

Aleatory Sovereignty and the Rule of Sensitive Spaces

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Abstract: Addressing life in borders and refugee camps requires understanding the way these spaces are ruled, the kinds of problems rule poses for the people who live there, and the abilities of inhabitants to remake their own lives. Recent literature on such spaces has been influenced by Agamben's notion of sovereignty, which reduces these spaces and their residents to abstractions. We propose an alternate framework focused on what we call aleatory sovereignty, or rule by chance. This allows us to see camps and borders not only as the outcomes of humanitarian projects but also of anxieties about governance and rule; to see their inhabitants not only as abject recipients of aid, but also as individuals who make decisions and choices in complex conditions; and to show that while the outcome of projects within such spaces is often unpredictable, the assumptions that undergird such projects create regular cycles of implementation and failure.

Keywords: sovereignty, bare life, camps, borderlands, exception

In the last decade, “sovereignty” has once again become a keyword of social science scholarship and political theory. Moving the focus away from sovereignty as an organizing principle of the international system, this new work asks questions about how the capacity to govern is founded and what the effects of an often draconian exercise of power are on vulnerable populations (Agnew 2005; Barnett 2010; Elden 2009; Jones 2009; Rancière 2004). Strongly influenced by Agamben's (1998) articulation of sovereign power, exception, and bare life (Minca 2007), this shift has moved attention away from centers of power to points on the map where sovereignty is either deeply frayed or overdetermined: spaces such as camps and borderlands where nation-states, intergovernmental agencies, and non-governmental organizations (NGOs) assume new powers of sovereignty in the name of humanitarianism, development, and security (cf essays in Das and Poole 2004; Duffield 2007; essays in Hansen and Stepputat 2005; essays in Pandolfi 2010). Agamben's analysis holds that modern sovereignty is founded on these zones of “exception”, whose populations are rendered into “*homines sacri*”, or people deprived of social and political rights and defined primarily by their abjection and suffering.

Many scholars argue that Agamben offers a compelling explanatory theory of violence and power in such zones (see Barnett 2011; Basaran 2008; Doty 2007; Hagmann and Korf 2012; Jones 2009; Pandolfi 2010; Seri 2004). The two of us (Dunn

works in camps for displaced people and Cons studies disputed borderlands) are sympathetic to this argument. While, at first glance, humanitarian interventions for the displaced and projects that seek to secure borders and borderlands seem to have little in common, we see promise in Agamben's dramatic and intellectually compelling theoretical apparatus, which links such fraught places and draws out their similarities. But in our experience, the Agambenian framework does a poor job of explaining how these places actually work. While the Agambenian approach posits sovereign power as totalizing and unstoppable, even a quick glance at concrete projects of humanitarian aid or border control—such as the disastrous aid to post-earthquake Haiti or the constantly breached US–Mexico border—shows that sovereignty is a project in constant danger of failure that requires far more than simply establishing spaces of exception (Brown 2010; Jones 2012; Sontag 2012). Agamben, who sees the establishment of sovereignty as a relatively straightforward if brutal matter, cannot account for the fact that even enormous sovereign power often fails to provide meaningful aid or establish adequate control. This points to the limits of Agamben's key terms and the way that they have been deployed in much recent work on borders and humanitarianism. But understanding failures of sovereignty is urgent for both practical and theoretical reasons. As Judith Butler writes:

I think we must describe destitution ... but if the language by which we describe [it] presumes, time and again, that the key terms are sovereignty and bare life, we deprive ourselves of the lexicon we need to understand the other networks of power to which it belongs, or how power is recast in that place or even saturated in that place. It seems to me that we've actually subscribed to a heuristic that only lets us make the same description time and again (Butler and Spivak 2007:42–43).

In this essay, then, we seek to develop a lexicon to understand the unpredictable ways that sovereign power operates in spaces such as camps and borders. We do not discard Agamben, because we agree borders, camps, and other such spaces are privileged vantage points from which to rethink states, power and territory. We also see Agamben's three central concepts—exception, bare life, and sovereignty—as useful ways of investigating the nature of power. Indeed, part of what continues to make his theory compelling is that he promises to ground his critique in a concrete explanation of space, people, and the ramifications of abstract notions of “sovereignty” for quotidian practice (Giaccaria and Minca 2011; Minca 2007). Yet, because abstractions in each of these categories are insufficient to understand either the concrete experiences of people exposed to such power or sovereignty as it is forged on the ground, we draw on our own ethnographic research in the Republic of Georgia and on the border between India and Bangladesh to reformulate Agamben's three key notions about space, subjectivity and sovereignty.

We begin by interrogating the notion of “spaces” of exception and the ways this concept has been spatialized within critical geography. Instead of understanding such spaces through the lens of exception, we propose the notion of *sensitive spaces* characterized by multiple modes of power and conflicting claims to sovereign control. We then look more closely at the people who exist in these spaces, arguing that they are not objects possessing no more than bare life, but rather subjects with *burdened agency* who, in struggling to recreate normal lives on an uneven terrain shaped by competing

projects of rule, must negotiate conflicting projects of sovereignty and necessarily transgress the visions and plans that undergird attempts to control them. The result, as we show, is *aleatory sovereignty*—literally, rule by contingency—a concept that replaces Agamben's monolithic sovereign power with a systemic accounting of how the iterative process of enacting sovereignty makes it fragile, unpredictable and haphazard.

Sensitive Spaces

Agamben's theory of sovereignty is based on the notion that the sovereign comes into being and derives power by creating states of exception—juridical moments where the law has been selectively suspended and where the sovereign alone decides on life and death.¹ Those who are cast into the state of exception are banished and marked as outside of the confines and legal protections of law and society. As Agamben (1998:25) writes, “The exception is what cannot be included in the whole of which it is a member and cannot be a member of the whole in which it is always already included”. The sovereign decision on the exception and the ban are thus, for Agamben, constitutive of the contours of modern political and social life (for critical discussions of this point, see K. Mitchell 2006; Sanchez 2004).

Many critics who have adopted Agamben's work build on the inherent spatiality of a sovereignty that delimits political “insides” and “outsides” by identifying and critiquing *spaces* as well as “states” of exception (Jones 2012; Salter 2006). In paying attention to concrete spaces like camps and borders, they draw attention to the fact that the exercise of sovereign power is not uniform, but rather concentrated in particular spaces and directed against particular populations. As Jones writes, “a crucial task for understanding the state of exception is to identify the agents, the targets, and the spaces where the practice of sovereign power occurs” (Jones 2012:127). Thus conceived, “spaces of exception” are zones in which the sovereign exception has been literally mapped onto territory—limit spaces where life itself is in jeopardy, the political terrain on which sovereign power organizes life and death in its brutest physiological manifestations. This has been a productive move: seeing international borders as spaces of exception, for example, has proven to be a compelling way to think about border walls, biometric passports, and the often-lethal exercise of force by border guards in the post 9/11 world. These technologies and projects provide the means for the rapid and systematic division of included from excluded and lay particular zones bare to savage interventions in the name of security, territorial integrity, and regulation (Brown 2010; Jones 2009, 2012; Mbembe 2003; Salter 2006, 2008; Vaughan-Williams 2010; Wilson 2006). Likewise, seeing refugee camps, migrant housing, and other places for the displaced as spaces of exception has shown how humanitarian interventions exercise ostensibly benevolent sovereign power over object populations, and in doing so, produce spaces that appear to operate outside or beyond “normal” spaces of nation-states (Agier 2002; Barnett 2010, 2011; Elden 2009; Feldman 2007, 2008; Pandolfi 2010; Redfield 2008, 2012).²

Despite the seeming power of such theorization, the notion of a space of exception is grounded in an absolute certainty that belies the anxiety and confusion that often characterize borders and resettlement camps. Agamben's argument adopts Schmitt's (2005 [1922]:5) famous dictum—“The sovereign is he who decides on the

exception”—to explain sovereign power. Such a conception leaves no room for ambiguity. The power of decision is, by definition, absolute. Yet Schmitt's description of the sovereign suspension of law provides at best a partial template for understanding the terrain of rule in borders and camps. Borders and camps may indeed be marked as terrains in which law has been selectively suspended. Yet, here what matters are not singular and absolute “Sovereign Decisions” about legal inclusion, but more often multiple, partial, and overlapping decisions about establishing order and control. Such spaces are rarely zones in which a single sovereign power absolutely exercises “his” authority. Rather, borders and camps are contested spaces where a range of competing interests vie for control.

We propose an alternative way to understand these spaces. Rather than “exceptional” we reframe of these zones as “sensitive”—notable not for their singularity and stark reduction of the political to the biopolitical, but for the multiple forms of power that abound, compete and overlap there and the forms of anxiety that they provoke for both those who are governed and those who seek to govern. The word “sensitive”, which regularly emerges in discussions of borders and camps, appears to have a concrete meaning but in fact is much more elastic. It blurs notions of intimacy and risk and conjures feelings of danger without defining them or saying to whom they appertain. It summons concerns over security without specifying the nature of threats. Sensitive spaces embody all of these meanings and uncertainties. They are both instantly recognizable and unknowable—anxious spaces constituted through a multiplicity of forces which cannot be easily identified as the outcomes of straightforward exercises of official power (Cons 2008). What is at stake in our move from “exceptional” to “sensitive” is not a denial that such spaces are often zones of intense conflict, suffering, and action beyond legal norms. Rather, we suggest that such violence is not the a priori outcome of sovereign power as Agamben would have it, but rather an a posteriori indication of its instability. In other words, the violence of sensitive spaces should not be understood as a pre-given condition of sovereign exception, but rather as a possible effect of anxious contestations for control within and in relation to them. Our use of the term sensitive spaces, then, suggests specific empirical attention to the range of overlapping projects of control and the ways that these are mutually imbricated in the production of new and unstable terrains of rule, regulation, and power (Corrigan and Sayer, 1985; Humphrey 2004; Stoler 2004; Wedeen, 1999).

A few concrete examples help clarify these broader theoretical points. In enclaves along the India–Bangladesh border, space is marked by border security forces on both sides of the border and their often competing projects of regulating and policing movement across it; joint state initiatives to demarcate and scientifically “fix” the border; local, national, and international development projects that seek to claim border spaces as part of national territory through development interventions; national-level anti-corruption campaigns; and local power brokers who deftly navigate and exploit the overlaps in conflicts between these competing visions of space. The results of these various interventions serve at once to regularly and unevenly reformat the space of these enclaves, *and also* to produce anxiety and uncertainty for residents and those who seek to govern their actions and regulate space. Likewise, in a single camp for internally displaced people in the Republic of Georgia, there were medical

NGOs using overtly biopolitical techniques to triage sufferers into those who could be helped and those who could not, development NGOs using disciplinary techniques to encourage refugees to become capitalist entrepreneurs or good parents, a nearby military force using brute violence, and a nation-state threatening to withhold aid payments in order to get the displaced to vote for the incumbent party. These multiple forces working on both camps and borders certainly suggest states of confusion and insecurity for residents and, indeed, for those seeking to regulate and govern such zones. But they speak not to singular sovereign power, but rather to the production of layered sovereign spaces where powers and interests collide in ways that are not easily or readily predictable. In this sense, borders and camps might be better described as spaces in which a range of more or less autonomous sovereignties compete, combine, and overlap with one another to produce an often unstable footing of sovereign power (Blom Hansen and Stepputat 2006). As Giaccaria and Minca (2011:9) argue, the multiplicity of power in such zones makes “life in a camp region ... extremely unstable and mutable”. The result is a terrain rife with many *claims* to sovereign control, resulting in a layered and partial set of apparatuses that at once build on and erode one another.

Projects that seek to make these spaces legible are part and parcel of many “official” attempts to regulate them (Scott 1998). Sensitive spaces are regularly subjected to bureaucratic technologies that are designed to rationalize them as spaces and catalogue their populations through surveying, placing houses or tents on gridded streets, building fences, provisioning residents through ration cards, and other tactics. Following Mitchell one might say that sensitive spaces are zones in which reality and representation are especially and intimately linked (T. Mitchell 2002). Yet, crucially, despite the vast numbers of projects that are regularly deployed in the service of “knowing” such zones, they resist incorporation into logics of official legibility. While maps, surveys, fences, and grids invariably leave their marks upon such zones, they fail to circumscribe and order their populations, police movement into and out of them, or halt illicit activities within them. These spaces at once are structured by and resist interpolation into techno-rationales of state measurements.

In their failure to fit within logics of unified sovereign control and state legibility, sensitive spaces trouble already frayed concepts of citizenship, national sovereignty, territorial integrity and national identity (Brown 2010; Krishna, 1996). Indeed, sensitive spaces show everything that is untenable and unstable about such concepts, constantly undermining ideas of security and belonging. This is why the problem of sensitive spaces (ie their very existence) often takes on more importance than the problems *in* them: they are picked up and incorporated into broader national and geopolitical discourses in ways that simultaneously belie and produce problematic conditions of life for residents. Disputed territories become symbols of porous borders, transborder crime, and terrorist threats. Increasingly, the logics of intervention within such spaces comes to be dominated more by broader anxieties over the problems that they appear to represent than over specific issues or complexities “on-the-ground”.

The notion of a space of exception is predicated on the deployment of the sovereign exception as a category of rule: the production of a space within which absolute power is deployed to radically reduce life to a condition of merely bare life.

Our reframing, however, focuses less on brute sovereignty, and highlights instead the ways *sensitivity* is deployed as a category of rule. Sensitive spaces are both productive and emblematic of a set of anxieties about national survival and geopolitical stability. They are spaces that resist incorporation into unified systems of sovereign rule and legibility within standard bureaucratic practices. Yet, the anxieties that mark these spaces as sensitive also generate projects that, on the one hand, incorporate them into broader debates and, on the other, dictate new logics of intervention within them.

Subjects, Objects, and the Problem of Burdened Agency

Agamben's "exception" is, as he says, a juridico-political order that opens up when the exception to the law becomes the rule (Agamben 1998:166). He is less interested in the historical facts of the camp, or in the ways that concrete people inhabit it, but more in the camp as *nomos*, as the principle animating all of modern life (Agamben 1998:168–169).³ It is no wonder, then, that the subjects he conjures to inhabit the imagined space of the camp-qua-*nomos* are equally abstract. His *homines sacri*, the residents of the space of exception who can be sacrificed but not killed, are not subjects. Extending Arendt's classic formulation of the stateless person as he or she who has lost all qualities except that of being human, Agamben frames bare life as the total erasure of any form of subjectivity (Agamben 2000; Arendt 1973 [1948]). Socially dead, *homines sacri* are not endowed with consciousness, rights, or the capacity for political action. Yet, as humans still possessed of biological activity—"warm, pulsing, and urinating" as Agamben has it (Gaylin quoted in Agamben 1998:164)—they are not objects, either (Agamben 1998:1–5; Fassio and Pandolfi 2010). They are *objects*, beings defined not by their capacities for action, but solely by the evil that has reduced them to such a condition (Badiou 2001:9; Papastergiadis 2006). Biology here trumps biography: the only thing that these victims do is suffer and/or survive to bear witness to the suffering of the dead (Agamben 2002:33). Yet, at the same time, those within this state of exception continue, for Agamben, to be central to the construction of subjectivity for everyone else. The refugee, the stateless person, the figure marked by the ban are thus fundamental to modern conceptions of sovereign power. The violence of bare life that characterizes the condition of people like refugees or border dwellers is "necessarily part of our political situation" (Agamben 2000; Van den Hemel 2008).

For scholars and practitioners who seek to understand the real lives of the real people who inhabit sensitive spaces, mistaking theoretical abstraction for lived experience creates significant problems. Given the ways that bureaucratic humanitarianism transforms people with biographies into standardized "cases", it is easy to mistake theoretical abstraction and stylized bureaucratic representations for lived experience, and therefore conceive of "beneficiaries" as abstract and object bare life (see Zetter 1991). The logic of humanitarian and development intervention superimposes abstract representations onto camps, borderlands and other sensitive spaces, counting inhabitants in terms of a standard number of calories, a standardized need for housing, or a unit of demand for sanitation. There is a clear political benefit to defining residents of these spaces as ideal-typical archetypes of human suffering: by defining the inhabitants of sensitive spaces as what Meyers (2011) calls "pathetic victims",

humanitarians justify aid on the grounds of compassion (Malkki 1996; Redfield 2008). Pathetic victims are blameless for the tragedy that has befallen them and incapable of responding to the insuperable force that damaged them. They are the targets of bureaucratic action rather than as subjects whose choices, representations, or actions might influence the project of sovereignty (eg Feldman 2007; Redfield 2008).

These abstractions pose huge ethical and intellectual problems. First, they set up an ethically untenable hierarchy between the passive sufferer and the active, speaking humanitarian or the scholar capable of defining and denouncing victimization. The only perspective that matters is the “sympathetic and indignant judgment of the spectator of the circumstances” rather than the ideas, strategies and struggles of both parties (Badiou 2001:9). Worse, the bare life paradigm has the unfortunate effect of caricaturing the rich, complicated lives and ways of being of people in complex sensitive spaces, and screening out much of what they actually *do*. As our own ethnographic research has shown, border communities and camps for internally displaced people bear little resemblance to the notion of warehouses or trash dumps for passively suffering people that is so pervasive in the literature (Bauman 2004; Cons 2012a, 2012b; Dunn 2012a, 2012b). In fact, people in sensitive spaces do not merely passively await aid, but instead actively appropriate the world around them in an attempt to meet their needs and to rebuild coherent and meaningful lives under extremely difficult circumstances (see Lefebvre 1991:231).

In our own research, we have seen many examples of the ways people in sensitive spaces strategize and maneuver in order to forge some sort of stable existence. Dunn, for example, has documented internally displaced people risking their lives to recover empty jam jars from bombed-out houses in villages still occupied by military forces so that they could return to the camp and preserve home-grown fruits and vegetables to ensure their own food security (Dunn 2012b). Likewise, she has seen them redirect microcredit loans to finance lavish weddings—and therefore, to create an extended kin network that functions as a form of social insurance. In Cons’ work, he shows how people in militarized boundary zones and refugee camps attempt to continue livelihoods such as farming, trading cattle and crops (legally or otherwise), teaching children, and providing medical care, even when entering the labor market is difficult or prohibited.

The point is, people in sensitive spaces do more than merely seek to survive biologically. They actively seek to recreate what Badiou calls “the normal situation”, or the domain of objects and practices linked together in a relatively stable framework of meaning (see Badiou 2007:515).⁴ Reconstituting the normal situation does not mean that life in the camp or on the border is somehow what it was before conflict or catastrophe (cf Greenberg 2011:89). “Normalcy” here also does not mean that the material conditions or social power of people in sensitive spaces approach those of people outside them (cf Fassin and Pandolfi 2010). It means that however compromised, makeshift, unpleasant or uncomfortable, everyday life has become reasonably stable and predictable, that the things people encounter during the day are familiar and make sense, and that they have a framework in which to strategize and plan for the future (Greenberg 2011:93). Viewed from within such a context, people become subjects because they have the discursive and structural conditions

within which actions can become “practical, moral, and conceivable” (Mahmood 2005). Faced with overlapping forms of sovereignty (coming, say, from the nation-state, the international humanitarian order and an outside military force), people in sensitive spaces do not passively accept being disciplined by sovereign power most of the time, as the bare life paradigm would suggest. Rather, they have a form of *burdened* agency in which they work within the enormous constraints they face—including incarceration in camps and enclaves, material limitations of living in tents or without running water, legal barriers to their full citizenship in the country where they reside, and so on—to creatively reassemble some semblance of a regular existence (Meyers 2011:268).

Stemming from a mixture of choice and coercion, the concept of burdened agency always combines opportunity and constraint. As Meyers (2011:263) puts it, the measures that people take to cope with stringent circumstances are “amalgams of rational choice and ‘no other choice’—instances, as it were, of coerced free agency”. Very often, the choices that present themselves are between bad and worse: for example, in the Georgian case above, the choice between risking being shot while crossing a militarized border and not having enough food to eat. The amount of choice available obviously falls on a spectrum. As Agamben points out, people interned in a concentration camp do not have very much room for maneuver. But displaced people, border dwellers, and other inhabitants of sensitive spaces are rarely as constrained as an inmate at Auschwitz: as miserable as their situations are, they have opportunities to actively strategize for their own welfare rather than simply becoming the passive objects of sovereign power. As such, using the limit case of the “*Muselmann*”—the figure within the concentration camp who, in Agamben’s analysis, is “an indefinite being in whom not only humanity and non-humanity, but also vegetative existence and relation, physiology and ethics, medicine and politics, and life and death continuously pass through each other” (Agamben 2002:48)—to explain those living in refugee camps and borders radically circumscribes our ability to understand not just their capacity, but their propensity, to act.

Our argument here might be seen as a variation of the ethnographer’s *cri de coeur*: “these people are not victims, they are agents!” (Dahl 2009:391). But the more important point is that agency in sensitive spaces is highly structured. Those in camps for internally displaced people or borderlands are forced to navigate among competing projects of rule whose requirements, goals, and modes of power are often opposed or mutually exclusive. The overlapping multitude of sovereignties enables and determines which material objects and symbols are on hand and how they can be appropriated to remake a meaningful existence. The disjunctures between projects can create openings to reappropriate the materials and symbols of one sovereign project to act within the frame of another. For example, while conducting research on the India–Bangladesh border, Cons tracked a project that Indian Border Security Forces (BSF) implemented in border enclaves. To prevent smuggling, the BSF limited the number of cattle that could be taken out of the enclave on a given *haat* (market day). Here is a clear case of sovereignty by fiat—an intervention that is directly recognizable and identifiable from within Agamben’s framework. But rather than capitulating, the local Union Council leader, or mayor of the enclave, who was the person most often accused of cattle smuggling himself, used this initiative to consolidate his own power. Taking advantage of his

political position—which was not defined by the border security forces, but by the locality—he became the person who decided who, exactly, could or could not take cattle out of the enclave to market on any given day. As this brief case suggests, people in sensitive spaces are “worked in” to patterns and projects of rule. But at the same time, they “work around” projects of implementing sovereign control.

As Tsing (1993:72) suggests, local leaders who are “ambitious enough to tell the government they represent the community and their neighbors that they represent the state” are particularly well situated to derive power and influence from successfully negotiating multiple interests, sovereigns, and opportunities. Yet, non-elites, too, are intimately aware of phenomena such as porous spots in border walls, the jurisdictional lacunae of aid regimes, and officials willing, often for a price, to turn a blind eye to transgressions of various sorts (Sur 2013). This highly local knowledge constitutes the terrain upon which the residents of sensitive spaces make compromised choices about how and in what capacity to engage with projects of rule. Because the overlaps and dissonances between competing modes of sovereignty or projects of rule create navigable channels for those living in sensitive spaces, complexity does more than yield absolute submission. Its very layered nature allows for a range of forms of resistance, response, voluntary, and partial compliance and outright evasion.

The strategies people in sensitive spaces devise are necessarily transgressive. Sometimes acting within the constraints of burdened agency is transgressive because it entails criminality. Prostitution, drug trafficking, smuggling, theft, and other forms of petty crime are strategic responses to the insufficiency of life in camps and border zones that provide employment, income, and the ability to govern one's own life, at least to some degree. But simply violating bureaucratic rules or “gaming” systems in non-criminal ways is also transgressive. Sometimes these workarounds are themselves life-threatening: for example, Ticktin (2006) describes how illegal migrants deliberately infect themselves with HIV in order to qualify for the French government's humanitarian exception to immigration law and gain legal residence. Koch (2008) shows how prisoners surreptitiously infect themselves with tuberculosis in order to gain access to the better conditions provided by the International Committee of the Red Cross to patients undergoing TB therapy. Sur (2013) shows how cross-border migrants navigate violent border zones by purchasing legitimate passage through borders with labor bondage. As social anomalies whose compromised political status grants them no well defined position in the legal order, people in sensitive spaces often find that they gain rights and status under the law and protection from arbitrary rule only by violating laws and circumventing regulations (Arendt 1973 [1948]). Those rights and protections, though, often come at terrible cost.

But what makes the actions of people in sensitive spaces transgressive is not that it is criminal, but simply that the *bricolage* inherent in remaking the normal situation necessarily steps outside the models and abstractions of a particular sovereign project (Scott 1998). Creatively reappropriating the goods and symbols of a sovereign project with resources from outside that project allows people in sensitive spaces to pursue goals not mandated by sovereign power but necessary for reconstructing daily life. Selling macaroni given out by the World Food Program on the black market or feeding it to piglets, as the Georgian internally displaced

people in Dunn's research site did, or repositioning border pillars to reinforce local land claims as one of Cons' informants described, are everyday ways of making ends meet that nonetheless transgress the boundaries of the projects those materials were intended for. Sneaking across militarized borders to visit family members or to trade in livestock, diverting payments meant to buy food to pay back loans from family members, or swiping donated equipment are all ways of adapting reductionist projects to the demands of the complex real world people in sensitive spaces must navigate. In spaces governed by abstract models of humans and their behavior, these transgressions are necessary parts of daily life. The concept of burdened agency thus allows for a view of the subject that is much more morally complex than the notions of bare life.

The slew of transgressions that people in sensitive spaces are forced to commit are critical factors in making these spaces sensitive and in producing continuous anxiety for those attempting to govern there. The sheer volume of transgression constantly eludes and undermines control. At borders, populations are often seen by government officials and international development agencies as smugglers, as actual or potential traffickers in contraband and drugs, and as suspicious populations, ripe with potential terrorists or insurgents. Refugees and internally displaced people, too, are often conceived of in terms of potential disruptions to the social order: as Dunn found out in interviews with UN officials; those enacting sovereign power worry that poverty might drive the displaced to deal in narcotics or to prostitute themselves or their children in order to survive. Likewise, residents of nearby towns and cities echo these views of displaced people as disruptive, and stigmatize them as potential thieves or cheats in the marketplace. Part of what makes sensitive spaces sensitive is that there are always figures poised to threaten the project of rule in these zones; people who refuse to become bare life, who in order to make comprehensible lives for themselves begin speaking and acting in ways that make the space extremely difficult to govern (Rancière 2004). When the primary goal of these transgressions and refusals to fit within the scope of implemented projects is to remake a normal situation rather than to block sovereign power, they do not necessarily constitute outright political resistance (Jones 2013). Nonetheless, they challenge the ability of sovereigns to rule, and collectively make sovereignty itself erratic, spatially patchy, and constantly subject to outcomes neither predicted nor intended (Dunn 2008).

Aleatory Sovereignty

In the coda to her brilliant history of imperial sovereignty, Benton (2010) argues that when Agamben's fallacies about space and subjectivity are dismantled—as we have also done here—his notion of sovereignty collapses, too. Benton argues that historically, sovereignty has not been accomplished through the exercise of power by a single authority over a bounded, mappable territory, but instead has developed “in twists and turns, with authority and its contours of control distributed unevenly across space and time” (Benton 2010:287). Indeed, as she suggestively demonstrates, the uneven, non-contiguous, and multiple nature of sovereignty was part and parcel of the way that contemporary sovereignty has been worked out, established, and codified over a 500-year period of European empire building.

Benton's historical argument echoes in the present, particularly loudly in sensitive spaces. But although Benton explains the origins of contemporary sovereignty's erratic ways, she does not explain *why* competing sovereignties move in such irregular patterns in these zones. What are the processes that make sovereignties spatially and temporally uneven? We argue that as people in sensitive spaces are forced to navigate among multiple forms of power, and as they are constantly forced to transgress the bounds of projects, they erode specific sovereign projects—the techniques of sovereign power—and the *claims* to sovereign authority that they mark. The erosion of these claims through constant transgression provokes anxiety in those who seek to govern, specifically because it highlights the tenuousness of their claims to territorial and other forms of sovereign control. This, in turn, leads to new waves of projects meant to shore up power and governance—new and urgent claims that respond to anxieties about the waning of sovereign power and the loss of control it implies (Brown 2010; Sassen 1996). We suggest that this process constitutes an often-vicious cycle that is best described as *aleatory sovereignty*—literally rule by chance—or the constant making and remaking of shifting landscapes of unpredictable power with which both the governed and the governing must contend.

Our pairing of the terms “aleatory” and “sovereignty” is deliberate and not meant as a synonym for concepts such as contingent (Elden 2006) or empirical sovereignty (Barnett 2010). Rather, we specifically wish to highlight *both* the fact that power is conjunctural in spaces such as borders and camps, and the fact that the conjuncture of multiple forms of power often results in outcomes that are unpredictable and appear to happen by chance. In sensitive space, we argue, there are so many interwoven projects, logics, goals, and anxieties of rule operating at once that it is impossible for any one person to understand and account for them at any given moment. While it is sometimes possible to reconstruct each of the elements in a given situation with the benefit of historical perspective, any one actor embedded in sensitive space is incapable of seeing all the moving parts in real time or completely foreseeing the ways they will intersect. For this reason, sovereignty, particularly sovereignty in sensitive space, appears not just contingent (which implies that if only all the historically or contextually specific factors are known, the outcome can be explained) but *aleatory* and often inexplicable from the perspective of individual actors, who cannot know everything about how and why the other people in sensitive space act.

Decisions about how to act in sensitive space are thus most often based on what economists call “satisficing”, or calculated gambles based on imperfect knowledge. Such decision-making is not, *prima facie*, radically different than the ways that decisions are made in many contexts. Indeed, the concept of satisficing was developed to explain the decision-making process of business managers and has often been applied to politicians. But the fact that people in sensitive spaces have imperfect knowledge has four implications for the kind of sovereignty produced there. First, in spaces that are so densely overwrought with projects of rule, such decision-making often has the effect of producing new intricacies, complications, and anxieties that make subsequent decisions even more fraught. Second, the resulting increase in complexity dramatically increases the likelihood of unintended consequences, since the ways that different projects and forms of power interact appears to be unpredictable and shaped by chance. Third, the necessity of satisficing and guessing means that people in sensitive

spaces often have to step outside the clearly demarcated boundaries of projects and act in informal and unsanctioned ways, not only if they are resisting those projects, but also if they are trying to uphold the projects and achieve their intended goals. Unsanctioned action, whether in the form of resistance or workarounds, is corrosive to carefully laid plans to establish power within or over such zones since they introduce action beyond sovereign control. Fourth, informal action in turn produces great insecurity both for those who govern and those with burdened agency, and so spurs the launch of new projects to establish more control and security, making aleatory sovereignty inherently cyclical. This is not to say that projects of control cannot be implemented within sensitive spaces—they often are. Nor is it to suggest that certain individuals do not exploit the confused terrain that emerges within sensitive space to their often-significant advantage—they do. Rather, aleatory sovereignty describes an ever-shifting set of attempts and failures to assert control, a view of sovereignty not based on the theoretical ideal of a single founding moment, but rather one based on the instability of practice.

The easiest way to understand these four aspects of aleatory sovereignty is to look at the failure of sovereign projects, a phenomenon so common and well documented that the only surprise is why failure seems to come each time as an unexpected shock. States often fail to remake the social order, transform economies, or care for their populations (Barnett 2010; Scott 1998), new strategies of securing borders systematically fail to prevent cross-border movement (Brown 2010; Jones 2012), development projects often fail to alleviate poverty (Mosse 2004), and humanitarian aid often prolongs suffering (Terry 2002). Yet, rather than questioning the attempt to build sovereignty at all, the failure of particular sovereign projects most often leads to condemnations of particular policies, the blaming of their target populations for failing to adhere to their mandates, and the development of new strategies to more carefully and strategically track, regulate, and manage target groups (Cons and Paprocki 2010). For each new intervention—whether it is community policing, or building border walls, or strengthening social capital—there is a resulting wave of failure and critique. Yet, these criticisms, whether governmental, popular, or academic, often miss the fundamental reasons that projects to establish sovereignty in sensitive spaces are so often eroded: that the very fact that there are multiple forms and projects of power means that people in sensitive spaces must very often navigate among them, and that they are so often compelled to transgress the boundaries and rules of such projects as they do. At the outset, transgressions and evasions can be overlooked, papered over, and hotly denied. Yet, over time, the barrage of small transgressions reveals the sovereign project as leaky, weak, and flawed. The attempt to establish a particular form of power is shown to be eroded, partial, and in the end, a compromise at best and outright failure at worst.

In any sensitive space, projects in various states of erosion collide with one another and with more localized claims to sovereign rule, as well as with people seeking to evade and resist such forms of rule. This leaves an ever-shifting uneven terrain in which such projects must develop not in isolation, but in constant relation to one another, with the authors of one project only partially aware of the forces on the ground that are transforming and mutating the others. In all sensitive spaces, governing agencies engage in what Dunn (2012a) has called “ad hococracy”, or rule by improvisation, rather than a clear plan to establish sovereignty. The people who

are being governed must navigate among multiple forms of power that change objectives and modes of rule rapidly as the situation evolves. This constitutes a great deal of anxiety on both the part of the powerful and the powerless, who must constantly respond to one another's actions in improvised, partial and satisficing ways that further erode the project of establishing sovereignty. Assertions of sovereign power are thus doomed to regular failure, not because their overtly benign goals are mere covers for the implementation of more nefarious forms of rule (cf Ferguson 1994), but because transgression and erosion are integral parts of the cycle of power.

The erosion of sovereign projects often has the curious effect of confirming stereotypes of people in sensitive spaces as either hapless or unruly, painting them as either patently unable to conform to the projects that have been formulated for their own (and others') good or as dangerous and criminal. When border residents have to smuggle in order to gain access to markets and to earn the money to survive, they are transformed from the pitiful objects of aid to criminals; when displaced people resell donated macaroni in order to buy medicine they become black marketeers; when poor women sell their sexual services because they have no other form of labor that will earn money, they become prostitutes. As such, the residents of sensitive space constantly teeter on the brink of being, in Meyers' sense, helpless victims worthy of pity and succor and those who are both the authors of their own tragedy and threats to the legitimacy of sovereign power. The strategies that people in sensitive spaces devise to work around and between sovereign projects often feed on and appear to reinforce the very anxieties about rule, nation, and state that make such zones sensitive to begin with. As such, paradoxically, the very impossibility of compliance with projects of rule reinforce the need for new and equally impossible forms of intervention.

Once transgressions are identified and made into a danger to fear and prevent, the next round of sovereign projects begins. For example, when Georgian internally displaced people circumvented Russian border guards posted on the roads to South Ossetia by sneaking back to their villages through orchards and gardens, the Russian Federal Security Bureau began patrolling the area with dogs, and when border security forces identified particular spots along the India–Bangladesh border where cattle and livestock smuggling was rampant, they invented new regulatory and quota-based systems to better monitor and limit cattle movement. These next waves of sovereignty, of course, are undermined and weakened in their turn, calling for yet another wave of projects based on the newest fashionable concept. The character of sovereign power in sensitive spaces, as such, is always compromised, cyclical, shifting in response to challenges, and in dialogue with both the realities of life “on-the-ground” and the imaginations of that life across geopolitical scales.

The unpredictable nature of aleatory sovereignty should not lead us to conclude that it cannot be theorized. While the historical specificities that structure the dynamics of sensitivity and sovereignty reveal these spaces as highly contingent, the recurring patterns of project-based intervention, and their subsequent breakdowns, are eminently predictable. The cycles of sovereign intervention in such spaces, the specific strategies that link such zones to broader narratives and fears, and the patterns of overlap within such spaces all suggest that though aleatory sovereignty might not yield immediately recognizable sets of sovereign

decisions, it does operate within a set of logics that are critical to map. This, then, is the work of analysis: to trace the interactions of these modes of power, the projects they engender, and the ways they are eroded and rebuilt. Such a project is critical in moving from the abstractions of juridical philosophy and towards the space of lived practice.

Articulating aleatory sovereignty is, as we have shown, an eminently and urgently comparative task that requires strategically disentangling the *claims* of sovereign power from the *techniques* and *projects* that seek to actualize those claims. Agamben's analysis leaves little space to understand the gaps between sovereign conceptions of power and their concrete enactments. Yet, it is this gap in which the lived realities of sensitive space are forged. These gaps are crucial not just to the lives of those within sensitive space, but also to the broader geopolitics of rule. The breakdown of sovereign projects in sensitive space poses grave threats not just to the management of these problematic zones, but often to the legitimacy and survival of the governments and institutions enacting such projects. These dynamics cannot be easily understood from the standpoint of a theory that imagines an abstract notion of sovereignty that is applied to greater or lesser effect from place to place.

From this vantage point, the project of unpacking the links between various different kinds of sensitive spaces and the struggles over control within them must be a central preoccupation for scholars interested in new workings of state, humanitarian, insurgent, and other forms of power. Aleatory sovereignty thus implies developing understandings of *both* sovereign interventions and the specific ways in which broad plans to order sensitive space are unevenly unraveled by those who struggle to reconstitute and make meaningful lives within them. Such an intervention is urgent and timely not because of the current academic fascination with sovereignty but because it provides a firmer footing from which to both understand projects of rule and challenges to them.

Conclusion

Our aim in outlining a theory of aleatory sovereignty has been twofold. First, like others, we are centrally concerned with the limits that an Agambenian understanding of sovereignty places on a range of possibilities for understanding life in zones such as borders and camps. As we have argued here, reframing such spaces as sensitive and reimagining their residents as burdened subjects rather than objects enables an understanding of a sovereignty that better reflects the reality of life in sensitive spaces, even ones in which daily existence appears to be overdetermined by state or other forms of sovereign power. Moving towards aleatory sovereignty entails surrendering analytic certainty of the outcomes of sovereign projects. Rather, what we are left with is an understanding of sovereignty as cycle of rule in which sovereign projects are constantly, and by definition, being eroded and reformulated by those they seek to regulate.

If our first goal is a critical reformulation, our second is constructive and imaginative. The great promise, in our view, of the frameworks of sovereignty and bare life outlined by Agamben is that it presented a framework for understanding sovereign power in both its concrete and abstract manifestations. By doing so, it presented a *de facto*

comparative structure for understanding the workings of power in a range of marginal spaces. Agamben's intervention helped scholars articulate what made margins at once "unique" and similar. It is in this spirit that we offer our explanation of aleatory sovereignty. We suggest that spaces such as borders and camps should be understood both in relation to the broader societies they frame and to each other. Indeed, we would suggest that in a moment when sensitive spaces appear to be more and more central to conceptions of political practice everywhere, the project of mapping sovereign power within and across sensitive spaces is particularly urgent.

What might a mapping of such spaces entail? As we have argued here, the very notions of sensitive space and aleatory sovereignty suggest the centrality of contingency, context, and ethnographic engagement to any such project of analysis. As Humphrey argues, "When sovereignty is identified within a particular configuration [of life], then sovereignty itself, which has to consist of practices, may be rethought not simply as a set of political capacities but as a formation in society that engages with ways of life that have temporality and their own characteristic aesthetics" (Humphrey 2004:421). To the end of understanding such formations, we argue for a refocusing of attention not on absolute juridical claims but in the ways in which *all* actors in, and in relation to, sensitive space act based on partial knowledges, assumptions, best guesses, imaginations, and anxieties about what others are doing. In such a context, the outcomes of sovereign projects of rule are unpredictable *precisely* because sovereigns cannot predict the ways that subjects respond to such projects and to the patchy terrain of rule in which such projects are situated. Aleatory sovereignty thus emerges as a fundamentally iterative set of interventions in which each subsequent project attempts to manage the risks and uncertainty that emerge out of the breakdowns of what came before.

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Endnotes

- ¹ While the sovereign decision is key for Agamben, Schmitt's notion of sovereignty is more complex than the notion of "exception". For extended discussions of Schmitt's theories of sovereignty, see essays in Brown (2010), Legg (2011) query, and Norris (2011).
- ² Our argument here is not meant to signal that Agamben has become the only or even the dominant way of viewing borders in camps. Indeed, many authors who reject Agamben's arguments in whole or in part have written about such spaces from different vantage points (Loizos 2008; Van Schendel 2005; Zedder and Boano 2009). Our point, here, is just to show how and why Agamben's argument appears to offer so much explanatory power in such spaces.
- ³ Our assertion that Agamben is more interested in the camp as abstraction than historical reality holds even in reading *Remnants of Auschwitz*, which purports to deal with concrete experiences of the concentration camp. In his preface to the book, Agamben writes that his aim is to understand the "contemporary relevance" of

Auschwitz, not to “enumerate and describe” what he deems to be the already sufficiently researched historical details (Agamben 2002:11–12).

- ⁴ The difficulty of reconstructing a normal situation in the wake of conflict is brilliantly and movingly illustrated in Ismet Prcic's semi-autobiographical novel *Shards* (2011).

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