

Unpacking the principle of humanity: Tensions and implications

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Abstract

Humanity is at once the most universally and uncritically accepted humanitarian principle. It is not, however, without controversy. This article defines the principle of humanity and then explores its inherent tensions, related to universality and particularism, inclusion and exclusion, and equality and inequality. The article concludes with a call to operationalize and concretize humanity through three sets of transformative practices and everyday actions. Together these embody the relational nature of humanity, and suggest ways forward in reforming humanitarianism.

Keywords: humanity, humanitarian action, humanitarian principles.

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Following the outbreak of Ebola virus disease (EVD) in West Africa in 2014, Gayle Smith, a senior US official at the National Security Council, called Ebola a “threat to all humanity” and challenged the notion that it is an “African disease”.¹ She was referring to the need for action based on the idea that Ebola is a shared threat to all humans, and not only to a particular group of human beings. One hundred years before, on Christmas Eve 1914, soldiers on opposite sides of the battlefield engaged in an act of shared humanity, in what has become known as the Christmas Truce. After fighting, maiming and killing each other, German and Allied soldiers exchanged greetings and gifts, collected and buried their dead, and sang Christmas hymns, including “Silent Night”.² The latter story exemplifies what Cornelio Sommaruga, the former president of the International Committee of the Red Cross (ICRC), has called an “island of humanity in the midst of war”.³

Both examples evoke an ideal conception of humanity, rejecting difference and appealing to a common sense of our identities as human beings. In humanitarian work, *humanity* is a core and widely accepted principle. Jean Pictet, the architect of the modern-day Fundamental Principles of the Red Cross and Red Crescent Movement (the Movement), referred to humanity as the essential principle “from which all other principles are derived”, signalling its foundational nature for the humanitarian endeavour. However, he did not define it beyond claiming its “special place because it is the expression of the profound motivation of the Red Cross”.⁴ Nevertheless, in his commentary, Pictet describes the purpose of the Red Cross, as the expression of humanity, as being to “prevent and alleviate human suffering wherever it may be found. Its purpose is to protect life and health and to ensure respect for the human being.”⁵ Moreover, he writes, humanity is not simply about preventing and alleviating suffering; the manner by which humanitarians provide assistance and protection is significant. In his words, “the way in which that help is given is of great importance. When nursing a patient or giving help, one must show some humanity.”⁶

As a principle, humanity implies an inherent worth and dignity of the person, and by extension, the right to life. It is thereby tied to the equality of individuals and the integral nature of protecting civilian populations to humanitarian assistance. It is one of four principles informing the modern humanitarian response, on the battlefield and beyond. It is fundamentally

1 David McCormick, “Ebola is a Threat to All of Humanity Warns U.S. Official as Fatalities in West Africa Surge to Over 1,900 and a Second Cluster of Cases is Confirmed in Nigeria”, *Daily Mail*, 3 September 2014, available at: www.dailymail.co.uk/news/article-2741765/Missionary-infected-Ebola-discuss-recovery.html (all internet references were accessed in May 2015).

2 Documented at: www.christmastruce.co.uk/article.html.

3 Cornelio Sommaruga, “Humanity: Our Priority Now and Always. Response to ‘Principles, Politics, and Humanitarian Action’”, *Ethics and International Affairs*, Vol. 13, 1999, p. 26.

4 Jean Pictet, “The Fundamental Principles of the Red Cross: Commentary”, *International Review of the Red Cross*, Vol. 210, 1979, p. 135. Aside from humanity, the Fundamental Principles of the Movement are impartiality, neutrality, independence, voluntary service, unity and universality. By contrast, humanitarian actors tend to refer to humanity, impartiality, neutrality and independence as the four classic or traditional humanitarian principles.

5 *Ibid.*

6 *Ibid.*

normative. The modern, institutional and system-oriented response is built on the classic principle of humanity as well as that of impartiality, referring to the provision of assistance according to need (proportionality) and without discrimination, and the operational principles of independence (autonomy of action) and neutrality (not taking sides).⁷

On the surface, humanity is the least controversial of the four classic principles of humanitarian action and holds primacy as a space of common ground among a diverse community of aid actors. Indeed, the desire to help and protect civilians suffering the malevolent effects of violence is what motivates the choice of many humanitarians to help and to put themselves in harm's way. According to one analyst, "What unites the various facets of humanitarianism is a broad commitment to alleviating the suffering and protecting the lives of civilians caught up in conflict or crisis."⁸

Paradoxically, the broad acceptance of this commitment to humanity means it is often lost as an operational or orienting principle. On the one hand, humanity is a philosophical and emotive concept rooted in compassion, empathy and sameness: we are all part of the same human race, and as a result, we are all deserving of respect, dignity and rights. The endowed and inherent qualities of our common humanity are eloquently spelled out in the Preambles to the United Nations (UN) Charter and the Universal Declaration of Human Rights.⁹ This is the universality of humanity.

On the other hand, humanity's meaning and application are not without controversy, nor is its compassionate essence always entirely laudable.¹⁰ Critics of humanitarianism have pointed to the inherent inequality of exchange, a dual world of givers and receivers where some are elevated in status and a world in which the role of power is ignored.¹¹ Others have noted the exclusivity of "humanity", in which some are included and others are inadvertently or deliberately excluded from our notions of humanity. This is particularly true in armed conflict. For instance, a recent Al-Jazeera editorial regarding its commemorative story of the fifth anniversary of the Syria conflict illustrated the limits and exclusivity of humanity. The editorial revealed that although many

7 ICRC, *The Fundamental Principles of the International Red Cross and Red Crescent Movement*, In Brief, Geneva, 8 August 2014, available at: www.icrc.org/eng/resources/documents/publication/p4046.htm.

8 Antonio Donini, "The Far Side: The Meta Functions of Humanitarianism in a Globalised World", *Disasters*, Vol. 34, Suppl. 2, 2010, p. 220.

9 Charter of the United Nations, 26 June 1945, 1 UNTS XVI (entered into force 24 October 1945). The Charter is available in its entirety online, including the Preamble, at: www.un.org/en/documents/charter/preamble.shtml. Universal Declaration of Human Rights, 10 December 1948, 217 A (III), available at: www.un.org/en/documents/udhr/.

10 Ilana Feldman and Miriam Ticktin, "Introduction: Government and Humanity", in Ilana Feldman and Miriam Ticktin (eds), *In the Name of Humanity: The Government of Threat and Care*, Duke University Press, Durham, NC, 2010. See also Jennifer Hyndman, *Managing Displacement: Refugees and the Politics of Humanitarianism*, University of Minnesota Press, Minneapolis, MN, 2000; and Ilana Feldman and Miriam Ticktin (eds), *In the Name of Humanity: The Government of Threat and Care*, Duke University Press, Durham, NC, 2010.

11 On the inequality of exchange, see Marcel Mauss, *The Gift: Forms and Functions of Exchange in Archaic Societies*, trans. I. Cunnison, Martino, Mansfield Center, CT, 2011, first published 1954.

people retweeted Al-Jazeera's assertion that the world did not care about Syria, few bothered to actually read the story.¹² Others have criticized European governments' responses to the migrant crisis in the Mediterranean Sea as being overly focused on security and border regulation as opposed to humanitarian concerns or human rights.¹³

On the battlefields of Solferino, as eloquently captured in Henri Dunant's *Memory of Solferino*,¹⁴ and in the first Geneva Convention of 1864, "humanity" – particularly in its legal sense – referred primarily and even exclusively to wounded soldiers, thus reflecting the reigning European prejudices of the day.¹⁵ At a minimum, the visions of humanity that animated the imaginations of the founders of international humanitarian law (IHL) and early humanitarian campaigns likely reflected a different vision than that of today.¹⁶ In war, belligerents appeal to an exclusive humanity and dehumanize the "other" in ways that enable – not delegitimize – violence.¹⁷ It is precisely an exclusive humanity that makes violence possible, even palatable. As Hannah Arendt asserted several decades ago, a "highly organized and mechanized humanity" could, by majority decision, choose to "liquidate" part of humanity.¹⁸ In the Rwandan genocide of 1994, Hutu militants referred to Tutsis as "cockroaches", and in World War II Allied and Axis forces alike created caricatures of the other side that portrayed them as monkeys, monsters or malleable and weak individuals motivated by greed and power.¹⁹ Such enemy images still characterize, and subsequently enable, the torture and degrading treatment at Guantanamo Bay and Abu

12 In the words of the author, "When we tweeted the accusation that the world didn't care, many people retweeted it. But most didn't click the link to read our stories. Perhaps they wanted to be seen to care. Perhaps they believed that people should care. But they didn't care enough to read what we had written." Barry Malone, "You Probably Won't Read this Story about Syria", *Al-Jazeera*, 17 March 2015, available at: www.aljazeera.com/blogs/middleeast/2015/03/wont-read-piece-syria-isil-iraq-isis-150317125900133.html.

13 E.g., Alexander Betts, "Forget the 'War on Smuggling', We Need to Be Helping refugees in Need", *The Guardian*, 25 April 2015, available at: www.theguardian.com/commentisfree/2015/apr/25/war-on-trafficking-wrong-way-to-tackle-crisis-of-migrant-deaths.

14 Henri Dunant, *A Memory of Solferino*, ICRC, Geneva, 1986, first published 1862.

15 Michael Barnett, *Empire of Humanity: A History of Humanitarianism*, Cornell University Press, Ithaca, NY, 2011.

16 See, for example, Rotem Giladi, "A Different Sense of Humanity: Occupation in Francis Lieber's Code", *International Review of the Red Cross*, Vol. 94, No. 885, 2012.

17 This dehumanization holds for the victims and, sometimes, for their tormentors and killers. The individuals from Islamic State/ISIS who are responsible for the gruesome beheadings of aid workers and journalists (Steven Sotloff, James Foley and Peter Kassig, among others) dehumanized their victims to enable the violence. At the same time, the lack of identifiable features, even extending to the location of the murders, makes it easier to dehumanize the perpetrators.

18 Hannah Arendt, *The Origins of Totalitarianism*, Harvest, San Diego, CA, 1979, p. 299. See also David Grossman, *On Killing: The Psychological Cost of Learning to Kill in War and Society*, Back Bay Books, Hachette, New York, 2009; J. Glenn Gray, *The Warriors: Reflections on Men in Battle*, Bison Books, Lincoln, NE, 1998.

19 Sam Keen, *Faces of the Enemy: Reflections of the Hostile Imagination*, Harper & Row, San Francisco, CA, 1986.

Ghraib²⁰ as well as the recent violence at *Charlie Hebdo*.²¹ Therefore, humanity as a principle must also be defined legally and morally by what it is not: inhuman treatment, the denial of human rights or the degradation of the person, all of which imply the absence of respect and dignity.

As an operational principle, humanity has received far less attention. Its contributions are usually more abstract, with uncritical reference to its universality as a principle. Its compelling character and capacious meaning allow its use to justify military action in service of foreign policy or national security interests²² and motivated Martin Luther King Jr's eloquent appeal to an "inescapable network of mutuality" to dismantle segregation in the United States through non-violent resistance and civil disobedience.²³ Reference to humanity consequently encompasses a plethora of means, from military operations to non-violent actions, in search of a common end: the humanity implied by our essential sameness. Clearly, humanity elicits multiple and contradictory interpretations.

The purpose of this article is not to trace the history of humanitarianism²⁴ or the motivating power of humanity, with its *mission civilisatrice* and patronizing or belittling impulses, nor to comprehensively delineate the philosophical or legal debates surrounding the principle, its proponents and its critics. While naive and uncritical views of humanity are of limited use for humanitarians in the field, so too are abstract debates that ignore the operational implications of humanity. Instead, the article explores the interlocking, inherent tensions of the principle of humanity, rooted in its ideal vision and its imperfect manifestations. It articulates their operational implications, and argues that humanity as a principle must be concretized and operationalized in everyday actions. Regardless of whether an agency claims solidarity or neutrality, or operates from a faith-based or secular perspective, humanity, with its associated practices, can and must serve as an

20 Guantanamo Bay refers to the US military detention centre on the naval base of the same name on the island of Cuba. Abu Ghraib is an Iraqi prison, used first by Saddam Hussein and later by the US military, at which many Iraqis were housed in inhumane conditions, abused, humiliated and tortured. On Abu Ghraib, see Seymour M. Hirsh, "Torture at Abu Ghraib", *The New Yorker*, 10 May 2004, available at: www.newyorker.com/magazine/2004/05/10/torture-at-abu-ghraib.

21 In early January 2015, two gunmen attacked the offices of the French satirical magazine *Charlie Hebdo*, killing twelve people. The gunmen were affiliated with the Yemeni branch of al-Qaeda. BBC News, "Charlie Hebdo Attack: Three Days of Terror", *BBC News*, 14 January 2015, available at: www.bbc.com/news/world-europe-30708237.

22 See, for example, Taylor Teaford, "Helping Humanity and Advancing American Interests", *War on the Rocks*, 2 October 2014, available at: <http://warontherocks.com/2014/10/helping-humanity-and-advancing-american-interests/#>. In the blog post, the author advocates for expanding US military presence in West Africa through its Ebola response.

23 While King did not use the term "humanity", he does appeal to humanity-as-sentiment through the connectedness of blacks and whites in the United States: "Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly affects all indirectly." Martin Luther King Jr, *Letter From a Birmingham Jail*, 16 April 1963, p. 2, available at: <https://kinginstitute.stanford.edu/king-papers/documents/letter-birmingham-jail>.

24 See, for example, M. Barnett, above note 15; and Craig Calhoun, "The Imperative to Reduce Suffering: Charity, Progress, and Emergencies in the Field of Humanitarian Action", in Michael Barnett and Thomas G. Weiss (eds), *Humanitarianism in Question: Politics, Power, Ethics*, Cornell University Press, Ithaca, NY, 2008, available at: www.hhh.umn.edu/img/assets/28237/3%20Calhoun.pdf.

orienting principle for humanitarianism. While many of the practices outlined below are already considered good and ethical practice and are implemented in current humanitarian responses, they are rarely linked to or conceptualized as manifestations of the foundational principle of humanity. Shifting the principle from the abstract to the concrete and everyday makes humanity tangible and, in the process, opens space to promote systemic and principled reform through a more inclusive vision of the humanitarian endeavour.

In what follows, humanity is conceptualized as rooted in a person's inherent dignity and right to life, modified by a recognition of the social and therefore relational nature of human beings.²⁵ The first section briefly summarizes the legal foundations of the principle. Next, humanity's inherent tensions, related to the universal and particular, to equality and inequality, and to inclusivity and exclusion are explored. These inherent tensions imply three sets of practices that emerge from an interpretation of the principle of humanity as an operational guide for humanitarianism. The final section articulates the contributions of a concrete and operationalized humanity, both for practice and for prompting systemic reform.

Conceptualizing “humanity” in international law

Scholars of international law, including human rights law and IHL, agree that humanity is a central concept in international law and the Geneva Conventions²⁶ in particular, but disagree as to its precise meaning, scope of applicability and normative value. Robin Coupland, an ICRC field surgeon and adviser, asserts that international law is ambiguous about the meaning of humanity, which has prevented it from assuming a more central, guiding role. He suggests that two distinct but related concepts coexist in international law. The first is “humanity-humankind”, which refers to the collective existence of human beings. The second, “humanity-sentiment”, captures the behaviours and dispositions that are congruent with the (moral) view of being humane. As he notes, the link between the two is not entirely clear because “collective human existence is not necessarily associated with humane behavior of individuals”.²⁷ Tracing legal ambiguity

25 Larissa Fast, *Aid in Danger: The Perils and Promise of Humanitarianism*, University of Pennsylvania Press, Philadelphia, PA, 2014.

26 Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of 12 August 1949, 75 UNTS 31 (entered into force 21 October 1950); Geneva Convention (II) for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of 12 August 1949, 75 UNTS 85 (entered into force 21 October 1950); Geneva Convention (III) relative to the Treatment of Prisoners of War of 12 August 1949, 75 UNTS 135 (entered into force 21 October 1950); Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War of 12 August 1949, 75 UNTS 287 (entered into force 21 October 1950).

27 Robin Coupland, “Humanity: What Is It and How Does It Influence International Law?”, *International Review of the Red Cross*, Vol. 83, No. 844, 2001, p. 972. See also Robin Coupland, “The Humanity of Humans: Philosophy, Science, Health, or Rights?”, *Health and Human Rights*, Vol. 7, No. 1, 2003, pp. 159–166; and Thomas W. Laqueur, “Mourning, Pity, and the Work of Narrative in the Making of ‘Humanity’”, in Richard Ashby Wilson and Richard Brown (eds), *Humanitarianism and Suffering: The Mobilization of Empathy*, Cambridge University Press, Cambridge, 2009.

backwards in time, Coupland examines the foundational texts of the ICRC, which contain a concept of humanity more akin to “humanity-sentiment” than to “humanity-humankind”, but fail to differentiate between the two.²⁸

Humanity’s opposite, inhumanity, is perhaps more instructive, since it is more clearly defined in international law, and it is possible to identify the absence of humanity-as-sentiment in acts of inhumanity.²⁹ Such acts include torture, degradation and ill-treatment. Coupland suggests humanity “arises from and signifies restraining the capacity for armed violence and limiting its effects on security and health”.³⁰ For example, international law related to arms control and disarmament promotes humanity by reducing the likelihood of war and otherwise constraining the use of armed force. Human rights law focuses on personal/individual security. IHL bridges the two, and promotes humanity by protecting personal security and health in situations of armed conflict.

Like Coupland, legal scholar Ruti Teitel traces the development of what she terms “humanity law” over time, suggesting the evolution of a new normative order. She argues that a shift has occurred in the way law is applied and even conceptualized, in favour of the protection of individuals and peoples. As a legal framework, humanity law encompasses IHL, human rights law and criminal justice law and emphasizes the “protection and preservation of persons and peoples”³¹ in situations of violence. Humanity law has, over time, restricted State sovereignty and the use of force. This arises in part because many contexts are neither at war nor at peace in a traditional legal sense – thus, the law applies beyond situations of armed conflict and specifies a minimum order – and because State boundaries are no longer sacrosanct (e.g., a consequence of the effects of climate change that ignore borders and the prosecution of human rights violations in countries other than where the violations occurred). The end result is a legal regime that operates in favour of humanity rather than protecting the rights of States, and that restricts the excesses of State action.³² Similarly, in

28 See R. Coupland, “Humanity”, above note 27.

29 The advantage of defining something by its absence is its precision. While clearly important to any conceptualization of humanity, confining the principle of humanity to its negative meaning significantly narrows its scope since this only prohibits certain acts and does not encourage the compassion, respect or dignity implied in Pictet’s conception or other articulations of the principle of humanity. Johan Galtung, a prominent peace scholar, offers a similar critique of definitions of peace that are limited to the absence of war. Johan Galtung, “Violence, Peace and Peace Research”, *Journal of Peace Research*, Vol. 6, No. 3, 1969.

30 R. Coupland, “Humanity”, above note 27, p. 988. See also Jonathan Glover, *Humanity: A Moral History of the 20th Century*, 2nd ed., Yale University Press, New Haven, CT, 2012.

31 Ruti G. Teitel, *Humanity’s Law*, Oxford University Press, Oxford, 2011, p. 13. Legal theorist Costas Douzinas offers a counterpoint, distinguishing between the empirical universalism of the number of States that have ratified a given treaty and an idealized, normative universality of the human rights regime. He writes: “The community of human rights is universal but imaginary; universal humanity does not exist empirically and cannot act as a transcendental principle philosophically.” Costas Douzinas, “Humanity, Military Humanism and the New Moral Order”, *Economy and Society*, Vol. 32, No. 2, 2002, p. 160.

32 Arguments such as Teitel’s are akin to the International Commission on Intervention and State Sovereignty (ICISS)-defined “Responsibility to Protect” (R2P). The ICISS hallmark report from 2001 makes the case for the responsibility of the international community to uphold human rights – in situations of genocide, war crimes, ethnic cleansing or crimes against humanity – in the event that a

articulating the unique value of the principle of humanity, Hugo Slim argues for the application and ownership of humanity beyond the humanitarian community, precisely because of its prophetic power to restrict the excesses of war.³³

Both Coupland and Teitel recognize a fundamental tension between the individual nature of rights and the collective and social nature of human societies. Teitel suggests that the “law of humanity affirms the role of the individual within a layered conception that also takes account of the collective character of contemporary violence”,³⁴ despite the conflictual nature of the individual and collective “faces” of humanity. Others have likewise interrogated this tension, in the form of the universal duties and the particular aspects of one’s social identities, including citizenship. For example, Bhikhu Parekh writes:

Even as the citizen’s legal and political obligations should not lightly override his familial, ethnic, religious and other duties, neither should they ignore the universal obligations of his humanity, including such negative and positive ones as the duties to respect other human beings, to acknowledge their claims to equal consideration, to take account of their interests when one’s actions affect them, not to cause them harm, to relieve their suffering, and to help them flourish within the limits of one’s capacities and subject to one’s other obligations.³⁵

The agreements and disagreements within the law are instructive on several points in relation to the conceptualization of humanity and its application. First, in relation to the humanitarian response, the principle of humanity, as articulated in law, restricts the permissible actions of fighting forces and thereby the excesses of war. While not defining humanity in a positive sense, these restrictions define the absence of humanity in articulating what constitutes inhumane practice. Moreover, the law highlights a central tension between individual rights and the collective or social identities that moderate these rights. Finally, these legal discussions presage the inherent tensions, discussed below, between an inclusive and universal humanity and its exclusive and unequal application in reality. Under the law, humanity is universal and equal. Yet the interlocking tensions described above represent the gap between the legal, aspirational – not yet enacted – elements of humanity that motivate a compassionate, humanitarian

State is unwilling or unable to offer such protection. ICISS, *Responsibility to Protect*, International Development Research Centre, Ottawa, 2001. It thereby subordinates State sovereignty to the responsibility to protect. UN Security Council Resolution 1674, 28 April 2006, based on R2P, codifies into law the prevention of armed conflict and the protection of civilians, including gender-based and sexual violence.

33 Hugo Slim, “Sharing a Universal Ethic: The Principle of Humanity in War”, *International Journal of Human Rights*, Vol. 2, No. 4, 1998. In his more recent book *Humanitarian Ethics*, Slim frames his discussion of humanity in terms of ethics and the need to interpret and balance between conflicting principles. Hugo Slim, *Humanitarian Ethics: A Guide to Morality of Aid in War and Disaster*, Oxford University Press, Oxford, 2015, pp. 40–45.

34 R. Teitel, above note 31, p. 33.

35 Bhikhu Parekh, “Rethinking Humanitarian Intervention”, *International Political Science Review*, Vol. 18, No. 1, 1997, p. 61.

response and the pragmatic yet imperfect reality of its implementation as a principle.

The inherent tensions of humanity

The philosophical debates about humanity revolve around the tension between the universal and the particular, with overlapping implications for who is included and who is excluded. They therefore relate to the equality and inequalities of humanity. The philosophical debates place in stark relief the deficits and imperfect implementation of a universal and equal conceptualization of the principle of humanity.

As an abstract yet emotive concept, humanity denotes the universality of the human being. We, as humans, are the same; we are one. As humans we are not simply reducible to our biology and basic needs. Our lives are lived in rich and affective detail; we possess individual and unique biographies.³⁶ Hugo Slim refers to this as the value of humanity. It is precisely the affective appeal to compassion and even love that motivates humanitarian acts. The humanitarian act in response to armed conflict and natural disaster restores humanity by providing assistance and protection, particularly for those living *in extremis*. This is the virtue of humanity, which encourages us to act humanely toward others.³⁷

Yet the universalist entreaty of humanity masks a central tension between the appeal to sameness, on the one hand, and particularism, on the other. To assume all humans are the same, and thus equal, simultaneously assumes no difference and essentializes people to their “bare” and biological lives.³⁸ Saving lives involves counting lives, which reduces individual human beings to a dichotomous and minimalist state of living or dead.³⁹ In practice, this often means that some lives are valued over others: those affected by natural disaster over those enmeshed in violent conflict,⁴⁰ refugees over internally displaced, or international over national aid workers.

A number of scholars of humanitarianism deconstruct this tension, with particular reference to refugees.⁴¹ Humanity, according to Michel Agier, suggests

36 For more on the distinction between biologic and biographical lives, see Didier Fassin, “Humanitarianism as a Politics of Life”, *Public Culture*, Vol. 19, No. 3, 2007; and H. Slim, *Humanitarian Ethics*, above note 33, p. 48.

37 *Ibid.*, pp. 45–55.

38 The notion of “bare life” draws upon the work of Giorgio Agamben. Those cited here, including Michel Agier, Dider Fassin and Jennifer Hyndman, are scholars who draw upon Agamben in their critiques and fall within the tradition of Foucauldian critical theory. See Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, translation by Daniel Heller-Roazen, Stanford University Press, Stanford, CA, 1998.

39 C. Calhoun, above note 24.

40 Rony Brauman, “Global Media and the Myths of Humanitarian Relief: The Case of the 2004 Tsunami”, in Richard Ashby Wilson and Richard D. Brown (eds), *Humanitarianism and Suffering: The Mobilization of Empathy*, Cambridge University Press, Cambridge, 2009.

41 See also Liisa Malkki, “Speechless Emissaries: Refugees, Humanitarianism, and Dehistoricization”, *Cultural Anthropology*, Vol. 11, No. 3, 1996.

a complete and essentializing identity, “with no room for inequality”.⁴² This mass of humanity is also a world of nameless victims, devoid of religion, sex or political opinion.⁴³ He writes: “Inside the camps, the category of ‘refugee’ is itself divided into several distinct subcategories of ‘vulnerability,’ which end up creating a hierarchy of misery.”⁴⁴ Thus, for Agier humanity is a fictional identity that categorizes people generically as “universal victims”, and operationally as members of a specific, vulnerable group, such as unaccompanied children or female-headed households. In order to be recognized, people must submit to the absolute (bio-)power of humanitarian agencies, sharing information, recounting trauma and embodying or showing injuries. In this, humanitarians hold the power to narrate and shape the biographies of other people’s lives. Humanitarians are therefore witnesses, while those they help are too often passive objects in the stories that engulf them.⁴⁵

Jennifer Hyndman, like Agier, points out the inherent tension between an essentialist identity and one based on difference. Focusing on UN humanism and the role of culture as shared humanity and culture as a basis of difference, she asks: “How, in the context of humanitarian assistance, can one practically avoid the consequences of constructing subjects as universal – a move which effectively subsumes differences of gender, ethnicity, and nationality – without essentializing identities and reifying these same categories?”⁴⁶ Countering this essentialism, she suggests, requires engaging with the particular cultures, politics and histories of the displaced. Didier Fassin similarly highlights the tension between humanity’s universalism and its particularism, where its aspirations are universal yet its enactment is rooted in inequality and difference, which are invariably particular.⁴⁷ Others interrogate the universal and particular aspects of humanity with reference to “enlarging the circle of moral inclusion”.⁴⁸

A related critique concerns humanity and charity, which highlights the inequalities and hierarchies between the beneficiaries/recipients and the providers of humanitarian assistance. In fact, humanity enacted as charity is often predicated on hierarchy, where those of higher status and means give of their

42 Michel Agier, “Humanity as an Identity and Its Political Effects (A Note on Camps and Humanitarian Government)”, *Humanity: An International Journal of Human Rights, Humanitarianism, and Development*, Vol. 1, No. 1, 2010, p. 33.

43 Recognizing the fact that fundraising appeals linked to individuals, as opposed to a “mass of humanity”, are more successful, many aid agencies reference a specific individual and the ability of donations to better his or her life and community.

44 M. Agier, above note 42, p. 39.

45 D. Fassin, above note 36, p. 518.

46 Jennifer Hyndman, “Managing Difference: Gender and Culture in Humanitarian Emergencies”, *Gender, Place and Culture*, Vol. 5, No. 3, 1998, p. 242. Hyndman examines these and other issues in more depth in *Managing Displacement: Refugees and the Politics of Humanitarianism*, University of Minnesota Press, Minneapolis, MN, 2000. While somewhat dated, her analysis demonstrates both the long-standing tension between the universal and the particular and the still-current relevance of her critique.

47 Didier Fassin, “Inequality of Lives, Hierarchies of Humanity: Moral Commitments and Ethical Dilemmas of Humanitarianism”, in I. Feldman and M. Ticktin (eds), above note 10.

48 Ilana Feldman and Miriam Ticktin, “Introduction: Government and Humanity”, in I. Feldman and M. Ticktin (eds), above note 10, p. 4; T. W. Laqueur, above note 27; Seyla Benhabib, *The Rights of Others: Aliens, Residents and Citizens*, Cambridge University Press, Cambridge, 2004.

excess to those with less, and thereby incur obligations on the part of the latter to the former.⁴⁹ Jeffrey Stout refers to charity as the “gift that keeps on taking”.⁵⁰ These exchanges are inherently unequal and even disempowering.

Other critiques focus on the visual portrayal of the “beneficiaries” of assistance in advertising and advocacy campaigns, suggesting that many of the images implicitly remove the victim’s humanity.⁵¹ Even the terminology of beneficiaries and recipients can be disempowering. The narrative of the “beneficiary” highlights the unequal balance of power and resources in charitable exchange and removes any possibility of agency on the part of the recipient of assistance. This inequality also manifests in the marginalization of local expertise and resources in humanitarian response, where outsider and technical knowledge is elevated above the contextualized and lived expertise of those affected by natural disaster or violence.⁵²

These hierarchies characterize the relationships between aid workers/agencies and beneficiaries, as well as aid workers as a category. In deconstructing humanitarianism, Fassin highlights the “hierarchies of humanity”⁵³ that emerge in humanitarian response – hierarchies that value soldiers’ lives over those of civilians, the “freely sacrificed lives of aid workers”⁵⁴ set against the lives of the populations engulfed in the violence, and the lives of expatriate over national staff members. Thus, the hierarchies exist both in relation to external actors (e.g., soldiers or the civilian populations that humanitarian agencies assist) and within aid agencies. These particular and unequal hierarchies are at odds with the universal character of humanity.

As a category of actors, aid workers (referring to the staff of humanitarian as well as multi-mandate development organizations) are exceptionalized, a category that serves to mark them as separate and special under the law and in the spotlight of media attention. Under international law, aid workers, and UN and associated personnel in particular, receive special protections that accrue because of their status as aid workers.⁵⁵ This legal protection codifies the

49 T. W. Laqueur, above note 27; M. Mauss, above note 11. Michael Walzer, in contrast, suggests that humanitarianism is both charity and duty, a “two-in-one” in which we as individuals “choose to do what we are bound to do”. Michael Walzer, “On Humanitarianism: Is Helping Others Charity, or Duty, or Both?”, *Foreign Affairs*, Vol. 90, No. 4, 2011, p. 80.

50 Jeffrey Stout, *Blessed Are the Organized: Grassroots Democracy in America*, Princeton University Press, Princeton, NJ, 2010. I heard Stout use this phrase in a lecture on his book presented at the Kroc Institute, University of Notre Dame, on 18 October 2013.

51 See, for example, Denis Kennedy, “Selling the Distant Other: Humanitarianism and Imagery – Ethical Dilemmas of Humanitarian Action”, *Journal of Humanitarian Assistance*, 28 February 2009, available at: <http://sites.tufts.edu/jha/archives/411>.

52 This issue has received and continues to receive attention. See, for example, Alex de Waal, *Famine Crimes: Politics and the Disaster Relief Industry in Africa*, James Currey, Oxford, 1997. For a more recent account, see Séverine Autesserre, *Peaceland: Conflict Resolution and the Everyday Politics of International Intervention*, Cambridge University Press, Cambridge, 2014.

53 Didier Fassin, *Humanitarian Reason: A Moral History of the Present*, University of California Press, Berkeley, CA, 2012, p. 223.

54 *Ibid.*, p. 227; D. Fassin, above note 47.

55 E.g., Convention on the Protection of UN and Associated Personnel, 9 December 1994, UNTS 2051 (entered into force 15 January 1999); Optional Protocol to the Convention on the Protection of UN and Associated Personnel, 8 December 2005, Doc. A/60/518 (entered into force 19 August 2010);

hierarchy between aid workers and civilians more generally, even though they are also civilians, and already deserving of the more extensive protections outlined for civilians under international law, including IHL.⁵⁶

This unequal treatment of aid workers and civilians likewise characterizes media stories. The deaths of civilians, for instance, usually appear as “dozens” or “hundreds” or, in the extreme cases, “thousands” of unidentifiable and nameless civilians who are killed in war, armed conflict or natural disaster. For example, recent headlines read “Europe Hesitates as Thousands Die Annually on Mediterranean”,⁵⁷ “Dozens Die in New Tremor” in Nepal,⁵⁸ and “More than 10,000 Afghan Civilians Died or Were Injured in 2014”.⁵⁹ Their deaths are often condemned, with calls to track down or punish the perpetrators. At other times, their deaths are relegated to obscurity, not even appearing in mainstream news sources. The deaths of aid workers likewise appear in news stories with depressing frequency. In contrast, however, their deaths are usually individual, with names, faces, biographies, accolades about their selfless work and descriptions of the grief of the families, friends and colleagues they leave behind.⁶⁰

It is not that aid workers are not deserving of these tributes – they usually are – but their powerful and individual stories exist in marked contrast to those of the affected civilians they help, who comprise a nameless and faceless humanity. Bombarding the consumer of news with the names and stories of every individual is not only impossible but is bound to backfire as people become numb to suffering. Yet it is precisely the individuality and specificity of the human stories that evoke empathy and sadness and that give power to memorials such as the Vietnam Memorial (United States), Yad Vashem (Israel) and Tuol Sleng (Cambodia), all of which name individual victims. While human rights organizations employ specific stories to evoke an emotional reaction – whether revulsion for the act or for the perpetrator – and elicit action, humanitarians often rely upon sheer numbers and their nameless/faceless corollary to prompt a

UNSC Res. 1502 (2003); and Rome Statute of the International Criminal Court, 17 July 1998, 2187 UNTS 90 (entered into force 1 July 2002), Art. 8(2)(vii).

- 56 For an in-depth discussion of the concept of humanitarian exceptionalism and the legal protections for aid workers, see L. Fast, above note 25, pp. 197–207. On legal protections, see also Kate Mackintosh, “Beyond the Red Cross: The Protection of Independent Humanitarian Organizations and Their Staff in International Humanitarian Law”, *International Review of the Red Cross*, Vol. 89, No. 865, 2007.
- 57 Max Ehrenfreund, “Europe Hesitates as Thousands Die Annually on Mediterranean”, *Washington Post*, 21 April 2015, available at: www.washingtonpost.com/blogs/wonkblog/wp/2015/04/21/wonkbook-europe-hesitates-as-thousands-die-annually-on-mediterranean/.
- 58 BBC News, “Nepal Earthquake: Dozens Die in New Tremor near Everest”, *BBC News*, 12 May 2015, available at: www.bbc.com/news/world-asia-32701385.
- 59 Sudarsan Raghavan, “More than 10,000 Afghan Civilians Died or Were Injured in 2014, UN Says”, *Washington Post*, 18 February 2015, available at: www.washingtonpost.com/world/more-than-10000-afghan-civilians-died-or-were-injured-last-year-un/2015/02/18/90aab7c6-b753-11e4-9423-f3d0a1ec335c_story.html.
- 60 When ten aid workers were killed in Afghanistan, stories of their work and lives appeared in multiple news sources. See CNN Wire Staff, “A Look at the 10 Aid Workers Killed in Afghanistan”, *CNN*, 9 August 2010, available at: www.cnn.com/2010/WORLD/asiapcf/08/09/afghanistan.victims.list/; and Shaila Dewan and Rod Nordland, “Slain Aid Workers Were Bound by Their Sacrifice”, *New York Times*, 9 August 2010, available at: www.nytimes.com/2010/08/10/world/asia/10aidworkers.html?_r=0.

similar reaction.⁶¹ The unequal treatment allotted to aid workers and civilians is yet another example of the particularism that characterizes the imperfect ideal of universal humanity.

Within aid agencies, the hierarchy manifests in terms of the treatment, resources, salary and benefits that accompany the status of international/expatriate and national or local staff. The salaries and benefits of international aid workers, including base pay, paid leave, health and other insurance, training opportunities and even evacuation in the case of violence, usually far surpass those offered to national staff. Even multiple subcategories exist within the category of “national staff”. Regional (those from neighbouring countries) and local staff (from the village or area in which they work) are treated as national staff, even though they are more or less familiar with the cultural context in which they operate and face different risks.⁶² Only occasionally do such hierarchies penetrate the public discourse. For example, given the significant burden of risk for those directly involved in caring for Ebola victims, international agencies faced the dilemma of recruiting foreign health workers to assist with the Ebola crisis response. While some victims with foreign passports were evacuated and received care in their home countries, the costs involved in evacuating individuals are significant. Instead, US officials decided to build a state-of-the-art medical facility in Monrovia to treat Ebola health workers, both from abroad and from Liberia.⁶³ While still indicative of an inequality between Ebola victims as civilians and as health workers, this hierarchy also addresses the higher risk that health workers face in the Ebola response.

Clearly, particularities, exclusivities and inequalities characterize the principle of humanity, as expressed in humanitarian response. These systemic tendencies are problematic, and the tensions they elicit will continue to characterize humanitarian response. Acknowledging them is crucial, even as their

61 Amnesty International advocates for specific victims of human rights abuses, and Human Rights Watch often employs individual stories in its reports. The Human Rights Data Analysis Group (HRDAG) triangulates lists of victims through multiple systems estimation to arrive at overall counts of human rights violations. See Megan Price, “When Data Doesn’t Tell the Whole Story”, *HRDAG*, 7 May 2015, available at: <https://hrdag.org/when-data-doesnt-tell-the-whole-story/>. The use of child sponsorship and of individual representative stories to highlight the positive effects of a donation are exceptions, whereby humanitarians employ individual narratives. Yet, as Fassin points out, all of these are examples where people’s biographical lives are narrated by a more powerful other. See D. Fassin, above note 36.

62 For example, in research based in East Africa (Kenya, South Sudan and Uganda), staff from different regions of a country or from neighbouring countries faced different risks based on where they were from, even though they tended to be lumped together as national staff and often received little or no customized training or benefits. See Larissa Fast, Faith Freeman, Michael O’Neill and Elizabeth Rowley, *The Promise of Acceptance: Insights into Acceptance as a Security Management Approach from Field Research in Kenya, South Sudan, and Uganda*, Save the Children, Washington, DC, 2011, available at: <http://acceptanceresearch.org/reports/final-report/>. Even though the example originates in East Africa, it is arguably relevant beyond this region and points to the importance of disaggregating risk according to multiple characteristics, including birthplace/location, ethnicity and nationality as well as job position and gender, and the subsequent complexity of risk management.

63 Sheri Fink, “Treating Those Treating Ebola in Liberia”, *New York Times*, 5 November 2014, available at: www.nytimes.com/2014/11/06/world/africa/treating-those-treating-ebola-in-liberia.html?emc=edit_th_20141106&nl=todaysheadlines&nliid=26958110&r=0.

manifestations are not set in stone. Unpacking the gestures of humanitarianism suggests the need to first identify, then to gradually chip away, and ideally to dismantle the hierarchies and exclusions that characterize the humanitarian endeavour. Instead, we must look to the sets of transformative practices and everyday actions that embody humanity and challenge the essentialism and exclusions of institutionalized humanitarianism. It is toward these everyday gestures and practices that operationalize the principle of humanity, and thereby enlarge the circle of moral inclusion, that the article now turns.

Operationalizing humanity

The inherent tensions of the principle of humanity and the critiques that accompany them raise fundamental questions for humanitarians to ponder, and ponder them they must. The critiques, however, often fail to take account of the ways in which humanity is, could and should be enacted in everyday actions and relationships, and how these point to the possibility of a more inclusive, effective and diverse humanitarian response. Thus, the tensions help to illuminate ways that humanity could be and already is better operationalized.

Three transformative practices and everyday actions hold the promise of moderating the inherent tensions of humanity: affirming local context and capacity; adopting vertical and horizontal accountability; and valuing proximity and presence. These, and the relationships they foster, occur at both the individual and organizational levels and are enacted in the mundane yet crucial daily interactions that take place between colleagues, partners and affected communities. These practices represent what is commonly recognized in existing codes of conduct as good practice and ethical conduct, even if not consistently applied. Yet they are not simply this; they are also manifestations of the principle of humanity. In breaking apart humanity into its daily and component parts, it acquires new meaning and operational implications. Making humanity less abstract and grounding it in everyday action and transformative practices can help to lodge the principle at the forefront of the humanitarian consciousness. Linking these actions to the principle of humanity not only makes the principle more tangible but also grounds efforts to reform the system in the principles. Taken seriously, they imply a profound reorientation of the ways in which humanitarianism is enacted.

Affirming local context and capacity

A consistent critique of the humanitarian response, identified above, is that it ignores or undermines local actors. Humanitarians are driven by the urgency of need before them, yet rushing in with outside resources and expertise displaces the local. When the international system moves in, it creates a wave of international resources and attention that overwhelms existing actors and responses that both predate and outlast international attention and action.

Related critiques highlight a dearth of listening and a tendency to privilege immediate action over reflection or deliberation. These critiques deftly identify the imperfect and hierarchical implementation of humanity as manifested in an unequal valuing of the knowledge, actions and expertise of those involved in giving and receiving assistance. These are manifestations of a conceptualization of humanity that elevates the universal over the particular.

Moreover, a conceptualization that relies solely upon the universality of humanity leaves no room for difference or for the role of culture. Among other things, the Ebola crisis and accompanying response have highlighted the necessity of cultural awareness and engaging the community in an emergency, not only in addressing public health crises but arguably for the more traditional humanitarian responses as well. For example, anthropological analyses of funerals and marriage rituals shed light on how and why Ebola spread between communities.⁶⁴ As one EVD responder passionately argued:

But in a public health emergency of this scale and danger, patient communication and counseling can be brushed aside under the pretext of urgency. Ebola patients can be considered mere disease-carriers rather than complicated, emotional human beings – and while at the highest levels reducing transmission is the top priority, neglecting the humane aspects of care can gravely undermine the public health response. ... But while cultural differences could contribute to the tension, it may also be that more universally human processes are going unacknowledged. In what culture would it be acceptable or productive to walk into a village and so brusquely identify and inform people that they have only days to live?⁶⁵

In the passage, the author makes a case for seeing individual victims as “complicated, emotional human beings”, for attention to the ways in which humanitarians deliver care, and for the importance of seriously considering mental health and the socio-cultural aspects of a response. All can be linked to a conceptualization of humanity that is both individual and rooted in social identity, and that affirms the particular, local context.

The humanitarian community is awakening to the role of culture and society as key determinants of the effectiveness of a humanitarian response. Aid programmes that are designed to “go slow to move fast” and that build from local and existing expertise and resources do exist.⁶⁶ The 2014 *World Disasters Report*⁶⁷ and the 2015 *World Development*

64 Paul Richards and Alfred Mokuwa, “Village Funerals and the Spread of Ebola Virus Disease”, *Cultural Anthropology Online*, 7 October 2014, available at: www.culanth.org/fieldsights/590-village-funerals-and-the-spread-of-ebola-virus-disease.

65 Raphael Frankfurter, “The Danger of Losing Sight of Ebola Victims’ Humanity”, *The Atlantic*, August 2014, available at: www.theatlantic.com/health/print/2014/08/the-danger-in-losing-sight-of-ebola-victims-humanity/378945/.

66 Mary B. Anderson, Dayna Brown and Isabella Jean, *Time to Listen: Hearing People on the Receiving End of International Aid*, CDA Collaborative Learning Projects, Cambridge, MA, 2012.

67 International Federation of Red Cross and Red Crescent Societies, *World Disasters Report, 2014: Focus on Culture and Risk*, Geneva, 2014, available at: www.ifrc.org/world-disasters-report-2014.

*Report*⁶⁸ are devoted to the role of culture and the importance of human behaviour and social norms in emergencies, disaster response and development. Cultural norms and behaviours, for instance, influenced both the spread of Ebola and arguably its mitigation. Anthropologists and other social scientists commented on various aspects of the response, from the histories of conflict and distrust of government to the cultural practices surrounding burials, and how these influenced the spread of the disease.⁶⁹ Indeed, the international response to the Ebola crisis was the first in which the UN employed an anthropologist as part of the mission.⁷⁰ After the chaos of the first months, agencies adapted their programming to better reflect the cultural context. These acts represent moves forward in better adapting emergency programming to context. It remains to be seen whether and how the valuing of culture will translate into the future. Operationalizing humanity, however, calls for a humanitarian response that affirms the particular – local actors, responses and cultural context – and not simply an abstract universal. As such, it suggests the need for greater humility on the part of international actors involved in humanitarian response, a humility that is geared toward the idea of contribution to the size, scope or effectiveness of a response as opposed to attributing these factors solely or primarily to individual agencies or non-local actors.

Adopting horizontal and vertical accountability

The concept of accountability in humanitarian response has received significant attention in the practice-focused and scholarly literatures.⁷¹ The call to operationalize humanity and the inherent tensions discussed above together suggest at least two important sets of practices related to accountability. First, the tensions highlight the hierarchies and inequalities that are baked into the current humanitarian system, particularly with respect to the treatment (e.g., pay scales)

68 World Bank Group, *World Development Report, 2015: Mind, Society and Behavior*, Washington, DC, 2015, available at: <http://econ.worldbank.org/WBSITE/EXTERNAL/EXTDEC/EXTRESEARCH/EXTWDRS/EXTNWDR2013/0,,contentMDK:23330018~pagePK:8258258~piPK:8258412~theSitePK:8258025,00.html>.

69 See, for example: www.ebola-anthropology.net and www.culanth.org/fieldsights/585-ebola-in-perspective. Many of these analyses rightly deconstructed the response, providing contextual interpretation that helped explain some of the failures of the early days of the response. Unfortunately, however, not all took the next step of suggesting practical steps for how responders could have taken account of the cultural context in their programming.

70 Anthony Banbury, “Creating UNMEER: Ebola and the UN’s First Emergency Health Mission”, *International Peace Institute Webcast*, 3 February 2015, summary available at: www.ipinst.org/events/speakers/details/597-banbury-credits-ban-with-mobilizing-un-ebola-response.html.

71 For more on accountability in humanitarian response, see the Humanitarian Accountability Partnership website, available at: www.hapinternational.org. For academic literature, see, among others, Dorothea Hillhorst, “Being Good at Doing Good? Quality and Accountability of Humanitarian NGOs”, *Disasters*, Vol. 26, No. 3, 2002; and Thomas D. Kirsch, Paul Perrin, Frederick M. Burkle, William Canny, Susan Purdin, William Lin and Lauren Sauer, “Requirements for Independent Community-Based Quality Assessment and Accountability Practices in Humanitarian Assistance and Disaster Relief Activities”, *Prehospital and Disaster Medicine*, Vol. 23, No. 3, 2012.

and classification of staff that provide access to benefits or resources (e.g., as “relocateable” in cases of violence breaking out and forcing agencies to withdraw staff). Equality does not imply sameness. While some inequalities are inevitable, the operationalization of humanity demands attention to these inequalities. This type of accountability is horizontal, referring to the need for accountability within aid agencies and all of their constituent staff members. For example, security management has too often focused on international as opposed to national staff.⁷² Operationalizing humanity requires analysis of the differential risk that all staff face and accounting for this in security management plans, such as through better access to training and other resources, and through adaptive and contextualized security measures. It suggests the need to provide for better mental health support for all staff. The above conceptualization of the principle of humanity suggests that it is impossible, and even inappropriate, to strive for or guarantee the same treatment for all staff. Yet it does require an assessment of the ways that aid agency policies and procedures support an exclusivist interpretation of humanity. It encourages agencies to take steps to rectify these exclusions and inequalities.

A second set of practices is linked to the affirmation of local context and capacity and suggests the need for vertical accountability, not only “upward” to donors but also “downward” to those affected by violent conflict, disasters or other crises. The call for greater accountability to the recipients of assistance, particularly refugees and displaced persons, is not new.⁷³ An evolution in this concept, linked to the technological advances of our world, is to conceive of this accountability in terms of the need to provide information to and to hear from affected communities and to use this information to adapt programming to better reflect context. Drawing upon the 2005 *World Disasters Report*, a 2013 UN Office for the Coordination of Humanitarian Affairs (OCHA) report identified information as a basic need in emergency response, linking it to the concept of human rights:

Humanitarian organizations have an operational and moral obligation to incorporate information into their work. It is demanded by the communities and individuals that humanitarian organizations serve. The freedom to seek, receive and impart information is part of the Universal Declaration of Human Rights.⁷⁴

Seeking out the perspectives of affected community members, carefully listening to them and, perhaps most critically, responding through programme adaptation are therefore requisite components of operationalizing the principle of humanity.

72 See L. Fast, above note 25; and Abby Stoddard, Adele Harmer and Katherine Haver, *Aid Worker Security Report. Spotlight on Security for National Aid Workers: Issues and Perspectives*, Humanitarian Outcomes, New York, 2011.

73 See, for example, M. Agier, above note 42; and J. Hyndman, *Managing Displacement*, above note 46.

74 UN OCHA, *Humanitarianism in the Network Age*, Policy and Studies Series, OCHA, New York, 2013, p. 56.

Valuing presence and proximity

A final practice that emerges from the discussion of the inherent tensions relates to the dangers of essentializing identities. Critics have commented on the monolithic and impersonal humanitarian system. Michel Agier, for example, asserts that the function of humanitarian organizations, “while technically distinct, tends to merge in everyday life into the manifestation of a single international, and totally sovereign, force”.⁷⁵ He later writes that the “humanitarian apparatus [is] a contemporary system of government and power, where control and assistance are entangled”.⁷⁶ Such a system essentializes those whom it purports to assist. Yet this analysis ignores the ways by which everyday practices reinforce and can challenge this totality, and assumes that the recipients of assistance are not necessarily capable of distinguishing between organizations within a system of control and assistance. This is both fundamentally true and incorrect, since community members can and do distinguish between organizations and their technical expertise.⁷⁷ Individual, everyday acts of compassion and respect do matter, and can pierce the monolithic identity of a “humanitarian government”. In the words of Vincent Cochetel, an aid worker who was kidnapped in Chechnya in 1998 and held captive for 317 days:

I think helping people in danger is responsible. In that war [Chechnya], that nobody seriously wanted to stop – and we have many of these today – bringing some assistance to people in need or a bit of protection was not just an act of humanity, it was making a real difference for the people.⁷⁸

Years later, a South Sudanese community remembered and celebrated a specific aid worker who assisted and stayed with them – who accompanied and literally walked with them – through the years of violence.⁷⁹

Countering essentialist identities requires seeing people as individuals who defy the confines of their labels and as needing more than the basic necessities. The value of humanity, then, cannot be restricted to simply providing protection or things, such as food, clean water, seeds or tools. It must also encompass the value of remaining present and proximate to those in need. Humanitarian assistance, as most aid workers know, is not only about providing assistance or protection. It is about how this assistance and protection are provided, and the profound value of

⁷⁵ M. Agier, above note 42, p. 34.

⁷⁶ *Ibid.*, p. 42.

⁷⁷ See Larissa Fast, Reginold Patterson, Alfred Amule, Simon Bonis, Lasu Joseph, Anthony Kollie, James Luer Gach Diew, Sirocco Mayom Biar Atek, Christopher Nyamandi and Jimmy Okumu, *South Sudan Country Report: Key Findings from Field Research on Acceptance in South Sudan*, Save the Children, Washington, DC, 2011, available at: <http://acceptanceresearch.org/reports/south-sudan-country-report>; Laura Hammond, “The Power of Holding Humanitarianism Hostage and the Myth of Protective Principles”, in M. Barnett and T. G. Weiss (eds), above note 24, pp. 172–195.

⁷⁸ Vincent Cochetel, “Attacks on Humanitarians Are Attacks on Humanity”, TEDx, Place des Nations, Geneva, 11 December 2014, published on 8 January 2015, available at: www.youtube.com/watch?v=1F5CsD2ekSA.

⁷⁹ Personal interview, South Sudan, April 2011.

knowing that others are paying attention. Some organizations, such as Médecins Sans Frontières, refer to witnessing, while others call this solidarity,⁸⁰ which implies a greater degree of affinity toward a particular group.⁸¹ The value of presence, therefore, is part of the power of the humanitarian response. This presence, however, points to the intangible aspects of the humanitarian response. Presence denotes “being present” as well as accompanying and “walking beside” those affected by disaster, war or armed conflict over the long haul.

The implications of such a conceptualization are not trivial. In particular, it questions the turn toward “remote management” in insecure contexts, where international staff leave and national staff remain to carry out programming. Proximity and presence require outsiders, and as a consequence, they imply a significant degree of risk. Witnessing by those who are in some way embedded within the context is important, yet it is the presence of a proximate outsider that provides its deterrent effect. Proximity and presence also challenge the use of fortified measures as elements of a security or risk management approach, which further separate aid workers from the people they assist. The benefits and drawbacks of remote management are contested,⁸² as is the value of humanitarian “bunkers” that more closely resemble fortified military compounds than aid agency offices or guesthouses.⁸³ These measures complicate any effort to be truly present in the midst of violence. A humanity-based humanitarianism requires, at minimum, a concerted evaluation of the intangible costs of these approaches, particularly in the most dangerous places.⁸⁴

Humanity as embodying the relational nature of humanitarianism

Unpacking humanity and the gestures of humanitarianism uncovers a series of contradictions and tensions. These tensions, however, can serve as platforms from which to analyze the shortcomings of humanitarian acts and identify pathways for reform. Humanitarianism is enacted within a complex set of interdependent relationships: between aid workers of various nationalities, between the givers and receivers of assistance, between local and national officials and aid workers, between donors and staff. Operationalizing humanity calls attention to these relationships and encourages a corresponding ethic that challenges the hierarchies

80 The MSF Charter refers to “bearing witness” (www.msf.org/msf-charter-and-principles). Norwegian People’s Aid refers to “solidarity in practice” (www.npaid.org/About-us), and Catholic Relief Services adopts solidarity as a guiding principle (www.crs.org/about/guiding-principles.cfm).

81 Obviously, solidarity in the sense of affirmation or endorsement of a specific group or agenda is at odds with the humanitarian principles of neutrality and, in some cases, impartiality. Solidarity-as-presence, in the sense of accompaniment for affected populations, however, might occupy a metaphorical space between neutrality and solidarity-as-endorsement.

82 See, e.g., Joe Belliveau, “‘Remote Management’ in Somalia”, *Humanitarian Exchange*, No. 56, January 2013, pp. 25–27.

83 Mark Duffield, “Risk Management and the Fortified Aid Compound: Everyday Life in Post-Interventionary Society”, *Journal of Intervention and Statebuilding*, Vol. 4, No. 4, 2010, pp. 453–474.

84 L. Fast, above note 25. Chapter 6 includes an expanded critique of these approaches.

and inequalities which exist within aid organizations and within the system itself, such as between the categories of civilians and aid workers as exceptions. Operationalizing humanity moves away from an exclusive and particular vision of the principle and suggests a relational, intersubjective interpretation of humanity as a way of further extending the boundaries of inclusion and a pathway to reforming the humanitarian system. Building from and on local context and capacity, enlarging accountability to include its horizontal and vertical dimensions, and affirming the value and implications of proximity and presence all encourage a different humanitarian system. Their value as responses to the inherent tensions of the principle is threefold: they explicitly link existing good and ethical practice to a foundational principle; they identify ways in which it is possible to moderate between the inherent tensions of humanity; and they recognize the possibility of operationalizing humanity in ordinary, everyday actions, thereby contextualizing the abstractions of humanity as a lofty and unattainable principle. Vertical and horizontal accountability link the internal and external practices of aid agencies. Presence and proximity embody the virtue and universality of humanity and elevate the role of the outsider. Affirming local context and capacity acknowledges the central place for the particular and the affected insider.

Operationalizing humanity will force aid agencies to recognize and grapple with the tension and inequalities that do exist and with the ways by which the everyday practices of aid define its meaning. It thereby holds the enterprise as a whole to a higher standard and helps to move it toward a vision that affirms the connectedness and equality inscribed in humanity as a guiding principle, both internally within organizations and externally in their relations with others suffering, living and working in the areas in which they operate. Additionally, it offers the possibility of a humanitarianism more consistent with the principles that it espouses.

In conclusion, the principle of humanity not only offers a prophetic call against the excesses of war, as Slim suggests,⁸⁵ or as a restraint on violence, as Coupland observes,⁸⁶ but also radically undermines the dominant dynamic of violence, which relies upon dehumanization and the denial of the humanity of the “other” to sustain it. To return to the words of former ICRC President Cornelio Sommaruga,

If humanitarian action can offer a respite in the fighting and preserve an island of humanity in the midst of conflict, then it can assume a positive and even politically useful role in the pursuit of reconciliation and reconstruction and in the development of new national and regional structures and ways of thinking.⁸⁷

85 H. Slim, above note 33.

86 R. Coupland, above note 27.

87 C. Sommaruga, above note 3, p. 25.

Failing to recognize this fact underestimates the profound potential of the principle of humanity.

The imperfect implementation of the principle of humanity will likely remain, yet it does not excuse the humanitarian community from taking steps to rectify its exclusiveness and particularities. Cochetel concludes his talk by passionately and movingly explaining his continued motivation for humanitarian work, after his kidnapping in Chechnya: “We try to do whatever we can to provide some assistance, some protection, some comfort. We have to, we can’t do otherwise. It is what makes us feel, I don’t know, simply human.”⁸⁸ To him, not trying is worse than failing. He recounted his reply to colleagues and others who asked him why he continued as an aid worker: “My answer was very simple. If I had quit, that would have meant that my kidnappers had won. They would have taken my soul, my humanity.”⁸⁹ Indeed, the principle of humanity, along with its inherent tensions, offers a framing from which to challenge the existing system and work toward reforming the institutionalized response. None of the transformative practices and everyday actions articulated above is new or original. Together, however, they add up to a more inclusive, equal and universal humanity and a more responsive humanitarianism.

88 V. Cochetel, above note 78.

89 *Ibid.*