

Human rights, humanitarianism, and the practices of humanity

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This article uses the concept of international practices to explore the distinctions between human rights and humanitarianism in the contemporary period and, in turn, uses this exploration to comment on the concept of international practices. First section proposes to advance the theoretical and empirical utility of the concept of practices by parsing it into the ‘problem’ that sets the story in motion, what counts as competent action, background knowledge, and meanings. Second section applies this framework to the relationship between human rights and humanitarianism. Beginning in the 1990s, they began responding to many of the same material realities, which unleashed two, interrelated, processes, but had different ways of understanding competent action, background knowledge, and meanings. They began to revise their practices not only in response to new challenges but also to how the other evolved, generating new distinctions. These points of distinction were structured by different kinds of suffering and informed their contrasting narratives of precarity in the case of humanitarianism, and progress in human rights. The conclusion considers how this discussion of human rights and humanitarianism redirects contemporary research on international practices.

Keywords: humanitarianism; human rights practices; international ethics

Human rights and humanitarianism, by some estimates, have co-existed for over two centuries, yet it is only in the last two decades that their boundaries have become a source of controversy. There is a growing scholarly literature on the question (Chandler 2002; Leebaw 2007; Teitel 2011; Hilhorst and Jansen 2012; Crowe 2014; Moyn 2016). Because they have been increasingly working in each other’s turf, practitioners have been debating from both sides of the aisle about how their interventions relate and whether they are teammates or rivals in the defense of humanity. Many aid agencies have expanded their activities from emergency relief to include goals such as development, postconflict reconstruction, peacebuilding, and human rights. Because of the broad influence of human rights and their

expansion into these other activities, aid agencies have adopted a ‘rights-based’ approach (Hilhorst and Jansen 2010, 1135–36; Slim 2010). Whereas, historically, human rights organizations have steered clear of armed conflict, this is also no longer the case (Neier 2012). International humanitarian law and international human rights law have fused into a ‘humanity’s law’ (Prosecutor v. Furundzija 1998; Teitel 2011; Leebaw 2014; Geyer 2016; Luban 2015). Some suggest that this integration is not only long overdue, but also represents less of a union than a reunion: human rights and humanitarianism were born under the same sign of ‘humanity’ in the late 18th century, went their separate ways, and now have reunited.

This period of growing proximity, though, also illuminated and produced competing, and at times conflicting, ambitions and techniques. Some in the humanitarian community insist that the introduction of rights has complicated the goal of relief to victims of disasters. Conversely, some in the human rights community accuse aid workers of giving short shrift to basic human rights and the search for justice in the rush to relief. Those in the human rights community contrast its language of empowerment with humanitarianism’s ‘outmoded notions of charity, protection, sentiment, and neo-colonial paternalism’ (Wilson and Brown 2008, 8). Humanitarians counter that human rights activists mistake cultural imperialism for empowerment. Human rights activists lean heavily on the tool of ‘name and shame,’ which humanitarians have not just shunned but often portray as a threat to both victims and aid workers (Slim 2015, 16). Those in human rights unapologetically and explicitly search for justice and speak of human flourishing, language that makes many in the humanitarian community deeply uncomfortable.

The increasingly prominent literature on international practices is an excellent candidate for considering whether human rights and humanitarianism are distinctions with a difference (Neumann 2002; Pouliot 2010a, b; Andersen and Neumann 2012; Meierhenrich 2013; Adler-Nissen and Pouliot 2014; Bueger and Gadinger 2015; Kessler 2016; Kustermans 2015; Pouliot and Cornut 2015; Rajkovic, Aalberts, and Gammeltoft-Hansen 2016). The practice literature emphasizes the doings of actors. Scholars and practitioners of human rights and humanitarianism often define these endeavors by the doings, and, in the process, frequently refer to these doings as practices (Barnett 2005; Goodale and Merry 2007; Beitz 2009, 2, 8; Redhead and Turnbull 2011; Stein 2011; Karp 2013; Krause 2014; Schaffer 2014; Nash 2015; Roth 2015; Sangiovanni 2017). These doings are practical and intended to solve concrete, everyday problems. Humanitarianism, according to many, is defined by life-saving relief. Human rights are concerned with stopping oppression and creating opportunities to live a

full and fulfilling life of one's choosing. Also consistent with the practice literature, human rights and humanitarian actors often invest their interventions with meaning, referring to themselves as 'value-driven' and motivated by humanity. For these and other reasons, it makes good sense to use a practice perspective to assess the distinction between human rights and humanitarianism.

This approach may be sensible, but hardly straightforward, because of two challenges. First, it is not obvious what constitutes a practice perspective. Some definitions provide little help in this regard. For instance, Bueger and Gadinger (2014, 2015) explicitly refuse to provide a precise definition in favor of treating practices as a set of commitments. Similar to other discussions, these commitments provide little more than a generic list of do's and do not's: be structural without committing the errors of determinism, recognize agency without slipping into individualism, connect doings and uncover patterns as they relate to underlying structures and experimentation, identify a layered institutional context that includes informal and formal networks, and recognize the historical and spatial context. The practices scholarship, at times, more closely resembles a proverbial string around the finger, a reminder of things not to forget, than a guide for empirical analysis.

In order to invest the concept with greater analytical precision, advance its empirical promise, and further the comparison between human rights and humanitarianism, I propose to parse practices into the following elements: material reality – the problem that incites concern; competent action – the tools and technologies that are seen as best able to address the problem; background knowledge – the remedial that orients how actors understand themselves and their relationship to others, informs how to adjust to new challenges and circumstances, and creates the capacity for collective action; and meanings – processes of significance and signification.

This is a good start, but the next necessary step is to specify how they relate to each other (beyond saying that they are all mutually constitutive). Following a pragmatist view of practices (Kratochwil 2011; Alder 2019), I sequence these elements from material reality, to competent action, to background knowledge, to meaning.¹ This is not to assert that there is a natural starting point, but rather that without arranging the elements in a systematic way it will be nearly impossible to use the concept to examine, and compare, different practices. You must start somewhere, see how far it

¹ For the Bourdieusian perspective, see Adler-Nissen and Pouliot (2014) and Pouliot (2010, 2016).

gets you, and modify (or discard) as you go along. An additional advantage is that it ensures that no element gets left behind. This danger is particularly important in the case of meanings. Although practice perspectives insist that meanings are an intrinsic part of practices, my reading of the literature in international relations is that, in the end, meanings are reduced to their most instrumental and functional. What is left out? Any sort of meaning that touches on the metaphysical, such as religion, human flourishing, the transcendent, and humanity.

The second challenge is what Allen Patten (2014, 39) terms the ‘dilemma of essentialism.’ Essentialism ‘consists in the identification of kinds by singling out some relevant property (or set of properties) that are possessed by all and only those [units] that belong to that kind.’ The dilemma is the following: Whenever we categorize or observe kinds, there is a tendency to define the group according to this or that characteristic. It allows us, for instance, to distinguish fog from clouds, peacekeeping from peace enforcement, dogs from cats, and dog people from cat people. This move facilitates classification but does so at the cost of assuming homogeneity when, in fact, there is considerable heterogeneity within each category.

This dilemma certainly applies to human rights and humanitarianism, which are social kinds (Hacking 1998; Haslam 1998; Khalidi 2015). They are often distinguished by members of the group and outsiders according to certain defining characteristics; humanitarianism is about this, while human rights are about that (Moyn 2016). But not everyone who is a member of the group defines the characteristics of the group in the same way. Within each community there are minimalists and maximalists. In humanitarianism, the former is about saving lives and nothing more, whereas the latter includes the attempt to remove the root causes of the symptoms (Barnett 2011). Human rights are either about basic rights or about all rights that impact human dignity and capabilities (Shue 1996; Sangiovanni 2017). Moreover, each has evolved over the decades; the human rights and humanitarianism of today are not the same as a century ago, and, as previously noted, some observe a convergence. As social kinds and social constructions, they will exhibit heterogeneity and overlapping traits, complicating any effort to distinguish one from the other.

Dilemmas are rarely solved, only managed better or worse in relationship to the goal at hand. My conciliation is to start with the claim that members of a kind produce and are bound by socially contingent essences. They are essences to the extent that the members of the group treat these elements as essential to being an instance or member of the kind (Zerubavel 1991). This is akin to the claim in ethnic studies that ethnicities can socially construct primordialism. They are socially contingent, though, because what counts as the essence is socially constructed and thus can change. The socially contingent nature of

these anchoring concepts is most visible during unsettled times (Swidler 1986), that is, when they are destabilized or contested. The(se) essence(s) are akin to anchoring concepts (Swidler 2005) – an idea, discourse, or belief that establishes a foundation and unifies the members of the group. These anchoring concepts inhabit all four elements of practices, creating a unity. Moreover, these anchors bind members of the group, alert them and others when they have wandered too far away from the fold, warn them when they have entered a liminal space, and help to define what constitutes a potential threat to the kind.

How does this apply to human rights and humanitarian practices? I argue that they have socially contingent essences. Specifically, contemporary human rights and humanitarianism differ in terms of the *kinds of suffering* that incites attention and action: humanitarianism is incited by emergencies that threaten life itself and human rights by violations that harm basic entitlements and capacities for human flourishing. These different material realities help to structure the anchoring concepts that inhabit competent action, background knowledge, and meanings. What counts as human rights and humanitarianism became intensely debated in the post-1990s period, because of a surge in both the amount and concern for suffering caused by violent conflict. This new environment caused humanitarian and human rights actors to re-examine whose and what kinds of suffering they addressed, which, in turn, led them to re-evaluate all aspects of their practice. And, as they did so, each kept an eye on how the other's debate might and should affect its own.

This article uses the concept of international practices to explore the distinctions between human rights and humanitarianism in the contemporary period, and, in turn, uses this analysis to comment on the concept of international practices. Section I briefly discusses the concept of practices in international relations and my decision to decompose practices the way I do. Section II applies this framework to the relationship between human rights and humanitarianism. New challenges emanating from the field led each community to debate what is its purpose, what counts as competent action, what is the taken-for-granted background knowledge, and what are the meanings it gives to its actions. In other words, each community addressed its cluster of anchoring concepts. Accordingly, practices evolved not only in relationship to changing circumstances and problems but also to how proximate communities of practice addressed these overlapping circumstances and problems.

While these processes occur on both sides of the boundary, I emphasize the view from humanitarianism for several reasons. To begin, evidence suggests that humanitarianism was more unsettled by the encounter with human rights than was human rights with humanitarianism because

humanitarianism was more vulnerable to human rights than the converse. Why? Human rights went deeper into humanitarian territory than the reverse, and these encroachments potentially challenged the core of humanitarianism. Accordingly, humanitarianism offers a better view about contestation over anchoring concepts. Lastly, I know the view from humanitarianism more intimately than I know the view from human rights. And a major line of inquiry has been how humanitarian organizations have tried to negotiate, and at times fortify, the boundaries between humanitarianism and human rights.

Section III explores the significance of the claim that humanitarianism and human rights operate with alternative historical narratives, that is, how events and processes are invested with meaning and form a coherent story. Contemporary human rights and humanitarianism, I will argue, are about humanity defined in terms of human flourishing and saving lives, respectively. These meanings of humanity are co-constituted by alternative historical narratives: humanitarianism by precarity and human rights by progress. The conclusion considers how this discussion of human rights and humanitarianism potentially redirects contemporary research on international practices.

International practices

There is no accepted definition of ‘practices’ or single practice perspective, but most share several core traits (Cetina, Schatzki, and von Savigny 2005; Rouse 2007; Simpson 2009; Nocilini 2012). To begin, practice perspectives continue a longstanding concern with the relationship between structure and agency. Emphasizing the cultural dimensions of group life, practice perspectives acknowledge structure. Concepts like habitus, thought communities, communities of practice, background, and field readily populate most practice approaches, and while there are subtle and not-so-subtle differences between these concepts, the shared view is that that the ‘social’ has an integrity, which, in turn, accounts for enduring patterns. Yet practice perspectives are equally attentive to agency. Indeed, practice perspectives began as a rebellion among structurally oriented theorists against ‘theories of constraint’ (Ortner 2006, 1). To that end, they have rallied around an array of different concepts that are intended to capture this agentic dimension, including praxis, phronesis, judgment, creativity, ingenuity, and so on. Second, practice perspectives focus on what actors actually do. *Action* is where the action is, and often this is the starting point for many studies of practices. Third, actors make choices, but not necessarily under the conditions of their choosing, and their choices are imprinted by an institutional dimension; habitus, communities

of practice, and field are used to capture this institutional dimension of life (Bourdieu 1990, 53; Wegner 1998; Martin 2003, 1; Fligstein and McAdam 2012, 9, 167–8). Fourth, practice perspectives insist on the importance of context. Interpreting the doings of real human beings cannot be done in relationship to abstract criteria but only in reference to history and ‘the local criteria of the social environment in which they are positioned’ (Bially Mattern 2011, 82).

Practice perspectives share several identifiable traits, but traits are no substitute for categories of analysis. I begin by leaning on Adler and Pouliot (2011, 6), who define practices as ‘socially meaningful patterns of action which, in being performed more or less competently, act out and possibly reify background knowledge and discourse in and on the material world’ (also see Kurasawa 2007, 11). This definition, which has become the starting point for many discussions in international relations scholarship, identifies four core elements: material reality, competent action, knowledge, and meanings. Although there remains considerable debate about how these elements themselves are defined, at least it provides a table of elements. But tables do not necessarily indicate how the elements relate. In part because of the recognition of the dynamic relationship between agents, interactions, and structures, one plausible response is to insist that everything is related to everything else. This is trivially true, and provides no grounds for defending one starting point over another. There is no absolute right or wrong choice, but there are choices that can be more or less helpful for understanding the different elements, the boundaries of, and the change in practices.

Communities play a central role in defining and redefining the elements of practice, and these elements of practice help to constitute the community. Hence the centrality of the concept of communities of practice. This is where problems are first identified and registered, and competent action, background knowledge, and meaning are debated, revised, defined, learned, passed down, and evaluated (Wegner 1998; Adler and Pouliot 2011, 17). Communities of practice serve several additional functions. They define who is and who is not a member of the community. Relatedly, they help to maintain a jurisdiction of knowledge and authority. Those who are members of the community share a sense of collective purpose and desire to create mechanisms to promote and coordinate joint action. Learning is critical, and it occurs in professional and expert associations, networks and organizations, higher education, and the field. In addition to being a site for defining and organizing collective action, communities of practice also become a place where battles are waged over resources, status, and identity. No community is absent hierarchy and inequality, including communities of practice that might be waging a fight for humanity.

These communities of practices are often united by what Anne Swidler (2005) calls ‘anchoring concepts’ and Terrance Ball (1999) ‘core concepts.’ As discussed earlier, social kinds have no essence. Yet the practitioners that constitute a community of practice frequently proceed as if there is an essence and operate with a set of anchoring or core concepts that provide a touchstone for their practices. In other words, they are ‘central to, and constitutive of...the ideological community to which it gives inspiration and identity’ (Ball 1999, 391–2). These core concepts, Ball continues, often exist in a cluster, and the composition of these clusters can differ from one version of a political ideology to another. A central concern at moments of contestation within a community of practice is not the legitimacy of these core or anchoring concepts but rather (1) how far members can wander from them without bringing into question their membership and (2) whether proposals to accommodate practices once thought to be outside the community might function as a moral pollutant, creating the conditions for turning core concepts into ‘sore concepts’ (Ball 1999).

Material reality

Many definitions of international practices emphasize the importance of ‘material reality.’ Sometimes material reality refers to social facts, that is, those humanly developed concepts, such as human rights and humanitarianism, which are taken as given. Sometimes, material reality refers to the concrete technologies that are available at the time; the rapid innovations of information technology over the last century mean that the ability to get more information nearly instantaneously is part of the material environment. And sometimes, material reality refers to concrete bodies and minds.

I adopt a different interpretation of material reality: the problem that is deemed to demand a response and thus can serve as the catalyst for change (Rouse 2007; Duvall and Chowdhury 2011). Materiality does not preclude the social (Drieschova 2017). These problems are not necessarily material in the sense that they are absent the social. Disaster studies recognize that while disasters might be an ‘act of God,’ the consequences of disasters are almost always the product of human decisions. There is also a social element in terms of which problems register and are deemed to demand a response. Mass suffering was just a fact of life and death centuries ago, but today it is a problem that requires attention and, hopefully, action. And as people forge a response to new problems, they often do so with notions of justice, which in turn can direct intervention toward some populations rather than others. In these and other ways, the ‘problems’ that spur action

are intrinsically social and loop back from and to meaning. However, I will restrict ‘material reality’ to the problem that is ‘out there’ that triggers a demand for action.

Competent action

Problems should be addressed in the most appropriate and effective way possible. In other words, they demand ‘competent’ action. To qualify as ‘competent,’ action must follow procedures and best practices, demonstrate technical prowess, and get results. But competent action is more than garden-variety pragmatism – it also requires the proper attitude and cultural understanding. It combines the cognitive and physical with the normative. Anyone can stretch. Yoga might include many of the same positions as a good stretching regimen, but typically, it also connotes a particular mindset. To be a competent yogi, in other words, means more than twisting one’s body into strange shapes (something gymnasts and members of Cirque de Soleil can do), but also being a ‘practitioner’ toward a particular state of mind (Stein 2011, 89).

An equally important but frequently neglected feature of competent action is the reasoning that guides what counts as competent. There are many different kinds of reasoning, though students of international practice have tended to highlight four that are most relevant for understanding human rights and humanitarianism. These are as follows: practical reasoning, getting things done, and accomplishing some goal; technical reasoning, the development of specialized methods for restricted domains of problems; moral reasoning, doing the right things for the right reasons, frequently with reference to a broader ethical codes that determine right from wrong or to the broader interests of the community, public, or humanity (Sykes 2012); and legal reasoning, which uses ‘law’ and legal norms, including the centrality of precedent, rules for handling evidence, and the guidelines for which arguments are admissible and available, to justify decisions and guide action (Schauer 2009). These forms of reasoning are not mutually exclusive, and often they are combined in debate and decisions. In any event, different reasoning processes shape what counts as competent.

Background knowledge

Knowledge is the fulcrum for practices, providing the sinews between meaning and competent action. Knowledge can be broadly defined as the “mapping” of experienced reality by some observer. It cannot mean the “grasping” of reality itself’ (Holzner and Marx 1979, 93). Students of practices, though, have something much more specific in mind: knowledge

that exists in the shadows; is implicit rather than explicit, lives on the tip of the tongue, built into muscle memory. To capture the subliminal and almost subconscious dimension of knowing, scholars of practice have nominated a range of concepts: background knowledge (Searle 1995), shared understandings (Brunnée and Toope 2011, 111), background understandings, social imaginaries (Taylor 2003, 25), tacit knowledge (Collins 2011, 108), habit (Hopf 2010), common sense (Geertz 1973, 90, 111; 1983, 75–7; Holzner and Marx 1979, 21, 25, 34; Rouse 2007, 517), practical knowledge (Ringmar 2014, 5), and social skill (Fligstein and McAdam 2012, 17). There are subtle and not so subtle differences between these terms, but, for my purposes and simplicity's sake, I will adopt the concept of background knowledge to refer to knowledge that is 'just understood.'

This background knowledge serves various functions that pertain to getting things done (Adler and Pouliot 2011, 8). It helps actors make sense of the meaning of events and developments, guide their response, coordinate with others, and work toward collective action (Rouse 2007, 503). In sports, we might say that an athlete with such knowledge has a 'feel for the game.' But it often takes more than an aggregation of such athletes to produce a great team. It also takes 'teamwork,' which comes from constant practice, rehearsal, repetition, and experience. Such activity not only helps individuals improve their skills but also, and perhaps more importantly, give each player a sense of how others play the game. Those teams that have extraordinary teamwork are said to have 'chemistry.' In short, background knowledge makes it possible for groups to organize to further their collective purpose.

If background knowledge is as obscure and ethereal as it is portrayed, then how do we know it when we see it? Although not all aspects of the background are equally visible, in fact the core concepts and critical features of background knowledge are often part of the foreground (Ball 1999; Stein 2011). Unsettled times can produce furious debates regarding the supposedly unspoken ways of knowing and doing, debates that often become connected to such fundamental features of group life as identity, membership, and boundaries (Swidler 1986). Also, background knowledge is learned, and such learning often occurs in communities of practice in formal settings, bodies of accreditation, training programs and seminars whose goal is to teach such knowledge. Moreover, in these settings, knowledge transfer often does more than teach techniques or convey raw information – it also communicates and contains repositories of meaning (Brunnée and Toope 2011, 112). Lastly, background knowledge often becomes part of the foreground when actors provide reasons or justifications for their actions (Boltanski and Thevenot 2006). The critical point, though, is that background knowledge does not always lurk in the shadows.

Meanings

Meaning is central to the concept of practices (Schatzki 2005a). Action absent meaning is mere behavior. Meanings are inextricably tied to symbolic systems, which are comprised by language, signs and significations, and categories for organizing the world (Berger and Luckman 1966; Wuthnow 1989; Geertz 1994; Zerubavel 2009, 72). These classification systems, to the extent that they organize reality and practices, are central to human action. There are important epistemological debates regarding how to recover meanings; I want to flag a current ontological limitation in contemporary understandings of practices. The literature on international practices tends to restrict meanings to tangible projects, fairly circumscribed purposes, and functional properties. In Schatzki's (2008) classic book on practices, his very brief discussion of meaning provides just a handful examples, all of which are fairly 'mundane' activities, such as the meaning of an axe in relationship to chopping down trees. International relations scholars usually stick to similarly instrumental interpretations of meaning, nearly reducing meaning to the instrumental and functional. In Adler and Pouliot's (2011) edited volume, most meanings are interpreted as how particular actions help to perform practical tasks. One reason for the pronounced instrumentalism is the emphasis on action and getting things done – practices are about accomplishing something. The meaning of diplomacy regards the working of interstate encounters. The meaning of the EU concerns regional stability through integration. Concrete doings generate concrete meanings.

Yet any robust understanding of meaning must incorporate both the instrumental and the existential (Fligstein and McAdam 2012). Simply put, meaning can have a much more encompassing dimension, including the transcendent that necessitates a consideration of the whole of reality (Wuthnow 1989, 40). Action can be part of a 'search for meaning' (Frankl 2006), the attempt to position oneself in relationship to others and the cosmos, the desire to fend off questions of emptiness and alienation that might otherwise intrude on our sense of self, and the attempt to make sense of suffering. Although Peirce's pragmatism arguably had little space for transcendental meanings, religion, human flourishing, and the individual's relationship to the cosmos, James (1956, 25) aspired to create a space for them, as did Dewey (Bernstein 2003, 132–3; Dewey 2003; Rosenthal 2003, 235; Talisse and Aikin 2008, 10–15, 90–3). The very fact that pragmatists have wrestled with religious experience suggests its importance, the difficulty of doing so from within pragmatism, and the desire to avoid an overly technical and instrumentalist view of meaning.

The shifting boundaries between humanitarianism and human rights

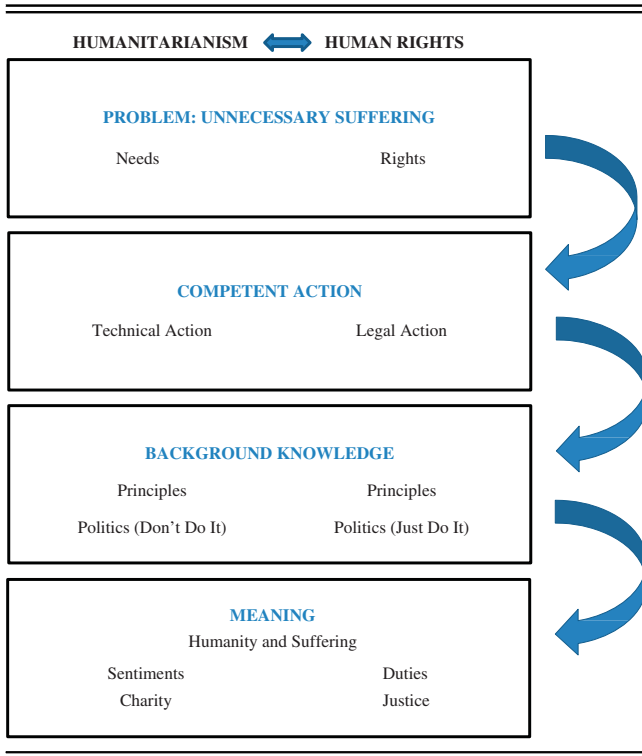
This section considers how a pragmatist-inspired view illuminates the evolving distinctions between humanitarianism and human rights practices beginning in the 1990s. A few reminders before doing so. I use the four elements of material reality, competent action, background knowledge, and meaning to structure the analysis and draw comparisons between humanitarianism and human rights. Although these elements are in a complex and multisided relationship, I proceed in the aforementioned sequence. Second, a changing global context compelled humanitarianism and human rights to reconsider its practices, which provides the basis for comparison between the two. Additionally, this unsettled period and the growing presence of human rights shaped humanitarianism's defense of and debate about its anchoring concepts. Third, the presence of these anchoring concepts does not presume that these different kinds are internally homogenous – there was considerable diversity and debate within each community. Nevertheless, the debate in humanitarianism tended to accept a core, but then deliberate whether and how other kinds of action might be included and whether and how doing so would undermine what it *is*. Table 1 illustrates the argument.

Material reality

At the broadest imaginable level, human rights and humanitarianism are concerned with human suffering. But there is a surfeit of suffering in the world, and, as a practical matter, not all suffering will or can matter equally. Students of human rights and humanitarianism are not interested in personal suffering, the kind that results from a physical or emotional injury. Instead, they are interested in *social* suffering, the kind of suffering that society caused or conditioned (Wilkinson 2013). Yet social suffering still leaves a surplus of concern, and arguably this is where humanitarianism and human rights have historically differed. My reading of the history of human rights and humanitarian literature is that prior to the 1990s, each was largely oriented toward different domains of human suffering: for humanitarianism, it was suffering that threatened basic life due to extraordinary circumstances that affected mass populations; for human rights, suffering was a lack of entitlements and rights, usually caused by the state. Why one form of suffering became attached to one and another form to the other is beyond the ambitions of this article. What matters for my argument is that prior to the 1990s, the boundaries between the two were largely accepted and settled.

'Needs' refer not to anything and everything individuals claim to require, but rather, inputs that are deemed (objectively) essential to the propagation

Table 1. Practices of Humanitarianism and Human Rights



of life itself (Campbell 1974, 9; Willen 2011). Food, shelter, clothing, medicine, clean water, and sanitation are essential for ‘bare life’ (Agamben 1998) and are fundamental for a ‘regime of life’ (Stevenson 2014, 68). Yet not all unfulfilled needs incite humanitarianism. Instead, humanitarianism focuses on ‘emergencies’ that threaten mass suffering and death (Calhoun 2008; World Health Organization 2013, 9–12). Emergencies can be caused by either natural or humanly made forces (even though there is widespread recognition that there are humanly made reasons why some populations are more vulnerable than others to natural causes). ‘Natural’ disasters are often likened to ‘acts of God.’ Violence and conflict are the most common cause of humanly made disasters. In either case, these are emergencies because time lost means lives lost. Historically, humanitarianism has been focused on the immediate goal of providing life-saving relief in response to mass suffering. It is about the here and now.

Rights, on the other hand, refer to the entitlements that individuals purportedly possess that foster their freedom and flourishing (Schmitz and Sikkink 2002; Donnelly 2003; Hunt 2007; Ishay 2008; Wilson and Brown 2008; Beitz 2009; Moyn 2010; Lauren 2011; Karp 2013). In contrast to the handful of needs identified by humanitarianism, discussions of rights and entitlements can be wide-ranging (Shue 1996; Beitz and Goodin 2009; Sangiovanni 2017, 235–56). There are rights that derive from natural and positive law. There are negative and positive rights. Some rights are seen as ‘basic’ because, without them, other rights cannot exist. The Universal Declaration of Human Rights includes dozens of rights, and the subsequent decades have added new generations of rights that often become attached to specific populations. There are political, civil, cultural, religious, economic, and social rights that can be claimed by minorities, refugees, women, children, prisoners, the disabled, aged, and other categories of people. This rich tapestry of rights, though, serves the following basic functions: to help individuals preserve their freedom and protect them from tyranny, oppression, and unwanted interference; to allow them to express their opinions, beliefs, and views without fear; and to empower them to live their lives and flourish as they desire. In contrast to humanitarianism’s focus on the immediate present, human rights look to the future.

Prior to the 1990s, human rights and humanitarianism existed in a state of parallel play, each tending to its own garden. Beginning in this decade, though, they were increasingly oriented toward the same situations and attempting to help the same affected populations. This is not only because human rights actors became more active in situations of armed conflict. It also was because the world of humanitarianism was changing. Emergency settings that were supposed to be temporary became protracted and permanent, most evidently when refugees become locked away in camps for years or even generations. In these situations, humanitarian organizations did not have an easy ‘exit’ option and instead moved from the provision of bare necessities to long-term care, education, livelihoods, and rights. Moreover, aid workers began to go beyond attending to the symptoms to addressing the causes. Encouraged by donors who were more generously funding post-conflict reconstruction projects, aid organizations also began to chase the low-hanging fruit into non-emergency areas. In part because of donor priorities and the rising hegemony of human rights, aid agencies began to integrate a ‘rights-based’ framework into their operations, but rarely did they reference human rights law (Willen 2011). Throughout this entire process, though, there was concern among the traditional humanitarian organizations that it was possible to overdose on rights (Barnett

2011). Accordingly, many humanitarian organizations worked fiercely against ethics creep.

Competent action

Because of these increasingly complex and challenging environments, the human rights and humanitarian communities began to debate what counted as competent action. Perhaps the most striking feature of the debate over ‘competence’ in humanitarian action was the general insistence that humanitarian organizations, and the rapidly evolving community of practice, had to become better at what they did. Specifically, failures in the field and demands from donors led once make-shift and disjointed organizations to bureaucratize, rationalize, and professionalize (Barnett 2005). The infrastructure underwent rationalization, evident in the burst of standards, codes of conduct, ‘best practices,’ ‘evidence-based’ programming, and more sophisticated metrics for measuring effectiveness. There also was professionalization of the sector (Sending, 2017). It was no longer enough to have the right intentions and a big heart; well-meaning amateurs can do more harm than good (Anderson 2010). Better to have experts and professionals that are well trained and know what they are doing. There were a growing number of masters’ programs and opportunities for certifications in humanitarian action and disaster management. New subspecialties with corresponding bodies of expertise also developed, including logisticians, project managers, coordinators, evaluators, and security specialists.

These rationalization processes are partially responsible for the shift from moral to technical reasoning (Hopgood 2008; Stein 2011; Barnett 2012). The very idea of humanitarianism is driven by a powerful emotional and moral reasoning that directs an ethics of care and a ‘humanitarian imperative’: ‘action should be taken to prevent or alleviate human suffering arising out of disaster or conflict, and that nothing should override this principle’ (Sphere Project 2011; also see Fassin 2012, 1). Yet humanitarianism is also a practical enterprise and the aid world increasingly sought techniques that would enhance their effectiveness and efficiency. Technical reasoning and skills were increasingly valued.

Human rights underwent a somewhat comparable institutionalization (Dale and Kyle 2016), but what stands out is the presence and influence of law and legal reasoning (Habermas 2010; O’Flaherty and Ulrich 2010). Human rights always contained a moral justification that revolved around the claim that all humans are born with certain fundamental rights because of their humanity. This is not a hypothesis or dependent on states’ ratifying treaties; rather, it is a matter of faith (Kratochwil 2014, 200). Yet law’s

fingerprints are increasingly all over human rights (Cody, Wilson, and Rasmussen 2001; Hurwitz 2003, 513; Kurusawa 2007, 194; Niezen 2007; Wilson 2007; O'Flaherty and Ulrich 2010, 16; Joas 2013, 186, 195; Bruch 2014, 41). Precisely why and how law became nearly constitutive of human rights is a matter of debate, but there is agreement that it is (Redhead and Turnbull 2009; Habermas 2010, 469; Buchanan 2013; Joas 2013). Human rights law refers to 'the system of law that establishes fundamental individual and group rights and the obligations of states relative to those rights' (Hurwitz 2003, 510). Law shapes what counts as a right, whether a right has been violated, and what kinds of harms will be a matter of political and moral concern. Law also shapes human rights' methods, skills, and tactics (Goodale 2007, 6; Beitz 2009, 209–10; Slim 2015, 17). To advance human rights, activists build cases that cite legal precedent, take depositions, and use other methods associated with the legal profession; advocate for new laws, legislation, and binding commitments; and interpret and diffuse legal texts. A cause and consequence of the hegemony of law is that law schools and law-dominated programs dominate human rights training.

Humanitarianism never went through a comparable process of legalization. There are areas of humanitarianism where law is quite prominent, most obviously in the protection of refugees, soldiers, and civilians. But when Doctors without Borders justifies its interventions in faraway places, it typically points not to legal justifications (the right to be present according to this or that law) but rather to a humanitarian imperative and the moral claim that all humans deserve medical attention. Precisely why there has been a refusal to try to legalize relief – or even a concrete right to relief – is a matter of debate, but I have had conversations with International Committee of the Red Cross (ICRC) officials who have asserted that referencing law when trying to get access to affected populations would not only not help, but it might make it more difficult because it would transform an 'act of generosity' on the part of combatants into a legal obligation (also see Ratner 2011).

The differences between human rights and humanitarianism regarding what counts as competent action can be further illustrated in the human rights community's emphasis on 'naming and shaming,' in contrast to the humanitarian community's 'humanitarian diplomacy.' Naming and shaming is the strategy of leveling a public accusation of violating a norm with the hope that such a public disgracing will cause the accused to behave better (Kiznelbach and Lehmann 2015; Leiby and Krain 2015). This strategy depends on several conditions. There must be an existing normative structure that clearly distinguishes the legitimate from the illegitimate, the acceptable from the unacceptable, and the moral from the immoral. Actors care about their images, often for both material and symbolic

reasons. In turn, this concern with their image means that they are vulnerable to affronts to it, particularly when such shaming is public. Through naming and shaming, then, human rights activists attempt to impose costs on the norm-violating actor.

Humanitarian diplomacy is built for the purpose of getting access to vulnerable populations. Access is often determined by political authorities and those with power, including those who might be responsible for the suffering. Accordingly, if aid workers want access, they have to be willing to talk to and compromise with almost anyone. Although aid workers might go public and try to shame these gatekeepers, experience tells them that this is likely to result in getting them denied access, attacked, or even expelled from the area. Accordingly, aid workers typically use ‘humanitarian diplomacy,’ speak softly and away from the microphones and camera lights, do not assign blame, and avoid the strident advocacy and activism that defines much human rights activity (Minear and Smith 2007; Magone 2012; Simeant 2014, 328–29; Sending 2015; Slim 2015, 17; Pease 2016). In this regard, human rights’ naming and shaming is not just a different form of competent action – it works at cross purposes. Accordingly, many humanitarian organizations actively attempted to ensure that the kinds of techniques that were becoming popular in human rights practices did not become adopted in humanitarian action. In short, what human rights might count as competence would count as incompetence if done by humanitarian organizations.

Background knowledge

What counts as competent action is structured by the existing background knowledge. In other words, behind the curtain are ‘unstated’ assumptions that not only shape what kinds of actions are deemed appropriate but also bind the community. Often this background knowledge is stable and taken for granted, but there are moments when it becomes contested and part of the foreground. Many discussions of humanitarianism’s principles begin with the famous desiderata by the ICRC’s Jean Pictet. He identified seven core principles: humanity, impartiality, neutrality, independence, voluntary service, unity, and universality (Pictet 1979). The first four principles, though, arguably constitute the core (Sphere Project 2011). Humanity commands attention to all people. Impartiality requires that assistance be based on need and not discriminate on the basis of nationality, race, religion, gender, or political opinion. Neutrality demands refraining from taking part in hostilities or from any action that either benefits or disadvantages the parties to the conflict. Independence requires that assistance should not be connected to any of the parties directly

involved in armed conflicts or who have a stake in the outcome; accordingly, there is a general rule that agencies should either refuse or limit their reliance on government funding and especially those that are involved in the conflict.

These principles are both instrumental and constitutive (Weiss 1999; Barnett and Weiss 2008; Gordon and Donini 2016; Fast 2016). They are instrumental because by adhering to them, agencies can better provide relief and protection. If aid agencies are perceived by combatants as partial, allied with the opposing side, or as having a vested interest in the outcome, then they will have difficulty getting access, or even worse, become targets. These principles, if followed and respected, create ‘humanitarian space’ that provides a sanctuary for aid workers and victims. At times, though, these principles are elevated to identity-defining, nearly sacred, status – to be a humanitarian means honoring these principles. Anyone can give aid, but only those who follow these principles, and demonstrate the right spirit, are full-fledged humanitarians. Corporations and militaries have always played a part in emergency relief; indeed, they might even be better at delivering aid than the card-carrying agencies because they know how to, and can, move mountains of aid on short notice. But this doesn’t necessarily mean that they are humanitarians (Hopgood 2008).

These humanitarian principles have not been only in the background but also in the foreground in several ways. Discussions about humanitarian principles often delved into which principles were essential and tangential, and whether and how to prioritize them (Forsythe, 2013). For instance, volunteerism, especially since the sector was becoming professionalized, seemed less important than principles of neutrality, impartiality, and independence. Then, there was the debate over what, precisely, these sacrosanct principles meant. Questions surrounding the principle of neutrality were at the center of many debates where it was not clear if the principle was a help or hindrance to protecting populations. For instance, what good was the principle of neutrality in places like Bosnia and Rwanda, sites of genocide? Under such circumstances, neutrality could imply that the victims and the perpetrators had the same moral standing, effectively turning aid workers into accomplices of mass murder. Because of such concerns, the Humanitarian Charter adopted a definition of neutrality as nonpartisan – it was possible to take a stand on basic protection principles without ‘taking sides.’ Finally, debates about principles occur not only in meetings in Geneva but also in the field; aid agencies are constantly fiddling with the principles in the everyday, on-the-ground, practices of relief (Hilhorst and Jansen 2010).

The human rights community also refers to these principles of impartiality, neutrality, and independence, though with different interpretations.

In human rights, impartiality is determined in relationship to human rights principles and documents that are treated as having a universal status (Leebaw 2007; Brown 2004, 453). Amnesty International's claim to impartiality, for instance, 'reflects the premise that the expansion of international human rights law is transforming human rights norms from a set of political aspirations into a body of impartial legal norms' (Leebaw 2007, 226). Like humanitarianism, human rights also treat impartiality as part of instrumental reasoning: it can be a strategy to portray a stance of 'distance or disinterest needed to discriminate between victims and perpetrator' (Leebaw 2007, 227). Neutrality makes little sense to a human rights that is always prone toward a form of activism. This is a world in which there are those who have their rights violated and those who violate them, victims need protection and violators deserve punishment, and protection and punishment produce measures of justice. Independence also has a different meaning and loosens the restrictions on the kinds of alliances human rights organizations can make. Whereas aid agencies tend to keep their distance from states, rights organizations more easily ally with them.

The humanitarian and human rights communities also have distinct orientations toward politics. Human rights actors often present themselves as apolitical because rights are universal and grounded in humanity. Yet to defend and expand human rights requires embracing politics; a willingness to speak truth to power; a readiness to confront the state and others who are accused of violating the rights of others; a demand for justice; and a desire to change domestic political institutions, law, and culture to create an environment that supports human rights. Human rights minimalism, as Wendy Brown (2004) cogently observed about Michael Ignatieff's writings, almost requires moving toward a maximalism; the attenuation of suffering, as Ignatieff and others in the human rights camp intimate, opens up the possibility for empowerment, which, in turn, requires the creation of institutions that can support and defend such self-discovery and self-actualization. In short, any project that attempts to defend the individual in relationship to society will necessarily be political.

Humanitarian organizations insist that they act outside the realm of politics and in the realm of ethics, and ethics is a politics-free zone. Apolitical does not mean simply a lack of partisanship. Nor does it mean denying that aid has political effects. Instead, it means concentrating on saving lives to the exclusion of all other factors related to harm, including its sources and long-term remedies. Humanitarianism is about symptoms and not causes. Keeping people alive is not practicing politics; instead, it is practicing humanity. And, once again, being outside of politics is not only part of the identity and background knowledge of humanitarianism; it also is central to its ability to

do its work. If aid workers are seen as being overtly or intentionally political they will lose access to those in need and potentially become viewed as a party to war and thus become a target (Cutts 1998; Warner 1999; Redfield 2012; Barnett and Weiss 2013). Accordingly, many humanitarian organizations will not cross into activities such as human rights, democracy promotion, community development, and peacebuilding that might be perceived as ‘political’ because they threaten to alter the existing structures of political power and authority.

Meanings

Humanitarianism and human rights are equally rooted in ‘humanity.’ This is neither the time nor place to engage in an extended historical review of the emergence of the concept of humanity, but several features should be highlighted (Lacquer 2009; Feldman and Ticktin 2010; Klose and Thulin 2016; International Federation of Red Cross and Red Crescent Societies 2018). First, humanity is a social construction, was born at a particular historical moment, and can change with the politics and power of the times. Although metaphysically speaking, humanity might have always existed, humans did not begin to ‘discover’ or nurture their humanity until the 18th century. Relatedly, the concept of humanity, especially in contemporary times, became associated with the claim that all individuals are humans, are equal and capable of reason, and are obligated to respect each other’s dignity and ‘treat fellow humans as family’ (Wilson and Brown 2008, 43). Humanity is not just a belief – it also demands action. Our actions have a dual effect: they help recognize and restore the humanity of others, and they enable us to realize our humanity (Barnett 2011; Malkki 2015, 11). Such actions are often linked to the language of duties. Humanity generates both negative duties, avoiding action that produces unnecessary and foreseeable harm, and positive duties, including preventing and alleviating unnecessary suffering (Pictet 1979). Furthermore, humanity is tied to the sacred, a position closely associated with Emile Durkheim. The sacred binds the members of the community in and through something that is seen as ‘larger than themselves.’ Although such beliefs used to be associated with a deity, since the 19th century, humanity has become sacralized and transformed the human into ‘the object of a sort of religion...a common faith’ (Durkheim 1969, 61; Agamben 1998; Levy and Sznajder 2006; Cladis 2008, xxviii; Joas 2013, 5, 7). In general, defending and nurturing of the human are a sacred duty that instantiates humanity.

But when are we practicing humanity? I return to the question of what sorts of problems incite human rights and humanitarianism. For both, it

begins with suffering. We live in a world of difference, often defined by divisions of all kinds – territorial, political, economic, cultural, religious, gendered, racial, and legal. Suffering, though, can melt these differences, break down barriers, produce a sense of unity, and make ‘humanity visible’ (Festa 2010, 6–7; Nguyen 2010; McManus 2017). In this fundamental way, humanity can be parasitic on suffering. Given the importance of this suffering-induced humanity for both humanitarianism and human rights, is there no distinction between the two at the level of meaning and the kinds of obligations we owe each other? I now want to suggest that they are practicing humanity in distinctive ways; humanitarianism focuses on charity, while human rights on justice.

There are different versions of the origins of humanitarianism, but the current consensus is that it emerged in the 18th century because of the growing impact of moral sentiments. It is not that individuals were unfeeling before then, but that there emerged a ‘regime of sympathy’ owing to the Enlightenment, modernity, and religious change (Lacquer 2009; Barnett 2011). Such sentimental feelings were particularly evident, and increasingly expected, in the face of suffering. It was not enough to respond sympathetically to sad stories; it was equally important to demonstrate compassion. And compassion itself became part of society and a standard for humanity around this time, as well (Sznajder 1998; Linklater 2014). Moreover, compassion demanded more than words of concern; it also necessitated action. Importantly, individuals demonstrated compassion not because they were under duty to do so, but rather because they felt moved to do something. Compassion is voluntary, not obligatory.

Such acts of compassion are tantamount to charity (Festa 2010, 8).² Charity makes limited demands on us and has very limited aims. It is designed to meet the fundamental needs of the poor, the marginalized, the vulnerable, and the victims of the world (Ticktin 2016, 265–7). Moreover, it does not ask why people are in need. Although some charitable practices distinguish between deserving and undeserving victims, humanitarian action is designed to help all in need. Furthermore, the discourse of charity is conservative (Feldman 2016; Ticktin 2016). It does not assess the underlying societal conditions that are responsible for such misery. It does not aspire to change the structures that place individuals in a situation where they have to depend on the kindness of others. Lastly, charity avoids considerations of justice. In his foundational text on the Fundamental Principles of the Red Cross, the ICRC’s Jean Pictet argued that charity

² For the famous link between humanitarianism, charity, and pity see Arendt (1963) and Wilkinson (2014).

means that one gives first and worries about the justice second, if ever. As he observed, ‘One cannot be at one and the same time a champion of justice and charity. One must choose...The ICRC has long since chosen to be a defender of charity’ (cited from Leebaw 2014, 261). As one official from Medecins Sans Frontières starkly put it, ‘We do surgery. We do medicine. We do clean water. We don’t do justice’ (Rubenstein 2015, 207; also see Redfield 2013, 229–44). Humanitarianism practices a moral minimalism.

Human rights also have their sentimental side, but the discourse of rights produces a politics of justice. It begins with a sense of justice tied to individuals as bearer of rights. Jean Pictet observed, ‘Justice rewards each person according to his rights,’ (cited from Leebaw 2014). Rights allow actors to make claims on others, and, in turn, actors can have obligations to help individuals defend and realize their rights. Part of rights preservation and justice includes identifying and punishing those who are perpetrators and violators. (Spivak 2004, 523–4; Barry 1982, 219–52; Festa 2010, 16; Kurusawa 2007, 204; Valenti 2015, 736). The intertwined connections between rights, justice, and obligations are captured by O’Flaherty and Ulrich (2010, 8) in the following:

[T]he promotion and protection of human rights is emphatically *not* a matter of charity but rather an entitlement of all human beings. The delivery of human rights-related services, therefore, cannot be understood merely as optional or something done out of the goodness of one’s heart. Rather, it has the character of an obligation – in the first instance by States...Whereas charity may have the unfortunate consequence of placing the recipient in a position of inferiority and moral debt, which can be humiliating and disempowering, human rights work...must never do this. To the contrary, it should be guided by a commitment to help empower individuals to claim and protect their own rights.

Finally, injustice occurs not only when someone’s liberty is infringed, but also when structures of inequality and exclusion are allowed to persist; these inequalities, in turn, can suppress basic human rights and the opportunity for human flourishing. In general, humanitarianism is moved by sentiments, charity, and subscribes to a moral minimalism; human rights are moved by duties, justice, and subscribes to a moral maximalism.

Narratives

Thus far I have argued that: (1) Human rights and humanitarianism constitute distinct practices, evident in and through whose and to what kinds of suffering each attends, what counts as competent action, background knowledge, and meanings. And, (2) although these practice can be

essentialized and treated as something akin to core or anchoring concepts, their socially contingent nature is particularly evident during unsettled moments. In this section I want to briefly suggest the additional possibility that meanings and distinctions can be located in the alternative narratives of humanitarianism and human rights. A narrative, simply speaking, is a story joined by a plot. These stories are themselves constituted and connected by events and developments that are invested with meaning and significance (Stone 1981; Carr 1986). Accordingly, the narratives of a community contain a 'common vocabulary of stories, references, and landmarks, as well as a common set of 'points of concern,' which are widely assumed to be familiar to everyone' (Patten 2014, 55). Below I want to suggest that humanitarianism has a narrative of precarity and human rights progress, and these different narratives can be located in how each organizes history and gives meaning to events.

Historically, humanitarian practice does not comfortably associate with discourses of progress. If there is progress, then it is the expansion of the circle of humans that are seen as worthy of compassion (Lacquer 2009; Linklater 2014). But it is not progress in the sense that it imagines a world absent of humanitarian emergencies or mass suffering. Humanitarian actors are much more comfortable thinking about the world as precarious. Precarity is the belief that 'things fall apart, again' (Fortrun 2012, 447). It is the constant fear of instability, mass violence, dispossession, and injustice. Things might improve, but there is the ever-present fear of sliding backwards. In this respect, any sense of hope is shrouded by anxiety (Muehlebach 2012; Weston 2012; Giorgi 2013; Shaw and Byler 2016). Indeed, many biographies of aid agencies and autobiographical statements by aid workers suggest an explicit refusal to hope. This is a major theme of Peter Redfield's (2013) textured account of MSF. Other interviews with MSF veterans express comparable hesitations. 'We are the world's gravediggers, finding our happiness amidst the growing numbers of massacres and battlefields' (Dawes 2007, 5). 'We are not prepared for any radiant or bright future,' observes MSF's Rony Brauman. 'We can only focus on what we do now, in the present, with those in front of us. Our success can only be in the moment.' Then he quickly adds, 'I have a hard time imagining what a humanitarian success would be in situations where violence is itself the sign of failure.' (Dawes 2007, 18–9). Even so, over the last two decades, humanitarians have become more concerned with the unintended consequences of their work; the paradoxes, dilemmas, and tensions intrinsic to aid; and the possibility of doing more harm than good (Terry 2002). Aid agencies clearly want to improve and be more effective, still, this is not a community that talks in terms of victories or progress.

This narrative of precarity contrasts sharply with the human rights narrative of progress (Teitel 1997; Afshari 2007; Habermas 2010, 475–7; Moyn 2010; Hoffman 2011; Hopgood 2013; Dawes, Gupta, and Jayasinghe 2014; Sikkink 2017). The idea of progress is a reflection on the past and the future – that the world has gotten better and will continue to do so (Nisbet 1994, 4–5). In the enlightenment tradition, progress has both material and moral dimensions. The material is increasing control over nature for the betterment of the human condition in terms of health, mortality, and satisfaction. The moral is the recognition of the dignity of all humans. Human rights are often treated as a central cause and indicator of modern progress. Habermas argues that ‘the origin of human rights in the moral notion of human dignity explains the explosive political force of a concrete utopia’ (2010, 466). It is not a ‘deceptive’ utopia but rather a ‘realistic’ utopia because it does not make vacuous promises of collective happiness, but rather anchors ‘the idea of a just society in the institutions of constitutional states themselves’ (Habermas 2010, 476). Regardless of whether the utopia is deceptive or realistic, the overall belief is that the human condition is improving (Sikkink 2013, 2017). This is not only an empirical statement. It also has a religious and transcendent dimension because it is taken as an article of faith – not necessarily refutable with empirical evidence (Nisbet 1994, 6–9). In general, notions of progress are an inextricable part of the human rights narrative.

Human rights and humanitarianism are constituted by historical narratives, connected by events that are invested with significance and meaning. Although there is a debate within each field regarding when to mark the point of conception, the fields themselves nevertheless narrate their biographies with very different events, and even when the events are the same, the meanings they give them are quite different. Humanitarianism history includes such things as the transatlantic slave trade, various moments of colonialism, the creation of the International Committee for the Red Cross and international humanitarian law, the massive relief and reconstruction programs following World Wars I and II, the establishment of various UN agencies such as the UNHCR, NGOs such as Oxfam and MSF, and emergencies such as Biafra, Cambodia, Somalia, Rwanda, Bosnia, Kosovo, Iraq, and Syria. These and other events provide the sinews of a humanitarian narrative that is constituted by one emergency after another, and the world desperately attempting to inject a modicum of humanity to minimize the suffering. This is not a progressive narrative. The sky is falling or about to.

International human rights narratives, on the other hand, are structured by quite different events and developments that almost always point progressively upward. There are debates regarding when the era of

international human rights began, but regardless of its point of conception it is seen as both cause and effect of progress. Various events and developments are often interpreted as victories for human rights: moments when new rights are recognized or extended, when laws and treaties are established that codify these rights, when human rights organizations begin to flourish to help defend these rights, and when there are new legal instruments designed to punish perpetrators. The rights narrative, in this regard, is bound up with the justice narrative. The evolution of rights can be tied to a justice 'cascade' that appears to be unstoppable (Sikkink 2011). Catalytic moments, the ones that are chronicled in texts and celebrations, include the Nuremberg trials, creation of the Universal Declaration of Human Rights in 1948, the additional UN human rights treaties and conventions, and the establishment of the International Criminal Court. In general, these expansions of rights and accumulating texts are frequently taken as indicators of human progress. The world can be made into a better place, human rights is both a measure and deliverer of this progress, and human rights narratives operate with a vision of the 'better' defined by justice and human flourishing. If there are distinctions drawn between human rights and humanitarianism, it is not only in the doing and the meaning, but also in the telling.

Conclusion

This article adopted and adapted the concept of practices to explore the changing boundaries between human rights and humanitarianism. In conclusion, I want to consider how this exploration might help advance the practices research agenda. There are five immediate lessons. To begin, the concept of practices is in danger of becoming a buzzword. At the risk of being overly cynical, there are times when it appears to be little more than the latest repackaging of the standard insights of constructivism. There are times when its staunchest advocates overpromise what it can do. Practices are not the magic bullet for solving social theoretic riddles such as the agent-structure problem. It represents a way to break into it and sort it out, but it is neither the solution nor the last word. Because many definitions of practice are situated at the level of commitments and principles, empirical analysis tends to be descriptive. Accounts of practice often reconstruct what actors do, with some attention to why they do it. Descriptive analysis is perfectly acceptable, but only if it retains the analytical.

I have suggested that one way for the literature on practices to find greater conceptual clarity and fulfill its promise for empirical analysis is to decompose practices into its defining elements. Using the definition of Adler

and Pouliot (2011) as a starting point, I broke down practices into four elements: the material reality and the problem to be addressed, competent action, background knowledge, and meanings. However, lists of elements are no substitute for a model or framework that suggests how these elements fit together and interact. The framework I proposed is by no means the only possibility. For instance, while I proceeded in a sequence that conveyed the impression that meaning is 'last' and thoroughly segregated from the others, in fact meanings are shot through the other three elements. Nor does it claim to be an accurate representation of reality; models are abstractions. My wager, though, is that this representation provides a useful starting point for understanding how practices hang together (and fall apart).

A second lesson is that scholars of practice are prone to emphasizing action to the relative neglect of meanings. There are various reasons for this tendency in the literature. To begin, one of the attractions of a practice perspective is its emphasis on the doings of actors. To be sure, doings themselves are understood to be inextricably connected to meanings, but too often the lens centers on action and relegates meanings to the margins. And, quite often, when meanings are recovered they are reduced to the technocratic and functional. This inclination is readily apparent in discussions of competent action. For many practice theorists, action is judged either competent or not by the community of practice, and frequently the standards of judgment are whether the adopted means are viewed as most the most efficient and effective for achieving goals and solving problems. Scholars, much like their subjects, elevate technical rationality over value rationality. The pragmatist tradition also contributes to the demotion of meaning. The original Peircian formulation was quite insistent on expunging the metaphysical from explanations for action (Talisie and Aikin 2008). It took William James to inject the spiritual, the religious, and God, and Dewey to discover the religious experience and a 'common faith.' Over the decades some of pragmatism's most prominent advocates have worked against its inherent instrumentalism and to carve a space for the metaphysical and religion (Rosenbaum 2003; Talisie and Aikin 2008). Pragmatism-influenced scholarship has been at its best when it has combined the immanent and the transcendent.

Scholars of international practice must wage a similar struggle. The discipline of international relations has tended to overlook meanings that venture into the transcendent, such as humanity or religion. It is impossible to capture the meanings of human rights and humanitarianism if they are reduced to specific techniques and strategies that are adopted to address the immediate suffering of vulnerable populations. Saving lives and fighting injustice are not only worldly. They can also be other-worldly. Individuals

choose these vocation and avocations because of broader commitments, beliefs that they are part of something bigger than themselves, and visions of cosmopolitanism. Saving and protecting lives are not only about reducing mortality rates in emergency settings or stopping torture but also about practicing humanity.

A third lesson is to avoid assuming that these elements of practice work in lock-step and operate seamlessly. My proposed framework certainly had hints of such presumptions as it attempted to draw a straight line between one element and the next. But it is quite possible for one element to exhibit instability and change while another might persist, resist, or drift in the opposite direction. Consider humanitarianism. Rationalization has been a central part of the development of competent action. Yet there is the distinct possibility that these rationalization processes might exsanguinate humanitarianism, reminiscent of Weber's observation that technical rationality might supplant value rationality, leading to new forms of disenchantment (Hopgood 2008; Barnett 2012; Halvorson 2012; James 2012; Roth 2015). In response to this perceived drift, one aid worker protested: 'Humanitarian action is more than a technical exercise aimed at nourishing or healing a population defined as 'in need'; it is a moral endeavor based on solidarity with other members of humanity' (Terry 2002, 244). The same possibility exists for human rights. For instance, Judith Shklar (1964, 1) famously warned of 'legalism' – the 'attitude that holds moral conduct to be a matter of rule following, and moral relationships to consist of duties and rights determined by rules.' The point is that while practices might be institutionalized, the individual elements can have a life of their own.

The fourth lesson is that any individual community of practice is part of a larger ecosystem. It is not just the outside world that impinges; so too can proximate communities of practices. But not all communities of practice in relations of interdependence will exhibit similar degrees of vulnerability. In other words, there is the distinct possibility that one community might be more vulnerable to another because it potentially threatens their 'essence' or anchoring concepts (Wuthnow 1989, 75–7; Fligstein and McAdam 2012, 22, 99). As the world of complex emergencies expanded, so too did the number of communities of practice that inhabited the same space as the humanitarian community: not only human rights, but also development, democracy promotion, gender empowerment, and so on. But humanitarianism was not vulnerable to each in the same way, in part because they attended to different kinds of suffering and their activities did not necessarily pose a direct challenge to humanitarian practices.

The final lesson follows directly on the fourth. Communities of practice exhibit both homogeneity and heterogeneity. They exhibit a homogeneity to the extent the members of the community identify a set of anchoring or

core concepts that are the basis of identity and bind the members. To the extent that they are taken as given, they are (socially contingent) essences. But unsettled times reveal the extent to which these givens are hardly so. In this regard, it demonstrates the existence of considerable heterogeneity. There are differences of view regarding what counts as the essence of the practice, what are the anchoring concepts and how they should be prioritized, and what kinds of adjustments can be made without necessarily threatening what the community *is*. There also are differences of opinion regarding whether it is possible to tamper with adjacent concepts without exposing the core and turning them into sore concepts (Ball 1999). In other words, these outer concepts provide a protective ring. For humanitarianism, the default position was that it concerned saving lives at immediate risk because of large-scale emergencies. The question then became: whether the core concepts contained in competent action, background knowledge, meanings be altered without bringing the house down? For many defenders of an orthodox humanitarianism, the fear was that human rights practices might put this question to the test.

Acknowledgments

This article has benefitted from the constructive comments and criticisms of many, including Elif Kalaycioglu, Emanuel Adler, Vincent Pouliot, Eric Grynavinski, Paige Sechres, Sarah Stroup, Ole Jacob Sending, Dani Gilbert and the participants at talks at the University of Sydney, the conference on the history of the ICRC at the University of Adelaide, the conference on the history of humanitarianism at the University of Mainz, the University of Washington, and the University of Minnesota. I also thank the editors and several anonymous reviewers.

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