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Humanitarianism and Mutual Aid

> Kindness, . . . need(s) to be supplemented by the clarity about what the moral point of helpfulness is that can be derived from attention to the duty of mutual aid. Our goodheartedness is to be tempered by the moral need for self-development and struggle in others. So we should not meddle and we should be wary of impulses to paternalism not because they may bring more harm than good (as they may) but because they go against the grain of the respectful help we are morally required to give.
>
> Barbara Herman 1984: 601

Introduction

This chapter discusses the ethical issues associated with the principle and practice of humanitarianism, as well as the philosophical and moral background to the concept. Humanitarianism is one of the first and most successful cosmopolitan principles to be applied and institutionalized in the international order. Discussing these here includes examining the nature and meaning of humanitarianism, its connection to cosmopolitanism, the ethical dilemmas faced by contemporary humanitarian actors and the limits of humanitarianism as an approach to international ethics. Also discussed are the relationship between humanitarian theory and practice, the idea of rights and the emerging doctrine of the humanitarian imperative, and claims that some of the dilemmas faced by aid agencies and other actors stem from its conceptualization as a principle of both charity and justice.

In contemporary parlance, humanitarianism has come to have several different meanings. It refers to everything from the provision of emergency relief for the effects of natural disasters and wars, through long-term development aid to military assistance and armed intervention. Insofar as humanitarianism has a presence in the international realm, Ramsbottom and Woodhouse argue that it has three manifestations:

> (i) the international humanitarian law of armed conflict,
> (ii) the cluster of enterprises referred to as 'international humanitarian assistance', and
> (iii) what some call 'international human rights law'. (1996: 10)

This chapter focuses on international humanitarian assistance.

In recent times, humanitarianism has come under fire both literally and metaphorically. This is especially so in the case of humanitarian aid in emergency situations where the possibility is real that such aid may contribute to conflict rather than help end suffering. Humanitarianism refers to positive duties to assist or aid rather than negative duties to avoid or cease harming. At its simplest, it means 'The impartial independent and neutral provision of relief to those in immediate danger of harm' (Barnett 2005: 724). Humanitarianism brings the tension between deontological and consequentialist criteria to the foreground. The realities of humanitarian assistance confront practitioners with the classic ethical problem of how to remain true to basic principles while assessing the unintended consequences of actions. For these reasons, the ethics of humanitarianism have become a significant area of controversy in the field of international ethics and in the practice of international relations, with a split emerging between 'classical' and 'new' humanitarianism.

Humanitarianism relies upon a universalist principle that all human beings deserve aid in times of need and that a duty exists to give such aid in order to alleviate or prevent unnecessary suffering. According to former ICRC director Cornelio Sommaruga (1999: 27), 'The universality and independence of humanitarian work, transcends national and political considerations to focus on the human conditions [and] reflects the universality of suffering.' Thus, humanitarianism invokes the cosmopolitan goal of ending suffering, together with the idea that when people suffer from extreme poverty, starvation, illness or other avoidable harms, then their belonging to any particular subset of the human family should not provide an obstacle or encumbrance to their receiving assistance to escape that condition and end their suffering.

At the core of this argument is the cosmopolitan claim that there is

such a thing as a common humanity, that humans share morally significant attributes as a species that are due recognition as such. This means that no human ought to be excluded from moral consideration when it comes to the meeting of their needs. In employing the notion of 'humanity' as its moral bedrock, humanitarianism clearly can be designated as a basic, if not the basic cosmopolitan principle. Humanitarianism represents a cosmopolitan value because it puts individuals of humanity at the core of moral concern. Humanitarianism has been guided by an interpretation of the core cosmopolitan principles of impartiality, individualism and universality, as well as neutrality and consent.

The principles of humanitarianism have also found support in anti-cosmopolitan traditions in terms of the doctrine of mutual aid, or good samaritanism, the duty to assist those in need without causing harm to oneself. As we saw in chapter 3, Walzer, Miller and Rawls all endorse mutual aid in cases of great need. This suggests that anti-cosmopolitans in general endorse the practice and philosophy of humanitarianism, at least in its less ambitious form. Given this agreement between cosmopolitanism and anti-cosmopolitanism, the more significant question, and point of difference between them, concerns how far the duty of aid goes. In other words, how much should one be prepared to give, or sacrifice, in order to come to another's aid? However, in keeping with the moral priority given to fellow nationals, anti-cosmopolitans have little to say about how humanitarianism, or mutual aid, is delivered. Simply agreeing that aid is owed to those in need is not the end of the ethical issue. Once aid is provided, those providing it are faced with a range of political and ethical challenges that require further deliberation upon the meaning and purpose of aid and of how it can be delivered.

This chapter discusses the relationship between grounds of humanitarian doctrine and the practice of humanitarian emergency aid. The first part of this chapter examines some of the most important ethical problems facing those who seek to apply humanitarian principles in the field. The second part examines the concept of humanitarianism. It also examines the expression of this doctrine in the core doctrines of the International Committee of the Red Cross (ICRC) and other NGOs, and concludes with some discussions about the place of the principle of humanitarianism in the field of international ethics.

Humanitarianism and the Core Principles of the ICRC

This section discusses the core principles of the ICRC and the problems associated with them. Much of the debate surrounding 'new

humanitarianism' has focused upon the meaning and possibilities of humanitarian practice as set down in the principles of the ICRC. These principles include *universality, neutrality*, *impartiality* and *consent*. Most humanitarian agencies and actors are committed to these principles or something similar and use them as a guide to practice. These four basic principles have an important role in guiding the ICRC's actions and operations. Significantly, they provide the key to access to areas of conflict and allow the ICRC to operate in areas that might otherwise be inaccessible, such as war zones.

The first thing to note about these principles is that they directly parallel the core principles of liberal cosmopolitanism as outlined in chapter 2. This is no mere coincidence because humanitarianism is one interpretation of the meaning of cosmopolitanism. The humanitarian duty is to relieve suffering without discrimination and according to need alone because one's standing as a human being, as a member of humanity, is the only relevant criteria other than need. Humanitarianism represents a core cosmopolitan value because it puts individual humanity at the core of moral concern. Humanitarianism relies upon a cosmopolitan principle that all human beings deserve aid in times of need and that a duty exists to give such aid. These criteria delineate the just scope of relief efforts, or, in Kantian terms, beneficence.

Universality

The principle of humanity claims a universal scope, that is, it applies to all humans. All people are to be regarded as human and therefore deserving of aid in times of emergency. One practical conclusion of this principle is that the victims of war on all sides are deserving of relief. It also claims universality in the sense that it has transcultural legitimacy. No claim to cultural difference can override the principles of suffering and most cultures claim to recognize some form of principle of humanity that includes a commitment to alleviate unnecessary suffering. In support of this claim, the ICRC points to the near-universal commitment by all states to the Geneva Conventions which embody this principle. This commitment means that at least in principle all states acknowledge that, in regard to an entitlement to relief from suffering during times of war, all humans are equal and that an international agency, the ICRC, has legitimate authority to dispense humanitarian relief. In recent times, many states and some NGOs have not demonstrated this commitment in practice, refusing

or neglecting, for instance, to give aid to the Serbian victims of the NATO bombing campaign in 1999 (see Fox 2001).

Neutrality

Neutrality, for the ICRC, means that their activities are non-political, that is they do not take sides or speak out in relation to the merits or otherwise of conflict, or the activities of parties. Neutrality means that humanitarian actors are not involved in either realpolitik or party political activity. In other words, they are not a party to the conflict. This idea of neutrality is better expressed as non-partisan, rather than non-political, because it refers to the idea of not taking sides. It is hard to overestimate the importance of neutrality to human relief assistance agencies. In order to get access to volatile environments, aid agencies need to be seen to be non-participants in the conflict. This allows the combatants to be reassured that they are not giving comfort or aid to their enemies by allowing the humanitarians into the scene of conflict. In this sense neutrality is akin to disinterest in the outcomes and causes of the conflict.

Neutrality has been brought into question in the context of humanitarianism on at least two fronts. The first is the charge that neutrality can mean indifference or inaction in the face of political causes of violence and conflict. Neutrality has required the ICRC to be silent about the causes of suffering in order to attend to some of the victims. For the critics, neutrality has come to mean to be indifferent, unprincipled and vacillating (Slim 1997: 347). The implication is that humanitarians need to take sides in some way and to recognize the politics of the contexts in which they operate, and to be able to judge them. These criticisms have come from NGOs with expressly human rights or social justice missions. For these groups, neutrality prevents them playing an advocacy role on behalf of the victims. For the critics, neutrality must sometimes be sacrificed in order to 'bear witness' to suffering and to identify perpetrators. At its most extreme, this may mean that an agency has to withdraw from a conflict situation, as MSF has done on occasion, or to risk not being allowed in.

The most obvious case of the detrimental nature of neutrality here is the behaviour of the ICRC during the Nazi Holocaust. In this situation, the principles of neutrality which gave the ICRC access to prisoners of war and displaced peoples required them turning a blind eye to the deliberate state policies targeting Jews and other minorities for genocide and forced slavery (Favez 1999). Because neutrality

means not taking sides in political matters, the ICRC took the position that comment on the Holocaust would be a political intervention or criticism of state action.

In order to gain access to victims or those in need, the ICRC relies on the argument that it is non-political and does not take sides. It is neutral in relation to the terms and issues of the conflict. However, when it is the population itself that is being targeted, or when aid flows to an enemy people or it is interpreted as aid to the enemy, then neutrality is harder to maintain. To provide humanitarian aid to a town that might be under siege from enemy forces could be seen to be aiding and prolonging the siege, and thereby the associated suffering. This type of aid could also be viewed as feeding people only to release them later to be slaughtered by the enemy. This is the argument in relation to the so-called UN safe havens in Yugoslavia. The UN was seen to be complicit by neglect in the massacre of the male Muslim population of the town of Srebrenica. Furthermore, especially under these circumstances, allowing access to the ICRC can be manipulated by the perpetrators of violence to show their supposed humanitarian credentials, while still engaging in harmful actions, as Nazi Germany did when it allowed the ICRC to inspect Theresienstadt concentration camp. The ethical decision confronting aid agencies, therefore, is whether they are contributing to the problem by maintaining neutrality or whether they should risk not being able to deliver relief or assistance if they abandon neutrality.

Perhaps the frontrunner in engaging and challenging the ICRC on these issues, as well as its practice of neutrality, has been MSF (Médecins Sans Frontières), which was set up precisely to correct certain aspects of the ICRC practices. While often presented as a complete rejection of the ICRC principles, MSF is better understood as a modification and correction of these examples. MSF rejects the ideal of total neutrality in favour of the doctrine of 'care and bear witness', which can include lobbying, advocacy and speaking out. The key point here is that neutrality must be understood not as indifference or a lack of principle, but as a principle itself with a moral purpose, to ensure delivery of emergency aid based on needs alone.

It is worth noting that humanitarian neutrality is different from the political neutrality of, say, Switzerland. Political neutrality, for Switzerland, allows all sides to use Switzerland for their own purposes, and allows Switzerland to deal with everyone in ways which benefit Switzerland itself. Slim (1997: 347) argues that humanitarian neutrality involves abstention, prevention and impartiality. In other words, neutrality entails no involvement in the political or military conflict, treating all parties on equal terms so that 'neither party

is able to use the organization to its advantage'. Neutrality in the humanitarian sense constrains the type of dealings an NGO may have with parties at war.

Maintaining this type of neutrality entailed in humanitarianism is inherently difficult in complex emergencies, and it requires hard choices in terms of deciding how and whether one's aid is helping or hurting one side or another, or reaching the intended recipients. Maintaining neutrality is not a simple technical task which can be decided in advance. But the difficulties of making these decisions do not automatically undermine the principle. It simply means that the principle is, like all moral and ethical rules, decided in the interpretation and action itself, that is, in its application. More recently, the idea of integrated or coherent humanitarianism has effectively jettisoned the principle of neutrality and gone beyond bearing witness to actively taking sides. Neutrality, it is alleged, has stood in the way of more fundamental transformations which require addressing political issues such as human rights and the rule of law and democracy.

Impartiality

The third principle of the ICRC is impartiality: the victims of all sides of conflict are entitled to humanitarianism assistance. Sometimes this is confused with neutrality, but impartiality refers to a practice of non-discrimination between innocents and perpetrators, or between aggressors and defenders. It concerns who will receive the aid. This is the basic principle used to argue for IHL, which seeks to protect all those affected by conflict on all sides, so long as they are no longer in the field of warfare. Once individuals are non-combatants they deserve humanitarian assistance just like everyone else. As Ramsbotham and Woodhouse (1996: 16) put it, impartiality means that the ICRC 'endeavours to relieve the suffering of individuals being guided solely by their need and to give priority to the most urgent cases'. Impartiality means that individuals, regardless of origins, are entitled to equal treatment of having their needs met, in terms of their welfare and the alleviation of suffering. Hugo Slim points out that many who reject neutrality favour the idea of impartiality. MSF, for instance, has emphasized impartiality because it allows them to be judgemental. In other words, 'public criticism will be made against people or groups on the basis of what they do, but not on the basis of who they are'

(Slim 1997: 349). This sense of impartiality sits more easily with the liberal cosmopolitan sense of a position that is capable of judging and assessing from outside.

Impartiality, however, has come under criticism as well. Most clearly impartiality has been seen to be problematic in the case of the refugee camps set up to cater for those fleeing the Rwandan genocide of 1994. In this context, impartiality meant that, in many cases, UN and other relief agencies provided aid to the perpetrators of the genocide and allowed them to continue their practices inside the refugee camps themselves (see Fox 2001). This was because the refugees consisted of both Tutsi and those Hutus fleeing the advancing Tutsi army which was seeking to stop the holocaust. The practice of impartiality meant that anyone who was a refugee was accepted into the camps and because of the overwhelming numbers it was impossible to discriminate between Hutus and Tutsis, yet alone between victims and perpetrators. The Rwandan episode provoked a crisis of conscience for many humanitarians and resulted in a joint new code of conduct for the International Red Cross and Red Crescent Movement, and NGOs in Disaster Relief Programmes.

In other not dissimilar circumstances, MSF has been willing to withdraw from situations where there is no 'humanitarian space', where it is not actually possible to deliver aid without political interference. Humanitarian space 'entails the ability to independently assess the needs of the population; retain unhindered access to the population conduct, monitor, and evaluate the distribution of aid commodities; and obtain security guarantees for local and expatriate aid personnel' (Tanguy and Terry 1999: 33). For MSF, there was no such humanitarian space in the refugee camps along the Thai–Cambodian border where they were required to cooperate with the Khmer Rouge. MSF made the difficult decision to withdraw from these camps. Since then, MSF has also withdrawn from Iraq and Afghanistan, citing lack of security for their workers.

The Rwanda example raises the question of whether it is permissible to deliver aid to perpetrators of violence who are now refugees. Martone (2002) is clear that the Geneva Conventions provide the basis for the answer, as they stipulate that food is a basic right. But this is a different issue from the consequentialist one of deciding whether aid is actually 'funding' human rights violators. Impartiality means that aid can be given to perpetrators if they are suffering and not engaging in violent acts, but if they continue to perpetrate violence against others there are indeed grounds for withholding aid. Making these decisions requires complex calculations of likely costs and benefits.

Consent

The ideas of neutrality and impartiality are also expressed in the doctrine of consent, as the ICRC's fourth principle. The ICRC must seek the consent of the warring parties in order to deliver relief. Clearly, this is a pragmatic decision designed to make their work and access easier, but it is also a means by which warring parties are held to account because the responsibility is on warring parties to recognize humanitarian principles and international conventions (ICRC). However, the critics also argue that seeking consent may limit access, and therefore it might not be possible for assistance to be provided. Alternatively, it is possible that the price involved in seeking consent, silence, or perhaps agreeing to deals with warlords and so on, may be too high and undermine the original aim by contributing to an ongoing war effort.

While many such as Doctors Without Borders (MSF) have challenged the ICRC as a model of humanitarian practice, they remain largely committed to the same type of enterprise. Most humanitarian NGOs take the core principles of the ICRC as their own but interpret them differently. For example, the Sphere Project and the Humanitarian Charter are attempts by a number of agencies to move beyond disagreement and establish and broaden the meaning of core humanitarian principles in more detailed fashion. They do not represent an attempt to abandon the core goals of humanitarianism as set out by the ICRC, but rather to reinterpret and elaborate on them under new conditions.

However, in the contemporary era, the four principles of neutrality, universality, impartiality and consent provide the focus for a set of debates about the ethics of humanitarianism and the delivery of assistance in practice. It is neutrality which has proven to be most challenged by the context of complex emergencies.

Humanitarianism in theory and practice

Since the end of the Cold War, the number and the scope of calls for humanitarian assistance have expanded dramatically. During the Cold War, as many observers noted, humanitarianism was largely limited to the work of the Red Cross and to contexts of natural disasters. Since at least the 1990s, however, the number of occasions in which humanitarian assistance and relief has been required or called for, and the number of agencies involved in such work, have grown.

Most significantly, this has revealed a far greater complexity of issues in applying humanitarian principles than previously acknowledged. Instead of simply attending to battlefield situations or displaced civilians, the ICRC and other agencies have found themselves attending 'complex emergencies'.

Complex emergencies are either international or intrastate conflict situations, or a combination of both, which might have a variety of parties in conflict, from states, to militias and international agencies such as peacekeeping forces. Such complex emergencies 'are characterised by a combustible mixture of state failure, refugee flight, militias, warrior refugees, and populations at risk from violence, disease and hunger' (Barnett 2005: 726). Somalia in the 1990s, Sudan/Darfur, the Central African Republic and the Democratic Republic of Congo today all exhibit these characteristics.

In such situations the distinction between combatants and non-combatants, central to traditional humanitarian practice, becomes harder to maintain or identify. In addition, it is often civilians, rather than enemy military forces, who are the targets of the conflict. This lack of distinction between combatants and non-combatants is most obvious in cases of ethnic 'cleansing' and genocide, but also in the case of state breakdown such as in Somalia, where the violence occurs between rival militia or warlords. In these cases, control of resources, territory and populations is contested by governments, militias, criminal gangs or warlords. The civilian populations are often identified by the combatants as legitimate targets of violence or extortion.

Hugo Slim has captured the nature of the difficulties of humanitarian practice as trying to 'represent the values of humanity and peace within societies which are currently dominated by the values of inhumanity and violence' (1997: 343). Creating even further problems for humanitarians attempting to supply assistance to civilians is the fact that not only do many actors remain ignorant or disrespectful of IHL, but they also target and manipulate relief agencies and their resources to help further their own war efforts. Aid workers themselves are increasingly likely to be abducted, raped or murdered, as is the case in contemporary Afghanistan.

Under these conditions, the complexities of the situations give rise to the possibility that the materials and food supplied by aid agencies can themselves provide unintentional material support for the conflict. Thus, many humanitarians find themselves asking whether they are in fact contributing to solving the problem or making it worse. If, for instance, the food that is being supplied to a population is also being used to support soldiers, either voluntarily or involuntarily, then it becomes a factor in consideration of the conflicting parties.

Humanitarian actors then have to address whether their assistance, while saving the lives of some, may help perpetuate a cycle of violence. Mary Anderson (1999) has argued that aid affects conflict through both resource transfers and through implicit ethical messages. In particular, she identifies five 'predictable' impacts of aid resources upon conflict and seven implicit ethical messages that aid workers have to confront if they wish to 'do no harm' (Anderson 1999: 39).

Resource transfers occur in a number of ways, such as when they are stolen by warriors and used to support armies and buy weapons. In addition aid affects and distorts local markets when it substitutes for local resources, and the distributional impacts of aid affect intergroup relationships when they benefit one group over another. Also, aid can free local resources to support conflict and can legitimize certain people but not others. The implicit ethical messages in aid delivery include endorsing a connection between arms (authority) and power by dealing with or using local militias and so forth. Anderson also argues that inter-agency competitions support the idea it is unnecessary to cooperate with people. More importantly, when aid workers enjoy privileges denied locals, from food to public transport and security, they are seen to act with impunity, thereby valuing aid workers' lives differently (above) from the lives of local staff (Anderson 1999: 59). In short, the delivery of aid in complex emergencies is not only logistically but also ethically complex as aid workers and agencies negotiate the task of helping those at risk of serious harm.

The arrival of complex emergencies in the post-Cold War period has prompted a great deal of debate and soul-searching amongst humanitarian agencies regarding their purposes and their methods. The most important question to have emerged from this process is whether humanitarianism, as classically understood by organizations like the ICRC, is viable or whether the relief of suffering requires aid agencies to engage in more comprehensive societal solutions to conflict. The classic interpretation of the role of humanitarian agencies, as noted above, is to deliver aid to the suffering according to impartial, non-partisan and needs-based criteria. The principle aim is to provide relief to the suffering regardless of cause, based on need, and without taking sides in any conflict. However, complex emergencies have raised the possibility that providing relief leads only to the phenomenon of 'well-fed dead'. By providing only immediate relief, humanitarians ignore the likelihood that later stages of the conflict will threaten the lives of victims, resulting in, as one recipient stated, 'you save my life today, but for what tomorrow?' (Anderson 1998). Such claims led to the emergence of what has been called the 'new' humanitarianism.

New humanitarianism is '"principled", "human rights based", politically sensitive and geared to strengthening those forces that bring peace and stability to the developing world' (Fox 2001: 275). In this view, humanitarianism becomes an active participant in capacity-building, peace-building, conflict resolution and finding long-term solutions to the causes of suffering. Thus, for instance, agencies like Oxfam incorporate both development and emergency relief into their projects. In some forms, new humanitarianism goes beyond emergency relief and begins to look more like development assistance or post-conflict reconstruction and development, 'democracy promotion and even building responsible states' (Barnett 2005 723). At the core of new humanitarianism is the incorporation of a commitment to human rights as a fundamental legitimizing value and as a practical goal of aid delivery. The aid agencies' purpose is not only to relieve suffering but also to protect the human rights of the victims of complex emergencies.

The claim is that humanitarianism cannot remain, and indeed never was, 'non-political', but must instead become part of the solution if it is to avoid being part of the problem. This development should not be too much of a surprise. It is a logical step from addressing the suffering of individuals in emergency situations to asking how that situation arose and how it could be prevented in the future. For any committed humanitarian, it is predictable that they will ask themselves if the aid they provide is going to provide simply a band-aid solution to more fundamental problems. According to Michael Barnett, the overall effect of these reflections has been the politicization and institutionalization of humanitarianism in general and the emergence of two different types of humanitarian agencies, the Dunantist, committed to the classic approach of impartiality, neutrality and independence, such as ICRC and MSF, and the Wilsonian (Save the Children, Oxfam, World Vision), committed to the transformation of 'political, economic and cultural structures' (Barnett 2005: 728). This move has culminated in the shift to what has been called an 'integrated' or 'coherence' approach to emergency aid.

The integrated approach aims to develop and pursue 'comprehensive durable and just resolution of conflict' (de Torrente 2004: 3). Since 1992, the UN has operated the Office of Humanitarian Affairs (OCHA 2008) which 'facilitates the work of operational agencies that deliver humanitarian assistance to populations and communities in need. (and) . . . has overall responsibility for ensuring coherence of relief efforts in the field' (OCHA 2008). The OCHA brief is to coordinate both UN and non-UN agencies and to effect a 'coherent interagency response to humanitarian emergencies'. Integration arguably reached its apex in the US and NATO invasions of Afghanistan

in 2001 and Iraq in 2003. In both these cases, humanitarian NGOs were integrated into the planning of the military action, in order to anticipate and address the likely humanitarian consequences of the military operation.

However, integration is not without its critics and, rather than solving the problems raised in the 1990s, has generated another set of ethical questions for the humanitarian conscience to address. The core issue concerns the costs and benefits of the politicization 'of Humanitarianism, that is, the subjecting of humanitarian assistance to' the 'international community's political ambition' (de Torrente 2004: 3). What this means is that instead of being autonomous actors oriented to relief, humanitarian agencies have become part of a larger goal that includes political aims. This in turn has required them on occasion to deny relief or make it conditional upon acceptance or compatibility with the political aims of states (see Fox 2001; Stockton 2002). Thus, instead of being aid to the needy, such relief becomes a reward for compliance or an incentive to change behaviour or, worse, denied as a sanction. The problems with the integration approach were dramatically illustrated in both Iraq and especially in Afghanistan, where humanitarian efforts were seen by the military as essentially a 'force multiplier . . . an important part of our combat team' (Colin Powell, in Barnett 2005). This resulted in, amongst other things, associating the distribution of aid with collaboration or informing against the Taliban. One pamphlet dropped along with aid said: 'Pass on any information in relation to Taliban, al Qaeda, and Gulbaddin to the coalition forces in order to have a continuation of the provision of humanitarian aid' (in de Torrente 2004: 6 n.7). For classical humanitarians, this sort of linkage privileges the political goals over the needs of individuals, with the consequences being the loss of lives that could otherwise have been saved. More starkly, the victims of conflict become sacrifices to longer-term goals.

The integration of relief work with human rights discourse has also led to a situation where the actions of humanitarians may involve supporting, or participating in, armed intervention, what one author calls military humanitarianism (Chandler 2001), associated with humanitarian intervention. Arguably, Somalia in 1992, when the US led a UN force to allow the distribution of famine relief, is the first instance of this type of action. The Kosovo intervention by NATO in 1999/2000 was undertaken primarily for humanitarian reasons, though in this case it was to prevent a crime against humanity, but also contributed to a large humanitarian emergency through the displacement of Kosovo Albanians. The underlying argument is that in certain instances a humanitarian imperative requires a military

action. In this case, there is moral responsibility to prevent or end human suffering by the use of military force.

This idea that states have humanitarian duties has now taken root in the doctrine of the Responsibility to Protect (ICISS 2001). This doctrine argues that states and the international community have a responsibility to protect vulnerable populations from avoidable suffering in the form of crimes against humanity and genocide. This responsibility includes, but is not limited to, a responsibility to engage in military action. The obvious moral difficulty arises because the use of military force necessarily causes avoidable suffering not only to the 'guilty' but also, highly likely, to the innocent or non-combatant civilians. Thus, the irony of military intervention for humanitarian purposes is that humanitarian NGOs could find themselves tending to the victims of military action for humanitarian purposes, as well as to the victims of violence to which that action was directed. In this sense, military intervention is likely to cause human suffering as well as alleviate it.

Many people, for instance, argue that the NATO intervention in Kosovo caused the humanitarian crisis that followed with the deportation of Kosovo Albanians. If this is the case, then there is a good argument that the military intervention should not have taken place because it created another, arguably greater, humanitarian emergency. But this is only the case if the intervention did indeed cause the deportation of the Kosovo Albanians and if the resulting emergency was significantly worse than what might have happened otherwise.[1] The dilemmas of humanitarian intervention take the dilemmas of humanitarianism to the logical extreme. Is it possible to cause harm, including death, or at least accept harm as an unintended consequence, in order to relieve suffering? The crisis of traditional humanitarianism and the costs of the new humanitarianism have left many looking for a new guiding principle or 'moral banner' (Fox 2001). The remainder of this chapter explores these issues and dilemmas, and suggests that a Kantian reading of the doctrine of mutual aid can help provide not only a moral 'banner' but a more satisfactory moral foundation for the humanitarian project, which helps to overcome some of the limitations of both classical human rights and new humanitarianism.

Defining and justifying humanitarianism

It is actually rather difficult to find a single definition of humanitarianism. The concept is usually equated with an equally poorly defined

notion of humanity and/or the activities of humanitarians, or of humanitarian organizations such as the ICRC. For one-time director of the ICRC Jean Pictet (1979), humanitarianism descends from the basic idea of humanity or humankind: 'Humanitarianism is a doctrine which aims at the happiness of the human species, or, if one prefers, it is the attitude of humanity towards mankind, on a basis of universality.' Humanitarianism is also related to the ethical/political project of humanism, 'the belief that the sole moral obligation of humankind is the improvement of human welfare' (qtd in Gall and O Hagan 2003: 4). For early humanitarians, humanism was connected to the belief in human perfectibility. Humanism was the product of Enlightenment rationality and humanitarianism was an expression of the belief that not only could suffering be ameliorated, but it could be eradicated. More specifically, humanitarianism, as a humanistic practice, seeks to address the needs of all humans who are suffering from avoidable failures to have their basic needs met. Humanitarianism at its simplest refers to the most basic of human moral values: the commitment to respond to the suffering of others.

While humanism has undoubtedly played the foremost part in the emergence of a secular humanitarian doctrine in the nineteenth and twentieth centuries, the role of religious and theological justifications for universal sympathy should not be neglected. Christian doctrines of compassion and Quaker sensibility regarding war and suffering were evident in early humanitarian movements such as the anti-slavery movement. Charity and mutual aid also have their equivalents in Islam (hence the Red Crescent Society) and other religions. Thus, like cosmopolitanism in general, humanitarianism has both religious and secular roots. Most importantly, humanitarianism is cosmopolitan in scope and intent while not necessarily liberal in justification, beginning as it does with the universal capacity of suffering.

Of course, the ICRC and similar organizations do not set out to end all human suffering. Their goal is not the total transformation of the human condition. Instead, they take humanitarianism to mean the more limited task of attending to immediate avoidable suffering. In the words of the ICRC, the humanitarian goal is 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' (in Ramsbotham and Woodhouse 1996: 16). The classic doctrine of humanitarianism in practice has been one of assistance, usually emergency assistance. For the Red Cross, this means 'protecting human beings in the event of conflict and of relieving their suffering' (Pictet 1979: online). This refers to the attempts to address the needs of those who find themselves in the situations where they are likely

to suffer from displacement, dispossession, famine, poverty and so on. Classical humanitarianism aims to provide temporary relief of human suffering while motivated in part by a transformative agenda of ending unnecessary suffering per se. Humanitarianism has largely been devoted to alleviating suffering caused by either natural disasters or warfare. In the words of Ramsbottom and Woodhouse (1996: 12), humanitarianism is 'concerned with the immediate relief or assistance and is concerned with immediate needs of victims of natural or political disasters, not necessarily in war zones and not necessarily connected with explicit violations of human rights'. The basic moral assumption is that no human should suffer needlessly from avoidable causes when there is a capacity for others to assist, ameliorate or end that suffering.

However, the alleviation of suffering can be both an immediate goal of relief or assistance, or it can be a more ambitious commitment to end unnecessary suffering per se. Pictet's definition of humanitarianism reveals the dual and sometimes contradictory characterization of humanitarianism as a principle of both charity (philanthropy) and justice. Pictet claimed:

> Modern humanitarianism is an advanced and rational form of charity and justice. It is not only directed to fighting against the suffering of a given moment and of helping particular individuals, for it also has more positive aims, designed to attain the greatest possible measure of happiness for the greatest number of people. In addition, humanitarianism does not only act to cure but also to prevent suffering, to fight against evils, even over a long term of time. (1979: online)

The dual motivation of charity and duty (justice) identified by Pictet generates a tension within humanitarianism. This tension clearly lies at the heart of the split between the Dunantist and the Wilsonian approaches. The tension is precisely over whether and to what extent the relief of suffering requires not just temporary relief but transformation of the circumstances of suffering.

Charity and justice are both present in the ICRC's aims of tending to the victims of war, reforming the practices of war and of eradicating war altogether. At one level, the idea that the victims of war should be cared for, regardless of their role in the conflict, is, in historical terms, a revolutionary doctrine indicating an expansive sense of morality not often witnessed in human civilization. This transformative ambition of humanitarianism is evident in the evolution of international humanitarian law (IHL), the body of international law that stipulates the rules of warfare and especially the treatment of prisoners and non-combatants, and the restrictions upon states'

practice in warfare. According to the ICRC (2007: online), international humanitarian law seeks 'to limit the effects of armed conflict, protects persons who are not or are no longer participating in the hostilities . . . [and] restricts the means and methods of warfare'. In these cases, humanitarianism clearly attempts to transform state practice in order to reduce human suffering and to aid those who have been harmed by a state's violent action.

The debate about the relationship between humanitarianism and human rights expresses the tension between the humanitarian impulses of charity and the idea of justice. The doctrine of human rights represents a more fully fledged transformative political agenda than is encapsulated by the idea of humanitarianism assistance. Because humanitarianism in areas of natural disasters is largely apolitical in origin it is relatively uncontroversial. However, where the duty of humanitarian assistance extends into alleviating the effects of warfare more significant ethical questions arise. In particular, the humanitarian claim is that the ethical duty to provide aid overrides any political allegiances, secular loyalties or military aims. This claim, while stemming from a notion of humanism, is more commonly expressed today in the language of human rights but is also embodied in international humanitarian law.

Humanitarianism as charity

The dilemmas arising in the delivery of humanitarian aid, and the trade-offs that have to be made, point to the tension between relief of suffering to victims (charity) and the achievement of justice and social transformation that the principle embodies. Many of the problems faced by practitioners in the field should be understood as stemming from this foundational ambiguity.

For this reason, addressing these tensions requires some reflection on this relationship and the meaning of these terms. Jean Pictet distinguished charity from mere alms-giving and instead related it to Christian love, which is for Pictet a form of altruism prompted by pity:

> Charity is an effort demanded of us, either inwardly or from the outside, which becomes a second nature, to relieve and put an end to the sufferings of others . . . Charity is above all an expression of Christian morality and is synonymous with love for one's neighbour . . . we are speaking of altruistic and disinterested love, which can be required of us, which calls for a certain

> degree of self-control, a love which is extended even to our enemies . . . Pity is one of the driving forces of charity . . . that stirring of the soul which makes one responsive to the distress of others. (Pictet, ICRC online)

Charity as selfless altruism and solidarity with others' suffering provides an important motivating factor for many people. It is clear that much good work has been done by those who, motivated by love, are willing to help others in desperate situations by engaging in acts of charity.

As charity, humanitarianism is understood as primarily an expression of virtue, of what it is good to do and of an individual conscience. It can be seen as philanthropy, which essentially is recognition by the well off that it is a good thing to help those who are worse off. It is clear that charity has informed the evolution of IHL and the ICRC as much as any sense of moral duty. The idea of charity partly explains why the ICRC and other organizations can claim a non-political status. By being depicted as charitable acts, humanitarians can claim that providing assistance to the victims 'does not constitute interference in the conflict itself' (Gall and O'Hagan 2003: 12).

It is also clear that charity is not necessarily socially transformative. Furthermore, for a universalist and cosmopolitan doctrine, the idea of charity has some negative consequences, the most important of which is the implication and acceptance of a certain degree of inequality between giver and recipient. This logic is present and is arguably a source of the implicit ethical messages of impunity and inequality identified by Anderson (1999). When recipients are seen as victims, then it is easier to allocate special privileges to those providing aid. After all, the aid givers are doing good work and helping others when they don't have to, therefore they surely deserve some sort of reward or compensation. In addition, the aid givers understand themselves as possessing legitimate authority over resources and can 'use them for personal purposes and pleasure' (Anderson 1999: 57). It is 'their' aid to give, after all. The message is even stronger in the case of the different policies adopted for expatriate and local staff, which include differential salaries, use of vehicles, radios and so on, and, most seriously, when it comes to evacuation of international staff. In many cases local staff have often been left behind or given lower priority in evacuation than material goods. As Anderson (1999: 58) rightly notes, the 'implicit ethical message is one of inequality'.

Because charity is ultimately seen as a gift of the giver to the receiver, it inevitably raises the possibility of inequality between the two parties. By virtue of being a gift to one who is in need, aid is likely to create a sense of superiority on the part of the giver, who is in the

position to give, and inferiority on the part of the recipient because it obligates them to receive it. The recipient is obligated to the giver who has power over them, including the power to withdraw aid if they are not sufficiently grateful. Charity raises the question of why the gift was necessary in the first place. Perhaps the recipients are *by nature* incapable of helping themselves and therefore the superior giver should be beneficent towards them. In the case of charity between Europeans and non-Europeans, Hugo Slim argues that, historically speaking, 'The fact that the gift was necessary seemed to justify the "fact" that these people were not fully human "like us"' (2002: 11) (because they were apparently clearly incapable of providing for themselves). In other words, charity was necessary because of inherent inequality, not of situations, but of individual capabilities and capacities. Those who receive charity should be grateful and humble in their receipt of it, and they should not complain or ask for more or different forms of charity. According to Slim, contemporary and past international NGOs and UN humanitarian organizations have compounded this inequality by couching 'the moral case in favour of those suffering war and disaster . . . in terms of such people's extraordinary and immediate "needs", their pitiful state and their inherent miserable righteousness as "victims"' (2002: 6). In other words, if you are on the receiving end of charity, your life must be so reduced in quality that you have become nothing but a victim (hence the common sense of a loss of dignity felt by those who see themselves as 'reduced to charity'). Charity as a concept invokes the common phrase that 'beggars can't be choosers'. Charity reinforces the idea that the recipients are inherently powerless to help themselves, to meet their own needs or change their circumstances. In this way, charity 'undermines the idea that people are the subjects of their own survival and of equal worth to their benefactors' (Slim 2002: 6). In this, there is little difference between the charity extended to the poor and providing for or 'protecting' suffering animals.

At its worst, charity takes no regard for the interests of the recipient, and is ultimately focused on the giver. In the situation of complex emergencies, ignoring this can become of life-threatening significance and contribute to a lack of effectiveness. While a sense of *moral* duty is not necessarily a guarantee of success, it can provoke reflection that is missing from a charitable focus on the giver. If we look, for instance, at the practice of food aid in times of famine, such aid is often inappropriate to the recipient. For instance, wheat may be an inappropriate food to deliver to a community used to a rice-based diet. Understanding aid as charity, i.e., something it is good to do but that is not morally required of us, arguably informs much official

development aid which is often tailored to the needs of the donor state. For instance, official US policy on USAID food aid, until the 1990s, listed 'the development of export markets, the containment of communism and the reward to loyal allies as objectives of food aid, in addition to humanitarian concerns' (Neumayer 2005: 395; see also Clapp 2005). This sort of misdirection of effort is arguably more likely when the source of motivation is the giver's own need to do good (charity) rather than actual needs of the recipients.

The most important implication of this aspect of charitable work is that the attention to immediate relief deflects attention from deeper political and social questions of causality and responsibility. Charity is piecemeal in its approach and does not lend itself to addressing solutions. As Slim (2002: 5) argues, 'a system of "good works" can serve as a smooth gloss over more structural violations and injustices'. For this reason, charity is an unreliable and ultimately inadequate guide for action. These limitations suggest one reason why many are beginning to use the language of universal human rights or the humanitarian imperative in association with humanitarian work and goals. These are discussed in the next section.

Humanitarianism as rights work

The problems identified with classic humanitarianism's commitment to neutrality can in part be derived from its heritage as a form of non-political charity. The new humanitarianism therefore rejects this notion of charity in favour of the notion of human rights. As many authors have noted, the language of international ethics is focused on human rights, with more and more actors appealing to an international consciousness of rights and employing the idea of a right as a means of achieving their ends. For its advocates, the advantage of a human rights approach is that it provides a clear moral foundation and a set of values to guide humanitarian work, while also grounding it in international law. Thus, humanitarians can claim that their humanitarian goals are upheld and defended by international law, and that states and other actors have responsibilities to recognize and uphold that law. The advantage of this is that it makes clear to both the providers and the recipients of humanitarian assistance exactly where the justification for their work lies and what its purposes are. In the words of Hugo Slim:

> An ideology of charity and philanthropy alone could simply demand pity, compassion and care. But the moment one uses rights-talk, one becomes

> explicitly in a demand for responsible politics, law and justice. Where this demand is rejected in war becomes the point at which the struggle for humanitarian action to protect these rights is begun. (2002: 7)

The language of rights also refers to the relationship between people and their state, and is therefore overtly political. Because basic human rights are the standard below which no one ought to be allowed to slip, all political systems and parties to a conflict retain an obligation to prevent anyone falling below that minimum standard. By using the language of rights, humanitarians are explicitly entering into a political discourse. Humanitarianism in defence of rights therefore represents a political intervention because it is a claim to restrict and curtail state activity.

At the same time, the appeal to the language of rights directs humanitarianism away from charity and towards the transformative language of justice. The idea of human rights is socially transformative because it is part of a political project to transform the world into one in which such rights are realized. The ultimate advantage of rights language over that of charity is that it changes the way in which recipients are perceived, and indeed of the nature of the 'gift' received: 'rights dignify rather than victimize or patronize people, they make people more powerful as rightful claimants rather than unfortunate beggars. Rights reveal all people as moral political and legal equals' (Slim 2002: 16). In this context, humanitarianism is invoked as a means of restoring or meeting human rights obligations. NGOs now view themselves as providing humanitarian protection, or protection both of individuals and of their rights. As rights bearers, individuals claim protection of those rights, and not just 'relief'. This has been signalled by a shift from the language of assistance to that of humanitarian protection. As Slim notes, 'What was "relief" [the great philanthropic term of the Victorian poor laws and the defining term of Britain's ancient charity laws] became "assistance" in the 1990s and is now merging with practical legal notions of rights in war and asylum to shape a new over-arching term "humanitarian protection"' (2002: 14).

Many NGOs have had troubles with the idea of humanitarianism being connected too tightly to human rights because humanitarianism is traditionally seen as 'above the contests for power and interest' (Gall and O'Hagan 2003: 3). The shift to a vocabulary of rights in the delivery of humanitarian aid presents the risk of politicizing what has previously been understood as non-political. The danger in this is that it may prevent humanitarians from doing their work, by preventing access to conflict zones. However, the defenders of a rights-based approach point out that not taking sides in conflicts is not the same as

being non-political. Humanitarianism has always been deeply political. Organizations like the ICRC have always, since their founding, necessarily been involved in the inherently political task of trying to secure humanitarian space for their own work and getting states to respect the lives of non-combatants. The ICRC began not merely by providing aid to the suffering, but also by lobbying states to develop a set of humanitarian rules to allow assistance to the victims of war. Those rules have been codified and are now embodied in international humanitarian law. As Slim (2002: 2) argues, humanitarianism is 'a project that is actively engaged with challenging those in power to limit violence and protect civilians'. In addition, because humanitarianism invokes a universal community of humankind, humanity itself, it also directly challenges the state's claim to exclusive national sovereignty over its people and their loyalties.

The more important limitations of the rights-based approach have emerged in recent crises in Iraq, the great lakes region of Africa and Afghanistan. While human rights as a doctrine is (as noted in chapter 1) grounded in a number of ethical traditions, in the context of post-Cold War humanitarianism, it has become linked to consequentialist values. Thus, as Fox claims, 'One look at the way the rights-based approach is being used in humanitarian conflict shows that the human rights approach means the elevation of political rights over basic needs' (Fox 2001: 283). For instance, in Afghanistan, 'Several aid agencies suspended humanitarian aid programmes . . . when the Taliban issued their edicts restricting women's rights. Here these agencies were clearly putting the basic needs of the Afghan people second to human rights concerns' (Fox 2001: 283). Most controversially, this has meant that the saving of lives 'now' has been sacrificed to the possible long-term saving of more lives later, through finding viable political solutions. The most stark demonstration of this occurred in the refugees' camps in Zaire (now the Democratic Republic of Congo) in 1994–7. After the successful aid efforts to support those fleeing the Rwandan genocide, the refugee camps were flooded with fleeing Hutus fearful of retaliation by the new government. The camps then became the scene of continued violence and harassment by the 'genocidaires'. Eventually, the Rwandan army invaded, the camps were closed, an action endorsed by many NGOs, and hundreds of thousands were expelled. Many of these were forced back to Rwanda; many, however, were not and were left to their fates in Zaire and neighbouring countries. In short, the humanitarian effort was shut down in order to facilitate a political solution (which, however, did not arrive) (see Stockton 2002; Fox 2001).

These sorts of failings ultimately involve the sacrifice of the basic

humanitarian call to end suffering to the political goals of the powerful. While of course seeking political solutions is necessary to the longer-term goals of ending suffering and achieving peace, such aims cannot be a substitute or excuse for inaction now. Thus, rather than providing the answer to the humanitarian crises of the early 1990s, politicization of emergency aid has created far more serious problems for humanitarians. As we have seen, this has resulted in the split between traditional Dunantist and transformative Wilsonian NGOs. Thus, as many note, there still remains a need to provide a more coherent moral foundation for humanitarian activity to enable the criteria for providing and delivering aid. The next section identifies Kantian ethics as providing just such a morally coherent grounding for a humanitarianism that can inform practice as well as policy.

Mutual aid: a humanitarian imperative?

Paralleling the use of the discourse of rights has been the development of the notion of a humanitarian imperative. The *Sphere Handbook* (1996: 16) identifies the humanitarian imperative as 'the belief that all possible steps should be taken to prevent or alleviate human suffering arising out of conflict or calamity, and that civilians so affected have a right to protection and assistance'. The idea that humanitarians are fulfilling an imperative is one that emphasizes the moral *obligation* to assist. Where rights-based discourse specifies only negative duties, to not violate rights, the imperative discourse refers to positive duties. Imperatives are categorical, which means that they are unconditional and apply regardless of outcomes or consequences.

The language of imperatives is distinct from consequentialist ethical frameworks which would make aid conditional upon, or connected to, some prior political goal or outcome such as democratization or transparency, or even peace. Instead, the humanitarian imperative is directed to all affected by a conflict or crisis situation, as ends in themselves. In this, it offers an advance upon Pictet's understanding of humanitarianism as charity, while retaining the universality of a conception of humanism associated with some form of justice, that is, of what is owed to everybody. Insofar as they use the language of imperatives, humanitarians are making a claim that can be said to go beyond human rights because the humanitarian imperative specifies a universal duty to assist those in need. The notion of an imperative remains under theorized, but points us to an alternative to both charity and rights discourses.

What lies at the core of classic humanitarianism is the argument that there is some sort of duty to render assistance to those who are unable to assist themselves and that this is a duty based primarily on need and on a sense of common humanity. The common term for this is 'good samaritanism', but the philosophical term is 'mutual aid' or sometimes 'beneficence' (though some make a distinction between the two). This is simply the moral duty to help others in need so long as helping does not harm oneself.

Mutual aid is distinct from charity or supererogation (what it is good to do but not a duty to do). Mutual aid is generally understood as owed to all humans. Mutual aid is required in circumstances where an actor has the capacity to aid another who is suffering or in need, usually in dire need. So we think of mutual aid as being owed in times of famine by those with plenty to those with little or nothing. To withhold aid in this situation is to do wrong in a moral or ethical sense. The doctrine of mutual aid suggests that all persons owe this duty to all others, when they are in need. There is, however, no duty to help others who do not need it. Mutual aid is distinct from duties of justice as understood by Rawlsians because it does not refer to a basic ordering principle of society, but rather to what is owed by individual actors to each other. Mutual aid is defended by many pluralist and communitarian anti-cosmopolitans.

The language of imperatives links directly to the Kantian tradition of cosmopolitanism. As noted in chapter 3, mutual aid is a cosmopolitan principle derived from Kant's CI. Kant argued that the principle of mutual aid, promise-keeping, a prohibition against suicide, and duty to cultivate one's talents were universal duties (Guyer 2007). Each of these was derived from the CI and was concerned with the other's status as ends and therefore was a moral principle. Helping others in times of need, when they cannot help themselves, is not merely good but is morally required. This is because, according to Barbara Herman, 'In the Kantian account of beneficence, the point of the help we may be required to give, in both emergency and normal cases, is not to alleviate suffering per se, but to alleviate suffering because of what suffering signifies for beings like us' (Herman 2001: 244). What suffering signifies for beings like us is a particular form of harm, that is, the loss of agency, the loss of the capacity to make a life for oneself. When one is suffering from severe deprivation one is suffering from the lack of this capacity, as well as from the more mundane physical pains and sorrows. Thus, the duty to provide aid is a moral duty to support:

> the other's active and successful pursuit of his self-defined goals. I promote another's well-being or happiness by supporting the conditions for his

> pursuit of ends. That is, what I have a duty to do is to contribute to the meeting of his true needs when that is not within his power. (Herman 1984: 601)

Thus, mutual aid for Kant was premised on a recognition not of suffering per se but, rather, on what was owed to reasonable beings, i.e., ends in themselves. It is worth elaborating on this point here in order to see its significance for humanitarianism. While rights discourse is directed to one's status as an end, it does not provide an adequate specification of why I should aid you in achieving your rights (see O'Neill 1986). The Kantian account attempts to provide a reason beyond mere empathy for a binding duty of care:

> As a person's true needs are those which must be met if he is to function (or continue to function) as a rational, end-setting agent, respecting the humanity of others involves acknowledging the duty of mutual aid: one must be prepared to support the conditions of the rationality of others (their capacity to set and act from ends) when they are unable to do so without help. (Herman 1984: 597)

We can contrast this duty with both the idea of charity and rights discourse. In Kantian terms, if you are on the receiving end of charity you are seen as without agency, the capacity to determine your own life, and you are not being treated as an end.

For Kant, mutual aid is a positive duty to aid that is not dependent upon any causal relationship. In Kant's terms, mutual aid is nonetheless an imperfect duty. Perfect duties are those that it is always wrong to ignore. Imperfect duties are those we can be excused from under certain circumstances. Mutual aid is an imperfect duty because we cannot be expected to give aid to the point where we suffer. Herman argues that for Kant mutual aid means: 'If giving aid undermines the life activity of the giver, the point of mutual aid is not achieved. (It is a duty of mutual aid, not sacrifice.) The requirements of beneficence do not interfere with what is necessary for one to continue to live a human life.' (1984: 598). A perfect duty of aid would require us to give until we can give no more.

Mutual aid is a moral duty, but understanding it requires processes of moral judgement. In other words, because it is an imperfect duty it is not always clear exactly what and how much I can be expected to do or give in the way of aid. The Kantian focus of the duty of mutual aid points directly to the relations between means and ends, or the manner of aid delivery. In particular, the duty of beneficence in seeking to meet another's needs as ends in themselves means that:

> The *how* of needs response, that is, the manner in which one meets another's needs, is no less than crucial to the dignity of the agent. If needs are met in a way that demeans the one in need, . . . her dignity and worth will in no sense be protected, let alone further fostered. Agents can be harmed by the incivility and humiliation of insulting care. (Miller 2002: 158)

To address this, humanitarianism must keep in mind the meaning of the categorical imperative. Our duty of mutual aid requires us to help others to help themselves and not just to keep them alive. This type of Kantian practice has resonance with Mary Anderson's (1999) concern to 'do no harm'. Her work indicates that in order to be effective, to achieve good consequences, recipients of aid must be acknowledged as equals and not just 'victims'. Thus, rather than being members of the 'deserving poor' who are unable to help themselves, most recipients of humanitarian aid are in fact people suffering from severe situations and breakdowns of societal mechanisms but who are otherwise endowed with the capacities and capabilities of other humans.

It is possible that one could derive a consequentialist view from the Kantian account, because it could be taken to mean that the creation of a viable political culture, or of human rights institutions, or the act of military intervention, are means for realizing the conditions where others are treated as ends in themselves. However, if this requires neglecting one's duty to aid individuals 'here now', i.e., during this emergency, then it misunderstands the meaning of mutual aid in this context. As an expression of the CI, mutual aid means that no one's needs can be sacrificed to another's in this way. To make emergency aid, for instance, conditional upon achieving political ends would reduce the recipients to means to an end, and this is incompatible with mutual aid and the CI.

It is possible that the reference to meeting another's real needs could be taken to reinforce a conception that the aid worker is in possession of superior knowledge and knows what the other needs better than they do themselves. However, the recognition of the other as an end in themselves mitigates against precisely this type of interpretation, because what defines a moral agent as an end is in part the capacity to know what their own needs are. As Sarah Miller notes:

> The duty of beneficence commands that I promote others' happiness in accordance with their self-determined, self-defined ends (hence avoiding paternalistic practices). As Kant notes, 'I cannot do good to anyone in accordance with my concepts of happiness . . . thinking to benefit him by forcing a gift upon him; rather, I can benefit him only in accordance with his concepts of happiness' (MS 6: 454, 203). (In S. Miller 2005: 154)

Thus, carrying out the duty of mutual aid requires, as Herman notes, 'the acquisition of dispositions of appropriate helpfulness (attitudes of humility and respect; wariness about paternalism and dependence, and so forth)' (2001: 245). The Kantian understanding of mutual aid can also help overcome the criticism made by Edkins and others (1996, 2003) that humanitarianism replicates the logic of 'bare life' where people become merely bodies to be fed and monitored, or governed. In so doing, humanitarianism dehumanizes individuals. At the core of Edkins's claim is the possibility that in responding to others' needs merely as sufferers, in addressing people who are receiving aid as merely bodies, their culture and identity, humanity and agency will be forgotten or overlooked.

Kantian beneficence therefore reminds humanitarian aid workers to be both careful and caring in how they carry out their responsibilities. Providing care also means that aid workers recognize the agency and capacities of those whose care they are charged with. (It is worth noting that humanitarianism is also well served by the 'ethics of care' (see Robinson 1999; Held 2006; S. Miller 2005).)

In sum, the duty of mutual aid understood in Kantian terms provides a moral foundation for humanitarian aid because it places the task of meeting the basic (or what Miller calls the 'constitutive') needs of individuals, who are unable to meet these themselves, at the centre of moral concern. It is precisely addressed to people in 'emergency' situations and, while demanding, is also limited in its scope. Mutual aid is distinct from justice in that it is an individual moral duty; therefore it is not addressed to the structure of political or social institutions that might realize the individual's rights. It is a less ambitious individual duty to help others in immediate need.

In the context of 'emergency aid, or complex emergencies, it does not generate an obligation to solve all the problems of development, peace-building or human rights (though it does involve a negative duty not to contribute to anything that might prevent the success of these things). However, it does require that in meeting the duty of mutual aid the recipients must be understood not merely as recipients or victims, but as people who must be assisted to re-establish their own agency. The people who receive emergency humanitarian aid are people suffering a temporary loss of agency.

The duty of mutual aid is consistent with the values of classical humanitarianism, but it provides them with a new footing that places the needs of recipients at the core. It guards against the dangers of political humanitarianism, because sacrificing aid to political goals is not acceptable. However it also avoids the paternalism of charity. Mutual aid cannot provide a practical solution to the problem of the

'well-fed dead'; nor does it provide the rules for assessing the consequences of humanitarian actions after the supply of emergency relief has ended. Mutual aid is a reminder of the limited nature of this duty and of the limits of beneficence. Thus, if aid keeps people alive but becomes a substitute for their own self sufficiency, or if it keeps them in relations of 'welfare' dependency, then it is not meeting its own moral obligations. If aid keeps people alive and healthy when they would otherwise die, the obligation is fulfilled.

In the case of the 'well-fed dead', there is a responsibility not to put people in the way of harm but there is not a responsibility to end the conflict or engage in peace-building. The responsibility for these is a social responsibility and that is a question of justice. This account of mutual aid suggests that NGOs engaged in the more ambitious 'new humanitarianism' are stepping beyond the realm of beneficence and are seeking to be agents of justice. Duties of justice are distinct from duties of mutual aid. Where mutual aid finishes is where the duties of justice begin. Duties of justice are primarily the duties of states or societies as a whole. Thus, states have duties to their own subjects and citizens to avoid, prevent and alleviate unnecessary and avoidable suffering. States cannot prevent all suffering but they can attempt to ameliorate it, and prevent it. This is the part of the scope of justice. Humanitarianism, or mutual aid, is a responsibility that falls to these agencies only when the state has failed in its duty to protect its citizens (see Wenar 2007).

Conclusion: humanitarianism and cosmopolitanism

Humanitarianism addresses the issue of basic needs and conditions necessary to achieve a meaningful life. Humanitarianism invokes the idea that humans have duties to alleviate suffering when it occurs. As such, humanitarianism is the first principle of a cosmopolitan practice. By drawing upon suffering as its frame of reference, humanitarianism begins with the basic facts of human life. It confers a degree of recognition on the social and biological unity of human community. The most important insight to have come out of the humanitarian debate of the 1990s is precisely the need to supplement this concern with a recognition of the agency of those receiving help or protection. The limits of humanitarian practices indicate the necessity for recognizing the moral importance of individual agency, which is at the core of the Kantian cosmopolitan tradition. Once we recognize that humans do suffer and that we may have an obligation to help, then we need

to recognize that in fulfilling our obligations we need to take their moral standing as autonomous individuals (ends in themselves) into account.

Anti-cosmopolitans have endorsed this type of general mutual aid principle as compatible with communitarian values. The principle of humanitarianism has the advantage that it does not require a shared thick conception of justice or the good life. The delivery of aid may be tainted by cultural conceptions, paternalism, prejudice or ignorance, but in principle the alleviation of suffering in emergency situations does not require any shared culture. At its core, humanitarianism calls on a general sense of a common humanity and solidarity with distant strangers, rather than a full-bodied notion of citizenship and shared political or cultural identity.

Humanitarianism does not require that we understand ourselves as belonging to a *homogenous* global community. It neither endorses a global Rawlsianism nor settles for a neglect of duties to outsiders. Most importantly, humanitarianism draws upon a recognition of and identification with the suffering of others, regardless of their identity or belongingness to a specific community, and demands action based on that recognition. It interprets the principle of equality in the context of empathy, compassion and understanding of another's needs. A minimal humanitarianism addresses the issue of basic needs and conditions necessary for a meaningful life. For these reasons, communitarians and pluralists can and do endorse the principle of mutual aid. However, anti-cosmopolitanism has provided little guidance as to how the principle of mutual aid should be interpreted and implemented. The discussion above has shown that the Kantian account of beneficence is able to provide some guidance. Thus, the duty of mutual aid cannot be understood without reference to cosmopolitanism and, therefore, even 'communitarian' ethics are incomplete without this.

The practices of emergency humanitarian aid, which are informed by a humanitarian ethics (but which are not the limit of such an ethic), are the most concrete and pervasive form of humanitarianism. Beyond this minimal conception of humanitarianism is a more fully developed cosmopolitan ethos which refers to a more comprehensive duty to alleviate suffering wherever it is found, and not just in extreme or emergency cases. A full-blown humanitarianism addresses the alleviation of poverty and hunger wherever it is found. However, because mutual aid is associated with a limited scope of practice and aid, it is insufficient from a cosmopolitan perspective because a more fully fledged attempt to end suffering requires a commitment to justice and to transforming social institutions. This commitment is the focus of chapter 7.