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Cover Page Footnote

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Fleur Johns is a Professor in the Faculty of Law & Justice and an Australian Research Council Future Fellow at UNSW Sydney working in international law, legal theory, and law and technology. She is also, in 2021-2024, Visiting Professor at the University of Gothenburg, Sweden. Fleur has published five books, the most recent of which is *#Help: Digital Humanitarianism and the Remaking of International Order* (Oxford University Press, 2023). She has a book forthcoming with Cambridge University Press, co-edited with Gavin Sullivan and Dimitri Van Den Meerssche, entitled *Global Governance by Data: Infrastructures of Algorithmic Rule*. She serves on a range of journal editorial boards including those of the *American Journal of International Law* and the journals *Science, Technology & Human Values*, the Journal of *Cross-disciplinary Research in Computational Law*, and *Technology and Regulation*, and is a Fellow and Executive Council member of the Academy of the Social Sciences in Australia.

Louis Ravn is a PhD Candidate at the Department of Media Studies at the University of Amsterdam. In his PhD research, he investigates the emerging transformations at the intersections between deep learning and cultures. Previously, he has been a research assistant at the University of Copenhagen, where he studied practices of data loss at archival institutions. His research draws from critical data studies and science and technology studies to contend with the politics of emerging data technologies; it has been published in Internet Policy Review, Surveillance & Society, and Tecnoscienza.

In this interview, Fleur Johns elucidates the central themes of her recent book *#Help: Digital Humanitarianism and the Remaking of International Order* which investigates how digital technologies reshape humanitarianism. Situating her research alongside well-established critical analyses of digital platforms and algorithms, Johns elaborates on the distinctive characteristics of digital humanitarianism, how these can be studied through digital interfaces, and the politics of Big Tech's involvement in this transformation of humanitarianism. Most importantly, the interview sheds light on Johns's infra-disciplinary theoretical-methodological approach that seeks to transcend traditional disciplinary boundaries, resulting in her unique fusion of critical data/algorithm studies, international legal scholarship, and social theory. Based on this, Johns explains how digital humanitarianism constitutes a partial rupture to Foucauldian concerns with biopolitics, instead giving rise to what she calls sensopolitics – an imperative to "make perceive and let pass" enacted through digital interfaces. The interview was conducted at the University of Copenhagen in April 2024; the questions were developed by Louis Ravn.

Louis Ravn (LR): You have written on various subjects and issues within international law. What has more recently inspired you to think about and research digital humanitarianism?

Fleur Johns (FJ): It came out of my work on law and development. I had been working for some time on socio-material-legal struggles over dam development in the Mekong River basin in Southeast Asia. It was a collaborative project with some other legal scholars and political geographers. And in that context, we found that a lot of debates about resource extraction and related issues of dispossession that in other countries might have been taking place in legal and political domains were being displaced into various forms of technical debate. This was either because there were significant political obstacles to conducting those debates or other issues that made pursuing related legal claims difficult. So, struggles over dam development were occurring in the vocabularies of finance and scientific modelling, particularly the modelling of sediment movements and fish migration. I became very interested in – and have written on – modelling and models. That led me to engage with the way models accommodate or try to allow for uncertainty and the algorithmic techniques used for that purpose. And so that led me into the last 10 years – more than 10 years, actually – of work on digital technology and its global legal and political implications, with a focus on the rendering digital of international development and humanitarian work.

LR: What do you mean when you write and talk about "digital humanitarianism"? What distinguishes digital humanitarianism from other forms of humanitarianism?

FJ: I think of humanitarianism as a register of governance conducted in a mode of seeking to ameliorate human suffering. That is a mode of governance that has a long, fraught, even violent history. Digital humanitarianism represents a catch-all term for recent shifts in who conducts that work, how it's conducted, and when and where it's conducted – shifts associated with the adoption of digital technology, data science, and machine learning in this sphere. It must be said that this incursion is a very patchy phenomenon; it's certainly not underway everywhere, for all people. Nonetheless, these shifts are emerging in connection with the increasing move into the humanitarian

sector of tech companies and software and hardware developers, while international organizations, governments and NGOs are setting up innovation arms, staffed with data scientists, software engineers and people with adjacent expertise. These have a mandate to explore or deploy potential applications of digital technology in humanitarian work. So, that entails change in the "who".

The "how" refers to the tendency for international organizations, governments, NGOs, and various private actors to develop, explore, and utilize to varying degrees, automated decision support tools and analytical tools. Here I am thinking of websites, applications, and various forms of interfaces that themselves combine hardware, software, and human practice. That changes the way humanitarian work is approached, conducted, and evaluated.

This also drives changes in the "where" and the "when" of international humanitarian work. Generally speaking, one sees a greater orientation towards real-time or near real-time inputs and outputs. Of course, there are still historical dimensions to these tools, and they are still future-facing in various ways, but there is a pervasive orientation towards amplifying, enlarging, and data-enriching the present. This adjusts the temporality of international humanitarian work as well, and the timeframes within which people are invited to think and act.

Then in terms of the "where", one sees different forms of technological infrastructure becoming crucial sites for humanitarian work: undersea cables; data centers; data storage facilities; satellites; and different professional settings. As I said before, tech companies are increasingly investing in humanitarian work and lauding their humanitarian credentials. Places like Silicon Valley and its counterparts in other jurisdictions become key sites for international humanitarian work, shaping its trajectories, as do different government departments – ministries of science and technology for instance.

The umbrella term that I used to encapsulate all these uneven changes in the international humanitarian field – which itself has become quite a broad field since the 1990s and now encompasses much that we might think of as aid delivery, development assistance, and disaster management – the catch-all term that I use is "digital humanitarianism".

LR: This brings us to your new book "#Help: Digital Humanitarianism and the Remaking of International Order" (Johns, 2023), published by Oxford University Press in 2023. In the book, you outline that social studies of digital technology have often focused on algorithms and platforms. You, however, decidedly focus on interfaces. What was your motivation to zero in on interfaces and what analytical advantages did this generate for you?

FJ: Algorithms and platforms – and scholars who engage with the study of algorithms and platforms – are still very present in the book. They are cast somewhat in the background, but I've certainly learned a lot from scholars who pursue work in that register and with that focus.

I propose interfaces as a methodological lens in the book precisely because they are presented as points of access and entry. Many digital interfaces aspire to create a sense of frictionless interaction and utility. I wanted to unpack that, unravel that sense of frictionlessness, and bracket questions of

utility to investigate what is at stake in the digital mediation of humanitarian work. Yet I sought to analyze and engage with the politics of these digital interfaces in a way that was not dependent upon some backroom access. I did conduct interviews with a significant number of data scientists and others for this book. Nonetheless I wanted to enable the reader to experience a sense that they themselves are grappling with these stakes by using, analyzing, and scrutinizing critically digital interfaces. That experience and associated possibilities of critique don't depend upon, as I said, backroom access or any kind of leak, as so many have. We have learned a lot about digital technologies' role in law and politics, thanks to leaks and backroom investigations of course.

Even so, with this methodology I wanted to create for the reader a sense that they are already implicated in this politics. This is not something that is taking place somewhere else and that someone else, somewhere else needs to handle. We are all productively, generatively, and with difficulty engaged in the politics that I'm describing.

LR: Related to this, you characterize your methodological approach as both "infra-legal" and "infra-disciplinary" (Johns, 2023, p. 19). Could you explain in more detail what these approaches mean and why you pursued them?

FJ: Yes, I have made use of this idea in prior work (Johns, 2013). I have been using the "infra-legal" to mean both something below, beside, or beyond the gaze or repertoire of legal scholarship as traditionally conducted, but also within the ambit of that scholarly and practical vernacular. There are a number of other scholars who have engaged with this as well – Gavin Sullivan comes to mind as someone who is doing some really interesting work in this mode (Sullivan, 2022).

And of course, there is an older reference that I am borrowing – with some transformation – which is the Foucauldian idea of "infra-law" that referred to extensions of the general forms of law. Foucault talks about "infra-law", "infra-penality", and "infra-power" (Foucault, 1977, pp. 87-8, 178, 214, 222). Also, the anthropologist James Scott employed a somewhat related term, "infrapolitics", when talking about modes of struggle employed by subordinate groups, although I have written elsewhere about the limits of Scott's approach in the contexts in which I work (Scott, 1990; Johns, 2019). In my usage, I am tracking the way that legal normativity moves outside what we think of as classical legal vocabularies, artifacts, professional settings, and moves into other materializations, other formats, and then, often, back into the conventionally legal.

Infra-disciplinary inquiry pursues practices and questions that appear often just outside the sightline of the discipline of law, while still being recognizably of legal concern and manifest legal significance.

LR: I would like to dwell a little on your invocation of Michel Foucault. As you review in your book, Foucault has argued that modern states have been preoccupied with the management of populations, what he called *biopolitics* and its dictum to "make live and let die" (Foucault, 1978). How do digital interfaces in humanitarianism upend a biopolitical focus on populations?

FJ: Foucault's analysis of biopolitics remains tremendously powerful in this context and many scholars are making good use of that register. So, this is not an exercise of trashing or displacing that. What I am

inspired by is the extent to which Foucault's own writing was never presented as transhistorical and was always oriented towards the study of emergence and transformation in governance techniques and in "governmentality", in his terms. So, I really wanted to follow those leads to try to contribute in some small way to understanding where and when biopolitical analytics don't seem to quite get at a phenomenon or don't seem to work in the way that they might have done in relation to other modern settings.

In the book, I talk about the relationship between a biopolitical concern with making live and letting die and a sensopolitical concern, a concern that I characterize in the book as making people perceive things and encouraging them to let them pass relatively unnoticed, or "making perceive and let pass". That is a way of drawing attention to modes of aggregation, modes of governance that don't seem to be oriented towards population management in the way that biopolitics classically has been. They seem to be oriented as much towards the maintenance and management of digital aggregates that are composites assembled in quite a different way – and often in a much more fleeting register – and, importantly, assembled through automation, at least in part. The sensopolitical – this shift – is certainly related to the biopolitical, but I am trying to track the emergence of new techniques of governance that are not well understood by simply folding those practices into Foucault's terms. That's the aim of one part of the book.

In this and other ways, a lot of the book is trying to accomplish what I was talking about before: working at the edges of what we know and understand, and exploring transformations and emergences that make it difficult for our usual repertoire of critique in legal scholarship and in adjacent fields to work or to have the purchase that it might have had.

LR: Another part of your book brings up the question of statehood in the context of digital humanitarianism. In this analysis, you mobilize the first article of the 1933 Montevideo Convention and its definition of statehood as entailing the following: 1) a permanent population; 2) defined territory; 3) government; and 4) the ability to enter into relations with other states. How does digital humanitarianism trouble these four criteria?

FJ: First, a word on why I focus on this classical instrument; for international lawyers this is a classical point of reference – the Montevideo Convention of 1933 – defining the elements of statehood or the criteria that must be satisfied for a would-be state or could-be state. This is related to what I was saying earlier about interdisciplinarity: I wanted to take some points of reference that were easily recognizable as squarely within my field of international law and track how following these elements can direct our attention towards change, shifts, tangles, or new knots in vocabularies and practices of governance.

1) In terms of population, as I have already said, I think we are seeing techniques of governance, of governmentality, which are oriented towards digital aggregates that often operate at a level that's distinct from – although related to – population management. I describe this in the book as a kind of mezzanine, an intervening level where what is being governed, what is being called forth as a target of governance and what is the focus of governance is the data aggregate itself. The mode of action is of data upon data

upon data. This is often couched in a vocabulary that we would recognize as population management: concerned with saving lives, lengthening lives, addressing death and suffering; this is a biopolitical vocabulary. But prevailing governance practices mediated by digital technology often operate at a level detached from that, at this intervening level. I consider in the book what that might signify for statehood with reference to the population criterion for statehood.

2) As for transformations in the second legal criterion for statehood, territory, I've talked about these in the book and in other work: the implications of the datafication of territory, the tendency to map territory and argue about territory in terms that are mediated by data, digital data in particular, and how this gives territory a kind of pixelated, associative quality (Johns, 2017). Obviously, there is still a lot of bordering activity underway globally, including violent bordering activity. It's not as though borders are going away or that they are not being maintained in conventional terms: the drawing, maintaining, and securing of borders is in some ways a more-intense-than-ever preoccupation. But there are various ways in which territory is being pixelated so that the properties of territoriality may be switched on and off at much smaller scales, and within shorter timeframes. This creates discontinuity. One example that I talk about in the book is the use of mobile phone data to track cross-border movements in the aftermath of disaster or for purposes of economic analysis, to understand the location of people in time and space. This data is relatively indifferent to classical legal and political jurisdictions. It fuses different areas according to the availability of the data in question. Economic data so assembled suggests, for instance, that itinerant workers have a much more significant role in certain economies. Elsewhere it suggests that the terrain of safety to which people flee after a disaster is not as we might otherwise understand it, in classical jurisdictional terms; people may find pockets of support in areas not perceived by others as secure, even without formal recognition or status, just as many experience precarity in supposedly safe environments. The book tracks how trying to do humanitarian work using such decision support tools adjusts the way we perceive territory and the way we attribute people to different territorial domains when distributing entitlements or withholding them. Again, I am certainly not saying that there's deterritorialization across the board. There is a lot of re-territorialization underway, but I am investigating transformation in the way territory gets assembled, analyzed, and understood in international humanitarian work, with far broader implications potentially.

3) In relation to government, a third precondition for statehood according to international law, I track how the work of government is increasingly but unevenly being outsourced to various contractors, especially technology contractors, as governments struggle to handle disasters and other humanitarian challenges. And states are also trying to build greater in-house capabilities in digital technologies of government. One implication of that change that I explore in the book's chapter on states is the growing propensity to hold states to a standard of datafication: mimicking the language of the "standard of civilization", which has a long, racist history in international law. I argue that states are increasingly being called upon to demonstrate their competence as governments by hoarding, amassing, and deploying digital data. States that are perceived as not having enough

data on their territory or on their population – or the condition of their population – are vulnerable to allegations of incompetence, including, being characterized as "unwilling and unable" to govern and thereby potentially being exposed to violent intervention to counter threats emerging from their territory (Tzouvala, 2015). This holding of governments to a standard of datafication is one shift that I argue is associated with this increasing propensity of the work of government to require or to involve digital technology and digital data.

4) That goes also for relations with other states. I talk about the various ways in which these are being sociotechnically mediated through sometimes highly automated data flows, such as those involved in intelligence sharing and other forms of data sharing, including around humanitarian work. We are seeing extraordinary levels of investment in the prospect of intergovernmental relations' automation, both literal investment and discursive or political investment. My book grapples with the prospect of digital technology becoming absolutely central to governance, and relations between states, with very uneven effects.

LR: Throughout your book, we also learn about the wide-ranging involvement of Big Tech firms, such as Google and Microsoft, in digital humanitarianism. Why do these tech companies get involved in humanitarianism in the first place, and what are the implications of this engagement?

FJ: Before I answer that directly, it's worth saying that one thing that I was trying to do in the book is to not just tell a story of Silicon Valley invading humanitarian space. A lot of the settings where digital technological work, prototyping, and experimentation is shown as underway in the book are not actually in California at all. They are in places like Jakarta or Bangkok. This book has a center of gravity in Asia, but its center of gravity is in many ways Southeast Asia, South Asia, West Asia, rather than telling a story in which China and the US are wholly dominant.

I do also talk about large companies, well-known companies such as those that you mentioned, investing in humanitarian work and lauding their humanitarian credentials. You ask why they are doing this: I guess to try to extend the social licenses that they enjoy, and to deal with "techlash" – the various forms of backlash that these companies are experiencing and associated regulatory initiatives. These companies are seeking to deflect regulatory attention and to extend the viable life of their business models by attracting and enrolling new users/data generators and expanding their domain of value generation into new areas and new populations. Some people describe this extension of tech companies' field of work in colonial terms. And there is a connection with the voraciousness characteristic of colonialism, and the drive to extend the terrain of value generation into "new" territory – of course, not new at all, fully and densely occupied territory already. At the same time, there is an aspect of this which is about remaining in place and optimizing the work of value generation and accumulation in existing domains, and continually maintaining a sense of worth for those who are actually doing the work. Employees of tech companies like to feel – like we all do – that their work is worthwhile, that they are doing some "good". I think that they are a not insignificant part of the audience for this kind of digital humanitarian work because retaining talent is one of the challenges that these companies face. So, for all those reasons, I think it's understandable that tech

companies are trying to position themselves as key actors in international humanitarian work and present themselves as being very much on the side of ameliorating suffering and promoting social benefit.
In many ways also, I think, tech companies use the humanitarian field as a testing ground as well as a terrain of legitimation. They are trying things out in humanitarian settings that perhaps they're unable to try or unwilling to try out in other domains of work. The relative urgency of humanitarian work and to some extent the looseness that can surround humanitarian work in regulatory terms – the opportunity to do things in an urgent register – becomes a space that tech companies can use as a space of experimentation. And the urgency and magnitude of demands for humanitarian assistance can sometimes short-circuit the questioning of that or impede communities from asking who benefits and who doesn't from that experimentation.

On the second part of your question about the implications of tech companies becoming more active in international humanitarian work: the book is in many ways all about that. Some of its implications involve matters ongoing for many decades: outsourcing; privatization; the turn to public-private partnerships. This has been ongoing in the international humanitarian field most intensely since the 1990s but can also be traced back centuries. Digital humanitarianism is associated with the intensification and extension of that turn to public-private partnership. Another, related effect of digital humanitarianism is the growing convergence and entanglement of the priorities, vocabularies, and practices of states and corporations. What I describe in the book is states becoming in some ways more corporate in how they approach and assess their work. And digital humanitarianism also signifies corporations becoming more state-like in the power that they exercise, in the kind of presence that they have in people's lives, and in the relationship that they seek to have with customers.

LR: Towards the end of your book, you conduct an analysis of how the politics of interfaces is connected to their forms of use. What different forms of interface use did you encounter in the space of digital humanitarianism and what are their respective politics?

FJ: The forms of use that digital interfaces encourage in the humanitarian field can be seen as standardizing and standardized – or ritualized and repetitive. For instance, we see a lot of emphasis upon crowdsourcing in this area and that depends upon constant vigilance and constant engagement among users. So, that's one use-related theme of the book: that the forms of use that are encouraged by digital tools in international humanitarian work need to be recurrent and ongoing. Not only the tools themselves encourage this constant vigilance and engagement, but also surrounding training (both formal and informal) often encourages in communities the idea that they should always be regularly reporting on their condition and on their humanitarian needs. So that's one mode of use that is very much encouraged by digital humanitarianism.

But on the other hand, there are lots of modes of use which are not so standardized. Given the distributed nature of the technology in question and the relative openness to input of some of the digital interfaces concerned (for the purposes of machine learning or because they are cast as prototypes, requiring further optimization), feedback is constantly being invited. So, a lot of the

digital humanitarian interfaces discussed in the book are to some extent open to being redesigned through use and potentially going off their rails in the process. There are many forms of use of these digital interfaces which veer towards unintended use or what developers might think of as misuse. The book talks about this lingering propensity for digital interfaces designed for humanitarian purposes to be used for off-label purposes; this is part and parcel of the way they're designed and the way that they're deployed. And this is something that I associate with a sense of possibility.

This open-endedness of digital humanitarian interfaces is also an area where you see a lot of governance attention. Many of these interfaces discussed in the book direct attention towards qualifying or pre-qualifying the users for whom they are intended and trying to keep at bay misuse or unintended use and deflect types of engagement or feedback that are deemed useless. And that's one way in which these digital interfaces really condition – you might say govern – the possibilities of international humanitarian work: by authorizing some users and modes of use and disqualifying others. My point is that those disqualified are not just "bad actors", but also many of the intended beneficiaries of the humanitarian work in question. Digital humanitarian interfaces reflect at once an obsession with drawing in intended beneficiaries, and complete disinterest in any "off-label" feedback that they are inclined to offer.

LR: Perhaps as a summary of your book's arguments: "International order is already otherwise than it has been, and otherwise than it is commonly thought to be." (Johns, 2023, p. 28). What do you think is troublesome about this reconfigured international order? And what leaves you with a sense of hope?

FJ: There are extraordinary concentrations of power that are documented in the book and in surrounding literature – concentrations of power and resources in both public and private hands – that are troubling. There are many ways in which the turn to digital technology also exacerbates highly asymmetrical capacities for violence in the humanitarian sphere. One point that I make in the book is that well-intentioned activity or activity that is presented as oriented towards ameliorating suffering has frequently been violent and quite devastating. Asymmetry around capacities to deploy that violence is in many ways intensified by the digitization of international humanitarian work because of the resources required to amass digital data and deploy digital capabilities. And that asymmetry also intersects with inequalities of class, race, gender, ability, and other inequalities, as the book discusses, and as has been well documented in surrounding literature. These implications of digital technologies' increasing ubiquity in the humanitarian sphere are tremendously troubling to me, and troubling to many people.

I could have written the book all about that. But I chose to also keep alive throughout the book this sense that there remain, nonetheless, within the purview of these digital humanitarian interfaces, possibilities for their reorientation. The book shows that they are replete with disjunction and that their social, legal and political implications are unfinished, unresolved. I seek to show that those disjunctions in the governance logics tracked throughout the book could be regarded as footholds for counter-conduct, for strategic engagement by those who are troubled in the ways that I was just talking

about. I wanted to keep alive a sense in the book that there are many points of entry into this and that the story has not reached its conclusion. We are really in the early stages of the advent of digital humanitarianism and we're still building a legal, political, and social theoretical vocabulary around it. And the book is an effort to make some small contribution to that collective task.

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