended to employ a legal framework, treating power relations as a kind of contractual exchange.²⁰⁰ In contrast, Foucault sees government as "the conduct of

¹⁹⁸ Foucault, "The Subject and Power," in *Power*, vol. 3 of *Essential Works of Foucault 1954-1984*, ed. James D. Faubion, trans. Robert Hurley and others (New York: The New Press, 1994), 326.

¹⁹⁹ Foucault, "Subject," 323.

²⁰⁰ Foucault, *Power/Knowledge*, 88.

conduct”; drawing on the meaning of the term employed in sixteenth century, he writes that government referred not only

...to political structures or to the management of states; rather, it designated the way in which the conduct of individuals or groups might be directed... It covered not only the legitimately constituted forms of political or economic subjection but also modes of action, more or less considered or calculated, that were destined to act upon the possibilities of action of other people. To govern, in this sense, is to structure the possible field of action of others.²⁰¹

Foucault coined the term governmentality to indicate the mutual dependence of systems of knowledge or truth (rationalities) and practices of governing populations. Governmentality refers both to historical developments within the field of government and to a specific form of power, one that Foucault sees as the primary mode of government today.²⁰² To summarize very briefly, governmentality has its origins in the historical emergence in the sixteenth and seventeenth centuries of a concern with the *art of government* as a political rationality, rather than simply the acquisition or protection of territory through sovereign rule.²⁰³ In the eighteenth century this art of government came to be focused on the problem of population, that is, on devising tactics for managing the population according to detailed knowledge about the dynamics of population itself (largely through statistics, literally the “science of the state”).²⁰⁴ Foucault writes that, in the West, governmentality has become the primary way in which government operates, with the result that governing now involves a set of technical apparatuses and practices

²⁰¹ Foucault, *Power/Knowledge*, 341.

²⁰² Foucault, “Governmentality,” in *Power*, vol. 3 of *Essential Works of Foucault 1954-1984*, ed. James D. Faubion (New York: The New Press, 2000), 211.

²⁰³ Foucault, “Governmentality,” 219-220.

²⁰⁴ Foucault, “Governmentality,” 215-217, 212.

for managing populations *and* “the development of a whole complex of knowledges” about the population and how it ought to be governed.²⁰⁵

It is important to note that although Foucault suggests that governmentality is becoming the dominant mode of political rule in our time, he does not see governmentality as replacing other kinds of power or rule. Instead, the problem of sovereignty comes to be re-presented in the need to establish a juridical and institutional foundation for the governmental state.²⁰⁶ He writes:

...there is a whole series of specific finalities that become the objective of government as such. In order to achieve these various finalities, things must be disposed – and this term, ‘dispose,’ is important because, with sovereignty, the instrument that allowed it to achieve its aim – that is, obedience to the laws – was the law itself: law and sovereignty were absolutely inseparable. On the contrary, with government it is a question not of imposing law on men but of disposing of things; that is, of employing tactics rather than laws, and even of using laws themselves as tactics – to arrange things in such a way that, through a certain number of means, such-and-such ends may be achieved.²⁰⁷

Similarly, Foucault’s concept of disciplinary power remains relevant to the operation of the governmental state because discipline is necessary for the management of a population. Foucault thus refers to “a triangle, sovereignty-discipline-government, which has as its primary target the population and as its essential mechanism the apparatuses of security.”²⁰⁸ Judith Butler takes up a similar point, writing that sovereignty in fact re-emerges within the framework of governmentality: “it can be mobilized as one of the

²⁰⁵ Foucault, “Governmentality,” 220. While Foucault discussed governmentality largely in terms of the management of state populations, governmentality can also be said to operate on a global scale, regulating global populations through various institutions and practices and on the basis of various knowledges or discourses of truth. Since the publication of Foucault’s work on governmentality, there has developed a vast literature that works to apply this concept to the management of populations both within the state and on a global level. One useful volume concerned with the global application of governmentality is Wendy Larner and William Walters, eds., *Global Governmentality – Governing International Spaces* (New York: Routledge, 2004).

²⁰⁶ Foucault, “Governmentality,” 218.

²⁰⁷ Foucault, “Governmentality,” 211.

²⁰⁸ Foucault, “Governmentality,” 219.

tactics of governmentality both to manage populations, to preserve the national state, and to do both while suspending the question of legitimacy. Sovereignty becomes the means by which claims to legitimacy function tautologically.”²⁰⁹

The concept of governmentality is helpful in relation to the present discussion precisely because it describes the functioning both of the international force authorized by the doctrine of the responsibility to protect (i.e. through the regulation of international populations) and of sovereignty itself (understood in the sense of sovereign responsibility). First, this international authority operates through diverse strategies of management which, while they rely on military force as their *ultima ratio*, also utilize diverse strategies of managing people, territories, and resources through the application of expert knowledge about development, reconstruction, and so on. Second, the sovereign state is measured not simply by its ability to enforce authority over a particular territory but in terms of its capacity for managing its territory, resources, and population.

In *The Responsibility to Protect*, intervention is justified when the state has failed in the governmental task of managing populations – thus, intervention represents an effort to rebuild the governmental capacity of the state. While military intervention may play a role in this process, so too does intervention designed to restructure the economy, to reform educational and legal systems, to build infrastructure, to tackle corruption, to train police and military forces, to promote “free and fair” elections – in short, all those strategies designed to render a state capable of effectively governing its territory and population. Alison Ayers argues that the increasing trend towards intervening to promote good governance is indicative of the fact that much of the post-colonial world is perceived as being unable to bring about the kinds of transformations (institutional,

²⁰⁹ Judith Butler, *Prekarious Life: The Powers of Mourning and Violence*, (New York: Verso, 2004), 96-97.

social, behavioural, etc.) necessary for the development of a strong market economy.²¹⁰

She explains, “while much international intervention is necessarily mediated through the state, *the capacities* of the state to effect such transformation are also the subject of reform.”²¹¹

Foucault argues that power should be understood not as a thing that can be possessed but as something that exists in and through its exercise.²¹² An analysis of power relations, he argues, should focus on how power acts on others’ actions, or on “the conduct of conducts”.²¹³ Power is thus a question of “government” where government is understood to include “...not only the legitimately constituted forms of political or economic subjection but also the modes of action, more or less considered and calculated, that were destined to act upon the possibilities of action of other people. To govern, in this sense, is to structure the possible field of actions of others.”²¹⁴ Adopting an approach to the study of intergovernmental organizations (IGOs) based on Foucault’s work on power and governmentality, Michael Meringen writes that IGOs are involved in shaping not only the conduct of governments but also of institutions in civil society and of individual citizens themselves. This is an essential point for understanding contemporary international intervention, one that is missed if the analysis focuses exclusively on power conceived in coercive terms. Meringen explains, “...the freedom of subjects is not a potential threat to orderly and stable government but rather a crucial resource for efficient government. Only governments that rule through freedom or at least in ways that delimit

²¹⁰ Alison Ayers, “Imperial Liberties: Democratisation and Governance in the Post-Colonial Imperial Order,” Unpublished manuscript, 2006.

²¹¹ Ayers, “Imperial,” 10 (emphasis added).

²¹² Foucault, “Subject,” 337.

²¹³ Foucault, “Subject,” 340-341.

²¹⁴ Foucault, “Subject,” 341.

freedom in minimal fashion produce domestic security and contribute to international peace.”²¹⁵ The sorts of interventions orchestrated in the name of human security are geared towards transforming the capacities and conduct of states as well as that of civil society groups and individuals.

The Subject(s) of Security

In *The Responsibility to Protect*, intervention refers not only to military intervention but to political, economic, and legal elements as well. So, prevention strategies may include, among others: democratic institution and capacity building; supporting press freedom and the rule of law; promoting of civil society; providing development assistance; permitting greater access to external markets for developing economies; encouraging necessary economic and structural reform; strengthening legal protections and institutions; encouraging efforts to strengthen the rule of law; protecting the integrity and independence of the judiciary; promoting honesty and accountability in law enforcement; and, reforming the military and other state security services.²¹⁶ The report indicates that all of these strategies are to be designed to ensure maximum possible engagement with local and global civil society institutions. The section on conflict prevention suggests that success depends on the ability of a range of actors to work together – not just governments and the United Nations, but “international financial institutions, regional organizations, NGOs, religious groups, the business community, the media, and scientific, professional and educational communities”.²¹⁷ Particular emphasis is placed on

²¹⁵ Michael Merlingen, “Governmentality: Towards a Foucauldian Framework for the Study of IGOs,” *Cooperation and Conflict: Journal of the Nordic International Studies Association* 38, no. 4 (2003), 372.

²¹⁶ ICISS, *Responsibility*, 23.

²¹⁷ ICISS, *Responsibility*, 25-26.

the importance of involving non-governmental organizations, as these bodies often have the greatest amount of expertise related to the design and implementation of programs that will be successful with the target population. Civil society organizations are important because they often have the greatest amount of direct interaction with the communities and individuals in the societies human security seeks to transform.

Civil society organizations play an important role in the doctrine of the responsibility to protect in the sense that they are perceived as instrumental in the promotion of the doctrine internationally (e.g. by lobbying governments and policymakers) and its application on the ground, at the site of intervention. However, since there has yet to be a public intervention clearly authorized through an invocation of the doctrine of the responsibility to protect, it is unclear exactly how or to what extent intervening forces will engage civil society, and this likely depends on whether the intervention is geared at prevention, protection (i.e. military force), rebuilding, or some combination of the three.²¹⁸ Nonetheless, as I have suggested, the doctrine is based on

²¹⁸ The **R2PCS** network has yet to devise a clear model on which to build a civil society coalition. Recently, the **R2PCS** project at the World Federalist movement-Institute for Global Policy held consultative roundtable discussions with civil society organizations, an initiative launched in September 2007 with the support of Oxfam International, Human Rights Watch, International Crisis Group and Refugees International. At one meeting in Ottawa, Canada (one of eight similar meetings taking place internationally), participants weighed the costs and benefits of a larger versus a smaller network. The “mass movement” model was considered attractive because it would “allow a large group of individuals and organizations to mobilize policymakers at national, regional and international levels to act in cases of genocide and mass atrocities” and because it could “generate ‘buzz’ or energy around R2P, mobilize public opinion and ensure that governments do not dismiss their responsibility to protect civilians.” At the same time, participants expressed concerns that a mass movement might distort or oversimplify the message of the responsibility to protect. A smaller movement involving a few key NGOs that have experience with the doctrine of the responsibility to protect was seen as a solution to the problem of message distortion. However, the participants acknowledged that most of the NGOs who fall into this category are Western ones. Because the doctrine of the responsibility to protect “is already perceived by many governments as a ‘Western’ interventionist instrument,” participants concluded it would be important to identify “Southern” NGOs to participate in the core group. See **R2PCS**, “Prospects for an International Coalition on R2P: Civil Society Consultations in Ottawa, Canada – Final Report,” (7 March 2008). <http://responsibilitytoprotect.org/index.php?module=uploads&func=download&fileId=513> (29 April 2008), and **R2PCS**, “Building an NGO Coalition on R2P: **R2PCS** holds global consultative roundtables on the Responsibility to Protect,”

the fundamental importance of engaging civil society as a way of ensuring the success and legitimacy of efforts to rebuild societies. The **R2PCS** network views civil society organizations as potentially playing important roles in monitoring, education, advocacy, dialogue on country-cases and capacity-building (e.g. assisting members operationally and providing support to “human rights defenders” in crises).²¹⁹

The increasingly important role played by non-state actors in global governance is described by Ole Jacob Sending and Iver B. Neumann in terms of a changing rationality of government in which “civil society is redefined from a passive object of government to be acted upon and into an entity that is both an object *and* a subject of government.”²²⁰ They write that in the thirty years following the Second World War, consistent with the widespread acceptance of the idea that people could be measured in terms of their ability to act in a way consistent with reason and autonomy, individuals became objects of a kind of government that sought to change their behavioural patterns. Here, non-state actors became important to the extent that they could claim a certain kind of expertise about “traditional peoples” and the best ways for ensuring their advancement and progress.²²¹ However, Sending and Neumann argue that the 1980s saw the development of a “new governmental rationality”:

Here, civil society became conceptualized in ‘horizontal’ terms, and individuals were simultaneously defined as objects of government and subjects with rights and autonomy. Accordingly, other types of nonstate actors emerged as central in shaping and performing governance-functions: actors claiming to represent affected individuals and constituencies of ‘civil society’ emerged to assume key governing roles, both in terms of service delivery, advocacy, and expertise. Here,

<<http://responsibilitytoprotect.org/index.php?module=uploads&func=download&fileId=515>> (29 April 2008).

²¹⁹ **R2PCS**, “Prospects,”.

²²⁰ Ole Jacob Sending and Iver B. Neumann, “Governance to Governmentality: Analyzing NGOs, States, and Power,” *International Studies Quarterly* 50 (2006), 652.

²²¹ Sending and Neumann, “Governance,” 659.

governing increasingly operated through affected individuals rather than on them as they were increasingly conceptualized as key actors to ensure both effectiveness in program-delivery and to confer legitimacy on governmental practices.²²²

The doctrine of the responsibility to protect emphasizes strategies that mobilize local and global actors in observing, monitoring and engaging local populations (and the individual actors that comprise them) at sites of intervention. These strategies are designed to radically reshape the conduct of target populations – or, perhaps more accurately, to engage individual actors in reshaping their own conduct – in order to fashion a social and political body that is easily manageable and governable. Involving local actors in rebuilding and reconciliation, and incorporating their input, suggestions and even elements of their traditions imbue the new processes and institutions that interveners wish to implement with legitimacy and increase the likelihood that they will be accepted by the population. For example, *The Responsibility to Protect* suggests that the strategies for rebuilding societies after conflict and military intervention might include implementation of “justice packages” designed by NGOs (these supply a basic model for a penal code when there is no existing legal system, or at least not one that is recognized by the parties organizing the intervention), but the report also acknowledges the value of incorporating elements of indigenous reconciliation mechanisms, in order to increase the likelihood that conflict resolution will be lasting.²²³

The Responsibility to Protect suggests that, after a military intervention, foreign forces should remain long enough to facilitate rebuilding but that their occupation should

²²² Sending and Neumann, “Governance,” 661.

²²³ ICISS, *Responsibility*, 39, 42. It seems reasonable to expect that the extent to which indigenous traditions and customs are accepted would depend on their compatibility with the norms and values of the legal system being implemented – in this case, relying on local knowledge does not necessarily mean a serious engagement over the appropriateness or applicability of a model of justice that revolves around the power of institutions, the establishment of guilt, distribution of punishment, etc.

not last too long and that it should be directed towards encouraging local ownership of the institutions and processes that intervening forces “rebuild”. The report states:

[international actors] can do this by creating political processes which require local actors to take over responsibility both for rebuilding their society and for creating patterns of cooperation between antagonistic groups. This process of devolving responsibility back to the local community is essential to maintaining the legitimacy of intervention itself.²²⁴

Failure to do this, the report explains, “could create an unhealthy dependency on the intervening authority, stultify the regrowth of local institutions and the economy, and infinitely delay the population’s desire or ability to resume responsibility for its own government.”²²⁵ Nonetheless, the authors also maintain that there are some positive aspects of the requirement to continue an occupation after intervention:

Apart from, hopefully, removing or at least greatly ameliorating, the root causes of the original conflict and restoring a measure of good governance and economic stability, such a period may also *better accustom the population to democratic institutions and processes if these had been previously missing from their country.*²²⁶

Thus while the emphasis is on people in a society taking “responsibility together for its own future destiny,”²²⁷ it is fairly clear that this destiny is already more or less decided on by the interveners – it must involve the strengthening and democratization of the state, the creation of certain kinds of legal and political institutions, and the opening of the economy. This is not seen as an imperial project to remake societies but simply as the pursuit of necessary steps for providing stability, which will in turn ensure the protection of human rights and security.

²²⁴ ICISS, *Responsibility*, 45.

²²⁵ ICISS, *Responsibility*, 44.

²²⁶ ICISS, *Responsibility*, 44 (emphasis added).

²²⁷ ICISS, *Responsibility*, 45.

Engaging civil society therefore accomplishes a number of important tasks necessary for the success of an intervention and the establishment of human security: it helps guarantee the legitimacy of an intervention, it provides essential expertise that enables the total restructuring of a state and its institutions, and it facilitates direct access to individual members of the population in order to engage them in processes of self-transformation (through which they come to conceive of themselves as rights-bearing individuals whose security depends on the state). The project to secure the human is as much about producing the kinds of subjects that fit within its vision of global order as it is about transforming states.

Merlingen explains that interventions in a country are always tied to certain kinds of knowledge about the political, economic and social characteristics of the place and its people, and that this knowledge is often produced by comparisons with international institutional standards of what constitutes normal statehood. The knowledge developed out of these meticulous processes of observation allows for the development of highly refined strategies for correcting and controlling behavior. Of course, it is important to bear in mind that what constitutes “normal” state behaviour or “good” governance is determined largely through reference to a Western conception of the state and of “legitimate” ways of acting politically. As Ayers argues, the models of democracy and good governance which international institutions and foreign governments attempt to promote globally largely privilege an exclusively Western model of democracy and political organization, one which is deeply connected to the neo-liberal capitalist project. Good governance is understood in terms of a neo-liberal state that is neutral and

accountable, interfering minimally in the private sector.²²⁸ Efforts to bring “good governance” to “developing” countries can thus be understood as part of an attempt to transform “domestic” political-economic processes, and to create populations of autonomous, rational economic actors based on a (neo)liberal conception of the self.²²⁹ Central to this project, for example, is the promotion of rights and liberties understood in terms of the individual and based upon a negative conception of liberty (i.e. “freedom from”).²³⁰ Here, freedom can be understood in the sense described by Wendy Brown – as “a matter of consumption, choice, and expression: an individual good rather than a social and political practice.”²³¹

The Trouble With Securing the Human

Human security, to be successful, must make use of a range of strategies that are not directly coercive and that engage local actors in refashioning themselves and their institutions. Yet, we have seen that all of this rebuilding is done in accordance with one particular vision of what a state ought to look like and how it must operate in the international system, as well as what sort of citizens can support its development and easily be subject to its government. This means that the people being targeted must reconceive themselves as the kinds of humans that can be secured – as autonomous actors who participate in society via established institutional mechanisms and as individuals with interests and with rights that must be recognized and upheld by the state. In the

²²⁸ Ayers, *Imperial*, 12-13.

²²⁹ Ayers, *Imperial*, 8, 22.

²³⁰ Ayers, *Imperial*, 8.

²³¹ Wendy Brown, *States of Injury: Power and Freedom in Late Modernity* (Princeton: Princeton University Press, 1995), 13.

dominant discourse on human security, rights are defined negatively – i.e. as *freedom from* something, usually something that threatens violent physical harm.

This negative, individualistic conception of rights has been critiqued from a variety of angles, not least by those who point out that it is anathema to methods of social organization and dispute resolution held by communitarian societies, for example. As I suggested in the second chapter of this thesis, posing the “problem” of the rights-bearing subject seems to automatically legitimate and indeed necessitate the “solution” provided by the sovereign state. This obscures both the diversity of ways of living life as a human (i.e. the various ways in which humans achieve shelter and safety as individuals, families and communities) and the manner in which these are obliterated by life in the state, by a life in which humans exercise their freedom by voting, availing themselves of the legal system, or choosing what to buy or sell.

Inasmuch as human security is an attempt to redefine the relationship between the individual, the state, and the system it also attempts to solve the familiar dilemma of the tradeoff between liberty and security, which Walker describes as “one of the constitutive problems of modern life”.²³² As we saw to a certain extent in the second chapter, traditional accounts of the state generally resolve this problem through the distinction between citizen and non-citizen – the citizen is guaranteed liberty within the state, which in turn secures it against dangers outside. (Of course, this liberty is always limited, man having given up absolute freedom precisely to escape from the dangers of the state of nature). The doctrine of the responsibility to protect, although it offers a new definition of security and attempts to condition the power of the state, basically upholds this reading of liberty and security. However, while they work to defend the appropriateness of the

²³² Walker, “Editor’s Introduction,” 7.

state/citizen relationship, the claims of human security also move beyond it to set the limits under which any and every human can find security – these limits uphold *and* transform the relationship between the state and the citizen (as well as the state and the international, and the human and the international). As we have seen, the doctrine of the responsibility to protect recognizes that the state itself may be one of the greatest threats to a human's security (as when states undertake ethnic cleansing, genocides, etc.) but suggests that this is not so much a failure of the concept of the state itself but the result of particular instances of breakdown where the state is not acting properly. The solution is to rebuild the state into a responsible entity capable of guaranteeing security.

In the doctrine of the responsibility to protect, security is conceived of in a limited, negative sense – as the freedom from violent physical harm and not, as some of the early contributors to the debate on human security would have hoped, as freedom from poverty, environmental degradation, etc. – but at the same time this limited freedom is seen as being contingent upon the democratization of the state, the liberalization of its economy, the strengthening of institutions, and the engagement of civil society. Security is reduced to a matter of freedom from violent physical harm while at the same time the threat of such violence necessitates a very particular kind of state – the exception authorizes the norm – in which freedom is further reconceived (as voting, as acting freely in the economy, as having one's rights recognized, etc). So the human is defined in terms of one essential need (security) which determines the conditions under which it can exercise freedom as well as the forms that freedom can take.

Although human security proves not to be so new in its approach to the liberty/security problem, it is successful precisely in its ability to reduce the human to the

modern subject who experiences freedom and attains security in the same moment and only through the modern, liberal state (all this while specifying a very particular and highly contestable account of what it means to be free or secure). Once established, the terms of human security prove to be so effective that even one who seeks to challenge these terms might easily wind up employing them: to protest against the exclusive nature of this or that intervention, for example, one is likely to make demands about certain rights which ought to be recognized on the basis of the fact of the humanity of the people in question. And so, although the human security's interventions and the states it establishes will always exclude, will never manage the impossible task of dealing with the human in its universal form, those excluded increasingly must seek recourse through recognition by the state – a turn which only accords it further legitimacy. This is, of course, a familiar liberal move – human security simply repeats it on a broader scale.

Brown explains:

...the always imminent but increasingly manifest failure of liberal universalism to be universal – the transparent fiction of state universality – combines with the increasing individuation of social subjects through capitalist disinternments and disciplinary productions. Together, they breed the emergence of politicized identity rooted in disciplinary productions but oriented by liberal discourse toward protest against exclusion from a discursive formation of universal justice.²³³

The sorts of economic, administrative and legislative management and repair provided by the state are necessitated by precisely the sorts of social conflicts or breakdowns that produced by what Brown refers to as “the secularizing and atomizing effects of capitalism and its attendant political culture of individuating rights and liberties”.²³⁴ Everything that is obliterated by the establishment of the neo-liberal, democratic governmental state can now only be retrieved in a degraded form, either

²³³ Brown, *States*, 58.

²³⁴ Brown, *States*, 17.

through cooptation into state institutions (as with the suggestion of incorporating traditional models of justice into the newly-established juridical mechanisms) or as a loss or violation that must be claimed against the state through the very mechanisms it provides. Thus liberal discourse reduces what Brown refers to as (particular) political identities (but which I want to take to stand for whole other ways of living as a human or group of humans in a particular cultural, social, and political milieu) to private interest, which is converted into “normativized social identity” that submits itself for management and regulation.²³⁵ What might be described as vastly different ways of being human are reduced to a shallow form of diversity that presupposes universality; “difference” is reduced to observable attributes or practices that can be understood empirically.²³⁶

The effort to secure the human reduces the human to the securable subject, i.e. to the kind of life that can be effectively managed and controlled (and manage itself) so as to be secure. Promoting security becomes a matter of managing life – Michael Dillon and Julian Reid explain that contemporary humanitarian intervention “reduces human life to a zone of indistinction in which it becomes mere stuff for the ordering strategies of the hybrid form of sovereign and governmental power that distinguishes the liberal peace of global governance”.²³⁷ The strategic ordering of life produces the very sort of life that can

²³⁵ Brown, *States*, 59.

²³⁶ Brown, *States*, 66.

²³⁷ Michael Dillon and Julian Reid, “*Global Governance, Liberal Peace, and Complex Emergency*,” *Alternatives: Social Transformation and Humane Governance* 25, no. 1 (2000), <<http://web.ebscohost.com.ezproxy.library.uvic.ca/ehost/detail?vid=3&hid=14&sid=5d105b6c-69e3-4378-9d26-d795873029fa%40SRCMS2>> (13 May 2008). The use of indistinction here has multiple meanings. Dillon and Reid use the term to refer to the Cold War ideal that humanitarian intervention took place with no regard for political, religious or other distinctions. This is a position the authors see as being reversed with contemporary global liberal governance, where humanitarianism is directly linked to the whole-scale transformation of societies. Indistinction is also employed (in discussion with Agamben) to denote the lack of distinction between inside and outside or norm and chaos, decidable only by the sovereign. For Dillon and Reid, the “hybrid power” that combines sovereignty and governmentality also governs in a zone of indistinction, meaning that life is subject to continually proliferating and shifting criteria for measuring its political or economic “fitness”.

be ordered. We have seen what this might look like – the human as a subject who seeks security and freedom in the state, justice in the law, sustenance through the free market, and so on. Dillon and Reid’s insight is that as the management of life becomes ever more refined, the basis on which it is measured and compared (and upon which it may be excluded or deemed a threat to security) can continually shift and transform. Hence, we can understand the seemingly contradictory move in which the human is defined in terms of the essential need to be free from violent threats to its physical security, while at the same time this definition provides the basis for a much more complex understanding of the conditions of a secure life and for a highly refined governmental program geared at measuring and managing life in order to achieve this. The doctrine of the responsibility to protect is based upon a defence of security understood as freedom from physical violence, but it maintains that this is conditional upon the participation in democratic society, the establishment of its supporting institutions (educational, legal, etc.), and the freedom to share in the benefits of global capitalism.

I have endeavored to make clear the ways in which this logic of securing life can lead to a justification for exclusion and extermination, and to show that the shift to the ostensibly universal referent, “the human”, must always privilege one way of living life as a human. Equally disconcerting, however, is the possibility that should human security prove successful, it will likely be precisely because it is able to engage humans in securing its very terms, in remaking themselves over as the kind of subjects that can be easily monitored, measured and secured. Where life is not violently excluded it submits itself for a detailed, technical management that occurs both through the sorts of observations and evaluations undertaken by international “experts” and through

participation in processes and institutions of governance at the level of the state. These sorts of engagements, which require that the human be reduced to the modern, liberal subject – i.e. the rights-bearing individual, the autonomous actor who exercises freedom within the limitations prescribed by the state – may render the human more secure, certainly, but they will always elide the fullness of human being.

Human security is in many ways emblematic of our contemporary political condition – where the violent excesses of the state are threatening to break loose, where the state reveals itself not as the expression of universality within fixed limits but as a machine that must continually reproduce distinctions and exclusions, human security recuperates the state *and* establishes the basis for a hegemonic international authority to oversee it, all through the appeal to a category that is supposed to be truly universal. In so doing the human security authorizes a force at least as great as that inaugurated with the birth of the modern state, while once and for all denouncing all other forms of violence – including that which humans might undertake in pursuit of their own security – as a threat to the security of everyone. It thus defines security in such a way as to ensure people cannot take it into their own hands but must find it in the state. Politics retains its exclusive hold on the killing function, while at the same time extending its hold over life by submitting it to a never-ending management, an ongoing and total reform of the social, political, and economic arenas in which humans encounter each other.

With liberty and security equated, with the human collapsed into the securable subject of human security, the discourse on human security seems to work as a perfectly completed circle. Who can possibly be *against* human security? For surely this must mean wanting civilian deaths, ethnic cleansing, or conditions of poverty and disease so

extreme they threaten to destabilize entire nations, maybe entire regions. Who would deny humans access to their universal rights – not just their right to be free from violent conflict but to participate politically, to seek justice? It is indeed, almost impossible to argue against human security when it is articulated in these terms. But I seek precisely to challenge these terms – to challenge the notion that to find safety or refuge one must seek the protection of the state or of the courts, or that to engage with others politically one must adopt the position of an individual participating in the democratic political process, or that justice must be sought through the judicial system, or indeed that justice is to be understood as a condition that can be accounted for and secured by law.

A critical reading of human security might also lead us to ask about the very project of managing violence itself, to ask why the effort to manage violence always seems to entail the authorization of some kind of force. Such a reading might also push us to reconsider the notion that all violence, other than limited, state-sanctioned (or internationally-sanctioned) force, is to be stamped out. It is difficult to excuse the sorts of violence human security seems to be responding to – civil wars, ethnic cleansings, genocide – but what are these if not the most violent excesses of the state itself, the nearly inevitable result of the project to make the state work, to divide the entire earth along its lines? Moreover, might the very sorts of conflicts to which the doctrine of the responsibility to protect is conceived as a response not be the result, as Dillon and Reid suggest, of the constant social, political, and economic transformations effected by the effort to establish a foothold for global liberal governance?²³⁸ Of course, the effort to challenge the statist (or internationalist) monopoly on “legitimate force” through an appeal to the various means – violent or non-violent – that people have employed in the

²³⁸ Dillon and Reid, “Global”.

interest of what we might call security, can lead in a variety of dangerous directions.

These are questions which must be foreclosed by human security, just as much as they are foreclosed by our theories of the modern subject or the modern state. And, if one were to pursue them, it is likely the answers that one might uncover would be wholly intolerable to our modern sensitivities, and utterly irreconcilable with liberalism.

Human security might well provide a model for making humans more secure. I have attempted to show that certain humans – indeed, whole ways of being human – are excluded by this move, and that this exclusion has the potential to become physically violent. Moreover, I have tried to show the detailed practices of government through which human security includes humans and engages them in their own self-management is devastatingly effective – it reduces all life to precisely that which can be managed, secured. All of those unnamable aspects of human being that are not calculable, not observable, that are unknowable even, and certainly not securable, are thereby left out.

Conclusion

Walker has suggested that the tension between an ethic of international responsibility and the idea of a system of states (in which ethics can be worked out at the state but never the systemic level) is one that is constitutive of international relations theory. Human security, and in particular the doctrine of the responsibility to protect, tries to resolve this tension by giving a new place to the international as that which is legitimated by claims about the needs of a universal human (which is defined by the international actors who announce it). In so doing, human security produces a compromise that repeats some of the failings of both alternatives – it questions neither the idea of a world divided into sovereign territorial states, nor the logic of a universal justice or universal humanity, nor the use of violence to defend these.

The subject of human security that legitimizes the entire discourse remains abstracted, just as its rights are conceived in the abstract. Its particular content is given shape through discursive framings and practices of intervention that construct security as dependent upon a stable democratic state with a powerful and accountable legal system and a free market economy – but one can easily see how this particular content could change without necessitating a shift in the basic logic. The discourse on human security never articulates clearly the kind of human that a human must be; rather, this is established following the basic premise that the human must be free/secure, and that for this to be the case a range of other conditions must be met. I have focused on the particular way the human is produced by the doctrine of the responsibility to protect – what is important is that *any* reference to the human and its security must always exclude some ways of being human, and, increasingly, must produce those lives it does include as

governable, manageable, securable. (This process simultaneously works to legitimize the legal and political institutions whose purpose it is to ensure security and protect rights.) The abstract human is free, but this freedom must be experienced as security. That whole ways of living – as an individual or as a collective of humans engaged in a variety of political, social, cultural and economic interactions, peaceful and conflictual – are eclipsed by any one vision of how the human experiences its freedom and security, is a possibility which the discourse on human security simply cannot allow.

I have suggested that we might, following Jabri, read war as a late modern form of control. Viewing the practices of human security this way helps us to understand all of it – its directly coercive and its non-coercive strategies – as a tactic of government, geared towards producing subjects that are easily governable and that can be secured, and in producing the kind of states and international order in which this can be ensured. This thesis has attempted to understand the discourse on and practices of human security by showing both how these work, and what work they do. It has sought to point to some of human security's basic problems and tensions. But in taking the time to understand how the discourse operates and how its practices work, it has attempted to come to terms not only with human security's failings but also with the way in which it proves to be incredibly effective. Though I have worked to show the dangers inherent in its logic and its practices, in concluding this thesis I cannot confidently suggest that human security (or some other internationalized, interventionist, governmental logic similar to it) will not succeed. It *is* succeeding – the triumphs and the devastations of its success can be seen all around us. There are plenty of papers that could be written about how the human security paradigm and the responsibility to protect has or will continue to measurably improve the

lives of many people. There will be papers that offer criticisms of human security while trying to reform it – perhaps advocating one of the more “holistic” accounts of human security discussed in the first chapter, or trying to find a less exclusive way of making people more secure. This paper is not and cannot be one of those. Its criticisms and its insights are weighed down with the weight of their own impotency. In seeing human security as a quintessential expression of our contemporary political condition, and in drawing out the theoretical developments that have made possible our arrival at this precise moment, it does not imagine that we will likely veer far from this course. It can only cry out for all that is lost, while at the same time taking some small hope, perhaps, in the notion that the account of the human as securable will never capture the fullness of human being.

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