

## THE MANY FACES OF HUMANITARIANISM

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### HUMANISM AND HUMAN RIGHTS

Who or what is the ‘human’ of human rights and the ‘humanity’ of humanitarianism? The question sounds naïve, silly even. Yet, important philosophical and ontological questions are involved. If rights are given to beings on account of their humanity, ‘human’ nature with its needs, characteristics and desires is the normative source of rights. The definition of the human will determine the substance and scope of rights. Even if we knew who is the ‘human’, when does its existence and the associated rights begin and when do they end? Are fetuses, designer babies, clones, those in permanent vegetative state fully human? What about animals? The animal rights movement, from deep ecology and anti-vivisection militancy to its gentler green versions, has placed the legal differentiation between human and animal firmly on the political agenda and has drafted a number of bills of animal entitlements. This essay examines the ideology of humanism in its various transformations and permutations. It starts with the history of the concepts of humanity and human nature.

The concept of humanity is an invention of modernity. Both Athens and Rome had citizens but not ‘men’, in the sense of members of the human species. Free men were Athenians or Spartans, Romans or Carthaginians, but not persons; they were Greeks or barbarians but not humans. The word *humanitas* appeared in the Roman Republic. It was a translation of *paideia*, the Greek word for culture and education, and was defined as *eruditio et institutio in bonas artes*.<sup>1</sup> The Romans inherited the idea of humanity from Hellenistic philosophy, in particular Stoicism, and used it to distinguish between the *homo humanus*, the educated Roman, and the *homo barbarus*. The ‘human man’ was regulated by the *jus civile*, had some knowledge of Greek culture and philosophy and spoke in a cultivated language – he was like a graduate who read Greats at Oxford and speaks with a slightly posh accent. The *homo barbarus* was subjected to the *jus gentium*, lacked the sophistication of the real man and lived in the periphery of the empire. The first humanism was the result of the encounter between Greek and Roman civilisation and was used by the Romans to impress their superiority upon the world. Similarly, the early modern humanism of the Italian Renaissance retained a nostalgia for a lost past and the exclusion of those who are not equal to that Edenic period. It was presented as a return to Greek and Roman prototypes and targeted the barbarism of medieval scholasticism and the gothic north.

A different conception of *humanitas* emerged in Christian theology, superbly captured in the Pauline statement that there is no Greek or Jew, free man or slave. All men are equally part of spiritual humanity, which is juxtaposed to the deity and the inanimate world of nature. They can all be saved through God's plan of salvation. Universal equality—albeit of a spiritual character—a concept unknown to the classics, entered the world stage. But the religious grounding of humanity was undermined by the liberal political philosophies of the 18th century. The foundation of humanity was transferred from God to (human) nature, initially perceived in a deistic and today a scientific manner. By the end of the 18th century, the concept of 'man' came into existence and soon became the absolute and inalienable value around which the whole world revolved. Humanity, man as species existence, entered the historical stage as the peculiar combination of classical and Christian metaphysics.

For humanism, there is a universal essence of man and this essence is the attribute of each individual who is the real subject.<sup>2</sup> Michael Ignatieff is typical when he writes that 'our species is one, and each of the individuals who compose it is entitled to equal moral consideration.'<sup>3</sup> As species existence, man appears without differentiation or distinction in his nakedness and simplicity, united with all others in an empty nature deprived of substantive characteristics except for his free will, reason and soul—the universal elements of human essence. This is the man of the rights of man, someone without history, desires or needs, an abstraction that has as little humanity as possible, since he has jettisoned all those traits and qualities that build human identity. If according to Heidegger, subjectivity is the metaphysical principle of modernity, it is legal personality, the 'man' of the rights of man the subject of rights who exemplifies and drives the new epoch. A minimum of humanity is what allows man to claim autonomy, moral responsibility and legal subjectivity.

The idea that the essence of humanity is to be found in a human cipher lacking the characteristics which make each person a unique being is bizarre. It is still the dominant ideology of liberalism. Francis Fukuyama recently repeated the 18th century orthodoxies in the context of genetic engineering. '[W]hen we strip all of a person's contingent and accidental characteristics away, there remains some essential human quality underneath that is worthy of a certain minimal level of respect – call it Factor X. Skin, color, looks, social class and wealth, gender, cultural background, and even one's natural talents are all accidents of birth relegated to the class of nonessential characteristics... But in the political realm we are required to respect people equally on the basis of their possession of Factor X.'<sup>4</sup> For Fukuyama, the differences that create our identity are superficial and accidental, contingent characteristics of no major importance. In this, he repeats Rawls's claim that the principles of justice can only be agreed by people who have no knowledge of their specific talents, needs and desires, which are concealed under a veil of ignorance.<sup>5</sup> But unlike Rawls and Habermas who discover the elusive factor defining the essence of humanity in transcendental characteristics and species ethics, Fukuyama seeks it in our genetic inheritance. We may all be different, but behind the accidental idiosyncrasies a universal equivalence lurks, a certain *je ne sais quoi* which endows us with our human dignity.

Yet, if we look at the empirical person who enjoys the 'rights of man', he is and remains a 'man all too man' — a well-off citizen, a heterosexual, white, urban male. This man of rights condenses in his identity the abstract dignity of humanity and the real prerogatives of belonging to the community of the powerful. In other words, the accidental surface differences of race, colour, gender, ethnicity have been consistently defined as inequalities supporting the domination of some and subjection of

others, despite the common underlying factor X. One could write the history of human rights as the ongoing and always failing struggle to close the gap between the abstract man and the concrete citizen; to add flesh, blood and sex to the pale outline of the 'human'. The persistence throughout history of barbarians, inhuman humans, the 'vermin', 'dogs' and 'cockroaches' of our older and more recent concentration camps, such as Guantanamo Bay and Abu Ghraib, the potential of world annihilation by humanity's creations as well as recent developments in genetic technology and robotics indicate that no definition of humanity and is definite nor conclusive. Humanity's mastery, like God's omnipotence, includes the ability to redefine who or what counts as human and even to destroy itself. From Aristotle's slaves to designer babies, clones and cyborgs, the boundaries of humanity have been shifting. What history has taught us is that there is nothing sacred about any definition of humanity and nothing eternal about its scope. No common 'factor X' exists.

The meaning of humanity, as the ground normative source, is fought over today by the universalists and relativists, the two more prominent expressions of postmodern humanism. The universalist claims that cultural values and moral norms should pass a test of universal applicability and logical consistency and often concludes that if there is one moral truth but many errors, it is incumbent upon its agents to impose it on others. The relativists and the communitarians (since relativism is a meta-ethical position) start from the obvious observation that values are context-bound and try to impose them on those who disagree with the oppressiveness of tradition. In Kosovo, Serbs massacred in the name of threatened community (the Serb nation should keep Kosovo its 'cradle' in perpetuity and oppress Albanians who lived there in a large majority). The allies bombed in the name of threatened humanity and in support of universal rights, even though the link between the rights of Kosovar Albanians and the bombing of civilians in Belgrade is not immediately apparent. Both positions, when they define the meaning and value of humanity fully and without remainder find everything that resists them expendable. They exemplify, perhaps in different ways, the contemporary metaphysical urge: they have made an axiomatic decision as to what constitutes the essence of humanity and follow it with a stubborn disregard for opposing arguments.

The individualism of universal principles forgets that every person is a world and comes into existence in common with others, that we are all in community. Being in common is an integral part of being self: self is exposed to the other, it is posed in exteriority, the other is part of the intimacy of self. Before me comes the (m)other. I am I because the other and language has called me 'you', 'Costas'. My face is always exposed to others, always turned toward an other and faced by him or her never facing myself. On the other hand, being in community with others is the opposite of the communitarian common being or belonging to an essential community. Most communitarians define community through the commonality of tradition, history and culture, the various past crystallisations whose inescapable weight determines present possibilities. The essence of the communitarian community is often to compel or 'allow' people to find their 'essence', common 'humanity' now defined as the spirit of tradition, or the nation, religion, the people, the leader. We have to follow traditional values and exclude what is alien and other. Community as communion accepts human rights only to the extent that they help submerge the I into the We, all the way till death, the point of 'absolute communion' with dead tradition.<sup>6</sup>

If we abandon the essentialism of humanity, human rights appear as highly artificial constructs, a historical accident of European intellectual and political history. The concept of rights belongs to the symbolic order of language and law, which determines their scope and reach with scant regard

for ontologically solid categories, like those of man, human nature or dignity. The ‘human’ of rights or the ‘humanity’ of humanitarianism can be called a ‘floating signifier’. As a signifier, it is just a word, a discursive element, neither automatically nor necessarily linked to any particular signified or meaning. On the contrary, the word ‘human’ is empty of all meaning and can be attached to an infinite number of signifieds. As a result, it cannot be fully and finally pinned down to any particular conception because it transcends and overdetermines them all.<sup>7</sup> But the ‘humanity’ of human rights is not just an empty signifier; it carries an enormous symbolic capital, a surplus of value and dignity endowed by the revolutions and the declarations and augmented by every new struggle that adopts the rhetoric of human rights. This symbolic excess turns the ‘human’ into a floating signifier, into something that combatants in political, social and legal struggles want to co-opt to their cause, and explains its importance for political campaigns.

From a semiotic perspective, rights do not refer to things or other material entities in the world but are pure combinations of legal and linguistic signs, words and images, symbols and fantasies. No person, thing or relation is in principle closed to the logic of rights. Any entity open to semiotic substitution can become the subject or object of rights; any right can be extended to new areas and persons, or, conversely, withdrawn from existing ones. Civil and political rights have been extended to social and economic rights, and then to rights in culture and the environment. Individual rights have been supplemented by group, national or animal rights. The Spanish MP Francisco Garido recently moved a resolution to create human rights for great apes, the animals genetically closest to humans.<sup>8</sup> The right to free speech or to annual holidays can be accompanied by a right to love, to party or to have back episodes of *Star Trek* shown daily. Or, as a British minister put it, we all have a human right to properly functioning kitchen appliances. If something can be put into language, it may acquire rights and can certainly become the object of rights.

The only limits to the ceaseless expansion or contraction of rights are conventional: the effectiveness of political struggles and the limited and limiting logic of the law. Human rights struggles are symbolic and political: their immediate battleground is the meaning of words, such as ‘difference’ and ‘similarity’ or ‘equality’ and ‘otherness’, but if successful, they have ontological consequences — they radically change the constitution of the legal subject and affect peoples’ lives. A refugee whose claim to enter the recipient country has been constructed in human rights terms is a more privileged subject — more ‘human’ — than someone else, whose claim is seen as simply economic turning him into a ‘bogus’ subject. Similarly, the claim of gay and lesbians to be admitted to the army has a greater chance of success if presented as a rights-claim about discrimination than if it attacks the irrationality of the exclusion on administrative law grounds.<sup>9</sup> Its success has wider repercussions than the protection of army employment. The claimants’ position changes as a result, their identity becomes fuller and more nuanced through the official recognition of their sexuality. If we accept the psychoanalytic insight that people have no essential identities outside of those constructed in symbolic discourses and practices,<sup>10</sup> a key aim of politics and of law is to fix meanings and to close identities by making the contingent, historical links between signifiers and signifieds permanent and necessary. But such attempts can succeed only partially because the work of desire never stops. If human rights are the cause and effect of desire, they do not belong to humans; human rights construct humans.<sup>11</sup>

We can conclude that 'humanity' cannot act as the *a priori* normative source and is mute in the matter of legal and moral rules. Humanity is not a property shared, it has no foundation and no ends, it is the definition of groundlessness. It is discernible in the incessant surprising of the human condition and its exposure to an undecided open future. Its function lies not in a philosophical essence but in its non-essence, in the endless process of redefinition and the continuous but impossible attempt to escape fate and external determination. In this ontology, what links me to the other is not common membership of humanity, common ethnicity or even common citizenship. Each one is a unique world, the point of knotting of singular memories, desires, fantasies, needs, planned and random encounters. This infinite and ever changing set of events, people and thoughts is unrepeated and unrepeatable, unique for each of us like our face, unexpected and surprising like a coup de foudre. Each one is unique but this uniqueness is always created with others, the other is part of me and I am part of the other. But my being - always a being together - is on the move, created and recreated in the infinite number of encounters with the unique worlds of other singular beings. This is the ontology of the cosmopolitanism to come.

Humanity has no intrinsic normative value. It is continuously mobilised however in political, military and, recently, humanitarian campaigns. Humanitarianism started its career as a limited regulation of war but has now expanded and affects all aspects of culture and politics. The next part examines the military humanitarianism of our recent wars while the last will explore the effects of humanitarianism on the citizens of the Western world.

## MILITARY HUMANITARIANISM

The humanitarian movement started in the 19th century. According to received opinion, the key event was the foundation of the International Committee of the Red Cross by Jean-Henri Dunant, in 1859, after he witnessed the widespread slaughter of combatants at the battle of Solferino between France and Austria. Dunant spearheaded the adoption of the Geneva Convention of 1864 under which governments agreed to allow access to battlefields for neutral field hospitals, ambulances and medical staff. By WWI, the Red Cross had established itself as the largest humanitarian organisation responsible for monitoring the Geneva Conventions, which codified the laws of war and established rules for the humane treatment of prisoners of war. Traditional humanitarian law is the body of international law, which attempts to regulate the use of force during armed conflict, the modern version of the *jus in bello*. Its core principles have developed from just war theory and are rather basic and broad: the use of force must be a last resort; a distinction must be maintained during hostilities between military personnel and civilians; all efforts must be made to minimise non-combatant casualties; finally, the use of force must be proportional to its objective.

A less technical use of the term humanitarianism refers to the efforts by organisations and governments to alleviate mass suffering after major natural catastrophes and to aid populations caught in war or civil strife. Combining both types of humanitarianism and enjoying the strongest reputation, the Red Cross adopted, in 1965, seven fundamental principles which became the rule-book of humanitarian action: humanity, impartiality, neutrality, independence, voluntary service, unity and universality. The main characteristic of the Red Cross and of humanitarianism more generally was supposed to be, as these principles indicate, its non-political character and its neutrality towards the protagonists of wars and natural disasters. Other charities and Non-Governmental Organisations (NGOs) such as Oxfam, Save the Children and Christian Aid adopted the same non-political posture. Amnesty

## THE MANY FACES OF HUMANITARIANISM

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International, for example, campaigned for prisoners of conscience without regard for their political views.

Early humanitarianism did not make distinctions between good and bad wars, just and unjust causes or, even, between aggressors and innocents. It was committed to the direct and immediate reduction of human suffering through the protection of prisoners of war and civilians involved in conflict or through famine relief and medical aid. As interest in development and human rights grew in the 1970s and 1980s, NGOs adopted these concerns and promoted policies of popular appeal. A high point of NGO humanitarianism was the Live Aid campaign in 1984-5 to raise funds for relief of the Ethiopian famine. Carried out in the face of governmental indifference, humanitarian aid had few political conditions attached and avoided association with western foreign or defence objectives. Indeed up to 1989, the division between state-led development aid with strategic ends and ideological priorities and politically neutral needs-based humanitarianism was clear.

But this clear distinction has been blurred after the end of the Cold War. The roots of the new humanitarianism lie in the growing western involvement in the internal affairs of the developing world and the use of economic sanctions and force for humanitarian purposes. The move beyond the aims of saving lives and reducing suffering to the more muscular recent humanitarianism has two strands. The first grew out of conflict situations. It extended involvement from the provision of immediate assistance to victims to a commitment to solidarity and advocacy and a concern for the long-term protection and security of groups at risk. The second strand, which deals with national catastrophes such as famines, droughts or the recent tsunami, expressed an interest in the long-term development of poor countries beyond the failing aid policies of governments. This broader and deeper humanitarianism was obliged to make strategic choices about aims to be prioritised and groups to be assisted. Once the neutrality principle was broken, the road was opened, in the 1990s, for various NGOs to advocate Western military intervention for humanitarian purposes.

This politicisation of aid work is in conflict with the apolitical profile on which the public appreciation for NGOs depends. As a result, NGOs have become extremely concerned to re-assert their traditional neutrality and non-political reputation. One way of reconciling conflicting priorities and justifying policy choices was to present them in the language of morality and ethics instead of that of politics. Human rights have become the preferred vocabulary of this new type of humanitarianism and are often used to disguise complex and contentious decisions. In some conflicts, the justice of the cause is clear; in most, it is not. The blurring of the line dividing human rights and humanitarianism has led to disturbing consequences. Some policies and regulatory regimes have been translated into the language of rights, others have not. The treatments of war prisoners, for example, has been largely displaced from the international law language of regulation and limits on state action into that of prisoners' rights. The effects of this change are evident in the American assertion that the Guantanamo Bay prisoners have no rights because they are evil murderers and a threat to western security. This is a clear violation of the Geneva Conventions but can be justified in the language of human rights. Human rights with their principles and counter-principles and their concern to create an equilibrium of entitlements are much easier to manipulate than clear proscriptions of state action.

The emphasis placed by the British government on the protection of the rights of the majority from terrorism, after the July 2005 London bombings, is consistent with human rights legislation. Most substantive rights under the European Convention on Human Rights can be limited or restricted in the interests of national security or for the protection of the rights of others. When national security becomes human security, when 'the others' are defined as anyone who may be affected by a terrorist act (potentially everyone), there is very little these overbroad qualifications disallow. In this sense, the annoyance of the British government with judges, who found detention without trial and the control orders imposed on terrorist suspects in violation of human rights, was justified. As the scope of the human rights language expands and most political and social claims and counter-claims are expressed in it, the protection afforded by clearly formulated prohibitions of international law becomes weakened. When everything becomes actually or potentially a right, nothing attracts the full or special protection of a superior or absolute right.

These developments have led to the convergence between humanitarian work and governmental rhetoric and policies. As David Kennedy, an influential Harvard international lawyer, has recently argued, contemporary humanitarianism is no longer the cry of dissidents, campaigners and protesters but a common vocabulary that brings together the government, the army and erstwhile radicals and human rights activists.<sup>12</sup> The dissidents have stopped marching and protesting. Instead they have become bit players in governmental policy-making and even in military planning. Kennedy approves this development and reserves his strongest criticisms for the remaining radicals, idealists and activists. The indictment is long: radical humanitarians believe in abstract generalisations, they do not accept responsibility for the long-term consequences of their actions and are happy to criticise governments from the margins; unlike governments and policy-makers, they do not carry out cost-benefit analyses of their activities; their commitment to broad principles of improving humanity to be carried out through constitutional reform, legal measures and institution-building blinds them both to the inadequacy of the tools and the adverse effects of their activities; they see themselves as outsiders and avert their eyes from power generally and their own power specifically.<sup>13</sup> Kennedy concludes that humanitarians believe hubristically that history will progress through the adoption of their principles and recipes. These 'do-gooder' relics of a previous era judge power extrinsically 'from religious conviction, natural right, positive law' and pathetically try to preserve their 'ethical vision'.

But this has been changing. Since at least the end of the Cold War 'many humanitarian voices have become more comfortable speaking about the completion of their realist project.'<sup>14</sup> People who have spent a lifetime feeling marginal to power often find it difficult to imagine that they could inherit the earth in quite this way. They have been admitted into the corridors and back rooms of power and this unnatural coupling paves the way for the future. This development may be shocking news to Amnesty International members stuffing envelopes to support political prisoners. There is ample evidence to support it however. Colin Powell stated before the Afghanistan war that "'NGOs are such a force multiplier for us, such an important part of our combat team... [We are] all committed to the same, singular purpose to help humankind...'" We share the same values and objectives so let us combine forces' on the side of civilisation.<sup>15</sup> Before the Iraq war, aid organisations were offered grants by the American government to join the coalition. They had to show attachment to American moral values and concern for civilians. The Red Cross and Oxfam argued against that war, rightly anticipating a humanitarian catastrophe, while the Médecins Sans Frontières, an organisation that campaigned actively for the Kosovo war, remained neutral. Bernard Kouchner, its founder, has been

credited with coining the term *droit d'ingérence humanitaire* and became the UN appointed viceroy of Kosovo.

Most NGOs however accepted government funding and joined the war effort. They became subcontractors competing with private companies for market share. As the USAID director put it, NGOs under US contracts 'are an arm of the US government and should do a better job highlighting their ties to the Bush admin if they want to continue receiving money.'<sup>16</sup> The head of programmes for the US Agency of International Development in Afghanistan agreed: 'We're not here because of the drought and the famine and the condition of women. We're here because of 9/11. We're here because of Osama bin Laden.'<sup>17</sup> Aid NGOs now work with the military in post-conflict zones assuming responsibility as public service subcontractors for the provision of health and education. Humanitarian governance is 'imperial because it requires imperial means: garrison of troops and foreign civilian administrators, and because it serves imperial interests.'<sup>18</sup> As a result of the perception that NGOs are no longer impartial, aid officers have been under continuously attack in Afghanistan where 'the humanitarian emblems designed to protect them now identify them as legitimate targets'<sup>19</sup> while international NGOs have largely pulled out of Iraq after lethal attacks on the UN compound, the Red Cross headquarters and NGO officers. Michael Hardt and Antonio Negri compare NGOs with the Dominicans and the Jesuits of colonialism, arguing that they act 'as the charitable campaigns and mendicant order of Empire'.<sup>20</sup> It is not wrong to say that the media campaigns of NGOs have prepared public opinion for 'humanitarian wars' and are willingly or inadvertently integral parts of the new order supporting and promoting its moral claims.

According to David Kennedy, humanitarian policy-makers working for governments, international institutions and international NGOs have adapted much better than their activist counterparts to the needs of 'ruleship'. The humanitarians dealing with the use of force in close collaboration with the army are a prime example. The military has given up its exclusive claim to power and the radicals their traditional attraction to pacifism in order to participate fully in military policy-making and post-conflict governance. Humanitarians lawyers and NGO officers are fully involved in the planning and conduct of wars. Like their newly-found military comrades, they see force as a tool towards ends and they balance legal and moral rules in instrumental terms. The common language unites humanitarians and military in balancing acts, tradeoffs and calculation of consequences. The vocabulary has 'drifted free of legal roots and has become the mark of civilisation and participation in a shared ethical and professional common sense community'. This pragmatic merger of military and humanitarian roles has allegedly led the military to 'best practice' and has 'civilised warfare'. In the lead to the Iraq war, we are told, humanitarians and military spoke exactly the same language, with the reformed former radicals apparently interpreting legal limitations on the conduct of war more permissively than the military.<sup>21</sup>

The military on their part realising the caché of humanitarianism has adopted a not dissimilar rhetoric. A few examples can illustrate the point. According to Michael Ignatieff, the Kosovo air raids were decided in the NATO Brussels headquarters with military planners and lawyers peering over screens with the lawyers advising on the legalities before a bombing raid was ordered.<sup>22</sup> While this elaborate procedure did not limit civilian casualties, it meets the definition of a 'humane war'.<sup>23</sup> Colonel Tim Collins, the commander of the Irish Guards during the Iraq war, was an exemplary humanitarian soldier when telling his troops before crossing into Iraq to join the campaign: "We are going to Iraq to liberate and not to conquer. We will not fly our flags in their country ... The only

flag that will be flown in that ancient land is their own ... Iraq is steeped in history; it is the site of the Garden of Eden, of the Great Flood and the birthplace of Abraham. Tread lightly there.<sup>224</sup> Collins soon realised that occupation lite is not an option and changed his views. Another telling example was the practice of American aircraft to drop aid packages in Afghanistan in between bombing raids. 'Cruise missiles and corned beef' could be the motto of military humanitarianism.

David Kennedy concludes after a visit to an aircraft carrier that humanitarian norms have been 'metabolised into the routines of the US Navy.'<sup>225</sup> The military is the world's 'largest human rights training institution' and the vocabulary of humanitarianism is nowhere 'as effective as it seemed to be abroad the USS Independence.'<sup>226</sup> As Michael Walzer, another reformed radical puts it, 'I am inclined to say that justice has become, in all Western countries, one of the tests that any proposed military strategy or action has to meet...moral theory has been incorporated into war-making as a real constraint on when and how wars are fought.'<sup>227</sup> But we should take such bravura statements with a dose of salt. General Wesley Clark, the commander of the Kosovo operation, complained that Europe's 'legal issues' were 'obstacles to properly planning and preparing' the war and adversely affected its operational effectiveness. 'We never want to do this again' he concluded and Iraq confirmed his prediction. Only lip service was paid to the legal concerns.<sup>228</sup>

Even if we discount the exaggerations and excessive missionary zeal of the military-humanitarian complex, it looks as if an imperial officer corps and bureaucracy is emerging. The unnatural coupling of ultimate power and its erstwhile critics appears to be well under way. Disciplines, professions and tasks have been cross-pollinated and created a new professional class, the 'humanitarians' or 'internationals'. The term applies to 'people who aspire to make the worlds more just, to the projects they have launched over the past century in pursuit of that goal, and to the professional vocabularies which have sprung up to defend and elaborate those projects.'<sup>229</sup> The group includes the usual suspects: human rights activists, lawyers, international civil servants, NGO operators and assorted do-gooders and extends to politicians, military strategists and ordinary soldiers and all those whose task is to spread the principles of the new world order, if necessary by force. Whatever the ideology, humanitarianism has become a job opportunity. Ignatieff concludes that the 'internationals' 'run everything' in Kosovo. 'Pristina's streets are clogged with the tell-tale white Land Cruisers of the international administrators, and all the fashionable, hillside villas have been snapped up by the Western aid agencies. The earnest aid workers, with their laptops, modems, sneakers and T-shirts, all preach the mantra of "building local capacity", while the only discernible capacity being created is the scores of young people who serve as drivers, translators and fixers for the international community.'<sup>230</sup> It looks as if the most discernible effect of 'nation-building' is the creation of a body of colonial administrators. 'Kabul...is one of the few places where a bright spark just out of college can end up in a job that comes with a servant and a driver.'<sup>231</sup> It is not surprising; most of the states following the Americans in their wars and occupations are former imperial powers, well-versed in the job of running colonial outposts.

The earlier 'naïve' humanitarians of the Vietnam war judged the actions of power from an external perspective such as religion, natural or positive human rights law and claimed to speak 'truth or virtue to power'. Their descendents have realised that if they want to restrain power they must adopt its aims and mindset, become full participants in power's games and try to influence it from the inside. In more prosaic terms, humanitarians have understood that responsibility involves engagement with power and have abandoned the infantile appeal of pacifism, 'the radicalism of people who do not

expect to exercise power or use force, ever and who are not prepared to make the judgments that this exercise and use require.<sup>32</sup> They have become part of the leading elite, the priests and missionaries of the new world order. For the pragmatist ideologist, the task now is to consolidate and generalise this project of osmosis between humanitarians, the military and politicians and turn it into a world ideology. 'We must promote the vocabulary among civilian populations, or we must strengthen the legitimacy of professional humanitarians as the voice of a universal ethics...harmonic convergence between the military and humanitarian sensibility will only be achieved once the humanitarian vocabulary becomes a dominant global ideology of legitimacy.'<sup>33</sup>

This is an amazing claim. The purpose of natural law, human rights and humanitarianism has been, from their inception, to resist public and private domination and oppression. When Kennedy deploras radical humanitarians who speak 'truth to power' from a position of religious conviction, natural right or positive law, he acknowledges some of the main formalisations of dissent and opposition. For those who have nothing else to fall back upon human rights becomes a kind of imaginary or exceptional law.<sup>34</sup> Human rights work in the gap between ideal nature and law, or between real people and universal abstractions. The perspective of the future does not belong to governments, accountants and lawyers. It certainly does not belong to international organisations, diplomats and professional humanitarians. Governments were the enemy against whom human rights were invented. The 'universal ethics' of professional humanitarians on the other hand is a misnomer. Its universalism turns the priorities of the American elite into global principle; its ethics upgrades the deontology of a small coterie into a moral code. To claim that human rights are today a main weapon for generating governmental legitimacy is to turn the poacher into the gamekeeper. At this point, human rights lose their end and their role comes to an end.

We must defend therefore the radical do-gooders, the marginal pacifists, the anti-war and anti-globalisation protesters and all those who Bartleby-like would prefer not to become scribes for the elites and accountants of power. They represent the most important European moral and political legacy while military humanitarians represent the abandonment of politics by the liberal nomenclature for a few slivers of power. One could call this, the postmodern *trahison des clercs*. Hilary Charlesworth, in a hilarious retort to Kennedy, doubts that many principled radicals are left in the humanitarian community anyway: 'The international human rights movement already largely operates in the pragmatic mode.'<sup>35</sup> She may be right, in which case the principle of hope human rights feebly represent today will have been extinguished in the quest for government grants and junior partner role in military campaigns. Professionalism will have won by abolishing the *raison d'être* of humanitarianism. Following Alex de Waal, we can call this enterprise and its officers 'Global Ethics Inc'.<sup>36</sup>

We should insist however against realists, pragmatists and the ideologues of power that the energy necessary for the protection, horizontal proliferation and vertical expansion of human rights comes from below, from those whose lives have been blighted by oppression or exploitation and who have not been offered or have not accepted the blandishments and rewards of political apathy. Human rights professionals, whether radical or pragmatic, are at best ancillary to this task, which cannot be delegated. This question of delegation and substitution is crucial for the politics of humanitarianism within the Western world, to which we now turn.

## THE STAKES OF HUMANITARIANISM

'Thanks for coming to support the greatest thing in the history of the world' Chris Martin, the lead singer of pop band Coldplay told the crowd at the Live8 concert in Hyde Park, London, in July 2005. 'We are not looking for charity, we are looking for justice' was how U2 lead singer and event co-organiser Bono expressed the purpose of the series of concerts organised to coincide with the meeting of the G8 leaders in Scotland. In repeated appeals to the leaders of the eight richest nations of the world, Live8 demanded that African debt should be written off and aid levels substantially increased. Human rights should be put at the centre of the agenda of the Western leaders.

There is no doubt that the many hundreds of thousands who followed the eight concerts around the world agreed with these sentiments. Tears and sympathy for African suffering and pain dominated the acres of space dedicated to the concert in the British newspapers. The crowds had a great time listening to Madonna, Pink Floyd and Paul McCartney, participating in the 'biggest thing ever organised' and protesting against African poverty and disease. Justice 'was the simplest and most pervasive theme...Everyone is, suddenly, globally, politicised'.<sup>37</sup> As a combination of hedonism and good conscience, Live8 will not be easily overtaken in size or hyperbole. This was partying as politics, drinking and dancing as moral calling.

Public protest involves an element of publicity acknowledged in the law of public order. Marches, demonstrations, rallies, picketing and sit-ins have always involved some violence or at least inconvenience for protesters and the public at large. Marches and demonstrations take place in public; they also bring people together and create out of isolated monads a public concerned with issues that transcend limited self-interest. The classical agora and forum were re-enacted metaphorically in the public sphere of newspapers and debating societies of early capitalism and, physically, in the streets, squares and other public places of modernity. But publicity, sharing ideas or actions, marching together is scarcely the point of the politics of this type of humanitarianism. In the global politics of protest, inconvenience has been replaced by partying, publicity by TV campaigns, empathy by private donations. Indeed, to the extent that the main tactic of humanitarian campaigns is to have people donate money while watching celebrity-filled shows on TV, the public character has been lost. We participate in human rights struggles from our front room not as polites, publicly-minded citizens, but as idiots, private persons, committed to personal interest. No wonder that the G8 leaders and targets of Live8 stated, according to Chancellor Gordon Brown, that they would be happy to participate in the 'action' against them.

Humanitarianism has turned into the ultimate political ideology bringing together the well-being of the West with the hardships of the global South. But what does it mean for politics to become TV campaigns? What type of humanity does humanitarianism project? The idea of humanity that Band Aid, Live8 and Amnesty International letter-writing campaigns propose and promote dominates our imagination and our institutions and determines the way we see ourselves and others. In theory, humanity brings together and transcends regional characteristics such as nationality, citizenship, class, gender, race or sexuality. Michael Ignatieff is on sure ground when he claims that human rights embody the idea that 'our species is one'.<sup>38</sup> We should be able to recognise the same human person, despite empirical differences, all over the world, in the City of London and the slums of Bombay, in the country houses of Berkshire and the town houses of Baghdad. The ideology of humanitarianism: the human has the same needs, desires and traits everywhere and these (ought to)

determine the rights we have. Rights follow our nature. As natural, they are evident, they are agreed by everyone; there is no person of good faith who does not accept their universality or political efficacy. They are the entitlements of common humanity, they belong to us on account of our membership of the species human rather than of narrower categories.

But then doubts start creeping up. We would not need legal enforcement of these 'obvious' entitlements if they were that obvious. Their institutional proclamation and protection indicates that humanity is not one, that human nature is not common to all, that nature cannot protect its own. Live8 is part of the sad recognition that, despite the claims of humanism, humanity is split, the 'human' breaks up into distinct parts. One part is the humanity that suffers, the human as victim; the other is the humanity that saves, the human as rescuer. Humanity's goodness depends on its suffering but without goodness suffering would not be recognised. The two parts call each other to existence as the two sides of the same coin. You cannot have a rescuer without a victim and there is no victim unless a rescuer recognises him as such. But there is a second split. Humanity suffers because parts of it are evil, degenerate, cruel and inflict indescribable horrors upon the rest. There can be no redemption without sin, no gift without deprivation, no Band Aid without famine.

This second separation is officially acknowledged in the important concept of 'crimes against humanity'. The Nuremberg trial, which first introduced this legal novelty, is seen as a symbolic moment in the creation of the human rights movement. Human rights emerged when humanity acknowledged that one of its parts commits despicable atrocities against another, while a third, the saviour and redeemer, uses law, reason and occasionally force to punish the perpetrators and remedy pain and harm. Humanity suffers as a result of evil and crime, or through the effects of avoidable human error or unavoidable bad luck. If humanity suffers because of its own evil and must be rescued, evil and its consequences, vulnerability suffering pain, are its universal characteristics.

Religious traditions and political ideologies attribute suffering to evil. For Christian, particularly Protestant theology, suffering is a permanent existential characteristic, the unavoidable effect of original sin. Suffering and pain are the result of transgression, of lack or deprivation of goodness but also the sinner's opportunity for salvation by imitating Christ's passion. Indeed, the word pain derives from the Latin poena, punishment. The human rights movement agrees. It aims to put cruelty first, to stop 'unmerited suffering and gross physical cruelty'.<sup>39</sup> In the dialectic of good and evil, evil comes first; the good is defined negatively as *steresis kakou*, as the removal, remedy or absence of evil. Human rights and humanitarianism bring the different parts of humanity together; they try to suture a common human essence out of the deeply cut body. Let us examine briefly the three masks of the human, the suffering victim, the atrocious evildoer and the moral rescuer.

First, man as victim. The victim is someone whose dignity and worth has been violated. Powerless, helpless and innocent, her basic nature and needs have been denied. But there is more: victims are part of an indistinct mass or horde of despairing, dispirited people. They are faceless and nameless, the massacred Tutsis, the trafficked refugees, the gassed Kurds, the raped Bosnians. Victims are kept in camps, they are incarcerated in prisons, banned into exitless territories en masse. Losing humanity, becoming less than human; losing individuality, becoming part of a horde, crowd or mob; losing self-determination, becoming enslaved; these are the results of evil, otherwise known as human rights violations. Indeed here we may have the best example of what Giorgio Agamben calls 'bare or sacred life'<sup>40</sup> or Bernard Ogilvie, the 'one use human':<sup>41</sup> biological life abandoned by the juridical

and political order of the nation-state, valueless life that can be killed with impunity. The publicity campaigns with the “imploring eyes” of dying kids and mourning mothers are ‘the most telling contemporary cipher of the bare life that humanitarian organisations, in perfect symmetry with state power, need.’<sup>42</sup> The target of our charity is an amorphous mass of people. It populates our TV screens, newspapers and NGO fund-raising campaigns. The victims are paraded exhausted, tortured, starving but always nameless, a crowd, a mob that inhabits the exotic parts of the world. As a former president of *Medecins Sans Frontiers* put it, ‘he to whom humanitarian actions is addressed is not defined by his skills or potential, but above all, by his deficiencies and disempowerment. It is his fundamental vulnerability and dependency, rather than his agency and ability to surmount difficulty that is foregrounded by humanitarianism.’<sup>43</sup>

The victim is only one side of the Other. The reverse side represents the evil aboard in those scary parts the world. This second half, the cause of the fall and the suffering, the Mr Jeckyl or the wolf-man, is absolute evil. Its names legion: the African dictator, the Slav torturer, the Balkan rapist, the Moslem butcher, the corrupt bureaucrat, the Levantine conman, the monstrous sacrificer. The beast of Baghdad, the butcher of Belgrade, the warlord, the rogue and the bandit are the single cause and inescapable companion of suffering. As Jacques Derrida puts it, ‘the beast is not simply an animal but the very incarnation of evil, of the satanic, the diabolical, the demonic – a beast of the Apocalypse.’<sup>44</sup> The victims are victimised by their own and to that extent their suffering is not undeserved. Famine, malnutrition, disease and lack of medicines result from the intrinsic corruption of the evil Other, signs of divine punishment or of appropriate fate in the form of acts of God or force majeure. The Other of the West combines the suffering mass and the radical evil-doer, the subhuman and the inhuman rolled into one.

In this moral universe, the claim that there is a single essence to humanity to be discovered in evil, suffering and its relief, for which debt relief stands as a metaphor, is foundational. Whoever is below the standard is not fully up to the status of human. Indeed, every human rights campaign or humanitarian intervention presupposes an element of contempt for the situation and the victims. Human rights are part of an attitude of the post-colonial world in which the ‘misery’ of Africa is the result of its failings and corruption, its traditional attitudes and lack of modernisation, its nepotism and inefficiency, in a word of its sub-humanity. We can feel great pity for the victims of human rights abuses; but pity is tinged with a little contempt for their fickleness and passivity and huge aversion towards the bestiality of their compatriots and tormentors. We do not like these others, but we love pitying them. They, the savages/victims, make us civilised.

This brings us to the rescuer. The human rights campaigner, the western philanthropist and the humanitarian party-goer are there to save the victims. Participation and contributions to the humanitarian movement may be resulting in ‘collateral benefit’. There is a kernel of nobility in joining letter-writing campaigns or giving money to ‘good causes’ to alleviate suffering. Such campaigns have given help to political prisoners and to victims of torture, civil war and natural catastrophe. But a strange paradox accompanies increased humanitarian activism. Our era has witnessed more violations of human rights than any previous less ‘enlightened’ one. Ours is the epoch of massacre, genocide, ethnic cleansing, the age of the Holocaust. At no point in human history has there been a greater gap between the north and the south, between the poor and the rich in the developed world or between the ‘seduced’ and the excluded globally. The results of massive humanitarian campaigns are rather meager. In 2006, an audit of G8 promises made to Live8 a year earlier found that rich

countries are failing badly to meet the targets they themselves set.<sup>45</sup> No degree of progress allows us to ignore that never before in absolute figures, have so many men, women, and children been subjugated, starved, or exterminated on earth. The triumph of humanitarianism is drowned in human disaster. The 'best' and the 'worst' come together, prompting and feeding off each other. But if we approach the rescue missions of humanitarianism as part of a wider project on intervention both in the South and in the North, some of the apparent contradictions start disappearing.

Liberal theory understands rights as an expression and protection of individual desire, albeit indirectly. Amidst the proliferation of theorists on human rights, few have argued that human suffering is their common foundation or theme. One is Klaus Gunther, for whom all major European institutional innovations and protections, from the Magna Carta, to the French Declaration of the Rights of Man, to the various Bills of Rights across the continent, to the European Convention on Human Rights, have been reactions to different types of atrocity. European history is replete with wars, oppression, annihilation of others and, as a result, the history of human rights is written in blood. In Gunther's analysis, negative historical experiences and the development of the human rights movement are closely linked. 'If you want to know what is meant by 'human dignity' or 'equal concern and respect' for every human being, you can either look at various kinds of legal definitions, or you can think of the German Gestapo torturing a political opponent or the Holocaust of the European Jews.'<sup>46</sup> For Gunther, Europeans share memories of injustice and fear, a resource that should be used to promote a human rights culture. We must listen to our past pain and wrongs, everyone who has a story to tell must be heard. Gunther concludes that 'the most important effect of human rights...is the recognition of every individual as an equal participant in the political process which leads to a decision on primary rules... One has the power and ability to criticise and amend the rules of justice.'<sup>47</sup>

Gunther offers a postmodern theoretical foundation for human rights that goes well beyond Rorty's pragmatism and meek attempts at 'sentimental education'. According to Rorty, this means educating people to listen to strangers and understand their ways of life. By bringing out similarities in our respective ways of life, the feeling that strangers are 'people like us' will be strengthened and the sense of moral community widened. The second strategy for spreading human rights and democracy is to narrate stories of pain, suffering and humiliation happening all over the world.<sup>48</sup> This pedagogy of pity will put people 'in the shoes of those despised and oppressed' make them more empathetic and less prone to killing and torching others.<sup>49</sup> The assumed premise of Rorty's argument is that 'our' culture, society and politics are the ideal others (should) aspire to achieve. The pragmatist's emphasis on efficiency and results means that a standard of civilisation must be set as the blueprint and aim. For Rorty, this is American liberal culture. In a postmodern repetition of the methods of early social anthropology, Rorty believes that we must understand the ways and travails of others in order to help them efficiently become like us. Gunther's variation is more honest. Sentimental education must emphasise our own suffering. Past European woes and humiliations should be used to raise public awareness. Because we suffered in the past and may do so again in the future, we should refrain from visiting similar woes on others and try to ameliorate their pain. *La noblesse oblige* in our post-aristocratic world has become *la souffrance oblige*.

The liberal tradition therefore distinguishes between human rights and the moral obligation to rescue. Rescue is based on a feeling of superiority and the principle of substitution. I am duty-bound to help the suffering other because I am well-off, lucky, unaffected by the atrocities I read about in my newspapers and see on TV screens.<sup>50</sup> But I could have been born in one of those hard places or life may still reduce me to the victim's predicament. We should act morally towards suffering others because we could imagine being in their position. As Michael Ignatieff puts it, 'the ground we share may actually be...not much more than the basic intuition that what is pain and humiliation for you is bound to be pain and humiliation for me.'<sup>51</sup> Charity is part of a risk-aversion strategy, an insurance policy against bad luck or an offering to the gods for our great fortune. But as Richard Rorty has convincingly argued, in his deconstructive mood, neo-Kantian philosophy's obsessions with epistemology and metaphysics reduces the sense of solidarity and weakens the ability to listen to strangers and respond to their suffering.<sup>52</sup>

Gunther's theory is a variation of the morality of substitution. Our past suffering becomes the foundation of our moral action. It is because we Europeans have been there, because we have been beastly to each other and suffered as a result that we should now promote human rights. The memory of 'collective trauma' should be recovered and put to good effect. Morality moves back where the liberals place it: the self, the ego and its mishaps. Human rights have been constructed as defences of the self against the incursions of powerful others, initially the state increasingly now other people. Gunther tries to make them more attuned to the pity the public is made to feel in humanitarian campaigns. But is the best way of doing this to try and link human rights with European atrocities against Europeans? Europeans suffered in the past at the hands of other Europeans as parts of European humanity. But our greatest atrocities then and now are committed against 'aliens' considered less than human. The treatment of the Jews in the Holocaust or of the Muslims in Bosnia are recent examples. Slaves, Indians, aboriginals and indigenous people on the other hand have been consistently placed in the non-human part of humanity. Some 10 million Congolese died in the early 20th century as a result of Belgian forced labour and mass murder. Millions died of avoidable famines in India under colonial rule. Up to one million Algerians died during their war of independence. These were crimes by humanity but not against humanity. We shed tears for these out of sense of superiority and charity rather than out of shared history, community or humanity. If we have a shared history, humanitarianism in its celebration of our goodness erases it. European campaigns of extermination, slavery, colonial subjugation, capitalist exploitation and imperial domination are forgotten or glorified, as shown in recent revisionist celebrations of the British Empire. These atrocities are what psychoanalysis calls the real or traumatic kernel of the West, the cause and effect of economic affluence and personal enjoyment. The horrors visited by the West on its 'others' are conveniently forgotten and displaced. Horrible atrocious acts are only committed by the evil inhuman other.

Indeed, the human rights movement came into life late, after the Second World War. Humanity started committing crimes against itself in the 1930s when the Germans, this philosophical embodiment of humanity, acted atrociously against its own. The German crimes were appropriately called crimes against humanity because the West is endowed with full humanity and can become the proper victim of atrocity. Humanity offends against herself in the West and against sub-humans in the South. During the recent wars in Bosnia and Kosovo, commentators were shocked that atrocities could take place right in the 'heart of Europe'. We, Europeans, had supposedly learned the lesson after our rare, exceptional misdeeds and it was inconceivable that we could become criminals again. To

be sure, the Balkans are approached as peripheral parts of the civilised world, placed in Europe by accident of geography rather than achievement of history or culture. The Balkan wars confirmed again the principle that we, the Europeans, are the chosen people, the essence of humanity in its three facets.

Gunther's proposal cannot be implemented for precisely the reasons that have turned the pain of others into a powerful ideology and suffering into the main characteristic of humanity. The premise and appeal of humanitarianism is distance and alienation. We must participate in campaigns and fine-tune our morality because we, western liberals, have not suffered in the past, because we cannot share the torments of those unfortunate and exotic parts of the world now. Because we have always been human, we must now extend our generosity to those less than human. This is confirmed by Gunther's understanding of the principal achievement of human rights culture and main recipe for their violation, namely participation in democratic procedures and legislation. It is not very different from the claim that the aim of our recent wars was to spread formal democracy and neo-liberal capitalism to backward parts of the world. They are inescapably part of the egocentric and ethnocentric approach to the suffering of others. Gunter's claim that democratic participation is the greatest achievement of human rights is a rather extreme and sad case of Eurocentrism refuted by the growing political apathy around the world. Indeed, the historical trajectories of civil liberties, human rights and democracy diverged wildly from the start and often came into conflict.<sup>53</sup> Furthermore, as Michael Mann has recently shown, the idea that democracies do not commit genocide is utterly wrong.<sup>54</sup>

Giving money to alleviate the suffering of others is both an insurance policy against the risks of life and as the ultimate moral duty. Live8 interspersed images of starving kids and of AIDS sufferers at the end of their life with those of beautiful, healthy superstars and fans and the wonderful costumes of dancers and accompanying choirs. On the part of the victims the haggard animal on TV screens, on the other side good conscience and the imperative to intervene. It is a short step from that to define violations of human rights as the supreme form of suffering and to portray the human rights movement as the redemptive practice of our age. A simple equation has taken hold of our political imagination. Human rights are entitlements to be free from evil. As the preamble of the Universal Declaration of Human rights puts it, it is disregard and contempt of human rights that have led to barbarous acts.

Pity and a sense of superiority unite the humanitarians. The massive pity engineered by humanitarian campaigns supports western superiority, increases distantiation from its targets and breeds disdain. Pity is addressed by a superior to an inferior; it is the patronising emotion of looking down at the person pitied. The human rights campaigner as rescuer can become deeply egotistical: he is the one who keeps the world together and, as a bonus, he receives full recognition for his goodness by others from close and afar. Individual pity is not sympathy. Syn connotes being with, being together with others; pathos means feeling, emotion and, in another sense, suffering. The Greek verb sym-pascho and noun sym-patheia mean to suffer with others, to feel with and for others, to be affected by the same thing and to link emotions in public. For the human rights world, however, feelings towards the suffering are the result of the absence of togetherness. Because we do not suffer, because there is no possible link between us and the victims, our good luck turns into a modicum of guilt, shame and a few pound, dollar ... coins. If political and historical events can be measured according to the amount of pain they produce, if indeed this is the only calculus through which we can judge history,

humanity is one after all: it is united through inevitable suffering and the pity it generates.

Let me open here a historical parenthesis. Contemporary humanitarianism repeats and exaggerates many aspects of the humanitarian campaigns and reforms of the 18th and 19th centuries. Humanitarian reformers of that period detailed the pain and suffering endured by people in slavery, or caught up in the criminal justice system, in cramped and unsafe workplaces, in cruel and impoverished domestic conditions etc. The brutalities of life in England were depicted through explicit imagery as well as graphic novels and journalism. This strategy, part of the epoch's concern to raise sensibility and launch the bourgeois civilising process, aimed at turning public opinion against brutal practices and improving the life of the poor.

Images of suffering of the distant poor and oppressed form the core strategy of contemporary humanitarian campaigns too alongside public relations, advertising, film and video. The young man before the Tiananmen Square tanks, the Amnesty International candle surrounded by barbed wire, the burned girl running away from the fire-bombed Vietnamese village have iconic status and represent human rights much more than a thousand speeches, learned articles and books. As a sympathetic commentator puts it, human rights politics is 'a politics of images spun from one side of the globe to the other, typically with little local history or context.'<sup>55</sup> The search for images of victims, especially children, and for a 'good story' dominated the media over the Yugoslav wars. According to one relief agency worker 'almost every journalist who came to see her in Kosovo asked one thing: could she give them a rape victim to interview.'<sup>56</sup>

Yet while our culture is saturated with imagery and theories of visuality very little has been written about the visual politics of humanitarianism. In contrast, the visual nature of sympathy and its side-effects were fully discussed in the 18th and 19th centuries. Following the tenets of the Scottish moral enlightenment, Adam Smith argued that ethics is a matter of sentiments aroused by sympathy. Sympathy in turn is the result of seeing the suffering of others. 'By the imagination we place ourselves in his situation, we conceive ourselves enduring all the same torments, we enter as it were into his body, and become in some measure the same person with him.'<sup>57</sup> But Smith was also prepared to acknowledge the limitations of sympathy. An earthquake destroying China, he admitted, would not match for real disturbance the 'most frivolous disaster that could befall [a man of humanity in Europe]. Losing a little finger is more important than the 'ruin of a hundred millions of his brethren.'<sup>58</sup> Edmund Burke agreed: immediately felt pain or danger is terrible but 'at certain distances, and with certain modifications, they may be, and they are delightful.'<sup>59</sup> The proliferating attempts at arousing humanitarian sensibility evident in sentimental, sensationalist and gothic fiction and journalism were subjected to relentless criticism. John Keats and William Hazlitt accused sentimental poetry of exploring 'not the feelings of the imagined sufferer but the feelings of the spectator watching that sufferer and was geared to demonstrating the spectator's/reader's own exquisite sensibility.'<sup>60</sup>

The troublesome aspects of humanitarianism were fully discussed in the earlier period. The critics understood that the practice of arousing sympathy through the display of the suffering of others in scenes of execution, torture, public punishment and humiliation could go terribly wrong. It could blunt the moral fibre of the viewer and turn him into a savage by aligning him with the cruelty of the perpetrator rather than the pain of the victim. The humanitarian "'civilised" virtue requires a shocked spectatorial sympathy in response to pain scenarios both real and wilfully imagined...the

## THE MANY FACES OF HUMANITARIANISM

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cult of sensibility had proclaimed pain unacceptable but simultaneously discovered it to be alluring “delicious”.”<sup>61</sup> Images and tales of suffering have great voyeuristic and pornographic potential. Suffering was often eroticised in humanitarian campaigns. Overt sexual references about the ‘sexual coercion and rape of slave women, the rape of war victims, and to the genital mutilation and torture of both male and female slaves’ were accompanied more commonly with the indirect humanitarian eroticisation of pain through ‘the illicit excitement generated by the infliction of pain.’<sup>62</sup> Sigmund Freud reported that Uncle Tom’s Cabin, a book celebrated by Richard Rorty for spreading sympathy for slaves amongst white Americans in the 19th century, was mentioned by many of his patients as the original stimulus of the common fantasy that a child is being beaten.<sup>63</sup>

The historical record causes a nauseous feeling of *déjà vu*. The examples of extreme suffering of the earlier period are very close to our own imagery of cruelty. If anything, the images of pain and suffering are more horrible today. They have permeated all aspects of contemporary culture and define music, life-style, fashion, the media and many areas of art alongside politics and humanitarian campaigns. But their voyeuristic or pornographic side was not discussed until the Abu Ghraib torture photographs emerged and even then in an embarrassed and apologetic way that did not address the politics of humanitarian imagery. It may be that we are more aware about human cruelty, that we have become more humanitarian than our ancestors. But we appear to know less about the causes of cruelty and atrocity and to understand very little about the way that images of suffering work on our emotional and psychological life.

## THE POLITICS OF HUMANITARIANISM

The effects of humanitarianism on politics are profound. If evil and suffering lie at the foundation of humanity, if an inescapable original sin determines its fate, ethics becomes a barrier against beastliness and the main aim of politics is to restrain evil and relieve suffering. In this ethics, the idea of freedom is primarily negative: it is a defence against the various malevolent interventions of public power. Politics adopts an ethical posturing as a result. Its judgments become moral diagnoses about the evil of others, its action takes the form of rescuing people. As Wendy Brown puts it, human rights activism becomes an ‘antipolitics – a pure defence of the innocent and the powerless against power, a pure defence of the individual against immense and potentially cruel or despotic machineries...’<sup>64</sup> At the liberal end of the political spectrum, Michael Ignatieff agrees with the conclusion but not the analysis: ‘Human rights activism likes to portray itself as an anti-politics, in defence of universal moral claims designed to delegitimise “political” (i.e., ideological or sectarian) justifications for the abuse of human beings. In practice, impartiality and neutrality are just as impossible as universal and equal concern for everyone’s human rights.’<sup>65</sup>

The specific political situation that led to the abuses, the colonial history and the conflicts that matured into civil war, the economics that allowed the famine to develop, all these are irrelevant from the perspective of the moralist. For the Kantian deontologist, the moral attitude should not be contaminated by the specifics of the situation. The moral action is a disinterested response to the demands of the law; moral duty is addressed first and foremost towards the actor and his rational commitment to morality and only secondarily towards the other, the target of its action. But as Alasdair McIntyre objected, acting morally is not acting as Kant thought ‘against inclination; it is to act from inclination formed by the cultivation of virtues. Moral education is an “education sentimentale” which however, unlike Rorty’s, respects local communities and discovers in them

the sources of virtue.<sup>66</sup> Human rights moralism, on the other hand, has it both ways. Following Kantian absolutism, it claims that acts are right or wrong, no grey zones exist, there are yes and no answers to every ethical dilemma. Paying too much attention to past events, to local politics, and to cultural sensitivities risks conceding principle to calculation and compromise. At the same time, pragmatic humanitarians follow the most extreme form of utilitarian calculation. Humanitarianism's inescapable contradiction allows its proponents to attack perceived evil in the most uncompromising moral terms while doing deals with the Devil.

Secondly, since our campaigns are moral in essence, doubting the rightness or appropriateness of the solution cannot be done in good faith. People may be mobilised in a common cause but the solutions to the problem are given and unchallenged. 'Eight men in a room can change the world' was the main slogan of Live8. The millions of people participating in the event around the world were presented as a lobby group addressing the eight heads of state. There was no mention however of a simple and undoubted fact: these states are the main cause, through colonialism, imperialism and exported neo-liberal capitalism, of the huge disparities between the North and the South. A similar thing applies with human rights. We in the West have developed rights as a response to the unavoidable failures of human nature, its propensity to sin. Because we have understood the centrality of suffering and sin and have built defences against it, we have the obligation to send them to the less fortunate. Because we produce abundantly and have so many rights in the West, we must find markets to export them. In the same way, that we give our second hand clothes to Oxfam to be sent to Africa, we also send human rights and democracy. If however the less civilised do not accept our charity we will have to impose it on them with fighter bombers and tanks.

The global humanitarian sees victims of misfortune everywhere. Undifferentiated pain and suffering has become the universal currency of the South and pity the global response of the North. Pity is misanthropic. It is the closest we get today to the Hegelian master and slave dialectic; the slave's recognition of the master in his position of mastery is not reciprocated, the relationship remains one directional. The identity of both remains defective because it lacks the mutuality of full recognition. If subjectivity is the outcome of inter-subjectivity mediated by objectivity,<sup>67</sup> the gift is the object that guarantees the (superiority of the) identity of the giver by turning the recipient, who is unable to reciprocate, into the passive support of the Westerner's self. In this sense, donations have a malevolent aspect: they bestow identity to some at the expense of others who, by receiving material goods without consideration, become the effective givers of recognition without return. Individual empathy in the face of suffering may be a noble characteristic. The good Samaritan, the person who gives himself to the other in a non-calculating act is a great moral example. In extreme situations, helping the other becomes an act of heroism and even of martyrdom.

The good Samaritan was a rich government functionary. His role is now performed by the humanitarian militarist and the ethical capitalist. There are many business opportunities in suffering and increased profit margins in promoting human rights. Advice about 'ethical' investment options and 'ethical consumerism' is routinely published in most serious newspapers in Britain and the United States. It usually includes references to the human rights record of the country or company involved. A few examples indicate the close relationship between the 'best' and the 'worst'. George Soros, the financial speculator and venture capitalist was almost single-handedly responsible for the collapse of the British currency in 1987. This led to thousands of small businesses going bankrupt and people losing their homes. The Soros foundation, largely funded by the gains of such parasitical

if not piratical activities, however promotes democracy and human rights in Eastern Europe and the Balkans. Bill Gates having monopolised through Microsoft the computing industry is generously giving millions away to good causes around the world. The oil giant Shell does not have a reputation for human rights campaigns. Indeed, in 1995, Shell was involved in the execution of nine Ogoni activists, including the renowned author Ken Saro-Wiwa, who fought for the land rights of their people brutally violated by the Nigerian government with the connivance of Shell. However after protests against its activities, Shell now proclaims its commitment to human rights. Its web-site has an introduction to Nigerian literature, in which Saro-Wiwa is presented as a martyr. Similarly, the Chinese government, never slow in realising a business opportunity allows a few high profile dissidents to emigrate to the West as a sop to human rights campaigns while continuing its repression. This way it sets itself up 'as a business enterprise that deals in politicised human persons as precious commodities.'<sup>68</sup> As Joseph Slaughter puts it, human rights has now become a large corporation and should be renamed 'Human Rights Inc.'<sup>69</sup>

The great modern philosophies of history promised progress through reason. Napoleon, the first modern emperor, was the 'spirit [that is freedom] on horseback' for Hegel. The communists preached 'soviets and electricity'; humanity would be united in future equality through the marvels of technology and common ownership of the means of production. The Nazis tried to purify humanity by eliminating the Jews and the gypsies as inferior races, the Stalinists by purging those who disagreed or obstructed the ideology of violently accelerating the historical process. All great ideologies of the last century ended in violence, atrocities and disaster. These great rationalisms justified their atrocities against race, class, ideology or ethnicity with the argument that a few million dead were the necessary price to pay for the future unity of humanity. Ideologies are systems of thought, ways of understanding and explaining the world drawn from a particular perspective, that of class, nation or religion.

Today we have abandoned both ideology and the attempt to understand the world. Post-communist humanitarianism, scared by the atrocities of 20th century ideology, prefers a suffering humanity and replaces the grand narratives of history with the misfortune of the species. This accords fully with the neo-liberal claim that history has ended, that all history-moving political conflict has been resolved and ideology no longer has any value. The young people who join NGOs would have joined left-wing groups and campaigns a few years earlier. The quest for justice, the great motivating force of politics has become anti-political. Care for the victims, defence of rights, promotion of free choices is the indisputable ideology of our post-political world. Humanity has been united not through the plans of revolutionaries, but through universal pain, pity and the market. Political events are not analysed concretely or examined for their historical roots; they are judged by the amount of suffering they generate. It is a comforting vision. We are guided exclusively by moral feelings. United in our pity, we call for soothing interventions and care little for the pre or post-intervention situation as long as they reduce the amount of pain. As a result, the complexity of history, the thick political context and the plurality of possible responses to each new 'humanitarian tragedy' is lost.

Ideologies sacrificed individuals for the future of humanity; for humanitarians individuals count only as ciphers for suffering humanity. The uniqueness of every person and situation is replaced by a grey, monolithic humanity, the very opposite of the infinite diversity of human experience. According to Alain Finkielkraut, 'the humanitarian generation does not like men – they are too disconcerting- but enjoys taking care of them. Free men scare it. Eager to express tenderness fully while making sure

that men do not get away, it prefers handicapped people.<sup>70</sup> Moreover, as the value of pity and of the resulting intervention is determined in a virtual stock exchange of suffering, the 'price' of calamities is endlessly pushed upwards. The Holocaust has become the universal standard of comparison, and the measure of evil of each new real or imagined atrocity, each Rwanda, Bosnia, Kosovo, is judged against that. As Paul Ricoeur put it, 'the victims of Auschwitz are the representatives, par excellence, in our memory of all history's victims. Victimisation is the other side of history than no trick of reason can ever justify.'<sup>71</sup> Pity has replaced politics, morality reason, suffering progress. The universal exchange of suffering and market capitalism have finally become global currency.

Religion is inherently a discourse of truth. It must proclaim the superiority of its doctrines. Universal morality follows the same route. It is impossible to claim the universality of a moral code or principle and accept that others may legitimately disagree with it. If there are many views but one right answer, it is incumbent upon the person, the state or the alliance who has it to pass it on and eventually impose it on others. Morality, like religion, arranges people in hierarchy of superiority. The 'globalisation of human rights fits a historical pattern in which all high morality comes from the west as a civilising agent against lower forms of civilisation in the rest of the world.'<sup>72</sup> Despite differences in content, colonialism and the human rights movement form a continuum, episodes in the same drama, which started with the great discoveries of the new world and is now carried out in the streets of Iraq: bringing civilisation to the barbarians. The claim to spread Reason and Christianity gave the western empires their sense of superiority and their universalising impetus. The urge is still there; the ideas have been redefined but the belief in the universality of our world-view remains as strong as that of the colonialists. Human rights 'are secularising the Last Judgment' admits Ulrich Beck.<sup>73</sup> There is little difference between imposing reason and good governance or between proselytising for Christianity and human rights. They are both part of the cultural package of the West, aggressive and redemptive at the same time. As Immanuel Wallerstein put it, 'the intervenors, when challenged, always retort to a moral justification – natural law and Christianity in the sixteenth century, the civilising mission in the nineteenth century, and human rights and democracy in the late twentieth and twenty-first centuries.'<sup>74</sup>

The westerner used to carry the white man's burden, the obligation to spread civilisation, reason, religion and law to the barbaric part of the world. If the colonial prototypes were the missionary and the colonial administrator, the post-colonial are the human rights campaigner and the NGO operative.<sup>75</sup> Humanity has replaced civilisation. 'The humanitarian empire is the new face of an old figure' one of its supporters admits. 'It is held together by common elements of rhetoric and self-belief: the idea, if not the practice, of democracy; the idea, if not the practice, of human rights; the idea, if not the practice, of equality before the law.'<sup>76</sup> The postmodern philanthropist, on the other hand, does not need to go to far-flung places to build clinics and missions. Globalisation has ensured that he can do that from his front room, watching TV images of desolation and atrocity and paying with his credit card. As Upendra Baxi puts it, 'human rights movements organise themselves in the image of markets' turning 'human suffering and human rights' into commodities.<sup>77</sup>

But despite the structural differences between victim and rescuer, the vision of politics projected in human rights campaigns is common to both. The donor is as much a passive recipient of messages and solutions as the victim and aid-recipient. His contribution is restricted to accepting the alternatives offered by governments and the media. If the victim is the witless plaything of powers beyond his control, the donor equally accepts that this part of the world is beyond redemption

## THE MANY FACES OF HUMANITARIANISM

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and philanthropy is a transient palliative. Unlike the missionary, the humanitarian does not need to believe in any particular religion or ideology, except the global ideology that people suffer and we have an obligation to relieve their woes. Pain and suffering has replaced ideology and moral sentiments have replaced politics, as Richard Rorty advised us to do. But this type of humanitarian activism ends as an anti-politics, as the defence of 'innocents' without any understanding of the operations of power and without the slightest interest in the collective action that would change the causes of poverty, disease or war.

## THE 'OTHER' OF HUMANITARIANISM

The massive character of humanitarian campaigns despite their relatively meagre returns indicates that the stakes go beyond the immediate action. On the surface, the characteristics of the victims stand in stark contrast to those of their saviours. By joining the humanitarian drive we create our own selves. Standing against the faceless mass, the saviour is individualised. Standing against the evil, the donor becomes virtuous. Standing against inhumanity, the campaigner is elevated to full humanity. And as human rights are not given easily to community building and political collaboration, the main sentiment connecting donors and letter-writers is their relief that they do not find themselves in the position of the recipients of their generosity.

Human rights campaigns construct the post-political western subjectivity: they promise the development of a non-traumatised self (and society) supported by our reflection into our suffering mirror-images and by the displacement of the evil in our midst onto their barbaric inhumanity. Using psychoanalytical terms, we can distinguish three types of otherness that support our selfhood and identity, the imaginary, the symbolic and the real. When defined as victim, as the extreme example of universal suffering, the Other is seen as an inferior I, someone who aspires (or should aspire) to reach the same level of civilisation or governance we have. Their inferiority turns them into our imaginary Other in reverse, our narcissistic mirror-image and potential double. These unfortunates are the infants of humanity, ourselves in a state of nascency. In their dark skins and incomprehensible languages, in their colourful and 'lazy' lives, in their suffering and perseverance, we see the beautiful people we are. They must be helped to grow up, to develop and become like us. Because the victim is our likeness in reverse, we know his interests and impose them 'for his own good'.

The cures we offer to this imaginary other follows our own desires and recipes. The humanitarian movement is full of these priority cures: liberalisation of trade and opening the local markets is more important than guaranteeing minimum standards of living; democracy is more important than survival. Lack of voting rights in one-party states, censorship of the press or lack of judicial guarantees in China or Zimbabwe are the prime examples of beastliness; death from hunger or debilitating disease, high infant mortality or low life expectancy are not equally important. In the 1980s, the European Community built wine lakes and butter mountains and preferred to stock uselessly and even destroy the produce to avoid flooding the marketplace and driving prices down. Similarly today democracy and good governance, our greatest exports must be sold at the right price: they must follow our rules and should not be used against our interests. As an American official put it complaining about Venezuelan policies challenging American hegemony and redistributing the oil wealth of the country, 'the government's actions and frequent statements contribute to regional instability...despite being democratically elected, the government of President Hugo Chavez has

systematically undermined democratic institutions.<sup>78</sup>

The second type of otherness is symbolic. We enter the world through our introduction to the symbolic order, as speaking beings subjected to the law.<sup>79</sup> The others, the unfortunate victims of dictators and tsunamis, have not learned as yet to speak (our) language and accept (our) laws, they are non-proper speakers or in-fants. Consumption of western goods and civil and political rights are signs of progress. If the Chinese have Big Macs and Hollywood movies, democracy and freedom will eventually follow. Learning the importance of consumerism and human rights may take some time as all education and socialisation does. But it takes precedence over economic re-distribution and cultural recognition. Our legal culture promotes equality and dignity by turning concrete people to abstract persons, bearers of formal rights. According to Zen Bankowski, 'it is as legal persons, the abstract bearers of rights and duties under the law, that we treat concrete people equally. Thus the real human person becomes an abstraction - a point at which is located a bundle of rights and duties. Other concrete facts about them are irrelevant to the law... You do not help a person but give them their rights.'<sup>80</sup> This is the West's considered answer: give these unfortunates human rights and second-hand clothes and they will, in time, attain full humanity.

Finally, we have the evil inhuman, the irrational, cruel, brutal, disgusting Other. This is the other of the unconscious. As Slavoj Žižek puts it, 'there is a kind of passive exposure to an overwhelming Otherness, which is the very basis of being human... [the inhuman] is marked by a terrifying excess which, although it negates what we understand as 'humanity' is inherent to being human.'<sup>81</sup> We have called this abysmal other that lurks in the psyche and unsettles the ego various names: God or Satan, barbarian or foreigner, in psychoanalysis death drive or the Real. Individually and socially we are hostages to this irreducible untameable otherness. Becoming human is possible only against this impenetrable inhuman background. Split into two, according to a simple moral calculus, this Other has both a tormenting and a tormented part, both radical evil and radical passivity. He represents our narcissistic self in its infancy (civilisation as potentia, possibility or risk), civilisation in its cradle; but also what is most frightening and horrific in us, the death drive, the evil persona that lurks in our midst. We present the Other as radically different, precisely because he is what we both love and hate about ourselves, the childhood and the beast of humanity. The racial connotations of this hierarchy are not far from the surface. As Makau Mutua has argued, 'Savages and victims are generally non-white and non-Western, while the saviours are white. This old truism has found new life in the metaphor of human rights.'<sup>82</sup>

A similar residue, a 'nonlinked thing'<sup>83</sup> beyond control and constitutive faultline haunts community and its law. It is analogous to an 'unconscious affect', encountered in the 'sharp and vague feeling that the civilians are not civilised and that something is ill-disposed towards civility' that 'betrays the recurrence of the shameful sickness within what passes for health and betrays the "presence" of the unmanageable'.<sup>84</sup> The original separation from other people and societies, the break that lies at the foundation of the modern nation-state cannot be fully represented or managed but keeps coming back as social sickness and personal malady. The unnameable other returns in xenophobia and racism, in hatred and discrimination and remains intractable to politics. Politics becomes a 'politics of forgetting', a forgetting of past injustices and current symptoms, a considered strategy which tries to ban what questions the legitimacy of institutions by turning the threatening imponderable powers into memory and myth or into celebration of fictitious unity.

Psychoanalysis reminds us that lack and desire leads to symptoms, often violent and repetitive, the cause of which is forgotten because it never entered consciousness. One could claim that the perennial and perennially failing quest for justice is the result of these symptoms, a trace that signifies a past trauma or a future union, always deferred and different. Justice is the name of social desire for unity and wholeness and the series of symptoms created by the lack of this foundational and unattainable condition. Injustice, on the other hand, is the way through which people construct this sense of lack, incompleteness or disorder, the name given to the symptoms of social exclusion, domination or oppression.<sup>85</sup> This approach could help us understand the psychic and social investment in human rights campaigns. The absolute and inhuman otherness that lurks in us leads to repression, cruelty and returns in symptoms. We call evil the effects of what we are unable to control in our psychic or social selves, the uncanny fears and symptoms the inhuman part of humanity causes. Absolute evil begins with the attempt to tame this untameable, to dismiss the inhuman in the human in order to master humanity completely.<sup>86</sup> We try to silence the terror of the inhuman thing within us by turning it into a question of morality, into evil and obscenity and displacing it into the savage and suffering others. The victims we try to rescue are stand-ins for our own malady. We hope to become whole, to integrate our conscious, rational self and domesticate our unconscious, traumatic, affective part by projecting it into those others upon whom we export our pathetic and atrocious traits. To become fully human, to become whole, our inhuman part is wholly projected onto the other. The internal divide becomes a symmetrical external separation as humanity is neatly split into two, barbarian and kinsman, victim and rescuer, the (evil) inhuman and the (moral) human. The legal category of crimes against humanity expresses well this split. It is humanity that commits atrocities against itself, it is humanity that acts inhumanely, in denial of its dependency on the inhuman other that lurks within us. As Jean-Francois Lyotard put it, the Holocaust was the completion of the dream to exterminate those people (the Jews, the gypsies) who in their otherness bear witness to the absolute other. The rights of the other are about speaking new, the immemorial power of the other and our inability to announce it.<sup>87</sup>

The stakes of humanitarian campaigns are high. Positing the victim and/or savage other of humanitarianism we create humanity. The perpetrator/victim is a reminder and revenant from our disavowed past. He is the West's imaginary double, someone who carries our own characteristics and fears albeit in a reversed impoverished sense. Once the moral universe revolves around the recognition of evil, every project to combine people in the name of the good is itself condemned as evil. Willing and pursuing the good inevitably turns into the nightmare of totalitarianism. This is the reason why the price of human rights politics is conservatism. The moralist conception both makes impossible and bars positive political visions and possibilities. Human rights ethics legitimises what the West already possesses; evil is what we do not possess or enjoy. But as Alain Badiou puts it, while the human is partly inhuman, she is also more than human. There is a 'superhuman or immortal dimension in the human.' We become human to the extent that we attest to a nature that, while fully mortal, is not expendable and does not conform to the rules of the game. The status of victim, on the other hand, 'of suffering beast, of emaciated dying individual, reduces man to his animal substructure, to his pure and simple identity as dying...neither mortality nor cruelty can define the singularity of the human within the world of the living.'<sup>88</sup>

We should reverse our ethical approach: it is not suffering and evil which define the good as the defence humanity puts up against its bad part. It is our positive ability to do good, our welcoming of the potential to act and change the world that comes first and must denounce evil as the toleration

or promotion of the existent, not the other way around. In this sense, human rights are not what protects from suffering and inhumanity. Radical humanitarianism aims to confront the existent with a transcendence found in history, to make the human, constantly told that suffering is humanity's inescapable destiny, more than human. We may need to sidestep rights in favour of right.

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## THE MANY FACES OF HUMANITARIANISM

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1. Erudition and training in morals and the arts.
2. Louis Althusser, *For Marx*. Trans and Ed. Ben Brewster (London, Verso, 1969), 228: 'If the essence of man is to be a universal attribute, it is essential that concrete subjects exist as absolute givens; this implies an empiricism of the subject. If these empirical individuals are to be men, it is essential that each carries in himself the whole human essence, if not in fact, at least in principle; this implies an idealism of the essence. So empiricism of the subject implies idealism of the essence and vice versa' (emphasis in original).
3. Michael Ignatieff, *Human Rights as Politics and Ideology* (Princeton, Princeton University Press, 2000).
4. Francis Fukuyama, *Our Postmodern Future* (London, Profile, 2002), 149.
5. At the other end of the liberal spectrum, Jurgen Habermas in *The Future of Human Nature* (Cambridge, Polity, 2003) detects the 'X factor' in the 'integrity of human nature'. Integrity is the basis of rationality and, in turn, of the universal ethics of human species, upon which human rights are based. The universal morality of human rights and the principles of freedom and equality are part of the 'species ethics'. Genetic intervention and custom-made designer babies are unacceptable because they violate this integrity and our moral self-understanding. Moral agency, Habermas argues, builds on a distinction between the 'man-made' and the 'grown' of human bodies given to us by nature. This distinction has allowed the development of autonomous morality and democracy, the highest achievements of universal rationality but is now threatened by genetic intervention. While cultures differ, moral self-recognition is the result of the 'vision different cultures have of "man" who - in his anthropological universality - is everywhere the same', at 39. Since for Habermas, this self-understanding is not culturally determined it must be an anthropological given. The liberal conceit is evident. Western moral humanism, the most local of traditions, is declared a universal anthropological category. Fukuyama's 'factor X', by avoiding to give content to the anthropological constant looks more credible than the 'species ethics' of Habermas.
6. See Jean-Luc Nancy, *The Inoperative Community* (Minneapolis, University of Minnesota Press, 1991), Introduction.
7. For a use of the psychoanalytic concept of 'overdetermination' in political theory, see Ernesto Laclau and Chantal Mouffe, *Hegemony and Socialist Strategy: Towards a Radical Democratic Politics* (Winston Moore and Paul Cammack trans.) (London, Verso 1985), 97-105.
8. Peter Singer, 'Great Apes deserve life, liberty and the prohibition of torture', *The Guardian*, May 27, 2006, 32.
9. Compare R. v. Ministry of Defence, ex parte Smith [1996] 1 All ER 257 CA with Smith v. Grady v. UK, ECHR Application Number 33985 and 33986/96, Judgment of 27 September 1999. The English courts found that discharge from the army was not unreasonable but the European Court of Human Rights ruled that it amounted to a violation of the right to privacy in Article 8 of the Convention.
10. The seminal text is Jaques Lacan, 'The Mirror Stage As Formative of the Function of the I As Revealed in Psychoanalytic Experience' in Jaques Lacan, *Ecrits: A Selection* (Alan Sheridan trans.) (London, Routledge, 2001).
11. See chapter 2 of my *Human Rights and Empire: The Political Philosophy of Cosmopolitanism* (Routledge early 2007).
12. David Kennedy, *The Dark Side of Virtue* (Princeton, Princeton University Press, 2004), chapter 8.
13. *ibid.* 327-9.
14. *ibid.* 277
15. Rony Brauman and Pierre Salignon, 'Iraq: In Search of a Humanitarian Crisis' in Fabrice Weissman ed., *In the shadow of just wars* (London, Hurst, 2004) 269-270.
16. *ibid.* 284. In a bizarre story that exemplifies how Western governments exploit the work of NGOs, the Russians exposed, in 2006, two spies working for British intelligence who used fake rocks to conceal receivers for gathering and passing on secret data. The spies contacts and aid recipients were various human rights Russian NGOs.
17. Quoted in Michael Ignatieff, *Empire Lite* (London, Vintage, 2003) 90-1.
18. *ibid.* 59. Ignatieff refers to Kosovo but his statement is even more applicable to Afghanistan or Iraq.
19. Conor Foley, "Caught in the Crossfire", *The Guardian*, May 7 2004, 23.
20. Michael Hardt and Antonio Negri, *Empire* (Cambridge, Mass., Harvard University Press, 2000), 36.

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- 21 Kennedy op. cit., 271 and chapter 8 passim.
- 22 Michael Ignatieff, *Virtual War* (London, Vintage, 2001), 111.
- 23 Christopher Coker, *Humane Warfare* (London, Routledge, 2001).
- 24 Two years later, Collins despaired. No weapons of mass destruction were found, the occupation has acted as the 'best recruiting agent for Al-Qaeda ever' and 'if freedom and a chance to live a dignified, stable life free from terror was the motive, then I think of more than 170 families last week would have settled for what they had under Saddam.' (*The Observer*, 18 September 2005, 17).
- 25 Kennedy op. cit., 287, 289.
- 26 *ibid.* 294, 296.
- 27 Michael Walzer, *Arguing about War* (New Haven, Yale University Press, 2004), 12.
- 28 Wesley Clark, *Waging Modern War* (Oxford, PublicAffairs, 2002), 421, 426.
- 29 Kennedy op. cit., 236-7.
- 30 Ignatieff, *Empire Lite*, 73-4.
- 31 *ibid.*, 94.
- 32 Walzer, op. cit., 14.
- 33 Kennedy op. cit., 277.
- 34 Costas Douzinas, *The End of Human Rights* (Oxford, Hart, 2000), chapter 12.
- 35 Hilary Charlesworth, 'Author, Author!: A response to David Kennedy' 15 *Harvard Human Rights Journal* 127 (2002) 130.
- 36 Alex de Waal, 'The Moral Solipsism of Global Ethics Inc', *London Review of Books*, August 23, 2001, 15.
- 37 Euan Ferguson, *The Observer*, July 2005, 2.
- 38 Michael Ignatieff, Human Rights as Politics and Idolatry, op. cit., 3.
- 39 *ibid.* 173.
- 40 See chapters 4 and 5.
- 41 Bernard Ogilvie quoted by Etienne Balibar, *Politics and Truth* (Athens, Nissos, 1999), 43.
- 42 Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life* (Daniel Heller-Roazen trans.) (Stanford, Stanford University Press, 1998), 133-4.
- 43 Rony Brennan, 'Contradictions of Humanitarianism' 7 *Alphabet City* 140 (2000).
- 44 Jacques Derrida, *Rogues*, Pascale-Anne Brault and Michael Naas trans (Stanford, Stanford University Press 2005) 97.
- 45 *The Guardian*, July 3, 2006, 13.
- 46 Klaus Gunther, 'Human Rights and Political Culture' in Philip Alston ed., *The EU and Human Rights* (Oxford, Oxford University Press, 1999), 126.
- 47 *ibid.* 132.
- 48 Richard Rorty, 'Human Rights, Rationality and Sentimentality' in Stephen Shute and Susan Hurley eds, *On Human Rights* (New York, Basic Books, 1993), 117; Rorty, *Contingency, Irony and Solidarity* (Cambridge, Cambridge University Press, 1989), xvi.
- 49 *ibid.* 126-7.
- 50 This is a position Emanuel Levinas attacked. Levinas insisted that there can be no reciprocity or substitution between the person making the ethical demand and its addressee. The encounter with the other is painful, disturbing and traumatic. In Levinasian ethics, the ego is caught by the other; it becomes literally hostage to the other's request. The other's demand torments and decentres me but only I can respond. This has nothing to do with the pity philanthropic campaigns generate nor with the moral superiority the charitable donator receives. See Douzinas, *End*, chapter 13.
- 51 Ignatieff, *Politics*, 95.
- 52 Richard Rorty, *Philosophy and Social Hope* (London, Penguin, 1999), xv; 'Introduction' in *Philosophical Papers* (Cambridge, Cambridge University Press, 1991), 13.
- 53 C. B. McPherson, *The Life and Times of Liberal Democracy* (Oxford, Oxford University Press, 1991).
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## THE MANY FACES OF HUMANITARIANISM

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- 75 David Rief, *A Bed for the Night* (London, Vintage, 2002); Barbara Harlow, 'From the civilising mission to humanitarian intervention' in Peter Pfeiffer ed., *Text and Nation* (New York, Camden House, 1996); Alex de Waal, *Famine Crimes. Politics and the Disaster Relief Industry in Africa* (Oxford, James Currey, 2002); for a hilarious portrayal of the pleasures and woes of peacekeepers, NGO officers and other 'internationals' see Kenneth Cain, Heidi Postlewait and Andrew Thomson, *Emergency Sex* (London, Ebury Press, 2004).
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