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Muscular Humanitarianism: Reading the Narratives of the New Interventionism

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Abstract

As a result of the decision by NATO to use force in response to the Kosovo crisis, issues about the legality and morality of humanitarian intervention have again begun to dominate the international legal agenda. This article explores the ways in which international legal texts about intervention operate at the ideological or representational level. It draws on feminist and post-colonial theories of subjectivity and identification to suggest that the desire to intervene militarily in cases of crisis is a product of the deeper narratives and flows of meaning within which texts about intervention are inserted. The narratives of the new interventionism create a powerful sense of self for those who identify with the hero of the story, be that the international community, the Security Council, NATO or the United States. As a result, these narratives operate not only in the realm of state systems, rationality and facts, but also in the realm of identification, imagination, subjectivity and emotion. The article explores some of the implications for international lawyers of the recognition that their arguments about intervention have effects at this personal and subjective level.

As a result of the decision by NATO to use force in response to the Kosovo crisis, issues about the legality and morality of humanitarian intervention have again begun to dominate the international legal agenda. Debates about the possibilities, limits and dangers promised by international intervention have been central to the shaping of a new post-Cold War internationalism. Claims made about the capacity of international organizations to guarantee values such as order, peace, human rights, democratic governance and self-determination have mirrored the claims made more generally about the capacity of a rational, cosmopolitan international law to tame nationalist passions and local grabs for power.

The argument that military intervention may be necessary to achieve humanitarian goals is not unique to discussions about the appropriate international response

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to the situation in Kosovo. In the aftermath of the Cold War, international lawyers began to argue in favour of Security Council action based on the doctrine of 'collective humanitarian intervention'.[1] The range and nature of resolutions passed by the Security Council since the Gulf War were interpreted as suggesting that the Council was willing to treat the failure to guarantee democracy or human rights, or to protect against humanitarian abuses, as either a symptom, or a cause, of threats to peace and security.[2]

Arguments in favour of NATO intervention in Kosovo, however, do represent a new phase in the progression of international legal arguments in favour of international intervention in one respect. In the case of Kosovo, international lawyers have begun to argue that there are situations in which the international community is justified in undertaking military intervention even where such action is outside the law. According to this argument, a commitment to justice requires the international community to support the NATO intervention in Kosovo, despite its illegality.[3] While earlier literature about international intervention saw the Security Council as the guarantor of humanitarian values, literature about the Kosovo intervention has begun to locate those values in a more amorphous 'international community'. Legal literature discussing the legitimacy of the actions undertaken by NATO appears to indicate a loss of faith in international law as a repository of the values which should underpin the actions of international organizations. Yet while the bases upon which commentators justify international intervention have shifted since the days when a 'revitalized' Security Council was hailed as the guarantor of a new world order, the arguments made by international lawyers supporting intervention share a certainty about the moral, ethical, political and humanitarian imperatives justifying military action. The conviction about the need for intervention expressed in post-Cold War legal literature has mirrored the arguments made by European and US political leaders justifying international intervention.

To date, debates about the legitimacy and ethics of humanitarian intervention have largely concerned issues such as whether resort to the use of force addresses the causes of security and humanitarian crises, and whether military action itself breaches humanitarian norms. Critics of military intervention have asked whether

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[1] For a critical analysis of arguments in favour of collective humanitarian intervention, see Orford, 'Locating the International: Military and Monetary Interventions after the Cold War', 38 *Harvard International Law Journal* (1997) 443, at 444.

[2] For an analysis of relevant Security Council actions and statements, see Tesón, 'Collective Humanitarian Intervention', 17 *Michigan Journal of International Law* (1996) 323.

[3] For arguments that the use of armed force employed by NATO in the Kosovo crisis was illegal due to the lack of a Security Council authorization, but that the intervention was nonetheless legitimate, see Simma, 'NATO, the UN and the Use of Force: Legal Aspects', 10 *EJIL* (1999) 1; Glennon, 'The New Interventionism: The Search for a Just International Law', 78 *Foreign Affairs* (1999) 2. For the argument that the NATO action is illegal, although justified from an ethical viewpoint, see Cassese, '*Ex iniuria ius oritur:* Are We Moving towards International Legitimation of Forcible Humanitarian Countermeasures in the World Community?', 10 *EJIL* (1999) 23. The Security Council subsequently authorized member states and international organizations to establish a security presence in Kosovo under UN auspices under SC Res. 1244 (1999), adopted on 10 June 1999.

actions such as those conducted by NATO in bombing Serbia are the appropriate and humane response. Analyses framed in those terms raise many important questions. For example, those active in humanitarian organizations have argued that armed intervention, particularly aerial bombardment, often impedes humanitarian relief and is indiscriminate in its targets, generally proving counterproductive to the tasks of democratization and peace-building.[4] The resort to *ad hoc* interventionist responses to human rights crises by major powers allows them to avoid funding, supporting and strengthening the existing multilateral mechanisms for promoting and protecting human rights.[5] The disproportionate targeting of civilians and essential infrastructure through such air campaigns has been questioned as itself a breach of international law.[6] Indeed, one commentator has suggested that the targeting of civilians is an inevitable effect of resorting to bombing:

> The well-known and inevitable effect of bombing – to unify an otherwise divided population – has been used as a self-justifying prophecy in order to expand the definition of what constitutes a legitimate military target. If the bulk of the society is rallied behind its leader, then the society is effectively a military institution and can thus be targeted.[7]

In addition, resort to the use of force as a response to security and humanitarian crises continues to mean that insufficient attention is paid to the extent to which the policies of international institutions themselves contribute to creating the conditions that lead to such crises.[8] The representation of the intervention in Kosovo as the action of an international community interested in protecting human rights and humanitarian values serves to obscure the extent to which the international community has itself contributed to the humanitarian crisis that has emerged.[9] While ancient hatreds and ethnic tensions continue to be represented as the cause of the violence that erupted in the former Yugoslavia, critics have suggested that the crisis is equally a product of modern capitalist international relations.[10] In the former Yugoslavia as elsewhere, the project of economic restructuring and liberalization

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[4]   For a report of criticisms of NATO actions by aid workers in Northern Albania, see Jonathon Steele, 'Aid Workers Protest at Nato's Role', *Guardian Weekly*, 6 June 1999, at 23. See also the arguments canvassed in Weiss, 'On the Brink of a New Era? Humanitarian Interventions, 1991–94', in D. C. F. Daniel and B. C. Hayes (eds), *Beyond Traditional Peacekeeping* (1995) 3, at 8.

[5]   Alston, 'The Security Council and Human Rights: Lessons to be Learned from the Iraq-Kuwait Crisis and its Aftermath', 13 *Australian Year Book of International Law* (1992) 107.

[6]   Gardam, 'Proportionality and Force in International Law', 87 *AJIL* (1993) 391.

[7]   Lee, 'Why Are We Over Yugoslavia?', 41 *Arena Magazine* (1999) 42, at 43. In addition, many critics have argued that it was always apparent that commencement of bombing would lead to increased persecution of the Kosovar Albanians, the very group that military intervention was supposedly aimed at protecting. See Said, 'Protecting the Kosovars?', 234 *New Left Review* (1999) 73; Ali, 'Springtime for NATO', 234 *New Left Review* (1999) 62, at 63 (arguing that the risk that the launching of NATO aerial bombardment would unleash Serbian paramilitary terror on Kosovo was always manifest, but that NATO's decision to take that action was intended to demonstrate that NATO could resolve such problems without the participation of Russia).

[8]   See the arguments made in Orford, *supra* note 1.

[9]   Orford, *supra* note 1; S. L. Woodward, *Balkan Tragedy: Chaos and Dissolution after the Cold War* (1995).

[10]   Gowan, 'The NATO Powers and the Balkan Tragedy', 234 *New Left Review* (1999) 83.

which remains central to the new world order contributed to creating the conditions in which such hatreds were inflamed.[11]

This article moves on from that debate about the causes of insecurity and the effects of intervention in order to explore the ways in which international legal texts about collective security operate at the ideological or representational level. My interest here is in exploring the investment that audiences have in the stories about intervention told in the media and by international lawyers and policy-makers. In order to do so, I aim to develop an approach to reading intervention narratives that is concerned less with looking for a truth that can correct existing misrepresentations than with attempting to understand the force of current intervention stories. Rather than attempting to criticize those texts for their failure to take into account a different 'reality', I am interested in coming to terms with the 'truth' that is produced by texts about intervention. As Alison Young argues, we can better understand our investments in a particular discourse if we 'flow with the current of meaning, accept its construction of truth and discover its elements and strength. Then we can know what it is we are dealing with, what fears and desires are embodied in discourse.'[12] As a critic, I am neither outside the narratives of the new interventionism nor immune to their appeal. Rather, I am deeply implicated in the cultures from which they draw their power. My analysis is also an attempt to understand the nature of my own investment, implication and complicity in these ways of understanding the world.

The thesis I develop in this article is that the desire to intervene militarily in cases of crisis is a product of the deeper narrative and flow of meaning within which intervention stories are inserted. Legal texts about intervention have a function or effect as cultural products. Whether through arguments about the need to control state aggression and increasing disorder, or through appeals to the need to protect human rights, democracy and humanitarianism, international lawyers paint a picture of a world in which increased intervention by international organizations is desirable. The stories that explain and justify international intervention have increasingly become part of everyday language through media reports and political sound bites. As a result, these highly technical, strategic accounts of the world become more and more a part of 'the stories that we are all inside, that we live daily'.[13] These stories create worlds inhabited by characters such as states, foreign capital and

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[11] Woodward, *supra* note 9; Orford, *supra* note 1 (arguing that the economic policies that were designed to refinance and repay Yugoslavia's foreign debt played a role in the rise of republican nationalism and the sense that the federal government lacked legitimacy. Nationalist leaders, including Slobodan Miloševic, came to power as the IMF's 'shock therapy' stabilization programme radically altered the nature of Yugoslav constitutional and political arrangements, causing significant and unstable new alliances in the region).

[12] A. Young, *Femininity in Dissent* (1990), at 43.

[13] Threadgold, 'Introduction', in T. Threadgold and A. Cranny-Francis (eds), *Feminine, Masculine and Representation* (1990) 1, at 27.

international organizations, with whom the readers of these stories are invited to identify.[14]

Part 1 of this article develops a theoretical framework for analysing the appeal of arguments in favour of intervention, drawing on feminist and post-colonial theories of subjectivity and identification. Part 2 uses that theoretical framework to offer an alternative reading of intervention narratives. I explore how the sense of certainty about the humanitarianism of international intervention is produced by legal texts and provides strategies for responding to an international relations now increasingly conducted or situated 'in the domain of communication, signs and culture'.[15] I argue that legal texts about intervention create a powerful sense of self for those who identify with the hero of the story, be that the international community, the Security Council, the UN, NATO or the US.[16] That part suggests that intervention narratives operate not only, or even principally, in the realm of state systems, rationality and facts, but also in the realm of identification, imagination, subjectivity and emotion. Part 3 explores some of the implications for international lawyers of the recognition that their arguments about intervention have effects at the personal and subjective level.

The broader aim of this article is to contribute to a discussion about how international lawyers might develop the practices that make it possible to think critically about the knowledge they produce about international intervention and its power effects. A new critical sense is required if international law is to act as a constraint on abuses of power in the interests of human beings in the new conditions of the post-Cold War era. Those who participate in shaping the sense of the legality and morality of the practice of major powers and of multilateral institutions need to develop a self-reflexive intellectual practice, one that recognizes that the way international lawyers understand and represent ourselves and the world is both an effect of, and a contribution to, power relations.

1 Reading Heroic Narratives

This part develops a framework for exploring the emotional urgency of intervention narratives by drawing on the work of scholars who have analysed the relationship between cultural representations and the way people learn to make meaning of their lives and experience. While feminist and critical work in areas such as film theory, literary theory and cultural studies has developed sophisticated analyses of the nature

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[14] Grbich, 'Taxation Narratives of Economic Gain: Reading Bodies Transgressively', V *Feminist Legal Studies* (1997) 131 (arguing that narratives of taxation law create worlds inhabited by characters such as Capital).

[15] Stephanson, 'Rethinking International Relations', 220 *New Left Review* (1996) 137, at 142. See also C. Weber, *Simulating Sovereignty: Intervention, the State and Symbolic Exchange* (1995).

[16] This article does not offer a reading of the equally productive and horrific narratives that operated within Serbian political discourse to justify ethnic cleansing and war. For an analysis of the fantasy frame underpinning the political discourse of Slobodan Miloševic, see R. Salecl, *The Spoils of Freedom: Psychoanalysis and Feminism after the Fall of Socialism* (1994), at 14–19, 58–73.

of identification,[17] less work has been done by feminist and critical scholars to explore the ways in which a process of identification operates as part of international relations.[18] In turn, those mainstream scholars writing within the disciplines of international relations and international law have tended to focus on a public sphere of states, corporations and international organizations, avoiding any analysis of the relationship of issues of fantasy, desire and identity to internationalism.[19] Yet a focus on such questions is essential to a consideration of the power of intervention narratives.

In particular, the work of feminist, Marxist and post-colonial theorists interested in questions of subjectivity and identification provides useful tools for exploring the force of intervention stories. According to theorists writing in those traditions, an individual's sense of self and ways of understanding his or her relation to the world is not fixed, but is 'constantly being reconstituted in discourse each time we think or speak'.[20] Ideology or cultural representation plays a role in the creation of this sense of self, or subjectivity. Chris Weedon, describing a feminist post-structuralist approach to the question of the formation of subjectivity, suggests that:

> As we acquire language, we learn to give voice – meaning – to our experience and to understand it according to particular ways of thinking, particular discourses, which pre-date our entry into language. These ways of thinking constitute our consciousness, and the positions with which we identify structure our sense of ourselves, our subjectivity.[21]

These theories of subjectivity build on Louis Althusser's thesis that the individual becomes a subject of ideology through the process of interpellation.[22] For Althusser, interpellation refers to the role played by ideology or cultural representation in the creation of subjects. Ideology functions by 'interpellating' or 'hailing' the individual.[23] Through the process of interpellation, individuals recognize themselves as the subjects of cultural representations.[24] Rather than imagining individuals as the producers of ideology or representation, Althusser famously suggests the reverse – that ideology or

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[17]   See, for example, J. Butler, *Gender Trouble: Feminism and the Subversion of Identity* (1990); D. Fuss, *Identification Papers* (1995); Kaplan, *Looking for the Other: Feminism, Film, and the Imperial Gaze* (1997); K. Silverman, *The Subject of Semiotics* (1983).

[18]   For exceptions, see Boose, 'Techno-Muscularity and the "Boy Eternal": From the Quagmire to the Gulf', in A. Kaplan and D. E. Pease (eds), *Cultures of United States Imperialism* (1993) 581; D. Campbell, *Writing Security: United States Foreign Policy and the Politics of Identity* (1992); Kennedy, 'Spring Break', 63 *Texas Law Review* (1985) 1377; Rogin, '"Make My Day!": Spectacle as Amnesia in Imperial Politics [and] The Sequel', in Kaplan and Pease, *supra* this note, 499; Salecl, *supra* note 16.

[19]   Peterson, 'The Politics of Identity and Gendered Nationalism', in L. Neack, P. J. Haney and J. A. K. Hey (eds), *Foreign Policy Analysis in its Second Generation: Continuity and Change* (1995) 167, at 183 (arguing that the 'gendered dichotomy of public-private structures the study and practice of international relations and foreign policy' and that one result is the 'discipline's neglect of activities associated with the private sphere').

[20]   C. Weedon, *Feminist Practice and Poststructuralist Theory* (1987), at 33.

[21]   *Ibid,* at 33.

[22]   L. Althusser, *Lenin and Philosophy and other Essays* (trans. Ben Brewster) (1971), at 127.

[23]   *Ibid,* at 162. In Althusser's formulation, ideology 'represents the imaginary relationship of individuals to their real conditions of existence'.

[24]   Silverman, *supra* note 17, at 220.

representation produces subjects. Such an approach provides a starting point for thinking about the relationship between particular representations, such as legal texts about international intervention, and the sense of self of those individuals who engage with such stories. Stories such as those told by international lawyers can be understood as one of the means by which a reader of such stories gains a sense of self and a way of understanding his or her relation to the world.

Feminist and post-colonial theorists have shown that this process of interpellation is an ongoing one, and that central to its success is the operation of narrative. Kaja Silverman's synthesis of the theory of interpellation and feminist film and literary theory provides further resources with which to develop a framework for analysing the fascination of international law's stories.[25] Silverman uses feminist film and literary theory to enrich the understanding of the way in which an individual comes to identify with, or as, a particular character in a story or subject of representation. According to Silverman, the ways in which narrative operates to shape the subjectivity of the members of the audience is at the heart of the appeal of mainstream films. The operation of narrative, and the invitation to identify with particular characters in a film, serve to reinforce an individual's interpellation into ideology or insertion into the symbolic order.[26]

Silverman suggests that a classic cinematic narrative functions by disrupting the established symbolic order, 'dislocating the subject-positions within it, and challenging its ideals of coherence and fullness only in order subsequently to re-affirm that order, those positions, and those ideals'.[27] The narrative functions to 're-interpellate' the viewing subject into the same subject positions with which they had already identified, thus 'giving that subject the illusion of a stable and continuous identity'.[28] Although the crisis to the symbolic order has the potential to be disruptive, the narrative operates to reaffirm that order in 'ideologically orthodox ways'. As a result, it has a profoundly conservative effect on the viewing subject.

Feminist scholars have theorized that the subjectivity of viewers is also produced through the process of identification with characters within the narrative, and that this identification is organized along gendered lines, producing a sexually differentiated subject.[29] Both male and female viewers are invited to identify with a masculine character associated with qualities such as potency and authority.[30] The narrative is structured around the actions of that main controlling figure with whom the

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[25]   *Ibid,* at 215–236.
[26]   *Ibid,* at 221.
[27]   *Ibid.*
[28]   *Ibid.*
[29]   *Ibid.*
[30]   *Ibid,* at 223.

spectator is invited to identify.[31] As Laura Mulvey argues, identification with the masculine character then leads to the '"masculinisation" of the spectator position, regardless of the actual sex (or possible deviance) of any real live movie-goer'.[32] The invitation to identify with the masculine character has the effect of imposing masculinity as the spectator's viewpoint.[33] The female spectator may not be able to identify with the masculinity of the subject position on offer. On the other hand, Laura Mulvey points out, '[s]he may find herself secretly, unconsciously almost, enjoying the freedom of action and control over the . . . world that identification with a hero provides'.[34]

The spectator's pleasurable identification with the masculine character is further facilitated through the creation of a second character who lacks the characteristics of power, agency and authority. While the heroic central character is structurally male, the second character, representing the 'space for and the resistance to' the actions of the hero, is coded as female.[35] It is the hero, rather than the other characters or objects upon whom he acts, who is portrayed as having agency and creativity, capable of giving birth to new creations, able to imagine and form worlds in his own image.[36]

In cinematic terms, the female subject has the additional function of diverting the attention of the viewer from his or her own passivity.[37] While the creation of a passive or powerless character is supposed to facilitate the identification by the viewer of the film with the subject having the attributes of power and control, the creation of such a character also carries risk. The viewer might feel increased anxiety at the risk of identifying as, or with, the character lacking the desirable attributes of potency or authority.[38] That rediscovery of the female subject's lack may induce in the male

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[31]   L. Mulvey, *Visual and Other Pleasures* (1989) 14. Mulvey argues that this invitation to identify is structured by 'ways of seeing and pleasure in looking' (*ibid,* at 15). While 'the only truly productive gaze in the cinema is that of the camera', the camera's gaze is systematically represented as the gaze of the male character, through the use of cinematic techniques. The central male character functions as the 'bearer of the look', while female characters in general function as the image or holder of the look, 'with their appearance coded for strong visual and erotic impact so that they can be said to connote *to-be-looked-at-ness*' (*ibid,* 19). Thus a visual economy governs the sexual differentiation produced by watching films. I do not have space here to explore the ways in which identification with characters in narratives of intervention is structured by a similar visual economy, although that process is clearly part of the CNN effect produced by filming on location in (always Third World) trouble-spots.

[32]   *Ibid,* at 29.

[33]   *Ibid.*

[34]   *Ibid.*

[35]   D. Haraway, *Primate Visions: Gender, Race, and Nature in the World of Modern Science* (1989), at 234.

[36]   Feminists in many areas have argued that this heroic narrative gives meaning to their disciplines. See, for example, Grbich, *supra* note 14 (arguing that the narratives of economic progress and growth that underlie taxation law are dependent upon such a story about the activity of the masculine subject – in that case Capital); Haraway, *supra* note 35, at 231–243 (showing that a similar narrative of heroic adventure underlies the scientific discourse of primatology); Cohn, 'Sex and Death in the Rational World of Defense Intellectuals', 12 *Signs* (1987) 687, at 699–702 (arguing that a similar story is told in the area of nuclear deterrence. Images of 'male birth and creation' are central to the ways in which defence experts imagine their role in the world).

[37]   Silverman, *supra* note 17, at 223.

[38]   See further Guest, 'Exploitation under Erasure: Economic, Social and Cultural Rights Engage Economic Globalisation', 19 *Adelaide Law Review* (1997) 73, at 75.

subject 'the fear of a similar depravation'.[39] One common technique for dealing with the anxiety produced by the discovery of the female subject's lack is to demonstrate that the female subject's weak or passive condition is her own fault, the result of her wrong-doing or inadequacy.[40] The narrative then operates to punish or save the guilty female object.[41] That method of resolving the problem posed by the female figure is pleasurable for the spectator identifying with the masculine character, and allows the spectator to escape the sense of anxiety produced by the revelation of the lack of the female subject.[42] As Laura Mulvey argues, 'pleasure lies in ascertaining guilt . . ., asserting control and subjugating the guilty person through punishment or forgiveness'.[43]

Post-colonial scholars have shown that the production of subjectivity through narrative is dependent not only upon sexual differentiation, but also upon racial differentiation. The use of heroic narratives governed encounters between Europe, later the 'West' or the 'international community', and those colonized or enslaved by Europeans. According to Edward Said:

> The main battle in imperialism is over land, of course: but when it came to who owned the land, who had the right to settle and work on it, who kept it going, who won it back, and who now plans its future – these issues were reflected, contested, and even for a time decided in narrative. . . . The power to narrate, or to block other narratives from forming and emerging, is very important to culture and imperialism, and constitutes one of the main connections between them.[44]

Such narratives produce a racially differentiated subject, through the same processes of identification and subjectivity discussed by feminist film theorists.[45] As Diana Fuss comments, identification has a colonial history.[46] In the narratives produced in colonial or imperial contexts, the reader or spectator is invited to identify with a white, male hero.[47] In cinematic terms, the imperial gaze, like the male gaze, invites the viewer's identification with the powerful, white character.[48] That imperialist character is associated with attributes including freedom, creativity, authority, civilization, power, democracy, sovereignty and wealth. The world of the

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[39]   Silverman, *supra* note 17, at 223.

[40]   *Ibid,* at 224.

[41]   Mulvey, *supra* note 31, at 21.

[42]   *Ibid.*

[43]   *Ibid,* at 21–22.

[44]   E. W. Said, *Culture and Imperialism* (1993), at xiii.

[45]   It has been quite unusual to study texts that play a part in creating the conditions of imperialism or colonialism in order to find out something about those writing the texts. Instead, texts about colonialism have generally been read in order to see what they tell us about the objects of colonialism or imperialism, or more recently to examine what they tell us about the ways in which the objects of colonialism are imagined and represented. Scholars have traditionally assumed that imperialism only impacted upon the culture of those who were colonized or the objects of imperialism. See the discussion in Said, *supra* note 44, at 40.

[46]   Fuss, *supra* note 17, at 141.

[47]   T. Morrison, *Playing in the Dark: Whiteness and the Literary Imagination* (1992) 38.

[48]   See generally Kaplan, *supra* note 17.

colonies, or of developing states in the post-World War II context, is a space in which the white man is imagined as having an enormous freedom to act and to create ideal worlds.

The subjectivity of the viewer is constructed in opposition to a second character in the narrative, the object of the imperial gaze: the black, native or colonized subject. The black subject is a resource that allows the white man to imagine himself as civilized and free against a background of savagery and slavery.[49] As Frantz Fanon argues, 'not only must the black man be black; he must be black in relation to the white man'.[50] The creation of that second character is thus essential, both to the constitution of the white character and to the process by which identification with that character is invited.

The plot of the narrative of colonialism derives from imagining the colonized subject as 'a reformed, recognizable Other, *as a subject of a difference that is almost the same, but not quite'*.[51] The hero's journey is about the civilization, progress or development of that colonized subject. Intervention by white men is justified in order first to civilize the natives of subject colonies, and later, in the era of decolonization, to assist the development of those former colonies. The notion of progress continues to provide the imaginative framework for intervention stories in the era of decolonization. According to the 'fantasy of timeless, even, and limitless development', '[a]ll societies will come to look like us, all will arrive eventually at the same stage or level, all the possibilities for the future are being lived now'.[52] The plot of such narratives, however, always ensures that the black subject is never truly able to claim the full subjectivity or agency reserved for the heroic character.[53] As Homi Bhabha notes in the context of debates about governing India, 'to be Anglicized is *emphatically* not to be English'.[54] While the hero is free to act in the world to shape it in his image, the object he creates can never quite become him. The aim is not to make further heroes, of equal status to the hero. Rather, the colonial narrative involves making objects in the image of the white subject, who reflect his desires and ambitions but do not quite achieve them.

Heroic narratives operate to structure the subjectivity of readers or viewers by inviting identification with the white male hero, who is defined in opposition to characters who lack his potency and authority, as a result of sexual and racial differentiation. Although the white man is at the centre of such narratives, the meanings attributed to white masculinity in cultural narratives about heroism are not constant. Those meanings vary according to the challenges or crises that white masculinity is imagined as facing in a particular period. So, for example, as Toni Morrison has shown, the sense of freedom, autonomy, authority and absolute power attributed to the white subject in early American novels was formed against the

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[49]   Morrison, *supra* note 47, at 44.

[50]   F. Fanon, *Black Skin, White Masks* (1967), at 110.

[51]   H. Bhabha, *The Location of Culture* (1994), at 86.

[52]   K. Ross, *Fast Cars, Clean Bodies: Decolonization and the Reordering of French Culture* (1996), at 10.

[53]   *Ibid*, at 90.

[54]   Bhabha, *supra* note 51, at 85–92.

backdrop of slavery and colonization – '[n]othing highlighted freedom – if it did not in fact create it – like slavery'.[55]

These models of the relationship between narrative, cultural representations and subjectivity developed in film and post-colonial theory allow a different set of questions about the pleasures offered by narratives of intervention and about the ways in which law's stories shape the reader's experience of the world. Part 2 draws on those theories to explore the forms of identification offered by post-Cold War intervention narratives.

2 The Private Life of Intervention

The elements of narrative that have been outlined by feminist and post-colonial theorists can be traced in stories about the need for military intervention in the post-Cold War era. Law in general, and international law in particular, operate not only in the realm of state systems, but also in the realm of the imagination, where meanings are created and where we are invited to see ourselves and the world in certain ways. Intervention stories become part of lived experience through the subjectivity of those reading these texts. The reader provides the links of subjectivity between particular narratives and the experience of the gendered and racialized metaphors upon which they depend as 'aspects of a private and sexualized sense of one's self'.[56] In order to know more about the subject of the dream of a new world order of global security and democracy, legal texts about intervention can be read to explore the sense of self that they create.

By offering an alternative reading of these narratives, I am attempting to open up a conversation about their power and appeal rather than to provide a definitive interpretation of their meaning. As Trinh T. Minh-ha notes, '[e]very spectator mediates a text to his or her own reality'.[57] The role of critic is 'not to tell "what the work is all about", but to complete and "coproduce" it by addressing their own language and representational subjectivity'.[58]

A *Disruption of the Established Order*

The narrative of most intervention stories begins with a crisis to the international order, whether that be an armed conflict or civil war that requires military intervention or an economic crisis that requires monetary intervention. Intervention narratives create a sense of crisis by describing an increased likelihood of violence and disorder in the post-Cold War era. The cause of the crisis facing the new world order is the power vacuum caused by the two superpowers ceasing to order and discipline

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[55] Morrison, *supra* note 47, at 37–38. Morrison argues that the 'unfree' (slaves, the colonized) were always present 'within the heart of the democratic experiment – the critical absence of democracy, its echo, shadow, and silent force' (*ibid*, at 48).

[56] Grbich, *supra* note 14, at 134.

[57] T. T. Minh-ha, *When the Moon Waxes Red: Representation, Gender and Cultural Politics* (1991), at 93.

[58] *Ibid*, at 94.

destabilizing forces in 'Third World' states.[59] The apocalyptic vision with which such narratives begin is well illustrated in the following passage by Brian Urquhart:

> The world is entering a period of great instability, characterised by long-standing international rivalries and resentments, intense ethnic and religious turmoil, a vast flow of arms and military technology, domestic disintegration, poverty and deep economic inequalities, instantaneous communication throughout the world, population pressures, natural and ecological disasters, the scarcity of vital resources, and huge movements of population.[60]

Similar images of crises or threats to security are used as justifications for particular interventions. The Gulf War, for example, is used to demonstrate 'the already conventional wisdom that the disappearance of the inhibiting shadow of potential nuclear war between the superpowers will permit bloodier and more intractable international disputes to emerge'.[61] The crisis in the former Yugoslavia illustrates the pre-modern ethnic tension that has erupted in the post-Cold War era. The 'grim story of Yugoslavia's breakup and the ensuing ethnic conflict seems all the more disturbing because it has shattered the hope that the Cold War's end might herald a new era of peace'.[62] The ruins of the former Yugoslavia represent 'the crumpled dreams of a new cooperative security order in Europe'.[63] The cause of such crises is systematically linked to the political destabilization resulting from the ending of the Cold War.[64]

In the case of Kosovo, legal commentators argue that intervention was required in order to promote justice and morality, despite the illegality of such intervention. According to Bruno Simma:

> The lesson which can be drawn from [the use of force by NATO] is that unfortunately there do occur 'hard cases' in which terrible dilemmas must be faced, and imperative political and moral considerations may appear to leave no choice but to act outside the law.[65]

This point of view is also adopted by Michael Glennon. While acknowledging that the NATO air strikes against Serbia were not 'technically legal under the old regime', Glennon suggests that the 'death of the restrictive old rules on peacekeeping and peacemaking . . . should not be mourned'.[66] According to Glennon, 'in Kosovo, justice

[59]   Gordenker and Weiss, 'The Collective Security Idea and Changing World Politics', in T. G. Weiss (ed.), *Collective Security in a Changing World* (1993) 3, at 14.

[60]   Urquhart, 'Learning from the Gulf', in M. R. Bustelo and P. Alston (eds), *Whose New World Order? What Role for the United Nations?* (1991) 11, at 17.

[61]   Chayes, 'The Use of Force in the Persian Gulf', in L. F. Damrosch and D. J. Scheffer, *Law and Force in the New International Order* (1991) 4, at 11.

[62]   Steinberg, 'International Involvement in the Yugoslavia Conflict', in L. F. Damrosch, *Enforcing Restraint: Collective Intervention in Internal Conflicts* (1993) 27.

[63]   *Ibid.*

[64]   See, e.g., G. Evans, *Cooperating for Peace, the Global Agenda for the 1990s and Beyond* (1993) ('it seems the disappearance of the bipolar strategic balance was only a prelude to new kinds of turbulence and disorder'); Bloomfield, 'Collective Security and US Interests', in Weiss, *supra* note 59, 189, at 200, arguing that: 'Murderous civil war in the Balkans, the overthrow of democracy in Haiti, and spreading battles in parts of central Eurasia long smothered under the stabilizing blanket of Soviet imperial rule have all exposed a dangerous vacuum in Western decision centers.'

[65]   Simma, *supra* note 3, at 22.

[66]   Glennon, *supra* note 3, at 2.

(as it is now understood) and the UN Charter seemed to collide'.[67] In this narrative, the international order, which represents values such as humanitarianism and justice, is threatened by states and leaders who have no commitment to human rights or peace.[68]

The picture of the post-Cold War world that emerges from security texts is one in which 'struggles for national identity and self-determination have disintegrated into ethnic, religious, and political fragmentation'.[69] Far from leading to global peace, 'the passing of the Cold War has led to a new generation of conflicts: internal rather than international, driven by ethnic and communal differences rather than by political ideology, and of unprecedented levels of brutality'.[70] Despite initial optimism, it now appears that 'the conclusion of the Cold War does not mean an end to savagery and violence in international politics ... that yearned-for day of beating swords into plowshares must be deferred once again'.[71]

These narratives present rogue states, ruthless dictators and ethnic tensions as threats to the established liberal international order. The argument made by those in favour of humanitarian intervention is that the use of force is necessary to address the problems of racist and ruthless dictators, tribalism, ethnic tension, civil war and religious fundamentalism thrown up in the post-Cold War era.[72] The need to halt the horrors of genocide or ethnic cleansing, or address the effects of internal armed conflict on civilians, is sufficient justification for military intervention. A commitment to humanitarian ideals demands military action from the international community, increasingly in the form of aerial bombardment. The failure to take such action amounts to 'abstention from the foreign policy debate',[73] and any challenge to interventionism 'rewards tyrants' and 'betrays the very purposes of the international order'.[74]

The implication of these arguments is that the international community is the guarantor of core values such as peace, security, human rights, justice and freedom. The constant representation of the international community as guarantors of progressive values operates to perform the narrative function described by Silverman – 'to re-articulate the existing symbolic order in ideologically orthodox ways'.[75] Much international intervention is justified by presenting an image of the international community as acting in the interests of humanity and democracy, while ignoring the violence and injustice effected in the name of internationalism through military and monetary intervention. While ancient hatreds, ethnic tensions, post-modern tribalism or emerging nationalisms are regularly treated as the causes of humanitarian and

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[67] *Ibid.*

[68] *Ibid,* at 4.

[69] Weiss, *supra* note 4, at 3.

[70] L. Minear and P. Guillot, *Soldiers to the Rescue: Humanitarian Lessons from Rwanda* (1996), at 17.

[71] Reisman, 'Some Lessons from Iraq: International Law and Democratic Politics', 16 *Yale Journal of International Law* (1991) 203, at 213.

[72] Arguments to that effect are explored in detail in Orford, *supra* note 1.

[73] Weiss, *supra* note 69, at 8.

[74] Tesón, *supra* note 1.

[75] Silverman, *supra* note 17, at 221.

security crises, most international legal analyses do not ask whether such crises could better be understood as a consequence of ever more ruthlessly efficient divisions of labour and resources in the post-Soviet era. Intervention discourse ignores almost completely the current historical context of rapid and massive global economic change within which security and humanitarian crises emerge and security actions take place.[76] The tendency to focus only on humanitarian aspects of international intervention contributes to the image of internationalism as the site of progressive values. That image constructs the identity of the international community as active, humane saviours intervening to help people in trouble spots, obscuring other sets of relations between those who identify as the international community and those targeted for intervention.

B *'Knights in White Armour'*[77]

Intervention stories invite the reader to identify with a central figure with whom the qualities of agency and potency are associated. The characters given agency, and with whom identification is invited, include the UN, the Security Council, the 'international community', NATO and the US. Those largely interchangeable characters are portrayed as the heroic agents of progress, democratic values, peace and security, who shape target states through their interventions. The images of new threats of violence and instability serve to announce the attractiveness of such heroes as guarantors of stability, bearers of democracy and protectors of human rights and of the oppressed.

While those heroes are not human, they are nevertheless imagined as having the characteristics attributed to white men. A series of related images of masculinity dominate the narratives of the new interventionism. Stories about the need for the Security Council to restore order in the post-Cold War era, for example, draw on the image of white masculinity as tough, aggressive and decisive. When still US Ambassador to the UN, Madeleine Albright used the notion of new threats and conflicts in the post-Cold War era to justify increased military intervention under Security Council auspices.

> We are privileged to live at a time when the enforcement of international standards of behaviour through the actions of the Security Council is more possible, widespread, and varied than it has ever been. It is also perhaps more necessary than it has ever been. Although we are opposed by no superpower, threats and conflicts continue to arise that engage our interests, even when they do not endanger directly our territory or citizens. We live in an unsettled age, beset by squabbles, wars, unsatisfied ambitions, and weapons that are more deadly and more widely available than ever in history.[78]

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[76] International law has been criticized more broadly for this curious, ahistorical representation of 'the international'. See, for example, Kennedy, 'A New World Order: Yesterday, Today and Tomorrow', 4 *Transnational Law and Contemporary Problems* (1994) 329; Alston, 'The Myopia of the Handmaidens: International Lawyers and Globalization', 8 *EJIL* (1997) 435.

[77] 'Knights in White Armour' is the title of a celebratory analysis of the role of UN peacekeepers in the new world order. See C. Bellamy, *Knights in White Armour: The New Art of War and Peace* (1997).

[78] Albright, 'International Law Approaches the Twenty-First Century: A US Perspective on Enforcement', 18 *Fordham International Law Journal* (1995) 1595, at 1597.

Such paternalistic descriptions of the need for international intervention have relied upon images of the Security Council as a benevolent patriarch. Jeffrey Clark argues that the 'vision of a pacified Somalia capable of again feeding its population is now possible' due to actions of the international military forces.[79] Similarly, Tom Farer paints a picture of the Security Council as a tough but fair figure, intervening in 'defense of humanitarian values or, less grandly, a modest degree of law and order'.[80] Farer suggests that the need for intervention in Somalia 'arose from the tribal wars unleashed by the collapse of public authority'. To create order in 'such places', 'the cops may first have to occupy them'.[81] The role of the international community, represented by its 'cops', is to bring calm professionalism, order, peace and security to emotional, fearful and hysterical peoples.

In order to create order in 'such places', a certain amount of pragmatic leadership is necessary. Many legal commentators suggest that such leadership must be provided by the actions of the US and, where necessary, by tough military leaders.

> Everyone likes to criticize US pretensions to being the constable of the world. But when people need the cops, guess who they call? The international security system depends centrally on the United States.[82]

The Gulf War, we are told, 'finally consummated the marriage between the UN and the one power whose backing is a precondition for any collective security system'.[83] Through that image of the US and the UN as man and wife, the US is portrayed as a sensitive family man, willing to defend the international values of humanitarianism, human rights, democracy and security.

The narration of international intervention also draws upon a less militaristic and more family-oriented version of masculinity. Cultural theorists have commented that in films of the late 1980s and early 1990s, the white male hero began to be portrayed as a 'sensitive family man', an 'emotional domestic hero', able to signify a new model of masculine strength and power, derived from a commitment to personal and family-oriented values.[84] While that later version of masculinity appears to offer a critique of the earlier, more violent and militaristic version, in fact it is based upon many of the same images and assumptions. Militarism, dominance, nationalism, individualism and violence continue to be at the heart of masculinity.[85] In the second model, however, violence is resorted to in the service of family, home and nation, or to guard against abusive fathers, rather than more overtly in the interests of competition and machismo.[86]

Using similar images, texts about humanitarian intervention represent the

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[79]   Clark, 'Debacle in Somalia: Failure of the Collective Response', in Damrosch, *supra* note 62, at 231.

[80]   Farer, 'Intervention in Unnatural Humanitarian Emergencies: Lessons of the First Phase', 18 *Human Rights Quarterly* (1996) 1.

[81]   *Ibid*, at 16.

[82]   Reisman, *supra* note 71, at 206.

[83]   Bloomfield, *supra* note 64, at 190.

[84]   S. Jeffords, *Hard Bodies: Hollywood Masculinity in the Reagan Era* (1994) at 13, 118.

[85]   *Ibid*, at 191–192.

[86]   *Ibid*, at 142–143.

international community as the guarantor of the values of human rights and democracy, and as the protector of suffering peoples. In representations of interventions conducted by the international community in the former Yugoslavia, Haiti and Somalia, for example, the Security Council is portrayed as the sole figure capable of ensuring that the peoples of failed states or corrupt regimes receive aid and are guaranteed survival. According to Leon Gordenker and Thomas G. Weiss, 'security-related tasks' of the UN include

> the protection of minorities and forced migrants threatened by communal violence or other fighting, the maintenance of peace in civil (not international) wars, the delivery of humanitarian relief, the safeguarding of law and order during elections, [and] the monitoring of human rights violations.[87]

In a discussion about Security Council intervention in Somalia, Jeffrey Clark suggests that such action was designed to 'rescue both starving Somalis and a highly imperilled relief operation'.[88]

Through such images, the international community is systematically allied with the values of human rights and democracy. Intervention by the international community is justified by reference to a history beginning with the framers of the UN Charter of 1945, who 'understood the linkage between the protection of basic human dignity and the preservation of peace and security'.[89] The international community is the source and necessary provider of these values to people in need of saving.[90] It is 'the responsibility of the international community to intervene in order to preserve peace and important human values'.[91] That sense of responsibility underpins growing support for the notion of a 'global humanitarian imperative', requiring a 'duty to interfere' in countries 'in which there is widespread suffering or abuse'.[92] As a result of such persistent links between the international community and such desirable values, Tom Farer can argue that 'the threat to a humane international order consists not of [Security] Council hyperactivity, but rather of no action at all'.[93]

The NATO intervention in Kosovo drew upon these images of the international community as hero. Media reports widely promoted the softer image of NATO acting to protect Kosovar Albanians from ethnic cleansing and to guarantee the values of humanitarianism and human rights. Similar representations dominate legal analyses. Antonio Cassese, for example, while arguing that the NATO action represents a significant breach of UN standards, nevertheless comments:

> [A]ny person of common sense is justified in asking him or herself the following dramatic question: Faced with such an enormous human-made tragedy and given the inaction of the UN Security Council due to the refusal of Russia and China to countenance any significant

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[87] Gordenker and Weiss, *supra* note 59, at 15.
[88] Clark, *supra* note 79, at 205.
[89] Kampelman, 'Foreword', in Damrosch, *supra* note 62, at vii.
[90] *Ibid.*
[91] *Ibid,* at viii-ix.
[92] Minear and Guillot, *supra* note 70, at 19.
[93] Farer, 'A Paradigm of Legitimate Intervention', in Damrosch, *supra* note 62, 316, at 330.

involvement of the international community to stop the massacres and expulsions, should one sit idly by and watch thousands of human beings being slaughtered or brutally persecuted? Should one remain silent and inactive only because the existing body of international law rules proves incapable of remedying such a situation? Or, rather, should respect for the Rule of Law be sacrificed on the altar of human compassion?[94]

Cassese concludes that while NATO armed intervention is contrary to current international law, 'from an ethical viewpoint resort to armed force was justified'.[95] At the same time, US leadership was able to appear resolute and tough in its support for NATO action. In the words of one commentator, the NATO action transformed the US President 'from Clinton to Clint (Eastwood). In bypassing the UN to sanction air strikes, Clinton demonstrates that he "gets things done" by ignoring the "suits" and taking matters into his own hands to protect the common good'.[96] Media images of the widespread devastation and destruction wrought by NATO's aerial bombardment served to remind the world of the power and ruthlessness of NATO member states, particularly the US. Edward Said has argued that this was a central feature of US strategy in supporting the NATO action:

> One needs to remember that, since the US is a world – and not merely a regional – power, one calculation that enters each of its foreign policy decisions is how the deployment of its military might will affect the US's image in the eyes of other, especially other competitive, countries, in this case the European Union. Henry Kissinger made that point a central concern of his Indochinese policy when he undertook the secret bombing of Laos: your enemies will learn that there are no limits to what you are prepared to do, even to the point of appearing totally irrational.[97]

In such intervention stories, the international community plays the role of the masculine, active hero, while states targeted for intervention occupy the position of the secondary, passive victim. The subject of that narrative, the international community, is the character able to act in the world, to imagine, create and bring about new worlds. Agency is only held by the international community, international organizations or the US. The governments or élites of target states are portrayed as corrupt and exercising only deviant agency, if any. Missing is any sense of the agency of the peoples of the states where intervention is to be conducted. There is no sense in which these peoples are understood to be themselves actively working to shape their communities and their world, except to the extent of seeking the protection of the international community. Only the hero of the story, the international community, has any capacity to animate or shape the peoples of target states, bringing them order, human rights, democracy and stability. By identifying with the humanitarian 'knights in white armour' of intervention stories, readers experience a pleasurable sense of expanded freedom to be and act in the world.

[94]   Cassese, *supra* note 3, at 25.
[95]   *Ibid.*
[96]   Lentini, 'Yugoslavia . . . Cop Flick, Western, Action Movie', 41 *Arena Magazine* (1999) 45.
[97]   Said, *supra* note 7.

C *Symbols of Helplessness*

The third element of narrative that can be traced in intervention stories is the constitution of racialized or feminized characters who serve as a background and foil to the actions of the hero. The values of the new world order are defined through actions taken against weak or evil rogue states, whose leaders need to be taught that the hard body of the international community can impose its will on others.

Identification with the potent character of NATO or the Security Council is facilitated through the creation of a character lacking power and authority, the rogue or failed state. The heroic narrative depends upon the constitution of that second passive character, which the hero is able to shape or act upon in order to make his mark upon the world. International organizations and major powers are imagined as the bearers of human rights and democracy, while local peoples are presented as victims of abuses conducted by agents of local interests. The people of states in Africa, Asia, South America and Eastern Europe are portrayed as unable to govern themselves.[98] Those states, or their leaders, are the source of instability, to be refashioned as an extension of the self of the hero. The international community, as represented by the actions of the Security Council, is 'defined in and through the white male body and against the racially marked male body'.[99]

The reader's identification with or as an active, autonomous self who can act in the world as a rescuer or saviour depends upon imagining those who live in states like Haiti or Somalia or Yugoslavia in racialized terms. Security texts regularly portray the leaders or élites of states like Iraq or Somalia as oppressors, criminals or primitive barbarians, requiring disciplining and controlling. The leaders of target states are described as '[t]inhorn dictators' or 'contemporary tyrants',[100] while the people are engaged in childlike 'squabbles', motivated by 'unsatisfied ambitions'.[101] According to Farer, intervention on the basis of 'feed and leave' could not have succeeded in Somalia, as the people of Somalia could not be expected to govern themselves.[102] Many security texts suggest that irrational 'ethnic particularism' or religious tensions are emerging in the post-Soviet era as major threats to peace and security.[103] Farer, for

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[98] P. J. Williams, *The Rooster's Egg: On the Persistence of Prejudice* (1995), at 204–205 (arguing that discussions of the need for Security Council intervention in Somalia were based on the premise that 'some people just aren't able to govern themselves and it's about time the wise strong hand of greater minds intervened. Surprise, surprise, most of those unruly masses happen to live in Africa').

[99] Jeffords, *supra* note 84, at 148.

[100] Reisman, *supra* note 71, at 213 (arguing that 'tinhorn dictators' and 'contemporary tyrants' threaten post-Cold War peace and security).

[101] Albright, *supra* note 78, at 1597.

[102] Farer, *supra* note 80, at 16. See the discussion of the racial stereotypes underlying media coverage of Security Council intervention in Somalia in Williams, *supra* note 98, at 202. Williams notes that 'the Somalis, all Somalis, were described as "undisciplined", "criminal elements", whose criminality involved "stealing from their own"'.

[103] Gordenker and Weiss, *supra* note 59, at 14 (treating 'ethnic particularism' as a threat to peace and security); Stopford, 'Locating the Balance: The United Nations and the New World Disorder', 34 *Virginia Journal of International Law* (1994) 685, at 686, 698 (suggesting that the breakdown of internal state structures and ancient ethnic and religious tensions are the major challenges to peace and security).

example, suggests that the international community needs to intervene to control the hysterical urges of those engaged in conflicts motivated by religious or ethnic tension: 'peoples in a state of ecstatic mutual fear' are 'likely to go on clawing at each other unless external actors can either club them into submission, break the stalemate . . ., and/or guarantee the safety of those willing to assume a defensive posture'.[104] The hierarchy of race underpinning such representations of the need for intervention is illustrated by Max Kampelman in his comments on the break-up of the former Yugoslavia:

> Are we entering a new form of Dark Age? Is the defeat of order and decency that is now so evident in Europe only a temporary barrier on the path to a new civilized order? If Europe fails, how can we expect Asia and Africa to succeed?[105]

Security texts also regularly produce images of the people who live in states targeted for intervention as starving, powerless, suffering, abused or helpless victims, often women and children, in need of rescue or salvation. Thomas Weiss, for example, suggests that the 'UN's member states have been groping toward arrangements by which egregious aggression, life-threatening suffering, and human rights abuses more routinely become legitimate international concerns'.[106] While both 'Third World naysayers' and 'civilian humanitarians . . . working in the trenches on the frontlines to alleviate suffering' may oppose military intervention, such action may nonetheless be 'absolutely essential to halt genocide, massive abuses of human rights, and starvation'.[107] Jane Stromseth argues:

> Many minority groups experiencing severe repression are likely to seek support from the international community as they struggle for protection of their basic human rights . . . . For years to come, the UN will receive pleas like that of Bosnian Foreign Minister Haris Silajdzic, who has asked: Why can't we have a safe haven zone like the Kurds? The fate of many suffering men, women, and children depends on the answer.[108]

The capacity to imagine that a heroic international community is needed to rescue huge numbers of the world's peoples is made possible against the background of other, similar stories. As Arturo Escobar has argued, the familiar image of a helpless and underdeveloped Third World has been produced as a symbol of poverty and helplessness since the end of World War II, through the dominant discourse of development.[109] That discourse has both constituted and disciplined the people of developing countries. The image of the 'starving African' portrayed in so many media stories symbolizes the way in which developmentalism produces the Third World as a problem in need of a ready solution: international intervention.[110]

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[104] Farer, *supra* note 80, at 15.

[105] Kampelman, *supra* note 91, at viii.

[106] Weiss, *supra* note 69, at 5.

[107] *Ibid*, at 6–8.

[108] Stromseth, 'Iraq's Repression of Its Civilian Population: Collective Responses and Continuing Challenges', in Damrosch, *supra* note 62, 77, at 103.

[109] A. Escobar, *Encountering Development: The Making and Unmaking of the Third World* (1995).

[110] *Ibid*, at 103–104.

Just as the civilizing mission of colonialism allowed nineteenth-century citizens of imperial nations to imagine the colonized world as inhabited by peoples who could be displaced, so intervention stories enable the 'conversion of ordinary lives into a set of problems to be solved'.[111] The agency of those targeted by such intervention is rendered invisible. The international community intervenes militarily in order to shape the 'Third World' and ensure that it can develop and progress to become more like the 'West'. Yet, as in colonial narratives, those states that are the objects of intervention are not expected to become quite the same as those who conduct such intervention. The nature of international intervention rules out the possibility of the people of Bosnia and Herzegovina, Somalia, Haiti or Kuwait choosing political, social or economic arrangements that differ from those in place in intervening states such as the US. The people living in states subjected to intervention are only free to choose to be (almost) the same as those 'saving' them.

The nature of the self created through identification with the role of saviour depends upon the existence of such victims. David Kennedy has explored that relationship, through an analysis of the shifting meanings he made of his role as a human rights activist on a US delegation to Nicaraguan prisons in 1984.[112] Kennedy draws attention to the way in which his identity as an active American lawyer on a mission for human rights depended upon imagining those in prison as passive victims. When he met with a female prisoner whom he characterized as a victim of human rights abuses, Kennedy experienced a heightened sense of purpose and motivation. In contrast, when he met with two male prisoners visited by his delegation as equals and political activists engaged in struggle, he was left feeling solidarity but a lack of agency, connected but resigned.

> Ramon and Francisco seemed to carry themselves as temporarily defeated warriors in a greater political struggle, and that is how they seemed to view their own stories of capture, torture, and imprisonment. Imprisoned warriors like Ramon and Francisco seemed our equals; they needed no rescue. To them we were comrades, coparticipants in a political struggle. The connection we had felt when in their presence . . . diminished my sense of purpose . . . . [T]he passive victim awakens my indignation and motivates me to act . . . . We might be able to do something.[113]

This gendered differentiation between active political equal and passive victim, between political person and abject object, between warrior body and violated body, structured Kennedy's 'sense of progress, of moving meaningfully forward with our mission . . . . [T]he incomprehensible violation of a woman's body kept something hidden and mysterious, so that something else, intentional knightly deployment, could seem familiar'.[114] Kennedy reveals that the sense of agency and movement he felt was dependent upon constructing those he met as 'victims'. The gendered distinction between responding to those prisoners as active warriors or passive victims shaped the meanings that his human rights team made of their experiences. Those

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[111] Stamp, 'Pastoral Power. Foucault and the New Imperial Order', 3 *Arena Journal* (1994) 11, at 19.
[112] Kennedy, 'Spring Break', 63 *Texas Law Review* (1985) 1377.
[113] *Ibid,* at 1402–1405.
[114] *Ibid,* at 1404–1405.

distinctions between saviour and victim, between international and local, between avenger and abused, are at the heart of the fascination of security stories. These oppositions are necessary to sustain the feeling of progress, agency and freedom that such narratives engender.[115]

Kennedy's analysis stresses the importance of the second passive character to the subjectivity of those who identify with the heroic figure. The passive victim exists in these texts in order to constitute the hero or internationalist as the holder of those values which the victim lacks. In the same way, stories about Security Council or NATO actions involve detailed descriptions of powerless, victimized states and peoples in order to facilitate the reader's identification with the heroes of intervention. The reader who identifies with those heroes comes to form his or her sense of self at least partly around that identification. That pleasurable process allows the reader to imagine himself or herself to be on the side of the good and the just, part of a state or international community actively able to shape the world in the image of the ideals of freedom, democracy and order.

D *Fear of Powerlessness*

The fourth aspect of theories of subjectivity and narrative that applies to intervention stories is the analysis of the resolution of the threat posed by the introduction of the feminized or racialized character. Any anxiety about the possibility that the viewer or reader is in a position to suffer as a result of the crisis, or any sense that the viewer or reader is in fact powerless, is healed by the creation and sacrifice of the target state, a character whose lack of power, authority or agency is attributable to its own mistakes, corruption or fault. The governments or élites of such states are portrayed as corrupt, nepotistic, overreaching and authoritarian, and the people of those states are portrayed as being engaged in savage ethnic or religious conflicts. The origins of crises lie with defective governance or an inability of peoples to govern themselves.

In addition, the assumption that international actors played no role in causing the crisis is central to establishing the fault of the target state. There is thus no suggestion in representations of heroic intervention by the international community that international actors may have had any role to play in contributing to the crisis.[116] Raising such considerations would threaten the progress of the narrative. The ferocity of the attack on states or groups who resist intervention operates to ensure that readers and viewers do not succumb to the temptation to identify with a particular target state, its leaders or its people. The sacrifice, punishment and salvation of that state are central to the successful resolution of the anxiety produced by the introduction of the passive character.

E *Reaffirmation of the Existing Order*

The progress of the narrative, from crisis to resolution through the punishment, sacrifice and salvation of the target state, operates to reaffirm the order, position and

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[115] *Ibid,* at 1402–1405.
[116] See further the analysis in Orford, *supra* note 1.

ideals that were threatened at the start of the narrative.[117] Narratives of crisis and redemption operate to reinsert the viewer into a 'cultural discourse' or symbolic order which heals the crisis revealed at the start of the narrative. While the representation of a post-Cold War security crisis operates to disrupt 'the existing symbolic order, dislocating the subject-positions within it, and challenging its ideals of coherence and fullness', intervention by the international community serves 'subsequently to re-affirm that order, those positions, and those ideals'.[118]

The sense of a restoration of order and stability is well illustrated by statements made by Madeleine Albright, who argues that 'UN peacekeeping contributes to a world that is less violent, more stable, and more democratic than it would otherwise be'.[119] She uses as an example the intervention in Haiti, suggesting that it led to 'the effort to place the law on the side of the people of Haiti for perhaps the first time in that nation's history'.[120] According to Albright, the steps 'we' have taken in Haiti 'have honored our values, eased a humanitarian crisis, and enabled Haiti, in the words of the UN Charter, to pursue "social progress and better standards of life in larger freedom"'.[121] She sees as 'our mandate in this new era' the need to develop a 'framework of law, principle, power, and purpose' similar to that forged by the generation that drafted the UN Charter.

> We have a responsibility in our time, as our predecessors did in theirs, not to be prisoners of history, but to shape it: to build a world not without conflict, but in which conflict is effectively contained; a world not without repression, but in which the sway of freedom is enlarged; a world not without lawless behaviour, but in which the law-abiding are progressively more secure.[122]

Albright is able to draw on a long history in which Americans have used Haiti and its people to symbolize 'degeneracy' and 'racial inferiority'.[123] She can be confident that few amongst her audience will forego the pleasure offered by the narrative of heroic intervention long enough to consider the extent to which the history of US

[117] See Anghie, 'Francisco de Vitoria and the Colonial Origins of International Law', 5 *Social and Legal Studies* (1996) 321, at 333 (arguing that 'the construction of the barbarian as both within the reach of the law and yet outside its protection creates an object against which sovereignty may express its fullest powers by engaging in an unmediated and unqualified violence which is justified as leading to conversion, salvation, civilization').

[118] Silverman, *supra* note 17, at 221.

[119] Albright, *supra* note 78, at 1599.

[120] *Ibid,* at 1603. For a discussion of the amnesia at work in such representations of the history of Haiti, see N. Chomsky, *World Orders, Old and New* (1994) at 36–37; Said, *supra* note 44, at 349 (arguing that 'almost from the moment Haiti gained its independence as a Black republic in 1803, Americans tended to imagine it as a void into which they could pour their own ideas'); Chamberlain, 'Up by the Roots: Haitian History through 1987', in North American Congress on Latin America, *Haiti: Dangerous Crossroads* (1995), at 13.

[121] Albright, *supra* note 78, at 1599.

[122] *Ibid,* at 1605–1606.

[123] Said, *supra* note 44, at 349.

humanitarian interventions in Haiti has served to enshrine the rights of US corporations at the expense of the agency of the Haitian people.[124]

Analyses of the intervention in Kosovo also operate to reassure readers that the NATO action restored the values at the heart of the international order, while paradoxically breaching the rules underpinning that order. Michael Glennon, for example, establishes this by arguing that the old 'anti-interventionist regime' based on the UN Charter 'has fallen out of sync with modern notions of justice'.[125] In Glennon's view, while the NATO action was 'technically' a breach of international law, it did operate to guarantee core values central to a 'just world order'.[126] In fact, the world order prefigured by the new interventionism promises to be a better guarantor of the core values of human rights, order and stability than was the system premised upon the counter-interventionist norms of the UN Charter.[127] According to Glennon, '[a]chieving justice is the hard part; revising international law to reflect it can come afterward'.[128] This narrative redeems NATO's lawless intervention as an action that restores the order and ideals that were threatened by the crisis in Kosovo.

F *Violence and Narrative Pleasure*

The operation of intervention narratives, and the pleasures offered to the reader by identifying with the hero's freedom of action and control over the world, depend upon the acceptance of gendered and racialized metaphors. While blackness represents ungovernability and inferiority,[129] femaleness represents the lack of agency and potency. Those narratives describe a world in which a target state, as passive substance or matter, waits to be animated by some other imagined character, such as the international community or the Security Council. A culture that imagines itself in such heroic terms develops because of, not coincidentally with or in spite of, the presence of dispossessed, enslaved and exploited peoples. Difference, particularly 'racial' difference, becomes a way of making sense of exploitation.[130]

Debates about whether to intervene in Yugoslavia, Haiti or Somalia are shaped by and in turn shape ideas about race and gender, and more generally about belonging and entitlement.[131] The 'persistence of prejudice' limits the extent to which it is possible to address the requirements of a just and democratic world order. Intervention stories provide 'a powerful schema of thought justifying significant intrusions' into the lives of those in target states.[132] Assertions that a heroic subject

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[124] Chomsky, *supra* note 120, at 36–37 (analysing the impact of US support for France's violent attempt to repress the Haitian slave rebellion of 1791 and of the 19-year US occupation of Haiti from 1915); A. Dupuy, *Haiti in the New World Order* (1997) (providing an analysis of the political economy of the 1993 intervention conducted under Security Council auspices).

[125] Glennon, *supra* note 3, at 2.

[126] *Ibid*, at 4.

[127] *Ibid*, at 4–5.

[128] *Ibid*, at 7.

[129] Williams, *supra* note 98, at 105 (arguing that a 'stigma of inferiority' is '*embodied* in black presence').

[130] Guest, *supra* note 38, at 93.

[131] Williams, *supra* note 98, at 8.

[132] *Ibid*, at 177.

acting on behalf of the international community knows better than those in such states, and that the development of those peoples will save them, plays 'dangerously against a backdrop in which [the] history of paternalistic white protectionism still demands black loyalty to white people and their lifestyle as a powerful symbolic precedent for deeming black social organisation "successful"'.[133]

The horror of such narratives is that they can be, indeed must be, retold over and over, with the promised redemption involving 'an ever greater subordination to already existing scenarios'.[134] The creation or production of the self of the international community becomes an endlessly repetitive project. As the serial post-Cold War security crises reveal clearly, that project is always carried out over the bodies of others.[135] Intervention stories highlight the sadism of all heroic narratives, which depend upon the fantasy of 'reducing the other to a flawless, perfectly controlled mirror of the self'.[136] The appeal of the new world order, with its linked portrayals of masculinism, whiteness and internationalism, depends 'on the successful reproduction of certain images and definitions of masculinity'.[137] The problem facing all of those against whom the subject of the new world order defines himself is that in order to 'keep the revolution going', the US, and now the 'international community', must regularly set up, and win, military confrontations.[138]

The fact that the reader is invited to identify with a white, violent, masculine hero limits the capacity of international law to address the ways in which the hero's journey of action and self-validation impacts on the lives of the human beings involved. The reader is invited to recognize only the non-human hero's senses of pleasure and pain.[139] There is no space within the dominant narrative of post-Cold War internationalism to consider the effects of the hero's actions on the human targets of intervention, or to treat the targets of intervention (whether states or peoples) as having legitimate agency. Any attempt to act out or imagine ways of being in the world that differ from those desired by the US or the international community is presented as a threat to the control, virility and freedom of action of the hero. As a consequence, violence becomes a logical form of self-defence. The self that is being defended (when the Security Council authorizes the use of sanctions that lead to the deaths of hundreds of thousands of Iraqi children, or when NATO carries out aerial bombardment) is the militaristic, competitive, irresponsible and brutal self of white

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[133] *Ibid,* at 221.

[134] Silverman, *supra* note 17, at 231.

[135] Elaine Scarry suggests that this sadistic project of making the self through marking the world is at the heart of the activities of not only torture and war, but all the ways in which Western cultures makes artefacts and, through them, the world. See E. Scarry, *The Body in Pain: The Making and Unmaking of the World* (1985).

[136] Haraway, *supra* note 35, at 233.

[137] Jeffords, *supra* note 84, at 156.

[138] *Ibid.*

[139] Grbich, 'Reading the Phantom: Taxation Law, Psychoanalysis and Apparitions', 8 *Australian Feminist Law Journal* (1997) 81, at 84–85 (asking of taxation law: 'whose senses of pleasure and pain is the reader invited to recognise?').

masculinity, reproduced unendingly in late twentieth-century US, and thus increasingly global, popular culture.

3 International Lawyers and the Work of Community

In this final part, I want to consider some of the strategies and political projects that might usefully be adopted by international lawyers seeking to engage with intervention narratives, and to consider briefly whether and how academic writing can play a part in the broader politics of producing knowledge more ethically. How might these stories about intervention be addressed and their operation resisted, and what role can academic work play in that process?

Existing legal language and frameworks are of limited utility as a basis for the critique of international intervention. Speaking the language of law does allow the development of a dialogue with those whose professional role it is to write about, justify, plan and explain military intervention. Yet a number of problems arise in adopting that strategy. First, it is difficult to attempt to use the language of the law to communicate the political and ethical concerns that motivate critics of humanitarian intervention. In analysing her experience of a similar phenomenon, Carol Cohn argues that it is tempting to attribute these problems of communication and imagination 'to qualities of the language, the words themselves – the abstractness, the euphemisms, the sanitized, friendly, sexy acronyms'.[140] If the problem lay simply with disciplinary language, 'then all we would need to do is change the words, make them more vivid; get the military planners to say "mass murder" instead of "collateral damage" and their thinking would change'.[141] The problem is not, however, that the language used by professionals describing and advocating intervention 'removes them from the realities of which they speak'. The problem is instead that '[t]here *is* no reality of which they speak'.[142] In other words, the 'reality' of intervention stories 'is itself a world of abstractions'.[143] When critics speak in the language invented by intervention stories, they enter into a world of abstractions and become 'subject to, subjects in, and accountable for' that world.[144] There are times when it is useful to accept the imagined world of intervention stories in order to achieve a change that is possible within its logic. On the other hand, there are many occasions when it is not productive to accept the rules of that imagined world, given the many limitations imposed by the assumptions upon which such rules are based. As Trinh T. Minh-ha comments, '[t]he more one depends on the master's house for support, the less one hears what he doesn't want to hear'.[145]

A second problem that arises for critical scholars seeking to challenge dominant legal discourses such as that relating to international intervention involves the

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[140] Cohn, *supra* note 36, at 709.

[141] *Ibid.*

[142] *Ibid.*

[143] *Ibid.*

[144] D. J. Haraway, (1997) 97.

[145] T. T. Minh-ha, *Woman, Native, Other: Writing Postcoloniality and Feminism* (1989), at 80.

pleasure and status that derives from engaging with mainstream lawyers on their own terms. The seductions of disciplinary language are complicated, and raise questions particularly for feminists and critical scholars learning and seeking to make use of professional or disciplinary languages.[146] Carol Cohn points to a similar challenge faced by feminists having mastered the technostrategic discourse of nuclear deterrent theorists.

> You can find all sorts of ways to seemingly beat the boys at their own game; you can show how even within their own definitions of rationality, most of what is happening in the development and deployment of nuclear forces is wildly irrational. . . . There is tremendous pleasure in it, especially for those of us who have been closed out, who have been told that it is really all beyond us and we should just leave it to the benevolently paternal men in charge.[147]

It is helpful to think about that seduction, and the temptation for outsiders and critics to become caught up in the game of trying to 'beat the boys'. Working 'within their own definitions of rationality' is seductive as it does allow outsiders to prove that, after all, it is not 'really all beyond us'. Yet working within that framework serves the ends of those who imagine the world in these terms. That process of attempting to 'out-reason' professionals at their own games is dangerous because it 'gets you thinking inside their rules, tacitly accepting all the unspoken assumptions of their paradigms'.[148] As I became aware of the ways in which such assumptions were limiting the direction of my own work, I began to reflect upon the need to develop a means of engaging with intervention stories that did not reproduce established narrative, theoretical and epistemological frameworks.

Writing within law's framework curtails critique in another way. Liberal legality is premised upon an assumption that problems must be responded to with programmatic solutions. Criticism on its own is seen as unproductive, if it is not accompanied by alternatives or proposals for change. The siren call of liberal legality requires that lawyers must claim the capacity to solve all problems through public, institutional means. One problem with joining in the project of developing such alternatives is that proposals for radical change are easily dismissed as impractical, idealistic and irrelevant to the central concerns of the discipline. More importantly, even if such programmes could be readily implemented, that implementation could take place without much changing the direction and effect of international law. As Alison Young argues, it is necessary to reject the tenets of liberalism, precisely because liberalism offers 'readily identifiable and paradoxically impossible solutions', superficially powerful programmes for action that serve to increase the status of the proponent but

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[146] For analyses of those questions, see Cohn, *supra* note ; J. Gallop, *The Daughter's Seduction: Feminism and Psychoanalysis* (1982); T. Moi, *Simone de Beauvoir: The Making of an Intellectual Woman* (1994); Threadgold, 'Everyday Life in the Academy: Postmodernist Feminisms, Generic Seductions, Rewriting and Being Heard', in C. Luke (ed.), *Feminisms and Pedagogies of Everyday Life* (1996) 280.

[147] Cohn, *supra* note 36, at 714.

[148] *Ibid.*

fail to change 'everyday lives'.[149] In place of liberalism we need modes of critique that can be creative without the need to propose new institutional solutions.[150]

One approach that critical theorists working with this material can adopt is to attempt to recover the sense that these stories are human products, deeply invested with hidden metaphors and based on stereotypes about race and gender. These stories produce in their audience a capacity to identify strongly with particular characters, and not to identify with others. That identification is as much a determinant of the knowledge that is accepted about a particular situation as is the claim to truth of that knowledge. Remembering the constructed nature of these stories is perhaps the most useful way to counter the speed and power with which such stories are disseminated. A model of knowledge based upon the process of story-telling, interpellation and identification provides a better means for understanding how these stories work to appeal to their audience than do notions of rationality and argument.

A second strategy is to explore the images of internationalism that fuel intervention stories and the ways in which those images shape the subjectivity of amateur or professional internationalists. The international is presented either as a realm free of politics, where progressive and humanitarian motives underpin the multilateral use of force, or alternatively as a realm where a certain vision of power politics dominates, with the self-interest of all powerful states and institutions determining the capacity to constrain aggressive uses of force. In each case, the image of the international produced in intervention texts can be studied to see the way it shapes the sense of self of those who identify with the heroes of those narratives.

A related strategy is to write about the history of the ideas, assumptions and beliefs underpinning intervention narratives. Such an approach serves to defamiliarize these ways of imagining the world, and is a first step in addressing the argument that understanding the world in this way is somehow normal and natural. It is useful, for example, to write about the emergence of humanitarianism as an idea that makes intervention appear as a 'solution' to an already existing problem, or to remember that notions like democracy have multiple histories. Writing about the internationalism of the post-Cold War era means exploring the relationship between those who profit from the new world order and those women in the 'South' who continue to be

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[149] Young, *supra* note 12, at 12.

[150] Foucault, 'On the Genealogy of Ethics: An Overview of Work in Progress', in H. L. Dreyfus and P. Rabinow, *Michel Foucault: Beyond Structuralism and Hermeneutics* (2nd ed., 1983) 229, at 231–232. Foucault there suggests:

> I am not looking for an alternative . . .. You see, what I want to do is not the history of solutions, and that's the reason why I don't accept the word 'alternative'. I would like to do a genealogy of problems, of *problematiques*. My point is not that everything is bad, but that everything is dangerous, which is not exactly the same as bad. If everything is dangerous, then we always have something to do. So my position leads not to apathy but to a hyper- and pessimistic activism. I think that the ethico-political choice we have to make every day is to determine which is the main danger.

the 'agents' or source of that wealth.[151] It also means writing about the way in which the audience for intervention stories, including international lawyers themselves, are invited to identify with particular actors or characters in that story, and encouraged not to identify with others. Being able to see these stories and characters as inventions requires giving up a stake in the power offered to those who do take up a place in that story.

A further strategy is to argue for an increased self-reflexivity by those engaging with or performing the narratives of intervention. While a sense of reflexiveness has emerged in some areas of writing about international law,[152] it has been markedly absent from the pragmatic, realistic areas of security and economics. Such a strategy involves articulating forms of knowledge that do not further the opposition between destructive and self-forgetting forms of nationalism and internationalism. International lawyers who present arguments in favour of universalism, while paying little if any attention to the extent to which the history of imperialism was dependent upon such uses of the language of democracy, freedom and the civilizing mission, fuel that destructive opposition. Similarly, international lawyers who celebrate the globalization of human rights, while avoiding any analysis of the ways in which human rights are used to justify highly inhumane and violent acts of intervention, legitimize brutal acts of exploitation and violence. It is necessary for those supporting muscular humanitarianism, or even celebratory accounts of the globalization of democracy and human rights, to consider the ways in which the knowledge they produce is located in global networks of power. Lawyers in those states that promote military and monetary intervention using the symbolism of human rights and democracy generally have the intellectual freedom to reflect upon the ways in which the ideal of democracy or of humanitarianism is used to further neo-imperialist projects. International lawyers, however, have tended not to reflect on the meaning of support for human rights and democracy in such a situation. As a result, muscular

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[151]   Spivak and Plotke, 'A Dialogue on Democracy', in D. Trend, *Radical Democracy: Identity, Citizenship and the State* (1996) 209, at 217 (suggesting that the women in the South who are represented as '"victims" of exploitation in the name of economic development' are in fact 'the agents of the preservation of the Northern lifestyle').

[152]   That sense of reflexiveness has developed in three major bodies of international legal scholarship: feminist approaches to international law, the 'New Stream' or 'New Approaches to International Law' (NAIL) project, and the post-colonial or 'Third World Approaches to International Law' (TWAIL) school. For one of the earliest and most influential feminist analyses of international law, see Charlesworth, Chinkin and Wright, 'Feminist Approaches to International Law', 85 *AJIL* (1991) 613, and for an overview of relevant feminist literature in the field of international human rights law, see Orford, 'Contesting Globalization: A Feminist Perspective on the Future of Human Rights', 8 *Transnational Law and Contemporary Problems* (1998) 171. For an overview of anti-colonial international legal scholarship, see Gathii, 'International Law and Eurocentricity: A Review', 9 *EJIL* (1998) 184, and for a critical analysis of the 'New Stream' school, see Cass, 'Navigating the New Stream: Recent Critical Scholarship in International Law', 65 *Nordic Journal of International Law* (1996) 341. Some of the key United States and European literature in these fields is compiled in Kennedy and Tennant, 'New Approaches to International Law: A Bibliography', 35 *Harvard International Law Journal* (1994) 417.

humanitarianism has been exempted from dealing with its own violent history.[153] The appeal of intervention is dependent upon a motivated forgetting of the history of internationalism and its relationship to imperialism, and the continued exploitation, atrocities and dispossession carried out in the name of freedom and democracy.

Such approaches can mean that academic work is of utility in the process of resisting the new interventionism criticized in this article. International legal discourse about security tries to tie those who engage with it to a narrow range of identities. To become 'internationalists' we are asked to abandon many identifications and alliances.[154] We are asked to make 'sacrifices' of others in order to produce a valuable self. The challenge facing critical international legal scholars is how to escape that process. Eve Sedgwick, in an extraordinary meditation on identification, writes of her 'thirst for knowledges and identifications that might cross the barriers of what seemed my identity'.[155] This is what a transgressive approach to international law can promise critical scholars: the possibility of working with others to create new and more inclusive forms of identification, identity and community. Jacques Derrida calls the potential result, 'the friendship of an alliance without institution'.[156]

In order to be effective in achieving change, critical scholars must recognize that there are also limits to the extent to which the appeal of such stories can be addressed at a 'textual' level alone. Certainly, at this point in the history of industrialized states, a lot of energy is directed into anti-intellectualism. That energy reveals how fundamental these stories, and the forms of community they engender or prevent, are to the governance of the 'West' and the 'Third World', and how dangerous it is to think about the ways in which these stories engage us. The particular kind of anti-intellectualism flourishing in the US and Australia at present has as its principal effect the discrediting of attempts to think about how important thinking, knowledge, representation and imagination are to the operation of power in our cultures.

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[153] Chow, 'Violence in the Other Country: China as Crisis, Spectacle, and Woman', in C. Talpade Mohanty, A. Russo and L. Torres (eds), *Third World Women and the Politics of Feminism* (1991) 81, at 86, makes a similar argument in the context of China:

> [T]he polarization between 'traditionalism' or what I have called cultural isolationism (represented by the Party official line), on the one hand, and 'democracy', on the other, means that extraterritoriality – the exemption from local jurisdiction – becomes itself exempted from the history of its own role, not in the promotion of freedom and rights but in the subjugation of other peoples in the course of colonial conquests.

[154] For a similar argument about the capacity of the media to 'create mainstream icons whose struggles and achievements we can identify with' while excluding identification with those people who are 'othered' by the media, see Kennedy, 'Global Mourning, Local Politics', in Re:Public (ed.), *Planet Diana: Cultural Studies and Global Mourning* (1997) 49, at 52.

[155] E. K. Sedgwick, *Tendencies* (1993), at 253.

[156] J. Derrida, *Specters of Marx: The State of the Debt, the Work of Mourning, and the New International* (1994), at 86.

Nevertheless, feminists have cautioned about the limits of analyses that focus only on shifts in language or texts, such as legislation, as symbols of change.[157]

Particular ideas come to dominate public discourse, not because they are accurate or logical, but as a result of struggle. The recognition that knowledge is an effect of power involves a realization that the interesting thing about knowledge is precisely its connection to power and its historical specificity.[158] Judith Grbich shows that critical theorists have often made the mistake of suggesting that imaginative frameworks change over time, somehow outside the history of contest and struggle over ways of explaining the world.[159] Grbich argues that '[s]ome dreams do capture the imagination, but not of their own accord'.[160] She suggests we investigate the histories of 'different usages of imaginative structures of belief, how these usages compete and conflict, and what daily routines invested some usages of imaginative structures with the constraints which made them into the reality of everyday life'.[161] Her argument reminds us that we cannot expect our own work simply to capture the imagination by virtue only of its reasonableness, creativity or apparent capacity to achieve justice. Faith in reason alone as a means of persuading others of our claims is misplaced.[162] In order for an academic attempt at understanding and perhaps resisting the appeal of intervention narratives to be of use, it must be developed in combination with the work of building communities, engaging in political action and sustaining relationships that subvert hierarchies and resist domination.[163]

4 Conclusion

International legal stories participate in creating worlds inside which we live everyday. Those stories at once make us feel less anxious about our own insecurity and more complacent about the insecurity and suffering we inflict on others. Reasoned argument alone cannot counter the speed with which such stories can be constructed and conveyed, the capacity of the media to lavish attention upon a particular state, the amount of information that is hidden in public debates about the desirability of intervention, the great leaps of logic that occur between one story and

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[157] Puren, 'Bodies/Ethics/Violence: A Review of *Heroines of Fortitude: The Experiences of Women as Victims of Sexual Assault* and *The Crimes (Rape) Act 1991 (NSW): An Evaluation Report*', 9 *Australian Feminist Law Journal* (1997) 134, at 140 (arguing that there are limits to the ways in which a textual change at the level of legislation can change the conduct of rape trials, given the powerful myths and stereotypes upon which such trials draw).

[158] Haraway, *supra* note 144, at 104 (arguing that for her and her fellow graduate students biology 'was interesting not because it transcended historical practice in some positivist epistemological liftoff from Earth but because natural science was part of the lively action on the ground').

[159] Grbich, 'Writing Histories of Revenue Law: The New Productivity Research', 11 *Law in Context* (1993) 57, at 68.

[160] *Ibid.*

[161] *Ibid.*

[162] See further J. Flax, *Disputed Subjects: Essays on Psychoanalysis, Politics and Philosophy* (1993).

[163] For discussions of the subversive and political 'work of community', see Sedgwick, *supra* note 155, at 254; D. M. Halperin, *Saint Foucault* (1995), at 98–99.

the next, and the ability of intervention stories to dismiss violence and suffering as somehow necessary.

The fascination of intervention stories is produced through the process of identification with, or as, the heroes of intervention. Intervention stories are premised on the notion of an international community facing new dangers, acting to save the oppressed and to protect values such as democracy and human rights. The reader of intervention literature is asked to identify with the active hero of the story, be that the international community, the UN or the US, at the cost of the violence done to the imagined objects that form the matter of the hero's quest. The hero possesses the attributes of that version of aggressive white masculinity produced in late twentieth-century US culture, a white masculinity obsessed with competitive militarism and the protection of universal (read imperial) values.[164]

Not only is the story of intervention one in which readers are invited to identify with a violent, masculine character at the expense of their own interests, but this technical security discourse has become increasingly naturalized. The militaristic heroic model is the common-sense framework for understanding international relations in the era of globalization. The reader or viewer is invited to forget the power relations involved in the creation of such a closed and glossy story about rescue and salvation.[165] To give an example, belief in the story that the conflict in Kosovo was about ethnic or religious tension involves repressing questions such as: What kind of political and historical processes have given rise to this conflict? How am I a beneficiary of the knowledge that is being produced about the lives of these people? What identity am I being invited to construct for myself and my community while these people are portrayed to me as fanatics, religious bigots, pre-modern or racists? What role has my government played, either acting on its own or through international institutions, in contributing to the causes of that conflict? Do I have any power to influence what those who supposedly represent me do in Kosovo? How does the rise of populist racist parties throughout the industrialized world relate to what is happening in Kosovo? Why do commentators on Kosovo believe that these people are a 'problem' that 'we' can solve? What political and personal stake do I have in this narrative? Each of those questions, and many more, must be avoided in order to create faith in a narrative that tells us that intervention is necessary.

Intervention narratives recreate the sense that actions undertaken to enable the exploitation and control of people and resources in target states are in fact about

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[164] For a discussion of the relationship between colonialism and universality, in which 'European practices are posited as universally applicable norms with which the colonial peoples must conform', see further Anghie, *supra* note 117, at 332–333.

[165] Chow, *supra* note 153, at 84. Chow argues that the relations that enable the telling of stories about the 'Third World' are themselves the result of violence. The 'First World' continues to exploit the 'Third World' as a market, a resource and now through the violence of producing the 'Third World' as a spectacle for the entertainment of 'Western' audiences.

> [T]he 'Third World', as the site of the 'raw' material that is 'monstrosity', is produced for the surplus-value of spectacle, entertainment, and spiritual enrichment for the 'First World'.... Locked behind the bars of our television screens, we become repelled by what is happening 'over there' ....

charity and benevolence. The sense of shared dependency and interests created by stories about international cooperation provides an alibi for the presence of the international community in states that are subject to economic restructuring and military intervention. The constant linking of violence to local passions and chaotic nationalism masks the more far-reaching forms of violence that are now conducted through massive restructuring and social upheaval in the name of free trade or economic liberalism.

The difficulty faced by critics of collective security is, therefore, not how to uncover the truth or how to include different perspectives within law's stories, but rather how to deal with the refusal of lawyers and their audiences to face 'facts'. Treating the rational discourses of law and security as fictions helps to make the contested, discursive nature of what counts as facts and rationality more apparent.[166] The frameworks of law are the product of imagination and of struggle, based on ideas that are historically contingent and born of a long history of violence. The appeal of intervention stories is premised upon learned assumptions about value based on old stories of gender, race and class – assumptions that inform the way those who live inside such stories experience the world. The assumptions which are necessary to enable the kinds of intervention I have analysed are part of the everyday lives of those who 'act and are inside *this* world, not some other'.[167] Intervention stories 'work by interpellation, by calling an audience into the story'.[168] They are successful to the extent that people find themselves living inside those stories. The 'militarization of the mind',[169] the belief in investment and progress as measures of worth, the justification of desperation and suffering in the name of the gods of efficiency and order, and assumptions about value based on gender, race and class are all necessary in order to see the world in the terms required to accept intervention stories. Post-Cold War internationalism requires and is conditioned upon these private, domestic acts of imagination.

Investigating how the reader is invited to participate in imagining the world in those terms, and exploring the nature of the pleasures offered in the process of identifying with the heroes of such stories, provides ways to think through the 'entrapping qualities' of the language and authority of collective security texts.[170] As Laura Mulvey argues, the reader may find him or herself 'secretly, unconsciously almost, enjoying the freedom of action and control over the … world that identification with a hero provides'.[171] On the other hand, the reader may be 'so out of key with the pleasure on offer, with its "masculinisation", that the spell of fascination

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[166] The distinction between fact and fiction is usefully broken down in Haraway, *supra* note 35, at 11; Young, *supra* note 12, at 43; Cohn, *supra* note 36; Grbich, *supra* note 14. Those authors use literary theory to explore the appeal of particular disciplines, respectively sociobiology, criminology, nuclear strategic doctrine and taxation law.

[167] Haraway, *supra* note 144, at 97.

[168] *Ibid*, at 169.

[169] Cohn, *supra* note 36, at 714.

[170] *Ibid*, at 712.

[171] Mulvey, *supra* note 31, at 29.

is broken'.[172] That spell may be broken more easily if readers remember that the stories about intervention and the characters that inhabit them are the effect of imaginative processes and of struggles for meaning.[173] The pleasures that identification with a hero provides, and the images and myths that underlie the appeal of the story of intervention, are vital to its success in becoming one of 'the stories that we are all inside, that we live daily'.[174] Only by thinking through the force of that appeal is it possible to begin to come to terms with the personal and political investment we have in the power relations that such stories engender.

[172]　*Ibid.*
[173]　Grbich, *supra* note 159, at 137.
[174]　Threadgold, *supra* note 13, at 27.