EXPLORING BERNAR KOUCHNER’S “MEDIA FIT AND BRUTAL CONCEPT OF INGÉRENCE”

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Arbejdspapir 2003/03
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An Essay on Semantic and Distributional Aspects of the 1990s Public Debate on Humanitarian Interventions in France
Abstract

The 1990’s public debate on interventionism in France was characterized by widespread usage of several concepts of which the most important employed the ambiguous meaning of “ingérence”, or interference. The paradoxical meaning of a “right to interference” was pitched in the media by a couple of quasi-political actors loosely connected to second-generation, activist, humanitarian organizations. In the political world, Bernard Kouchner and Mario Bettati succeeded in translating this work into two resolutions proposed by France and passed by the UN General Assembly in 1988 and 1990 respectively, in effect making the case for a right of access to victims of catastrophes, or so-called “humanitarian corridors”. Following the end of the cold war, the question of humanitarian interventions proved to be a dominant theme of global politics in the 1990’s.

In France due to particular traditions of public rhetorical expression and a reverence for past insurgencies – expressed in a paradoxical, positive re-interpretation of the term “ingérence” in the mid-19th century – the debate evolved as a struggle between several concepts, where each political actor attempting to seize the agenda by propagating their concept of choice. The concept of “droit d’ingérence”, although still not accepted by either leading politicians or even humanitarian organizations, proved to dominate in terms of frequency of usage. The overall intensity of the interventionism debate varied greatly over the decade. It peaked during the 1991-1993, at the time of the conflicts in Kuwait, FRY, Somalia, and again from 1998-2000, at the time of the conflicts in Kosovo and to a lesser degree Chechnya. A striking period of relative silence is found in the intermediate period, at the time of the conflicts in Rwanda, Srebrenica and Algeria.
Introduction

The French public debate on “humanitarian interventions” in the 1990s was not a systematic exploration of that notion, rather it evolved around six concepts: droit d’ingérence, devoir d’ingérence, droit d’assistance, devoir d’assistance, droit d’intervention and devoir d’intervention. This paper attempts to describe the main semantic and distributional dynamics of the central term among these, the concept of a droit d’ingérence.

This paper will work under the assumption that the external – geopolitical and sociological – conditions for the global 1990s humanitarian interventionism debate were much the same in France as they were anywhere else in the Western world. In that sense at least they are irrelevant to this paper’s concern with the particular French dynamics of the debate in France. From at least 1988 onwards, the French played an often-proactive role in the global development on this domain during the period. A cursory introduction will be given below to the academic debate on humanitarian intervention; to the development of the issue of interventionism in civil society and policy environments achievements in the 1970s, 80s and 90s; to the particular geopolitical conditions of the 1990s; and to Bernard Kouchner’s role in these developments.

Yet it is not this paper’s goal to discuss any of these on a qualified level. Rather the purpose of the paper is to demonstrate, first, that a quantitative approach can provide meaningful indications of the structure and development of a debate within a given period, in this case the French public debate on humanitarian interventions. Second, through a qualitative approach approximating macro-sociological conceptual history an explanation is proposed as to how the usage conditions of the concept of ingérence can have provided it with a certain poetic-creative advantage relative to the other central concepts of the debate.

1 Cf. note 45 below. This Working Paper is version 1.2 of a paper originally prepared for the ISA Conference, New Orleans, March 24-27, 2002. Comments are welcome, but please do not quote without permission. The quote in the title of the paper stems from Bernard Kouchner’s op/ed piece “Devoir d’assistance”, in Le Monde, September 20, 1991. In the original French the words are “le concept médiatique et brutal d’ingérence”, where “médiatique” translates as “ready-made for the media” or “media-fit”. My thanks to Thomas Biersteker for patience and meticulous response in his capacity of discussant at the presentation of a previous incarnation of the paper at the ISA conference 2002; also thanks to Clement Behrendt Kjersgaard, Mikkel Vedby Rasmussen, and Ulla Holm for astute observations and critiques. The usual disclaimers apply even more, as the most recent critiques have not been incorporated into this version.
Discourse analysis as a method in different incarnations within the social sciences has achieved a fairly widespread status during the last decade. Even though later contributions have gained notoriety, the basic framework of methodological developments and central philosophical questions of Michel Foucault’s *L’archéologie du savoir* (1969) have not been surpassed. Basically, this work does two things: sketches out a sociology of enunciation and warns against the traditional history of ideas’ search for hidden coherence. Today, even if the former is to a large extent still applicable, the latter – at least in its extreme versions – has been suggested to be mostly a theoretical move against undue structuralism and could even be suggested to be a political, generation-dependent move against Order in Society.

An assumption of this paper is that whereas such a thing as the foucauldian “archive” might exist concerning central or basic constitutive concepts, in practice each institutional situation is to be understood as supporting a semantic circuit – or discourse if one insists. The institutional situation might be predominantly material or ideal: most importantly each setting will answer to a specific, reconstructable set of “conditions of practice”. The opening up for a non-discursive basis of discourse is common-sensical. In this paper, at least three such semantic circuits are referred to: academia, institutionalized politics and public debate. Since the two former both contribute to the latter, the latter is often seen as dependent and thus seldom thematized independently. The distinction is based on the circuits’ *practice outlets*: official statements versus journal articles versus newspaper articles: the three (can) all participate in the public debate as *abstract domain*.

A methodological contention will be that even if these are evidently not only connected but even interdependent, with public debate as the most dependent, it is still meaningful to distinguish particular dynamics within each of the circuits. These dynamics include rules of engagement or exchange (both: what within etiquette is referred to as “tone”; and Goffman’s micro-sociological practices) and standards of validity and productivity (implicit limits and definitions of what constitutes an acceptable proposition with the circuit). A secondary yet important variable in this context will the comparative perspective, exploring differences in these standards between France and other contexts. In this sense, what this paper if not proposes but at least attempts to employ, is an institutional or medial version of Foucault’s search for “conditions of practice”.

There seems to exist a tendency in discourse analysis to view “the discursive” more as a philosophical given, which rules out other possibilities, than as a set of tools among others, which can be best put to use when included in an overall evaluation of methodological approaches. A standard source for IR discourse analysis would be quotes made by leading politicians reacting to some present situation with regard to a possible policy decision. This type of source evidently provides the analyst with interesting material in order to illuminate, not ultimate “discourse external” values, but exactly discursive constructions hereof. In fact, the discourse analyst is in this sense able to pursue a classical diplomatic history centered on the perceived decisive decision makers and their values along with e.g. the added feature of the general demonstration of metaphorical logics of self and other.

When pursuing any kind of IR-related discourse analysis not on the basis of leading politicians’ quotes but rather on a given period of public discussion the classic point of view vanishes. While self-other constructions might still be present they no longer hold the immediate importance as when uttered by decision makers. Furthermore, the representative end-of-discussion function of official statements is not found in regular public debate. Rather, public debate in itself is governed by a particular set of implicit rules, which are only partially connected to the logic of domestic policy decision-making; and while it may not have immediate effects on decisions, it can be the medium for the development of conceptual change – which can later have an impact on decisions, whether directly or through agenda-framing. Also due to its status in modern democracy as *res publica*, the public

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3 Cf. “conditions d’exercice”, Foucault 1969, 158.
4 With the loss of a single focal point – the decision or the decision maker – then why not return to an analytical practice, which will allow us to include all kinds of factors? Why not return to Cultural History? In today’s political science, a temptation is definitely present to resolve to Cultural History, understood as a more-or-less-but-not-necessarily-argumented collection of details from various – material as well as discursive – institutional settings including hard-to-prove arguments about continued or changing significance of certain historical events.
sphere thus emerges as a sphere of contestation for consensus, where the practices of presentation, acceptance or rejection give it a predominantly convocational dynamic. The political sphere on its side, albeit differentiated internally by the plethora of political institutions, is concerned with validity, dominated by inertia, concerns of precision and caution. Finally, academia is a circuit in principle occupied with productivity and the development of coherent arguments, where the many voices make for a place of versatility and fluctuation.

**Background**

As stated, it is here assumed that the external geopolitical and sociological conditions for the global 1990s humanitarian interventionism debate were similar for France and the rest of the world and will thus fall outside any particularly French connection. As also stated, however, it seems propitious to at least mark the factual perimeter of the discussion below.

The development of international humanitarian law during the last couple of decades is one of the most significant developments in international law and to some extent in the practices of international politics since 1945. The fundamental standing of sovereignty and its concomitant principle of non-interference in domestic matters in international relations has been if not eroded then partially challenged within the juridical and thus formal parts of world politics. The end of the cold war allowed international humanitarian issues to take up big part of the political agenda in the West: with the demise of communism, the optimistic humanism of liberal democracy was to be the foundation of a new world order, where universal human rights were to be justly reinforced by a democratic world society. The natural law-oriented declaration of human rights would in principle come to supersede the UN charter’s enshrinement of sovereignty, and International law would thus introduce a new juridical subject into its auspices, namely the individual. In the name of the Universalism of human rights, states would have the right to interfere in other states’ domains.

According to Mario Bettati, the Parisian professor of international law who has been instrumental in promoting the humanitarian law agenda together with Bernard Kouchner, the recent evolution in international humanitarian law can best be understood as having proceeded in four phases. First the phase of the pioneers, preparing the juridical ground, which stretches from the middle ages to 1948, the year of the declaration of human rights; phase two, of “immaterial intervention” from 1948 to 1968; phase three, of “caritative intervention” from 1968 to 1988; and finally, phase four, of forced and dissuasive intervention from 1988 onward.5

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5 Bettati 1996, St. Pierre 1998. In French, Bettatti’s terms are: “ingérence immatérielle”; “ingérence caritative”; “ingérence forcée et dissuasive”. The direct translation of “ingérence” would have been “interference”, yet the difference in usage is an important point below.
Apart from the division into clear-cut 20-year periods, Bettati’s actual dividing years are of symbolical and direct importance: 1948 for the declaration of human rights; the “generation of 1968” and its important role in founding the second generation humanitarian organizations; and 1988 for the adoption by the UN General Assembly of a French-proposed resolution of a “right of passage” to victims of “natural disasters or other situations of the same order” (see below). As such the division is also parallel to the career development of “French doctor”, activist and politician Bernard Kouchner. Kouchner’s itinerary is exemplary of the policy changes among humanitarian organizations during the last three decades.

Frustrated with the wows of silence – required by the Red Cross, his employer – in Biafra in the late 1960s, Kouchner and others founded the Médécins sans frontières, MSF, in 1971. MSF went on to redefine the concept of humanitarian organization, more actively and visibly than their predecessors taking part in the humanitarian efforts in various conflicts, publicly denouncing atrocities and thus pointing out responsibilities. Kouchner left the organization in 1979 after a disagreement with other leaders over an initiative he wanted to launch but which the others found too “media-fit” or “media-oriented”.

Kouchner then founded and presided over the Médécins du monde, MDM, a humanitarian organization much like the MSF until 1988, when President Mitterand appointed him State Secretary for humanitarian issues. In 1987, Kouchner and Bettati organized a successful conference on “Humanitarian right and moral”, which subsequently led to the publication of a volume entitled Le devoir d’ingérence [“The duty to interference”]. In his new capacity as State Secretary, Kouchner, with the backing of President Mitterrand who had attended the conference, was behind the French proposal for Resolution 43/131, adopted by the General Assembly of the UN on December 8th 1988. This resolution relied on a logic of urgency to allow for a principle of a right to assist also victims of the cleverly defined “other situations of the same order”. In 1990, again after French proposal, the Assembly adopted Resolution 45/100, which approved the use of “corridors of human urgency” resembling a right of passage, of free access to the needy and thus, through specifying limits to an actual intervention actually introducing the legitimization of limited forced interventions.

During the 1990s humanitarian interventions became an important part of the global political agenda, mostly when they when pursued but also occasionally when they where not. In fact, important parts of the history of security politics in the 1990s can be sketched out by naming humanitarian interventions that were or were not carried out: Kuwait, FRY, Somalia, Bosnia, Liberia, Algeria, Kosovo, East-Timor, Eritrea and Chechnya. This is a testimony not only to the high correlation of the concept of humanitarian intervention with international crises during the period (even though this does not say whether the type of crisis – e.g. allowing or calling for it – or the environment were unusually benign for such interventions due to an absence of larger conflict), but also to the fact that far from all of those discussed were carried out implying that the decade also saw changing attitudes toward the concept.

Before discourse analysis – and still, as obligatory introductory synthesis in almost any given analysis – one would have attacked the question of the French debate on humanitarian intervention as question of the history of ideas, and went on to retrace the most powerful discussions of the subject within academia, in terms of monographies and articles. This approach has not been discredited and this paper could probably gain from an incorporation of the analyses published in French academia into the present analysis. However, since the main purpose of the paper is to demonstrate that there exist particular dynamics inherent to the public debate through exchanges of

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6 Kouchner’s short, official CV is available in appendix 2 below.
9 Bretton 1993. It can probably be shown, that the recourse to the term of “urgency” in international law has much the same implications and dynamics attached to it as the usage of “security”, or attempts at securitization in domestic politics. Cf. Buzan 1997, Wæver 2002.
11 Except, of course, if one was an historian of IR. See e.g. preface in May 1968.
short articles these sources will be disregarded apart from their use as suppliers of background information.\textsuperscript{12}

**The relative significance of the concepts of the debate**

One seeming particularity of the French debate would be the large array of concepts in which to frame and discuss the subject that in many ways marked the 1990s.\textsuperscript{13} The concept of droit d’ingérence did in fact enjoy widespread attention and was extensively used, especially in the beginning and in the end of the decade. But it was not the only one in use during the debates, and for the central actors it was certainly not unimportant which one would win out.

The French public debate is here restrained to articles in newspapers and in this context op/ed pieces will be of special interest, since these will potentially yield elaborate arguments and political positions. The basis for the inquiry is the LexisNexis database, which covers all major French newspapers from 1990 through today. An interesting part of the debate might have taken place from at least 1987 onwards, and it is thus deplorable that the database only covers the period from 1990. However, since the end of the Cold War was the factor unleashing the conditions for the humanitarian interventions and thus the debate hereon in the 1990s, the delimitation is defensible.

Through a basic trial and error reading in the newspapers, a number of concepts central to the debate were identified. The six central concepts in the debate on interventions are constructed around three types of action and two domains of reason. They are:

- droit d’ingérence and the devoir d’ingérence
- droit d’assistance and the devoir d’assistance
- droit d’intervention and the devoir d’intervention

Or, in English translation: right and duty to interference, right and duty to assistance and right and duty to intervention. In figure 1 below follows a calculation of the occurrences of the six central terms of the debate, based on their frequency per annum (the precise figures are to be found in appendix 1 below).

What is very interesting about these findings is first of all the rather consistent volatility of the occurrence s. The two ingérence terms as well as the right to assist term see a preliminary peak in the

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{figure1.png}
\caption{Occurrences of all selected terms 1990-2001}
\end{figure}
early 1990s, lasting from 1991 to the end of 1993. Again the two ingérence terms accompanied by the right to intervention term, and a little belated, the right to assistance term, again all see a definite peak in the period stretching from 1998 to 2001.

Regarding volume of turnover, the concept of droit d’ingérence takes first place with 598 occurrences during the period; while devoir d’ingérence has 248; and droit d’intervention 169. Fourth is devoir d’assistance with 94 occurrences. On the other end of the scale, right to assistance and duty of intervention have consistently low scores during the whole period, while duty of assistance follows right to intervention in the first peak period for then to fall back, except for the very last year. The reason why devoir d’intervention and droit d’assistance might be at the other end of the scale could be because the first construction seems to clash semantically in that intervention refers not to the principle, but to the practical action, while duty is abstract; and the second on the grounds that very few people would probably like to doubt the right to come to anyone’s assistance (cf. the French resolutions of 1988 and 1990). Furthermore, the usage of the latter in the last year is not related to international humanitarian intervention, but to a domestic debate on the implementation of the 35-hour week in the French labor market.

In terms of time, there seems to be a fine correlation between intensity of discussion and the positive, symbolic international events of the 1990s. The first peak comes at the time of Bush’s New World Order – from around the time of the Gulf War until the disaster of Somalia in 1993. Next peak phase coincides with the long Kosovo crisis, from mid-1998 onward, climaxing during spring 1999. Interesting here is evidently the relative silence surrounding the crises that took place in between, such as Rwanda, Srebrenica or Algeria.

Yet the overriding impression given by this graph is the fact that the concept of a “droit d’ingérence”, connected to Bernard Kouchner, in quantitative terms is absolutely central to the French public debate on humanitarian interventions in the 1990s. But to which extent can the connection to Kouchner be shown to exist, and does it change over time? When repeating the inquiry for the same time span with the same concepts correlating the search with “Kouchner”, the result of Table 1 emerges.

<table>
<thead>
<tr>
<th>Period (as App.1)</th>
<th>Droit d’ingérence % of total</th>
<th>Devoir d’ingérence % of total</th>
<th>Droit d’assistance % of total</th>
<th>Devoir d’assistance % of total</th>
<th>Droit d’intervention % of total</th>
<th>Devoir d’intervention % of total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1990</td>
<td>11 / 0</td>
<td>0</td>
<td>6 / 1</td>
<td>17</td>
<td>2 / 0</td>
<td>0</td>
</tr>
<tr>
<td>1991</td>
<td>47 / 14</td>
<td>30</td>
<td>37 / 10</td>
<td>27</td>
<td>4 / 2</td>
<td>50</td>
</tr>
<tr>
<td>1992</td>
<td>85 / 21</td>
<td>25</td>
<td>35 / 7</td>
<td>20</td>
<td>4 / 2</td>
<td>50</td>
</tr>
<tr>
<td>1993</td>
<td>54 / 16</td>
<td>30</td>
<td>33 / 4</td>
<td>12</td>
<td>2 / 1</td>
<td>50</td>
</tr>
<tr>
<td>1994</td>
<td>26 / 8</td>
<td>31</td>
<td>14 / 2</td>
<td>14</td>
<td>0 / 0</td>
<td>3 / 0</td>
</tr>
<tr>
<td>1995</td>
<td>9 / 2</td>
<td>22</td>
<td>7 / 3</td>
<td>43</td>
<td>0 / 0</td>
<td>5 / 0</td>
</tr>
<tr>
<td>1996</td>
<td>13 / 2</td>
<td>15</td>
<td>2 / 0</td>
<td>0</td>
<td>0 / 0</td>
<td>5 / 0</td>
</tr>
<tr>
<td>1997</td>
<td>14 / 1</td>
<td>7</td>
<td>12 / 3</td>
<td>25</td>
<td>0 / 0</td>
<td>8 / 0</td>
</tr>
<tr>
<td>1998</td>
<td>30 / 2</td>
<td>7</td>
<td>12 / 3</td>
<td>25</td>
<td>0 / 0</td>
<td>8 / 0</td>
</tr>
<tr>
<td>1999</td>
<td>128 / 17</td>
<td>13</td>
<td>42 / 7</td>
<td>17</td>
<td>0 / 0</td>
<td>6 / 0</td>
</tr>
<tr>
<td>2000</td>
<td>102 / 21</td>
<td>5</td>
<td>37 / 10</td>
<td>27</td>
<td>1 / 0</td>
<td>8 / 0</td>
</tr>
<tr>
<td>2001</td>
<td>79 / 26</td>
<td>33</td>
<td>15 / 4</td>
<td>27</td>
<td>1 / 0</td>
<td>8 / 0</td>
</tr>
<tr>
<td>2002*</td>
<td>45 / 4*</td>
<td>9</td>
<td>3 / 0*</td>
<td>27 / 0</td>
<td>19 / 0</td>
<td>0</td>
</tr>
<tr>
<td>1996–2001</td>
<td>366 / 69</td>
<td>19</td>
<td>166 / 25</td>
<td>26</td>
<td>2 / 0</td>
<td>56 / 1</td>
</tr>
<tr>
<td>1990–2001</td>
<td>598 / 130</td>
<td>22</td>
<td>248 / 52</td>
<td>21</td>
<td>14 / 5</td>
<td>36</td>
</tr>
</tbody>
</table>

*A disclaimer regarding the numbers would for the least frequent concepts and for the periods with the least occurrences be a fairly strong reservation with regard to the percentages (and especially their fluctuations) of correlation with “Kouchner”. What is visible though is the rather strong and consistent correlation between the two concepts using “ingérence” and “Kouchner”. Kouchner’s name shows up more than once every five times these concepts are used in articles during the 1990s (since this is not a

15 See Helle Malmvig’s forthcoming PhD dissertation for a substantial theoretical and empirical discussion hereof.
regression-based correlation, but a direct find, the connection between Kouchner and the two concepts of *droit* and *devoir d’ingérence* can be said to be significant).

Table 1 furthermore demonstrates that there is a less tight connection between the *droit d’ingérence* and Kouchner in the second peak period (1998-2001), than in the first peak period (1991-1994) all while the usage of the term grew significantly. As will be tentatively shown below, this can be explained by a partial “loosening” of Kouchner from the concept: it comes of age and gains a wider usage without either being propagated directly by Kouchner or being mentioned alongside his name in any given article. Kouchner’s relatively stronger presence among the less popular terms during the first peak period appears as a very preliminary corroboration of this claim, in the sense that his presence in the general debate is felt more widely in this period.

The name of Bernard Kouchner would naturally be evoked in the French debate around the moments of him being named administrator of Kosovo (in June 1999); MSF reception of the Nobel Peace Prize\(^{16}\) (October 1999); Kouchner stepping down (December 2000); and finally being appointed Minister of Public Health in France (January 2001). So, again based on a reading of the actual articles found in the debate, it can be suggested that the correlated usage of the concept of *droit d’ingérence* and “Kouchner” in the period from 1999 to today must be reviewed in shorter periods than in table one, in order to check whether the registered correlation in table 1 can be judged to be too high during this, latest period.

Table 2. Correlations of droit d’ingérence with “Kouchner”, 1999-2002

<table>
<thead>
<tr>
<th>Period</th>
<th>Droit d’ingérence</th>
<th>% of total</th>
</tr>
</thead>
<tbody>
<tr>
<td>01.01.99-31.03.99</td>
<td>10 / 0 0</td>
<td>0</td>
</tr>
<tr>
<td>01.04.99-30.06.99</td>
<td>52 / 6 19</td>
<td></td>
</tr>
<tr>
<td>01.07.99-30.09.99</td>
<td>32 / 6 19</td>
<td></td>
</tr>
<tr>
<td>01.10.99-31.12.99</td>
<td>54 / 8 15</td>
<td></td>
</tr>
<tr>
<td>01.01.00-31.03.00</td>
<td>48 / 14 30</td>
<td></td>
</tr>
<tr>
<td>01.04.00-30.06.00</td>
<td>25 / 0 0</td>
<td></td>
</tr>
<tr>
<td>01.07.00-30.09.00</td>
<td>12 / 2 17</td>
<td></td>
</tr>
<tr>
<td>01.10.00-31.12.00</td>
<td>17 / 5 29</td>
<td></td>
</tr>
<tr>
<td>01.01.01-31.03.01</td>
<td>26 / 12 50</td>
<td></td>
</tr>
<tr>
<td>01.04.01-30.06.01</td>
<td>9 / 2 22</td>
<td></td>
</tr>
<tr>
<td>01.07.01-30.09.01</td>
<td>13 / 7 54</td>
<td></td>
</tr>
<tr>
<td>01.10.01-31.12.01</td>
<td>31 / 4 13</td>
<td></td>
</tr>
<tr>
<td>01.01.02-12.03.02</td>
<td>45 / 4 9</td>
<td></td>
</tr>
<tr>
<td>Total / average*</td>
<td>309 / 64 22</td>
<td></td>
</tr>
</tbody>
</table>

*Non weighted, excluding 2002

An interesting find in table 2 is the very low correlation in the early phases and during the Kosovo crisis and intervention proper: whereas the concept is used 32 times during both the second and third trimester of 1999, the correlation with Kouchner rises from 9 percent to 19 in the second period, when he was named UN administrator of Kosovo.

Yet the highest correlation is found the first trimester of 2001, where Kouchner stepped down as administrator in Kosovo and was named Minister of Public Health shortly after: each occasion called for portrait-articles in the French press and some of the occurrences of the concepts can thus be discounted for as genuine debate usage. In absolute numbers the highest frequency of Kouchner being mentioned alongside the *droit d’ingérence* are the first trimesters of 2000 and 2001. Whereas the found frequency in the latter as mentioned is somewhat reduced by Kouchner’s personal career moves, the period of 2000 is more genuinely related to the debate since the rise in frequency stems from the violent incidents in Mitrovica in February 2000.

The non-weighted average of correlations is consistent with the general average for the whole period of 1990-2001 found in table 1. The genuine number must thus necessarily be lower once accounting for the portrait articles related personally to Bernard Kouchner around the times of his appointments. This means, that one dynamic of the public debate during the latter half of the 1990s can be arguably identified as a loosening of the concept from its disseminator.

Another dynamic, more basically structuring the debate over time, is found in the changing analytical depth or rhetorical strength of the debate. Analytical depth or rhetorical strength here refers to the simultaneous usage of different central concepts in one same article. Bringing into play several central concepts would imply either a tentative approach to the designation of the discussed phenomenon or a conscious discussion of the different concepts’ strengths and weaknesses.

Furthermore, such articles – and especially those employing more than two of the six concepts – would probably originate with the most important extra-discursive actors since these, to the extent that the struggle over the concepts is of a political nature, stand to gain or lose by relative changes in the general usage of the central concepts. In order to account for this analytic depth of the debate, two calculations presented in table 3 and 4 have been made with regard to articles employing more than one of the central concepts.

\(^{16}\) http://www.nobel.se/peace laureates/1999/press.html
In accordance with figure 1, the most common combination is not surprisingly droit d’ingérence and devoir d’ingérence, with the former and devoir d’intervention on second place. Again, there is a quite strong dip in the number of used combinations between the two selected periods. Only the combination of the two most popular concepts has gained strength from 1996-2001. This is a quite sure sign that the debate, apart from the two frequency peak periods, can be divided into two periods of differing semantic dynamics. First there is a terminological founding phase (1990-1995); and secondly follows a period where the concepts were given as a result of the first selection process, even though the struggle is not completely over (1996-2001).

This finding is further confirmed by table 4, which lists all articles using three of the central concepts. Here, not less than ten out of 11 are to be found in the first half of the period, even covering only the period to 1993 (the number is six out of seven if one excludes the articles that use more than three concepts and thus count several times). The period from 1990-1993 can be said to contain a dynamic of terminological struggle – as opposed to the later period, which, according to table 3, mostly seems to let a certain pair of concepts, the right and duty to interference dominate the debate. As for the relative distribution of concepts within the chosen combinations it is noteworthy that of the three basic concepts, alone “ingérence” is contained in all of the triples – another sign of the concept’s dominating position found in figure 1.

That the French public debate is indeed a space for a political, terminological struggle during the initial period can be inferred from the fact that all of the important articles or citations have in fact been delivered by actors with a stake in the political game outside the public debate. Furthermore, as an indication of the importance of the concepts, and thus of the terminological struggle, three of the articles carry one of the central concepts in their headline. As for the articles found in table 4, they are written by or quote the following actors:


c) (Roland Dumas quoted), AFP, October 4, 1991: “M. Dumas espère que le pouvoir démocratique sera rétabli”.


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17 DRING: Droit d’ingérence; DEING: Devoir d’ingérence; DRASS: Droit d’assistance; DEASS: Devoir d’assistance; DRINT: droit d’intervention; DEINT: Devoir d’intervention.

18 Abbreviations as in table 3.

19 In English the titles are: “Duty of interference”, “Duty to assistance”, “Mr. Dumas hopes that the democratic power will be reinstated”, “Duty of interference”, “An interview with Rony Brauman: ‘Our Societies Balance Between Fright and Compassion’”, “Should we Rethink the Humanitarian Action?” and, finally, “Bernard Kouchner’s Fiasco”.

---

### Table 3. Correlated occurrences of terms, 1990-2001

<table>
<thead>
<tr>
<th></th>
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### Table 4. Correlated occurrences of concepts, 1990-2001

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</tr>
<tr>
<td>Pro forma total</td>
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<td>11</td>
</tr>
<tr>
<td>Real total</td>
<td>6</td>
<td>1</td>
<td>7</td>
</tr>
</tbody>
</table>
Characteristically, all of these writers are, regardless of the differences of their other affiliations, active in the political sphere either as politicians or civil society activists. Among them, two are or have been academics (Jacoby, Rieff), three are, or have been civil servants or politicians (Jacoby, Kouchner, Dumas), and at least four are or have been prominently active in a humanitarian organization. Most notably, Kouchner, as mentioned, helped founding MSF and later MDM; Jacoby is (as of 2001) Honorary President of, FIDH, the International Federation for Human Rights; Rony Braunman was at the time President of MSF; while Cornelio Sommaruga was Director-General of the International Red Cross – thus, all originators of important articles are or were politically active.

Most of them even had an official representational role while participating in the debate, which then, in turn, becomes a space for semantic struggle not only by “civilians”, but also notably organizations with a stake in the political game surrounding the subject. The only partial exception to the point about activism is Rieff. But his late 1999-article, just like an academic article co-published with Sommaruga inter alia the same year, is critical of Kouchner and thus at least de facto politically activist.

The actors can be divided into three groups. As mentioned in the introduction neither development in academic thinking about humanitarian interventions -- subsidiarily that specifically connected to the concept of ingérence -- nor the development in institutional or organizational attitudes will be reviewed in depth here. Yet, in order to illustrate the backdrop against which the concept of ingérence had its itinerary in the 1990s it is necessary to shortly connect the dots between the central actors and the concepts. The three groups are: Kouchner and his entourage, the official policy environment and finally the humanitarian organizations themselves.

The official policy group is identical to the standard source for material normally used by discourse analysts, while the humanitarian organizations would be included in second-image type analyses. So, the most interesting category consists mainly of Kouchner. His status, official as well as effectual, during the period is not only an interesting example of how an interplay between the secretive world of party politics and the open dynamics of the public sphere can still lend itself to a successful circumvention of the former by the latter. His transformation, nominally from humanitarian activist to officially appointed politician also embodies the radical change in the humanitarian agenda that has transformed parts of this domain during the last 30 years and especially during the last decade.

Yet, in order to fully understand the dynamics surrounding the change in the nominal function and status of Kouchner it is necessary to include more than the classical, institutional political system of party, parliament and organizational politics, namely the special dynamics of the public sphere in interaction with the system. As we shall see below, the concept of ingérence has been an interesting element in these dynamics. Because if Kouchner’s formal functions are evident and belong to first the world of NGO’s and later to the world of political appointments, his position and general function in France always to a large extent rested on and been exerted through the public sphere.

Even though Bernard Kouchner has been a politician for at least the last 15 years, he has succeeded in retaining his aura as a globetrotting doctor. He embodies the two worlds of politics and humanitarian mission without really belonging or being accepted by either of them. As he said to Le Figaro in November 2001: “It is now on my tenth year that I am a minister and that I try to draw attention to these hidden wars, between rich and poor countries. It has been thought that this was of humanitarian character, but it was in fact politics.” And the journalist goes on: “A free electron in the socialist galaxy, the minister of health, whose popularity ranks high in surveys, is not yet recognized by his peers as a “politician”.” Indeed, it seems that his position under Mitterrand was supported by
his sense of media and zest for his mission in the world and in public life, more than a result of a functional acknowledgement of his political ability within the party system.

The concept of a droit d’ingérence is emblematic for Kouchner’s public status and function. In fact, it seems that the semantic elements of the idea of a droit d’ingérence that aids in providing it with a special status in the public sphere, are exactly those that are problematic to politicians and (most) NGOs, and which thus seem to be in “surplus” to either of the two semantic circuits.

**Official and organizational policy: policy usage versus public principle**

While Kouchner would work to propagate, at the ministry and in the UN system, the principle – if not, as will be shown below, the literal concept – of a droit d’ingérence, his very political variant of an activist humanitarian intervention policy was beyond the possible for many of his former colleagues in the humanitarian environment, even within the “new generation” NGOs. Some of the most incisive discussions and critiques of the concept of ingérence in the 1990s public debate were made by the presidents of both the MSF and the Red Cross.

A climax in Kouchner’s forceful humanitarianism was reached with his 1993 call for a UN army. This and similar positions on the sheer possibility of combining power politics and humanitarian issues provoked several critical reviews by the presidents of the humanitarian organizations. Apart from the will to participate in an objective political struggle over the terminology related to these matters, Kouchner’s carefully orchestrated continuance of his public image as “French doctor”, civic activist and founder of MSF and MDM has certainly drawn not least the MSF to react with entries in the debate that would demonstrate how these were not necessarily in accordance with Kouchner’s views.

In the above-mentioned interview with Le Monde in late 1992, then president of the MSF, Rony Brauman, albeit predominantly positive, describes an initiative by Kouchner as “show-solidarity”:25 And later, Brauman admits that attention generated by the media is necessary for the humanitarian cause even though it must be done with “restraint and discernment. (…) One must avoid establishing a humanitarian ‘Nielsen rating’: this would be the end of the basic principle of universality, of non-discrimination, which founds the humanitarian”.26 Thus, the old disagreement between the media-prone Kouchner and a more frugal MSF is repeated. Brauman underscores that confusion exists regarding the concepts of droit and devoir d’ingérence and is adamant that one must distinguish between the moral concept of the devoir d’ingérence, belonging to the humanitarians, and on the other hand NOT the concept or principle of a right to interference, but the general fact of interference in the political world:

”Whenever a moral principle is not applied but when circumstances and political opportunities allow, then it has nothing to do with morals, or it is a hypocrite’s moral. Interference between states has certainly existed forever, but it is economic, political, military – not humanitarian or moral.”

His distinction does not criticize the concept of a droit d’ingérence head on, but implies its fuzziness in that where the devoir refers to an action-type pertinent to the humanitarian domain, the droit d’ingérence exists only as a logical antinomy to the (often) counterfactual juridical principle of non-interference of the political domain. And this political domain is not as malleable as the coalition of the new humanitarians and the New World Order discourse following the Gulf War would imply, for, as Brauman remarks on the establishment of the no-fly zone in northern Iraq:

”What was at stake was in reality not saving the Kurds but regional security and stability. (…) The repression followed its course under the eyes of passive allied troops and it is not until after the gigantesque exodus overflowed the borders of the neighbors that a formidable device aiming at

25 “Solidarité-spectacle”. The initiative was an official “Somalia-day” in the French public schools, where all pupils were required to bring a sac of rice to school, for it to be distributed to Somalia. Brauman, *Le Monde*, November 24, 1992.
their fatherland-resettlement was deployed. In other words, we are in a perfectly classical system of administration power relations between states in which massive violations of human rights only become scandalous from the moment when they affect regional security and stability”.

Again, we find the articulation of an abstract, universalistic humanitarianism in opposition to a world of politics, which on its side will tend to put moral ideas to its own use in a classical, Machiavellian fashion. Brauman also denies the validity of the proposed evolution of international humanitarian juridical practice by the resolutions regarding the right to assistance via the humanitarian corridors. Furthermore, the already existing Geneva Convention is judged sufficient, but threatened by the attention accorded to “rights”: “This overabundance, this inflation of right [droit] has the paradoxical effect of weakening the existing humanitarian law [droit] instead of strengthening it”.

Yet while Brauman is decidedly critical toward what he sees as the old vices of politics infecting the humanitarian domain, he, and thus the MSF, are still both differentiated from the old-generation humanitarian organizations by their pledge to the public attention as well as through expressing frustration when faced with non-action in cases of humanitarian catastrophe. This position is still far from endorsing the general use of force (as mentioned Kouchner comes up in 1993 with the idea of a UN army – a natural proposition for someone who believes in both the universality of the human rights (probably including their un-debatable univocality) and their seamless applicability. While the MSF from the above quotations seems to prefer morals to law and politics, Brauman in the end of the interview with reference to FRY defends the political domain in its Kantian capacity for non-emotional deliberation and deplores the domination of a platonic morality, which disables the political domain from bold action away from the status quo. Brauman’s position is thus one of interventionism, potentially by force as well.

Only a few months later, the president of the Red Cross, Cornélio Sommaruga, participated with an op/ed-piece in Le Monde, which asks rhetorically whether the debate on “the possibility of instituting a new right [droit] of so-called humanitarian interference” calls for a necessary rethinking of the principles of humanitarian action. As would be expected, the president of the original humanitarian organization founded in Switzerland alongside the signing of the first Geneva Convention in the 1860s supports the “essential neutrality” of humanitarian action and denies that the Geneva Conventions would be “overly tributary” of the consent of the warring parties. On the other hand, he claims that the concept of ingérence has not contributed to anything in terms of juridical possibilities within international humanitarian law since the Geneva Conventions of 1977 does in fact allow for a right to assistance, but most importantly Sommaruga questions the risks connected to the basic feasibility of an application of a right to intervention.

Sommaruga’s dissection of the concept of droit d’ingérence is interesting to follow. At the outset, the concept is, he notes, for its promoters about instituting a right [droit] of so-called humanitarian interference” calls for a necessary rethinking of the principles of humanitarian action. As would be expected, the president of the original humanitarian organization founded in Switzerland alongside the signing of the first Geneva Convention in the 1860s supports the “essential neutrality” of humanitarian action and denies that the Geneva Conventions would be “overly tributary” of the consent of the warring parties. On the other hand, he claims that the concept of ingérence has not contributed to anything in terms of juridical possibilities within international humanitarian law since the Geneva Conventions of 1977 does in fact allow for a right to assistance, but most importantly Sommaruga questions the risks connected to the basic feasibility of an application of a right to intervention.

Apart from the factual problems in turning the concept into reality, it is exactly its fuzziness and the sliding between domains of which Sommaruga is critical. For him, the humanitarian action of “the good Samaritan” is qualitatively different from the role of states, occupied as they are with legal

29 Two supplementary protocols were added to the Conventions in 1977: Sommaruga refers to Article 89 of the first of these. Cornélio Sommaruga, Le Monde, February 19, 1993.
relations of force. He predicts that a fusion of the two action-types would only lead to the politization of the humanitarian and thus to a much less efficient aid due to the loss of impartiality. Sommaruga’s world is thus more clearly divided than Brauman’s, yet they both hold a defensive position vis-à-vis the political domain.

But the official French political domain to a very large extent shares their reservations regarding the concept of a droit d’ingérence. This is so despite the positive policy attitudes and outcomes with the abovementioned Resolutions and the general application hereof in the 1990s. In the support uttered and delivered from official French side to the cause of ingérence the term of ingérence is rarely used. For example, the conference organized by Bettati and Kouchner in 1987 and attended by both President Mitterrand and Prime Minister Chirac produced the publication “Devoir d’ingérence”, designated for the public sphere, yet lead to or at least preceded the official-diplomatic Resolution naming a “right to assistance”.

One must of course remember that this happened just two years after Mitterrand blessed a terrorist attack by his intelligence services on private property in an allied country. In this sense, the French government’s effort for the cause of humanitarian interventions can be seen as either an example of bureaucratic politics (more workings within one presumed organization) or – when remembering Mitterrand vocal dismissal of the possibility of a French participation in an intervention in the Balkans during the early 1990s – as an example of how realpolitik renders talk (and international legal practice) cheap. The official French positions have thus been ambiguous, wavering between on the one side the public constellation of Kouchner’s profile, the concept of the droit d’ingérence and Mitterrand’s support for him, and French realpolitik on the other, with the support for the UN General Assembly Resolutions somewhere in between and closer to Kouchner in deed if not in concept.

These different policies are furthermore enlightened by the basic antinomy between the concept of the droit d’ingérence and the whole legal structure of international (and, in fact, domestic) society through its principle of sovereignty and thus non-interference.

Mitterrand’s support for the cause of Kouchner’s ingérence thus had to be lukewarm considering the literal concept; cautious concerning the implications for foreign strategy; yet not squander the popularity of its basic tenets of global humanism within the public sphere. In early 1993, after the resignation of the socialist government, Mitterrand gave an interview to Le Monde where he most notably refused that France would intervene in Ex-Yugoslavia; and then tellingly praised the new humanitarian setup in well-weighed words:

“Q: Should one talk of droit d’ingérence or duty to assistance?
Mitterrand: Bernard Kouchner and some others have launched the formula of a droit d’ingérence at a time when that was of great audacity. It is a dynamic tradition of the duty to assistance.
Q: One could also criticize it for being the mask of the order of the powerful. Is that critique valid?
Mitterrand: It is not wrong to be suspicious and vigilant. Selective interventionism is repulsive. But still, thanks to the UN, peace has advanced in several regions of the planet.”

Also Foreign minister Roland Dumas shared Mitterrand’s judgment of the concept (refusing concrete intervention in FRY; denouncing “selective interventionism”). At a press conference October 4, 1991, Dumas –commenting upon a resolution calling for the return of Jean-Bertrand Aristide to power in Haiti threatening with intervention– “declined to speak of droit d’ingérence” yet noted with content a development in international law:

“The indifference that has ruled since the creation of the UN has been succeeded by, first, the right to humanitarian assistance, and next, the duty to intervention. (…) This could lead to the adoption

Thus we have here an example of Summaruga’s variation of concept’s meaning and of how the notion of ingérence is deemed inappropriate for the heavy actors. This has constantly been the case in France ever since. In 1992, Mitterrand let the office of Kouchner fall under the wing of the MFA after it initially belonged under the Prime Ministers cabinet – a move that was perceived to breach the somewhat impulsive Secretary of state. At the time when Kouchner’s office was placed under the tutelage of the Prime Minister, the PM’s Chef de Cabinet was Hubert Védrine – who from 1997 to the present has been head of the Quai d’Orsay. Védrine noted in 2000, while being interviewed in his capacity of Foreign Minister, together with Pierre Hassner and Pascal Boniface, that:

“I do not belong to those who are ready to throw out the concept of sovereignty, because (…) it remains the ultimate protection of the weak and the only possible basis for international relations aside of the law of the strongest, already amplified by globalization. The concept “droit d’ingérence” is not very popular but in France. Abroad, people are reluctant or speak rather about ‘humanitarian intervention’.”

This constant disinclination to use the most popular of the concepts, from both top-official political level and also from the humanitarian organizations leaves us with an interesting qualitative puzzle. How come the droit d’ingérence concept – which is at best ambiguous or paradoxical, and does not have as direct and concrete a meaning as “intervention” – in spite of the lack of organizational backing (apart from the association with Kouchner and friends) did fill as much as it did and come to do so even more during the 1990s?

A working assumption concerning how the debate in the public sphere works would be that leading actors have a great deal of impact on the “debate market”, not least in terms of supply in the sense that these organizations are full-time semantic producers, occupied with defining and redefining terminology in an ongoing process of negotiated reality. When confronted with the figures represented in Table 1 above, this assumption would then either be false or imply that Kouchner and friends have had a very disproportionate influence on the public debate on humanitarian interventions in France during the period.

Or, finally, the explanation might reside with the demand side of the public debate, determined by the conditions of political argumentative practice in the French public sphere. As we have seen, French politicians have wavered between some support for a “cause” related to the ingérence concept and official backing of either other concepts or a counter cause. This wavering would indicate not fickleness of mind but rather different conditions and thus possibilities of practice within the official political domain and the public sphere.

The public usage of the droit d’ingérence concept has thus proven to be problematic for all “real-world actors” – except for the real-world actor to whom the public usage, as opposed to closed circuit politics leading to official declarations, is in fact the real world. Kouchner’s hard-to-pinpoint or even ambiguous function and image is crucial in this context: even more than for the average politician and especially in the beginning of his political career, his institutional standing within the French Socialist party has depended on his public credibility and popularity.

Kouchner has in fact in his public statements in spite of his continued institutional basis since the early 1970s always appeared more than anything as a non-institutional activist. This apparent non-affiliation lets him appear as a pragmatic politician when together with anarchist activists (arguments about resorting to force in the name of good), as an idealist activist when together with politicians (arguments about universal humanitarianism) – combined in the public limelight to a constantly political activist.

If Kouchner’s position or power base thus appears to reside much with his public standing or the popularity of the cause associated with him, then he would be a very good example of a populist left-wing politician at the heart of European intellectual humanitarianism. Such a diagnosis of populism at that particular spot, often an Archimedean point to the self-understanding of the European left would be of more than anecdotal interest. Yet Kouchner would also exemplify the
different qualities (and thus the basic difference) between the public sphere and the traditional political circuit. If the semantic circuits respond to different conditions of practice, each of the contested concepts also contains different potentials.

**Semantics and referential domains: assistance, intervention, ingérence**

The group of six concepts central to the debate on interventionism in France can be subdivided into three different types of action, classified as either a right or a duty. As noted by Cornelio Sommaruga the usage of the different terms has been accompanied by an apparently sloppy (to him problematic) sliding back and forth between the ethical and the legal/political domain. Whether or not this has in fact been the case cannot be decided here, but something can be said about the overall change in referential domain. Sommaruga claimed that an abundance of talk about rights would erode the political basis of already existing legal-political agreements as the Geneva Conventions. The frequencies of the two different referential domains are calculated below in table 5 (using the figures of appendix 1).

Table 5. Frequency of 'right' and 'duty' in debate 1990-2001

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<tr>
<th>Period</th>
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<th>DEVOIR in %</th>
<th>TOTAL</th>
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<tr>
<td>'90-'01</td>
<td>781</td>
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<td>370</td>
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</table>

Interestingly, it appears that the prediction of Sommaruga of early 1993 was right to the extent that not only do we find a slight overweight of reference to rights in the first half of the period with a percentual balance of 62-38. This overweight is even heavier in the second half of the period with a percentual balance of 72-28, definitely indicating movement toward reference to right over a reference to duty. There are evidently many ways to account for this change, ranging from micro level answers (related to the aesthetical differences and thus rhetorical strengths of the different concepts) to macro level changes in overall French society (like a slight change toward a more legalized American-style public culture).38

Semantically, the six concepts resemble each other in a basic way in that they all entail somebody doing something somewhere else with regard to somebody. Regarding assistance, it must be noted that “droit d’assistance” cannot be translated as a “right to getting assistance”, which would have translated as “droit à assistance” (not that this difference precludes the possibility that the former expression has been used exactly in order to exploit the latter connotation). But whereas assistance refers only implicitly to the agent and the recipient of help, both ingérence and intervention carry a heavier semantic luggage.

An interesting difference between the meaning of *intervention* in French and English must be emphasized as it can probably be taken as a token of (or for linguistic turn proponents, as a basis of) a fundamental difference between the two different national traditions. In French, the concept of intervention has a somewhat more neutral and less dramatic tone than it does in English. The short Cambridge dictionary definition of “to intervene” is “to become involved, intentionally, in a difficult situation in order to improve it or prevent it from getting worse” (*Cambridge International Dictionary, 2001*); the French *Trésor de la langue française* defines intervene as to “take voluntarily part in an ongoing affair and therein play an active role to modify or stop it”.39

In English the meaning is most often very close to “come between”, whereas it in French simply can designate “to respond” in an ongoing debate. This difference between the tonal effects of the concept in the two languages being stated, the actual usage in the political domain seems

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37 Periods as and original figures taken from appendix 1.
39 “Prendre part volontairement à une action commencée, à une affaire en cours et y jouer un rôle actif pour la modifier ou l'arrêter.” *Trésor de la langue française*, 2000.
to be much comparable. As a crucial example, intervention is the term used in both English and French for the practical action by a state or an international organ in the affairs of a second party.

As shall be shown below, however, it is neither assistance nor intervention, which constitutes the peculiarity of the interventionism in French debate: Both are readily translated into English, and used in much the same manner. But even though ingérence does translate as interference, its pattern of use in this context is definitely different. It is especially so when it is combined into the paradoxical construction of a droit d’ingérence – a right to interference. As proof of the wide usage of the concept, the most recent *Dictionnaire de l’académie* (1992) carries the following warning at the end of the paragraph on ingérence:

“It is abusive to use the terms droit d’ingérence, devoir d’ingérence, which are contrary to the principle of the [negative definition just given]. It is possible to talk correctly but of droit d’assistance or of devoir d’assistance.” *(Dictionnaire de l’académie, 9th ed., 1992).*

The usage of the construction is thus not only widespread – since the official dictionary took note – but also contested or even controversial.

**Order in modernity: the constitutive other of ingérence**

In French usage – it is my contention – it makes sense to distinguish between a proper, “straight” meaning of ingérence on the one side, and another culturally dependent, romanticized usage on the other. Even though these two usages are fundamentally opposed due to their negative/positive connotations, they evidently share a large part of their nominal meaning. The usages of the concept of ingérence can be introduced on at least two levels; first, in terms of etymology and a bibliographical inquiry of usages; second, in terms of historical-sociological and philosophical arguments about the rise of the modern state and the special historical experiences of France designating its particular political culture.

From the point of view of etymology and bibliographic usage – and according to the *Trésor de la langue française* (TLF) – ingérence has had a fairly stable primary meaning since the 14th century. Royal ordnance of 1386 defines it as an administrative crime: “To introduce oneself unduly without being required or to have the right (into something)”. Before the revolution ingérence refers to “to meddle in something without being required”.40 The 9th edition of the academy’s dictionary of 1992 restates the juridical origin, and adds, that it by extension has come to cover the expression of non-ingérence (non-interference) between states.41

One can discern three bibliographical usages of ingérence in academic language during the 20th century; the first being the juridical (criminal law) sense of a crime committed by a public servant; the second the likewise juridical (administrative law) sense of an unrightful intrusion of a higher administrative level into the affairs of a lower.42 Only the third usage has the international outlook concerned with non-interference. Two references before and after World War II fittingly refer to respectively “Collective security and non-intervention”; and to an ideological distinction based on suspicions of imperialism in a socialist journal: “The American expansion: assistance or interference?”43 The two titles thus each point to one of the two dominant 20th century worldviews: either the continued viewpoint of formal equality and legal sovereignty as enshrined in the UN pact; or the Marxist conception of the world where dominance hides behind apparently proper façades.

Common to the above usages and to the nominal meaning of ingérence is a trait that connects it to the basic structures of modern society: The concept presupposes a certain kind of order to react to. The effectual history of the concept must thus be contingent upon the history of order in the

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42 As examples, for criminal law: Delpech 1907, Fabre 1968; for administrative law: Pougnadoresse 1913; Anonymous 1931.
43 The term used here for non-intervention is “non-ingérence” in Pradelle 1936. The socialist question: Verdier 1947.
widest possible term, as a synonym for authority wherever this is found, whether in the public or private sphere (or as the construction of these), whether related to religious or secular instances.

*Ingérence* is also used in Gnostic and Christian stories of insubordination to God. The development in status of *ingérence* can thus also be understood in the rather large social context of the growth of the modern, secular state-power and individual Man’s dependence hereupon and independence here from. It is tied up with the constitution of Sovereignty and of the *Rechtstaat* (which relies on “inner sovereignty” by means of a weberian monopoly of power). For the sake of symmetry between the two terms, defining for the inside and the outside the State’s necessity for Order, one can point to the fact that Raymond Aron defines the international space as the absence of the abovementioned weberian monopoly.45

The State’s aprioristic preconditional demand of Order is thus the constitutive other of *ingérence*. The sociological history of modernity spiced with the changing conditions of sovereignty can thus in this sense be said to contain or condition the sociological history of *ingérence*. Understood in this way, as a general type of relation between societal units, *ingérence* does not in principle pertain to either the domestic or the international sphere but could rather be seen as a recurring quality to relations of power in modernity. Negatively defined, *ingérence* arises as a taboo against infliction of the necessary functional borders of authority or jurisdiction in Modernity without which the modern administration, whether public or business cannot work. On the other hand, as we shall see, a positive conception of *ingérence* also appears.

**“Good” ingérence: the conditions of practice of the French public sphere**

The functional reasons for the success-story of the concept of *ingérence* in the 1990s are to be found in the second, cultural effect or connotation that the term has in France. One of the most complex and difficultly accessible connections in the modern Western polity is the triangle of regime-type, institutional history and actual citizen reflected as the undeniable patterns of mentalities. The somewhat intangible relations between a given political culture (reproduction and change of social practices related to politics) its preceding, decisive historical experiences and their continued reinterpretation can only – and especially here, in this paper – be drawn out roughly.

Yet if the straight meaning and usage of *ingérence* – the one that translates easily into interference with the concomitant unpleasant connotation of unlawfulness – is a logical if not necessarily realized counterpart to the construction of authority in modernity, then we must be able to at least sketch out some principal conditions for such a realization – and even tentatively indicate when, how and why this happened in France. This can be achieved through an attempt at explaining the sociological conditions of practice – such as implicit and socially contingent types of linguistic and non-verbal intervention – in the French public sphere, by pointing on the one side, to the country’s institutional arrangements, and on the other side, to the high culture supported by the former. A third source, more of inspiration than of constraint, and not always in harmony with the two former sources, is the country’s historical experiences, both as concrete points of reference and as generalized patterns and styles of reaction. An important lead as to what happened in France exists in a mid-19th century dictionary, which adds a bit more -- and new -- flavor to the brief definitions of the concept of *ingérence* above. The *Dictionnaire National* of Louis-Nicholas Bescherelle offers the following supplementary characterization:

“To interfere is to work the craft of the meddler with audacity or of the rascal with éspirit”.

Thus, intempestive yet charming, *ingérence* takes on another meaning in the mid 19th century. Bourgeois society’s fascination with bohemian transgression of the lives of the petit or the grand bourgeois is well known, just as we find the motif in the works and lives of the contemporary French artists, such as Baudelaire or Rimbaud. Jerrold Seigel’s analysis of the bohemian cultural phenomenon

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44 *Dictionnaire de théologie catholique*, t.4, p.1029, 1920. Provocatively, to literary critic Harold Bloom, Satan’s insubordination in Milton’s *Lost Paradise* can be seen as a history, announcement and furthering of the advent of modern individualism. Bloom 1994.

45 Aron 1984.

46 *Dictionnaire Nationale* (Louis-Nicholas Bescherelle), 1856.
in France suggests that the figure of the artistic and transgressive bohemian came to play a role of constitutive other (if both have, in fact, ambivalent stances toward each other) of the varied forms of bourgeoisie during the long 19th century.47

A general lesson – pertinent to all of the Modern West – to be drawn from this semantic change regards the rise of a romantization of small-scale insubordination. Through the firm framework of material security, the stability of modern society creates the possibility for small-scale insubordination to be developed as a practice within the new, leisure-oriented, subjectivized and depoliticized cultural sphere. This bourgeois antagonism, so well known to academics and especially left-wing sympathizers, has since the 19th century often led to pseudo-rebellion through “culture”, which here has become a synonym for the personal self-realization project so dear to the cult of psychoanalysis and personal development in the 20th century.

Yet for France, albeit later blessed infinitely with therapists and psychoanalysts, there is another, particular, lesson to infer from the turn of the 19th century, also because it is here that the semantic change takes place.48 The creation of the modern centralized state-apparatus preceded the revolution of 1789: the characteristics of modern France are still very much a result of these two events. The continued insurgencies in the 19th century resulted in the establishment of a regime, The IIIrd Republic (1875-1939), which nominally made revolution, progress and modernity its own, but which in reality was a conservative compromise between the bourgeois, the nobility, and other leading elite groups in order to ensure political stability.

The new elite constructed a heavy-handed, mythological self-understanding, and a political apparatus that was inept in terms of political agility. The resulting “blocked society” was thus not able to pursue necessary reforms, even under the Popular Front government during the 1930s. Neither the ensuing IVth Republic (1940-1958), nor the Vth – despite its vigorous presidential powers – were much better. The well-educated and refined, state-prone elite class of public administrators, politicians and businessmen is a paradoxical element in the remarkable inertia, regularly challenged by social and institutional crises, that is particular to France.

This peacekeeping compromise has had a delaying effect on incremental change in French society, but this situation in turn also generates frustrations and thus a recurrent, resilient counter-poise of the French.49 Some of the intuitive infatuation of the French with the concept of ingérence is to be found in this historical connection, between an official ideology, which reveres insurgencies of the past, and a frustrating political system, marked by conservatism and inertia.

The continuously challenged inertia and continued feudal-like wealth of Paris have provided a backdrop against which court society, roughly speaking, turned errant knights into powdered courtiers; then the intelligentsia of the bourgeoisie rose with Enlightenment; developing the non-verbal and verbal language which identifies the culturally apt, and which provided them with a new medium of cultural capital and membership of the upper echelons of French society.50 Compared to the norms of a country inhabited by protestant peasants, without nobility to speak of (as Denmark), the French or at least Parisian, unofficial as well as official etiquette – in the appropriate circles – appears overly detailed. The official institutions of cultural reproduction give part of the answer to this discrepancy: the predominance of form-oriented pedagogical methodology at all schooling levels is a legacy to a combination of Renaissance and Jesuit reformations of the medieval school system and continued reverence for the classical curricula.51

As such, the specific values connected to official training in oral and written expression are of the utmost importance. To explain how this precisely is expressed would be too demanding in

47 Seigel 1999, Seigel 2002. See also: Gay 1984–.
49 Could the similarity between the later Foucault’s and Gramsci’s conceptions of power be explained by the similarity of their countries’ political culture and institutions? The obvious initial problem stemming from the respective classifications of France as a “democracy” and Italy as a “fascist” regime might vanish with a less normative comparative analysis of structures of authority. Cf. Mousnier 1973, which, even though he classifies the two regimes as different types of “orders” (“philosophical” and “technocratic”, respectively) could serve as basic framework for such a proposition.
this context, yet one might compare the longstanding, and evident rhetorical tradition for eloquence in France with the weberian protestant values of utilitarian problem solving expressed in the methodologies of the 20th century American social science. In France, the public sphere of discussion is imagined less as a joint pooling of resources for the solution of problems where the better argument wins, than as a scene for political socialization where membership and peerage is achieved through individualized demonstration of oratorical capabilities.52

In this context, the classical practices of rhetoric and pathos clearly enjoy continued standing – and the added value of an already in itself challenging concept such as ingérence and especially in the paradoxical construction of a right to interfere, becomes visible. The metaphorical strength of the notion is based partly on the objective semantic paradoxaity of its construction, and partly on its connotations of unresolved historical tensions as reproduced in institutions and political culture. One can thus, in this instance, talk of conceptual longevity through complexity, not parsimony.53 The poetic power of the concept is clearly visible. The paradoxical content and simple, flexible semantics allows it to resurface in the continuous flow of news and debates as a wine cork on a stream.

Yet as stated in the introduction Bernard Kouchner has in fact been less generous with the use of the concept of droit d’ingérence than one might think. Certainly, he has not protested when being allocated a great part of the honor for the political status of the notion, as, for example in 1993 when he stated, that “for 25 years I have had but one fixed principle: the droit d’ingérence” and as such admonished the absolute centrality of the term and its precedence over the other potentially pertinent notions.54 But in fact he – more than other proponents and critics – has often been reluctant, almost as if fearing indecency in his arguments on the subject, to use it directly, without circumvention and without proper qualification. Witness, for example, the impersonal use of the passive form when introducing the concept in an op/ed-piece in Le Monde in February 1998:

“Let us recall the origins of the Médecins sans frontières and the Médécins du Monde. Good people criticized us, saying that it would never be possible to take responsibility for the needy, spread by the sovereignties of State. Already then we answered: And what if that unfortunate were your father? This has been called ingérence. Neither the ingérence of an army, nor the return of colonialism, but that of salvaging techniques in the name of the rejection of fatality and of the weakness imposed under a certain level of GNP. The ingérence of hearts and consciences.”55

In this context, ingérence appears as a synonym of active indignation: as a challenged ethics of conviction – yet it is softly brought on stage. An earlier article from December 1992 is written under the heading of “Droit d’urgence” or “Right of Urgency” and thus not employing the droit d’ingérence but instead referring implicitly to the political principle of the Resolutions of 1988 and 1990. Here Kouchner argues that:

“One day, it will finally be understood that it is fitting to prevent wars and to act before the multiplications of hatred and mass-murder. Maybe that will be called the right to democratic interference. Maybe that will be called the right of international urgency. While awaiting this

52 In the ideal public sphere discussion would thus be conducted following Henry Paul Grice’s maxims of conversation (regarding quantity, quality, relation or pertinence and manner: requiring that all necessary information be given; that no unnecessary information be given; that the information given be true, not false or misleading; that the information given be relevant to the goal of the conversation; and finally, that the communication be clear, brief and orderly; that ambiguity and obscurity be avoided, Grice 1975. Also cf. Habermas 1981.
53 “Parsimony” being the ultimate concept-strengthening measure of American social and political science.
situation, which will take years to materialize, and under the eyes of UN-troops, the horrible hunt for the Muslims of Europe and the ethnical purification is completed."56

What we see here, is another example of Kouchner’s composing skills: by continuously developing new, tentative and comparable concepts he manages to follow the norms of expressive variation while also avoiding the risk of overkill on his own behalf. In fact the reader, expecting the notion of droit d’ingérence to spring from his pen, is esthetically tickled by this economic and yet varied use of his main idea. A central article by Kouchner, from September 1991, also carries a variation as title: “Devoir d’assistance”, yet it ends up making a careful argument for the necessity of action in a Europe’s faced with the problematic situation in Sarajevo, finally and carefully employing and sponsoring the droit d’ingérence:

“Europe, whose demand for cease-fire has not been respected until now, must react. It is about its credibility. There is, once again, a duty of ingérence and a recognized right to assistance to peace.”

Later:

“...there is at least three new elements: the success of democracy; the existence of the European Community; the position of a common moral responsibility, which translates inter alia into the notion of assistance to a person in danger, better maybe than by the mediatic and brutal concept of ingérence.”

And further down:

“[The French doctors and the humanitarian volunteers] have created global conscience, and the notion of ingérence imposes itself as a grand idea-force, a political concept for the century, which is about to begin. I know that the word ingérence is frightening. The French resolutions accepted by the U.N. General Assembly say ‘right to humanitarian assistance’. But one intervenes on call, on demand, never by fright.”57

What we see in this early 1991-article is a varied use of the concepts in play, ending up with elegant advocacies of the main idea. This use has two effects, which are different but not mutually exclusive: first, the narrative presents itself as an employment of different concepts, which lead to a final cornerstone, the droit d’ingérence. Second, the concepts flow more or less freely, only divided between those that refer to concrete actions or legal installations (right and duty to intervention, right and duty to assistance) and the abstract concept of the droit d’ingérence, which encompasses the others in the realm of moral necessities.

A further example of this plasticity of the relationship between the concepts is the fact that neither of the concepts semantically refers to humanitarian intervention or action: only when they are supplemented with the adjective “humanitarian” (as e.g. in the quote above) does it necessarily refer to humanitarian matters. In this sense, ingérence itself is an intuitive reaction to ethically indefensible situations regardless of where they take place.

In the presentations, arguments and recollections of Bernard Kouchner the reactions to horrible conditions perceived are usually defined both in personal, concretely individual terms, and at the same time measured against the universal norms of the Declaration of human rights. This discursive coalition of subjective experience and formal abstraction is then projected over at the legal domain, claiming the existence of a right to interference, positively on behalf of the victims but still formulated as a right of the intervener – not as a right of the victim to be intervened for.

Just as the notion of ingérence in itself somehow, and probably in a less tangible fashion gets a dynamic of its own, the droit d’ingérence potentially becomes a general metaphorical vehicle for change, a parallel in political language to what in grammar is known as a productively enforcing prefix.58 As indicated through the sketch of the sociological history related to the concept of

58 Like “super-“ or “mégà-“.
ingérence above and thanks to the syntactical possibilities of the French language, it becomes possible to employ the concept about any matter one believes calls for a type of action that entails transgressing or circumventing established demarcations of authority, whether domestic or international, public or private.

An example is to be found in the 1998-article quoted above, which is not about humanitarian intervention in a limited sense, but a call for the foundation of a Fund for international therapeutic solidarity that would enable HIV-victims to have access to medical treatment regardless of country.

“Let us make France a resolute advocate of this utopia, of this ideal: not to let the poorest people die. Then, this globalization so feared, so decried, will become solidarity. The victims request a therapeutic droit d’ingérence. The innumerable partisans of humanitarian initiatives and the combatants of racism demand this necessary leap. Innumerable volunteers wish to join us. Let us encourage them. This combat would give Europe a new breath of air. I do not know the outcome. It would be intolerable not to take it on.”

Regarding the content of the quote, the general droit d’ingérence is made to cover new ground, resulting in the almost untranslatable construction of a droit d’ingérence thérapeuthique – a universal right to therapeutic interference. By this is meant a right to medical treatments – and, by implication, that the ethical demand supersedes all other types of order, including for example patent and ownership rights.

In terms of form, Kouchner’s quote is either a magnificent piece of oratorical craftsmanship – or close to the ramblings of a madman, depending on one’s point of view. Kouchner’s public interventions on the subject during the 1990s are not just testimonies to his personal eloquence, but also, through their reverberant rhetorical repetitions and fragmented impressionism, to the particularly French practices of public formulas. The basic fact that Bernard Kouchner can write this and have it printed in one of the country’s most important forums for public debate, *Le Monde*, is an indication of the very particular conditions of practice within the French public sphere – exactly because his politically exemplary position underscores limits and standards of what can and ought to be done within Public debate in France in comparison to what the often implicit but strictly enforced limits and standards are elsewhere.

**Conclusion**

This paper has lead to two kinds of findings. Into the first group falls a set of quantitative indications of how the debate on humanitarian interventionism was structured and developed in France during the 1990s. Into the second group falls a set of more qualitative, historico-sociological arguments about the conditions of practice in France in general and in particular regarding the concept of ingérence; including examples of how it has been employed by its foremost and cautious proponent, Bernard Kouchner.

Regarding the quantitative observations, basically three dynamics were discernible through the 1990s: first and foremost, the fairly violent versatility of the frequency of occurrences of the central concepts suggests an interesting if somewhat disheartening fluctuation of interest in the public debate about humanitarian intervention. From 1994 to 1997 a number of comparable humanitarian events were not met with the same level of attention. Clearly, whether or not an event is designated as a “catastrophe” depends on other things than the immediate tangibles (such as geographical proximity, the numbers of casualties, the potential for spreading, etc.).

Second, through calculations of usages of more concepts a fairly clear tendency was indicated of an initial period of semantic struggle for dominance – as also reflected in the cautious use


60 Cf. the contemporary debate on the subject.
of droit d’ingérence during this period by Kouchner himself – followed by a period of dominance by the ingérence-variants, mostly the droit d’ingérence accompanied by the occasional “duty to intervention”. Third, this relative later predominance of Kouchner’s concept also saw his name being somewhat loosened from the concept in public usage through lower correlations, a change implying that the concept has gained a sustainable status within the public sphere circuit.

As for the qualitative examinations regarding the conditions of practice, it was suggested that the concept of ingérence was especially well fit to be employed when pleading a moral cause in the French public sphere. This was due both to its special status in the French macro sociological institutional situation as a romanticized, irreverent type of action and to the poetic strength of the semantically paradoxical construction of a droit d’ingérence. These observations thus also gave clues as to the conditions of practice for the politician within the same sphere. Furthermore, the predominance of norms of eloquence allowed for the flourishing of concepts as the practices of validity and productivity in the French public sphere were found to be quite far from a gricean ideal type of parsimony, as strived for particularly within the American social science circuit.

The flourishing of concepts was also closely connected to the semantic struggle between different institutional participants in the debate. The near-total dependence of the semantic struggle on different institutional actors in combination with the apparent lack of correlation between the catastrophes’ and the debates’ intensity, would indicate that public debate or discourse is dependent on political and social institutions in the short and medium term.

Yet Kouchner’s example, with its mélange of changing institutional allegiances; continued convocation of universal moral principles; and propagation of the cause of the droit d’ingérence offers an interesting indication of how public debate might be a setting for conceptual developments with political implications on long term basis due to its role as sole outlet for those popular movements not readily squared with any one NGO.

As the analysis has demonstrated, while official institutions have not put to use the term of droit d’ingérence, due to its impractical and intangible character in political world were official stances have a legal or at least politically committing status, Kouchner has shown himself very capable to tap into the widespread public desire to act out feelings of sympathy and outrage. As such he has implicitly demonstrated that the public sphere does have dynamics independent of the institutional political circuit through his apt use of the particular conditions of practice in the French public sphere.
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Médecins sans frontières: http://www.msf.org/home.cfm
International Committee of the Red Cross: http://www.icrc.org
Bernard Kouchner: http://www.social.gouv.fr/htm/minister/32.htm

Dictionaries

In chronological order:


Literature

## Appendix 1. Frequency of selected terms in French public debate 1990-2001

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* Through March 12, not included in total result.

## Appendix 2. Bernard Kouchner’s official CV

Minister Delegate at the Ministry of Employment and Solidarity with responsibility for Health (Ministre délégué à la santé auprès de la Ministre de l’Emploi et de la solidarité)

Born 1 November, 1939

Doctor of Medicine
specializing in endoscopy of the digestive tract
Gastroenterologist at Cochin Hospital in Paris

Professional and political career

2001, February 7: Minister Delegate at the Ministry of Employment and Solidarity with responsibility for Health by government decree 2001-114 dated 7 February 2001

July 1999 to January 2001: Temporary UN administrator in KOSOVO.

1998, November 28: Secretary of State for Health and Social Action at the Ministry of Employment and Solidarity.

1997, June 4: Secretary of State for Health at the Ministry of Employment and Solidarity.

1994: Member of the European Parliament, President of the Committee on Development and Cooperation.

1993: Minister of Health and Humanitarian Action.

1992: Secretary of State for Humanitarian Action at the Ministry of Foreign Affairs.

1988: Secretary of State for Humanitarian Action attached to the Prime Minister’s Office.

1988: Secretary of State with responsibility for social integration at the Ministry of Social Affairs and Employment.

1980 to 1988: President of the not-for-profit association "Médecins du monde".

1971: Creation of the not-for-profit association "Médecins sans frontières" of which he remained President until 1979.