The Politics of Humanitarianism: Some Considerations
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Humanitarianism and its political derivate, humanitarian intervention exploded on to the scene a decade back.[1] The concept of humanitarian intervention was justified as a manifest improvement over the Agenda for Peace approach to global peacekeeping to a more muscular way that sought to protect people from violence across the world and thereby advance the idea of human rights as an ethical imperative or a moral trump over several other competing ideas predicated on claims of juridical sovereignty. This study makes three claims concerning this rather unprecedented dilation of humanitarianism in international politics. First, it wishes to explain how the idea of protection is central to humanitarianism and its derivative governmentalism in the form of modern population politics. It seeks to show how protection becomes the clog in the humanitarian contraption. It would also trace how the idea of protection is liberated as a form of charity to an inalienable right, the right to save immortal souls more than the perishable bodies. Secondly, and as a logical corollary to the first, this study would discuss Foucault's idea of biopower and biopolitics, understood as a politics of life, and Derrida's ideas of hospitality, gift and forgiveness to understand the challengesthe politics of protection. Foucault's work is particularly important in tracing how the internal technologies of care and protection evolved through the 18th and 19th centuries producing the familiar argument of rescuing and protecting the human being in distress. The paper would then analyse the different meanings of the politics of life and interrogate the literature that seeks to understand why some lives are prioritized over other in all humanitarian contexts. In a nutshell,the paper argues that the modern form of humanitarianism is a product of modern neo-liberal capitalism rather than a form of altruism or love for humanity. While feelings and emotions of affect, generosity, aiding the distressed and compassion are certainly found in all human societies, the enormous surge in humanitarian protection, and a set of ideas, discourses and practices crystallized around it, cannot be understood without connecting it to concrete economic and political realities that are expressed through the complex technologies of governance. Hence, the paper holds that humanitarian protection is a form of biopoliticalgovernmentality, and, therefore, all contexts of humanitarian protection would show limits and prioritization of lives.

1. Protection and humanitarianism

The idea of humanitarianism is a widely reflected and analysed phenomenon though the bulk of the literature in international relations has approached the concept either through the prism of human rights or problems of security. However, this has often tended to obfuscate issues and prevented researchers from asking more fundamental questions. Instead of looking at humanitarianism through rights or security concerns, it is necessary to position how the idea of protection or hospitality has emerged as a key component of humanitarianism or humanitarian government. In simplest of terms, it is necessary to locate humanitarian

practices as a part of population politics. The notions of humanitarian protection and care are inextricably intertwined with both the techniques of governance and the imperatives of the neoliberal political economy. In this section we will trace how the idea of protection came to configure the modern practices of humanitarianism. While Foucault's path-breaking work on population politics and governmentality is pivotal to this analysis, engaging with Derrida's idea of hospitality is also necessary to understand the inescapable dilemmas that afflict us.

The idea of protection is central to humanitarianism. The historical roots of the idea goes back into the long past with both Christianity and Islam calling for charity and care of the distressed. In the words of Christ, "I was hungry and you gave me food, I was thirsty and you gave me something to drink. I was a stranger and you welcomed me. I was naked and you gave me clothing. I was sick and you took care of me. I was in prison and you visited me." (Matthew 25: 35-36). The idea of pastoral care is central to Christianity and the pastor becomes the agent to care for the weak, the troubled, the alienated and all those in need for personal welfare. The idea of pastoral care is also likened to that of shepherding the needy and the distressed, which, incidentally, went into Foucault's analysis of power, biopolitics and governmentality. In fact, the missionary activities of the Christian Churches were undoubtedly the most important careers and protagonists of early humanitarianism. Similarly, Islam also stressed the role of charityas a central aspect of its faith. Islamic teaching distinguished between zakat (obligatory charity) and sadaqa (voluntary contribution) and instructed believers of their duty to help their brethren in need. The Koran and the Hadith mentions different forms of charity related to helping the needy, protection from calamity, and debt relief and organized Islamic churches have engaged in aid and relief throughout medieval and modern histories. Other religious traditions also make similar pledges. Religion, in brief, constituted the first moment of humanitarian protection. However, organized religion and religious bodies could not become the chief vectors of humanitarianism for many reasons that may not detain us here. The gradual secularization of political authority in the west, the increasing salience of the state as the primary institution of collective life, and a gradual emergence of a rights-based discourse to humanitarianism put paid to the efforts of the religious bodies all over the world.

Another significant source of modern humanitarianism is laws of war. While rudimentary regulations to combats are as old as human civilization itself, there were rapid moves to codification of principles from the 18th century onward. Domains such as protections of civilians, prisoners of war; conduct of hostilities, naval combat, enemy property, military necessity, care for the wounded, among others, gradually came under the purview of international legal regulations and many rules were made to make the conduct of warfare more humane. The Hague Convention of 1907 and the four Geneva Conventions of 1949 created the framework for the emergence of modern humanitarian law. The limited efficacy of these instrumentalities notwithstanding, the customary laws and statutes have powerfully driven home the idea that wars needed to be fought within acceptable codes of conduct as agreed upon by the states.[2]

The existing literature on the history of humanitarianism has mostly indicated three periods or moments that espouse different structures of feelings. Barnett and Weiss's widely cited

work mentioned 'an imperial humanitarianism, from the early nineteenth century through World War II; a neo-humanitarianism from World War II through the end of the Cold War; and a liberal humanitarianism, from the end of the Cold War to the present' (Barnett 2011: 29). Walker and Maxwell (2009) likewise describes the rather urgent moments of the two World Wars, the Cold War period of 'mercy and manipulation' and the 1990s yielding an epoch of 'globalization of humanitarianism'. Randolph Kent (1987: 36) draws attention to the pivotal time of the Second World War when the vastly upended scale of mass atrocities and the devastation wrought by protracted battles with unprecedented casualties due to massive developments in war fighting technologies forced states to recognize interventionist humanitarian action as an unavoidable responsibility. (Davey, Borton, and Foley 2013: 5). The period was certainly not one of altruism and universal brotherhood; rather, states were motivated to act out of rather drastic alterations in the material basis for warfare whereby distances and information time collapsed as never before. Both the scale of human fatality and the quick dissemination of these figures and narratives tied the hand of governments that feared mass disaffection of troops and alienation of public support from war efforts unless credible efforts were undertaken to ameliorate victims of war in a principled way. The science of death has paradoxically generated the science of care for the nation-state.

Humanitarianism, moreover, became a rallying point for a large number of civil societal action that stemmed from advances in military medicine, advocacy practices and evidence-based action, and philanthropic associations of various kinds. Two broad patterns emerged out of this. Many of these bodies were local and their activities were limited within their borders. They were also often motivated by the racial cause of their respective nation-states. In contrast, the activities of organizations like the International Red Cross were distinctly internationalist in orientation as it harped on standing international legal agreements as constitutive of the framework of action that would not differentiate between citizens of nations as all were deserving of care, protection, resuscitation, and recovery.

Advocacy has also been a pivotal form of humanitarian action and Florence Nightingale's manifold contributions vastly strengthened the case to look beyond all contingencies in cases of health emergencies. While she did not directly take part in advocacy, nevertheless, her practices and actions largely contributed to the success of advocacy as a model of care, nursing and humanitarian action for the diseased. In the words of Selanders and Cranes, "Nightingale was a singular force in advocating for as opposed to with individuals, groups, and the nursing profession." (Selanders and Crane2012: 3). She articulated not only an unconditional case for nursing support for the ill and the wounded all over the world, the nature of the political order and social systems notwithstanding, but began to draw attention to the gendered practices around the then prevalent norms of humanitarian action that privileged the rights of men and devalued that of the female nurses and caregivers, in addition to describe humanitarianism not as act of charity but as a matter of our inalienable right.[3]

This narrative, though persuasive and empirically reliable, tends to make humanitarianism an exogenous phenomenon, which seemed to have a life of its own, and was driven primarily by calamities both human and natural. In contrast, it may be argued that humanitarianism is as much a part of the technologies of power of the modern state as are all other general forms of

public amenities and services. There are two contrasting interpretations here to boot. The first sees humanitarian governance as a technology needed to make sense of the state's categorization of the various groups of people who were deserving of protection, who could be trusted in protecting and who could be not, whose life mattered more or less, and what justificatory discourses may be offered towards this end. The emphasis here is on the politics of race and nationalism, the modes of otherisation that would separate citizens from outsiders, or make a group of citizens worthier than others, to deny the right to have rights to outsiders and groups that are perceived as hostile to the national wellbeing, and provide the state the justificatory grounds to manage humanitarian tasks in a fiscally responsible way. The second reading only adds that humanitarian governance is not initiated only to keep others at bay or limit the right to protection to the acceptable groups but also to care for the emotional health of the domestic population who require guarantees of sanity in their compulsive practice of limits. However, both these ideas are based on conceptual resources drawn from Foucault and Derrida to which we now turn to in the next section.

II. Biopower, governmentality, hospitality and forgiveness

Foucault saw modern power as a mechanism to administer life along two distinctive axes. One targeted to work on and disciplining the human body: 'the body as a machine: its disciplining, the optimisation of its capabilities, and the extortion of its forces'. (Foucault, 2003: 245). Foucault termed it the 'anatamopolitics of the human body'. The second axis consisted of the collective or the population at large, which he called biopolitics. According to Foucault, "By this I mean a number of phenomena that seem to me to be quite significant, namely, the set of mechanisms through which the basic biological features of the human species became the object of a political strategy, of a general strategy of power, or, in other words, how, starting from the eighteenth century, modern western societies took on board the fundamental biological fact that human beings are a species. This is roughly what I have called biopower." (Foucault 2007: 16). Foucault elaborated that biopower emerged later and "focused on the species body, the body imbued with the mechanics of life and serving as the basis of the biological processes: propagation, births and mortality, the level of health, life expectancy and longevity, with all the conditions that can cause these to vary. Their supervision was effected through an entire series of interventions and regulatory controls: a biopolitics of the population." (Italics in original). (Foucault 2019: 139). He described it as a political problem as well as science problem, for a problem of biology was also a political problem and power's problem. (Foucault2003: 24).

While biopolitics is quintessentially modern, it is anticipated nonetheless by the Church that only kept records of life and death but also was the chief dispenser of care for the needy and the distressed. The state administers biopower as a politics of life, for regulating and improving the health of the population, to bring welfare benefits to the poor, and create an infrastructure of territorial security for a named population. Biopoitics, therefore, is not the traditional coercive force of the government. Rather, it arises out of an active interest in the life of the people whose welfare requires disciplining, monitoring, classification, surveillance, and whole paraphernalia of institutions and scientific practices needed for the care of the

body and the soul of the demographics. Like Gramsci and Althusser, Foucault also grants the existence of the sovereign power at the margins or limits of biopower.[4] Coercion is needed when regulations fails, disciplining falters, the state must use violence as its sovereign signature. However, this is not how the modern state rules. Power is no longer a matter of negative sanction; it is about positively creating a disciplined and regulated body. If sovereign power is about the politics of death, biopolitics is about the politics of life. The manifest tension between the two forms of power and politics requires the 'biopolitical border' between lives to be cared for and those who can be left uncared for, between the politics of care and the politics of indifference, which is not expressed by the territorial borders separating states but in the peculiar construct of the 'state racism' separating the lives that matter and those that can be subjected to the threats of death.

If biopolitics produces 'population', a statistically generated social collective, governmentality, another concept that Foucault uses to explain the configurations and workings of modern power, is about the production of capillary power at various social sites, like in classrooms, prisons, institutions of mental health, that produce disciplined bodies. Foucault, in fact, provides a categorical understanding of the concept, which is worth recounting.

> By this word "governmentality" I mean three things. First, by "governmentality" I understand the ensemble formed by institutions, procedures, analyses and reflections, calculations, and tactics that allow the exercise of this very specific, albeit very complex, power that has the population as its target, political economy as its major form of knowledge, and apparatuses of security as its essential technical instrument. Second, by "governmentality" I understand the tendency, the line of force, that for a long time, and throughout the West, has constantly led towards the pre-eminence over all other types of power – sovereignty, discipline, and so on – of the type of power that we can call "government" and which has led to the development of a series of specific governmental apparatuses (appareils) on the one hand, [and, on the other]† to the development of a series of knowledges (savoirs). Finally, by "governmentality" I think we should understand the process, or rather, the result of the process by which the state of justice of the Middle Ages became the administrative state in the fifteenth and sixteenth centuries and was gradually "governmentalized." (Foucault, STP: 144).

While there is an overlap of the ideas of biopower, biopolitics and governmentality, Foucault makes it clear that governmentality is about the making of political rationalities that are not limited to the state. Conceived as a technology of discipline, Foucault argues that governmentality in its most recent phase has taken a new form, which he calls 'neo-liberalism', which he distinguishes form the political liberalism of the 18th century. This neo-liberalism is not about the state keeping the market free and competitive but the market taking over and controlling the state. Moreover, its basis for governance is not the regulation for the protection of individual freedom required by the economic or rational man. Rather, under neo-liberalism, the basis of regulation shifts to what Lemke described as "in the

entrepreneurial and competitive behaviour of economic-rational individuals." (Lemke 2001: 200).

My argument here is that humanitarianism is a discourse of protection of life and death that invariably carries the imprimatur of the Foucaultian ideas of biopower and governmentality. I would develop this theme in the next section. However, the idea of protection requires more reflection at this stage for although Foucault explains why the physical and mental health of a given population becomes central to the state's politics of care and its attendant limits, one still requires an understanding of why our commitment to protect is always paradoxical in effect. This paradox can be explained in a myriad of ways. But, in a pithy form, the central idea is that our capacity to give and protect seems limited as is our powers of forgiveness without which care is always conditional. It is the conditionality of care that is also the limits of humanitarianism. Derrida's reflections on hospitality and forgiveness help us understand both the nature and the causes of these limits.

Derrida makes it clear that there are palpable limits of hospitality, since the host can hardly be unconditionally caring and proving towards the guest. First, hospitality requires a power to offer aid, a certain capacity for action, ownership of resources, and a power of decidability over deciding. Hospitality also means that the host also exercises a degree of control over the guests since the hosted may have unconditional urges and may make demands that might go both against the material capacity of the host and also compromise the host's sense of identity and ownership. Hence hospitality is never unconditional. Hence, hospitality seems controlled at best, so that the line of distinction between the host and the hosted remains in place all the time, and exclusions may be required on grounds of languages, national identity, race, ethnicity so that the host can exercise control in the act of caring for the other, be they refugees, political exiles, victims of natural disasters, conflicts, or guest workers seeking refuge and support.

Derrida's account of hospitality builds on his understanding of gift and forgiveness. Derrida complicates gift giving as conventionally understood to be misleading as he finds in the act of gifting utilitarian considerations of expectation, reciprocity, and a desire for recognition of generosity. The grant of the gift, therefore, is ethically circumspect since generosity is conditional. In the words of Clive Barnett, "In reiterative readings of the theme of hospitality in literature, policy, and theology, Derrida finds that hospitality is ordinarily represented as a gift in the conventional sense, offered in exchange for something (for example, for good conduct, or respect for the law). Hospitality is therefore offered conditionally, out of a secure sense of self-possession. Just as with the deconstruction of the gift, Derrida's reading of what he calls the 'laws of hospitality' finds them to be premised on a logic of un-relinquished mastery over one's own space." (Barnett: 2005). In his text called On Cosmopolitanism and Forgiveness, Derrida argues, mirroring his take on gifts, that true forgiving is only possible if it amounts to forgiving of an 'unforgivable' misdemeanour or indiscretion. Conditional forgiving tantamount to amnesty, reconciliation, arbitration, or compromise, and is, therefore, not a genuine act of kindness. In the words of Simon Critchley and Richard Kearney, "Derrida argues that true forgiveness consists in forgiving the unforgivable: a contradiction

all the more acute in this century of war crimes (from the Holocaust, to Algeria, to Kosovo) and reconciliation tribunals, such as the Truth and Reconciliation Commission in South Africa. If forgiveness forgave only the forgivable, then, Derrida claims, the very idea of forgiveness would disappear. It has to consist in the attempt to forgive the unforgivable: whether the murderousness of Apartheid or the Shoah (Derrida: 2001: vii-viii).[5]

This lays the ground for Derrida's contrast of conditional and unconditional hospitality, the latter being an impossible act of ethical conduct while the former though pragmatic is never enough as an ethical standard. Derrida thus sets up a paradox of the possible impossibility, or vice versa, thereby problematizing the very ethical basis of the idea of protection underlying humanitarianism. For Derrida, the unwelcome guest is a challenge for the host as the visitor questions the self-identity and subjectivity of the provider. While the paradox of the ethically short charged possible tolerance (conditional hospitality) and the impossibility of the unconditional hospitality is indeed paralysing as an ethical stance, it does reflect on the superficiality of the prevailing models of protection by exposing their putative ethical basis as either indicative of our limits of generosity to outsiders or pure tactical compromises to habilitate alterity in life. This is the reason why Derrida both sanctions an ideal cosmopolitanism that would admit everyone unconditionally at simultaneously denies it as a possibility as limitations on rights of residence become mandatory in all the cases. Hosting, gifting and forgiving are never settled and their possibilities remain open ended as the philosophy of deconstruction demands.

The idea of protection that has come to embody the contemporary politics of humanitarianism is, therefore, a conditional idea at best and a result of practices deciding what it takes to be a living being and how lives worth protecting are to be regulated. In the following section, I discuss the motivations behind and the meanings of such regimes of protection that marks the topography of modern humanitarianism.

III . Humanitarianism, capitalism and politics

Humanitarianism is both biopolitics and a politics of caring for life. As the path-breaking work of Didier Fassin (2011) has shown, it involves all the institutional paraphernalia of biopolitics, such as setting up camps and dwelling centers, identifying and registering the people to be hosted, deciding on the nature of care to be disbursed, allocating money and resources, setting up surveillance so that the state knows who are cared for, what their credentials are, how safe they are for the localities, to what extent their movement must be checked and their interactions with the citizens allowed, the processes of application that must be meticulously followed, the exceptions to be tolerated, and to guarantee a certain measure of health and wellbeing of the protected so that they become evidence of generosity rather than a cause for shame. Yet, it is also a politics of life since it makes the vital choice of which lives to be saved, the reasons for such prioritization, the careful representation of causes that qualify to legitimise the grant of protection, and the conscious articulation of the discourses of victimhood without which even conditional hospitality would not be possible.

In every site of humanitarian action there is a delicate balance between lives to be saved and the lives to be risked. This is indeed a complex ethical conundrum. When a crisis is within a state where the lives of a large number of people are threatened, the state has a dual responsibility to perform, one toward the suffering victims of a tragedy and the other towards the people who must risk their lives to save, care for and protect them. When it comes to refugees and guest workers under distress and in need for care, the choice is less stark as the distinction in the quality of the two lives can be racially resolved through an exclusionary drawing of a biopolitical boundary. As Fassin explains, "Physically, there is no difference between them; philosophically, they are worlds apart. They illustrate the dualism that Giorgio Agamben derives from Aristotle's Politics, between the bare life that is to be assisted and the political life that is freely risked, between the zoe of 'populations' who can only passively await the bombs and the aid workers and the bios of the 'citizens of the world,' the humanitarians who come to render them assistance." (Fassin 2011: 507).

The conventional literature on humanitarianism contrasts the cruelty of the realist politics of death that causes mass displacement, death, and indignity to the politics of life engendered by the humanitarian actors whose perspective see the problem from the vantage point of the victim. (Fassin 2011) Though the political motivation behind this politics of life may either source in the rights of the displaced or more restrictive generosity, the ethical imperative is configured in the language of victimhood that recognizes the sacrifices of the humanitarian actors and the moral motivation of protection despite the distinction it necessarily makes between the bare and the political lives.

However, such a reading tends to create the impression that the politics of life only acts at the level of the population as a whole and is concerned about the health of an undifferentiated collective. Yet, Foucault's analysis of biopower shows us that the caring of and for the self and the wellbeing of the population are inseparably intertwined. The idea of pastoral power, where the shepherd cares for the horde of sheep is also about looking closely at the quality of the individual sheep, so that it does not compromise the health of the whole lot, or challenges the codes of discipline that are prescribed for them. The sacrifice of an errand sheep is the duty of the shepherd, justified in the interests of the health of the population as a whole. In other words, the distinction to be made of the life to be saved and the life to be risked or sacrificed cannot be understood by only looking at biopolitics and ignoring the technologies that work on individual lives. In the context of humanitarian crises, this distinction is vital. The conventional accounts by scholars like Fassin(2011) play out this contrast by the common strategy that hosts adopt to separate the vulnerable lives that deserve protection from those that do not qualify – the lives of children separated from parents, women raped by the perpetrators, the old deserted by the able bodies, and men who are crippled, injured, and pulverized against the able bodied who would risk everything for safe passage and a quest for a better life. The conventional account renders the able bodied as risk-taking and desperate, whose motives are uncertain and allegiance untrustworthy, which becomes a source of danger for the host. The host may not control and subjugate these men or women and, therefore, it is better to keep them at a harm's way, even if this seriously compromises their chances of

survival. Harshness and exclusivity are justified so that these people may act reasonably and not risk lives that need not be risked in the first place.

This politics of deterrence by dividing victims by a differential ethic of protection, which often takes a racialized form since the language of trust is coded in religious and ethnic terms, draws attention to the host's concern for the 'health' of the uninvited guests seeking care in standard humanitarian crises scenarios. Mavelli (2017), however, argues that the motivation portrayed in these accounts is misplaced for the real concern is not about the life of the incomers to be saved but the emotional health of the hosts. For Mavelli, crucial for the development of these arguments has been a 'differentialist' understanding of biopolitical racism, which highlighted from the perspective of biopolitical racism,the boundary that separates 'superior' and 'inferior races' is a tool of the biopoliticalgovernmentalitytargeting the population rather than what delimitates its space of action. This means that theboundary between 'superior' and 'inferior races' – that is, the boundary between the populationunder power's control and external 'others' – can be redrawn beyond traditional forms of racism(based on nationality, ethnicity, religion, colour, and gender) if members of the 'inferior races' aredeemed instrumental to enhance the material and emotional life of the population." (Mavelli 2017: 818). Hence, he argues, "humanitarian government should be understood not just as the government and care of disenfranchised collectivities such as refugees, but also, and possibly more importantly, as the biopoliticalgovernmentality and care of host populations through the humanitarian government of refugees." (Mavelli 2017: 831). What emerges from such a reading is that the justifications of exclusion and conditionalities are not limited to the character of the people seeking refuge, care and protection. As part of biopoliticalgovernmentality, the moral and emotional health of the host is perhaps a stronger motivation in fashioning an appropriate response to a humanitarian crisis and in the attendant characterization of victimhood without which the politics of life, its priorities and limits notwithstanding, will not be possible in the first instance.

While the arguments of the health of the host society as a possible explanation of the limits of humanitarianism are indeed crucial, I argue that the limits of protection conceived as a form of biopoliticalgovernmentality is the result of two factors that require independent probing. The first of these relate to the linkages between contemporary capitalism and humanitarian interventionism, and the second involves the idea of nationalism. I shall not pursue the second argument here since it demands a detailed and granular analysis since the ingredients vary from one society to another and it does not help generalizing across board.

There is a rich body of historical work that has shown how the anti-slavery movement in Europe and the anti-abolitionist movement in the United States were triggered by the generic requirements of capitalism that simultaneously involved policies that on the one hand normalized the market risks and its attendant fallouts bordering on naturalized irresponsibility while investing in a notion of contractual responsibility on the other. At the level of discourse, humanitarianism did involve a feeling of compassion and guilt for the suffering other as it was increasingly possible to show that the death and sufferings of the poor were the result of wilful inaction of the rich or the able, and the increasing technological feasibility

of delivering assistance and its efficacy in making the desired transformation in the quality of life of the targets exposed the wilful negligence of the rich as never before. As Thomas Haskell argued, "It is not merely coincidental that humanitarianism burst into bloom in the late eighteenth century just as the norm of promise keeping was being elevated to a supreme moral and legal imperative. At the most obvious level, the new stress on promise keeping contributed to the emergence of the humanitarian sensibility by encouraging new levels of scrupulosity in the fulfillment of ethical maxims." (Haskell 1985: 555).

However, it was the economic transformations of capitalism that required a more humane system of governance as the state increasingly became a factor of analysis. The braiding of the state and the market in virtually all spheres of life meant that governance became critical to the working of the market economy itself so that new modes of tolerable disciplining could be used to extract value and the working classes made to believe that capitalism was not a morally degenerate order that did nothing for the poor and the sick. The health of the population became the precondition of the health of the economy and the discourses of protection were fine tuned to serve the needs of an increasingly globalized production process. If Weber thought that Protestant values were responsible for the flourishing of capitalism in the West, capitalism, in fact, was more efficient in creating the kind of lives necessary for its success. It is also clear that the humanitarianism induced by capitalism could not be absolute. The boundary of moral culpability coincided with an alleged capacity for intervention that was almost always decided by the arc of possibility marked out by the capitalist mode of production.

In more recent times, the enormous dilation in humanitarianism similarly shows a close connection with the class interests and market needs of neoliberal capitalism.[6] All forms of modern humanitarianism like advocacy based humanitarian action, the work done by many non-governmental organizations, the instrumentalities and ties specified by most humanitarian aid by donors, and celebrity humanitarianism show a clear link with market considerations and a welter of literature already exists that empirically documents these linkages. Not only is there a manifest continuity in the nature of the past and the contemporary forms of what I would describe as 'market humanitarianism', the underlying ethical motivations and the careful delineation of the limits of care are also comparable. Modern humanitarianism requires a similar ethic of victimhood, the need to distinguish between who is deserving of protection and who can be dispensed with, the hierarchies of both the politics of life and death, the tendency to settle for the bare minimums, the summoning of geopolitical and national interest driven justifications for the insufficiency of care, and the refusal, on balance, to see the problem of humanitarianism as a structural one. Without fundamental changes in the global political economy of production and distribution, the protection regimes of contemporary humanitarianism as a form of biopoliticalgovernmentality will continue to betray its functionalist and limited character, though it will at the same time save lives and provide a modicum of benefits to millions under stipulated conditions of hierarchy.

Global humanitarianism governance

The evolution of international humanitarian law suggests that protection regimes are meaningless unless they operate universally. The two major sources of humanitarian law, namely, the Hague Convention (1907), that codified restrictions on the methods and ways of warfare, and the four Geneva Conventions, which protected wounded and sick soldiers, prisoners of war, and vulnerable civilians in both international and non-international armed conflicts, clearly indicated that no persons could be arbitrarily excluded from the security of legal protection under any pretext that did not find explicit mention in these documents. These were further bolstered by the two Additional Protocols to the Geneva Conventions on the protection of civilians (1977). While the four Geneva Conventions were universally ratified, the 1977 additional Protocols have been resisted by a number of states. The details of these provisions and their efficacy should not concern us here. We draw attention to the adoption of Article 3, which, for the first time extended to situations of non-international armed conflicts and do not allow any derogation. Fundamentally, it requires humane treatment of all persons in adverse conditions and places legal obligations on enemy states to recognize the innate humanity of all persons without any prejudicial distinction. The fact that all states accepted it indicates the articulation of a global protection regime through treaty law despite occasional violations of its provisions in concrete situations. This has paved the way to the evolution of a major approach to human security, which, in the words of Oberleitner, "understands human security as a tool for deepening and strengthening efforts to tackle issues such as war crimes or genocide and finally preparing the ground for humanitarian intervention". (Oberleitner 2005: 188).

Do international humanitarian laws protect the refugees and the internally displaced people? Read together, many provisions of the existing international humanitarian law afford well-meaning protection to such hapless persons who often fall through the distinction between international and non-international armed conflicts. Thus, Article 3 provides that "Persons taking no active part in the hostilities […] shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria." Furthermore Article 17, of Additional Protocol II specifically prohibits the forced displacement of the civilian population:

"1. The displacement of the civilian population shall not be ordered for reasons related to the conflict unless the security of the civilians involved or imperative military reasons so demand. Should such displacements have to be carried out, all possible measures shall be taken in order that the civilian population may be received under satisfactory conditions of shelter, hygiene, health, safety and nutrition.

2. Civilians shall not be compelled to leave their own territory for reasons connected with the conflict."

Hence, a legally compelling case exists to provide all civilians with the necessary protections as agreed upon in these instruments in situations of both international and non-international conflicts. This is further reinforced by the fact that such protection sources not only in international humanitarian law but also in the various relevant sections of international human rights law, refugee law, and domestic law. (Bugnion2005: 36-42). While the legal

protection of the refugees, internally displaced and stateless persons would not translate into the materiality of safety and wellbeing, compared to what existed in the past, there has been a considerable strengthening of the laws of global humanitarian protection and a concomitant restraining of the absolute powers of states. The practical or ground realities may indeed suggest many limitations of this regime of global care; yet, the idea of humanitarian protection as a global collective good owes much to the early work of the international lawyers and statesmen who laid the foundation of international humanitarian law through The Hague and the four Geneva Conventions.The architecture of global governance and its underlying principles demonstrate the vicissitudes of a universal principle mired in both normative and practical difficulties. Humanitarianism is undoubtedly the basis of international legal principles that have grown up over more than 150 years to regulate war and conflict on the one hand and to create a new consciousness of the worth of every human life on the other. The problems in realizing this goal were many and rather predictable. One, great powers were loath to self-regulate themselves and submit to moral or legal principles that tended to put obstacles in their ways to build power and project might at will. The first challenge to humanitarianism was therefore the very nature of world politics that exalted the role of power over morality and security of human lives. The dominance of the idea of national interest has severely limited the efficacy and acceptability of the humanitarianism as an idea. As Allan Rosas and PärStenbäck put it, "Modern restraints date back the emergence of centralized states with standing armies. In the international legal order which developed since then, the law of war (the ius in bello) has occupied a prominent place. This traditional law of war, and international law in general, was certainly inspired by humanitarian considerations (e.g., the protection of prisoners of war and of aliens). But such considerations found expression through a predominant filter: the state interest." (Rosas and Stenback 1987: 219).

The second problem concerned the very acceptance of the idea of humanitarianism. While international law had been in the making for centuries, it was almost entirely predicated in the legal personality of the nation-state that claimed a monopoly of legitimate violence as the very condition of its being. Humanitarianism could not logically become an element of statehood. It had to be an alienable attribute of humanity at large and human beings, across space and independent of their differences, ascriptive or class based. From the 18th to the 20th century, many forms of prejudices and discrimination based on race, nationality, culture, gender and class, among others, questioned the idea of human equality and by extension the basis for the universalization of the norms of humanitarianism. Our discussions on humanitarianism as a form of liberal governmentality would largely bear this out. While the progress of international humanitarian law has blunted many obscurantist norms and replaced them with progressive ones, prejudice still remains in implementation of these rules since privileged and dominant interests who have benefited historically from such inequities have found ingenuous ways to sustain their strangleholds despite the steady progress of humanitarian laws. Yet, the development of international humanitarian law as a new branch of international jurisprudence has been a steady one and many non-state actors like the International Red Cross has played an important role in its development. While this has certainly underscored the need for a more humane regulation of all forms of warfare, and

complicated the traditional distinction between inter-state and intra-state violence, the ascension of international humanitarian law has not translated into any consensus on the ubiquity of the laws and norms of human rights. This issue is important since international humanitarian laws invariably call into question various rights and their mutual trade-offs. However, human rights law has proved to be a political incendiary and indirectly at least pushed down the idea of humanitarianism to the protection of bare lives. As Michael Barnett argues, "The humanitarian community operates with narrow and broad definitions of humanitarianism. The more restrictive definition is the impartial, neutral, and independent provision of relief to victims of conflict and natural disasters. Humanitarianism, in this view, is defined by its principles, by the attempt to save lives at risk, by the treatment of symptoms and not causes of suffering, and by standing clear of politics and states….The more generous definition includes any activity that is intended to relieve suffering, stop preventable harm, save lives at risk, and improve the welfare of vulnerable populations." (Barnett 2013: 382-383). Humanitarianism is, therefore, contested by a perspective that has, on the one hand, always wished to lift it over and beyond politics so that the considerations of power and national interest would not bedevil its prospects, and another, which, in contrast is committed to transcend the symptomatic approach for a much wider and deeper commitment to resolve the deeper issues, not to be obsessed by fixing the malfunctioning but to remake the structure root and branch. (Barnett 2013: 383). At the very basis of this lies the old debate on the proper meaning of life itself. To define life as a form of biological existence that requires safety against all forms of physical violence and trepidations is very different from defining it more inclusively by admitting the many life-enhancing roles. Humanitarian law and governance is undoubtedly global; but, being global does not ipso facto resolves the question of the meaning of humanity and species life.

Third, the idea of the absolute sanctity of life was hardly an attractive principle. It battled with many forms of sacrificial notions articulated through the ideas like nation, ethnicity, identity, and class. As a result, the legal architecture that took shape in order to both create and sustain humanitarianism was both instrumental and minimalist in nature. Its foremost objective was to save lives in either in conditions of warfare and large-scale human violence or during natural calamities that were beyond the capacity of redress by states directly affected by such catastrophic events. Further, humanitarianism also suffered because of an inbuilt tension between its two constitutive principles, namely one advancing the individual right to dignity and respect and the other aiming at the alleviation of human losses or sufferings. There has not been any consistent prioritization of these two principles whose ethical and operative requirements tug in different directions. While moral philosophers have indicated that the right not to kill prisoners take priority over the overall limitations of sufferings, the history of international law often shows a different trajectory. Killing of enemies have often prevailed over the norm of sacrosanctity of all lives on the argument that it reduces the overall human sufferings in complex conflict theatres.[7]

This brings us back to the genesis of humanitarianism and its global governance forms. In continuation, it is clear that humanity has many meanings and is rivalled by a number of ethical claims and counter-claims. Human life is both biological and social. It gathers

meaning through social constructions. This shows clearly the religious underpinnings and roots of early humanitarian action. Humanity could not be rescued through modernity and science. In fact, according to many sociologists like Durkheim, modernity was part of the problem since it emptied the idea of human progress of an ethical content. Henry Dunant, who established the IRC, also clearly indicated that humanity could only be saved if religion, the Christian idea of compassion to be more precise, could be rescued. (Barnett 2013: 385). The social construction of humanity also means that it requires ideas to acquire meaning, whether these come in the form of religious other-worldliness or secular action. While the considerations of pragmatism have pushed humanitarianism towards a common denominator understanding based on the sanctity of physical existence as an unconditional right, which irreducible to any higher considerations, such a bare humanity has also been critiqued as empty and irresponsible. The surge of humanitarianism is contemporary times has invited various explanations based on the attractions of liberalism as the dominant ideology for a considerable time since the end of the Cold War and before the very recent rise of ultra-nationalist and parochial political forces across many parts of the world, or as the effects of Western human rights oriented neo-imperial triumphalism, or the effects of a burgeoning market economy with a plethora of private and civil actors. (Barnett 2013: 386).

Yet, as humanitarianism has emerged as a dominant global ideology, the basic argument has been to highlight the need to focus on human sufferings irrespective of frontiers and save life, at least in the more biological sense of the term, and in the face of resistance stemming from the traditional prioritization of sovereign-national-territorial point of view. Whatever may be the source of our call to duty, be it compassion, or a sense of filiation driven by the market, humanitarianism certainly draws attention to look beyond our immediacy and local frontiers of action. In brief, humanitarian governance is global since many of our problems that were long thought through the prisms of the nation-state have tended to go out of control. The dominant thinking in the various organizations of the UN has come to recognize this globality of both problems and opportunities, risks and their mitigation, and the long and short of human development. The increasing intertwining of the Millennial Development Goals (MDG) and the Sustainable Development Goals (SDG) is also recognition of the global turn to humanitarian governance.[8]

Both in the fields of food and health the debate has been to move away from state-oriented solutions to more global approaches. Increasing recognition of climate issues and challenges has complicated the food architecture through the conventional developmental approaches based on poverty alleviation and economic self-sufficiency. The increasing role of the neoliberal trading system has also worked to undermine national mechanisms and drawn attention to global contracts. While issues of equity and justice bedevil global food security by wedging a rift between the North and the South, the realization that effective food supply chains cannot be maintained through exclusive reliance on the national economy but requires strengthening global protocols of food procurement, storage and supply, has automatically underlined the significance of thinking about humanitarianism in global terms.[9] This does not mean that a paradigm shift has occurred over food. It only means that the terms of the

debate have shifted and there are powerful arguments that pitch for global food security as a necessary condition for the Sustainable Development Goals.

Similarly over health, the battle between national priorities and universal commitments may be read in the language of the meaning of humanity and its social construction. The emergent medical nationalism in the wake of the Covid 19 pandemic has not meant, contrary to the opinion of many observers, that states are not cooperating over health issues. While the reliance on the protective and health-ensuring role of the state is on the rise, the role of the World Health Organization has actually increased in its advisory capacity and the call for a vaccine for the whole of mankind has united many states in their search to find a miraculous antidote to the virus through sustained collaborations in many domains of research. Again, the question is not whether a global-based health order is in the making; it is certainly not the case despite the global nature of health hazards that is inextricably intertwined with neoliberalism's unregulated exploitation of nature. A right to health oriented approach under global health governance is crippled by inequities across states that manifest over unequal rights to access life-saving medicines and healthcare systems between the richer and the poorer states.[10]However, paralleling trends in food governance, there is an unmistakable shift in the terms of the debate and increasingly global perspectives are now visible that harp on the need to craft humanity's most important rights, food and health, in global terms.

To sum up, there have been many changes over the years to the forms of humanitarian protection. From an avowedly non-political and neutral positioning that sought to care and protect everyone in need to the human rights centric interventionism of recent years, humanitarianism, in essence, shows the fundamental ambiguities that are built into the idea, which is analogous with notions like forgiveness, hospitality and tolerance. How much of a change have we actually witnessed in the models of protection? According to David Chandler, "The Red Cross established that humanity, impartiality, neutrality and universality were the underlying principles of any humanitarian intervention. The principle of humanity was based on the desire to assist the wounded and suffering without discrimination, recognising a common humanity and that 'our enemies are men'. The principle of impartiality derived from the desire to assist without discrimination except on the basis of needs, giving priority to the most urgent cases of distress." (Chandler 2001: 1). A similar framework was adopted by the specialized agencies of the UN and other private-funded NGOs.

It seemed that in the politically banal period of the Cold War years, where humanitarian action was hostage to geopolitical considerations of the super powers, the charity activities of the agencies like the IRC, the UNHCR or Oxfam, among many others, were seen to be saving lives and protecting millions of displaced people across the world due to their commitment to political neutrality. While this reading is not entirely unacceptable, the IRC, for instance, was divided on the question of which lives to protect and sensitive to concerns like what security cover was available to their volunteers and the assessment of risks involved in protecting lives. By the 1970s, the paradigm of political neutrality was increasingly criticized as silence and complicity with some of the worst contexts of massacres of human life, either deliberately by the warring groups and the state or by unpardonable neglect by the authorities

and able bodied citizens of their duties to avert such crises by available means. In contrast to the IRC, the Médecines sans Frontières (MSF) adopted a far more political approach, preferring to speak out against atrocities and inaction and claiming powers of intervention to protect lives despite the constraints of sovereignty. In the changed political dynamics of the post-Cold War years, the new humanitarianism ramped this up many times more, advocating security of lives and livelihood of the victims. Solidarity with and development of the victims came to replace the earlier commitment to political neutrality. Humanitarian protection was no longer an unqualified dispensation of aid to all those who needed protection irrespective of their roles. Humanitarianism began to seek out political responsibility on the part of the recipients so that values like human rights, democracy, responsive governance, rule of law, and freedom for civil society organizations could be built up concomitantly. The doctrine of the responsibility to protect, the climactic point of this new humanitarianism, was the natural fallout of this transformation.

It must, however, be underlined that this new humanitarianism is a biopolitical construct, a form of governmentality, which is necessary for the practices of neoliberal capitalism and its ethical sensibilities that must care, protect, and discipline lives within the realm of possibilities. It must also deploy a sanitised discourse of the victim, understood as a differentiated category, who must be protected and uncared for at the same time, and be kept apart of the political lives of citizens. However, this biological existence of the bare life is not only a politics of death but also a politics of life. For, the protected must live in the moral interest of the caregivers and the excision of the undeserving is the precondition of the protection of the deserving.

Mark Duffield finds global governance requiring the construction of a common species kind that can be parcelled and divided into many categories like refugees, internally displaced persons, immigrant or guest workers, as local embodiments of a common genetic material. (Duffield: 2004) Yet, the ethics of this global biopolitics is not necessarily what Foucault has claimed it to be. The welfare state certainly promotes life but is also holds in its vice like grip an unshakeable power of death. The dialectics of life and death, the inevitable intermeshing of the necessity for sacrificing some lives to save the more valuable ones, is integral to biopolitics at all levels. Global humanitarian governance, therefore, is not unconditionally premised on the sanctity of all lives, its rhetoric and justificatory discourses notwithstanding. It has evolved a complex assortment of institutions and practices for protection and care by distinguishing between what is permissible and what is not. It is ultimately a political stratagem that creates a space for its own operation by licensing the taking of lives so that the life worthy of living can proceed uninterruptedly. In this fundamental sense, therefore, its logic is hardly different from the national biopolitical orders that are more ruthless, efficient, and blatant in discriminating lives that matter from those that do not.

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[2] According to a study, "Laws of war or limits on the acceptable conduct of war were adopted in ancient Greece and Rome; articulated in The Art of War ascribed to Sun Tzu in Warring States China; promoted by Saladin in the Middle East in the 1100s; taught to Swedish soldiers by GustavusAdolphus in the 1600s;" (Davey, Eleanor, John Borton, and Matthew Foley 2013: 6).

[3] In Nightingale's frustration, she wrote the lengthy essay Cassandra (1859/1979), named after the tragic Greek mythological figure, whose powers of clairvoyance did not win her dignity, a sense of power or trust among men. Nightingale wrote, "Now, why is it more ridiculous for a man than a woman to do worsted work and drive out every day in a carriage? ...Is man's time more valuable than woman's? or is it the difference between man and woman this, that woman has confessedly nothing to do?" (Nightingale, 1859a/1979, p. 32. Quoted in McDonald, L. ed., 2008.*Florence Nightingale's Suggestions for Thought: Collected Works of Florence Nightingale* (Vol. 11). Wilfrid Laurier Univ. Press.), p. 557.

[4] In "Society Must Be Defended" Foucault says quite explicitly that "juridical systems, no matter whether they were theories or codes, allowed the democratization of sovereignty, and the establishment of a public right articulated with collective sovereignty, at the very time when [in the nineteenth century], to the extent that, and because the democratization of sovereignty was heavily ballasted by the mechanisms of disciplinary coercion." (p. 37). Quoted in Chatterjee (2019).

[5] As Derrida puts it in *On Cosmopolitanism and Forgiveness,* ""It is important to analyse at its base the tension at the heart of a heritage between, on the one side, the idea which is also a demand for the unconditioned, gracious, infinite, an economic forgiveness granted to the guilty as guilty, without counterpart, even to those who do not repent or ask forgiveness, and on the other side, as a great number of texts testify through many semantic refinements and difficulties, a conditional forgiveness proportionate to the recognition of the fault, to repentance, to the transformation of the sinner who then explicitly asks for forgiveness." (xi).

[6] For an excellent analysis, see De Lauri, A. (2016). *The Politics of Humanitarianism.Power, Ideology and Aid*. London and New York: IB Tauris. Also relevant, though somewhat controversial, is Kapoor, I. (2013). *Celebrity humanitarianism: The ideology of global charity*. London: Routledge.

[7] For details, see Anthony E. Hartle, "Humanitarianism and the Laws of War", *Philosophy*, Jan, 1986, Vol. 61, No. 235 (Jan., 1986), pp. 109-115.

[8] On MDgs and SDGs, see Feeny, S. (2020). 'Transitioning from the MDGs to the SDGs: Lessons Learnt?'In SefaAwaworyi Churchill, ed., *Moving from the Millennium to the Sustainable Development Goals*, Palgrave Macmillan, Singapore, pp. 343-351.

[9] According to Hans Page, "It is evident that issues related to global and individual food security can no longer be resolved through action limited to the national or local level, but that there is need for cooperation and coordinated multi-stakeholder action at the global level and with a global perspective. The interdependency of national food-related production systems and markets, due to their vertical and horizontal integration, and their dependence on the global financial and energy markets, means that national policies alone cannot fully buffer against risks like inefficiencies and volatility." (Page 2013: 22). (Page, H. (2013). 'Global governance and food security as global public good.'Center on International Cooperation. Source: https://cic.nyu.edu/sites/default/files/page_global_governance_public_good.pdf).

[10] For a very comprehensive analysis of these issues, see Van de Pas, Remco, et al. "Global health governance in the sustainable development goals: Is it grounded in the right to health?." Global Challenges 1.1 (2017): 47-60.