Spatial-moral Ordering in States of Exception.

On the Relationship between Humanitarian Thought and Practice and the War on Terror

Abstract

In this paper we intend to critically conceptualize the relationship between humanitarian aid and the War on Terror through what we call ‘spatial-moral ordering’ in discourses and in practice on the ground. Humanitarian aid and the War on Terror are bio/geo-political modes of governmentality which depart from the spatialized diagnosis of a ‘state of exception’. They find expression in the reduction of human beings to their naked or ‘bare life’, separated from their political and cultural ties. We will show how humanitarian aid – via its universalistic inclusive standpoint – and the War on Terror entail particular spatialized moral logics: ‘the refugee camp’, ‘the fortified aid compound’, and ‘Ungoverned Spaces’. These spatial-moral orderings mirror each other negatively, one allowing bare lives and the other disallowing them. Against this background we will seek to explore how one can understand the humanitarian thought and practice in the context of the War on Terror. Here our argument is that the current territorial conceptualization of the War on Terror (Ungoverned Spaces) in combination with a securitization discourse undermines humanitarian aid and brings to the fore its internal theoretical tensions. Any way out of this predicament for humanitarian thought and practice will involve walking a fine line between leaving behind its – in effect depoliticizing – claims to neutrality without becoming subsumed under the logic of ‘othering’. Instead humanitarian aid could be re-politicized beyond the logic of securitization through a process of self-reflection.

Key words: Humanitarianism, ungoverned spaces, war on terror, state of exception, development
Introduction

On 3 October 2015 an airstrike by the US-Army destroyed a hospital run by Médecins Sans Frontières (MSF) in Kunduz, Afghanistan and killed at least 30 people, among them 14 staff members. Three weeks later, on 26 October, another airstrike, this time carried out by the Saudi-led coalition in northern Yemen, destroyed a hospital supported by MSF. Both incidents indicate that today humanitarian assistance is in the line of fire, although it is often obscure whether as collateral damage or intentional target of war parties. However, rather than consider the consequences of such concrete incidents, we will seek to address the underlying question that they throw up: What does the relationship between humanitarian thought and practice and the War on Terror say about whether humanitarian assistance can, if at all, remain distinctive under the War on Terror?

In order to address this question, we build on the elucidating treatments the spatial configuration of the War on Terror, including its socio-political dimension, and the securitization of humanitarian assistance have received (see Gregory (2011); for the latter see Neumann and Weissman (2016)). What these treatments do not address and what we seek to focus on here is what the practices of ordering people and space in the War on Terror and humanitarian assistance (in thought and practice) reveal their relationship and the prospects of humanitarian assistance. Broadly speaking, humanitarianism is traditionally devoted to caring for those who are in existential need. Humanitarian reason suspends political divisions, takes a neutral stance, and forbids the discrimination of human beings along racial, ethnic, social, economic or gender lines. The War on Terror follows an opposite logic and has been criticized for its political ‘othering’ since its inception. A clear demarcation between ‘we’ and ‘the others’ has continuously been drawn to divide human beings in two camps. The US-led alliance against terrorism and the alleged ‘terrorists’ whose self-descriptions are disregarded. This distinction is connected to certain moralizing, cultural and spatial markers, and has led to challenges to humanitarianism.

In order to shed light on the points of connection and friction between humanitarianism and the War on Terror, we will introduce a novel conceptual perspective through which to view humanitarian assistance in the War on Terror and review the challenges to humanitarian assistance through this lens. More precisely, we will first explore practices of spatial-moral ordering which reveal similarities between humanitarian reasoning and the War and Terror. We will focus on the link
between spatial and moral modes of ordering in humanitarian operations on the one side and in the Ungoverned Spaces discourse of the War on Terror on the other side. One key similarity of both approaches is the reduction of human beings to their ‘bare lives’ (Agamben, 1998).

Secondly, we will ask: what are the implications of the War on Terror on increasingly securitized humanitarian practices? Here our argument is that humanitarian reason stands in an ambiguous relationship to the practices of the War on Terror: On the one hand, they are theoretically and practically incompatible as the non-partisan political standpoint of the humanitarian reason becomes susceptible to a continuously militarized political logic and as Ungoverned Spaces are not accessible to securitized humanitarian aid. On the other hand, the similarities in the spatial-moral ordering practices of humanitarian aid and the War on Terror (through states of exception) suggest that the more tangible mixing of the humanitarian with the logics of development and military (and the political) only brings to the fore their longstanding entanglement.

**Spatial-moral Ordering in States of Exception**

Spatial-moral orders are configurations of power which are characterized by the combination of the political aspects of space with moral distinctions and hierarchies. Different modes of space and particular practices of territorialization are not just an expression or a representation of certain power constellations, but arguably much more “... the ultimate locus and medium of struggle” (Elden, 2009: xviii). One possible angle from which to approach the political of space is through the differentiations, contestations and hierarchies it is capable of generating (see Barnett (2004); Massey (2005)). Spatial-moral ordering is the activity of drawing boundaries of political, moral and territorial isomorphism, while at the same time establishing certain moral hierarchies, which often enough follow historical trajectories. Political identifications go hand in hand with the making of spatial-moral orders, particularly when practices of othering are involved. ‘Othering’ involves boundary making (Said, 1993) and these boundaries can be laden with a moral dimension.¹ The definition of the ‘other’ includes an unknown, an uncertainty, a vagueness, which provides space for interpretation and moral assertions.
Our attempt at making sense of the specific practices of spatial-moral ordering where humanitarianism meets the War on Terror will be guided by a focus on two concepts: first the concept of the state of the exception (Schmitt, 1996 [1932]) will be of central importance. This centrality not only stems from the situatedness of these encounters in (perpetuated) spaces in which otherwise valid (national) laws, rules, and norms are suspended, but more importantly it stems from the fact that humanitarianism and the War on Terror create and define their own spaces of exception. In these situations only ‘the sovereign’ who brings them into being is at the same time inside and outside of the order and has decisive power over the validity of rules. The sovereign in our case is either those engaged in the War on Terror or those engaged in humanitarian assistance.

The second important concept for grasping spatial-moral ordering practices is the operative practice of reducing human beings to their naked lives. We will make a somewhat creative use here of Giorgio Agamben’s (1998) notion of the homo sacer. The idea of the homo sacer entails the status of an outlaw who is declared unprotected by the law and can consequently be killed by anyone with impunity (but is not considered a sacrifice). For our purposes the latter means that the life of the homo sacer has no social meaning. Agamben (1998) takes the examples of refugees to underline that in states of exception they are just reduced to their ‘naked life’, stripped of any political dimension. Agamben highlights the spatial dimension of such a state of exception, particularly the emblematic figure of the camp with examples from the Holocaust, intensive care or refugee camps (Agamben, 1998: 174). The concept of ‘bare life’ helps to understand the spatial-moral ordering practices in the War on Terror and of humanitarian aid. For the former the concept applies, as we will show below, as a way of disallowing lives and creating ‘living dead’, whilst for humanitarian aid the concept is inverted. This means that human beings are reduced to their naked lives in the process of protecting them from being killed.

Both humanitarian assistance and the War on Terror arguably offer a moral discourse and create spaces of exception in which they may reduce people within them to their bare lives. How the construction of such territorialized spaces is connected to moral forms of othering is something that links these otherwise opposed ‘states of exception’. We will argue that at its extremes, spatial-moral ordering is about a range of spatially-mediated practices of formations of ‘subjectivities’ – on the one hand those whose lives are disallowed, the enemies of the liberal order of (capitalist)
‘peace and security’, on the other hand those who – once reduced to their bare lives – are ‘ready’ to the transformed into subjects of the liberal orders. How the decision is made about which life to protect and which to disallow is linked to discursive justifications based on the concept of security. Rather than being a concept that can be appropriately described through quantitative metrics, security is a highly normatively laden conception of order to which questions of moral economies are central (Buzan et al., 1998; Mc Sweeney, 1999). The particularly moral aspect of this ordering is the hierarchization of human beings in states of exception from the gaze of the Western interventionist: between lives which need to be protected and lives are to be potentially eliminated.

On this conceptual basis we will argue that recent tendencies toward securitization of humanitarian aid suggest that liberal humanitarianism and the War on Terror – which on first sight seem to clash so tremendously – can be revealed as marked by partly similar logics likely to further converge in the future. First, however, in order to prepare the conceptual and empirical ground for this discussion we need to give an account of the kinds of territorializations of ‘states of exceptions’ based on moral and cultural distinctions which the humanitarian thought and the War on Terror practice.

**Humanitarian Thought and Practice**

Humanitarian thought emphasizes its conscious distinction from other modes of intervention, such as development programs or military operations – despite the fact that humanitarian aid has since its modern inception become one of the main approaches of external interventions and the seedbed for a now fully developed industry of emergency, relief and aid (Fassin, 2012). Against the background of the key principles of humanity, neutrality, impartiality and independence, humanitarian organizations provide (non-for-profit) assistance to any human being in need, regardless of their political/cultural/social affiliation. Traditionally humanitarian aid aims at physical survival and by principle resists going beyond rescuing the ‘bare life’, although one has to recognize the ongoing debate between different standpoints in the field of humanitarian agencies (see Slim (2015)). Particularly the Red Cross and MSF are following contradicting philosophies of political engagement (neutrality vs. political compassion), which divide the humanitarian agencies in different camps (Redfield, 2010). Nonetheless the idea of humanitarianism seemingly is distinct from the idea of development, which follows an outspoken progressive political agenda, e.g. modernization, participation, sustainability. Humanitarianism is bound to a ‘state
of emergency’, as caused by disasters, wars, hazards or other catastrophes. However, over the last decades the singular reactive interventions of humanitarian assistance turned increasingly into permanent ones. In many cases (e.g. refugee crises, famines, protracted wars) the ‘state of exception’ has become the normal circumstance and humanitarian assistance a never-ending mission (Keen, 2007).

Humanitarianism blends two European traditions of thought. On the one side the ethos of humanity is strongly guided by the ‘political-theological trope’ (Fassin, 2012) of Christian belief in moral cornerstones such as charity, the sanctity of life and the valorization of suffering (Calhoun, 2010). Especially in a (Post-)Christian framework, the idea of a common humanity has a long tradition, which since early modern times has been linked to the positing of moral rights due to each and every human being. This set of beliefs is a popular part of the self-image of Western societies today.

On the other side, the idea of humanity emerged in the aftermath of the European Enlightenment, promoting ideas such as individualism and equality of humankind in a universalistic Eurocentric framework. Against this background it was possible to view colonialism as an expression of universal humanity, which had the mandate of a ‘civilizing mission’ (see Spivak (1988); Chatterjee (1993); Feldman and Ticktin (2010)). Despite this universalist framework, which rejects the political act of division, the differentiation between the providers and the recipients of humanitarian assistance maintains a sharp inequality, which not only is decisive for their respective agency, but also for a moral hierarchy, which can be traced back to the classical anthropological concept of the ‘gift’ (Mauss, 1954). Critical scholars even view humanitarianism as the “…nice face of a new colonialism” (Calhoun, 2010: 41) or as “…la main gauche de l'Empire” (Agier, 2003). In that way one can argue that humanitarianism has been a moral and political project from its early days.

Yet even if one grants that defenders of humanitarian thought are right to highlight the clear separation from development and military interventions by humanitarianism’s refraining from exclusion of any social groups and by the provision of aid and relief to everyone despite any cultural or political affiliation, humanitarian reason is still involved in a specifically modern form of inclusive othering. This form of othering involves splitting the individual into the ‘bare life’ and culturally embedded selves (Turner, 2015). In the words of Giorgio Agamben humanitarianism separates “… the right of man from the rights of the citizen” (Agamben, 1998: 133). Due to the distinction between politics and humanitarianism, the latter “…can only grasp human
life in the figure of bare or sacred life…” (Agamben, 1998: 133). Didier Fassin gives a succinct account of the inherent tensions of humanitarian thought and practice between universality and difference:

“... the tensions between the ideal of universality (the abstract principal of treating everyone in the same way) and the practice of difference (the concrete confrontation of to the distant other) are expressed – often invisibly – in terms of politics of life (the value and meaning attributed to lives) which is related to an implicit valuation of humanity (the distinct worthiness of human beings). More precisely, humanitarianism is founded on an inequality of lives and hierarchies of humanity. This profound contradiction between the noble goals of humanitarian action (saving endangered others and alleviating suffering everywhere in an indiscriminate manner) and the concrete terms under which humanitarian agents have to operate (producing inequalities and hierarchies) is not the result of dysfunction of the humanitarian organizations or misbehavior of their agents: it is an aporia of humanitarian governmentality” (Fassin 2010: 239).

Humanitarian reason introduces a twofold hierarchy under the guise of an all-inclusive concept of humanity. This twofold hierarchy, first, distinguishes between – in Mark Duffield’s (2007) terms – those whose lives are worthwhile and insured from those whose lives are ‘surplus’ and ‘uninsured’. Secondly, it distinguishes those who defend humanity from those who fight for their – comparatively narrow-minded and self-serving – ideological and political convictions and interest. The first distinction highlights how humanitarian aid features highly unequal relationships which are in tension with an all-encompassing and ‘flat’ notion of humanity. The second distinction is based on the view that humanitarian aid stands above political partisanship. This leads directly to the conclusion that those who attack humanitarian aid workers are not just partisan fighters, but enemies of humanity. This kind of enmity – and one could go back to Carl Schmitt (2006 [1963]) for inspiration for the distinction between absolute and relative enmity – leads to viewing the attackers as somewhat less human and makes more drastic measures against them acceptable, once they are morally devalued. This form of thinking relies on a consensus on the moral superiority of humanitarian action which accepts its immunity from politicization.

The spatial-moral order of the humanitarian, which is based on an ‘othering’, can take a variety of forms. The refugee camp is the most debated spatial expression of the humanitarian ethos. The camp is an extra-territorial ‘state of exception’, in which humanitarianism suspends national law. The camp is the most efficient way for
policing, feeding and providing basic healthcare and nutrition for refugees. However, the camp is also the place, where the minimal biological life is separated from the political and social existence of individuals: “The refugees are certainly alive, but they no longer ‘exist’” (Agier, 2008: 49). Accordingly to an orthodox understanding of the humanitarian principles, any assistance which goes beyond the survival of ‘bare life’ has to be neglected. The fences and walls of the camp, which are needed to protect (and to govern) the refugees, coincide with the border between bios and zoe. The inherent logic of the camp construction seeks to keep certain people (‘political agents’, ‘aggressors’ etc.) outside the camp and only allows those inside who suspend their own political identities. The aim to protect the ‘bare life’ of the refugees hence goes hand in hand with the establishing of a spatial-moral boundary, which intends to keep the social and political identities out of the camp. Even more problematic is that besides the moral distinction between outside ‘aggressors’ and the ones, who should be ‘rescued’, the ‘insured’ lives of the aid workers count for more than those of the camp population. The ‘sovereignty’ of the humanitarian workers over the camp depends on the unreflective acceptance of the neutrality and immunity of humanitarian action from politics and on the acceptance of the hierarchy which undermines humanitarianism. Together they contribute to the spatial-moral ordering practices of humanitarian aid. We will now turn to spatial-moral ordering involved in the War on Terror via the concept of Ungoverned Spaces.

**War on Terror**

The War on Terror includes two contradicting approaches. On the one hand the division of mankind into terrorists and non-terrorists. On 6 November 2001 US-president George W. Bush claimed in an address to the Congress and the American people “... you are either with us or against us” which – shortly after the terrorist attacks of 9/11 – urged every individual to take sides. It made clear that there is no space for any ambiguity or neutrality. In the course of the War on Terror several forms of spatial-moral ordering have emerged. The highly debated religious and cultural (Christians vs. Muslims; see Lewis (2003)), political (liberal democracy vs. autocracy; see McFaul (2004/5)) and developmental (West vs. the rest; see von Hippel (2009)) boundaries speak to more established fault lines. More importantly, new spatial-causal linkages in respect to security deficits and the emergence of terrorism were made (Gray and LaTour, 2010). In this spirit, the Clingendael Center
for Strategic Studies published a study and a world a map on ‘terrorist black holes’ (Korteweg and Ehrhardt, 2005: 34; see also Rotberg (2002)) in 2005.

However, the practices of the War on Terror turned out to follow a more ambiguous approach, which contradicts clear demarcations and boundary-making. Academic discourses on the War on Terror suggest that warfare changed from a territorial practice to an ‘everywhere war’ (Gregory, 2011). Technological innovations (robotics, drones, etc.) in combination with the belief that speed matters more than territorial control gained the upper hand (as foreshadowed by Bauman (2000)).

Military interventions such as in Afghanistan and Iraq, which still had strong territorial components, appeared as phasing-out the territorial occupation model. In contrast, cyber war (Stuxnet, NSA affair) or the deployment of remote-controlled drones substantiated the impression that the War on Terror unfolds as an omnipresent war, which encompasses every single aspect of our lives and makes bipolar distinctions such as war and peace or military and civil obsolete. The War on Terror triggered a permanent ‘state of exception’ perpetuated by a securitization policy that continuously detects threats against the ‘normal’, which urges the need of extraordinary measures (Buzan et al., 1998).

Both approaches – the clear demarcation of ‘we’ and ‘the other’ and the ‘everywhere war’ – coalesced in the emergence of the concept of Ungoverned Spaces, developed by US think tanks (e.g. RAND, see Rabasa et al. (2007)) and the US military (Lamb, 2008). Since 2004 the term Ungoverned Spaces has become a key ingredient to policy discourses in the War on Terrorism (Schetter, 2012). The central claim behind the term is that those spaces which are supposed to pose severe risks to the global order and the security of the USA – especially if they are used as safe havens for Islamist terrorists – can be localized and territorialized (Cronin, 2009). Thus Ungoverned Spaces emerged as a powerful template for spatial-moral ordering in the War on Terror, used repeatedly in speeches by US President Barak Obama and by the last three Secretaries of State (Condoleezza Rice, Hillary Clinton and John Kerry) as well as in core strategy documents from the US security community. More recently the terms have also gained currency in transatlantic and European debates: in January 2013 the British Prime Minister David Cameron called Mali an ‘ungoverned space’; on 13 June 2014 German Foreign Minister Franz-Walter Steinmeier voiced concerns about an ungoverned space, this time one emerging in Iraq due to conquests by so-called Islamic State/Daesh. The discourse on Ungoverned Spaces is based on an unquestioningly positive understanding of the state as the principal
provider of political order. Accordingly the term ‘ungoverned’ suggests that the state generally is the sole legitimate bearer of political legitimacy, which implies that non-state institutions pose uncontrolled risks to the global (state-)order. Such an assessment implies that illegitimate and pre-modern social practices must predominate over Ungoverned Spaces: Criminals, rebels and terrorists are located in Ungoverned Spaces (Lamb, 2008: 15; Rabasa et al., 2007). For the spatial-moral ordering practices of the War on Terror, the implication of such assessments is that Ungoverned Spaces are inhabited by potential security threats which stand outside the moral framework of civilization.

Table 1) Proliferation of Ungoverned Spaces

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>South Asia</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pakistan-Afghan borderlands</td>
<td>Afghanistan</td>
<td>Afghanistan and</td>
<td>Pakistan-Afghan</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Pakistan-Afghan</td>
<td>borderlands</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Eastern India</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Middle East &amp; Northern Africa</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Iraq</td>
<td>Syria / Iraq</td>
<td></td>
<td>Iraq Kurdistan</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(Cronin 2009)</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Iraq (McGregor</td>
<td></td>
</tr>
<tr>
<td>Lebanon</td>
<td></td>
<td></td>
<td>2007)</td>
<td></td>
</tr>
<tr>
<td>Arab Peninsula</td>
<td>Yemen</td>
<td></td>
<td>Yemen</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Libya</td>
<td></td>
</tr>
<tr>
<td>Southeast Asia</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sulawesi-Mindanao Arc</td>
<td>Maritime borders</td>
<td>Maritime borders</td>
<td>Borderlands</td>
<td></td>
</tr>
<tr>
<td></td>
<td>between Indonesia</td>
<td>between Indonesia</td>
<td>between China,</td>
<td></td>
</tr>
<tr>
<td></td>
<td>and the Philippines</td>
<td>and the Philippines</td>
<td>Laos, Vietnam</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(Zellen 2008)</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Borderlands of</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Myanmar</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Myanmar (Zellen</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2008; Jacoby 2004</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Straits of Malakka</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>and South China</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Sea</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>South Thailand</td>
<td></td>
</tr>
<tr>
<td>Sub-Saharan Africa</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>East African Corridor</td>
<td>South Sudan, Darfur</td>
<td>East African Corridor</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>and Kurdufan</td>
<td>/ Somalia</td>
<td>(Windmueller 2009)</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>West Africa</td>
<td>Norway</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CIS</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>North Caucasus</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Draft! Please do not quote!
According to such a normative perspective Ungoverned Spaces are most likely to be localized in developing countries and thus appear as zones of insecurity external to the West. In accordance to this understanding Paul Hirst was right to argue that “...today we are not witnessing ‘de-territorialization’, but the reverse” (Hirst, 2005: 3; see also Elden (2009: 177)). Thus over the past years security think tanks have been busy identifying and categorizing territories of insecurity depending on the quality of the state’s monopoly of violence. They detect spaces out of reach of state order, which then become exceptions to the global political order based on the sovereignty of territorially delimited states and are identified as topographical zones of risk (see Table 1). Such geo-codifications (see Rose-Redwood (2006)) do not construe a temporary, but a permanent location of the ‘state of exception’. They gradually raise awareness for the project committed to spatially localizing ‘the other’ that seemingly is an outcast of the world of states. The paradigm of ‘increased security’, propagated as a normal technique of governance, is employed to justify this state of exception (Agamben, 1998).

Ungoverned Spaces are sites of exception, in which the interventionists’ actions are not subject to the respective state’s order. One could hence argue that inhabitants of Ungoverned Spaces become homines sacri, whose life is reduced to mere naked existence, to ‘bare life’. Thus the conceptualization of Ungoverned Spaces serves as the territorial determination of a “wild zone of power” (Buck-Morss, 2003: 29), in which the ‘state of exception’ makes external intervention appear to be a legitimate means of ‘remedy’. Due to the assumed exceptional lawlessness of Ungoverned Spaces the chosen means and practices of the external interventional forces are not anymore bound to law (Reference removed for blind review).
At least, in the current US-military strategy in the border areas between Pakistan and Afghanistan – as the most outstanding and most cited Ungoverned Space – it can be observed that an entire population is treated like homines sacri (IHRCRC and GJC, 2012). Here, the US-military approach changed from fighting terrorism by ground combat interactions to air-strikes, which are launched by remotely operated unmanned drones. Since 2004 the US-government has operated more than 400 drone attacks in Northern Pakistan, which killed between 2,500 and 4,000 people – among them key leaders of the Taliban and al-Qaeda (Williams, 2010). The population is not anymore confronted with a directly visible military force but continuously with an invisible one. The population has to live in an environment of perpetual threat (see Chamayou (2013)). The same is true for large parts of the population in Somalia, Yemen as well as Syria and Iraq. Also here,

**Humanitarian Aid under Increasing Pressure**

Both the Ungoverned Spaces concept of the War on Terror and humanitarianism operate with the concept of the ‘state of exception’. What is more, both contribute to the biopolitical discourse of danger and insecurity, by defining sites of emergency and disorder (Dillon and Reid, 2009: 151). While one might argue that the War on Terror leads to a permanent ‘state of exception’, humanitarian thought perpetuates it, because ending it would require taking up a political position. While humanitarian thought starts from the divide between bios and zoe and the consequent rescuing of ‘bare lives’, the War on Terror is a wider mode of governance techniques, which (amongst other things) reduces the inhabitants of morally and territorially demarcated human beings to their ‘bare lives’ and thus views them as potentially ‘absolute enemies’ in the Schmittian sense, standing outside humanity. In the beginning of the War on Terror, the decision who was to become a homo sacer was political: Guantanamo and Abu Ghraib became the spatial-moral vignettes of a political demarcation (Kaplan, 2005; Reid-Henry, 2007). With the approach of Ungoverned Spaces the mode of distinction changed fundamentally. Now the inhabitants of large areas are subjected to such moral-geopolitical techniques of ‘governance’. The inhabitants of Ungoverned Spaces have not even to side or to sympathize with the so-called terrorists to be reduced to ‘bare life’. Not political affiliation, but just geographical location and associated cultural markers matter for them to become potential targets of the War on Terror.
The above shows that the War on Terror – e.g. through the discourse on Ungoverned Spaces – and the humanitarian thought – e.g. with the camp – engage in spatial-moral ordering. Both use morally-laden categories to draw up a ‘state of exception’ – of the evil terrorist/tribal warrior outside civilization (the enemy of humanity) vs. supporters of freedom and human rights (the friends of humanity). If somebody is staying in a refugee camp or living in an Ungoverned Space, s/he becomes reduced to ‘bare life’ – to be rescued or to be potentially annihilated. While in Ungoverned Spaces the military uses the stripping off of political identity to legitimize the manhunt of ‘terrorists’ and the moral devaluation of the population without any legal framework (see Chamayou (2013)), the humanitarian aid community uses the same logic in order to save lives. The de-politicization of the subjects is equally central for both approaches.

Today these similarities between humanitarianism and the War on Terror are further intensified if one looks at how humanitarian thought is undercut by the political agenda of the War on Terror, which does not only find its expression in military means, but also in development practices. Thus we will now turn to the practical implications of the War on Terror on humanitarian practices.

Development and the Military

The debate about Ungoverned Spaces has to be connected to an array of attempts to recalibrate (or even revolutionize) the relation between state sovereignty and intervention, such as the debates about Human Security, Responsibility to Protect (r2p). This reveals another, historical connection between the development of the concept of Ungoverned Spaces and humanitarian thought, in which the latter has become encroached by other, larger political projects – particularly from development and military actors (Donini, 2012).

We understand development as a political project, which in accordance with Duffield (2007: viii) can be seen as a technique of security-making. Particularly since the onset of the War on Terror underdevelopment has become linked to security threats: Poverty, famines, bad governance, low education levels etc. are seen as potential drivers of terrorism (see Krueger and Malečková (2003)). From the practical development perspective humanitarian activities are often seen just as a pre-phase of developmental actions. Due to the fact that in humanitarian crises the logistical,
legal and political conditions for development projects are usually not given, governments and donors tend to perceive humanitarian action as the vanguard of the development intervention in a ‘state of exception’. Accordingly in the late 1990s the approach of LRRD (Linking Relief, Rehabilitation and Development) was developed and embraced by aid/development organizations (e.g. Caritas, Welthungerhilfe), believing that humanitarian action should be seen as the technical starting point of enfolding the full development agenda (Duffield, 1997). In this intellectual climate, arguments driven by pragmatism and efficiency were challenging humanitarian thought (Anderson, 2004). Governments more and more ignored the normative self-reliance of humanitarian thought and aimed to reach a closer embedding of humanitarian agencies via access to state funding (Duffield, 2007).

Besides this encroachment from development agencies a political rethinking of humanitarian thought can be observed. Most prominent is the debate on humanitarian interventions, which has been used by Western governments to legitimate military operations, as the recent debate on r2p demonstrates (de Waal, 2010). While this is not the place to discuss the r2p approach in detail, we would like to draw attention to the overarching normative umbrella for the r2p approach: the so-called New Humanitarianism (Duffield, 2010; Fox, 2001; Macrae, 2002) which underlines that humanitarianism cannot avoid taking a political standpoint. The New Humanitarianism – in contrast to classical humanitarianism – aims to stress the shift from a needs-based to a rights-based approach, “…aiming to fundamentally transform non-Western societies to tackle the underlying causes of violence” (Chandler, 2001: 12). Moreover, protracted humanitarian crises such as in Darfur, Eastern DRC or Somalia have provoked the accusation that humanitarian and relief agencies prolonged wars instead of helping to end them (Terry, 2002).

Humanitarianism usually does not ask who gets politically legitimized by the humanitarian provision of aid, relief or shelter and which political party benefits from medical assistance or finding shelter in a refugee camps. Particularly the genocide in Rwanda 1994 questioned the role of humanitarian assistance, due to perpetrators, who were responsible for mass killings, benefitting likewise from humanitarian assistance (Lischer, 2003).

Another argument, raised by Michael Ignatieff (1998), is that the humanitarian use of terms such as ‘impartiality’ or ‘neutrality’ is at best an expression of hypocrisy. The argument of the New Humanitarianism holds that humanitarian aid workers, when
they are deployed in a politicized conflict (such as in Afghanistan, Syria or Iraq),
cannot escape from positioning humanitarian thought against those who are
perceived as threats to their mission and to their lives. This is why leading
humanitarian agencies such as Oxfam or Save the Children prefer to use the term
‘non-partisanship’ in their ethical principles. However, even this nuanced change of
wording cannot do away with the problems created for humanitarianism, if
humanitarian workers engage in taking side and in practicing an ‘othering’ of
subjects. The problem is rather exacerbated if the humanitarian aid embraces
othering under the assumption that certain lives (‘civilians’, ‘innocents’) have to be
saved, while others (‘militias’, ‘warlords’, ‘terrorists’ etc.) are seen as aggressors and
threats, which should be excluded from receiving humanitarian assistance.

Finally, one has to consider that humanitarian practices are no longer the privilege of
humanitarian aid organizations. Particularly military interventions have made use of
humanitarian practices (e.g. distributing food; drilling boreholes) as well as
humanitarian language and codes. Examples can be found in the CIMIC-approach
(Civil-Military Cooperation), the managing of the Kosovo refugee crisis 1999 (Edkins,
2000), the ‘humanitarian deployment’ (Glasser, 2003) by US-Special Operations
Forces in Afghanistan 2002/3, and in the overall counter-insurgency (COIN) strategy
to ‘Win the Hearts And Minds’ (WHAM) of the local population. The engagement of
the military in emergency relief explicitly ignores normative principles of
independence and neutrality which are seen by traditional humanitarians as the
ultimate basis for access. CIMIC, for example, delivers aid assistance, which is
demanded by the people and is in the interest of the military strategy at the same
time. The primary goal is not to rescue ‘bare lives’, but to win the ‘hearts and minds’
of a population’s segment which is seen from the military perspective as strategically
significant. However, the public representation of CIMIC borrows the vocabulary and
activities of humanitarian thought whilst undermining its key principles. The same is
true with the continuum-approach to counterinsurgency (COIN), which can be seen
as a military extension of the LRRD (Linking Relief Rehabilitation and Development)-
approach, with the key alteration that not aid/ development agencies, but the
military serves as the main provider (Kilcullen, 2009). The latest consideration in the
‘War on Terror’ is that Private Security Companies (PSCs) aim to replace
humanitarian agencies in providing ‘humanitarian relief’ directly in warzones (Spearin
(2001, 2008); Stoddard et al., 2008).
In conclusion, the distinctiveness of humanitarian aid as non-partisan and independent has come under tremendous pressures over the past two decades. The blurring of the lines of the humanitarian mandate has threatened the ethical principles of neutrality and impartiality. This had a direct impact on the field security of the humanitarian agencies.

**Securitization of Humanitarian Agencies**

According to the Aid Workers Security Database (aidworkersecurity.org) between 1997 and 2014 1,340 humanitarian and aid workers were killed, 1,009 were kidnapped and 1,243 were injured worldwide. Over this period of time the numbers of incidents p.a. at least quadrupled. Most analysts see this trend as an implication of the War on Terror, which does not allow neutrality and impartiality anymore (Bosco, 2007). Others relate this trend to the current predominance of civil wars or view the brutalization of protracted wars as the main reasons for attacks on aid workers and higher risks to their lives (Mueller, 2004). No matter which of these arguments one follows, it is clear that humanitarian aid workers appear more and more as ‘soft targets’ in violent conflicts.

To counter this view one could argue that humanitarian assistance can offer a readymade rationale of how its ethics protect their personal staff in the field. The argument is that their embeddedness in local communities and the keeping of equal distance to any armed groups provides safety for the staff of humanitarian agencies. Call this the ‘anthropological security approach’. However, this rationale has been under increasing pressure. The legal and ethical responsibility of humanitarian aid organizations was stressed by UNDP’s Malicious Acts Insurance Policy (MAIP), which defined the minimum operating standards for their staff in the field. Particularly international donors, on which NGOs strongly depend, insist that their humanitarian implementation partners follow strict security protocols such as the Minimum Operating Residential Security Standards (MORSS) introduced by the United Nations or the Risk management – Principles and guidelines (ISO 31000) developed by the International Organization for Standardization. Security, which always builds on the differentiation of secure vs. insecure, became the pivotal angle for humanitarian action. In consequence protective and defensive measures have become predominant, while the anthropological approach lost ground (Smirl, 2015: 64). The crucial point here is to what extent humanitarian agencies should still work in
contexts, which are seen as ‘insecure’ from the perspective of security protocols. If the logic of security assessments gains prevalence humanitarian activities can only rescue the ‘bare lives’ which are located in zones which are defined as relatively secure. This securitization logic accelerates the process of unraveling of rejection of political partisanship of humanitarian organizations (beyond the goals of the New Humanitarianism). It is becoming more and more challenging to stay ‘neutral’: This starts with the practical question of the extent to which humanitarian agencies are even able to carry out their independent security analysis, ideally not guided by the discourses, categories, terms and references of the military or development agencies. Moreover, the re-ideologized battles of the War on Terror lead to a situation where the idea of neutrality or of a ‘party of humanity’ is less accepted by local conflict parties, but viewed as part of a larger logic of occupation and hence deemed an appropriate target for attack. In this respect the underlying logic of a ‘security first approach’ already concedes much of the claim to distinctiveness and exceptionality of humanitarian work.

To relate these observations to the spatial-moral orders discussed above, we would like to suggest that the archipelagoes of fortified aid compounds are a case in point (Duffield, 2010). Over the last two decades one can observe that not only in civil wars (e.g. Somalia, South Sudan, Afghanistan, Iraq, DRC), but also in many other countries with a volatile environment (e.g. Nigeria, Pakistan, Jordan) humanitarian agencies tend to practice ‘aid bunkering’. Humanitarian agency are increasingly situated in one compound which location, architecture and infrastructure is first and foremost guided by security considerations: Walls, razor-wire and, in extreme cases, watch towers and security cameras separate the compound from its neighborhood; security sluices, buffer zones and checkpoints divide the compound to control access to certain parts of the compound; even the parking of vehicles, the storage of water and petroleum is guided by security guidelines. While the presence of arms on humanitarian aid compounds has for long time been a taboo, more often humanitarian agencies in countries such as Somalia, Iraq or Afghanistan see the need to hire armed guards. When territorial separation becomes the guiding principle of humanitarian assistance, close contact to the beneficiaries or to the local population becomes increasingly difficult. Lisa Smirl concludes that “…the space of the field is becoming more and more distantiated from the place in need of assistance, with aid workers interacting with beneficiaries in highly securitized and ritualized ways (Smirl,
In the fortified aid compounds the moral and spatial boundary between the aid workers and the population coincides becomes emblematic.\textsuperscript{16}

In respect to the fortified aid compounds the establishing of UN-houses or national compounds, where all aid and development agencies plus the office of the funding government are concentrated (e.g. the ‘German house’ in Kabul, ‘DfID house’ in Kinshasa), has been the latest step of alienating the humanitarian agencies from the beneficiaries. Most prominent in this debate is the claim for so-called ‘integrated missions’, which advocate the location of humanitarian agencies, UN-peacekeepers and UN-departments in one compound for reasons of security, coherence and efficiency (Harmer, 2008; Smirl, 2015).

The enclave or fortified aid compound underlines spatially that the humanitarian worker is of higher ‘value’ than the ordinary people living in the surroundings of the aid-compound and has to be saved by additional measures.\textsuperscript{17} Duffield (2010: 466) sees in this approach another kind of “…elite gated communities and social segregation”, which goes along with a logic of independence and exclusivity (own boreholes, generators, IT etc.).\textsuperscript{18} In other words, the fortified aid compounds are physical manifestations of an understanding of underdevelopment as a security risk. Thus also humanitarian assistance is guided by a development logic, which builds on bipolar distinctions in ‘developed vs. underdeveloped’, ‘civilized vs. barbarous’, ‘insured vs. uninsured’ (see Cowen and Shenton (1996)).\textsuperscript{19}

\textit{Securitized Humanitarian Aid in the War on Terror}

Against this background could then humanitarianism in its securitized modus operandi \textit{particularly} be viewed as the ‘mirror image’ of the discourse of Ungoverned Spaces which we view as characteristic of the spatial-moral order of the War on Terror? After all, Ungoverned Spaces and humanitarian camps are both enclaves of ‘states of exception’ in the respective nation states and undermine (the concept of) their sovereignty. Similar to the discourse of Ungoverned Spaces, securitized humanitarian aid could be especially viewed to question the sovereignty of nation states with regard to ‘domestic’ issues. The forces which securitize humanitarian aid, even if they are deployed by the nation state on whose territory the operations are taking place, do not protect the ‘logic’ of the nation state but a spatial-moral order of exception. In this regard, securitized humanitarian aid bears family resemblance with
discourses such as Human Security or r2p which have served as a legitimation for military and development interventions.

However, despite the similarities outlined between humanitarian aid and the War on Terror in terms of spatial-moral ordering and the pressures on humanitarian aid from development and military logics, the concept of Ungoverned Spaces and securitized humanitarian aid are incompatible. If we depart from the debate about securing the lives of humanitarian aid workers, one has to come to the conclusion that it becomes legally and ethically increasingly problematic for humanitarian aid agencies to enter spaces which are labelled as ‘ungoverned’. Hence the sovereignty over defining the ‘state of exception’ of Ungoverned Spaces goes along with the argument that everyone who enters is subject to the risk of being harmed, if not killed – as the above mentioned incidents against MSF hospitals demonstrate. The responsibility of organizations for securitizing their staff reduces their activities in Ungoverned Spaces to projects which are remotely managed. In other words, the powerful concept of Ungoverned Spaces becomes an instrument to dictate and channel humanitarian action only into geographical regions which are not located in the particular warzone of the War on Terror. Hereby humanitarian activities become subjugated to the political agenda of the War on Terror. If access is denied for security reasons, humanitarian assistance is directed by military logic, which holds the sovereignty over the spaces in question.

Conclusion and Outlook

We have sought to offer an intervention into the way to think about the humanitarian under the circumstances of the War on Terror. Using the perspective of spatial-moral ordering – which has only been sketched above and stands in need of future systematic and historical development – has allowed throwing light on how the connection of territorializations to moral distinctions shapes and connects humanitarian aid and the War on Terror. More precisely, the spatial-moral ordering involved in humanitarian thought and practice and in the Ungoverned Spaces approach in the War on Terror shows similarities and discrepancies at the same time. The simultaneity of life-saving spaces of exception, based on the moral demands of a common humanity, and life-disallowing spaces of exception, based in part on the moral condemnation of enemies of humanity, creates a striking tension. Our interpretation of spatial-moral ordering urges us to rethink the place of humanitarian
thought and practice in an asymmetrical global order shaped by hierarchies and powers of exception in which the military, development and the humanitarian are moving ever closer to each other.

One could now either conclude that the upholding of humanitarian principles has arguably become practically impossible through the securitization of humanitarian aid and the exposure of humanitarian assistance to the logic of Ungoverned Spaces in the War on Terror. Humanitarian reason runs the risk of being reduced to serving the closely connected logics of military and development which may in the long run question the distinctiveness of humanitarian aid in conflict zones. Or one could conclude that the similarities and developments we have sketched express a longstanding relationship of mutual constitution of humanitarian aid encapsulated in the idea of a ‘liberal war’ that arguably goes back to the very start of the modern humanitarian movement (Neocleous, 2014: 17-18) and which sees a new iteration in the confrontation of humanitarianism with the War on Terror (Dillon and Reid, 2009: 153). From the latter point of view humanitarian aid could – however, possibly for the worse – continue as before.

However, these two options do not exhaust what a self-reflection of humanitarian aid about its implication in a particular unfolding of a Eurocentric narrative of governing ‘the other’ could achieve. This narrative has increasingly become linked to security and has found expression spatial-moral forms of ordering which connect as easily to culturalist particularisms as to humanist universalism. A new call for re-politicization and de-securitization of humanitarian aid would require to contextualize the tension between the idea of universal humanity and the particularity of political community in the history of disregard for those who did not meet Western norms of government.
Bibliography


Endnotes

1 This potential moral dimension of space-making became obvious in the debate of the construction of nation states (Gellner 1983; Anderson 1991) or in the political-cultural invention of continents (Lewis and Wigan 1997) or in the economically-driven Development Studies with its terminology of ‘Developed/ Developing World’, ‘Third World’ etc. (Zai 2007). Such moral-geopolitical thinking is strongly present in International Relations (Ruggie 1993; Elden 2009) – starting with classical Geopolitics (Kjellen 1917, Haushofer 1925) to the Clash of Civilization (Huntington 1997) and the debates on ‘Rogue States’ (Litwak 2000), ‘Failed States’ (Ghani and Lockhart 2008) and the ‘War on Terror’ (Elden 2009).

2 For the purposes of our argument here it is not crucial whether one endorses the view that this state of exception characterizes Western politics. Rather, in humanitarian reason and the War on Terror the construction of zones of exception is supposed to be spatially delimited rather than all-encompassing.

3 Edkins (2000: 6) stresses that it is this “... zone of indistinction between inside and outside, that makes the modern juridical order of the West possible”.

4 It is important to stress that this creation of spaces of exception does not take away all agency from those subject to them as Agamben’s concept may suggest (see Johnson 2013: 83-88).

5 The strong influence of the belief in the ideal of humanity and common humanity on international politics and law was channeled into the political promotion of the human rights agenda. Asad (2003: 157) understands the anchoring of Human Rights in international law as a “… mode of converting and regulating people, making them at once freer and more governable” (see also Calhoun 2010).

6 In this respect it stands to question to what extent so-called ‘terrorists’ not also have an interpretation of humanity which is binding for them (Devij 2008).

7 However, this consensus might depend on sharing a more comprehensive code of honor of warfare (including the strict distinction between combatants and non-combatants). This common ground is after all what the War on Terror denies.

8 Approaches such as ‘neutralized zones’ or ‘zones of safety’, which the UNHCR developed to overcome the claustrophobic camp situation turn out to follow the same logic of creating an extra-territorial space, in which a boundary between ‘bare life’ and the political is drawn (Yamashita 2004; McQueen 2005).

9 Although one has to note that this is the orthodox text book version of humanitarian thought, while in practice refugee camps become ‘humanitarian sanctuaries’ (Rufin 1993) or ‘safe havens’ and recruitment bases for militias (Agier 2011). Accordingly camps are very often integrated in the socio-economic landscape of the region and transactions across the boundaries of a camp become normal practices as Jansen (2015) recently elaborated for the Kenyan refugee camp of Kakuma.

10 Concepts such as ‘hit-and-run warfare’ (Bauman 2000) or ‘new Western way of war’ (Shaw 2005) strike a similar note.

11 There are also similar terms such as ‘Ungoverned Areas’ or ‘Ungoverned Territories’ in use. For the sake of reading we decided to use throughout this article the term ‘Ungoverned Spaces’ which is the most cited one in public discourses.

12 Duffield (2007: 29) somewhat anticipates the importance of this idea, though he stills views the trajectory for these spaces as planned to end in “governance states”, a highly resource-intensive goal which has been abandoned by interventionist powers.

13 We have critically examined the creation of spaces of violence in the discourse of Ungoverned Spaces elsewhere (Reference removed for blind review). Our focus here is on how this discourse contributes to the boundary-making between bios and zoe, which is central to the spatial-moral order of the humanitarian.

Most security advisers of international humanitarian organizations have a military background. Even when travelling, the vehicles of humanitarian aid workers are shuttling aid workers between various fortified aid compounds and the sites of the beneficiaries. Moreover the vehicles – white colored, with an impressive satellite antenna and increasingly armored – underline the separation of the human aid worker from the surrounding environment (Smirl 2015: 101-105).

For further examples of the hierarchy between the humanitarian worker and the population of camps, see Fassin 2012.

Other expressions of this spatial segregation are the access to planes, cars, helicopters and border-crossings, as Smirl (2015) elaborated in detail.

Duffield (2010: 467) succinctly notes that “… the network of aid compounds that spans the global borderland provides an important material dimension to liberalism’s external sovereign frontier: the fortified aid compound marks the place where the international space of aid flows physically confronts underdevelopment as dangerous”.

Future research on spatial-moral ordering would need to investigate past connections between moral hierarchies and spatial ordering, particular through the demarcation of spaces of exception.