

# Introduction: The Duty of Care in International Relations

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## 1. Introduction

This book deals with the relationship between states and citizens beyond the borders of the state, more specifically with the Duty of Care which states hold towards their citizens. Our central argument is that in a world where both statehood and citizenship are changing, due to various forms of mobility, increasing numbers of people moving beyond borders and multiplying risks, the states' Duty of Care is becoming an ever more pressing political, legal and moral concern. At the same time, state capacity is under pressure. In making this argument, this volume provides a set of original contributions to International Relationship scholarship. These contributions offer novel insight into the study of citizenship, security, identity, ethics, intervention, control, migration, diasporas and diplomacy. The topical chapters demonstrate the diversity and significance of the Duty of Care in the early 21<sup>st</sup> century, but also the boundaries beyond which care is not offered and why. Politically, the Duty of Care forces us to engage with community and its limits. Academically, the insights from analysing the Duty of Care will provide two things; a better understanding of how crucial, if disparate, processes of belonging and differentiation are driven by parallel logics within and across cases, and more precise analysis of the relationship between states and individuals in contemporary international relations.

The underlying question driving the analyses, is what happens with ties of solidarity, community and responsibility when citizens move outside the territory of their states? In short, what are the scope, content and mechanisms of the social contract beyond the state border? We approach this through the analytical concept of the Duty of Care, which we import from tort law, ethics and human relations. In introducing this concept to the study of international relations, we do not primarily seek theoretical innovation, nor do we do engage with the legal and ethical principles inherent in the Duty of Care *per se*. We are primarily interested in the articulation, practice and execution of the Duty of Care, with the *chain of care* stretching from state to citizen, often through intermediaries. Thus, we seek to link together a number of phenomena and practices concerning the relationship between states and citizens, which are usually seen as unrelated. Some of these are relatively abstract, such as the general articulation of citizenship and identity, others are concrete, for instance related to protection of citizens in crisis-situations. The Duty of Care offers us a prism for studying both abstract and concrete phenomena, and it is imminently scalable; traceable from parliaments to passport controls.

In the remainder of this introduction, we lay out the premises, logics and content of the book in more detail. In the next section, we introduce a varied set of current international challenges concerning the relationship between states and citizens. In the third section, we present the historical background for why states are interested in citizens beyond the border, and the different forms this interest has taken over the centuries. This feeds into the discussion about the contemporary understanding and practice of the Duty of Care in the fourth and fifth sections. Here we discuss how the concept allows for new insights into current topics, as well as how it

reconfigures and ties together insights from existing literatures. In the sixth and final section we specify how one can go about studying the Duty of Care, with reference to the ensuing chapters of the book. In this section, we emphasise the chains of care, the power-relations inherent in them and the dilemmas and paradoxes which arise from asserting and claiming a Duty of Care.

## **2. Challenges for states and citizens beyond the border**

Hardly a day passes without news headlines pointing to the challenges confronting states and their citizens beyond the border. Will foreign students be able to come to Britain after Brexit? Can Northern European retirees take their pensions to Spain and still retain rights to medical care in their country of origin? Who is responsible for getting foreigners out of Algeria when international petroleum companies are again attacked by terrorists? What should be the relationship between the state and ethnic diasporas? How should states handle foreign fighters returning from Syria or protect diplomats and militaries abroad when embassies or bases come under fire? These are diverse questions, and only a small sampling of the many such questions arising continually.

The potential scope and growth of these challenges are illustrated by the number of people traveling across borders on a regular basis related to work, studies, and holidays. Almost 1.2 billion tourists crossed boundaries on overnight trips in 2015, a number which has doubled since 1997 (UNWTO 2016: 15), and on top of this comes business travel, where yearly spending is above 1.2 trillion USD per year (GBTA 2016). The number of people relocating more or less permanently is also high, with the global stock of migrants estimated to be 258 million in 2017, or around 3 % of world population (UN DESA PD 2017: 1).<sup>1</sup> Some of those relocating seek new citizenship, while others attain double citizenship or maintain their original one. This increase in travel and relocation has put new strains on the relationship between states and citizens, highlighting if and how states can maintain and manage the safety and security of citizens abroad and the broader implications for authority and legitimacy. States' duties towards their subjects quite simply do not stop at the border, while at the same time the traditional diplomatic and consular tools might not be adequate for handling these duties.

Beyond sheer numbers, particular challenges are associated with those who go abroad to work in areas with weak governance, or in risk-prone or conflict areas, such as journalists, researchers, aid-workers, diplomats and security personnel. Journalists and researchers are at increasing risk when doing their work in repressive states or when studying conflicts, as are aid-workers. In these instances their employers, but often also private security providers and insurance companies are the intermediaries in the chain of care between the state and its citizens. The same goes for the official representatives of states or those who execute official policies or international mandates. Diplomats and consuls are supposed to care for their compatriots abroad but might find themselves in need of care when crises happen. Even soldiers partaking in peace-operations or interventions might be in need of care, a care which might or might not be extended to those cooperating with the citizen-soldiers on the ground in supporting roles. Even more questions arise about if and how to articulate care for those who volunteer (or are forced) to fight for other entities than their state, a question with long historical roots and current relevance in a number of conflicts.

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<sup>1</sup> This number includes forcibly displaced people, estimated just above 65 million, among which around 22,5 million are defined as refugees and another 2,8 million as asylum seekers. (UNHCR 2017: 2).

Crises also serve to accentuate the Duty of Care, and the increase in the number of citizens abroad implies that more situations can be articulated as crises. The Bali bombings (2002), the South East Asian Tsunami (2004) and the evacuations during the Lebanon war (2006), the Libya crisis (2011) and the Saudi Arabian intervention and subsequent civil war in Yemen since 2015 have underscored the scope of the challenge, the potential backlash for states with inadequate responses or states unwilling to receive assistance, as well as the lengths states will go to, in order to protect their citizens abroad. This also goes for single incidents, especially if picked up by the international media, like the recent killing of the regime critic and journalist Jamal Kashoggi in the Saudi embassy in Ankara. Everyday and mundane emergencies, such as compatriots being jailed or dying abroad might not rise to the level of crisis, but still have the potential to challenge the relationship between authority and legitimacy, indeed the social contract, between states and their citizens.

The protection of citizens abroad might seem like a concern only for wealthy states and their citizens. But while mobility rights do favour citizens of rich democracies (Mau 2010), in sheer numbers migration originating in developing regions outnumbers migration originating in developed regions (UN DESA PD 2016: 1-2). Furthermore, while rich, western democracies have traditionally been the most eager to take care of their citizens abroad, other states have followed suit. India evacuated most people from Yemen in 2015 (around 5600), including a substantial number of non-Indians (Sakhuja 2015), while China evacuated more than 35.000 nationals from Libya in 2011 (Zerba 2014, see also Parello-Plesner & Duchâtel 2015 on China's policy on the matter more generally). It even seems to be the case that these topics are being discussed in more depth in states where these responsibilities are recently invoked and acted upon, than in states with longer traditions for acting abroad in aid of their compatriots. Efficient crisis management demonstrates state sovereignty, which is a particular concern for states which define themselves as up and coming. Such concerns, however, also matter to host states, and in crises, governments have refused to accept foreign assistance, potentially weakening the Duty of Care for foreign citizens on their territories, for the sake of internal legitimacy and international status (Græger and Lindgren 2017). The degree of care provided for citizens abroad is thus tied not only to political system, but also to state capacity, the perceived necessity for domestic legitimacy and the responsiveness of foreign host governments.

Even if these trans-border flows of people, the trans-border character of problems and possible trans-border solutions are widely discussed, scant attention has been paid to how these phenomena may affect the fundamental contractual relationship between states and their own citizens abroad. Briefly put, how and under which circumstances can the part of society which is located outside of the borders of the state be protected? This is a question of vital political importance for states, who face potential crises of legitimacy if citizens who suffer from crises abroad are left to their own devices. However, it is also an acutely important analytical question, with implications for how we think of identity, statecraft, sovereignty, the co-constitution of the domestic and the international, the private-public dimension, and the limits to the societalization of security. To understand the importance of the Duty of Care today, it is crucial to engage with how such a duty arose in the first place.

### **3. The Origins: Polities and people**

Overall, in the Western trajectory, we see three major changes as particularly relevant to the configuration of legitimacy, authority and care. First, the replacement of the personality of laws with territorial rule over political subjects, which set formal limits to the care that could be offered by rulers to subjects; second, the emergence of nationalism and the perceived organic constitution of a unitary people, which made care beyond the border a moral obligation; and

third the emergence of welfare states, which made care beyond the border a juridical and political necessity.

Until the early modern period, the scope of political power and responsibility (and thus also authority and legitimacy) was defined by the relationship between a polity and its people, not by territory. Under the principle of the personality of laws, the legal status of individuals was defined by the relationship between individual and governor. In political theory as late as in the 16<sup>th</sup> century, Bodin saw sovereignty “as spatially elastic. Because subjects could be located anywhere, and the tie between sovereign and subject was defined as a legal relationship, legal authority was not bound territorially” (Benton 2010: 288). One way of framing this relationship between ruler and ruled would be through what Foucault (2007: 123-130) referred to as pastoral power, the power of care which the “shepherd” holds over a “flock” of live individuals, not yet legal subjects. And until the territorialisation of the state in the 16<sup>th</sup> and 17<sup>th</sup> centuries, this pastoral power in principle followed the subjects wherever they were. In practice, this power was of course severely limited by proximity.

In most polities, the personal ties between governor and governed were between a prince and subordinates. In early-modern Europe, this feudal dominion was gradually replaced with sovereign power, where the state constituted itself as the holder of power over subjects (de Carvalho 2016), inhabiting a bounded territory. This process accentuated the question of care beyond the polity. The concern about subjects moving away from the reach of the polity was one of the key drivers in the process of territorialisation (Brett 2011: 170-171). Only with a clear territorial dimension to subjecthood did it become possible to conceive of subjects as being outside of the polity, and thus necessary for states to differentiate how to care and control.

The distinction between order and care on the inside, and the protection from disorder/anarchy on the outside would gradually become a staple of western political thought (Walker 1993). The idea that external protection was the core external activity and duty of the polity, and a key part of the social contract between the governor and the governed, took hold in much scholarly thinking about relations between polities. Early-modern polities did care about subjects, but primarily in the sense that they were providers of taxes and possible soldiers. Indeed, the capacity of the states to extend both control and care beyond the boundary was extremely limited. To the extent that power was projected towards subjects beyond the border, this was the sovereign power to command, not a pastoral power of care.

In the late 18<sup>th</sup> century, nationalism, nascent political liberties and the growth of mass media gradually turned subjects into citizens and parts of a national, biopolitical and organic whole. Both the state and the emerging civil society became more concerned about compatriots abroad, and the steady growth of print media during the 19<sup>th</sup> century made it possible to follow their destinies in much more detailed fashion. Colonial uprisings put pressure on states to do *something* to keep compatriots safe and help those in need, as did the ever-expanding migration across the Atlantic in the 19<sup>th</sup> century. The gradual expansion of consular networks demonstrated how states were oriented towards care for citizens abroad, and not only protection and control (Leira & Neumann 2008, 2011). Irredentism (with the political goal of changing the borders so that perceived co-nationals in other states could become part of a mythological nation), compatriots in danger abroad and the challenge of migration all illustrate how the imagined community of the nation (Anderson 1991: 6-7) was not limited strictly to citizens, and how a duty of care could reach beyond the borders; pastoral power and care for the nation was in principle limitless. Even so, when the preeminent sociologist of the era, Max Weber (1991: 78), defined the modern state, he focused on the internal constitution and the boundaries,

seeing it as a “human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory”. Notions of care, within of beyond the border, did not enter his equation. But even before Weber made his famous definition, states were not simply providing order but also welfare (Mommsen & Mock 1981, Esping-Andersen 1990); and while welfare-provision was originally reserved for citizens within the borders of the state, as citizens started moving, so did welfare-state obligations.

The above empirical challenges facing the late-modern state also imply theoretical challenges for the discipline of International Relations (IR). The modern nation-state of the late 19<sup>th</sup> century, presented by Weber as a stable container with wide scope domestically, and a duty to protect its borders, has retained a strong grip on disciplinary conceptions of the state. Thus, the provision of physical security has continued to be perceived as a key foreign policy goal of any state. Welfare provision did not, on the other hand, change how IR conceptualised the state. While “welfare” was acknowledged as a foreign policy goal of the state, this was typically just seen as shorthand for any “economic” foreign policy pursued by the state. The existential character of the two World Wars and the following Cold War furthered the obscuration of the state as welfare provider in IR thought. States were valued for their military prowess; while legitimacy and authority related to welfare provision, which de facto was a key legitimising factor in the post-war re-construction and ‘rehabilitation’ of war-torn European states, was ignored in the literature. On the one hand, the lack of attention to welfare provision implied that analyses of why states joined and maintained alliances remained underspecified. On the other hand, it also led to the fundamentally misunderstood conclusion that citizens beyond the border were of little relevance to modern states. We maintain that the conflation of modern territorial states of the 19<sup>th</sup> century with welfare states of the 21<sup>st</sup> century leads to bad International Relations. While the territorial state, at least in theory, can maintain that only that which happens within the territory is the ambit of the state, the welfare state cannot pretend that the legitimate bond between state and citizen is limited by boundaries. International Relations thus must deal with the Duty of Care.

#### **4. The Duty of Care – definitions and boundaries**

While the overall direct power of the state might be waning, the perceived duty of the state to care for citizens abroad seems to be only increasing. Citizens on the move expect to be able to carry at least rudimentary forms of their welfare with them; they expect to be cared for. Both citizens’ expectation and states’ duty have become more visible through a more forward leaning mass media, an internationalized audience and, not least, the use and importance of social media. The legitimacy in play when dealing with citizens abroad suggests that indirect governance is simply not an alternative for true authoritative government unless the social contract between rulers and the ruled is changed. In many cases the provision of care is not rooted solely in the moral obligation of the nation-state, but also in legitimacy and law. Foreign Service acts of several states explicitly state that one of the key duties of the Foreign Service is to assist compatriots in need abroad (e.g. Norwegian Ministry of Foreign Affairs 2002, 2011). Due to globalisation, such assistance is demanding ever increasing resources, even as state power is often seen as on the wane. Welfare state obligations thus continue outside of the state borders; they include the Duty of Care.

The Duty of Care originates in tort law, particularly in the common law tradition. It concerns negligence and the future duties anyone involved in inter-personal relationships could be held responsible for. In this tradition the duty of care is strictly a juridical concept, aimed at establishing whether specific obligations are met in a relationship between parties or not. It is commonly assumed that for a duty of care to arise, there must be an element of foresight of

harm (consequences should have been considered), reasonable legal proximity between the parties and a fair, just and reasonable interpretation of the situation at hand, implying that the situation should in principle be generalizable (Harpwood 2005: 27-30).

A narrow, or cynical view of the duty of care is that it is about establishing liability for causing damage by negligence, while a broader, idealist view holds that the point is not only to establish liability in case of carelessness, but actively promoting care (Horshey & Rackley 2013: 56). This latter understanding has been expanded to other fields, where there are no individuals being harmed, but where harm concerns public goods, such as in conservation of land and maintenance of biodiversity (Earl, Curtis & Allan 2010). The relationship between the parties in the strict juridical understanding is equal, with no party holding power over the other.

Another understanding of duty of care that is centred on both ethics and law, and on the provision of care as such, is concerned with *taking care of*, and thus unequal power relationships. The ones holding a duty are typically caregivers, either primary caregivers, such as parents, those *in loco parentes* (Fulcher 2005), such as educators and trainers, or medical personnel. In political thought and common linguistic usage, care has typically been coupled with protection. These two concepts have then traditionally been gendered feminine and masculine, and paired with other such dichotomous terms. The former has been seen as directed at the domestic and the everyday, and the latter at the international and exceptional. Since the Duty of Care covers both run-of-the-mill and crises, and represents a hierarchical relationship, we see it as intentionally upsetting these gendered patterns.

Questions have been raised as to where the boundaries must be drawn for the duty of primary carers: “Duty of care, in the medical context, is often invoked as a sort of quasi-biblical commandment, akin to ‘do not lie’ or ‘do not murder’” (Sokol 2006: 1238). To many this is unhelpful, since the duty must necessarily be contingent on several factors such as place, context and medical specialisation. Likewise, the duty of care must hold a different meaning in civilian settings, than on the battlefield, where the duty of care is embodied in the militaries’ duty to fight and kill to protect and safeguard their country or ‘strangers’, if fulfilling UN- or humanitarian mandates (Kelly 2010). Both Sokol and Kelly point to the necessary limits to legal responsibility, but also to a more moral understanding of duty; as the accepted notion that a carer should do something, anything, to help persons in need. A more strictly moral argument can be found in the discussion of whether there are particular groups or individuals being outside of their home countries, like refugees or asylum seekers, who hold a special entitlement to be cared for (Bretherton 2006). The heavy flows of immigrants and refugees from the Middle East and Africa to Europe from 2015 onwards, has accentuated these concerns in the international discourse.

In all these relationships of care, the duty is located in asymmetrical and hierarchical power relations, where the ones holding the power are also the ones supposed to hold a special duty. They also reflect that while there are clear legal roots to this usage of the concept, a strong moral component is also present.

Combining asymmetrical power and contractual relations, another understanding of the Duty of Care has been developed in the field of Human Relations in work relations. This understanding is concerned with the duty held by employers to employees: “employers also have a moral, as well as a legal, responsibility and obligation for the health, safety, and security of their employees” (Claus 2009: 8). People working for international organisations (IOs), non-governmental organizations (NGOs) and private companies abroad but also researchers,

journalists and activists abroad are in principle also covered by the employer's duty of care, often implemented through pre-deployment training, adequate equipment, insurances, as well as restrictions on movement (Stenbrenden 2016). This kind of thinking has been particularly prevalent in relation to employees and contractors situated abroad, especially when deployed to post-war settings or risk-prone areas. The Duty of Care of states and employers for citizens and employees abroad provides a prism for analysing the internationalisation of Human Relations not only as a practice but as a distinct field of research; international Human Relations.

In sum, usage in other disciplinary contexts illustrates how the duty of care can be understood to incorporate legal, moral and political concerns, ranging from abstract discussions about moral obligations and moral communities via legal obligations of foresight, to political considerations of legitimacy. In the same vein, the concept is demonstrably flexible and scalable; it can be applied to a duty held by polities towards communities, employers towards employees, as well as to individual encounters between a carer and a recipient of care. It remains to specify how it can add to our understanding of international relations.

## 5. The Duty of Care in international relations

This far we have argued that states, in particular welfare states, have considerable obligations to their citizens abroad, and we have suggested that the Duty of Care is a concept that covers similar obligations in other fields, and can be usefully imported into international relations. Here it can serve an important integrative role, linking together and making cross-cutting sense of diverse literatures. When imported into International Relations scholarship, we see the Duty of Care as signifying a contractual relationship between unequal partners, usually, but not exclusively, state and citizen, rooted in a normative community. It balances power and morality – the capacity of the state and the legitimacy conferred by citizens. This relationship is expressed in regulatory frameworks and institutional arrangements, but also in micro-political practices of inclusion and exclusion. At heart, the Duty of Care is a communitarian concept (where the community need not be the nation), closely tied to questions of identity and belonging, but pushing the community beyond boundaries. As such, it is a concept which seeks to relate to both cosmopolitan concerns about individuals on the move across borders (or diaspora), potentially becoming subject to harm or danger, and to community-based approaches to identity and security within stable containers.

When briefly relating the Duty of Care to existing literatures, we start by differentiating the Duty of Care from a few other concepts, before we turn to work primarily oriented towards individuals, the recipients of care, and then towards states and other providers of care.

In earlier International Relations scholarship, the duty of care has been invoked in discussions about the Responsibility to Protect (R2P) norm. Louise Arbour suggested that the R2P could be rooted in law and seen as an “internationalised form of duty of care” (2008: 452). Against this interpretation of the R2P, Philip Cunliffe argued that any such duty would run into agency-problems, “because it is everyone's duty it is also no one's duty” (Cunliffe 2010: 87), and privilege the powerful (cf. Carvin 2010). He also saw this notion of duty as distorting to representative government, creating a situation where “states have responsibilities for their people rather than to their people” (Cunliffe 2010: 81). We share Cunliffe's distinction between the Duty of Care and the R2P. The R2P norm is generally conceived of in cosmopolitan terms, and although it carries a family resemblance to the Duty of Care, they are logically different by virtue of the difference in scope. We do not necessarily agree that a Duty of Care distorts representative government. The Duty of Care *can* be seen as paternalistic, if one focuses on the

state as the holder of a cosmopolitan and globalised duty, that is if one follows Arbour's suggestion.

However, if, as we suggest, the Duty of Care is seen as constituting and invoking a communitarian relationship between state and citizen, it can be interpreted as *increasing* state accountability in a changing world. While closely related to R2P, the idea of human security more generally can also be related to the Duty of Care. They differ, however, in general approach. Human security focuses on individuals as the referent object of security, whereas the Duty of Care entails an explicitly relational approach. Utilising Duty of Care as an analytical tool acknowledges that security concerns more than states, but refuses the dichotomy between inward-looking state-centrism and universalist human security, as presented e.g. by Šehović (2018: 6).

The Duty of Care also relates closely to studies of people on the move, to work on migration, diasporas and tourism. States have cared about citizens emigrating for at least two centuries, trying to maintain their loyalty and/or retain control across boundaries. There is a distinct duality to this Duty of Care, or a possibility of inversion (Tsinovoi & Adler-Nissen 2017). While some states extend care to their diasporas, there are also obvious instances of diasporas being more or less explicitly coerced into sending funds back home, being mobilised for political purposes in the home country or creating pretexts for intervention in the internal affairs of other states. A somewhat more benign version of this can be found when states mobilise their diasporas for the cause of nation branding and public diplomacy.

As discussed by Tsinovoi & Adler-Nissen (2017) more generally, states have over the last decades tried to make travellers and expatriates responsible for their actions, e.g. through travel advice, travel registration and insurance requirements. The results are mixed. The state produces and reproduces risk, and tries to govern its population in new ways, balancing a "responsibilisation" of the population with increased state disaster preparedness (Bianchi 2006, Löwenheim 2007, Hook 2012, Kelman 2017). Even so, there are reasons to believe that this new responsibilisation is largely rejected by the audience; the citizens (Leira 2017). Both international crises and what could be described as more mundane foreign events, have shown an ability to be made into domestic political crises, thus ensuring full political attention and triggering state action (Brändström & Kuipers 2003, Brändström, Kuipers & Daléus 2008, Buus 2011). Crises also highlight inter-state relations and public-private relations, because attending to them involves host- as well as foreign governments and, in a globalized economy and labour market, governments and private enterprises (Græger and Lindgren 2017; Okano-Heijmans and Caesar-Gordon 2016). The Duty of Care makes visible how the many different fields dealing with citizens abroad are governed by parallel logics, and how closely tied this duty is to the perceived legitimacy and, ultimately, sovereignty of contemporary states.

States have traditionally taken care beyond the border through diplomatic and consular services. Rooted in historical desires for control, these services have increasingly turned to providers of care. Until recently, this was poorly reflected in diplomatic studies. However, recent scholarship has started dealing more explicitly with these topics, including how digital diplomacy can transform the possibilities for caring (Melissen and Matthew Caesar-Gordon 2016), and how diplomats and consuls can be reconceptualised as both carers and themselves in need of care (Leira 2018). A parallel duality can be found among military forces deployed beyond the border. In humanitarian, peacekeeping or peace-enforcement missions, troops are often required to engage in the protection of civilians. However, militaries are also themselves potentially in need of care, for instance when bases are attacked or when poorly equipped for the challenges

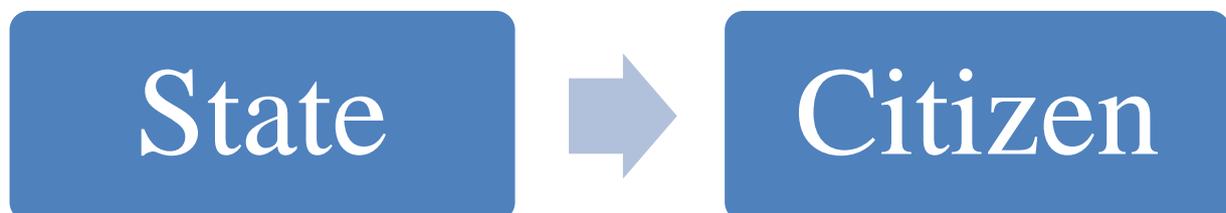
on the ground, due to either lack of resources, adequate intelligence or robust mandates. Military forces typically develop strong communal bonds of their own, and the ideology of “leave no man behind” can itself be seen as an expression of a communal Duty of Care within the military that may also cross both national and organizational boundaries (Græger 2016, 2018). Both military and diplomatic services also face the question of how far the Duty of Care stretches in case of evacuation from a mission area or war. Are locally hired personnel or private security providers covered by the Duty of Care?

For the great powers, care through diplomatic, consular and military means is also embedded deeply in colonial history, with care for citizens, co-religionists and fellow westerners against the local Others. This should act as a reminder that the Duty of Care beyond the border has roots in a civilizational logic. There are obvious remnants of this in how many western states care for their imprisoned citizens in countries outside the west.

## 6. Unpacking the Duty of Care

When approaching the Duty of Care analytically, a useful starting point is asking who holds the duty, and to whom it is extended – who has the right to be cared for according to this duty and under which circumstances can this right be claimed? Furthermore, as the concept concerns not only the ties between state and citizen, but also the boundary between those who are part of the community and those who are not, the question of where care ends should be addressed. These are also fundamental questions of power.

The Duty of Care relationship can fruitfully be conceptualised as a “chain of care”, stretching from state to citizen.<sup>2</sup> The most basic chain is the theoretical or contractual one between state and citizen, expressed in the idea of a social contract (Figure 1).



*Figure 1: The Social Contract of Care*

However, the state and citizens almost always interact through *intermediaries* like diplomats, militaries, outsourced service providers or actors with delegated authority (Figure 2).

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<sup>2</sup> The notion of a “chain of care” has been developed for boundary-crossing relations in more traditional forms of care-giving, with e.g. Pilipino women working as au pairs in the west, and sending money back to the Philippines to pay for local women taking care of the au pairs' own children. As a heuristic, the idea makes sense for the duty of care as well (Hochschild 2001, Yeates 2012)

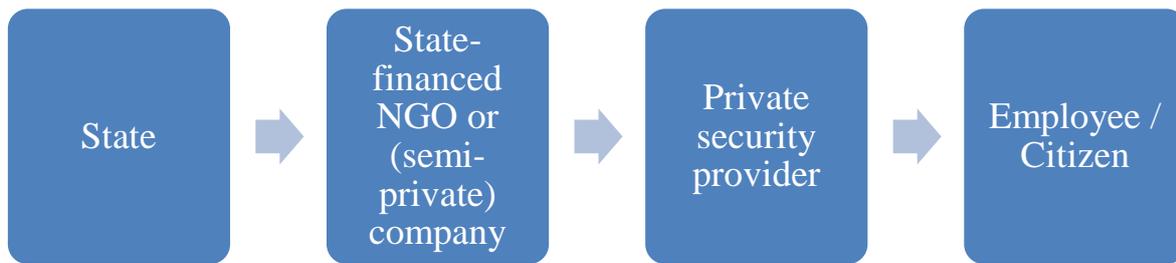


Figure 2. *The Intermediaries of Care*

This implies that the overall Duty of Care can be broken down into specific *relations* along the chain. Such relations include those between the state and diplomats or militarys, or between private security contractors and citizens abroad. This means that it becomes possible to study *extensions of the chain* like to military interpreters and locally hired diplomatic staff, and to retirees and others with (recent) links to former resident country (Figure 3).

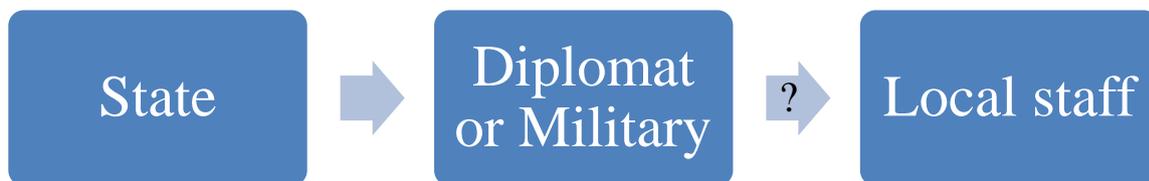


Figure 3. *Extensions of Care*

These specifications of the chain of care lead to questions of who are called upon to provide care for the state's subjects abroad, should they come in harm's way? On what authority basis do carers act when citizens fall victim to serious crime, terrorist attacks, war, natural disasters, or put themselves in difficult situations? The prevalence of non-state intermediaries also raises questions about authority, legitimacy, accountability and transparency. When non-state actors perform tasks related to the duty of care on behalf of the state, what sources of authority do they draw on? To what extent can NGOs and private companies claim to be legitimate carriers of the Duty of Care and to what extent are they seen as such by the recipients of care? Who controls the intermediaries and how can they be held accountable for their execution of the Duty of Care, or if not acting on the duty in the first place?

Hence, both the use of intermediaries and extensions of chains of care challenge the social contract between the state and citizens, and the democratic and moral assumptions it rests on. This is important, because at the receiving end, care is not only about the provision and supply of services but about priorities and selection; who is eligible to receiving protection in a concrete situation and who is not? Who is to be cared for and on what grounds? Here, the definition and implementation of selection criteria, by whom, the available arenas as well as the access to resources for demanding care, are central issues.

The ensuing chapters relate to different points of the chains of care, and they emphasise different relationships. Many of the chapters deal with cases which could be considered extreme, probing the limits of the Duty of Care and even moving beyond it. We have chosen to

highlight such cases under the belief that the concept itself and its associated practices become particularly visible when stretched to the limit.

Our first chapters deal with the duty of care in the context of legal topics, but which to some extent also include the commercial dimension related to states' and employers' Duty of Care for people working in risk-prone or dangerous areas abroad. *Anna Leander* looks at three distinct ways in which the duty of care specifically is mobilized by security professionals to inscribe the care for the own security as a technology of the self. Focusing on the care for the security of humanitarians, she is tracing the process related to one case that has been hailed as a 'landmark case' or 'game changer', that of *Dennis v. the Norwegian Refugee Council*.

*Alessandra Russo* and *Francesco Strazzari* go on to discuss one specific knowledge-producing practice – researchers conducting field-work in potentially dangerous places, and the paradoxes it raises for Duty of Care as a knowledge-dependent field. Researchers supposedly know the “dangerous” areas best, yet the Duty of Care owed to them by states and employers, often operationalised by bureaucrats and insurance companies or other intermediaries in the chain of care, might render such fieldwork impossible. Hence, while a level of knowledge about the outside world is necessary for any state to be able to enact their Duty of Care abroad, new security and control regimes may discipline field work and research in a way that over-time may lead to knowledge gaps.

Sharing the interest in the DoC for scientists but focusing on whether and how science diplomacy warrants the Duty of Care, *Ilan Kelman and Carolin Kaltofen's* chapter complements the analysis by Russo and Strazzari. The chapter identifies and seeks to fill the knowledge gap of the scope and applicability of the Government of Norway's Duty of Care for its scientists working outside of the country, the thresholds which would need to be crossed for the duty to be invoked, and the political stakes of duty of care interventions into scientific enterprises.

As argued above, the intermediaries in the chains of care might themselves be in need of care, including the military providers of care. The specific duty of care for troops abroad also allows us to study the border line between caring and not caring, and possible extensions of the chain of care beyond the national community. *Kristian Sjøby Kristensen* explores how tensions can arise when local Afghan interpreters who worked intimately with the Danish troops in Afghanistan were originally not considered to be owed any care by the Danish state after the Danish forces withdrew. However, their Danish 'brothers in arms' mobilised political support, and were able to expand their communal military Duty of Care into a national Duty of Care for the interpreters, thus extending the chain of care.

Yet another borderline case concerns nationals fighting wars for other political entities than their own, voluntarily or not. This caused duty of care challenges for states during the World Wars and the Spanish Civil War, and has become increasingly relevant again over the last decades. Cases where individuals have explicitly rejected the national community and who attempt to step outside of the chain of care, are particularly challenging, as explored by *Stig Jarle Hansen* in the context of 'foreign fighters' joining ISIL and organisations on the Horn of Africa. Even if individuals might have rejected their home community, families typically still want them to receive care, and the state might want to draw them back into the community, if only to stand trial.

In his chapter, *Xavier Guillaume* looks at questions of identity and belonging, and the tension of maintaining identity across boundaries through regimes of citizenship. These questions and the basic contractual relationship between state and citizen (the direct chain of care) are discussed in relation to the development of state legislation about citizens abroad, drawing on a recent case of the formalization of the rights and duties of Swiss citizens residing abroad.

At the opposite end of the scale from individuals rejecting the community, we find diaspora groups unwillingly separated from their larger community. The dissolution of the Soviet Union at a stroke created large Russian diasporas in new independent states, diasporas which the Russian government has tried to utilise for political purposes, as detailed by *Minda Holm*. While diaspora mobilisation and some degree of inversion of the duty of care is a relatively common phenomenon, the case of the former Soviet Union provides one of the clearest politicisations of the duty of care for state purposes rather than citizen purposes.

Bringing together the discussions in the preceding chapters, *Kyle Grayson* highlights the opportunities opened by the Duty of Care to rethink key concepts within international relations, as well as the theoretical and practical conundrums that it can leave in its wake. The chapter concludes that the concept of the Duty of Care bears promise of helping the fields of IR to better understand the challenges of contemporary governance in a world where sovereignty, territoriality, and citizenship are in flux.

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