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Neoliberal Charity: German Contraband Humanitarians in Kenya

Human Rights and Humanitarianism

How is the imagination of human rights related to humanitarian practice? More specifically, how is the history of this relationship relevant to understanding present-day forms of humanitarian practice? To answer these questions, this essay offers a brief discussion of approaches to the history of human rights, including its relationship to humanitarian practices and debates over rights that emerged in the context of colonialism. The link to colonial rule, specifically, highlights the conditional nature of humanitarian practices and its connection to the adoption of particular economic orders. Today's humanitarianism is also conditional and intricately defined through its relationship to neoliberalism. A case study on what I call "contraband humanitarians" in Kenya illustrates the ways in which this type of humanitarian work can be tied to central tenets of neoliberalism. My discussion highlights the ways in which contraband charity is distinguished by what Didier Fassin calls "humanitarian reason," a belief system that buttresses contemporary global inequality (Fassin 2012). The conclusion addresses the function of contraband charity in the context of present-day economic globalization, specifically what is becoming known as the Second Scramble for Africa.

Humanitarianism, Human Rights, and Empire

Scholars have located the origin of human rights debates in different historical moments and they have presented this genealogy through both idealist and materialist lenses. In *Inventing Human Rights*, Lynn Hunt ties the birth of the idea of human rights to debates in eighteenth-century North America and Europe, highlighting the relevance of the Enlightenment idea of individual autonomy: "To have human rights, people had to be perceived as separate individuals who were capable of exercising independent moral judgment" (Hunt 2007, p. 27). Her evidence for the origins of a new sensibility that enabled the notion of human rights to take root are "accounts of torture or epistolary novels," the reading of which, Hunt claims, "had physical effects that translated into brain changes and came back out as new concepts about the organization of social and political life." In

contrast to materialist explanations according to which the notion of the individual may be tied to the emerging needs of capitalism (for individuals who are divorced from place and social ties and can become movable labor, for example), Hunt's idealist interpretation suggests that "[n]ew kinds of reading (and viewing and listening) created new individual experiences (empathy), which in turn made possible new social and political concepts (human rights)" (Hunt 2007, p. 33–34).

Samuel Moyn, on the other hand, argues that the concept of human rights, as we understand it today, is a much more recent invention, and that it is tied to macro-level political events. Moyn provides ample evidence that the human rights discourse in Western societies gained currency after World War II before becoming popularized in earnest only in the course of the 1970s. Moyn explains the popularity of the concept as being grounded in a need for utopian vision. He cites various factors – among them “the search for a European identity outside Cold War terms” and “the end of formal colonialism and the crisis of the postcolonial state” – and summarizes them by suggesting that “the best general explanation for the origins of this social movement and common discourse around rights remains the collapse of other, prior utopias, both state-based and internationalist” (Moyn 2010, p. 8). While Moyn emphasizes the ideological function of the notion of human rights, he asks us to understand the discourse of human rights in the context of material histories.

Reading Hunt and Moyn side-by-side shows that since its inception the notion of human rights has functioned as a political discourse, one that needs to be explored in terms of its relationship to the material histories it negotiates. Debates about what is human and what consequences the idea of the human has in terms of rights predate eighteenth-century discussions of natural and citizen rights (although the inflation of the term *human rights* is, as Moyn argues, certainly a more recent phenomenon). Neither the notion of rights nor that of the human is owned exclusively by the West, but the discourse of “human rights” is a particularly Western phenomenon, one that is grounded in the longer history of Europe's relationship to non-European, particularly non-Christian, cultures (Barnett). Therefore, colonial and imperial enterprises turn out to be central for debates on ideas of the human. On this issue, Anthony Pagden deserves to be quoted at length:

It is undeniable that, at present, the “international community” derives its values from a version of a liberal consensus which is, in essence, a secularized transvaluation of the Christian ethic, at least as it applies to the concept of rights. ... The history of rights, of *iura*, and in particular of those rights which were to become “human rights,” is doubly embarrassing for their culturally sensitive defendants in that such rights were not only a creation of the Roman legal tradition but were developed in the form we understand it today, in the

context of imperial legislative practices, and have remained closely associated with *imperial* expansion and its consequences until at least the late nineteenth century. Some plausible account of the evolving relationship between rights and the development of the European empires might, perhaps, provide a better position from which to evaluate why we continue to believe that “our” values are necessarily conterminous with those of the human race as a whole, and whether we are justified in so doing (Pagden 2003, p. 173).

Some of the earliest evidence for how ideas of the human and of rights were debated in the context of imperial conquest can be seen in the advocacy of Bartolomé de Las Casas on behalf of Native Americans. The Dominican friar who became an outspoken critic of imperial violence based his activism for American Indians on a concept of universal humanity. Nevertheless, Las Casas’s support was ultimately conditional in that it was tied to the desired conversion of American Indians to Christianity. As Daniel Brunstetter has shown, “Las Casas’s claims about the humanity of the Indians delimit a tension-laden view of the human that sheds light on the friction between universalism and alterity and thus the place of inequality in the liberal thread of Modernity” (Brunstetter 2010, p. 421; Castro). While acceptance of Christianity was crucial for Las Casas’s notion of universal humanity, racism and its dehumanizing practices would ultimately secure the exclusion of non-European others from the framework of rights granted to white Christians. In many ways Las Casas’s positions exemplify the tension inherent in the conditional support today’s humanitarians (generally speaking) extend to the recipients of their aid – namely, accepting parameters of neoliberal capitalism.

Reading Las Casas alongside Hunt and Moyn emphasizes the ways in which human rights discourses, while clearly playing distinct functions on the national level, negotiate power relations on a global scale. To be sure, human rights discourses are invoked by different agents, and the differential power status of these agents betrays their distinct goals: political, disability, or gay rights activists who lobby for their rights in a specific country are, for example, situated differently from government representatives who evoke human rights in order to justify political and economic policy in order to pursue goals that may in fact lead to a worsening of the human rights situation, most often in countries other than their own. It is useful in this regard to consider the relationship of human rights to humanitarianism.

How is humanitarianism related to the notion of human rights? According to a host of dictionary definitions, *humanitarianism* is a doctrine or a set of beliefs and practices that are based in the intent to promote the “welfare of other people” or “human welfare.” Significantly, however, unlike human rights debates and activism, *humanitarianism does not primarily refer to rights*, and even if it does

refer to rights, the gesture is mostly rhetorical. For one thing, human rights at this point in time have no institutional teeth: unless they are legislated locally and made part of the citizenship rights of a nation-state, they are not enforceable in our current global legal landscape (Brysk and Shafir 2004). In addition, humanitarianism is intrinsically related to global relations of social inequality, but it masks this relation by emphasizing *affect* rather than rights and ideas of social justice. Humanitarianism, as Didier Fassin has argued, is grounded in “a politics of inequality” and draws on “the mobilization of empathy rather than the recognition of rights” (Fassin 2012, p. 3, p. x).

Humanitarianism is a term with a recent linguistic history. Google Ngram shows no significant use of the term until 1850 (though it shows indications of earlier spikes in usage), with a peak in 1941, then a significant drop and an upward trend again since 1992 (Google Books, Ngram Viewer 1). The chart for the term *humanitarian*, however, shows a steady increase over time, with only a slight drop in the late 1970s and early 1980s (Google Books, Ngram Viewer 2). The graph for the German term *humanitär* displays a similar rise in frequency but it also a drop after the year 2000 (Google Books, Ngram Viewer 3). While humanitarian rhetoric may be a more recent phenomenon – and various forms of charity, philanthropy, or welfare predate Western colonialism and have existed in cultures across time and space – the particular type of humanitarian practice that is tied to global power politics dates back to the beginnings of colonialism. Like the positions of Las Casas (who argues for rights but also makes them conditional), contemporary humanitarianism displays the deep contradictions that are the legacy of the long-standing nexus between imperial power and discussions of the human and nonhuman.

Humanitarianism, as it is pursued mostly in poor nations by international nongovernmental organizations (INGOs), governmental and international supragovernmental organizations, as well as a wide range of individuals is very much structured by the principles of conditional support that emerged in the context of colonialism and continue under the auspices of neoliberal globalization. The extent to which humanitarianism has become an integral part of neoliberal Western identity can be observed in the actions of ordinary citizens who take the humanitarian and developmentalist agenda into their own hands.

German, Swiss, and Austrian Humanitarian Activities in Africa

Over the past few decades, German, Swiss, and – to a lesser extent – Austrian participation in a wide range of humanitarian activities in Africa has become extremely popular. In 2013, the total of all forms of private donations in Germany was estimated to amount to approximately 6.3 billion euro (Deutsches Zentralinstitut für soziale Fragen 2014). More than 75 percent of private philanthropic organizations are active internationally; almost 80 percent of their work is designated as “humanitarian aid”; and the largest percentage of German donations for internationally active organizations supports humanitarian aid to Africa (Ulrich 2009, p 12; betterplace lab 2011, slide 20). During the summer of 2011 appeals to donate in response to the famine in East Africa raised 91 million euro within four weeks (Deutsches Zentralinstitut 2011). In July of that year in Switzerland, one news organization reported that 7.8 million Swiss francs were raised in the course of only a few weeks (Müller 2011). In August, Swiss citizens were reported to have donated 20 million Swiss francs through one particular donating platform for the famine in East Africa (news.ch 2011). In 2013 the volume of private donations in Switzerland was 1.6 billion Swiss francs, thus exceeding the amount of giving per person in Germany (the population of Germany is roughly eighty-two million, while that of Switzerland is about eight million) (swissfundraising 2013). Austria sends less aid to countries of the global south in comparison to the aid provided to those areas by Germany and Switzerland (Fundraising 2013, p. 7). One report states that surveys reveal that Austrians prefer to give to domestic projects (Fundraising 2013, p. 3).

German donors and their money influence events in Africa in substantial ways and German humanitarian organizations that focus on Africa are ubiquitous. (For the sake of convenience and because of their significant cultural similarities, henceforth I refer to German-speaking persons collectively as “Germans”). Annett Heintz and Gabriele Lingelbach have shown that West German giving to organizations that operate abroad emerged in the 1950s in the context of development aid (*Entwicklungshilfe*) activities and discourses (Heintz and Lingelbach 2009, p. 287–312). The economic, political, and social situations of “Third World” countries have attracted growing public attention since that time. Human rights advocacy in particular relates German philanthropic activity in Africa to what historian Lora Wildenthal has identified as one of four usages of the “language of human rights,” namely “activism on behalf of foreigners.” In former West Germany this activism can be traced back to the Society of Threatened Peoples (*Gesellschaft für bedrohte Völker*), which, according to Wildenthal, began as the

Biafra Aid Campaign (Aktion Biafra-Hilfe) in 1968 and soon thereafter “broadened its scope to any ‘people’ (Volk)” (Wildenthal 2013, 11). German humanitarian impulses, as Glenn Penny argues, are also grounded in the long-standing identification with indigenous peoples (most importantly, American Indians), which sensitized (some) Germans to the plight of indigenous peoples and to the repercussions of colonial conquest (Penny 2013). In addition, as Michael Rothberg and others have pointed out, critical discussions of the Shoah in Germany (and elsewhere) opened a space for the discussion of genocides of other groups and thus helped generate the human rights framework that was crucial for the emergence of humanitarian initiatives and the development of new legal norms regarding humanitarian responsibilities (Rothberg 2009; Hilpold 2013).

The popular discourse on humanitarianism also plays a role in inspiring humanitarian impulses. The older generation of humanitarians at present are more likely to have been directly inspired by Albert Schweitzer, who represents the key paradigm for today’s humanitarianism on both the institutional and the personal level (Berman 2004, 61–97). For the middle-aged and younger generation the USA for Africa song and fund-raiser “We Are the World” in 1985 signals a pivotal moment that popularized humanitarianism. Musical artists such as Madonna and Bono and, in the German context, the late actor Karlheinz Böhm and soccer star Philipp Lahm use their celebrity status to promote the humanitarian agenda.

In most instances, German humanitarians come to Kenya via tourism. Kenya has been one of the favorite vacation destinations for tourists from German-speaking countries, who over the years have constituted between 10 and 20 percent of tourist arrivals in the country (Berman 2004, p 186). In 2009 a total of 940,386 international arrivals were recorded at the two main airports, 395,828 of them categorized as tourists. Among the tourists were 63,592 Germans, 15,810 Swiss, and 5,302 Austrians (Ministry of East African Affairs, Commerce and Tourism 2014). Diani, which is located on the coast south of Mombasa and one of the main centers of beach tourism in Kenya, is particularly popular with Germans. Germans were crucial in developing its tourism infrastructure, and over the past fifty years German-speaking tourists and residents have contributed to shaping life in the area. In addition to vacationing there as tourists, they have been active as managers of hotels; owners of boutiques, travel agencies, nightclubs, diving businesses, and restaurants; landlords of expensive villas; and employers of Kenyans. Some move to Kenya to retire, and some engage in binational romantic relationships. Over time the development of the tourism and real estate infrastructure and the activities of the tourists and settlers have had a significant impact on the local community, affecting shifts in landownership, commercial infrastructure, population growth, interpersonal relations, and various patterns of social and cultural prac-

tices. In addition, postindependence Kenyan governments have neglected the coastal region and have in fact facilitated land grabbing of some of the most precious beachfront plots. The result of these various changes is a shift from a largely self-sustaining community to a much larger population that is overwhelmingly impoverished, with high rates of unemployment, drug abuse, and prostitution. While the local Digo of the area numbered several thousand up until the 1960s, more than 70,000 people live in the larger Diani area today.¹⁰⁴

Most of the German tourists and residents who engage in humanitarian activity in Diani are unaware of the reasons for the poverty they encounter. Humanitarians tend to lack understanding about the repercussions of tourism development, the inaction of the Kenyan government, misguided development aid policies (affecting Kenya more broadly), structural adjustment policies imposed on Kenya by the World Bank and the International Monetary Fund (which are responsible for the real estate boom in Diani that has led to large-scale gentrification), and the role Westerners play in land grabbing as well as the rise of the drug trade and prostitution in the area. Rather, they interpret what they see along the lines of deeply ingrained notions about Africa's need for assistance.

While some humanitarians pursue their activities in the official institutionalized settings (such as schools, INGOs), not a single German, Swiss, or Austrian INGO is registered in Kwale County (to which Diani belongs). Hundreds of large- and small-scale projects, however, have been funded by individuals from these and other European countries. Some activities occur through locally registered associations or businesses, but much humanitarian activity takes place entirely outside of official channels charged with monitoring development and economic activity. I have chosen the terms *contraband humanitarian* and *contraband charity* to highlight this outsider dimension; in addition, at times contraband charity does indeed involve illegal actions. *Charity*, it should be noted, is the term that is used locally, in Diani and Kenya more broadly, to refer to humanitarian activities of all kinds.

Contraband Humanitarians

Tourism frequently creates the contact zone that leads to humanitarian activity. Once tourists realize that even small sums of money can have a tremendous impact, many of them pursue philanthropic activity with great enthusiasm. Initial

104 73,475 according to the Kenya 2009 census. The figures for Diani were provided to me by the Diani Chief's office.

contact is often made in the hotel at which the visitors stay or at a restaurant, a bar, or the beach. In the late 1990s I conducted my first study of German, Swiss, and Austrian repeat visitors who vacationed on the Diani coast and learned about the extent and nature of their interaction with the local population. In all cases there was significant contact between the local population and the tourists; the majority (70–80%) of repeat visitors I interviewed supported Kenyans materially in one way or another. They paid education fees for different types of schools, such as primary and secondary schools, language institutes, and driving schools; bought school supplies and uniforms; took care of hospital bills and paid for other medical needs; brought clothes, household items, and electronic appliances; and even helped people build their own homes (Berman 2004, p. 195–204).

For some of the tourists these kinds of measures of support were the first step toward becoming a committed contraband humanitarian, and often they created donor networks back home that allowed them to pursue projects of significant scale. By founding these donor networks, German contraband humanitarians created the type of organization that journalist Linda Polman calls “MONGO,” for “My Own NGO,” a term that highlights the subjective and perhaps haphazard dimension of this type of nongovernmental organization (Polman 2010, p. 48–62). Over time, these fundraising efforts have had a visible effect; the larger Diani area is crowded with schools, water tanks, dispensaries, nurseries, houses, toilets, and wells that were built for locals with the funds of contraband humanitarians. There is not a single public or private school in the area that does not have a sponsor, mostly European, whose name is engraved on school desks or acknowledged on the entrance wall of the building.

Let us take a look at two examples of contraband humanitarians who have been active in the area over the last several years. Gustav and Bertha Müller have been traveling to Kenya since 1991.¹⁰⁵ While they first pursued their aid activities alone, they eventually established a support network in Germany (their MONGO) that is raising ever-increasing sums of money. When I initially interviewed Mr. Müller in 2009 he indicated that his network had raised over 25,000 euro and that he expected the sum to rise to 100,000 euro in 2011. As of May 2010, the association, which is also loosely connected to a larger and more visible network, was registered as a nonprofit organization in Germany (“eingetragener Verein”). A core of about twenty active members draws on a constantly growing donor network; overall membership has grown to seventy individuals (March 2014).

105 The names of all individuals I interviewed have been changed, and I also altered other aspects of their stories to ensure anonymity. I provide a more detailed discussion of the activities of the Müllers, in the context of historical patterns of aid to Africa, in Berman 2013.

The explicit goal of the organization, as expressed in its constitution, is to “improve the living conditions of human beings in Africa,” with a focus on education and health care. The organization emphasizes that it is guided by principles of self-help. Beginning in 2005, the main focus of the Müllers and their association has been Kijiji village, which is located at a significant distance from Diani. About 12,000 individuals live in the area connected to the village. Among the various projects, including some in locations other than this particular village, are replacing defunct water pumps; building toilets and shower stalls in several areas; sponsoring school children (as of 2014, Germans pay fees and supplies for eighty-nine children; in 2011 the organization sponsored forty-eight children); supporting primary and secondary schools, both public and private (funding the building of new structures, building toilets, supplying books, providing a meal program, and erecting water tanks); supporting the Kwale District Eye Centre (through donations of cash and equipment as well as by collecting used eyeglasses and buying and reselling items from the Eye Clinic Charity Shop); supporting orphans (three children from Kijiji village were brought to an orphanage in another location); building water tanks in various locations (to date nine water tanks have been built in Kijiji village alone); providing mosquito nets (in 2008, for example, the initiative distributed over one thousand nets); supporting health dispensaries (the organization provides a significant amount of medications, particularly in support of an epilepsy network); creating employment (through support of seamstresses, wood-carvers, and musicians); and supporting an SOS Children’s Village (to date three children have been sponsored).

Funds for the Müllers’ organization are raised in Germany. Initially, the couple relied on their private network, and over time their association reached a substantial number of supporters in their hometown and the surrounding areas. While some of their activities, such as the building of toilets, require government approval (in this case from the Ministry of Health), none of the planning occurs in collaboration with state institutions. As a result, almost none of the organization’s activities are coordinated with Kenyan government agencies, a situation that would be (as yet) unthinkable if, say, the flow of such activity were reversed. Would Germany, for example, allow Qatari or Chinese humanitarians to fix the dismal situations in its areas of urban poverty?

My second example of a contraband humanitarian operating in the area in recent years is a Swiss woman, Ms. Bäumler, who over time has made significant contributions to infrastructure development in Diani and has also helped select individuals directly. She first came to Kenya in 1988 and slowly got to know people in the area through contacts made with the hotel staff. She initially brought children with her to the hotel and then began to pay for the education of certain ones. But she soon expanded her range of activities, establishing an organization in

Switzerland that served as a fund-raising platform to support projects in Diani. She advertised her initiative in newspapers, on the radio, and on television. Sponsors included individuals from all walks of life as well as faith-based organizations, and some donations were as large as ten thousand Swiss francs. One of her most successful projects dating back to this early phase of her activities is an elementary school that in 2012 provided about seventy scholarships to select students. She also enabled older students who needed funds to attend secondary school and brought disabled children into an orphanage.

In the early 1990s she fell in love with one of the hotel employees and in 2001 left her husband and secure employment as a salesperson in a large department store behind and relocated to Diani. Ms. Bäumler was forty-eight when she made this life-changing decision. Once she moved to Diani, her level of activity increased: she raised funds to dig wells and built three large water tanks that are located in various places across the area; she repaired roofs, built toilets, took drug addicts to the treatment program of the local Catholic church, and adopted the child of a mother who had died of AIDS and who himself is infected with the virus. All of this, Ms. Bäumler said, was done without asking for reciprocity; it was done out of a good heart (*"alles ohne Gegenleistung, von gutem Herzen"*).

What are the implications of contraband charity? For contraband humanitarians proof that their work is meaningful is easily established: providing for education, improving sanitation and health care, and taking care of orphans are actions that correspond to United Nations and other development agencies' goals and accord with widely acknowledged areas of human rights. Financially, all of the projects supported by Mr. Müller and Ms. Bäumler are dependent on funds flowing from Germany and Switzerland. Without this donor support, none of the projects would be able to survive. Yet Mr. Müller's and Ms. Bäumler's investments in education have the potential to produce long-term effects. Those who have received an education through the efforts of these philanthropists may have a greater chance to create sustainable futures for themselves.

Contraband humanitarians achieve their goals with a minimum of bureaucracy and overhead costs, and they are able to track the outcome of their aid through long-term personal contacts. What, then, could be wrong with this kind of aid? In spite of the seemingly obvious beneficial dimensions contained in this kind of aid, there are also long-term repercussions that most contraband humanitarians are not prepared to grasp. Contraband charity, building on the five hundred-year-old tradition that was established by the nexus of colonialism and the Christian mission and continued through various models of modern forms of imperial and capitalistic aid, is part of and contributes to a culture of charity that has detrimental effects on various levels. Contraband charity in Diani, beginning with the actions of individuals in the 1980s and earlier, had an impact on aspects

of the larger society that contraband humanitarians rarely consider: on the state, the economy, and, perhaps most important, local culture.

Relationship to the Kenyan state. Mr. Müller and his organization operate almost entirely outside of the official political and administrative framework and, through their activities, release the state from its responsibilities, thereby fueling the potential for corruption. Mr. Müller's organization is not registered in Kenya (and only recently became registered in Germany), and Mr. Müller has never been to the offices of the county commissioner, education officer, or development officer. At some point Mr. Müller considered registering as a local organization but felt that such a move would inevitably lead to conflict with the Germany-based organization: "Because then we have two organizations with different goals," he explained. In only a few cases Mr. Müller went through official channels – such as when a sanitary unit attached to a dispensary had to be approved – and most of the time these interactions were initiated and carried out by his local contacts. Ms. Bäumlér's Swiss donor network is also not registered in Kenya. After relocating to Kenya, she went through official channels more often – for example, when she established the primary school – even if most of that work was done by others for her. Most of Ms. Bäumlér's other projects, however, have also been conducted without any connection to official development plans.

More important, however, the large amount of informal aid flowing into the coastal area may in fact encourage inaction by government officials. If their work is being done by someone else, they face less pressure to create and maintain a functioning infrastructure. State funds can disappear without anyone noticing their absence – after all, schools, dispensaries, toilets, and wells were built. INGOs in Africa and other areas of the world developed out of the frustrations resulting from severe shortcomings of state-controlled services, including corruption, mismanagement, graft, and political oppression. But the initiatives led by non-state actors produce their own problematic outcomes and, in some cases, undermine the potential for governmental institutions to be effective. In part, my research on contraband humanitarians confirms the finding of other critics who have illustrated the negative repercussions of INGOs and NGOs in Kenya. As with other forms of aid, contraband charity "props up corrupt governments" (Moyo 2009, p. 49; also, among others, Wrong 2009; Easterly 2006; Lancaster 1999; Ayittey 1998; Kabou 1991; Erler 1985).¹⁰⁶ Funds directly provided by humanitarians to schools may end up in the pockets of corrupt principals. The principal of one of the schools that receive substantial aid through Mr. Müller's organization

106 Jeffrey Sachs is one of the most prominent supporters of development aid. For a summary of his main points, see Sachs 2014.

was locally known for being corrupt and pocketing donor money. In this regard contraband charity not only feeds graft and corruption; it is also a dimension of the “NGOization” of Kenyan society, whereby mostly foreign-based organizations complement, but more often interfere with, the responsibilities of the state and local communities (Mutua 2009; Amutabi 2006; Igoe and Kelsall 2005; Hearn 1998). Overall this type of charity leads to further erosion of the state and thus facilitates basic neoliberal principles.

Impact on the Kenyan economy. Mr. Müller and Ms. Bäumler both feed and impede the growth of local industries. Their activities employ those who construct building structures, and many items used for the projects are bought locally. But the cargo that their organizations bring from Europe is problematic. In spite of prohibitions by the Ministry of Health, contraband humanitarians import and hand out medications free of charge, a practice that interferes with the local pharmaceutical market. As medications are delivered to government dispensaries without any official mechanism controlling the volume and nature of the donations, the reselling of these materials has become a widespread phenomenon (Bate, Hess, and Mooney 2010; Siringi 2004). Donors are usually unaware of the black market for drugs and medical supplies and cannot fathom that a medical doctor would be involved in illegal activities. Interestingly, several airlines transport goods for approved charitable organizations for free (such as Air Berlin and Condor), which facilitates the import of often-defunct items. Cargo is inspected at Kenyan airports, but much of what is deemed useless by, for example, a district health commissioner passes customs. In Kwale an official of the Ministry of Health showed me a defunct surgery bed, a defunct radiology machine, and hundreds of useless AIDS prevention kits that were rotting away in storage. What results in convenient tax write-offs for German and Swiss companies and individuals litters the Kenyan landscape. Again, contraband charity corresponds with neoliberal strategies of controlling markets of the global south.

Effect on local culture. Humanitarians are dependent on their local confidants and usually do not suspect them of being complicit in illegal schemes or of simply betraying their trust. It is certainly true that a much higher percentage of their funds arrive in Kenya than is the case, for example, with systematic development aid, in which a substantial portion of the resources remain in the donor country and large sums disappear into the pockets of government officials. But there are questions around the allocation of funds, such as donations made to unregistered schools or those given directly to corrupt principals. How exactly is the money being spent? What is the mechanism for establishing that a child is indeed an orphan? Mr. Müller, for example, blindly trusted local confidants who, as I was able to establish, clearly betrayed him but in measured ways so as to not raise suspicion. Given that it is often based on whim and lacks a system of checks

and balances, contraband charity ultimately encourages a culture of betrayal and graft. Neither Mr. Müller nor Ms. Bäumler have sufficient knowledge of local language, culture, and customs. Even after two decades of travel to and living in the area, they do not speak any of the local languages, and their English skills are also not on a level that would allow them to communicate in adequate ways. Mr. Müller often comes across as rude and bossy, although he is unaware of it. In this regard both individuals perpetuate the colonial paradigm of settlers who interact with the indigenous population in reductive and reduced language that is devoid of the nuances intelligent conversation requires and allows (Nyada 2014).

The most consequential dimension regarding the impact of neoliberal charity on local culture is the fact it has contributed significantly to the destruction of local systems of solidarity and self-help. In the past the Digo of the Diani area and beyond made use of, among others, two institutions their societies had created through which individuals benefited from communal action and the community benefited from the collective actions of individuals. One of them, *utsi*, involved the entire village or a large part of it; the other, *mweria*, was designed to address the needs of smaller groups of people.¹⁰⁷ The time for an *utsi* was determined by the village elders, and people collaborated on a variety of activities carried out under the umbrella of *utsi*. Some *utsi* involved the entire village, some would draw on all able-bodied men, and others involved able-bodied women.¹⁰⁸ *Utsi* were announced for the purpose of harvesting coconuts (*kubwaga nasi pamoja*), hunting (*kuwinda*), fishing (*kuvua*), cleaning the beach or areas of the village (*kusafisha*, *kuosha*), planting (*kulima*), harvesting on communal land (*kuvuna*), and weddings and funerals (*harusi*, *mazishi*). *Utsi* involving women specifically were aimed, for example, at guarding against wild animals (*wanyama porini*). There was also collective action against thieves (*wezi*). *Mweria*, the word for the system of communal self-help involving smaller groups of individuals, means: “Today for me, tomorrow for you, it goes around.” Ten people might get together to fix their roofs, one after another, or they might harvest or plant together on their individuals plots, renovate their houses, or dig holes for pit toilets.

Today both institutions, *utsi* and *mweria* (and other communal practices), are more or less extinct. Some forms of *utsi* are simply no longer possible today: hunting, for example, has basically died out as much of the forest has been

107 I was unable to find scholarly literature about these two institutions. My discussion is based on extended conversations with villagers in the Diani area during 2009 and 2014 and on observations made since I first visited Diani in the early 1980s.

108 The term *able-bodied* was used by villagers I interviewed.

reduced and what is left of it is protected as a *kaya*, a sacred forest (such as Kaya Diani, Kaya Ukunda, and Kaya Kinondo). *Utsi* for the purpose of raising funds for a wedding or funeral still exist, but examples of collective action carried out in the form of these two practices are rare. One villager from Mvumoni said that he remembered an *utsi* that led to the building of a primary school around 1970: in Mwaroni a number of villagers with adjacent land all agreed to give up a slice of their property, and in the middle of that land they built the school. The last *utsi* that the assistant chief of Bongwe (a sublocation of Diani) recalled occurred in 1997, a year that had brought a terrible drought. At that time the council of elders decided to call for a rainmaking *utsi* (*kuomba mvua*). The last *mweria* he remembered occurred more recently: in 2012 a group of people decided that they wanted to built traditional toilets in the village of Vukani, and they dug holes for all members of the *mweria* group. Remnants of both institutions are thus occasionally still visible, but overall these forms of communal solidarity have disappeared over the course of the past fifty years. It seems that the disappearance was gradual, but the most significant changes occurred in the 1970s, when the emerging tourism industry began to have an impact on the local community. At that time villagers began to work for salaries in the hotels, and tourists began their charitable missions.

Utsi and *mweria* are centrally defined through the idea of reciprocity – that is, all members of the community have to invest in the collective action in order to receive something for themselves. This aspect, as historian Steven Feierman explains, was also inherent in precolonial forms of sub-Saharan forms of philanthropy more broadly (Feierman 1998, p. 4). After reviewing various forms of philanthropy in precolonial Africa, Feierman stresses that “after colonial conquest, every one of the philanthropic institutions [he discusses] ... was transformed” (Feierman 1998, p. 21). The vanishing of *utsi* and *mweria* is another case in point.

The disappearance of communal forms of support created a vacuum because both the Kenyan state and the capitalist economy – which in the narrative of modernization should have taken over those areas of social and economic activity that had been traditionally self-organized by local communities – showed only rudimentary interest in the Diani community. While the tourism infrastructure initially brought welcome change through salaried job opportunities, neither the state nor the capitalist institutions of the area were prepared to deal with the repercussions produced by the development of the Diani area (population growth, unemployment, and illegal activities and with them increased poverty and need). Over the course of fifty years Diani went from a self-sustaining community to one in need of outside help. Or was the outside help that arrived in the area beginning in the 1980s another factor engendering the loss of self-sup-

porting institutions? Neoliberal charity, with its lack of reciprocity and paternalistic structures, was certainly a significant chapter in fostering a culture of charity, in which communities abandoned their age-old forms of communal help in favor of handouts from charity workers, including contraband humanitarians.

Neoliberal Charity

Charity is an intrinsic feature of nondemocratic societies and is integral to capitalism in its neoliberal version. Overwhelmingly, charity ameliorates conditions of inequality and compensates for some failures of the state. In our contemporary period the growing relevance of charity in all areas of economic, political, and social activity points to the fact that charity is seen as the best avenue to address various forms of inequality and injustice. But its effect is to the contrary: it erodes democratic institutions of solidarity, be they traditional in origin (such as *utsi* and *mweria*) or modern in design (the welfare state). In this sense contraband charity does not mitigate the negative effects of neoliberal development; rather, by sabotaging state institutions and local economies, it is integral to the neoliberal economy itself. Contraband humanitarians do not connect the dots and thus are not aware of the detrimental role they play. The prevalence of contraband charity efforts demonstrates how widespread the belief in neoliberal charity is, even though it actually results in the further erosion of states and enhances the informal economy. Contraband charity does not address systemic dimensions of injustice and inequality; indeed, it ultimately makes those structures more formidable and unyielding. Contraband charity perpetuates and reinforces inequality and sustains political and economic neoliberal policies. The notion of “philanthropic colonialism,” as Peter Buffet put it in his 2013 *New York Times* op-ed piece on “The Charitable-Industrial Complex,” comes to mind (Buffett 2013). Ultimately, today’s humanitarianism, while drawing on the language of human rights, contributes to the erosion of rights. In her study of welfare and citizenship in Italy, Andrea Muehlebach traces the disappearance of the twentieth century welfare state ethos of social contract and the rise, instead, of a new ethos of charity. This charity, she argues, creates “wounds woven into the very fabric of a society that has placed the unrequited gift at its moral center at a moment of intense neoliberalization.” Muehlebach’s study confirms central insights of my analysis of humanitarian activity in Kenya; I agree with her that “morals do pulsate at the heart of the market; that the gospel of laissez-faire is always already accompanied by hypermoralization ... markets and morals [are] indissolubly linked and ... the

contemporary neoliberal order works to produce more than rational, utilitarian, instrumentalist subject” (Muehlebach 2012, p. viii, p. 6, p. 8).

These larger systemic dimensions tie contraband charity in Africa more broadly to the most recent phase of economic activity on the continent. German philanthropic activities in Kenya increased around the same time that neoliberal economic and political practices were introduced, and the evidence strongly suggests that these practices have impoverished many Kenyans over the past thirty years (Index mundi 2011; *UNICEF* 2013).

Whether the present push for globalization, which is occurring in Kenya and across the continent as part of a Second Scramble for Africa, leads to the improvement of the livelihoods of poor Kenyans remains doubtful. While the debate surrounding “aid” in all its various forms is controversial, my study highlights evidence that challenges assumptions about the positive impact of aid. Thus far, so-called aid has been unable to counteract the widening gap between rich and poor in most African countries, including Kenya and visible in the Diani area. The ideological and material functions of philanthropy, especially in its contraband form, are significant in the context of these larger economic and political developments.

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