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Humanitarianism and its Alternative Models in Migration Crises: the Case of Poland

Abstract: The research objective of this paper is to verify the hypothesis that migration and asylum policies of the EU Member States have led to the formation of alternative humanitarian models. The examples used for the purposes of this study were the aid practices used during the migration crises in Poland in 2021–2022. As part of this verification, the literature on humanitarianism was reviewed, including its various forms in the context of contemporary migration crises. Then, using the categories of experimental, subversive, everyday, and selective humanitarianism, the relief activities of civil society were analyzed.

Key words: migration crises, humanitarianism, humanitarian aid

Introduction

There is no doubt that migration and refugeeism account for one of the major contemporary challenges facing the international community. This has been evidenced by numerous statistics from international organisations (UNHCR, 2022; IOM, 2022) and the literature on the subject (Potyrała, 2014, Freedman, 2019). For the first time since the Second World War, the European continent experienced significant migration pressure in 2015. The response by EU Member States mainly involved such solutions as refugee relocation, agreements with third countries and the application of the Dublin Regulations. While these measures contributed to a significant reduction in the number of arrivals in Europe in the following years, at the same time they led to serious violations of migrant rights (Costello, Mann, 2020; Bogucewicz, 2020).

In the case of the European migration crisis, Poland did not directly experience a massive influx of people seeking international protection.

Nevertheless, it faced equally fractious challenges in 2021–2022. The first of these was the migration crisis on the Polish-Belarusian border as a result of provocations by Alexander Lukashenko's regime. The second immigration challenge was the consequence of Russian armed intervention in Ukraine. Between 24 February and 13 November 2022, Polish Border Guard officers cleared 7.7 milion people moving from Ukraine to Poland (Polskie Radio 24, 2022).

All of the above-mentioned situations related to uncontrolled influxes can be referred to as migration crises. A crisis is characterised by such features as limited time to take action, risk of losing control over the situation, and the difficulty of reaching an agreement between individual actors (Brecher, 2008, p. 9). A crisis of a *strictly migratory* nature is thus encountered when migratory pressures prove to be excessive comparing to existing institutional and legal arrangements in destination or transit countries. It is worth noting that it is not always the sheer number of migrants that creates a crisis, but the way in which other actors react to the influx of migrants. This includes, for example, the failure at a destination country to respect the norms of international law or the role individual states play in creating migratory pressure, e.g. the instrumental treatment of migrants in the name of particular political goals. Therefore, migration crises can often simultaneously manifest crises of a political or humanitarian nature.

The research objective described in the article is to verify the hypothesis that migration and asylum policies of EU Member States have led to the creation of alternative humanitarian models in the context of migration crises in Poland in 2021–2022. The above verification includes a review of the literature on humanitarianism, in particular its various forms in the context of contemporary migration crises. Alternative humanitarian models already existing in previous scholarly works, such as *everyday humanitarianism* (Richey, 2018), *experimental humanitarianism* (Thieme, Kovacs, Ramakrishnan, 2020), *subversive humanitarianism* (Vandevoordt, Verschraegen, 2018), will be placed in the context of migration crises in Poland. Subsequently, the description of aid models applied during mass population displacement is juxtaposed with the concept of selective humanitarianism. As the main focus is on the humanitarian dimension of migration crises rather than the 'political logic' behind them (Messina, 2007), the analyses of political decisions accompanying migration management are omitted.

Humanitarianism

Attempts to define humanitarianism are usually based on two elements: they specify the type of action to which the concept applies (such as providing assistance in war zones or in aftermath of natural disasters) or, in a more general sense, they indicate the central role of humanitarianism which is to alleviate extreme suffering.

Humanitarian (Latin: *humanitas*) means aiming at well-being of people (Okramus, Titula, 2013). The fundamental idea of humanitarianism is the recognition of common humanity, a belief in the basic dignity of all people regardless of their race, status, age, gender, abilities or background (Slim, 2015). The humanitarian imperative means "the right to receive humanitarian assistance, and to offer it, is a fundamental humanitarian principle which should be enjoyed by all citizens of all countries. As members of the international community, we recognise our obligation to provide humanitarian assistance wherever it is needed. Hence the need for unimpeded access to affected populations is of fundamental importance in exercising that responsibility. The prime motivation of our response to disaster is to alleviate human suffering amongst those least able to withstand the stress caused by disaster. When we give humanitarian aid it is not a partisan or political act and should not be viewed as such" (International Federation, 1995).

The recognition of a moral obligation to help others in need is common to all major religious and cultural traditions. Throughout history, religious, spiritual and philosophical commitments have inspired acts of compassion. The comparison of humanitarianism and compassion indicates that it started at the beginning of humanity. Humanitarianism as an ideological and moral postulate, however, it only began to be expressed verbally in the 19th century. Although there is no clearly drawn distinction between humanitarianism and charity, compassion or philanthropy, Michael Barnett uses three determinants to make such a distinction:

1) **Humanitarianism is an action across national borders**. While Barnett correctly points to one of the most distinctive features of humanitarianism, distinguishing between the obligation of state, institutions, organisations and individuals towards citizens of their own state and the voluntary and involuntary support of a humanitarian nature in third countries, this concept can be seen as a simplification. The classic perception of a humanitarian action as an international pro-

ject to alleviate 'distant suffering' by 'heroic humanitarian workers' not only concealed the link between humanitarian aid originating in Western countries and Western imperialism, but further perpetuated the myth that humanitarian aid was only practised in so-called 'third world' countries. Assuming, however, that humanitarian principles and values are universal, then applying them will always be identified as humanitarianism, regardless of where they are practised (McAvoy, Ingram, Bearup, 2022; Hanrieder, Galesne, 2021).

2) **Humanitarianism has a transcendental meaning.** Undoubtedly, religious beliefs were an important foundation for the idea of humanitarianism. It was inspired by the belief in the existence of a higher power, something 'bigger than us'. Despite increasing secularisation and the emergence of humanitarian organisations devoid of religious objectives, transcendental elements have not disappeared from the consciousness of humanitarian workers for "humanitarianism is intertwined with the desire to demonstrate and create a global spirit" (Barnett, 2011, p. 20). The need to recognise the good of the international community as a higher good was pointed out as early as 1758 by Emer de Vattel in his *Law of Nations*: "The natural aim of the community of all men is that they should help one another for the betterment of themselves and their state; likewise, nations, which may be considered as individuals living freely side by side in a natural state, are obliged to co-operate for the development of the human community. Thus, the aim of the large community encompassing all nations [...] is also the mutual support of nations for perfecting themselves and their state" (Vattel, 1958, p. 60). Another representative of the *lex naturalis*, Christian Wolff, took a similar position: 'every nation should have a constant and lasting desire to promote the happiness of other nations' (Wolff, 1934, p. 87).

3) **Humanitarianism is organised.** What distinguishes humanitarianism from other forms of altruism is its high degree of organisation. The growing number of non-governmental organisations, international organisations, state and supranational institutions specialising in humanitarian action in the 20th and 21st centuries has contributed to the creation of an international humanitarian system. Its primary actors include the United Nations (UN), the European Union, governmental organisations, the International Committee of the Red Cross and Red Crescent, and non-governmental organisations (NGOs).

Humanitarian dimension of migration

People forced to flee their homes due to ongoing armed conflicts or natural disasters are among the groups in need of special assistance. In addition, due to the high proportion of the total number of humanitarian aid beneficiaries, assistance to forced migrants is carried out on a large scale. The massive influx of people seeking refuge in one or more host countries gives rise to emergency situations, the complexity of which requires an organised and thoughtful humanitarian and protection response.

Humanitarian aid, which was intended by its institutional precursors to be directed mainly towards people fighting on the frontline, started to include forced migrants in the 20th century. This does not mean, of course, that previously people did not migrate. As long as migratory movements were not subject to complex visa, administrative and legal processes we know today, and the crossing of national borders in search of security or better life was unregulated, humanitarian actions in border areas were not necessary. The extension of humanitarian action to refugees only came about as a consequence of the rise of nationalism at the turn of nineteen and twentieth centuries and the consolidation of nation states, whose authorities began to introduce immigration laws that restricted the movement of people in unprecedented ways (Barnett, 2014, p. 245). In the face of these impediments and the growing number of migrants, the legal and humanitarian category of a refugee appeared in the international law.

In the face of modern migratory movements on an unprecedented scale, it is very difficult to determine the nature of these movements and, more specifically, whether they are forced or voluntary. The massive nature of migratory movements, which often are unregulated, raises many issues related to the treatment of migrants. Are they really fleeing persecution? Are they taking advantage of the international legal system for their own benefit, while diminishing the credibility of those individuals who are genuinely seeking protection? Finally, if a migrant does not fit the criteria set out in the 1951 Refugee Convention, is he or she not entitled to any form of assistance? While it is difficult to answer most of these questions, the last one was answered unequivocally by the International Committee of the Red Cross as early as 2007 by giving migration a humanitarian dimension and adopting an inclusive approach towards migrants regardless of their legal status (Linde, 2009, pp. 567–568). In practice, this means that the needs of migrants out-

weigh the legal category to which they belong and they should therefore be covered by humanitarian assistance.

Like migration, the border has also been given a humanitarian dimension. The notion of a humanitarian border was coined by William Walters in 2011 and it is closely linked to the securitisation and advanced migration control prevailing in the modern world (Walters, 2011). The European migration crisis, which started in 2015, has revealed a particular dysfunctionality of the European asylum system, which seriously threatens the security of migrants. The selective permeability of borders, which is dictated by the inclusive or exclusive management of borders (Jańczak, 2013, p. 85), has resulted in the creation of *humanitarian zones* (HZs), in which the primary task becomes to alleviate suffering and protect migrants (DeLauri, 2019).

To summarize, firstly: migratory movements have a humanitarian dimension and, secondly: a sudden massive influx of migrants can be called a humanitarian crisis.

Humanitarian crisis as a result of increased migration

Polska Akcja Humanitarna (Polish Humanitarian Action) defines a humanitarian crisis*,* or humanitarian emergency, as "an event or series of events that pose a critical threat to the health, safety or well-being of communities or other large groups of people, usually on a very wide scale, while local communities, and regional or national authorities are unable to cope alone with the situation. Armed conflicts, epidemics, famines, natural disasters and other major disasters can lead to a humanitarian crisis" (Polska Akcja Humanitarna, 2017). Factors conducive to humanitarian crises and their prolongation include the lack of an effective institutional and legal system, lack of preparation and planning for possible emergencies and the implementation of emergency preparedness plans, high levels of poverty and social and economic inequality, human rights violations, and insufficient access to basic services (Martin, Weerasinghe, Taylor, 2014, p. 5).

Armed conflicts and other major emergencies can involve or lead to a humanitarian disaster that extends beyond the mandate or capacity of a single state or agency. Regardless of the disaster type, survivors remain in urgent need of life support, such as shelter, food, water, and health care. Humanitarian crises can be divided by their causes as follows:

– natural disasters, which can be geophysical (e.g. earthquakes, tsunamis and volcanic eruptions), hydrological (e.g. floods, avalanches), climatic (e.g. droughts), meteorological (e.g. storms, cyclones) or biological (e.g. epidemics, pests);
– man-made emergencies, such as armed conflicts, air and rail disasters, fires and industrial accidents; and
– complex humanitarian emergencies (or complex humanitarian crises), which often combine natural and man-made elements, as well as different causes of vulnerability and a combination of factors, all leading to a humanitarian crisis. Examples include shortage of food security, armed conflict, and displacement of populations. A complex emergency can be defined as a humanitarian crisis in a country, region or society where there has been a complete or significant collapse of power as a result of internal or external conflicts, and which requires an international response beyond the mandate or capacity of a single agency and/or an ongoing UN country programme. This type of humanitarian crisis may have the following features:
  – high number of civilian casualties, high proportion of people under siege or displacement,
  – need to receive international assistance that goes beyond the mandate or capacity of a single agency,
  – delivery of humanitarian aid is obstructed or prevented by parties to the conflict, and
  – security risk for humanitarian workers (UNHCR, 2001).

One of the consequences of an emergency and subsequent humanitarian crisis is the exodus of the civilian population from affected areas.[1] In case lives or health of migrants are once again threatened as a result of seeking refuge outside their country of origin, they are faced with another humanitarian crisis, or an extension (in time and location) of the original one. Increasingly often, practices by particular states towards migrants are incompatible with international law and human rights, and they create or exacerbate basic needs of migrants.[2] The lack of an insti-

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[1] The category of 'crisis migrants' has been proposed in the literature in consequence of migration caused by a humanitarian crisis, rather than solely fear of persecution. S. Martin, S. Weerasinghe, A. Taylor (2013), *Crisis Migration*, "The Brown Journal of World Affairs", vol. 20, no. 1.

[2] For more information on practices that violate the rights of migrants, see NGO reports: Belgrade Centre for Human Rights, Macedonian Young Lawyers Association, Oxfam (2017), *A Dangerous 'Game'. The pushback of migrants, including refugees,*

tutional and legal system and the lack of preparedness and contingency plans to facilitate increased migratory movements in host countries may also deteriorate the situation. In the face of these challenges and the lack or limited support from the state, the migration crisis acquires a humanitarian nature.

Alternative models of humanitarianism

The specific nature of humanitarian actions implemented in the context of contemporary challenges, including migration, has been the subject of many academic analyses, and it led to the defining of new forms of humanitarianism,[3] such as:

Experimental humanitarianism characterised by a high level of civil society involvement filling gaps left by the state that lacks or refuses to use its resources and competences to assist migrants (Thieme, Kovacs, Ramakrishnan, 2020, p. 23). Manifestations of this kind of humanitarianism include spontaneous initiatives by civil society that involve, among other things, distribution of drinks and meals, or the collection and distribution of hygiene products and clothing. Faced with the anxiety and uncertainty that accompany a sudden migration, citizens, mobilised outside the institutional framework, create experimental models of humanitarian actions alternative to those of the state.

Subversive humanitarianism, which Robin Vandevoordt and Gert Verschraegen define as "a morally motivated series of actions which acquires a political character not through the form in which these actions manifest themselves, but through their implicit opposition to the ruling socio-political climate" (Vandevoordt, Verschraegen, 2018, p. 123). The provision of aid by humanitarian workers and volunteers despite opposition of those in power is a manifestation of prefigurative politics, politics which consequently introduces a different social order where the lines

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at Europe's borders, "Joint Agency Briefing Paper", April 2017; MSF (2016), *Obstacle course to Europe. A policy-made humanitarian crisis at EU Borders*, https://www.msf.org/sites/msf.org/files/msf_obstacle_course_to_europe_0.pdf, 22.04.2022; UNHCR (2018), *Desperate Journeys. Refugees and migrants arriving in Europe and at Europe's borders*, https://data.unhcr.org/en/documents/details/67712, 12.05.2022.

[3] To repeat after Michael Barnett: "we live in a world of many 'humanitarianisms' rather than one humanitarianism". Barnett M. (2011), *Empire of Humanity, A History of Humanitarianism*, Ithaca–London, p. 10.

of inclusion and exclusion are redrawn according to the perception of those providing help.[4] Moreover, charitable acts performed in this context are not only humanitarian in their nature. They express a political stance contrary to the government, which often leads to the marginalisation and criminalisation of those providing help, for example NGO workers and volunteers carrying out rescue operations in the Mediterranean (Mainwaring, DeBono, 2021).

Everyday humanitarianism refers to an extended series of practices in everyday lives of citizens that aim to alleviate suffering in ways outside traditional boundaries of a professional humanitarian action (Richey, 2018). In a similar vein to experimental humanitarianism, it is often the result of the lack of immediate institutional and legal arrangements and limited initiatives on the part of the state. Activities that manifest this kind of humanitarianism include small donations added by the transaction operator to payments for everyday shopping, fundraising (including online), following social media accounts and likes given during celebrity campaigns or tweets with relevant information. All such activities expand the outreach and impact of traditional charity actions.[5]

All the above-mentioned models of humanitarianism have something in common. They arise in the absence of effective institutional and legal arrangements by states or the international community. Activities of an experimental, subversive, spontaneous and everyday nature are undertaken by citizens or NGOs to fill the gap in the provision of humanitarian assistance to people in need because the state fails to fulfil its competences. The need for such measures also became common during the migration crises that hit Poland in 2021–2022.

The response of the Polish government to the situation on the Polish-Belarusian border in mid-2021, and particularly the restriction of access

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[4] Prefigurative politics are ways of organising social relations that seek to reflect the society of the future sought by a given group. Boggs C. (1977), *Marxism, Prefigurative Communism, and the Problem of Workers' Control*, "Radical America", no. 11, p. 100.

[5] Some forms of everyday humanitarianism, particularly those associated with social media, share many characteristics with post-humanitarianism, which Lilie Chouliaraki describes as "a market-oriented solidarity that remains sceptical of all ideological visions of a better society and is content with the management of the present, the pursuit of personal interest and minor gratifications of the self". L. Chouliaraki (2021), *Post-humanitarianism: the lifestyle solidarity of the 21st century*, https://www.oneducation.net/no-10_april-2021/3957/, 20.11.2022.

to the border zone designated as the state of emergency area, prevented any humanitarian, medical or legal assistance. NGOs and grassroots initiatives started providing a subversive humanitarian assistance despite fears of being detained, arrested and prosecuted for helping migrants with irregular legal status to cross the border illegally and enable or facilitate their further entry into the country.

The criminalisation of border intended to produce a chilling effect and discourage such support. Since the beginning of 2022, cases of activists being charged under the Criminal Code and the Misdemeanour Code became more frequent (Czarnota, Górczynska, 2022, pp. 56–60). Ultimately, this stigmatisation led to a peculiar interpretation that activists, volunteers, humanitarian workers pose as serious threat to Poland as those seeking international protection. This was directly expressed by President Andrzej Duda in his speech during the celebration of the Polish Army Day on 15 August 2022. In his speech, the president called those opposing the inhumane practices of the government on the Polish-Belarusian border as "fools and traitors" (*Wystąpienie*, 2022).

Despite this far-reaching marginalisation, NGOs and civic initiatives continued their work which can be categorized as civil disobedience.[6] Fundacja Ocalenie (Salvation Foundation) points out that between August 2021 and March 2022, it helped approximately 750 people brought to the border by the Belarusian regime of Alexander Lukashenko (Fundacja Ocalenie, 2022, p. 35). Aid included mainly the provision of hot meals, water, hot tea, dry and warm clothing, sleeping bags, portable chargers, and high-calorie food. In addition, the Polish Humanitarian Action held regular patrols in the forest, during which it left aid packages and cleaned up places where migrants stayed for some time (Polska Akcja Humanitarna, 2021). During the migration crisis on the Polish-Belarusian border, the humanitarian aid was not only an example of subversive humanitarianism, but also experimental one. It is also worth mentioning that such a wide-ranging action, which aimed not only to alleviate suffering but at the same time to draw attention to structural causes and to engage in dialogue with the authorities, is an example of the 'new humanitarianism'. In the light of this theoretical category, humanitarian aid is seen as a tool to prevent violations of human rights and to foster political objectives (Fox, 2001).

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[6] Civil disobedience is also a phenomenon typical for humanitarian organisations and initiatives helping migrants in the Mediterranean, more in: K. Neumann (2020), *The Appeal of Civil Disobedience in the Central Mediterranean*, "Journal of Humanitarian Affairs", 2(1).

The illegal nature of actions by the Border Guard with regard to migrants apprehended at the Polish-Belarusian border was confirmed in the ruling of the Provincial Administrative Court in Białystok of 15 September 2022 (*Wyrok*, 2022). This means that neither the newly created national law nor the factual circumstances, including the migration crisis, can exclude the application of other provisions of national law, as well as provisions of international agreements, even in the case of irregularity while crossing the border.

Individuals and NGOs providing assistance to those fleeing Ukraine after 24 February 2022 faced a very different political and social attitude. A characteristic feature of the humanitarian action was that citizens who were neither activists nor formal members of organised groups took the initiative. According to a report by the Polish Economic Institute, as many as 77% of respondents helped those who fled Ukraine in the early stages of the armed conflict. This assistance took a variety of experimental and ordinary forms, i.e. financial and in-kind support through various volunteer activities, such as provision of meals at railway stations, and free transport by their own cars from the Polish-Ukrainian border into the country or even further to other European countries. Half of all Poles were involved in helping refugees on a consistent basis – both at the beginning of the war and in the following weeks of hostilities (Polish Economic Institute, 2022).

One of the more interesting forms of assistance, unique comparing to other contemporary migration crises was the widespread practice of hosting Ukrainians in individual houses or flats. According to the aforementioned report, 7 per cent of citizens offered shelter and provided for basic needs of those fleeing the war. The total estimated minimum value of private expenditures that Poles incurred in connection with the assistance in the first 3 months after the outbreak of war was impressive, i.e. PLN 5.5 billion. However, the real value may even be around PLN 9–10 billion (Polish Economic Institute, 2022, p. 5).[7]

One of the reasons for such significant differences between possible ways of assisting migrants is the Polish political and public discourse. In the discourse, the division into 'good' and 'bad' refugees has led to the widespread application of double legal and social standards towards migrants. In an attempt to describe this issue in the humanitarian con-

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[7] The estimate includes the value of money provided to refugees in the form of direct transfers, public collections, goods and commodities purchased for refugees, value of accommodation and food offered, and other forms of support.

text, we can use the term of *selective humanitarianism*. If we assume that classical humanitarianism can be defined as the imperative to "help fellow human beings and alleviate their suffering" (Wilson, Brown, 2009, p. 11), selective humanitarianism seeks to help selectively chosen human beings, not only on the basis of their needs, but by making distinctions based on nationality, race, gender, religious beliefs, class or political views.

The aforementioned selectivity is clearly reflected in Polish opinion polls, in which 52 percent of respondents support the government's strategy and agree with pushing migrants beyond the Belarusian border (Pacewicz, 2021), while at the same time 94 percent are in favour of accepting refugees from Ukraine (*Przyjmowanie*, 2022). This phenomenon occurs not only in the social sphere, but also in the political one and it is the result of careful calculation according to the theory of rational choice (Downs, 1957; Riker, 1962). This results from the opportunism of the Polish authorities, who treat migration issues as 'political gold' (Rzeczpospolita, 2021). Asymmetric decisions made and implemented by the state administration dictate double standards according to which humanitarian organisations, NGOs or individuals may (or may not) provide aid to migrants.

Summary

The article analyses the humanitarian dimension of contemporary migration and identifies new forms of humanitarianism emerging in response to specific needs of migrants in highly politicised migration crises. Undoubtedly, in this context, a characteristic feature of humanitarian action is the key role played by civil society and grassroots initiatives to fill gaps left by state administration and the international community. Both in the case of the migration crisis on the Polish-Belarusian border and with regard to the assistance for Ukrainians under temporary protection, the shift of the duty onto citizens is one of consequences of the widening gap between political decisions and morals and traditional values in EU member states. It may seem that a response based on the humanitarian imperative to the Ukrainian refugee crisis might narrow the gap, yet it actually widens it. Contrasting with previous migration solutions, the response further exposes the lack of a consistent, uniform and humanitarian migration policy, compromising values on which the European community was built, e.g. indiscriminate respect for human rights.

Undoubtedly, difficulties in providing humanitarian action for migrants in Poland stem from nationalist sentiments and populism of the Polish authorities. This has already been highlighted in the context of the European migration crisis (Adamczyk, 2017; Potyrała, 2016). Despite the fact that towards the end of 2022 the initial phase of the Polish-Belarusian border and Ukrainian refugee crises, characterised by spontaneity and civil society involvement, should transition into adaptation and integration, with an increasing role for the state, the reality is that the burden of helping migrants still largely rests on the shoulders of individuals, grassroots initiatives and NGOs. Despite the lack of professional experience in providing aid, those daily, experimental and subversive forms of humanitarianism show the way towards practical solutions and prefigurative policy.

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Humanitaryzm i jego alternatywne modele w kryzysach migracyjnych: przykład Polski

Streszczenie

Celem badawczym niniejszego tekstu jest weryfikacja hipotezy stanowiącej, iż polityka migracyjna i azylowa państw członkowskich Unii Europejskiej doprowadziła do utworzenia alternatywnych modeli humanitarnych. Przykładem wykorzystanym na potrzeby tego opracowania stały się praktyki pomocowe stosowane podczas kryzysów migracyjnych w Polsce w latach 2021–2022. W ramach powyższej weryfikacji dokonany został przegląd literatury dotyczącej humanitaryzmu, a w szczególności jego rożnych form w kontekście współczesnych kryzysów migracyjnych. Następnie, posługując się kategoriami eksperymentalnego, wywrotowego, codziennego i selektywnego humanitaryzmu poddano analizie działalność pomocową społeczeństwa obywatelskiego.

Słowa kluczowe: kryzysy migracyjne, humanitaryzm, pomoc humanitarna