

IATROCAPITALISM! BARE LABOUR! UNLIMITED LIABILITY!

*The self-evident spat out in occasional undocumented case studies*

**Object 'A'  
Matters and Memory**

'Children's trusts to champion safety of youngsters at risk' (Financial Times, 9/9/03)

New government green paper, 'Every Child Matters', promises "the most far-reaching reform of child services for 30 years" (T.Blair).

The proposals are presented as a 'response' to the inquiry into the social services' failure to prevent the death of eight year-old Victoria Climbié. (Once again, the shock effect of an exceptional catastrophe infects the most commonplace administration of social life). The most impressive aspects seem to be:

(1.) that every child will be given a personal number at birth, to which a sort of risk-profile will gradually be attached. The number will follow the child throughout childhood and adolescence. No mention is made (at least not anywhere in the media) of what happens to the number after that (or when 'after' might be). The policy-makers don't appear to be bothering to pretend that the information would be destroyed or detached from the newly responsible adult's institutional profile at a particular point; rather, while 'debate' about ID cards continues feebly to rage, it doesn't seem to have occurred to anyone to ask the question.

(2.) that 'Tragedy' will be prevented in future (never mind for now that a Tragic end traditionally results precisely from a heroic attempt to STOP fate taking its course) by the 'sweeping away of legal, technical and cultural barriers'(cultural change through legislation?!) to 'information sharing' between the various agencies with a stake in the nascent citizen, eg. doctors, counsellors, teachers, social workers, police and other criminal justice professionals. The child is simultaneously 'at risk' of physical and mental illness, of abuse at home or by strangers, of academic underachievement, of schoolyard bullying, and of becoming a truant, an ASBO\*, a criminal etc; therefore protection against all these things will be provided by 'integrated [i.e. cross-agency] teams... based in and around schools and children's centres'. Around the nexus of risk, then, medical, psychological, educational and police forms of observation converge. Practical consequences of this interdisciplinary approach could be, first, that low-level police or quasi-police action, not being categorically distinct from that of teachers, nurses etc, would be insinuated casually and pervasively into the general fabric of 'protection', appearing as 'common sense', almost as technical intervention, without the stigma of formal judicial procedure. Second, all the other elements of the risk/personality profile would potentially be available for police hermeneutics: data sharing implicitly establishes the premise that, for instance, a child's psychological or educational attributes have

some bearing on his or her criminal status, and vice versa.

Just how efficiently this kind of provisional, technical mechanism might outflank the formal justice system is spelled out admirably by the apologist quoted in the article as promising that the new framework provides the exciting opportunity for 'services' to intervene BEFORE action is required according to the usual fixed criteria.

\*NB: ASBO = Anti-Social Behaviour Order

**Object 'B'  
'Not even as substance, only as subject'**

(same newspaper, same day as the above!): 'New vaccines to help fight addiction'.

Interpreted literally, this headline seems to promise a new kind of immunization that would make it possible to ingest physically addictive substances without the risk of physical dependency, or more precisely of physical withdrawal on stopping. But of course, it's the very opposite. The 'researchers' are anxious to point out that the product isn't intended to be any immediate use to actual addicts, and (curious as this may sound for a so-called vaccine), certainly not to anyone who hasn't become addicted yet. No, it's for those who have been addicted in the past and have already gone through withdrawal to 'help keep them from relapsing'. As you might have guessed by now, it doesn't 'fight addiction' at all, if addiction to a substance means depending on it physically. Rather, it blocks the body's pleasure-response to a particular molecule, so that the *substance* is still 'addictive', but the *subject* loses the desire to indulge in 'at-risk behaviour'. The potential utility for the 'good behaviour contracts' model of toughness on the causes of crime hardly need stating, and the FT didn't bother in its report. A more interesting omission is any clear statement as to whether each vaccination is really only effective against one particular substance, and if so, how. The examples used throughout the report are nicotine and cocaine, but it's not suggested that these are the only drugs the vaccine 'helps' against. Does a team of ultra-Platonic scientists imagine that we're born with a built-in set of brand-sensitive receptors, a unique one for every drug ever discovered or still to be synthesised, and that the 'vaccine' has only to seek these out and destroy them? Otherwise, it's hard not to conclude that the researchers are proposing a sort of pre-emptive strike against a large and nebulously-defined area of neural activity in the name of eliminating a risk supposed to be concealed somewhere inside it.

**Object 'C'  
'Jacobins and Freemasons'\***

Agamben's 'biopolitical death machine' – the permanent state of exception that locates sovereign decision over life and death in 'technical' administration of bodies – is developed most audaciously not at

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Guantanamo Bay but in the everyday machinery of 'health'. Recent SPK literature rightly insists anew on the co-dependency of the structure of exception and that of medicine; the argument is also beautifully expounded in Lars von Trier's *The Kingdom*, whatever the director intended. The plot summary speaks for itself. Almost all the male doctors in the eponymous big haunted Copenhagen hospital are solemnly-initiated members of a masonic-type Lodge (whose name the *Digest* forgets). Slate-faced Dr. Bondo is a professor of pathology, with a particular research interest in hepatosarcoma of the liver. After waiting for years to work on a suitably destroyed liver, he finally finds a patient who's dying from one, but the comatose patient's family won't consent to dissection. Bondo begs the Brothers of the Lodge for help; a shit-stirring Swedish consultant suggests that the problem could be solved by *transplanting* the liver into the body of a signed-up organ donor. After almost a whole episode of taciturn brooding, Bondo decides that there's only one ethical way to do this. At the next Lodge meeting he begs special leave to interrupt the bacchanal to address his Brother surgeons on a matter of exceptional urgency: will they come to his aid by transplanting the hepatosarcomatic liver from the now brain-dead patient into *Bondo himself*? If the liver subsists in his body for 10 minutes it will legally and ethically be his own; after that he can have his native liver transplanted back into him, and the hepatosarcoma will be fully at his experimental disposal. The drunken Specialists, of course, are more than happy to oblige. The one who naively objects that this would 'compromise their Oath' is curtly reminded that allegiance to the Brotherhood overrides all oaths. The operation can take place immediately: the rule-overriding obligations of the Brotherhood will remain in force, as an *Extraordinary Lodge* is instituted in the one conveniently unoccupied operating theatre: the *Civil Emergency Room*.

\*NB: 'Jacobins and Freemasons': Living transversality among EU functionaries, as denounced by Umberto Bossi, the Italian Minister of Reforms.

>>>>yet more of the same soon>>>>

Inside: farce repeats itself as history

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containing the second part of the spat-out self-evident

(*you're never safe, nohow*)

**Object 'A'.**

**Action, time and vision**

(BBC radio report, some time in August): Managers of a hospital somewhere in England (?) are informed by the relevant authority (??) that they face personal criminal prosecution if they fail to implement an 'Action Plan' against 'workplace stress' within a given time. A better example of how 'stress' works as diagnostic concept and administrative tool could hardly be imagined, for it transpires as the report goes on that in the context of this hospital the phrase 'workplace stress' refers directly to *length of working hours*. To the *Digest's* tiny mind, 'stress' always looks like a device to medicalize heterogeneous material conflicts or problems. Or, if you like, to displace attention from specific, multiple, diachronic etc causes of personal misery to the homogeneous, synchronic totality of their effect as symptom on the *individual* sufferer. So that, of course, the remedial action prescribed is always adjustment of the individual, in whom the 'stress' is located, to the conditions. The hospital example spells out what this means in practice in giant phosphorescent letters: *the entire question of 'working hours' – the politics and 'economics' of labour time – is subsumed under the medical-technical, individualizing logic of 'stress.'* Presumably, once a sensitive enough Action Plan to deal with stress-effects is in place (and after all, its perfection need only be relative; it's in a lot of parties' interests if it perpetually needs to be updated), then the problem of labour time can be treated as resolved permanently, or at least relegated to the status of a technical matter.

The theme was picked up again a couple of days later in a short *Financial Times* story (18/8/03) on a survey by Read Training, purportedly showing that more men (than in an undefined past) are 'accepting the need for stress-management training'. Apparently men, more so than women, used to be ashamed about accepting instruction in how to manage the stress-symptom, but now they no longer feel that accepting training means relinquishing responsibility and therefore is a 'sign of weakness'. Understandably given the different light in which it would cast men's newfound openness, it's not even contemplated that stress-management training might be disdained not because it entails giving up manly responsibility, but because it makes the trainees responsible for adapting endlessly to whatever besets them...

**Object 'B'.**

***This is what democracy looks like (and pension reform think tanks would be pleased too)***

Rome daily *Il Messagero* (8/10) tells a story – with a happy ending, it's immediately emphasised – about an 'unusual caller' on a radio talk show. A young, distressed female caller, pleading with the host to help her: 'I found out a week ago that I'm pregnant, and I want to have an abortion but my parents don't want me to. What should I do?' In the next few hours, over 200 calls come in, almost every single one of them beseeching her not to abort. Arguing from beatific example: 'I had my first baby when I was 17, now I have 11 children and I'm as happy as can be.' Or laying more sophisticated ethical snares: 'Think of all those poor couples who try so hard to have children and can't! You *must* keep the baby!' Not long afterwards, the caller calls back to bear witness to the reality of empathetic legislation: 'Thank you all so much, my mind's made up now. If it's a boy I'll call him Davide, if it's a girl, Martina.'

**Object 'C'.**

***...von Krankheit eine Arme, c. 1834***

(From Roy Porter, *London, A Social History* p.315.)  
'A rationalist administrator, Edwin Chadwick [N.B. Victorian Benthamite commissioner for London workhouses and sewers] expected to cure pauperism through the 'less eligibility' philosophy of the workhouse system, a self-operating mechanism for eliminating pauperism: the workhouse being intended as nastier than work. Yet destitution did not diminish. Why then was his pet workhouse system not working? Chadwick blamed disease. By preventing labour, sickness caused penury. The struggle against disease therefore fell, he argued, within the scope of government.'

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The physician says I have "Nervous Prostration". Possibly I have – I do not know the Names of Sickness.

– Emily Dickinson

**Object 'a'**

The US litigation sector has taken time over its inevitable massive mobilization post-9/11. Only now are the outlines of the ingenious legal strategy incubated over the last two years beginning to emerge. Lawyers hired by victims' families and other 'materially damaged' parties are suing airport security agencies, airlines, the Port Authority of New York and New Jersey and the owners of the World Trade Center for 'negligence in the prevention of terrorism.' To an extent that seems exceptional today but is easy to imagine as a near-future norm, their case lays bare the 'effective fiction' of Law's application to anomie life by appealing to it directly. New York district court judge Alvin Hellerstein had little choice but to throw out American and United Airlines' objections, allowing the case to go ahead, because the plaintiffs are invoking, and thus putting to the test the mechanism that ultimately founds Law's capture of life in every case: the 'sovereign', retrospective decision to 'apply' Law to unlegislated anomie.

The terms of Hellerstein's ruling lay out this logic of unlimited liability with breathtaking candour. The airlines admitted responsibility for the fate of the passengers on the planes, but they argued that they couldn't be held accountable for the effects of the towers' collapse, 'because the consequences of the attacks were unpredictable'. The Judge was bound to disagree: the airlines are answerable for *all* the deaths and other 'damage' that day, *because from the moment the terrorists boarded the aeroplane everything was possible*. In other words, the legal principle of probability, of 'reasonably' intelligible cause and effect, was instantly suspended when the 'terrorists' appeared. By their very presence they created a sort of subaltern 'state of exception', within which all laws were in force but none could be applied. This didn't mean the cancellation of legal responsibility, although the latter is articulated precisely in terms of the idealized common sense of cause and effect. On the contrary, the impossibility of delimiting responsibility for *particular* effects meant that *all parties could be limitlessly accountable for everything that happened*.

Neither the space nor the patience is available here to go into why it might be convenient right now for the Empathetic Security State<sup>1</sup> to have this principle, *on which the application of all Law always implicitly depends*, brought a little further out into the open in a high-profile, emotion-saturated test case. It's at least a 'sign of the times' that this happens at a moment when 'security and public health risks' tend to be presented in terms of virtually permanent invisible menace, perpetually threatening to detach cause

from comprehensible effect, to paralyse society and individuals with ever-exceptional undecideability.

A less banal chain of consequences, however, might follow from a legal precedent unobtrusively established by the ruling, almost as a by-product of the main vindication of Law's biopolitical basis in unlimited liability. According to the court, the hijacked aeroplanes (and, by extension, all the territory attacked using them, and, by extension, all the world in which another such attack remains possible...) were transformed into something like zones of exception, in which 'anything was possible', with all application of Law suspended even as all laws remained in force. (Enforcement of the 'suspended' laws, of course, is merely deferred, until the future moment of their unlimited retrospective application to everything 'within' the episode of causal undecideability.) Accounting for the events in these terms, however, entails determining the hijackers' legal position in relation to them, even if only implicitly. In traditional legal theory, the power to initiate and end the state of exception is exclusive to the sovereign; in fact the essential quality of sovereignty consists in this prerogative. Judge Hellerstein departs dramatically from this tradition, for, geopolitical conspiracy theories aside, no constituted sovereign power can be said to have 'declared' the airborne exception. 'Everything was possible' *from the moment the terrorists boarded the aeroplane*: the exceptional circumstance is unequivocally attributed to their action. Their embarkation was the last causally intelligible act before the suspension of legal causality, and the interlude ended with their final 'decision' on the flying bombs' delivery. Whatever Hellerstein intended, the ruling marks a breakthrough in materialist jurisprudence: sovereign power is fully secularized, detached from all residue of divine right or moral content, even from the need for a fixed relation to a given sovereign body. In bestowing it on a few lightly-armed civilian 'irregulars', the Judge acknowledged sovereignty to be assumed, contested and transferred, bought, sold and usurped, according to the prosaic contingencies of material power. Never before have such plainly subaltern subjects been endowed *in Law* with the regal privilege of concentrating the 'decision over death' in their own miserably exposed bodies, interrupting the legal order and in doing so renewing its 'exceptional' basis in the lethal management of life.

**Object 'a'.1**

Some national justice systems have advanced further than others in updating the idea of a crime from that of a *event* occurring at a particular time and place to that of a *pure potentiality of the criminal body*, as much an essential personal attribute before as after it first manifests itself in whatever transgressive act. The UK leads the world in this kind of research, with particular success in the pre-emptive enclosure of potential or latent criminals. Nonetheless, although the British biopoliceworks on the cutting edge, a few lessons remain to be learned from overseas.

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Late in 2003 the Inner London Crown Court convicted Mohammed Dica, described without fail by newspapers as 'an asylum seeker', of *biological grievous bodily harm*, for infecting two lovers 'with HIV, which causes Aids'. The verdict was 'greeted with tears, applause and shouts of "yes"'. Around the same time, however, a Federal court in Switzerland showed just how far Law can really go towards annexing the indeterminate in cases of this kind. According to *Corriere del Ticino*, a Zurich 'drug addict' was imprisoned 15 months ago for 'Aids contamination'. Except that no virus except fear was actually transmitted: he only *believed* he'd infected his partner, and this belief was the basis for the original conviction. When he tested HIV-negative, the erstwhile pathogen appealed against his sentence, but he lost his appeal and has to stay in jail. The court ruled that, *even though it wasn't what he was initially convicted for*, having had sexual relations with his partner made him guilty of an *impossible crime* under article 23 of the Swiss penal code.

## Object 'a'.2

*The Bio-Power Digest* is pleased to announce the winner of its PERSON OF THE YEAR award for 2004, some 11 months before other journals do likewise. By universal acclamation, the title of *Bio-Power Digest* PERSON OF THE YEAR, 2004, goes to THE WHITE COLLAR PSYCHOPATH, a forger of new weapons from old illness.

University of British Columbia psychology professor Robert Hare says psychopaths 'are motivated by three things: thrill-seeking, game-playing and hurting people'. They are also 'skilled connmen and manipulators. Even professional psychologists can easily be misled by them'. (*Financial Times* 13/1/04) The real achievement of the psychopathic agents in the business community doesn't lie in the kinds of low level havoc wreaked individually on immediate working environments – lost productivity, spiralling 'stress'<sup>2</sup>, poisoned 'leadership', enervation of 'team spirit', common theft, etc. More impressive than any of these is the way the psychopathic insurgency's innumerable cells combine to sabotage the language and manners of professionalism, infecting the circulation of relative trust, the 'immaterial' social collaboration that business runs on, with a ghastly undecideability.

Of course, this entropy-bomb could not have been detonated in the 'workplace' without the help of a new hybrid of clinical psychology and classical Human Resources doctrine, indirectly called into being by the psychopaths themselves. Over the last few years managers had come to notice how often pathological impulses and immaculate 'self-presentation skills' coincided in the same workers. Eventually concern became frantic enough to merit a fresh round of iatro-consultancy. The likes of Prof. Hare and his clinical colleague Paul Barbiak were quick to upgrade 'coincidence' to the status of *causal relation*: what if the psychopaths came across like perfect employees not in spite of their pathology but *because of it*?

Working on this hypothesis, they used a test devised by Hare to distinguish psychopathic criminals from healthy ones, adapting it to suit executive clients. The scientists tested a subject by asking *his or her colleagues* 'to answer Yes, No or Maybe to questions about his or her behaviour.' The questions were about: 'creating a power network used for personal gain; lying to co-workers; coming across as smooth, polished and charming; and using a lot of management jargon to impress people.'

With this kind of 'awareness', the definition of the potentially 'psychopathic' is dilated enough to embrace the most sophisticated expressions of 'social intelligence' as comfortably as petty office dishonesty. For a business, even to monitor the phenomenon – never mind the results – means admitting the apocalyptic idea that any manifestation in a worker's behaviour of socially and industrially desirable subjective qualities might in fact be manifesting nothing more than the worker's expertise in disguising a total lack of these attributes. Professor Hare suggests that about an hour's close observation by a team of inquisitors from across the corporate hierarchy should be enough to bring out giveaway traits like 'punctuating conversation with unnecessary hand gestures' in a white collar psychopath. These are utopian mathematics, projecting a future in which paroxysms of surveillance would devour all work-time, leaving 'productive capacity' gutted by the cost of monitoring capital's psychopathic substratum.

## Notes

1. viz. *The Bio-Power Digest*, as yet-unwritten editions. For now it should suffice to note that this state-form might take as its motto a British youth fashion label's disconcerting promise to its client-base: *We Are You*. See also: N. Rousseau, *A Turkey Votes for Christmas* <http://www.spacehijackers.co.uk/html/projects/zapa/naomir.html>
2. viz. *The Bio-Power Digest*, edition 2.