# RECENT BOOKS ON INTERNATIONAL LAW

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## BOOK REVIEWS

*#Help: Digital Humanitarianism and the Remaking of International Order.* By Fleur Johns. New York, NY: Oxford University Press. 2023. Pp. 272. Index. doi:10.1017/ajil.2023.63

Books are rarely as prescient as Fleur Johns's *#Help: Digital Humanitarianism and the Remaking of International Order.* Johns astutely states that the rise of digital technologies such as Global Positioning Systems (GPS), artificial intelligence (AI), and the explosion of massive databases that contain all kinds of non-traditional "humanitarian" data have fundamentally realigned the practices of humanitarianism. Her analysis bridges multiple scholarly fields: law, yes, but also anthropology, computer science, media studies, political science, and sociology. It is a master class in theoretical synthesis and granular case work. *#Help* does not hesitate to take on big topics in big ways.

But as prescient as the book is about the way that digital technologies have affected the global humanitarian sector, it pulls its punches in other ways. Johns does not dive into other areas of global law and politics where digitization has made a massive impact. The book is ambitious —perhaps excessively so—in its theoretical reach on the effects of digitization, refocusing our attentions on the idea of "interfaces." Drawing on theorists such as Foucault and Barthes, Johns takes a big swing at articulating the effects of digitization on humanitarianism. At the same time, the book is strangely mute on how digitization has fundamentally changed even cognate areas such as human rights, unionization, and immigration. This combination of wide (potential) applicability with laser sharp

focus on humanitarianism leaves the reader wondering (and wanting) more. Put slightly differently, while Johns's arguments are important for rethinking humanitarianism, they are also important for how law and social sciences think about the effects of digital technology more generally. There are scant fields or sectors where lawmakers and scholars do not need to rethink how things are done in light of the changes of datafication. However, the opportunity to go beyond humanitarianism is one Johns does not take, even as she has laid the conceptual groundwork for such a run.

The central point of the book is, quite simply, that digitization has fundamentally changed practices of humanitarianism. Johns casts a wide net in defining the scope of humanitarianism, using the Oxford English Dictionary definition as "concern with human welfare as a primary or preeminent good, and action taken out of such concern rather than primarily for pragmatic or strategic reasons" (p. 4). The problem with these changes is that they are met by a fundamental mismatch between what is possible because of the technology, and our socio-legal and political understandings of these technologies. There is an enthusiastic embrace of such technologies without the corresponding awareness of what digitization brings to *and* takes away from the table. As she writes, "Digital humanitarianism is marked by powerful continuities . . . and it also manifests discontinuities" (p. 3). In short, Johns has identified a vast subject of analysis seeking to identify what remains the same as well as what has changed as a result of the digitization of the humanitarian space.

The book succeeds better at identifying discontinuities in the importance of physical space, expertise, and time. Some of the dimensions of this change are profound. For one,

Johns points out that "anyone" can be a digital humanitarian. Because digital data collection and analysis activities do not always require presence in physical sites of humanitarian crises, qualifications for "humanitarians" have changed from the mavericks with medical or technical skills putting their lives on the line to save others to disaggregated, faceless workers connected to the Internet. That anyone can be a humanitarian goes against what we have come to associate with humanitarianism as it is practiced—gritty, often harrowing and yet rewarding work, but work that often does not end when one's contract is up. Humanitarianism, as we have come to understand, is vocational.[1] Digital data collection is not. Data collection and analysis happens across many sectors, and most relevantly for this text, by digital technology developers. Second, the temporality of humanitarianism has also changed. Humanitarian work has always involved remedying emergency situations, marked by challenging delays and logistical prioritization about what needs to happen and when. Events unfold in human time, albeit accelerated depending on the direness of conditions on the ground. Digital shifts have made the work of humanitarianism much more focused on real time, or near-real time, data and solutions tailored to patterns in those data. Following from the first two discontinuities, the focus of humanitarian work has become focused on managing information as much as the management of physical bodies and spaces. This is a big shift both in terms of the "work" of humanitarianism, but also the fading of on-the-ground statistics collection in favor of the use of data proxies as indicators of conditions for those suffering. These proxies (e.g., cell phone use patterns) can tell *some*

aggregate things about crises. Because the intent of these data was not humanitarian to begin with, their applicability and relevance can be quite limited. Their availability, however, especially when compared to the time-intensive and labor-heavy ground-level collection, has resulted in their increased usage in humanitarian work.

What makes Johns's account different is her development of the theoretical concept of "interfaces," a term most often found in the technical fields such as computer science (human computer interaction) or engineering (ergonomics). Interfaces are "commonly understood as a surface forming a boundary between distinct spaces or forms of matter and framing encounter or enabling interaction across them" (p. 9). Interfaces enable interactions through some shared framework; they let different actors or matter "talk" to each other. Thus, she is concerned with the relationships that form between different humanitarian actors as a result of interfaces, and how technology mediates these interactions.

The concept of the interface in computing focuses on technical decisions. But these decisions belie values and choices that go into the design of interfaces. The fact that interfaces are intended to lubricate interactions, rather than add friction (as state borders do) demonstrates the implicit values of their creators. In this way, Johns's overall point—that we need to look at the relationships that arise or disappear because of the uses of data-driven technology—is correct.

In some ways, though, leaning on the interface idea is also a weakness because it is a concept that does not come from fields that study societies and social relations. As such, the fit for social science analysis is more challenging. Johns takes great pains to distinguish interfaces from other common analytics from law and the social sciences, such as doctrines, ideas, institutions, and platforms. She also distinguishes interfaces from algorithms, mathematical or coded instructions for computers to produce various outputs, based on inputs. While this literature review is useful, it does not offer much insight into why Johns centers "interfaces" as her central analytic concept. As a political scientist who has worked

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[1] Peter Redfield, *Doctors, Borders, and Life in Crisis*, 20 CULTURAL ANTHRO. 328 (2005); DAVID P. FORSYTHE, THE HUMANITARIANS: THE INTERNATIONAL COMMITTEE OF THE RED CROSS (2005); DAN BORTOLOTTI, HOPE IN HELL: INSIDE THE WORLD OF DOCTORS WITHOUT BORDERS (2006); JAMES ORBINSKI, AN IMPERFECT OFFERING: HUMANITARIAN ACTION IN THE TWENTY-FIRST CENTURY (2008); RENÉE C. FOX, DOCTORS WITHOUT BORDERS: HUMANITARIAN QUESTS IMPOSSIBLE DREAMS OF *MÉDECINS SANS FRONTIÈRES* (2014).

on network theory, I find it striking that Johns's voluminous review of other literatures does not touch on the research on social networks.[2] This may sound like a quibble, except that network theory is explicitly about mapping relationships in both dynamic and static ways. And although Johns sprinkles the idea of assemblage in a few places in the book, she does not delve deeply into the ways that either social network theory or assemblage theory contribute to the work on interfaces.

Although Johns is trying to draw us away from focusing on specific individuals with specific positionality, or "key actors," the basic assumption of all network theory is that the relationships are the key unit of analysis, not individual nodes. Thus, the ideas presented by Johns as "interfaces" resonate quite strongly. Furthermore, the idea of "interface" is similar to the idea of "brokers" in network theory.[3] In network theory, brokers talk to conflicting sides to facilitate interaction. They are often the bridge between groups that has familiarity with both networks, thereby giving them insight as those with "betweenness." Network participants, in other words, can benefit from just one (or a few) of their members bearing high levels of "betweenness centrality" as ideas and practices can spread through broker nodes. Although Johns wants to go beyond people as the sole agents of interest in her book, through exclusion she obscures the fact that broker theory has relevant insights to augment the interfaces idea. Digital technologies have spread in part because major humanitarian brokers such as various UN agencies and prominent civil society groups like *Médecins Sans Frontières*.

Another aspect of network theory that can help explain how digital technologies have spread in the practice of humanitarianism is the concept of "network effects," which demonstrates how additional networks attract and maintain adherents because of the advantages networks can confer. From a different theoretical framework, Johns could have leveraged the idea of "assemblage" more fully to explain how "interfaces" play a role in the understanding of agency in humanitarianism through the interaction of people and things. To what degree do conditions, objects, and agents interact cooperatively and in tension to shape how humanitarian practices and beliefs play out in a hybrid analog-digital reality of saving lives on the ground?[4]

The rest of the book is organized into chapters composed of topical, mini case studies that explore the empirical grounds of analog and digital humanitarianism. How was and is humanitarianism practiced? What were and are the considerations of humanitarians? Where are the mismatches in the logics of analog and digital humanitarianism? Many of the examples are detailed in their retelling, and quite granular in their orientation. Accordingly, the later chapters in the book are organized around the concepts of: "Maps," "Populations," "Emergencies," "States," as well as "Law and Policy."

The "Maps" chapter is a fascinating exploration of how cartography has been used both as a mechanism of illumination and control. Two digital platforms, the Missing Maps Project (MMP) and the Humanitarian OpenStreetMap Team (HOT) (which is one of the creators of MMP), are at the center of a narrative that flits among shorter case studies. A main tension between analog and digital mapmaking techniques is the potential for real-time updates. The HOT and MMP allows for local residents, as well as a more informal (but vetted) network

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[2] For an early formulation, see Linton C. Freeman, *Centrality in Social Networks Conceptual Clarification*, 1 Soc. Networks 239 (1978). Some examples from sociology and international relations include: Duncan J. Watts, *Six Degrees: The Science of a Connected Age (2004)*, in Networked Politics: Agency, Power, and Governance (Miles Kahler ed., 2009); Wendy H. Wong, Internal Affairs: How the Structure of NGOs Transforms Human Rights (2012); Anne-Marie Slaughter, A New World Order (2005); Anne-Marie Slaughter, The Chessboard and the Web: Strategies of Connection in a Networked World (2017).

[3] For a prominent example, see Stacie E. Goddard, *Brokering Peace: Networks, Legitimacy, and the Northern Ireland Peace Process*, 56 Int'l Stud. Q. 501 (2012).

[4] *See* Gilles Deleuze & Felix Guattari, A Thousand Plateaus: Capitalism and Schizophrenia (1987); Thomas Nail, *What Is an Assemblage?*, 46 SubStance 21 (2017).

of mappers to enter data using a common interface. The potential opening up of the cartographic process is a mixed bag. While it is true that "missing" populations can be found, it also creates a misguided understanding that mapmaking itself is humanitarian work, rather than a means for humanitarians to do work. It can also put the onus on vulnerable persons to document their own conditions, while making the work of mapmaking more economical (p. 59). Through crowdsourced mapping, digital maps play into the logic of democratizing information, which does not always result in democratic or equitable outcomes for the targets of humanitarian work (pp. 61–62).

The "Maps" chapter dives into some historical, analog examples as well: Valentine Seaman's yellow fever maps from late-eighteenth century New York, and nineteenth century mapping of poverty in London (pp. 39–48). One point Johns draws between the analog and digital maps is that they are indifferent to what one might call the social and political circumstances of the terrain they chart. This is in line with the idea that all maps are distortions of reality. However, Johns is particularly critical of how digital maps do this, writing "analysis of digital data is generally indifferent as to its source or the circumstances of its assemblage" (p. 65) because they are often based on amassed volunteer data of differing quality and assessment criteria. Where analog mapmakers relied on (perhaps incomplete) expertise in their depictions, digital maps consider more data of different qualities and intents. They are more of a mixed bag, which exacerbates the exclusion of political and social specifics. The distortion of digital maps, by implication, is greater.

The chapter on "Populations" is perhaps Johns's most insightful. It is where the gulf between analog and digital humanitarianism, as well as lived versus datafied realities, is greatest. It is also the chapter where the argument, I think, is most overstated. Johns identifies a real issue: the difference between populations in the biological sense and digitized data about human behaviors. Johns claims that data about people are much more disaggregated than real world

populations. For Johns, data distract humanitarians from other kinds of on-the-ground work. But the connection between humans on the ground, and data that proxies them is not as severed as Johns claims.

Where humanitarian work has typically dealt with *populations* of people—moving them, treating them, providing them with goods and services—digital work sublimates "populations into digital aggregates" (p. 71). Statistics helped with evaluating and drawing inferences for governance. By contrast, digitization foregrounds the mindset of data science: proxied rather than sampled, mined rather than field surveyed. Statisticians make assessments of how much a certain variable explains, or whether a finding confirms or denies a null hypothesis. Data from data science, which is being used to proxy for survey work—GPS locations or Google search trends, for example—does not tell the story of a person, so much as it tells a story about their actions. And that, Johns argues, fails to acknowledge the "thickness" of populations (and I would add, of persons!) (p. 82).

Johns gives us the example of MIND, a UN interface that stands for Managing Information in Natural Disaster, which acts as a "non-traditional" digital data clearinghouse in the aftermath of catastrophe (p. 78). It pulls together data collected by technology firms and other entities, that while able to be used opportunistically for humanitarian data work, occludes the hidden terms and conditions by which these data are collected, used, and contracted. Data are often collected for various reasons that have nothing to do with humanitarian purposes, and yet they are used as part of the chronicle for how a humanitarian disaster might play out. For example, Twitter (now known as X) data is not systematic, as only certain people tweet. Along the same vein, news websites do not cover the same things in the same ways, and yet they can also repeat falsehoods with great effectiveness, especially as stories are developing.

Johns wants us to agree that we have moved to beyond the "biopolitics" of control of the human life from birth to death to a "senso-politics," a term she never really defines. What I gather

from reading the chapter is that the "sensory" of "senso" is superficial and even further removed from the ground than population work. As she writes about MIND: "it seeks to elicit and project some holographic digital aggregate that can stand in for that [biosocial] corpus in a scanter, more fleeting mode" (p. 90). But here it seems Johns has overplayed her hand.

Whether senso-politics is replacing actual, on-the-ground humanitarianism is unclear from Johns's write up, and from the evidence presented in this chapter, which is largely focused on just MIND, it is hard to tell. Certainly, she wants us to believe it pervades the ethos of the practice of humanitarianism. If all humanitarians were glued to smartphones and data analytics, that would be one thing. This would be troubling indeed. But the existence of MIND, and even the use of other interfaces and databases is, in itself, not a death knell for analog humanitarianism. Data may be ascendant, but Johns's case studies do not show definitely that data are dominant.

Furthermore, data about people are not just substitutes for on-the-ground work. They are used precisely to reconstruct collectives in ways that do not exist in real life, or at least, not knowingly to analog persons.[5] In other words, these disaggregated data are necessary to re-aggregate into algorithmically sorted and derived insights. That the data do not float freely—they have consequences on real world persons—is omitted from Johns's analysis. The intertwining of data with analog realities, and the substitution of collected statistics based on human interaction with digital proxies, is certainly a quandary. While Johns points this out, by insisting on a dichotomy between digital and analog, she misses the opportunity to bring in some of the ethical quandaries about how data affect physical lives and vice versa. For example, in my own work, I explore how datafication changes the line between the living and the dead because of the effective immortality of data.[6] Others have dealt

with how data have come to haunt the opportunities and choices one has in real life.[7]

The next chapter deals with "Emergencies," perhaps the concept that we associate the word "humanitarian" most often with. After all, the visuals of starving children or hollowed-out expressions due to wartime terror are what stirs donors' hearts in the West. These are all critical cases of suffering that have physical solutions. In this chapter, Johns hopes to show how digital humanitarianism has changed who has knowledge of humanitarian emergencies, the definition of emergency, and the timeline of emergency action.

That many more actors—including Big Tech—have become core players in the bid to end humanitarian emergencies results in inaction. Data sources from everywhere have made everyone *more* aware, but as Johns argues, the emphasis on data often results in paralysis. Instead of improving situations on the ground, much effort is devoted to improving the quality of the data themselves. And this plays into how digital interfaces and methods have become integral to the identification of "emergencies," and how digital interfaces prescribe digital solutions to humanitarian problems. The senso-politics step in for, without a better term, the actual, lived circumstances. Finally, the real-time emphasis with digital data orients humanitarianism to action that is perhaps inappropriate to the nature of the work. It is invested in the present, in the form of updates and refreshes. Johns portrays this as in tension with a future orientation humanitarians often find themselves (pp. 114–15), but this may be because she is discussing more long-term, non-emergency work often associated with development organizations such as Oxfam.

In the final two chapters, Johns engages the international law and international relations

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[5] Marion Fourcade & Kieran Healy, *Seeing like a Market*, 15 Socio-Econ. Rev. 9 (2017); Wendy H. Wong, We, the Data: Human Rights in the Digital Age (2023).

[6] Wong, *supra* note 5.

[7] Cathy O'Neil, Weapons of Math Destruction (2016); Virginia Eubanks, Automating Inequality: How High-Tech Tools Profile, Police, and Punish the Poor (2018); Safiya Umoja Noble, Algorithms of Oppression: How Search Engines Reinforce Racism (2018); Ruha Benjamin, Race After Technology (2019); Meredith Broussard, More Than a Glitch: Confronting Race, Gender, and Ability Bias in Tech (2023).

worlds with analyses of how states have responded to digitization in the work of statehood, and in the making of law and policy. Much of the chapter on "States" explores well-trodden theory about what makes a state, and why we know some entities to be states (and others not). Though she is at pains to draw our attention back to humanitarian politics, Johns slips into good old-fashioned state politics in her analysis. Johns's main point in this chapter is that where analog conditions forced states to interact among themselves and with their populations in order to establish their statehood, data have allowed states to become more isolated from one another, turned outwardly (toward satellites) on the one hand, and inwardly (to on-the-ground data) on the other, to govern. This dichotomy of digital as isolating, as compared to analog as relational, is a stretch. Data are not just about individuals or individual countries. They are always relational. To know the meaning of any datum, one must compare it to another datum and how they are alike or unlike.

More to the point on humanitarianism, according to Johns, states have engaged in such activities in three ways: independently, through collaboration with other states, often via intergovernmental organizations such as the UN; and through partnerships with or delegations to non-state actors, nowadays frequently NGOs. Digital tools, such as satellite-enabled digital mapping, have shifted how states govern. HOT and other tools help identify roads, and Palantir, provides AI-powered analysis to help governments with security concerns.

Turning to the final empirical chapter on "Law and Policy," Johns argues that the digital transformation of political life is not inevitable, as it is often cast. In fact, it is sustained by a complex infrastructure of analog legal and policy practices. She is not the first to argue this in international law, as both Julie Cohen and Gillian Hadfield make these points in their own books on the matter.[8] Though their incorporation in

humanitarian action is important, digital technologies fulfill their own prophecies, so to speak. Even if they are not determining different outcomes, they propagate a "new verisimilitude" (channeling Roland Barthes on p. 175). She makes the straightforward point that as governments invest in digital technologies, they may amend law to include such technologies in the work of law-making and regulation, all of which then compounds the importance of such technologies. Johns goes further to show how intergovernmental organizations such as the International Telecommunication Union (ITU) has reoriented itself around digital humanitarian work. The ITU, which started off regulating telegraphic communication, has morphed its scope multiple times, including moving into general communications (telecommunications) in 1932.[9] Since 1992, it has invested in digital technologies as the only UN agency with corporate and state members (p. 180). She also shows the vital role that public-private governance plays through the preponderance of multistakeholder agreements that sustain international digital humanitarian partnerships.

Johns does not discuss contracts and contract law until late in this chapter, and thus risks burying the lede. Contracts create a "miniature-yet-nested legal order" through the creation of legally binding agreements about data: who collects, maintains, and has access to those valuable datasets (pp. 192–96). For example, in order to access data from private companies, humanitarian organizations must sign terms and conditions that may or may not hinder humanitarian work. Contracts draw in national legal frameworks, crossing jurisdictions as humanitarian crises troublingly do not stay geographically contained. All of these contracts bind users of data—

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[8] GILLIAN HADFIELD, RULES FOR A FLAT WORLD: WHY HUMANS INVENTED LAW AND HOW TO REINVENT IT FOR A COMPLEX GLOBAL ECONOMY (2016); JULIE E. COHEN, BETWEEN TRUTH AND

POWER: THE LEGAL CONSTRUCTIONS OF INFORMATIONAL CAPITALISM (2019).

[9] Heidi Tworek, *A Union of Nations or Administrations? Voting Rights, Representation, and Sovereignty at the International Telecommunications Union in the 1930s*, *in* HISTORY OF THE INTERNATIONAL TELECOMMUNICATION UNION: TRANSNATIONAL TECHNO-DIPLOMACY FROM THE TELEGRAPH TO THE INTERNET (Gabriele Balbi & Andreas Fickers eds., 2020).

humanitarians—to digital technology producers in ways that are complex and intertwined in multiple levels of legal agreements that crisscross jurisdictions. This section of the chapter usefully highlights how relational and confusing the world of data can be, a far cry from the clean, color-coded, user-friendly interfaces where other aspects of digital humanitarianism take place.

In her conclusion, Johns softens her theoretical laser-like focus on digital humanitarianism. She expands on how such datafication might be used and misused for unintended applications. These insights, which draw on the work of Wendy Hui Kyong Chun,[10] are true not just for humanitarian data, but part and parcel with the process of digitization. However, it feels like these insights are presented too late in the text. What Johns unearths in her study, and what she distills for us through her theoretical exegesis, is that the dynamics of digitization fundamentally change humanitarianism, of course, but also many other aspects of our political and social worlds. The extensions she poses in the last chapter would have been well-suited to support the need for the expansive theoretical framework she advances in early parts of the book. What we understand to be part of human life has been flattened and disaggregated in many ways through data. We are heartbeat patterns, fob taps, and facial data matches. But we are also analog persons, living, breathing, suffering, and dying. That digitization does not solve many of the problems humanitarianism grapples with is not surprising. But it does change how we think about what humanitarian problems and solutions are, and what could be. Johns's work helps us appreciate those transformations with incisive theoretical exploration.

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[10] WENDY HUI KYONG CHUN, UPDATING TO REMAIN THE SAME: HABITUAL NEW MEDIA (2016)

*The Absolutely Indispensable Man: Ralph Bunche, the United Nations, and the Fight to End Empire.* By Kal Raustiala. New York: Oxford University Press, 2023. Pp. xi, 569. Index. doi:10.1017/ajil.2023.43

Kal Raustiala's biography of Ralph Johnson Bunche befittingly opens with the 1951 Academy Awards Ceremony and with Fred Astaire at the podium. Wearing a white tie and tails, Bunche is welcomed to the stage by a raucous showbiz crowd. It is no doubt a cinematic opening, a literary technique rarely used by scholars of international relations or international law.

The decision to start the book with such an opening suits the main protagonist. Bunche, who would spend many years in Los Angeles, was a well-rounded intellectual, a lover of music, sports, and entertainment. With a very amusing writing supplemented by his deep expertise as a professor of Comparative and International Law in the University of California Los Angeles (UCLA), Kal Raustiala manages with *The Absolutely Indispensable Man* not only to tell the captivating story of an exceptional man but also to deliver a treatise of twentieth century international relations' theory and history.

Like Bunche's speech on that memorable occasion, Raustiala's book jumps quickly into substance and highlights the three central themes of Bunche's life, namely: (1) his fight for the self-determination of the peoples under colonial rule; (2) his commitment to the United Nations and the development of its basic and most fundamental tools for action; and (3) his fight against racism at home and abroad.

Born in 1904 in Detroit, Bunche's early days receive little attention in the book. This is not to say that Raustiala is uninterested; vignettes of his family and childhood provide the necessary brush strokes to depict Bunche in his childhood and early teens. However, unlike the 1993 Bunche biography authored by his friend and colleague, Sir Brian Urquhart, *An American Odyssey*,[1]

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[1] BRIAN URQUHART, RALPH BUNCHE: AN AMERICAN ODYSSEY (1993).