

GLOBAL ETHICS AND THE POWER RELATIONS OF RESPONSIBILITY

GLOBAL ETHICS AND THE POWER RELATIONS OF RESPONSIBILITY:
THE POLITICS OF THE RESPONSIBILITY TO PROTECT

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Abstract:

In response to humanitarian crises within sovereign nation-states, many voices in global politics have begun to frame their arguments in terms of a responsibility to uphold basic human rights. The most prominent example of this theme is found in the idea of the responsibility to protect, an international framework for crisis response developed by an international commission and consolidated at the United Nations. A major challenge to this frame of thinking is the traditional disjuncture between the concept of ethico-political responsibility, on the one hand, and nation-state sovereignty on the other. A critical investigation of the ethical and political impulses articulated within the doctrine of the responsibility to protect demonstrates that much of the emergent consensus surrounding the responsibility to protect framework is premised on ideational and normative ambiguity. Part of the reason for this is the complexity of the idea of 'responsibility'. This project seeks to explain some of the contestation of the responsibility to protect by first developing, and then applying, a conceptual framework that differentiates between monological impulses of 'being responsible' and more socially embedded practices situated within relational regimes of accountability and answerability.

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Declaration of Academic Achievement:

This project is solely the work of the author. While many others deserve thanks for guidance, discussion, and support, the contents of this thesis are not the result of collaboration. Any deficiencies in thought or writing are solely the responsibility of the author.

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Introduction

“If humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica – to gross and systematic violations of human rights that affect every precept of our common humanity?”¹ So asked United Nations Secretary-General Kofi Annan in a report exploring the UN’s role at the turn of the millennium. One of the main responses has been the development of the ‘responsibility to protect’, a conceptual doctrine that aims to reconcile state sovereignty with the need to mobilize sufficient responses to mass atrocities.

From its outset, the conversation about the responsibility to protect has, stated generally, tended to focus on the challenge of finding good responses to crisis situations where the range of responses available is complicated by the principles of state sovereignty. As the conversation has continued, the concept has gained relatively more precision as contributors have tried to settle on more precise answers by addressing more precise questions. Some of the most salient questions emerging in the debates surrounding the responsibility to protect include the following:

- Under what conditions, if any, can the norms of non-intervention and non-interference be overridden?
- What *obligation*, if any, do states, populations and the international community have towards each other in times of need?
- Which types of problems are relevant to the responsibility to protect, and which must be set aside from discussion under this heading?
- How does the response mechanism in question compare to traditional, ostensibly discredited ideas of humanitarian intervention?
- If it is the ‘international community’ that is called upon to help populations where governments can or do not, which incarnation of the ‘international community’ is required and/or permitted to act?

The following analysis will document some of the key intellectual and diplomatic contributions that have shaped the concept as it is understood today, while highlighting some of the criticisms, responses, and micro-debates which have prompted a refinement of the answers to the questions above. It traces the evolution of the responsibility to protect from a relatively loose and amorphous

¹ Kofi A. Annan, *We the Peoples: The Role of the United Nations in the 21st Century*, Millennium Report of the Secretary-General of the United Nations, (2000), 48, <http://www.un.org/millennium/sg/report/full.htm>

set of ethical impulses into a generally-accepted set of principles, using precise legal, diplomatic and institutional language. Tracing the path of the ever-evolving conversation will help to identify the origins of many of the doctrine's crucial tenets while also teasing out various points of continuing contention and controversy.

The primary aim of this investigation is to situate the responsibility to protect in a wider social, ideational, and political context. As people around the world grow more and more concerned with promoting the universal enjoyment of human rights, the social structures of responsibility that have been developed to support those rights are continually being re-evaluated. Indeed, one of the defining features of the historical moment of the early twenty-first century is a big-picture tension between, on the one hand, political impulses based on borderless concern for human well-being and, on the other hand, the very bordered organization of our existing social and political communities. Examining the ideas of the 'responsibility to protect' in the context of these tensions helps to understand the scope and limits of its current incarnation.

Thus, while this project certainly *engages* in a serious consideration of the responsibility to protect and its attendant ethical and political debates about the issues of sovereignty, atrocity, and intervention, its main conclusions and contributions address slightly different questions than are usually relevant to the pragmatic, policy-minded matters that typically accompany those discussions. The chapters that follow do not offer much of substance on many key topics in the subject of conducting interventions across borders, nor do they provide sustained consideration of particular interventions. Instead, this project is, in the main, a project about the ethics and politics of responsibility in global relations, and what it means for people, states, and institutions in international politics to be 'responsible'. Thus, in their engagement with the responsibility to protect, the following chapters focus much more on the 'responsibility' aspect of the regime than on its 'protection' aspect. Rather than a project on the RtoP that emphasizes the concept of responsibility, it is perhaps best approached as a study that focuses on the contemporary global politics of responsibility while using the RtoP as a point of departure for analysis, discussion, and examples. The main thrust of this project is to make a few key theoretical points about the ethico-political nature of arguments about responsibility in global politics – and the emphasis on the RtoP is secondary to that main goal.

With this important caveat raised, the interested reader may rest assured that while examining the details of the responsibility to protect is not the primary interest of this investigation, it does focus on some key dimensions of the regime, and does attempt to make an important contribution its future discussion and development. Studying the conversation surrounding the doctrine provides a rare opportunity to engage with explicit arguments about issues in

global relations framed and discussed as a matter of ethics, of conscience, and of moral necessity. These ethical, conceptual and political issues, moreover, are not just worth exploring for the sake of high-theorizing and abstract moralizing. Indeed, part of the goal here is to help to improve discussions about the future of the responsibility to protect by helping to clarify some of the issues, relationships, and tensions central to those discussions so that they might be examined -- and contested -- lucidly and frankly. This is, I am convinced, a worthwhile goal, since debates over the responsibility to protect are often obscured by the vagaries of moral language, the ambiguity of diplomatic-speak, and actors outright talking past one another. Furthermore, throughout this dissertation I will develop the argument that the wider *practices* of being responsible, and differing understandings of what acting responsibly means, are quite central to the wider social, political ethical context in which debates about the responsibility to protect are situated. Focused, practical efforts to 'implement' the responsibility to protect and to build further consensus around it cannot be separated out from these wider practices and relationships. Part of what lends the doctrine its appeal is its moralizing framing; yet that very framing brings into the fray implications and questions about these wider relations in the minds of skeptics, critics, and stakeholders. These implications and questions cannot be simply wished away or ignored while preserving the plausibility, integrity, and legitimacy of the responsibility to protect's ostensible ethico-political dimensions.

My contribution to the responsibility to protect debate in this project is admittedly a slow-burning product, and some of my key arguments surface in the early chapters only implicitly and through subtext. Yet the chapters are designed to build on each other and to lead towards more explicit arguments and, in a way, more *practical* suggestions. While several chapters are indeed dedicated to a discussion of the idea of the responsibility to protect and the debates surrounding it, just as many chapters are dedicated to more theoretical matters. This is simply because in order to say something of substance about the ethics and politics of the responsibility to protect, and to say it well, it is necessary to lay a substantial bit of groundwork, and to stipulate a good many working conceptual tools, distinctions, and terms. A rough roadmap of the project may help to show how the empirical and theoretical pieces of the investigation fit together in pursuit of its larger goals.

Chapter Breakdown

In chapter one, I introduce the elements of the responsibility to protect, reviewing the origins of that phrase in the 2001 report of the International

Commission on Intervention and State Sovereignty. In order to facilitate some of the complicated and hair-splitting discussion to follow, I attempt to distil four main components of the wider idea of the 'responsibility to protect'. First, the idea of responsible sovereignty stresses the protection obligations of the 'host' or 'target' state – the state in which there are people who need or deserve protection. Second, the idea of contingent sovereignty implies, perhaps controversially, that the rights of autonomy and non-intervention typically enjoyed by national governments ought not to be considered absolute. Third, the idea of responsible intervention places limits on the conditions under which outside actors can legitimately take action across sovereign borders, and sets out the parameters distinguishing justifiable and well-ordered initiatives from questionable ones. Finally, the idea of sustained assistance links the question of crisis response to the question of prevention through non-coercive investments in capacity-building and, perhaps, aid and development initiatives.

Highlighting this ambiguous component of the responsibility to protect helps to distil three main forms of risk management and atrocity-prevention that make up the responsibility to protect framework. The sorts of actions and obligations considered relevant under its auspices stand in three sorts of temporal relations to 'humanitarian crisis'. Reactive efforts focus on responding to atrocity crime crises when they have already emerged. Preemptive actions center on trying to stop conflicts or disputes from turning into full-blown cases of atrocity crimes by responding quickly and effectively to early-warning signs. Precautionary measures might be seen as standing slightly outside the atrocity time horizon, taking the form of everyday assistance and support for vulnerable peoples and states before any crisis situation is even conceivable. While precautionary efforts have an unclear and underdeveloped place in the wider responsibility to protect framework, I suggest that there are both philosophical and political reasons to take them seriously if the wider doctrine is to be sustainable. The idea of a sustained engagement between powerful and powerless states forms an important role in making other elements of the responsibility to protect palatable to many stakeholders, not least because it is ostensibly what distinguishes the responsibility to protect from other, now-discredited forms of 'humanitarian intervention'.

In the second chapter, I move away from an explicit focus on the responsibility to protect in order to examine the ambiguities in moral language associated with the concept of responsibility. I differentiate between several dimensions of the general idea of responsibility. The same word, 'responsibility' can be used to talk about what must be done (the object of obligation); social structures of expected accountability (relations of oversight); ideas of fault and blameworthiness (culpability); questions of competent subjecthood (degrees of empowered moral agency); and certain character traits (diligence and reliability).

These distinctions, I suggest, will be important to bear in mind moving forwards, in order to avoid the all-too-common tendency to slip between different senses of the term which carry significantly different connotations, and which describe often fundamentally different socio-political relationships, pressures, and forms of engagement.

In the third chapter, I discuss how questions of responsibility and accountability have been treated in International Relations, examining both traditional and contemporary contributions. I frame this discussion in terms of a distinction between three 'modes' or 'orientations' towards responsibility and accountability. In addition to having several dimensions, I argue, approaches to responsibility can take several different qualitative forms. Practices of responsibility differ most significantly in terms of the practical orientation towards *accountability*, defined in terms of both account-giving and account-settling. Drawing on the conceptual work of scholars of international political theory and ethics, I develop a rough distinction between relational, transcendental, and autonomous modes of responsibility. These categories capture the varying ways in which actors consider themselves to have obligations; to whom; and what role other social actors ought to play in the process.

Again, this ground-clearing work is intended to develop a careful analytical toolkit for studying arguments carefully as well as for developing them clearly. Demystifying moral language helps to clarify what is at stake in political debates and discussions about responsibility by facilitating careful questions to be asked about the modes of responsibility and the precise structure of the power relations of holding-accountable that are being discussed, proposed, or asserted. Furthermore, distinguishing between the three 'modes' also provides a helpful way to frame the contours of the conversation about 'responsibility' in IR.

In the fourth chapter, I further develop a theoretical exploration of the power relations of responsibility by connecting the conceptual framework established in the previous chapter to prominent insights from contemporary social and political thought. I focus on the oft-made distinction between legal, moral, and political responsibility, suggesting that considering the relationship between these categories helps to demonstrate the significance of socially-embedded practices of holding-accountable. From a certain social-scientific perspective, I argue, concepts like obligation, accountability, and answerability can be understood to have their basis in the attitudes and inclinations of human beings to act in ways that make them into meaningful social phenomena. Drawing on insights from Michel Foucault and Pierre Bourdieu, among others, I suggest that responsibility is made 'real' or 'effective' when there is a configuration of dispositions amongst the relevant social actors. Viewing responsibility as something intersubjective, I argue, challenges us to move

beyond a simple distinction between prescriptive and descriptive responsibility-talk, and to instead examine the way in which responsibility-claims and other related arguments are *performative* of responsibility. I briefly consider how such a framing of the ethics and politics of responsibility relates to contemporary work in International Relations on norm entrepreneurship and institutions, before developing a tentative distinction between two concepts that will help me to develop my wider argument. At one level, I suggest, we can describe 'regimes' of responsibility that set out who ought to do what, and to whom they ought to be accountable. On another level, I argue, such regimes exist within a more diffuse social context determined by how much potential stakeholders care to reinforce the parameters of the regime – what we might call the wider 'field' of responsibility.

In the fifth chapter, I begin to link some of these conceptual issues back to the practical politics of the RtoP. I trace the evolution of the responsibility to protect doctrine through its consideration and refinement at the 2005 United Nations World Summit, where a hard-fought consensus was established around two key paragraphs of the summit's Outcome Document. I track several of the most significant developments to emerge from the 2005 summit, and briefly consider the implications of the revised and reworked version of the doctrine enunciated in that text, especially its carefully moderated language of responsibility. This relatively brief recapitulation of the present trajectory of the RtoP conversation helps to set up the relatively deeper critical engagement in the chapters to follow.

In the sixth chapter, I examine the reframing of the doctrine offered in the United Nations Secretary-General Ban Ki-Moon's 2009 report, *Implementing the Responsibility to Protect*. I review his breakdown of the RtoP into three pillars: the first emphasizing the protection responsibilities of the state; the second stressing the importance of international assistance and capacity-building; and the third focusing on the necessity of timely and decisive responses to atrocities when they emerge. While these pillars correspond roughly with three of the four components of the RtoP framework I describe in the first chapter, I note that the Secretary-General's formulation does not explicitly emphasize the implied contingency of sovereignty. This, I suggest, can be explained as a diplomatically prudent effort to downplay the most contentious implications of the regime, framing the responsibility to protect in cooperative ways and minimizing its role as a framework for decision-making in controversial, conflictual situations. In order to tease out the practical dynamics of distributing obligations and holding-accountable that are involved in the RtoP, I suggest, it is important to recognize that the framework actually has both requirement-focused and *permission*-focused dimensions, and that these differ across the domestic and international layers of the doctrine.

These insights lead to the question of whether the RtoP is ‘balanced’ enough – and its ethico-political principles developed enough – to sustain international agreement and legitimacy in the longer term. The attempt to secure ‘consensus’ at the 2005 World Summit can, I suggest, be understood in terms of a strategy of rhetorical entrapment. That is, proponents seem to aim to obtain ‘commitments’ to the principled ideas of RtoP – vague and underdeveloped though they may be -- in order to establish a sort of normative beachhead. Once even a basic level of agreement has been established, ‘consensus’ can be invoked and appealed to in order to shame and deter actors from later retracting support or presenting roadblocks. The drawback of this approach, I suggest, is that securing widespread support – let alone consensus – often requires employing haziness and vagueness in order to avoid controversy. This, I argue, may prove to be a significant problem for the conceptual integrity and ethico-political sustainability of the responsibility to protect framework.

In the seventh chapter, I examine debates about the responsibility to protect, focusing on some of the arguments presented at the United Nations General Assembly’s Interactive Dialogue on RtoP in the summer of 2009. I attempt to make many of the earlier conceptual stipulations and distinctions ‘pay off’, so to speak, by showing how they can be employed to analyze and interpret the main points and priorities of many of the contributors to that debate. I aim to bring to the forefront of analysis some of the main points of contention, and points of tension causing various actors to ‘talk past one another’. Specifically, I argue that many of the ‘critical’ contributions to the debate, while sometimes dismissed as besides the point or unproductive, are better understood as attempts to situate the responsibility to protect within the wider context of global power relations of responsibility. According to my interpretation, these critics aim to provoke a more wholesale consideration of the dominant attitudes, practices, and predispositions that define the extant social *fields* of responsibility that underpin relations of responsibility in international life. This attempt at *widening* the conversation should be understood, then, as a politicized contestation of what ought to be considered relevant -- but that this politicization should not be dismissed as an unhelpful or counterproductive ‘distraction’. Instead, I argue, meta-debates about what the responsibility to protect conversation should and should not be about carry a politics of their own – a politics which cannot be suppressed or elided if the doctrine is to be sustainable.

In the eighth and final chapter, I follow up on the idea of the ‘sustainability’ of the responsibility to protect by suggesting that while the moral dimension of the responsibility to protect is one of its most appealing aspects, it is also hard to defend, explain, or rationalize under scrutiny. Indeed, I argue that the difficulty RtoP norm entrepreneurs seem to have in carving off the debate

over the responsibility to protect as an isolable issue-area for manageable and delimited discussion reflects the reality that while a politically palatable framing of the responsibility to protect relies upon the rhetoric of ethical and political responsibility, that rhetoric is a natural focal point for skepticism and appeals to consistency in other issue-areas. While there is certainly a basic *impulse* of goodwill, duty and obligation that underpins the desire to save innocents from mass atrocities, the strictures and structures of contemporary politics amongst nation-states requires that this impulse be manifested through modes of being-responsible that are *autonomous* or *transcendental* rather than *relational*, and situated within social practices of 'responsibility' marked by extremely limited commitments to accountability, answerability, and openness to sanction and discipline by others. Thus, critics – or even advocates -- who consider the RtoP's moral framing closely and critically have many reasons to find it unsatisfying on its own terms because of these limits, which in reality leave the prospect of intervention an *elective* matter rather than a required one, from the point of view of those powerful state actors who are permitted to authorize and undertake collective intervention.

Furthermore, the claims about moral obligation or responsibility in the context of responses to atrocity crimes are susceptible to demands for explanation or calls for explanation. Are these claims about care, concern, and obligation mere rhetoric (in the pejorative sense) intended to soothe potential critics while securing powerful states increased license, permission, and freedom to act as they see fit? Or is this moralizing talk based on authentic, principled commitments which the relevant actors are willing to uphold and carry over into other issue areas by following through on them in practice? Fostering a *wider* conversation about the various sorts of obligations which might be held towards people facing disease, deprivation, and underdevelopment would be a difficult endeavour indeed, especially given the tensions surrounding sovereignty, state-centrism, and ethical particularism in our particular historical moment. Engaging in a sustained, principled, and consistent discussion of how the global power relations of obligation, accountability, redress, and recourse ought to be organized would make for a difficult and uncomfortable conversation indeed. I argue that a desire to avoid this wider conversation by results-oriented advocates of the responsibility to protect is understandable and even necessary in the short term, but that the failure to follow-through on this line of thinking and questioning will nevertheless continue to undermine efforts to protect vulnerable populations in the long term.

I conclude by suggesting that strengthening the social *fields* of responsibility on which the RtoP regime of responsibility depends for its energized enactment may require engaging in a much wider, more diffuse and far ranging discussion of how obligations ought to be distributed and how relations

of answerability ought to be arranged. This is because mobilizing effective responses to pre-empt crises will continue to depend on activation of care, concern, and the will to sacrifice in domestic populations of comfortable states who are quite *used* to ignoring, rationalizing or distancing themselves from the suffering of faraway others, and who must rarely concern themselves with the challenge of justifying their attitudes and actions. The relationship between this problem of ethico-political isolation in everyday life and its reinforcement of the problem of activation in times of crisis demonstrates that seemingly esoteric efforts to critically interrogate the ethics and politics of the responsibility by widening the conversation turn out to be not only relevant but *fundamental* to both the moral sustainability and the practical implementation of the responsibility to protect populations from mass atrocities.

Chapter 1: The Elements of the Responsibility to Protect

Introduction:

This chapter presents an overview of the origins of the concept of the 'responsibility to protect', which has also come to be known by the shorthand 'RtoP' or 'R2P'. It focuses mainly on the first articulation of RtoP in the report of the International Commission on Intervention and State Sovereignty (ICISS), setting out some of the major issues and elements of the concept. Although there have been many shifts in RtoP discourse since its release in 2001, the ICISS report provides a helpful reference point for a basic elaboration of the ideas that constitute the responsibility to protect. The report's fairly systematic and exhaustive consideration of the basic issues related to the link between sovereignty, intervention, and responsibility lends itself to the sort of conceptual analysis undertaken here.

I argue that the overall concept of the responsibility to protect can helpfully be broken down into four basic elements, which I describe as "responsible sovereignty", "contingent sovereignty", "responsible intervention", and "sustained assistance". None of these four terms are employed within the ICISS report. However, with the advantage of hindsight, I argue that these four components, which have become more and more discernible in contemporary debates about RtoP, are recognizable in the arguments and claims of the ICISS report. Introducing and naming these four elements at the outset is helpful in order to set the stage for an analysis, in later chapters, of their contestation and relative importance.

The ICISS Report and its Inspirations

The details of past tragedies and ongoing conflicts present a difficult set of practical, ethical and theoretical problems for state leaders, for individuals, and for the 'international community'. The well-known cases of suffering and human rights abuses in Kosovo, Srebrenica, East Timor, Rwanda, the Darfur region of Sudan, present only a handful of the most frequently cited cases from the last decade of the twentieth century. To these cases, people in relatively secure and comfortable positions have consistently responded: 'we must do something', or more often, 'we should have done something'. Significant angst has been generated by the fact that most of these tragedies took place in the post-Cold War period, in a New World Order free of overarching great-power conflict where 'doing something' was now supposed to be geo-politically

possible. A growing sense of frustrated determination has continued to grind against the practical and political challenges associated with the prospect of intervening across sovereign borders. Unresolved, the tensions posed by these dilemmas have continued to be debated, by diplomats, by scholars and students of global politics, and occasionally by members of the news media.

What can be done to make sure that governments protect their populations and respect their basic rights? What responsibilities do states and the people within them have to help people in other states who are facing large-scale human rights violations? Who has the authority or the responsibility to transgress the norm of non-intervention and intervene when shocking human rights violations are taking place within a sovereign state?

In 2000, in response to these tensions, the Canadian government sponsored the creation of the International Commission on Intervention and State Sovereignty (ICISS). The mandate of the ICISS was to facilitate a discussion of the tension between the norm of state sovereignty and the prospect of intervention for humanitarian purposes. Its task was to work through the immense conceptual, ethical and practical challenges posed by the practice of intervention across borders. Included among the participating commissioners were Gareth Evans, the former foreign minister of Australia; Ramesh Thakur, a former assistant UN Secretary-General; and Michael Ignatieff, a prominent scholar who would later become a prominent figure in Canadian politics as leader of the Liberal party and candidate for Prime Minister in the 2011 election. The main outcome of the Commission has been its final report, titled *Responsibility to Protect* (2001), which first brought the phrase ‘responsibility to protect’ into the public sphere as a focal point for discussion of intervention, duty, and sovereignty.² The report begins to conceive of guidelines for dealing with future outbreaks of mass violence by offering a nuanced articulation of the relationship between sovereignty and international responsibility. While the report itself is relatively brief, it is complemented, in its published form, by a set of supplementary research essays. These essays are primarily the work of members of the Canadian research team, Don Hubert and Thomas G. Weiss, but also draw on material submitted by dozens of other researchers and specialists.³

Much of the *Responsibility to Protect* report’s immediate momentum was lost because it had the misfortune to be published just a short time before the attacks of September 11th, 2001, which made terrorism and anti-terrorism the

² International Commission on Intervention and State Sovereignty (ICISS), *The Responsibility to Protect: Report of the ICISS*, Gareth Evans and Mohamed Sahnoun, co-chairs (Ottawa: International Development Research Centre, 2001).

³ International Commission on Intervention and State Sovereignty (ICISS), *The Responsibility to Protect: Supplementary Volume to the Report of the International Commission on Intervention and State Sovereignty*, Thomas G. Weiss and Don Hubert, primary authors (International Development Research Centre, 2001).

overwhelming focus of global affairs for a long period thereafter. Over the long run, however, the report has nevertheless been enormously influential, introducing the key phrase ‘responsibility to protect’ as a specialized term, and shaping the parameters of the debate about what exactly that phrase *means*. It has not, however, served as the final or authoritative word on either intervention or the meaning of the phrase ‘responsibility to protect’. Indeed, many elements and arguments from the report were later rejected, reframed, or negotiated away. Despite these later changes, however, any examination of the debates surrounding the concept must deal with the ICISS report’s key ideas, distinctions and arguments since they have shaped the conceptual *language* in which matters of intervention and crisis response are now discussed.

According to the ICISS report, the titular concept of the ‘responsibility to protect’ is comprised of two principles: one focusing on domestic responsibility and one focusing on international actors. In the report’s opening synopsis, the concept’s two key principles are outlined as follows:

- 1) State sovereignty implies responsibility, and the primary responsibility for the protection of its people lies with the state itself.
- 2) Where a population is suffering serious harm, as a result of internal war, insurgency, repression or state failure, and the state in question is unwilling or unable to halt or avert it, the principle of non-intervention yields to the international responsibility to protect.⁴

These two principles are related in important ways, and the overall concept of the responsibility to protect is not reducible to either principle on its own. However, upon closer examination, one can tease out four key components that form the ideational basis for the report’s main premises. Again, these are: the idea of “responsible sovereignty”; the idea of “contingent sovereignty”; the idea of “responsible intervention”; and the idea of “sustained assistance”.

As noted above, none of these phrases appear in the ICISS report itself; they are analytic terms introduced here as heuristic devices in order to tease out some of the key ideational elements of the *Responsibility to Protect* report, as well as the more general concept of the responsibility to protect.⁵ The appropriateness and helpfulness of these four concepts is defended in the discussion that follows. The most potentially controversial of these is the term

⁴ ICISS), *The Responsibility to Protect*, “Synopsis”, xi.

⁵ I will follow common practice by using the capitalized and italicized ‘*Responsibility to Protect*’ to refer to the ICISS report, while referring to the wider concept of the ‘responsibility to protect’ without capitalization or italics.

‘contingent sovereignty’. The suggestion that state sovereignty is or should be ‘contingent’ upon certain conditions being met is indeed a divisive topic, but it is a topic that is central to the debates over the responsibility to protect. Naming it as a key dimension of the responsibility to protect debates is therefore analytically crucial if the goal is to insightfully examine and understand the stakes of those debates. Similarly, after considering objections to the use of the word “intervention” to describe part of the responsibility to protect, I defend its employment here by demonstrating its applicability and appropriateness.

Examining each of the four components separately will help to more clearly elucidate the complexities of the R2P debate, in which these four elements continue to be challenged and contested when they are not being collapsed and confused. Establishing a clear understanding about the four main dimensions of the R2P will also make it easier to examine how they relate to each other. Although each of these four elements represents a distinct idea, they are crucially interlocked. The idea of contingent sovereignty underpins, and provides a link between, the ideas of responsible sovereignty and responsible intervention. The possibility of responsible intervention is part of what makes responsible sovereignty ‘responsible’ in a certain sense of the term, by imposing the possibility of outsiders holding state authorities to account. In a similar way, the idea of sustained assistance plays a key role in legitimizing the possibility of responsible intervention, rendering it ‘responsible’ (in a different sense of the term) by situating it in an authenticating context of ongoing demonstrations of due diligence. As I shall argue, examining the logic of these linkages will begin to make it apparent that debates over the responsibility to protect can best be understood in terms of a complex and highly charged struggle over transnational structures and dynamics of responsibility and accountability.

i. Responsible Sovereignty

The first of the ICISS principles encapsulates the idea of “sovereignty as responsibility”. The idea that sovereignty is linked to responsibility in some way is a rather old idea, but the phrase “sovereignty as responsibility” is a specific conceptual framing originating in the work of Francis M. Deng, former Representative of the Secretary-General on Internally Displaced Persons. Deng’s 1996 co-authored work, *Sovereignty as Responsibility: Conflict Management in Africa* has been particularly influential.⁶ The ICISS commissioners draw explicitly on Deng’s corpus of ideas in their final report and its supplementary materials,

⁶ Francis M. Deng, Dikiel Kimaro, Terrence Lyons, Donald Rothchild, and I. William Zartmanal, *Sovereignty as Responsibility: Conflict Management in Africa* (Washington, DC: Brookings Institution Press, 1996).

and subsequent articulations of the responsibility to protect have similarly given specific credit to Deng.⁷

Because of the ambiguities of moral language, the phrase “sovereignty as responsibility” can be interpreted in two subtly distinct ways, each turning on a particular sense of what “responsibility” means. In the sense that “responsibility” is understood as diligence and upstandingness, “sovereignty as responsibility” connotes a situation in which sovereignty is something that ought to be exercised “responsibly”, virtuously, and with due care. In a related sense, however, “responsibility” can also mean being liable to be held to account. In this sense, being “responsible” means that an actor is answerable to certain others who have standing to hold them accountable.

It is in this latter sense that Deng and his coauthors framed their idea of “sovereignty as responsibility”. While the idea that sovereignty should be exercised “responsibly” is certainly congruent with their argument, the real point of *Sovereignty as Responsibility* is to argue that governments should be held accountable for their obligations. Deng *et al.* suggest that duties of humanitarian protection accrue to state governments for two reasons: first, as a condition of their holding authoritative power in domestic government; and second, as a condition of membership in the community of states at the international level. It therefore follows that national governments bear obligations to safeguard human rights, obligations for which they “are accountable not only to their national constituencies, but ultimately to the international community.”⁸

Deng *et al.* argue that when it comes to protecting civilians from the humanitarian consequences of conflict, the most preferable structures of accountability are those controlled by the people who form the domestic community of the state in question. However, this is not always practicable when people within a state are oppressed or disenfranchised by their government. For the authors of *Sovereignty as Responsibility*, this point necessitates a reevaluation of the traditional ideas that allow sovereignty to be used by a shield against criticism by malevolent or negligent governments. The authors argue that the rights and privileges of state sovereignty that have traditionally been the basis for international politics, such as territorial integrity and non-interference, ought to be linked to the idea of citizen-based “popular sovereignty”.⁹ Rather than treating the nation-state as a holistic entity which cannot be subdivided, the “sovereignty as responsibility” approach suggests that it is sometimes important to distinguish between populations and the political authorities who exercise

⁷ ICISS, *The Responsibility to Protect: Supplementary Volume*, 11, 136; ICISS, *The Responsibility to Protect*, §2.14, pg. 13; Ban Ki-Moon, “Implementing the Responsibility to Protect,” Report of the Secretary-General (A/63/677), §7, pg. 6.

⁸ Deng *et al.*, *Sovereignty as Responsibility*, 1.

⁹ Deng *et al.*, *Sovereignty as Responsibility*, 9.

control over the national government when distributing these responsibilities. In cases where this distinction becomes necessary, questions about for whose benefit sovereignty norms are intended and what they are meant to accomplish become fundamental.

The idea of popular sovereignty suggests that it is the consent and support of the governed that makes government authority legitimate. In the Western intellectual tradition, popular sovereignty underpins the work of canonical political theorists like John Locke and Jean-Jacques Rousseau, who, while differing in their precise treatment of the concept, agree that the citizenry should retain the right to question and challenge the legitimacy of any *de facto* government that does not adequately reflect the will of the people – or which commits atrocities against them. In general, when popular sovereignty is foregrounded, the rights and well-being of the population are treated as the ends to which internal and international sovereignty norms are the means. The international principles of self-determination and territorial integrity associated with sovereignty are intended to help the political community enjoy and express its popular sovereignty unobstructed.

However, in formal relations amongst nation-states, sovereignty claims are typically made by *government* representatives, such as diplomats or heads of state. It is these elites who have a voice in elite forums, and (ostensibly) speak on behalf of the population to representatives of other countries. Both the practice of global politics and the academic discipline of international relations have long depended upon a simplifying fiction wherein the nation-state is taken to be a unified whole, with diplomats serving as the face the unified state-and-society turns to the outside world. Insofar as such agents are truly representatives of the general will of the population, and have the interests of the whole population in mind, their actions can be seen as protective of popular sovereignty. In practice, however, sovereignty norms are all too often invoked in order to ward off outside actors who are concerned about abuses or violations being suffered by parts of the community supposedly represented by the government. There is thus the danger that government officials can misuse their privileged position as the recognized wielders of state sovereignty claims in order to shield the national *government* – as distinguishable from the population – from criticism and interference. Overly government-centric invocations of sovereignty norms treat the integrity of the ruling regime as an end in itself, rather than treating it as a means for safeguarding popular sovereignty, human rights, or good-faith representation.

The idea of sovereignty as responsibility suggests that for outsiders to accept every invocation of ‘governmental sovereignty’ without proper concern for popular sovereignty and the health of the relationship between the community and the government is misguided. Refusing to look beyond the

diplomatic veneer of the state means, in effect, treating any *de facto* government as if it is always already legitimate (in a manner of speaking), just by being able to hold on to power. More accurately, it means setting questions of legitimacy aside altogether, and refusing to make judgments about goodness, appropriateness and rightness. Sovereignty as responsibility thus challenges the received wisdom that states ought to be treated as black boxes in order to resist tipping the balance between order and justice too eagerly towards justice. Whereas it has traditionally been accepted, and even expected, that states should turn a blind eye to abuses and violations within other states' borders in the name of order, the idea of sovereignty as responsibility insists that such avoidance is morally and politically untenable.

Of course, there are still those who insist on something like an unqualified version of what Michael Walzer has called "the doctrine of presumptive legitimacy"¹⁰, which argues that states should always be treated as legitimate by outsiders since legitimacy is a matter for domestic constituencies to contest. While Walzer acknowledged that this presumption could be rebutted under certain "rules of disregard"¹¹ (for instance, in cases of massacre or enslavement by the government), the more extreme voices argue that sovereignty is absolute. It is those voices whom the idea of sovereignty as responsibility is intended to counter.

Deng and his co-authors argue that unyielding defenses of sovereign right are relics of a bygone era that has been swept away by a major shift in prevailing attitudes about the role of outsiders in evaluating and responding to conflict and abuses within sovereign states. They recount how a turning point came in the aftermath of the Second World War, when serious questions about outsiders' relationships to bad governments arose in light of the atrocities committed by the Nazi regime in particular. From a twenty-first century perspective where the trials at Nuremberg and Tokyo are often remembered in terms of stark black and white crime and justice, it is all too easy to forget or ignore the intense debates that arose in the 1940s concerning whether such a thing as international criminal justice was appropriate or even coherent. Many jurists, while none the less disgusted by Nazi crimes, questioned whether the leaders of sovereign governments could be held accountable for acts not illegal under the laws of the Third Reich – especially by outsiders. Their uncertainty was informed by the positivist tradition in law, whose dominant thinking held that sovereignty was invested in the highest lawmaking power within a country, and, as such, the power of the sovereign was beyond limits or reproach. As Robert Lansing

¹⁰ Michael Walzer, *Just and Unjust Wars* (New York: Basic Books, 1977); on "presumptive legitimacy" see Michael Walzer, "The Moral Standing of States: A Response to Four Critics," *Philosophy and Public Affairs* 9, no.3 (1980): 209-229.

¹¹ Walzer, *Just and Unjust Wars*, 89-108 and "Moral Standing of States", 216-218.

famously articulated it in the aftermath of the First World War, this point of view held that “the essence of sovereignty was the absence of responsibility.”¹² As Deng *et al.* describe this standpoint: “The power of the sovereign is supposedly not limited by justice or any ideas of good and bad, right or wrong.”¹³

Deng *et al.* identify these post-War debates as making up the second of four overlapping phases in the development of sovereignty. The first phase is identified with the absolute sovereignty enjoyed at home and abroad after the entrenchment of the nation-state system at the treaties that constituted the Peace of Westphalia in the 17th century. The second, post-war phase saw the development of institutions like the United Nations and the assertion that democratic mechanisms of accountability should protect citizens against the excesses of government – and that it might even be appropriate for some of these accountability mechanisms to be international or supranational in character. A third phase saw retrenched assertions of sovereignty developing out of the period of decolonization and the end of the Cold War. During this period, the insecurities of newly independent nations were amplified by the great powers’ increased availability and willingness to consider making it their business to concern themselves with the governance of other countries. The fourth (and arguably still current) phase rose out of the aftermath of crises in Rwanda and the former Yugoslavia, and is described by Deng and his colleagues as “the contemporary pragmatic attempt at reconciling sovereignty with responsibility.”¹⁴

As mentioned above, “responsibility” has a complex meaning in this context. It means both, on the one hand, diligence and proper conduct. Yet on the other hand, it also means being liable to be held accountable. Because it is the second sense which is most relevant for present purposes, the key argument Deng *et al.* make is that when it comes to human rights obligations, national governments “are accountable not only to their national constituencies, but ultimately to the international community.”¹⁵ This suggests that, contrary to arguments favoring external presumptions of governmental legitimacy marked by a hands-off approach, outsiders do have and should have a role to play in making sure that national governments live up to their basic obligations for human rights and good governance. When and how exactly that role should be enacted is treated as an open question for discussion and debate – but in any case, the idea of sovereignty as responsibility is a rejection of the idea that sovereignty is absolute.

¹² James F. Willis, *Prologue to Nuremberg: The Politics and Diplomacy of Punishing War Criminals of the First World War* (London: Greenwood Press, 1982), 74, n. 59.

¹³ Deng *et al.*, *Sovereignty as Responsibility*, 2.

¹⁴ Deng *et al.*, *Sovereignty as Responsibility*, 2.

¹⁵ Deng *et al.*, *Sovereignty as Responsibility*, 1.

Thus, according to the idea of sovereignty as responsibility, members of the international community should not, as a rule, merely wait for the dust to settle as the extreme version of the principle would encourage. In fact, the text of *Sovereignty as Responsibility* recommends quite the opposite: an ongoing evaluation and assessment concerning whether national governments – all national governments – are living up to their obligations. Rather than presumed or granted unconditionally, the privileges of sovereignty must be continually earned and renewed by governments that want to enjoy them. The protection of human rights and the prevention of abuses are matters appropriate for transnational monitoring, oversight, and governance, and there ought to be practices and mechanisms in place to hold violators responsible.

ii. Contingent Sovereignty

For advocates of “sovereignty as responsibility”, the privileges of sovereignty must be continually renewed through the fulfillment of the responsibilities of government, including human rights obligations. It is therefore possible to default on these duties and thus to lose the right to invoke sovereignty norms to ward off outside involvement. Thus, in the words of the first supplementary essay of the ICISS report, proponents of sovereignty as responsibility argue that “[w]hen a government massively abuses the fundamental rights of its citizens, its sovereignty is temporarily suspended.” As a consequence, the report suggests, “sovereignty is not absolute but contingent.”¹⁶ Although the text of *Sovereignty as Responsibility* does not use the word ‘contingent’, Deng and his colleagues are clear in their position that “[to] qualify for the name of government, a government now has to meet certain standards.”¹⁷ As such, “the validity of sovereignty must be judged by reasonable standards of how much the population is represented, marginalized or excluded.”¹⁸ When those standards are not met, certain forms of intervention by outside actors become permissible. Because its core principles of non-intervention and territorial integrity are subject to exception, sovereignty is not absolute – it can be overridden. Write Deng et al.: “The critical question, however, is under what circumstances the international community is justified in overriding sovereignty to protect the dispossessed population within state borders.”¹⁹

¹⁶ ICISS, *Supplementary Volume*, 11

¹⁷ W. Michael Reisman, “Humanitarian Intervention and Fledgling Democracies,” *Fordham International Law Journal* 18 (1995), 795. Cited in Deng et al, *Sovereignty as Responsibility*, 4.

¹⁸ Deng et al, “Sovereignty as Responsibility, 32.

¹⁹ Deng et al, “Sovereignty as Responsibility, 28

The idea of sovereignty as contingent carries through into the opening text of the ICISS's *Responsibility to Protect* report. As mentioned above, the second sentence of the ICISS report's opening synopsis reads: "Where a population is suffering serious harm, as a result of internal war, insurgency, repression or state failure, and the state in question is unwilling or unable to halt or avert it, the principle of non-intervention yields to the international responsibility to protect."²⁰ While the phrasing is a bit more politic, this is another way to frame sovereignty as contingent. It is hard to avoid the impression that the commissioners, cognizant of the controversy associated with the idea of contingent sovereignty, chose their wording carefully in order to "bury the lede", so to speak – to underplay a piece of news that should arguably be highlighted earlier and more clearly. The sentence makes two separate but equally significant points:

1. There exists an international responsibility to protect;
2. The principle of non-intervention "yields" to it under certain circumstances.

Many advocates of the responsibility to protect, including the ICISS commissioners, tended to avoid the stark language of "contingency", perhaps lest they offend the sensibilities of steadfast critics of the idea of humanitarian intervention. This sort of strategically diplomatic rhetorical framing can arguably be seen throughout the ICISS report – and indeed, in many other arguments composed by RtoP norm entrepreneurs.²¹ Emphasizing claims about duty and obligation helps to de-emphasize corollary claims about contingent sovereignty by making them implicit in the logic but not explicit in the text. Nevertheless, the idea that the sovereignty norms of non-intervention may be suspended is a crucial part of the Responsibility to Protect. It forms part of the basis of the permissive component of the RtoP's international layer, authorizing and legitimizing the possibility of "responsible intervention". The question is taken to be not *whether* the norms of non-interference can be suspended, but *when* exactly they should be.

The idea that sovereignty ought to be contingent is not exactly an innovation of the ICISS commission. Stuart Elden notes that in the climate of the American Global War on Terror, U.S. State Department officials began to argue that sovereignty rights should hinge on fulfilling responsibilities. Perhaps unsurprisingly, their priority was not human rights protection, but rather the idea that states held obligations towards other concerned states in the

²⁰ ICISS, *Responsibility to Protect*, Synopsis, xi.

²¹ On norm entrepreneurship, see Martha Finnemore and Kathryn Sikkink, "International Norm Dynamics and Political Change," *International Organization* 52, no. 4 (1998): 887-917.

international community for taking adequate measures against terrorism, let alone not harboring terrorists within their borders. Elden cites Richard N. Haass's argument that "sovereignty does not grant governments a blank cheque to do whatever they like within their borders."²² As one might expect, in the politically charged context of the American Global War on Terror, these sorts of arguments have been met with suspicion and distrust. This is especially true in countries that are more likely to have their sovereignty thrown into question because they were not living up to the particular security standards of more powerful countries.

As one might expect, the idea that members of the international community can hold state authorities accountable by mounting interventions into sovereign territory has created tremendous debate about the international layer of the responsibility to protect. As Mark Duffield suggests: "The ability of leading states to declare a humanitarian emergency – irrespective of the views of the state involved – has rendered its sovereignty contingent."²³ All too often, he notes, the narrative through which emergencies are identified tends to reflect recurrent presumptions not just about governmental effectiveness versus ineffectiveness, but about civilization versus barbarism. This is part of what has made the idea of 'contingent sovereignty' so politically charged and contested.

Just as contingent sovereignty is a logical prerequisite for the exercise of responsible intervention, it is also a defining part of sovereignty as responsibility, as explained above. Sovereignty as responsibility suggests that states who fail to live up to their responsibilities should, where necessary, be the focus for action by (in some versions, "held accountable by") the international community. The prospect of outside intervention helps to supplement domestic structures of accountability by introducing a supranational source of potential sanctions and redress.

The responsibility to protect movement can be seen, in some respects, as an attempt to build upon the idea of responsible sovereignty by pursuing a more sustained conversation and setting some more widely accepted norms. These norms concern, first, *when* the international community can take action, and second, which incarnation of the 'international community' is best fit to act. These issues make up the crux of the third component of the responsibility to protect, the idea of responsible intervention. As I shall suggest below, part of what makes the 'responsibility to protect' initiative's vision of intervention 'responsible' is precisely its concern with finding acceptable and effective ways to cope with the contingency of sovereignty without steering to either extreme of inaction or imperialism.

²² Stuart Elden, "Contingent Sovereignty, Territorial Integrity and the Sanctity of Borders," *SAIS Review* 26, no. 1 (2006): 15.

²³ Mark Duffield, *Development, Security, and Unending War* (Cambridge: Polity Press, 2007), 80.

iii. Responsible Intervention

The third conceptual component highlighted in the ICISS report is the one most closely associated with the phrase ‘responsibility to protect’ in media and activist commentary. The commissioners phrase it in terms of an international responsibility to *react* to crises. While national governments are the primary holders of the obligation to protect populations from suffering and harm, the international community holds responsibilities to act to fulfil these duties when states are “unwilling or unable” to do so.²⁴ The protective duties of the international community are described by the ICISS commissioners as a “fallback responsibility” or “residual responsibility,” which is only invoked in crisis situations where the national government has not been willing or able to fulfill their duties as per the principle of responsible sovereignty.²⁵ When these fallback responsibilities are activated, the commissioners argue, it is both required and permitted that the international community undertake a responsible form of intervention.

A major purpose of the responsibility to protect is to help prepare what Gareth Evans has labelled a “response mechanism” so that future crises can be dealt with by using an established toolkit of possible actions, measures and moves.²⁶ This term aptly captures those elements of the responsibility to protect which go beyond the realm of ideas and principles and towards the realm of guidelines, rules and standards. Many advocates of the responsibility to protect do not simply want to theorize about international obligations; they hope to build consensus around a set of practical strategies so that when the international community needs to intervene, it can do so according to a legitimized framework of shared expectations.

What distinguishes the idea of the ‘responsibility to protect’ from outmoded ideas of ‘humanitarian intervention’, the ICISS commissioners argue, is the fact that RtoP takes a longer and wider view of outsiders’ role in crises. The ICISS report therefore envisions a particular *form* of ostensibly “responsible” intervention that renders other, antiquated forms of “humanitarian intervention” illegitimate.²⁷ The commissioners argue that past discussions of intervention and sovereignty have too often focused on reactions to crises once they have already arisen, and that attention has dissipated once the most intense periods of violence have subsided. They instead emphasize a threefold

²⁴ ICISS Report, *The Responsibility to Protect*, Synopsis, xi.

²⁵ See the ICISS Report, *The Responsibility to Protect*, section (2.31)

²⁶ Gareth Evans, *The Responsibility to Protect* (Washington: Brookings Institution Press, 2008), 11

²⁷ The phrase “responsible intervention” has been used by Mary Keldor with reference to the ideas of RtoP, albeit only in the title of a review essay. See Mary Keldor, “Review Essay: Responsible Intervention,” *Survival* 50, no. 4 (2008): 191-200.

responsibility that expands the time horizon to focus on the role of outsiders before, during, and after crises emerge. When the principle of non-intervention must yield such that outside states are permitted and obligated to become involved, the commissioners suggest that those states are bound by a set of duties that has three basic aspects: the *responsibility to prevent*, the *responsibility to react*, and the *responsibility to rebuild*.²⁸

The commissioners therefore argue that military action is merely “one instrument in a broader spectrum of tools” designed to respond to crises. They draw on the language of just war theory to argue that coercion and force should only be used as a last resort, in due proportion, and under the right authority.²⁹ An overriding priority stressed throughout the ICISS report is the idea that less intrusive and less coercive measures should always be mobilized before more intrusive and more coercive ones are ever considered.³⁰ To this end, it is important to respond quickly when tensions emerge, and to take steps to preempt the outbreak or escalation of conflict.

One of the key themes whose influence can be detected throughout the wider discussion on the responsibility to protect has been the idea that responsible intervention, in order to be considered legitimate, cannot take the form of a single act in isolation. Truly ‘responsible’ intervention must necessarily be situated within a wider context of acts, the combined effects of which lend the eventual intervention legitimacy and the negligence of which will inevitably undermine it. The wider doctrine of the responsibility to protect encapsulates not only the core responsibility to intervene during extant moments of conflict and crisis, but also an ongoing responsibility to assist states in safeguarding basic human needs and rights. Setting out the scope and limit of this ongoing responsibility to assist is one of the continuing challenges of the doctrine – and one that has been the focus of much cynicism and criticism.

iv. Sustained Assistance

An important element of the responsibility to protect, both in the ICISS report and in the more general concept, is the idea that the international community has a role to play in helping to stop humanitarian crises from emerging, not just responding when they do. The ICISS report suggests that one of the objectives of the responsibility to protect is “to help eliminate, where possible, the causes of conflict while enhancing the prospects for durable and

²⁸ ICISS, *The Responsibility to Protect*, xi, and §2.32, pg. 17-18.

²⁹ ICISS, *The Responsibility to Protect*, xii

³⁰ ICISS, *The Responsibility to Protect*, xii

sustainable peace.”³¹ In fact, the commissioners stress that prevention is the “single most important dimension of the responsibility to protect”.³²

The discussion of ‘prevention’ in RtoP literature covers two broader themes. On the one hand, it describes early-response strategies intended to nip crises in the bud – preventing tense situations from becoming violent humanitarian emergencies. Prevention in this sense is perhaps better framed as the *preemption* of crises. The idea that crises can be preempted informs the RtoP discourse surrounding “early warning”.³³ With sufficient monitoring, insight, and understanding of potential conflict situations, early warning systems can make it possible for the international community to mobilize assistance (or ‘intervention’) in the beginning stages of a potential emergency, when less intrusive and less coercive measures arguably have more of a chance of working.

On the other hand, more *precautionary* forms of risk management are also included under the broader rubric of ‘prevention’, covering capacity-building, economic and development assistance, and other sorts of support. These sorts of precautionary efforts are preventive in the long-term sense of the term; in order to be effective they must be implemented before a crisis situation is even in its early stages. By the time a potential humanitarian conflict has triggered early warning signs and calls for pre-emption, it is simply too late for such precautionary measures to be appropriate.

The difference between preemptive and precautionary efforts is obscured in the ICISS report, with the two lumped together under their concept of the “responsibility to prevent”. Yet because of the substantive difference between the two, the distinction is worth emphasizing. Preemptive action in response to early warnings can be understood as a *part* of the toolkit of crisis-response strategies that makes up the concept of responsible intervention. In fact, it could reasonably be argued that besides preventing a bad situation from becoming worse, preemptive efforts are not truly “preventive” at all, fitting better under the category of “reaction”. In any case, precautionary assistance is a significantly different thing from responsive forms of intervention. This is why it makes sense to identify ‘sustained engagement’ as a separate element of the wider concept of the responsibility to protect.

Precisely because precautionary forms of assistance cannot be applied at the last minute, when a potential crisis looms on the horizon, they require efforts and investments that are “sustained”. The ICISS commissioners point out, as would later contributors to RtoP debates, that crisis prevention and the promotion of basic human rights must be situated within the context of international relations more broadly considered. Declining levels of development

³¹ ICISS, *The Responsibility to Protect*, §2.3, pg.11

³² ICISS, *The Responsibility to Protect*, Synopsis, xi

³³ ICISS, *The Responsibility to Protect*, 21-22

assistance, increasing burdens of debt, and an economic climate structured by the unfair trading policies of the wealthiest states all combine to make it more difficult for the governments of poor, developing and/or conflict-affected countries to build up the capacity to guarantee human rights protection and avert potential crises.³⁴ Economic dislocation and underdevelopment can have disastrous effects at the local level, but many of its contributing causes are international or global in nature. The ICISS commissioners therefore suggest that in order to truly address the root causes of conflict, rich and industrialized countries ought to consider making a renewed commitment to development assistance, working towards “better terms of trade and permitting greater access to external markets for developing economies”, and “encouraging necessary economic and structural reform”, among other efforts.³⁵

To some observers, including questions of economic justice and global inequality might seem out of place in a discussion of crisis response. Yet this is exactly why, for the ICISS commissioners at least, the idea of the responsibility to protect is about more than traditional humanitarian intervention. While protecting people in complex humanitarian emergencies is arguably the core purpose of the RtoP concept, its strongest proponents see it as wider and deeper in scope than simple crisis management. A subtextual premise of the RtoP debates is the idea that any sustainable reconfiguration of the relationship between sovereignty, responsibility, and human rights will necessitate a shift in the way members of the ‘international community’ think about the distribution of responsibilities for human rights protection – not just in times of crisis, but in the everyday structure of international politics and the global economy. This idea has both philosophical and political dimensions.

On a philosophical level, the questions central to the responsibility to protect conversation fit into much wider debates about the relationship between human needs, moral obligation, and political membership in the twenty-first century. Discussions of contemporary human rights challenges, development, poverty, and human insecurity invite questions about global justice, transnational obligations, and the relationship between the global haves and have-nots.

On a political level, a focus on sustained assistance will simply have to be incorporated into any emerging consensus amongst nation-states on the ideas included under the rubric of the responsibility to protect. Enough diplomats and country representatives are suspicious of the ideas surrounding contingent sovereignty and responsible intervention that they engage critically – if not cynically – when presented with claims and arguments that link international ‘responsibility’ and ‘intervention’. Many of these key players view the

³⁴ ICISS, *The Responsibility to Protect*, §3.8, pg. 20.

³⁵ ICISS, *The Responsibility to Protect*, §3.22, pg. 23.

responsibility to protect through a lens colored by experiences of colonialism and great-power manipulation, both of which are often coated in ethical justification.³⁶ They see a risk that the innovations and institutional changes associated with the responsibility to protect conversation will focus too much on elements benefitting the most powerful states, such as those emphasizing the limits of sovereignty and non-interference. They therefore seek to counterbalance these concerns by making sure that other priorities, such as global economic justice, structural reform, and international accountability are included in the conversation.³⁷

Sustained assistance is an arguably important element of the responsibility to protect in its own right, since there are good reasons to believe that investments in strong and resilient institutions and efforts to resolve structural inequalities will help to prevent crises from emerging. Indeed, it might be argued that such engagements are warranted, even morally necessary, *outside* of the precautionary paradigm associated with conflict and crisis prevention. Yet while it could reasonably stand apart, the idea of sustained assistance does play an important role in linking and supporting the other elements of the responsibility to protect. In the section of the ICISS report covering prevention, the commissioners argue that precautionary efforts are crucial for legitimizing responsible interventions when they are called for:

By showing a commitment to helping local efforts to address both the root causes of problems and their more immediate triggers, broader international efforts gain added credibility - domestically, regionally, and globally. This credibility is especially important when international action must go beyond prevention to reaction, and especially when that reaction necessarily involves coercive measures, and ultimately the use of armed force. The basic point of preventive efforts is of course to reduce, and hopefully eliminate, the need for intervention altogether. But even where they have not succeeded in preventing conflict or catastrophe, they are a necessary precondition for responding effectively to it.³⁸

³⁶ For discussion of the 'humanitarian' and 'rights-based' dimensions of colonialism, see Neta C. Crawford, *Argument and Change in International Relations*, (Cambridge: Cambridge University Press, 2002), Ch. 5; Adam Hochschild, *King Leopold's Ghost*, (Boston: Mariner, 1998).

³⁷ These ideas are explored in a more sustained way in Chapter 5, "Debating the Responsibility to Protect".

³⁸ ICISS, *The Responsibility to Protect*, §3.4, pg. 19.

This nicely encapsulates one of the tensions surrounding the role of sustained assistance as a core element of the responsibility to protect. Including a focus on sustained assistance helps to render interventions more ‘legitimate’, and make appeals framed in the language of responsibility more credible. Yet to what extent is this mere lip service – empty rhetoric that sets out an integrated and holistic approach in theory, but falls far short of that standard in practice? How much weight does this element of the responsibility to protect *truly* carry in its own right? How likely is it that the promises and pledges will be borne out in practice – or that failures in this dimension of RtoP will *actually* put a damper on the instrumentalization of other elements? These questions have remained an important part of the wider debates about the responsibility to protect.

RtoP and ‘Humanitarian Intervention’

Discussion and debate about the concept of the responsibility to protect has often been complicated by arguments surrounding the language of “humanitarian intervention”, which is treated with extreme suspicion in many quarters. For many stakeholders, the loaded phrase ‘humanitarian intervention’ has become unpalatably associated with unilateralism, adventurism and unaccountable, self-interested acts of interference packaged in the name of human rights. In their report, the ICISS commissioners make note of the argument that the language of “humanitarian” intervention is often employed in order to “label and delegitimize dissent as anti-humanitarian”.³⁹

The ICISS report certainly takes these concerns seriously, but the commissioners are not coy about the fact that the response mechanism they are seeking to develop includes the potential use of ‘intervention’, including the potential use of military force. After all, exploring the controversy surrounding intervention was a defining part of the mandate of the commission. “The kind of intervention with which we are concerned in this report,” they write, “is action taken against a state or its leaders, *without its or their consent*, for purposes which are claimed to be humanitarian or protective.”⁴⁰ This framing is appropriately frank. Any attempt to develop a coherent response mechanism intended to deal with humanitarian emergencies must necessarily consider those potential contingencies in which state authorities are unwilling to provide protection, or unwilling to accept sorely-needed help from outsiders. This is why part of the debate around the responsibility to protect is necessarily a debate about the question of intervention, broadly speaking, distasteful though the word might be. While it might be diplomatically helpful to pretend that the

³⁹ ICISS, *The Responsibility to Protect*, §2.28, pg. 16.

⁴⁰ ICISS, *The Responsibility to Protect*, §1.38, pg. 8. Emphasis added.

responsibility to protect is not about a certain kind of “intervention” by avoiding the *word*, the substantive idea is unavoidable. The fact that the emerging R2P consensus prefers one specific and restricted *form* of intervention over other rejected forms should not obscure our analytical clarity in understanding the relevant issues at hand. Precisely because it is a contentious part of the overall debate, it is important to be clear about the relationship between the responsibility to protect and the particular form of intervention which it authorizes and attempts to systematize.

In the years following the release of the ICISS report, talk surrounding the concept of the responsibility to protect began to avoid the use of ‘the i-word’ altogether. Its promoters have therefore worked very hard in the attempt to carry the term ‘responsibility to protect’ untainted over their heads while wading through the murky waters surrounding the issue of intervention. The preferred strategy has been to minimize the emphasis on unwelcome interventions, rhetorically, by instead emphasizing the concept of responsible sovereignty. Linguistic contortions aside, the idea of the responsibility to protect does not, in itself, constitute a rival paradigm to the idea of outside intervention. If anything, its core idea of contingent sovereignty opens a space for intervention to be legitimated by calling upon outside actors to hold state authorities accountable when domestic populations cannot, and to protect those populations when their governments will not.

Many advocates of RtoP who are willing to talk frankly about “intervention” have expressed frustration at criticisms seeking to delegitimize and dismiss it by associating it with older concepts of “humanitarian intervention”. These proponents often lament what they see as misunderstanding, distortion or purposeful misrepresentation of its key tenets. Gareth Evans, the commissioner of the ICISS, argued in 2005 that

[t]hose who want to continue the debate wholly in terms of ‘the right to intervene’, and to rail against ‘humanitarian intervention’ as a continuing manifestation of the age-old tendency of the powerful to do as they like against the weak, are flogging a very dead horse. ‘Humanitarian intervention’ is dead; it is ‘the responsibility to protect’ that lives.⁴¹

According to the way it is frequently portrayed in RtoP discourse, the ‘old’ paradigm of ‘humanitarian intervention’, now consigned to the dustbin of

⁴¹ Gareth Evans, Statement to the United Nations General Assembly Interactive Dialogue on the Responsibility to Protect, New York, 23 July, 2009; video available online at <http://www.un.org/webcast/2009.html>

history, had three main characteristics, each of which are remedied under the RtoP's mechanism for responsible intervention.

First, the argument goes, humanitarian intervention of the old style was typically *unilateral*, or else multilateral in a sense that nevertheless failed to follow the relevant legitimizing criteria and processes, including those set out under the United Nations framework. Interventions were initiatives which could be taken up by single state actors, if necessary, or by coalitions whose government leaders had made the decision to act. In contrast, responsible interventions under the RtoP response mechanism are matters of collective action, limited to the restricted parameters afforded by the United Nations system. Specifically, the only body that is empowered to authorize intervention is the Security Council, as outlined in Chapter VII of the Charter.⁴²

Second, it is argued that humanitarian intervention was inappropriately *intervener-focused*. Furthermore, it was essentially *right-focused* and *prerogative*.⁴³ The outside state could choose whether or not to make use of a supposed "right of intervention". Under that paradigm, the decision whether or not to intervene was based primarily on the interests of the intervener and only secondarily on the needs of the people in question who were suffering harm. Furthermore, it was a matter to be decided by the individual state contemplating the intervention. Humanitarian intervention was therefore unreliable and inconsistent. Promoters of the RtoP have argued that its paradigm of responsible intervention shifts the emphasis to the needs of the suffering people in question. Ostensibly, "the responsibility to protect implies an evaluation of the issues from the point of view of those seeking or needing support, rather than those who may be considering intervention."⁴⁴ Intervention is a matter not of an optional choice or right, but a matter of responsibility. This responsibility to protect populations from mass atrocity crimes is held first and foremost by the state at the domestic level, but it is also held by outside actors when domestic authorities fail.⁴⁵ The suggestion is that a focus on the international *responsibility* to do what needs to be done to protect human rights will improve consistency and reliability and make sure that all populations who need protection receive it.

Third, RtoP advocates point out, humanitarian intervention was solely *reactive*, or at most *pre-emptive*. Interveners typically waited until an emergency situation had already emerged, and then decided whether or not to intervene. In contrast, responsible intervention incorporates a preventative approach by

⁴² The ICISS commissioners were, originally, more willing to consider alternative options in the case of Security Council inaction than were the Member States who later 'formalized' the responsibility to protect at the World Summit in 2005 with stricter language about the Security Council's role. See ICISS, "Responsibility to Protect," §6.28-6.40, pp. 53-55.

⁴³ ICISS, *The Responsibility to Protect* §2.28, pg. 16.

⁴⁴ ICISS, *The Responsibility to Protect* §2.29, pg. 17.

⁴⁵ ICISS, *The Responsibility to Protect* §2.31, pg. 17.

emphasizing sustained assistance and capacity-building – a form of precautionary cooperation which in the best scenarios abolishes the need for unwelcome and aggressive intervention at all. Acts of militarized intervention are permissible (and necessary) only in those rare situations in which all of these other more preferable relationships of positive support have failed. Coercive intervention, RtoP advocates emphasize, is a last-resort, failsafe option amongst a wide toolkit of less intrusive (and more preventative) responses, all of which should be considered before intervention is permissible.

The degree to which the responsibility to protect paradigm is truly distinct from, and an improvement upon, outmoded approaches to “humanitarian intervention” hinges on these three key differences. The distinction also depends upon a satisfactory balance between the four elements introduced above. As I have argued above, these three elements are mutually connected, for both conceptual and political reasons. If outsiders have a role to play in rendering sovereign state power ‘responsible’, then the absolute ban on interference must be rendered contingent. If sovereignty is to be considered contingent, its contingency must not be treated as license to interfere, and any interventions must be undertaken in a consistent, credible, and ‘responsible’ manner. If interventions are to be permitted and considered legitimate, they ought to be undertaken as a last resort, by actors who have already demonstrated their credibility and ‘responsibleness’ by offering sustained assistance to the people and communities around the world who need or deserve it most. It is only by recognizing the importance of each of these elements and how they reinforce and depend on each other that debates around the responsibility to protect can be understood.

Conclusions and Ways Forward

A recurring conceptual theme in the responsibility to protect is the concept of ‘responsibility’, for what might be obvious reasons. Besides being built into the phrase itself, questions about moral and political responsibility are essential to the overall structure of the emerging concept. Issues surrounding obligation, due diligence, and accountability are central components of the four main elements. The idea of responsible sovereignty focuses on the duties that governments hold towards their people, and how they might be held accountable for actually fulfilling them. The idea of contingent sovereignty argues that outsiders ought to be permitted to play a role in holding those states accountable. The contingency of sovereignty also suggests that outsiders are permitted to intervene under some conditions. These conditions are set out under the broad idea of responsible intervention, which also argues that taking

reactive or preventive action is something those outsiders have a responsibility to do. This responsibility exists outside of the narrow scope of crisis situations, however, as suggested by the emphasis on sustained assistance that has often been central to arguments about the responsibility to protect. If outsiders truly have a responsibility to help the world's most vulnerable people, they ought to do so consistently and proactively, not arbitrarily and responsively.

Having laid some of the essential conceptual building blocks that make up the overall concept of the responsibility to protect, it is easy to see why any debate about RtoP is necessarily a debate about the relationships of responsibility that characterize global relations, and which come to the fore in crisis situations. As I have begun to demonstrate, many of the ongoing debates and struggles over the contours of the responsibility to protect are, in substance, disputes about the distribution of obligations and the structures of responsibility that characterize the present international system. Raising the question of intervention tends to ignite much larger debates about obligation, accountability and global justice precisely because the idea of intervention destabilizes and throws into question many of the explicit and implicit presumptions and principles about 'responsibility', its meaning, and its limits, that have long provided the basis for relations among sovereign states. This is why debates over the responsibility to protect are reflective of – and often incorporate – much wider debates about the global power relations of responsibility. In order to continue the analysis of these debates and to establish a clear and efficient argument, it will be necessary to develop and stipulate a conceptual toolkit which can help to interpret and analyze the often-obscurant political language of "responsibility".

Chapter 2 – The Ambiguous Concept of Responsibility

Introduction

The meaning of the term “responsibility” is the subject of tremendous contestation, re-definition and analytical hair-splitting.⁴⁶ It is easy to see why. Although its meaning seems to be a matter of common sense, the word can be used in ordinary language to describe significantly different ideas and relationships. In English, both ‘responsibility’ and its related variants (i.e. ‘responsible’, ‘responsibly’) are what linguists call *polysemes* – words with multiple, related meanings. The polysemy of the term ‘responsibility’ is further complicated by the fact that even once the linguistic ambiguity has been overcome, with one sense or another separated out for focused consideration, there often remains considerable *philosophical* contestation about the deeper conceptual meaning of that sense itself.

This combination of terminological and philosophical confusion can pose considerable roadblocks for students of social relations studying the interpersonal dynamics of responsibility. Terminological ambiguity can make it difficult not only to read, understand and interpret other people’s ideas and claims, but also to think, compose, and express oneself clearly. In what follows, therefore, I attempt to draw a few conceptual distinctions in order to develop the toolkit necessary for a lucid examination of contending arguments about responsibility.

In this chapter I begin to examine how ambiguities in moral language can impact the practical power relations of responsibility, considering the diversity of concepts and relationships that an actor can potentially be taken to be invoking when he or she makes an unelaborated claim about ‘responsibility’. Developing a toolkit of analytical concepts that covers what actors *could* mean when they make claims about responsibility is a helpful step towards interpreting what they *actually do* mean to say. I do not assume, however, that actors always know exactly what they mean to say at the moment they say it. My analysis allows for the fact that actors often make responsibility-claims based on an incompletely developed set of reasons, and then develop their perspective retroactively when questioned or challenged. Much of this chapter is therefore intended to differentiate between ambiguous meanings, as well as to stipulate a few working definitions and terms. My hope is that these clarifying moves will serve to

⁴⁶ Michael M. Harmon, *Responsibility as Paradox: A Critique of Rational Discourse on Government* (Thousand Oaks: SAGE Publications, 1995); Hans Jonas, *The Imperative of Responsibility: In Search of an Ethics for the Technological Age* (Chicago: The University of Chicago Press, 1985), 90-93.

facilitate further interpretation, analysis and engagement with arguments about responsibility.⁴⁷

I also draw upon the significant distinction between ‘ideal’ and ‘social’ morality in order to argue in favour of an approach to the study of the politics of responsibility that emphasizes its relational modes. In my view, given the degree to which the politics of responsibility are infused with such substantial ontological, epistemological, aesthetic and philosophical disagreement, studying responsibility as a sociologically grounded, relational phenomenon is the most appropriate way to examine arguments about obligations and accountabilities and how they are translated and channeled into disagreements, conflicts, and disciplinary power relations.

The Ambiguous Concept of Responsibility

Given the volume of ink spilled (and number of keystrokes logged) on treatises about responsibility, it would be unreasonable to pretend to provide authoritative definitions. Yet in the interest of a clear discussion, I am willing to tease out a few of the various senses of ‘responsibility’ in the English language and link them tentatively to other more specific terms. I will very briefly review some of them here.

1. **Object of obligation (i.e. what must be done).** We frequently speak of responsibilities in the sense roughly synonymous with a list of discrete tasks, duties or obligations that an actor is expected to fulfil or ‘discharge’. In this sense, the term ‘responsibility’ is used to describe the *content* of the performance that is required. Here an actor is responsible *for* something that is the *object* of his or her duty.
2. **Relations of oversight (i.e. to whom one is answerable and accountable).** We use this sense of the term when we want to indicate the person or *subject* to whom an agent is answerable or accountable. In this sense, the term ‘responsibility’ is used to describe the *relationships* relevant to the idea that the performance is required: it is about being responsible *to* someone. These relationships may be formal, specific and hierarchical, as within corporate or managerial structures, but they may also be informal, general and egalitarian, as with the mutual accountability between co-equals. In any case, here an actor is responsible *to* certain other *subjects*.

⁴⁷ The conceptual toolkit developed here is not proposed as a supposedly ‘neutral’ language of responsibility that can banish uncertainty and ambiguity once and for all. Rather, it is intended to provide insight into the ways in which language is decidedly *not* neutral, and to build towards larger arguments about the political uses of rhetoric and ambiguity.

Of course, these are two dimensions of the same phenomenon. The content of an actor's obligation and the relationship of answerability that gives that obligation meaning are inextricable. Yet the point is simply that both dimensions can be described in and of themselves with the same word, 'responsibility'.

These next three dimensions of 'responsibility' are qualitatively different from the previous two. Hans Jonas distinguishes between "substantive" and "formal" conceptions of responsibility, and the distinction may be helpful here. The former is forward-thinking, and content-driven, focusing on what actors should do in the future or on an ongoing basis. The latter is backward-looking, legalistic, and focused on calling people to account for their faulty behaviour.⁴⁸ Although adopting Jonas' labels might not be helpful since the word "formal" may have confusing connotations, his distinction between forward-thinking and backward-thinking conceptions of responsibility is apt. The first two meanings of 'responsibility' listed above are largely forward-thinking, describing the structure and content of obligations that are or should be in effect. In contrast, an equally common sense of 'responsibility' is notable for its backwards-looking focus:

3. **Culpability (i.e. whose faulty action warrants redress).** The idea that someone is, or ought to be considered, 'responsible' for some action they have taken, or some outcome they have caused, is a key dimension of the idea of 'responsibility'. Three sub-dimensions of responsibility in this backwards-looking can also be teased out.
 - a. **Causal attribution (i.e. who did what).** We sometimes call people responsible for a phenomenon (in a non-moral sense) if they can be seen to have caused it by their actions or omissions. In principle, this sense of responsibility allows us to suggest that "she made it happen" in a detached, clinical fashion, without also judging or evaluating. In practice, however, it is exceedingly rare that such statements are made in a way that is completely non-moral and judgment-free.
 - b. **Evaluative blameworthiness (i.e. whether it was bad).** We call people responsible when we want to add a layer of negative judgment on top of a claim to causal determinacy.⁴⁹ To highlight the difference between causal attribution and evaluative blameworthiness, consider the fact that actors can be causally 'responsible' for perfectly mundane or even praiseworthy actions. In some contexts, being described as 'responsible' implies a transgression. In this sense, assertions of responsibility are tinged with connotations of faultiness or guiltiness.

⁴⁸ Hans Jonas, *The Imperative of Responsibility*, 90-93.

⁴⁹ Hans Jonas, *The Imperative of Responsibility*, 90-93.

- c. **Liability (i.e. whether sanctions are appropriate).** We call people responsible when we want to suggest that they are liable to criticism and social sanctions because of their actions. By this sense of 'liable' we typically mean that certain others may legitimately impose the appropriate sanctions. Because an actor has had blameworthy behaviour attributed to her, she "should be held responsible" by others. Culpability is therefore not just a concept that says something about the transgressing party, but also one that suggests what others may (or should) do in response to their transgression. Once again, while evaluative blameworthiness and culpability often overlap, they are not identical. In many situations an actor's attributed actions are negatively evaluated, but it would be inappropriate for certain (or all) other actors to hold her culpable.⁵⁰

The distinction between these issues may seem like hair-splitting, but these three different 'backwards-looking' conceptions of responsibility vary in slight but significant ways. They build on each other, asking of an actor and an act: a) whether she performed it; b) whether it was also 'bad'; and c) whether certain others may appropriately (or should) do something about it.⁵¹

For many theorists, as well as for many people in everyday life, the questions surrounding 'responsibility' and the link between causation, blameworthiness, and liability involves a crucial further dimension of responsibility:

4. **Degrees of empowered moral agency (i.e. whether one ought to be treated as a competent subject).** We frequently discuss whether someone is responsible in the sense of having the capacity to act, and/or the competence to understand the likely consequences of his or her actions. The idea of agency in this sense is the subject of very complex sociological and philosophical debates. The stakes of these debates helps us to see how this meaning of the term relates to some of the others. For example, debates over free will and determinism often broach the subject of whether or not human beings have sufficient agency to really be given causal attribution for the outcomes of their actions, and therefore whether they can really be blamed for faulty ones. Another example is common in criminal trials. A defence lawyer may argue that because her client suffers from diminished

⁵⁰ In many ways, culpability is connected to the form of 'responsibility' describing relations of oversight, articulated above. They both involve the crucial social phenomenon of actors 'holding' others responsible.

⁵¹ For more on these distinctions, see Chauncey Maher, "On Being and Holding Responsible," *Philosophical Explorations* 13, no. 2 (June 2010), 129-140; and Angela M. Smith, "On Being Responsible and Holding Responsible," *The Journal of Ethics* 11, no. 4 (2007): 465-484.

capacity, control or understanding, his diminished agency would make it inappropriate to apply the standard sanctions for holding guilty parties culpable, even if his blameworthy causal attribution is conceded. According to H.L.A. Hart, this draws on the premise that “the person to be punished should, at the time of his offence, have had a certain knowledge or intention, or possessed certain powers of understanding and control.”⁵²

One further sense of ‘responsibility’ is relevant in everyday English language: the sense in which ‘responsibility’ describes an upstanding character trait. Consider:

5. **Diligence and reliability (i.e. being characteristically dutiful).** We call persons ‘responsible’ when we want to suggest something virtuous about their character or behaviour, often in the sense that they are reliable or trustworthy. In the words of Hart, “[a] responsible person is one who is disposed to take his duties seriously; to think about them, and to make serious efforts to fulfil them.”⁵³ A similar sense of ‘responsibility’ is used to describe the tendency to make well-considered choices when faced with clashing obligations.⁵⁴ Finally, this characteristic sense of responsibility is also used to describe actors who accept the consequences of their actions and subject themselves willingly to social scrutiny and sanctions when appropriate.

The above typology is not meant as an exhaustive list of senses of the term ‘responsibility’. Nor are the elements entirely separable from each other. Even a disclaimer about Weberian ‘ideal types’ does not seem to apply in this case, since the elements listed are complementary dimensions of — rather than comparable varieties of — the complex notion of responsibility. Nevertheless, drawing rough distinctions between these related senses of ‘responsibility’ helps to distinguishing some of the conceptual puzzle pieces that will become increasingly relevant to the following discussion. Furthermore, having stipulated meanings for terms like ‘diligence’ and ‘blameworthiness’ will aid the present conversation by allowing these terms to be used as more precise proxy words in place of ‘responsibility’. In situations where several of the related senses of ‘responsibility’ are at play, it is all too easy to begin tripping over the term unless careful language is employed. By substituting more precise words for the term ‘responsibility’ and its variants wherever possible, I hope to avoid the confusion (or evasion) that can result from slipping between related senses of the term.

⁵² H.L.A. Hart, *Punishment and Responsibility* (Oxford: Oxford University Press, 1968), 210.

⁵³ Hart, *Punishment and Responsibility*, 213.

⁵⁴ See Garrath Williams, “Responsibility as a Virtue,” *Ethical Theory and Moral Practice*, 11 (2008): 455-470.

The Meta-Ethics of Obligation: Ideal Morality and Social Morality

As suggested above, the statement “A has a responsibility to do X” is often used interchangeably with “A has an obligation to do X”. On a practical level, we understand that such claims invoke the idea of obligation or duty, connoting a sense of ‘oughtness’ that implies that an actor should do something or other.

Yet such simple obligation-statements such as “A has an obligation to do X” are in some regards ambiguous, leaving unclear what exactly the speaker means to communicate.⁵⁵ Quite often, the precise *nature* or ‘oughtness’ of the requirement that is being invoked is not articulated expressly. Claims about responsibility, like other ethical arguments, often rest on unstated (if perhaps also underdeveloped) meta-ethical assumptions about sources of obligation, ‘the good’ and ‘the right’. Unless the speaker offers further contextual clues, her phrasing gives leeway for interpretation on this meta-ethical level. Since my intent is to offer a conceptual toolkit for examining and understanding complex arguments about responsibility, it will be helpful to briefly address these meta-ethical questions before turning to a discussion of why they matter practically in social relations.

In his book *An Ethic of Responsibility in International Relations*, Daniel Warner draws on work by Terry Nardin and Henry Sidgwick, among others, to invoke the distinction that is often made between social morality and ideal morality. “Ideal morality, on the one hand, focuses on the interaction between an individual and a higher, otherworldly authority. Social morality, on the other hand, deals with the interactions between people and with the norms emanating from those interactions.”⁵⁶ As Warner notes, this distinction offers important insights for thinking about the concept of responsibility, because each conception has practical consequences when operationalized in social relations of accountability. Social conceptions of morality are “positive” in the sense that they are concerned with the actually existing social dynamics through which mores, norms and standards are reinforced. Understandings of obligation and responsibility framed in terms of social morality place the focus on actual interactions between human beings, whose expectations of each other create social pressures and consequences. Moral facts are thus treated as

⁵⁵ Alan Gewirth, “Obligation: Political, Legal, Moral,” in J. Roland Pennock and John W. Chapman, eds., *Political and Legal Obligation* (New Brunswick, NJ: Transaction Publishers, 1970).

⁵⁶ Daniel Warner, *An Ethic of Responsibility in International Relations* (Boulder: Lynne Rienner, 1991), p. 2. See also: Terry Nardin, *Law, Morality, and the Relations of States*, (Princeton: Princeton University Press, 1983), 225-226, cited in Warner, *An Ethic of Responsibility*, 23, note 2.

intersubjective “social facts”⁵⁷, and phenomena like obligation and responsibility are understood as fundamentally *relational* — that is, a product of interpersonal social relations.

In contrast, ideal conceptions of morality emphasize the importance of abstract, disembodied sources of moral authority that stand apart from the norms and mores humans set for each other in practice. As Henry Sidgwick put it, ideal morality starts with abstract fundamental principles from which rules and guidelines are deduced.⁵⁸ How are these principles themselves derived, Sidgwick asks, if not from the customs and mores of a society? In some traditional conceptions of ideal morality, fundamental principles are understood as having been revealed to humankind through divine revelation; they are thus considered to be ‘legitimate’ or to ‘take hold’ in a way that *transcends* social attitudes because they reflect the will of a supreme being, force, or deity. In other approaches, the principles can be derived from rational reflection on non-social facts about the natural world or the human condition. Still other approaches suggest that the sorts of principles relevant to ideal conceptions of morality can be discovered by engaging in critical, rational reflection about the flaws and inconsistencies of social morality. Regarding this latter approach, Terry Nardin argues that the way in which ideal morality is frequently developed in contradistinction to existing social norms underscores the inextricable relationship between social morality and ideal morality.⁵⁹ Crucially, however, the rationally-derived moral principles differ significantly from the social conventions on which they ostensibly improve. No matter how the ultimate origins of moral principles might be understood, under ideal-morality conceptualizations of morality, the relevant standards, duties and obligations exist and apply *independently* of social forces. They may be recognized and reinforced by social actors, but this reinforcement only supplements a form of obligation that transcends the social and is taken to be, in a certain sense, ‘objective’.

There are some thematic parallels between the present discussion and complex debates between moral realists and moral anti-realists. These meta-ethical disagreements concern the nature of moral judgments, the meaning of moral terms, and the justification of moral claims. According to Horgan and

⁵⁷ The idea of ‘social facts’ was introduced by Emile Durkheim and further developed by scholars such as John Searle. In the words of John Ruggie, referencing Searle, social facts are “those facts that are produced by virtue of all the relevant actors agreeing they exist. Social facts, so defined, include states and their collective institutional practices... and the likes of marriage, money, football, property, and Valentine's Day.” John Ruggie, “What Makes the World Hang Together? Neo-Utilitarianism and the Social Constructivist Challenge,” *International Organization* 52, no. 4 (1998), 856.

⁵⁸ Henry Sidgwick, *National and International Right and Wrong* (London: George Allen and Unwin, 1919), 17. Cited in Warner, *An Ethic of Responsibility*, 2 note 5.

⁵⁹ Nardin, *Law, Morality, and the Relations of States*, 225-226.

Timmons, many moral realists make the metaphysical claim that the truth of ethical statements comes from sources independent from the sociality of human beings. They are beholden to a position known as 'moral objectivism', according to which the truth values of moral facts are given independently of human judgment and are therefore invariable. The invariability of moral facts stems from the fact that they maintain their truth (or falsity) regardless of whether or not human societies recognize them. Those moral realists whose beliefs include moral objectivism are known as 'robust' moral realists.⁶⁰ As Horgan and Timmons explain, the most frequently-discussed form of moral relativism is anti-realist in that it challenges realism's objectivist premise while sharing its cognitivism.⁶¹ Such relativists typically suggest that there are moral facts, but these facts should be understood as *sociological* facts, and not natural ones. For the moral relativist, then, moral facts are both 'dependent' and 'variable':

They are dependent because their existence depends upon the acceptance of some set of norms by some group (where in the limit case a group might be a single individual). And they are variable because there are or can be different groups with different norms and so what is true relative to one group's norms may be false relative to the norms of a different group.⁶²

A full exploration of the merits and demerits of moral realism and moral anti-realism is beyond the scope of the present project. Thankfully, neither is such an examination really necessary. For present purposes, the distinction between social morality and ideal morality is especially relevant from an analytical perspective. Given that my primary interest is in critically examining claims about responsibility and how they are mobilized in social relations, the difference between moral realism and moral relativism offers an essential heuristic distinction that can help to classify substantively different varieties of such claims.

Warner draws on the distinction between ideal morality and social morality in order to critique the way scholars have dealt with ethics in international relations throughout the twentieth century. Much of this work tended to examine issues from a perspective that placed central emphasis on

⁶⁰ Terry Horgan and Mark Timmons, "Morality Without Moral Facts," in James Dreier, ed., *Contemporary Debates in Moral Theory* (Oxford: Blackwell Publishing, 2006).

⁶¹ Moral cognitivism is the belief that ethical statements can be considered 'propositions' in the sense that they state moral facts that can have truth or falsity. This position represents one side of a longstanding debate in moral philosophy over whether ethical statements should be thought of as more like statements of belief or more like expressions of attitude and desire, which are not cognitive in the relevant sense.

⁶² Terry Horgan and Mark Timmons. "Morality Without Moral Facts," 224.

questions related to ideal conceptions of morality. He suggests that this has impoverished thinking about ethics, rights and responsibilities in the international realm by avoiding any examination of ethical relationships and contestations. Analyses that place an emphasis on ideal morality, he argues, tend to encourage asocial and individualistic thinking about ethics, reinforcing the long-dominant presumption that states are morally autonomous actors that are not accountable to each other. Such analyses therefore place minimal emphasis on the role of ethical argumentation in the realm of global politics. Warner argues that an analytic framework informed by an emphasis on social morality offers a far richer depiction of ethical relationships (and moral conflicts) between individuals, groups, and states. By focusing on *transcendental* obligations, ideal-morality approaches often tend to efface the ways in which actors in global politics might be seen to have obligations *towards each other*, and underplay the significance of the power relations through which actors hold each other responsible for their actions. Because social morality presupposes an interpersonal context, Warner argues, it puts these social phenomena at the center of analysis, and therefore provides a much more satisfying lens through which to examine questions of responsibility.⁶³

Like Warner, my present purpose is not to figure out whether people, groups, and nation-states 'really are' responsible in some deep or transcendental sense – it is to examine the dynamics through which they *hold* each other responsible in practice. This requires an analysis of the ways in which arguments about politics, law, and ethics are mobilized in the thick context of the practical social relations of responsibility. In order to better understand and theorize practices of holding responsible, and the ways in which such practices are borne out in society, it is worth making a few distinctions about the more specific concept of accountability.

Account-Giving and Account-Settling

Ideal and social conceptions of morality imply different orientations towards the question of *accountability*. At the outset of this chapter, it was established that 'relations of oversight' constituted one meaning of the word 'responsibility'. Indeed, in some contexts, having 'responsibility' refers to the state of being obligated not just *for* an object such as a task, act, or outcome but being answerable and accountable *to another actor*, a thinking, judging and responsive subject. Social expectations, conventions and institutions combine to make it a social fact that the duty-bearer has a special relationship to an actor who is authorized to legitimately hold him or her accountable. Framings of

⁶³ Daniel Warner, *An Ethic of Responsibility in International Relations*, Chapter 1.

responsibility that emphasize this particularly *relational* form of obligation put emphasis on the complex issues of judgment, legitimacy, and contingency that attend the interpersonal dynamics of responsibility.

One of the key contentions of this project is that a good deal of responsibility-talk in everyday life, global politics, and academia tends to underemphasize, obscure and ignore relational forms of responsibility. In fact, responsibility is often talked about (and written about) in ways that avoid relational or interpersonal dynamics altogether. The importance of 'sideways' relationships between actors is obscured by lifting the standards of evaluation out of a social setting, either raising them 'up' into theoretical abstraction or pushing them 'down' so they are internal to the agent. That is to say, instead of conceiving of responsibility in terms of *relational* accountability, some writing and thinking instead emphasizes *transcendental* or *autonomous* forms of accountability. The practical, ethical and political consequences of these different conceptions of what it means to be accountable help to explain why it is worth drawing the distinction between 'ideal morality' and 'social morality' in the first place. This section focuses on accountability and answerability in a relational sense in order to emphasize, in the subsequent section, what is different (and what is missing) in transcendental and autonomous conceptions of responsibility.

The concept of accountability, like other conceptual dimensions of responsibility, is multifaceted. Discussions of accountability tend to focus on two basic ideas which, while distinct, are inextricably related. On the one hand, 'accountability' is sometimes understood in terms of justificatory account-giving, where actors must explain themselves or their actions to other actors. On the other hand, 'accountability' is also in terms of the disciplinary power relations of holding-accountable through censure and punishment. For present purposes this can be understood as the difference between 'account-giving' and 'account-settling'. These two are certainly related, both in theory and in practice, but theoretical treatments of the subject often emphasize one of these senses of accountability over the other.

Social configurations of responsibility typically set out not only what actors are expected to do, but also set in place relationships and procedures to reinforce those expectations. As Ruth Grant and Robert Keohane have suggested, strong structures of social accountability clearly specify what actors are expected to do, and set up relations of disciplinary authority so that actors are more likely to face social consequences for relevant forms of misbehaviour. These relations can be structured hierarchically or amongst peers, but in any case they are most effective when someone is actually empowered, in practice

as well as in principle, to apply sanctions.⁶⁴ These are the 'relations of oversight' identified earlier, which are the essence of a relational conception of responsibility.

To streamline their argument, Grant and Keohane deploy a set of analytical terms to describe the relevant actors and relationships. For instance, the *power-wielder* is the actor within the relation of accountability whose actions are brought under scrutiny. For Grant and Keohane, the 'power' that is wielded refers to the positional power held by officeholders, policy-makers, political representatives and the like.⁶⁵ The power-wielder's counterpart, the *accountability-holder*, is the actor within the relation of accountability who sets standards for behaviour, adjudicates compliance based on the relevant information, and imposes sanctions where appropriate. Both of these terms are understood to be applicable to either individuals or collectives, as the case may be. For sake of discussion, I will adopt their terminology, with the caveat that *power-wielder* is a narrower conception of what I have elsewhere called the *duty-bearer*, which is a more widely-used conceptual term.

Rubenstein has provided a helpful response to what she calls the 'standard model' of accountability described by Grant and Keohane.⁶⁶ She notes that the standard model assumes that the accountability-holder is both the actor to whom obligations are owed and the actor who plays a key role in judging and imposing sanctions. This creates difficulties when the persons to whom obligations are owed do not have sufficient resources or capacity to sanction power-wielders (or at least to help). This leads Rubenstein into an examination of the conditions under which a form of "surrogate accountability" (involving solidaristic proxy agents) would be an appropriate second-best arrangement.⁶⁷ Rubenstein's complication of the standard model is well-reasoned and relevant, but my attention is focused for the moment on the contribution she makes to an enriched understanding of the importance of each of the three main elements of accountability articulated by Grant and Keohane: *standards*, *information* and *sanction*.

Grant and Keohane suggest that each of these three elements comprises part of a three-phase process that shapes practices of holding-accountable. In the first phase, standards are developed. In the second, accountability-holders seek and acquire information about the power-wielder's compliance and decide whether or not to impose sanctions. Sanctions are imposed, if necessary, in the

⁶⁴ Ruth W. Grant and Robert O. Keohane, "Accountability and Abuses of Power in World Politics," *American Political Science Review* 99, no. 1 (2005): 29-43.

⁶⁵ Grant and Keohane are concerned with exploring why there is so much conceptual confusion around the problem of, for example, making decision-makers at the World Bank answerable to the global poor.

⁶⁶ Jennifer Rubenstein, "Accountability in an Unequal World," *Journal of Politics* 67, no. 3 (2007).

⁶⁷ Jennifer Rubenstein, "Accountability in an Unequal World," 617.

third phase. Each of these phases is important to the overall relations of accountability, but the element I want to focus on is the information-gathering process. One effect of Grant and Keohane's having labelled this step the 'information-gathering' step is that it implies that this phase involves a straightforward fact-finding process, with communication flowing unidirectionally towards the accountability-holder. Consequently, the standard model in its austere form does not capture the crucial opportunity for persuasive argumentation that is embedded in the process of calling-to-account. Rubenstein's elaboration, however, enriches the picture. She describes the second phase as a dynamic process in which power-wielders "report back" regarding their compliance with the relevant expectations and standards. Rubenstein portrays this as an engaged and responsive process. "The back-and-forth instigated by the power-wielder's explanation can be a source of mutual learning and compromise and distinguishes accountability from mechanical enforcement of rigid rules."⁶⁸ This highlights the fundamental difference between two common senses of accountability, respectively based on the metaphor of *account-settling* and the practice of *account-giving*.

On the one hand, 'being held accountable' can be thought of in terms of account-settling. In this sense, 'account' is a fiscal metaphor, used to make sense of balances and imbalances on a relationship ledger or on the proverbial scales of justice. Being accountable, in this sense, is understood as the settling of outstanding debts, or of 'old scores'. Punishment, atonement, or the making of amends are understood as mechanisms for 'evening the score' by finding a response that fits the offence.

On the other hand, however, 'being accountable' has another important dimension – one that emphasizes a discursive act -- the giving of a narrative, a testament, or an explanation. This is the sense in which account-giving is understood by social theorists. Most notably, Marvin Scott and Stanford Lyman describe account-giving as a key social practice wherein actors are called upon to engage with others concerning unexpected or untoward behaviour, often by offering apologies, justifications or excuses.⁶⁹ For Scott and Lyman, as for Rubenstein, account-giving is not a mechanical process, but instead leaves space for contingency and interpretation. Engaged account-giving takes place in a dynamic, interactive and especially *responsive* encounter, where the account-giver is not only willing to speak but to *answer*. Of course, this predisposition towards answerability is not *always* exhibited by those called to give an account, but when it is, the interaction is more likely to be satisfying to the accountability-holder.

⁶⁸ Jennifer Rubenstein, "Accountability in an Unequal World", 619.

⁶⁹ Marvin B. Scott and Stanford M Lyman, "Accounts," *American Sociological Review* 33, no.1 (1968): 46-62.

According to Scott and Lyman, rhetoric and framing, among other factors, shape whether accounts can be honored or not honored – in other words, whether the accountability-holder is satisfied with the account offered by the account-giver. What counts as a satisfactory account is heavily influenced by a background of common-senses and common knowledges that “everyone knows.”⁷⁰ (This point is underscored by the authors’ now-dated language and examples concerning norms about gender roles, marriage, and homosexuality.) These common background knowledges shape not only the content of the account that is given, but also shape the *structure* of the interaction itself. Crucial to Scott and Lyman’s analysis is the observation that account-giving always takes place between people in social roles, with power relationships framing and delimiting the encounter. Thus, they note:

[T]he status of persons not only affects the honoring and non-honoring of accounts, but also determines who can call for an account and who can avoid it. Again it should be pointed out that the normal features of such interaction depend upon the actors sharing a common set of background expectancies.⁷¹

The key observation here is that the power to hold others accountable, not just by taking punitive measures towards account-settling, but by calling for and getting an account, is a crucial dimension of social power. Accounts are given in some contexts, but pursued unsuccessfully in others. Very often calls to account are denied, ignored, or met with unsatisfying superficial platitudes. The factors that can motivate actors to give an account vary. Mutual recognition and respect can certainly play a role, but so can the threat of sanctions or the fear of diminished standing and damaged reputation.

Nevertheless, account-giving is a qualitatively different social phenomenon than mere account-settling, which can be thought of as omitting the asking and answering and skipping straight to the sanctioning. Account-giving plays a role in a very specific sense of “being accountable” and “holding accountable”. By extension, it also makes up a very particular sense of what “being responsible” or “having a responsibility” can mean. The point here is emphatically *not* that practices of account-giving are a conceptually *defining* feature of ‘accountability’ or ‘responsibility’. Indeed, both of those terms are often used to describe interactions that have little or nothing to do with account-giving and communicative engagement. In ordinary English language, it is common enough to speak of actors holding others ‘accountable’ (or ‘responsible’) by simply adopting an attitude towards them, or taking certain

⁷⁰ Scott and Lyman, “Accounts,” 54.

⁷¹ Scott and Lyman, “Accounts,” 58.

punitive actions towards them, without ever wanting, requesting, or being offered an account. Rather, the point is that the engaged sort of relational, communicative dynamics that characterize account-giving is one of the *possible* social phenomena that people can mean to invoke when they speak about accountability and responsibility. This is not mere hair-splitting, at least not to any investigator trying to examine the types of relationships, performances and *relations* of responsibility that are at stake in ethico-political talk. The differences are especially worth noting when one considers whether particular dimensions of (and approaches to) accountability might be preferable over others.

Conclusions and Ways Forward

Having conceptualized some of the dimensions of responsibility, and established a working conceptual toolkit for attending to the distinctions between them, it is now possible to turn to a more sustained examination of some of the *ethical* and *political* issues surrounding ideal morality and social morality, and how they inform the various modes of conduct and approaches to social engagement that underpin lived practices of account-settling and account-giving. The next chapter explores some of these issues further, adding a layer of complexity by considering them within the context of the notoriously ethically-challenging domain of international politics.

Chapter 3 – Modes of Responsibility and International Relations Theory

Introduction: Rights-Talk and Responsibility-Talk

Built upon an array of international conventions, treaties, and norms, the contemporary human rights regime has not only provided a reference point for activism and argumentation, but has also led to the introduction and development of new institutions and practices through which to ensure that the people who are granted rights in theory are able to enjoy them in practice. Yet the global politics of human rights and transnational responsibilities are notoriously fraught subjects of academic study. This is partly because, as I have argued, the precise meanings of concepts like ‘rights’ and ‘responsibility’ are so complex. Furthermore, although the relationship between the two concepts might seem straightforward, the two often become decoupled. Students of human rights are thus frequently reminded that supposed rights are practically meaningless without corresponding duties. Writes Andrew Kuper: “Unless a person or her representative can identify the agents against whom her right is held, her right may amount to little more than useless words.”⁷² Jack Donnelly likewise stresses that the rights of a rights-holder require that there exists some duty-bearer with correlative obligations.⁷³ These reminders are not redundant. The language of rights is often used (and overused) to give a sense of urgency and importance to social and political claims, resulting in rights-talk that asserts supposed entitlements without envisioning how they might be realizably tethered to social obligations that are borne out in practice. Such unfocused rights claims are especially common in the international or global context, where the denial or failure to meet human needs is alarming but where claims about rights tend to be prescriptive calls for the origination of correlative duties rather than the descriptive invocation of existing, institutionalized obligations.

As a response, Kuper and others have suggested adopting a *responsibilities approach* to human rights, foregrounding the question “who must do what for whom.”⁷⁴ The elements of this question differ from other possible questions (i.e. “who is entitled to what?”) by explicitly foregrounding the active role that second- and third-party agents play in making rights exist in practice for any given subject. By shifting attention towards the concept of

⁷² Andrew Kuper, “Introduction,” in Andrew Kuper, ed., *Global Responsibilities: Who Must Deliver on Human Rights?* (New York: Routledge, 2005) pg. x.

⁷³ Jack Donnelly, *Universal Human Rights in Theory and Practice*, 2nd Edition (Ithaca: Cornell University Press, 2003)

⁷⁴ Onora O’Neill, *Towards Justice and Virtue: A Constructive Account of Practical Reasoning* (Cambridge: Cambridge University Press, 1996), 133; Cited in Kuper, “Introduction,” pg. xxii.

responsibility, human rights scholars like Kuper aim to situate rights claims within social relationships and structures of behaviour. Focusing on responsibility is offered as a safeguard against the “careless rhetoric or gestures”⁷⁵ that sometimes mark the language of rights, and which dilute and devalue the power of rights talk.

A shift from ‘rights talk’ to ‘responsibility talk’ is also evident in the language of humanitarian activists, corporate executives, and diplomats. While ‘responsibility’ has long been a driving concept in moral and political discourse, and a mainstay of humanitarian advocacy rhetoric, it has increasingly been adopted as a preferred lens through which to organize political initiatives in world politics. The emergent framework of the *Responsibility to Protect*, for example, represents a shift from the old paradigm of the ‘right to intervene’ to a new outlook that emphasizes the duties of protection held by states and the international community alike.

Yet if the goal is to find a clear language through which to address moral and political claims, turning from rights-talk to responsibility-talk might turn out to be a jump from the conceptual frying pan and into the fire. The language of ‘responsibility’ is just as fraught as the language of ‘rights’, if not more so. As a core concept in human social organization, ‘responsibility’ also carries enough philosophical and lexical baggage to encourage us to tread carefully. Just as assertions and claims about rights can become detached from corresponding duties, there is no guarantee that rhetoric framing ‘responsibility’ as the starting point will lead back towards a focus on interpersonal relations of responsiveness and active respect. There is plenty of responsibility-talk that fails to connect obligations and duties to mechanisms of accountability, leaving them floating free from corresponding rights.⁷⁶

In this chapter, I attempt to make sense of this tendency by distinguishing between several different ‘modes’ of responsibility, or orientations towards responsibility. I then apply the distinction between these modes to a survey of how International Relations has tended to engage with questions of responsibility. Traditional thinking about international relations suggests that the concepts of obligation and responsibility apply awkwardly, if at all, to relations between states. In traditional theories of global politics, the population of a sovereign state are assumed to be rightly free from accountability for any failures of omission or commission, if simply because there exists no overarching authority to enforce such duties, and no universal standards by which states can

⁷⁵ Kuper, “Introduction,” pg. ix.

⁷⁶ This may be defensible from a theoretical perspective, since moral theorists would argue that not all obligations are linked to rights. But for many human rights theorists, activists, and those suffering rights deprivations, there may be good cause to suggest that they *ought* to be. This is precisely the subject of my present investigation.

be judged. I suggest that traditional IR's dismissal of a role for ethics was based on the presumption that 'morality' means having universal standards or rules to follow, before discussing how contemporary IR scholars have attempted to incorporate a more engaged form of 'ethics'.

Responsibilities and Corresponding Rights

In *An Ethic of Responsibility in International Relations*, Daniel Warner argues that inter-agent accountability, the concept emphasizing the question "responsible to whom?", is a crucial component of any satisfying account of socio-political responsibility.⁷⁷ One can detect two levels to his position: one analytical and the other normative.⁷⁸ At the analytical level, Warner suggests that if we do not include the study of relationships of accountability in our examination of global politics, we will fail to observe an important dimension to global politics. We will fail to appreciate the significance of global ethical argumentation and the power relations of holding-responsible through which obligations are asserted, upheld and enforced. On the normative level, Warner's writing suggests that he finds ethical relationships based on accountability to be substantively preferable to monological approaches. His position draws on the ideas of Martin Buber, who suggested: "The idea of responsibility is to be brought back from the province of specialized ethics, of an 'ought' that swings free in the air, into that of lived life. Genuine responsibility exists only where there is real responding."⁷⁹

As this chapter argues, this concern with "real responding" – with accountability – highlights the limitations of framings of 'responsibility' that emphasize the duties of duty-bearers without sufficient attention to an accountability-holder or a process of calling-to-account. Jack Donnelly argues that "the ability to claim rights, if necessary, distinguishes having a right from simply being the (rights-less) beneficiary of someone else's obligation."⁸⁰ From the point of view of the potential rights-claimant, this distinction is enormously significant. It is the difference between being treated like a moral object and a

⁷⁷ Warner, *An Ethic of Responsibility*, Chapter 6.

⁷⁸ The analytical dimension is the core subject of Warner's book, *An Ethic of Responsibility in International Relations* (1991), while explaining the importance of responsibility is taken up in: Daniel Warner, "An Ethic of Responsibility in International Relations and the Limits of Responsibility/Community" *Alternatives: Global, Local, Political* 18, no. 4, (1993): 431-452.

⁷⁹ Martin Buber, *Between Man and Man* (New York: Macmillan, 1965), 18.

⁸⁰ Jack Donnelly, *Universal Human Rights in Theory and Practice*, 9.

political subject.⁸¹ Marion Urban Walker has suggested that a central question in the politics of responsibility is “who gets to do what to whom and who must do what for whom, as well as *who has standing to give or to demand accounts*.”⁸² The idea of responsibility as responsiveness emphasizes a specifically *relational* mode of ethico-political engagement where political subjects enact their duties in a context where other relevant subjects are able to exercise their own voice and agency by calling duty-bearers to account, and by having third parties recognize their standing to make such calls.

Although accountability of *some sort* is typically understood a key dimension of responsibility, responsibility is often framed in ways that de-center or discount responsive dynamics. By foregrounding questions about “who has standing to give or to demand accounts” – if anyone – it is possible to identify three general orientations towards, or ‘modes’ of, responsibility. This can help to demonstrate the ways in which conceptions of ethics based on ideal morality and social morality are borne out differently in practice.

Relational modes of responsibility. Relational modes of responsibility, as I have begun to suggest, correspond with social morality in the sense that both put the emphasis on interpersonal account-giving and mechanisms for human actors to hold each other accountable. From a relational perspective, when a duty-bearer (or power-wielder) ‘has’ an obligation or a responsibility, he or she ‘has’ it in a sense that is embedded in the interpersonal social structures of accountability that exert pressure on that actor. These obligations are socio-political ones, since they accrue to an actor precisely because of the pressure imposed by the expectations, attitudes, and likely responses of other actors. They arise because of a socially-grounded and embodied form of disciplinary power relations – because of the possibility of being held answerable and accountable by human others, and because of the risk of social sanctions. The measure of an actor’s relational responsibility to do something depends on what I would call the ‘configuration of dispositions’ amongst the relevant social actors.⁸³ The ‘existence’ of an obligation depends on the willingness of social actors to participate in the social relations of holding-accountable that are associated with his or her ostensible obligation, and on the relative likelihood that the actor will face disapproval, calls to account, and disciplinary measures if he or she fails to fulfil it and cannot give a satisfactory account to justify the

⁸¹ In Martin Buber’s words, this is the difference between an ‘I-Thou’ and an ‘I-It’ relation. See Daniel Warner, “Levinas, Buber, and the Concept of Otherness in International Relations: A Reply to David Campbell,” *Millennium* 25, no. 1 (1996) 111-128.

⁸² Marion Urban Walker, *Moral Understanding: A Feminist Study in Ethics*, 2nd Edition, (Oxford: Oxford University Press, 2007), 12. Emphasis added.

⁸³ I will expand on the idea of a ‘configuration of dispositions’ in Chapter 4.

failure.⁸⁴ In this relational mode, then, responsibility is thus seen as a “socio-political” phenomenon insofar as duties and obligations are shaped by social norms and exercises of power that are ‘political’ in the broad sense of power relations, without implying that they are limited to the domain of formal politics. Responsibility can therefore be seen as an intersubjective phenomenon – a social configuration that is generated based on the combined behaviours and beliefs of many actors. Responsibilities ‘exist’ and are made ‘real’ by cumulative human performances in word and deed. In this sense, then, responsibility can be understood as a ‘performative’ social phenomenon rather than something with independent, metaphysical existence.⁸⁵

Transcendental modes of responsibility. Transcendental modes of responsibility are those in which obligations are held towards something other than, and perhaps *higher* than, other human beings. Obligation and responsibility are, in other words, ‘disembedded’ from social relations – at least in the main. Instead, they are directed ‘upward’, so to speak. Obligations and accounts are owed to God, to nature, or perhaps to an abstract force of Good or Right or Justice. In the sense related to transcendental morality, saying that an actor has an obligation or a responsibility to do something means that the “oughtness” of that prescription is separable from any social or political consequences. This is how Warner describes ideal morality: “The isolated individual, according to this image, has a direct relationship with a higher law that bypasses social obligations.”⁸⁶ Because this approach defines morality in a way that is distinct from social expectations and sanction, it does not focus on inter-agent justification and account-giving. Instead, ideal morality tends to emphasize accountability to God, to nature or the Universe, to history, or to Reason. Under ideal-morality framings of duty and obligation, the duty-bearer is typically responsible *for* other human beings, but not necessarily *to* them. Human beings are thus frequently treated as the *object* of the duty-bearer’s obligations, rather than a *subject* with whom he or she engages in relations of oversight. The most significant consequences for misdeeds are not usually presented by other people in the here and now, but are more often considered eventual, spiritual, and cosmic.

⁸⁴ See Scott and Lyman, “Accounts.”

⁸⁵ On the basic idea of the performative, see J.L Austin, *How to Do Things With Words*, 2nd Edition, (Cambridge: Harvard University Press, 1962/1955). On social performativity see, for example, Judith Butler, *Excitable Speech: A Politics of the Performative*, (New York: Routledge, 1997). See also the discussion in Chapter 4.

⁸⁶ Warner, *An Ethic of Responsibility in International Relations*, 2.

Autonomous modes of responsibility. Autonomous modes of responsibility are those in which the most relevant focal point of evaluation and judgment is internal to the actor. Responsibility is directed 'inward'. In individuals, this is exemplified by a primary concern about making sure that one's conduct lives up to one's own personal code, or conscience, as distinct from any concern for the attitudes and evaluations of other people, God, or the universe. In corporate or collective actors, this autonomous mode takes on a slightly different character, even though the same internally-focused logic still applies. In the case of nation-states, for example, acting responsibly might mean being accountable to domestic constituents. Alternately, state leaders may look inwards towards some more abstract national 'essence'; it has been argued that nation-states ought not be concerned with pleasing other states, but should instead think of 'ethics' in a way that emphasizes conformity with fundamental national principles.⁸⁷

* * *

It must be said that transcendental, relational, and autonomous modes of responsibility are far from mutually exclusive. It would be wrong to suggest that a primary focus on transcendental responsibility requires one to be uncaring or antisocial. Many theistic traditions, for example, emphasize God-given duties to respect and be answerable to others.⁸⁸ In many contexts, beliefs about the demands of transcendental responsibility play an enormous role in shaping the expectations actors have of each other, as well as the disciplinary measures they are ready to engage in. Furthermore, a transcendental sense of morality often influences the level of vigour with which peers demonstrate their disapproval. The idea that a sacred trust has been violated can intensify social sanction and disapproval. Examples of this abound in highly religious societies where human law is seen as rightly enforcing sacred principles and obligations. Conversely, peers may sometimes refrain from applying social sanctions, believing that norm violators will be held sufficiently accountable in a transcendental way. To put it very lightly, the relationship between ideal responsibility and social responsibility can be complex.

⁸⁷ See George Kennan, "Morality and Foreign Policy", *Foreign Affairs* 64, no.2, (1985/1986): 205-218. Compare also Hans Morgenthau's virtues of prudence in Hans Morgenthau, *Politics Among Nations*, 7th Edition, (New York: McGraw Hill, 2005). I discuss this work in greater detail below.

⁸⁸ Consider, for example, Augustine of Hippo's admonition that Christians should honor even impious governments as worldly authorities; Augustine, *Political Writings*, E.M. Atkins and R.J. Dodaro, eds., (Cambridge: Cambridge University Press, 2001). See also Jesus's argument in Luke 20:25 of the Christian New Testament that believers should "give to Caesar what is Caesar's, and to God what is God's."

For present purposes, however, the salient point is that even if an actor (arguably) has a strong transcendental obligation, it might be reinforced only very weakly by a corresponding socio-political responsibility, or sometimes not at all. More to the point, an actor very concerned with fulfilling transcendental or autonomous 'responsibilities' might nevertheless be uninterested or unwilling to participate in relational interactions of account-giving, or other sorts of engaged and responsive practices of interactional responsibility. This last point is especially salient for an analysis centered on contestation and struggle over newly proposed structures of 'responsibility'. Indeed, any thoughtful approach to the study of the social dynamics of holding-responsible must recognize the ways in which actors' beliefs and arguments about the importance of autonomous and transcendental modes of responsibility can, in some cases, affect the importance they place on engaging in relational, socially embedded practices of accountability.

Relational Accountability and the Responsibility to Protect

The distinction between 'relational', 'transcendental', and 'autonomous' modes of responsibility introduced here may be a new framing, but the significance of the differences between them has not gone unnoticed by scholars interested in the study of rights. Thomas Pogge, for example, has noted that the shift towards an emphasis on political subjecthood was one of the key elements in the emergence of rights-based thinking. The philosophical shift away from natural law and towards natural rights (and thereafter 'human' rights) was precisely about re-focusing on the relationship between agents, and empowering affected people to call for remediation. "By violating a natural right, one wrongs the subject whose right it is. These subjects of natural rights are viewed as sources of moral claims and thereby recognized as having a certain moral standing and value," notes Pogge. "The natural-law idiom contains no such idea: it need not involve demands on one's conduct toward other subjects at all and, even if it does, need not involve the idea that by violating such demands one has wronged these subjects - one may rather have wronged God, for example, or have disturbed the natural order of the cosmos."⁸⁹

A pragmatic emphasis on responsibility-talk has been a major theme in the development of the concept of 'the responsibility to protect' as an international initiative intended to re-think how the international community responds to atrocities and mass human rights violations. In one of the research essays included in the supplementary volume to the 2001 *Responsibility to Protect* report, the practical advantages of responsibility-talk is highlighted:

⁸⁹ Thomas Pogge, *World Poverty and Human Rights* (Cambridge: Polity Press, 2002), 55.

[T]here is as yet no accepted obligation to protect those at risk in other countries. It is, nevertheless, worth considering how such an obligation may emerge. For although the language of ‘duties,’ ‘obligations,’ and ‘responsibilities’ may not have the same resonance as “rights,” it may be a more effective basis to encourage state action. Individuals and states may well “have a duty to help those that have *no right to expect it*.”⁹⁰

While this quotation is drawn from a supplementary essay rather than from a more central RtoP document, it articulates a sensibility whose logic pervades the wider RtoP framework.⁹¹ On its own terms, the suggestion that states may have an obligation to help those who do not have corresponding rights is coherent, even if questionable. As suggested in the preceding discussion, there are several common ways of thinking about ‘responsibilities’ in which they can be severed from the rights and expectations of those who they take as their object. Perhaps the more interesting question is whether the reliance on such a disembedded approach to obligation is politically (and morally) acceptable and defensible -- even if is intended as a strategic step towards making the practices and structures of international politics less apathetic and more respectful of the needs and voices of rights-claimants. As I will suggest in what follows, many of the criticisms levelled against the responsibility to protect seem to stem from the sense among skeptics that its language and logic of responsibility are too detached and too far removed from responsiveness, rights-claims, and relational engagement.

Yet the idea of an autonomous responsibility detached from a corresponding right, although suspect to certain observers, is not out of place in the context of contemporary global politics and the academic study of International Relations. In fact, such a framing of ethico-political relations is arguably the default position regarding the potential for ethical action in those domains. Making sense of the logic behind the quotation cited above is accomplished best by situating arguments over RtoP in the context of dominant ideas and arguments in International Relations theory. To that end, the next section undertakes a focused review of some of the ways in which IR has engaged with ‘responsibility’, framed in terms of the three modes of responsibility developed above.

⁹⁰ ICISS, *The Responsibility to Protect: Research, Bibliography, Background*, 148. Quotation from Mona Fixdal and Dan Smith, “Humanitarian Intervention and Just War,” *Mershon International Studies Review* 42 (1998): 289-312.

⁹¹ Substantiating this claim is the main task I undertake in Chapter 8.

Responsibility and External Sovereignty

In order to begin examining the role of power relationships of responsibility in global politics, it is necessary to outline the basic elements of the contemporary model of the nation-state system, founded on the key principles of state sovereignty most notably articulated in the Peace of Westphalia in 1648. The norm of non-interference, the principle of self-determination, and the value of nation-state autonomy have traditionally been taken to underpin the few basic obligations that are allotted to states in the international system. These minimal obligations are asserted, and enforced, in the interest of peace, stability, freedom, and order. Framed in terms of the language of responsibility, it might be said that under the Westphalian model of sovereignty with its norms of non-interference, self-determination and autonomy, nation-state governments are not responsible, accountable or answerable to any other state or any 'higher' authority for what happens in their domestic affairs. For the sake of the discussion to follow, this might be labelled the 'internal' dimension of sovereignty enjoyed by the people and governments of nation-states.

As a conceptual scheme, the Westphalian model has remained enormously influential in shaping commonplace ideas about first, what *is* the case in global politics and, second, how international relations *ought* to be organized. Like any model, it is an approximation of how the system works. In practice, none of the norms or principles of 'internal sovereignty' are adhered to absolutely; a cursory examination of actual events in global politics shows that exceptions and violations abound. Nevertheless, the principles of Westphalian sovereignty have served as the essential premises underpinning the international *status quo*, setting the standard from which exceptions deviate, and they have proven resilient when challenged or controverted.

An important ethico-political dimension of sovereignty, however, has not tended to be explicitly emphasized in the literature, even though it is arguably crucial to the Westphalian nation-state model and the everyday practices of global politics. This might be called, for discussion's sake, the *norm of non-obligation*. The norm of non-obligation holds that nation-state governments and populations have no positive obligation to assist those beyond their borders, apart from those to which they commit themselves. Simply put, what happens outside of a people's own borders is not, ethically speaking, a matter that requires their concern. This we might call the 'external' dimension of sovereignty.

The implications of external sovereignty can be seen explicitly in arguments about moral particularism in global politics, and implicitly in the everyday practices of most populations. Its importance to the traditional state system and to contemporary political life is so fundamental that it seems to have

been taken for granted as a logical extension of the other principles associated with sovereignty – or perhaps not really having to do with ‘sovereignty’ at all. I would argue, however, that it has sufficient meaning and significance independent of what can be deduced from those principles that it is worth naming and discussing explicitly. Furthermore, the state-centric and border-delimited approach to ethical care and engagement that are its defining features are related closely enough as corollaries to the ‘internal’ dimensions of sovereignty that the label ‘external sovereignty’ makes sense.

The connection between external sovereignty and the norm of non-obligation to the principles of autonomy and non-interference is plain. Just as a nation-state (i.e. a government and its population) enjoys autonomy based on the fact that its neighbours have a negative obligation not to interfere in its affairs, that state also enjoys freedom from the absence of demanding *positive* obligations to aid and assist. Many scholars of global politics have suggested that this lack of positive obligations is simply the consequence of the norm of non-interference; since states are not *permitted* to act across borders, they are not *required* to act, under the common moral principle that it is illegitimate to suggest that someone ‘ought’ to do something unless they ‘can’ or ‘may’ indeed do it.⁹² Yet the norm of non-obligation is not simply reducible to the norm of non-interference, for reasons that have much to do with the question of authority and responsiveness. The common formulation described above misstates the essential point by collapsing acts of *interference* with acts of assistance. It assumes that all acts will be unwelcomed by the object state or population in question. The ought-implies-can problem does not apply to situations where the object state would not view the action as ‘interference’ but would rather welcome it gladly and gratefully. The norm of non-obligation does certainly help to reduce moral tension in cases when acting would count as illegitimate interfering anyway, but its significance as a foundational principle of global ethics and politics carries over into dimensions of interstate relations quite separate from the question of ‘intervention’.

Nevertheless, the norm of non-obligation has been as much of a defining feature of traditional state sovereignty as norms surrounding non-interference. Both can be understood within the auspices of an overarching principle of non-accountability. Indeed, as suggested above, the negation of relational accountability is a crucial practical aspect of the concept of sovereignty, as Woodrow Wilson’s Secretary of State Robert Lansing famously believed: “the

⁹² See, for example, George F. Kennan, “Morality and Foreign Policy,” *Foreign Affairs* 62:2, 1985, 212: “Without the power to compel change, there is no responsibility for its absence.”

essence of sovereignty is the absence of responsibility.”⁹³ This absence of accountability, however, does *not* just refer to a refusal to be answerable for domestic politics. The wider principle of non-accountability protects states from being called to account for, on the one hand, internal actions of commission or omission, and, on the other hand, external acts of commission or omission. Just as governments and peoples are not considered ‘responsible’ to outside others for what goes on in their own territory, they have traditionally not been considered ‘responsible’ for (or to) outsiders in the sense of having any significant obligations to help protect their life, property or well-being.

The idea that what happens outside of one’s own borders is beyond the scope of moral concern has been a pervasive and ubiquitous component of ‘politics as usual’ for communities all over the world. A basic us/them sensibility informs the common sense of national as well as international politics, both in high-level decision-making but also in the everyday lives of average citizens.⁹⁴ The separation of ‘outside’ versus ‘inside’ not only shapes the sorts of relationships that states and populations have to each other, but also helps to define the basic structures of the nation-state community. This separation helps to reinforce the significance of the nation-state by positing the national community as the highest conceivable level of meaningful political organization, legal codification, and economic redistribution. The relevance of that fact cannot be overstated. The influence of the norm of non-obligation can be seen in the minimalist priority put on foreign aid and development by citizens-as-taxpayers in most parts of the developed world.⁹⁵ It can be seen in the way in which emergency and disaster relief have tended to be talked about in terms of ‘charity’; such actions are typically framed as supererogatory, meaning that they are morally good to do, but not bad *not* to do.⁹⁶ Perhaps most tellingly, the significance of the norm of it can be seen in the silence with which many national communities respond to systemic and structural epidemics of poverty, hunger, and disease amongst the world’s poorest communities.

Although both continue to shape ideas and practices in significant ways, neither the internal dimension nor the external dimension of sovereignty has escaped questioning, criticism, and rethinking throughout the history of the modern nation-state system. The development of the responsibility to protect

⁹³ James Willis, *Prologue to Nuremberg*, (Westport: Greenwood Publishing, 1982), 74, n.59. This quotation is often attributed directly to Lansing, most notably in Samantha Power, *A Problem from Hell: America and the Age of Genocide* (New York: Harper Collins, 2002), 14.

⁹⁴ R.B.J. Walker, *Inside/Outside: International Politics as Political Theory*, (Cambridge: Cambridge University Press, 1993); David Campbell, *Writing Security*, Second Edition (Minneapolis: University of Minnesota Press, 1998).

⁹⁵ Thomas Pogge, *World Poverty and Human Rights*, (Cambridge: Polity Press, 2002).

⁹⁶ Peter Singer, "Famine, Affluence and Morality", *Philosophy and Public Affairs* 1:1 (1972): 229-243.

framework is only one example of contemporary pushback against the excesses of both dimensions. On the one hand, the limits of internal sovereignty are apparent in the explicit argument that sovereignty ought not to be considered 'absolute' and the implicit suggestion that outsiders may have a role in helping to hold governments accountable by rendering their claim on sovereignty contingent. The limits of external sovereignty, on the other hand, can be seen in the moral language of obligation mobilized by RtoP advocates who argue that in the face of mass atrocities, surly outsiders must have an obligation to undertake responsible interventions. On both counts, however, the arguments of norm entrepreneurs must argue against deeply-entrenched principles of global practice and, as the next section suggests, International Relations theory.

Morality and International Relations

The internal and external dimensions of sovereignty, and their respective norms of non-interference and non-obligation have long been the subject of theoretical explanations – and arguably *rationalizations* – in the academic field of international relations (IR). The realist tradition, which dominated the field during its development and expansion in the mid-20th century, tended to attribute very little meaning to responsibility-talk, suggesting that the principles of morality were difficult to reconcile with the 'hard truths' of international politics in an anarchic system of nation-states. For reasons of space and scope, it will be impossible to offer an exhaustive consideration of international ethical and moral theory, or its longstanding exclusion from IR, in the present work. Yet a few select observations about influential arguments will prove instructive in reviewing the broad trajectory of thinking about responsibility in International Relations, filtered through the lens of the concepts introduced thus far.

In his famous article, "Morality and Foreign Policy," George Kennan famously argued that national governments ought to be viewed not as moral principals but as agents, and that any government's "primary obligation is to the *interests* of the national society it represents, not to the moral impulses that individual elements of that society may experience."⁹⁷ The core interests of military security, and the well-being of citizens are, in Kennan's view, value-free, or as Kennan puts it, final ends which "have no moral quality" and are "not subject to classification as 'good' or 'bad'" because they are the "unavoidable necessities of national existence".⁹⁸ In Kennan's view, much of the ethical talk in

⁹⁷ Kennan, "Morality and Foreign Policy," 206 ; see discussion in Jack Donnelly, *Realism and International Relations*, (Cambridge: Cambridge University Press, 2000): 163-165.

⁹⁸ Kennan, "Morality and Foreign Policy," 206.

international relations was superficial and cynically-deployed.⁹⁹ Crucially, this did not mean that Kennan saw no place for “the application of moral principle” in an international domain marked by egoism and the demands of expediency.¹⁰⁰ It did, however, convince him to recommend a very particular disposition *towards* moral considerations in American international affairs:

If the policies and actions of the U.S. government are to be made to conform to moral standards, those standards are going to have to be our own, founded on traditional American principles of justice and propriety.¹⁰¹

This is a paradigmatically *autonomous* approach to moral responsibility. Approached in this manner, moral action has to do with responsibility-as-diligence, with living up to one’s own principles and acting in ways consistent with them.

Towards the end of his essay, Kennan also briefly raises the question of

whether there is any such thing as morality that does not rest, consciously or otherwise, on some foundation of religious faith, for the renunciation of self-interest, which is what all morality implies, can never be rationalized by purely secular and materialistic considerations.¹⁰²

This adds, by implication, a *transcendental* dimension to Kennan’s moral framework. It suggests that American moral thought draws on ideas of divine rules, non-human standards, and accountability to a higher power. This reflects a common sensibility in the arguments of many early realist theorists, which tended to be infused with elements of Christian Realism. As Jim George notes, realist thinkers tended to frame questions about morality and global politics in terms of an Augustinian dualism, with worldly politics shaped by humankind’s fallen nature. This approach, George suggests, “effectively removes ethical

⁹⁹ “It is true that there are certain words and phrases sufficiently high-sounding the world over so that most governments, when asked to declare themselves for or against, will cheerfully subscribe to them, considering that such is their vagueness that the mere act of subscribing to them carries with it no danger of having one’s freedom of action impaired.” See Kennan, “Morality and Foreign Policy,” 207.

¹⁰⁰ Kennan, “Morality and Foreign Policy,” 212.

¹⁰¹ Kennan, “Morality and Foreign Policy,” 208.

¹⁰² Kennan, “Morality and Foreign Policy,” 217.

responsibility from the broader social context to a higher metaphysical level (i.e., relations between individual man and God).”¹⁰³

Kennan’s framing of international morality through the lens of an autonomous mode of responsibility, coloured with a hint of transcendental responsibility, stands in opposition to the form of engagement which he expressly argues *against*: an approach to morality that focuses on engaging in practices of argumentation with outsiders. Indeed, Kennan’s main argument is that the American government ought to avoid any *moral* condemnation of other actors, and instead limit its objection-making to interest-based issues. A major part of his reason for this stance is based on the recognition of ethical pluralism. Because there are “no internationally accepted standards of morality”, he argues, Americans cannot “assume that our moral standards are theirs as well, and to appeal to those standards as the source of our grievances.”¹⁰⁴ This help to explain why American leaders and state representatives should focus on interests, apply their moral energy to questioning and morally examining America’s own adherence to professed principles and commitments in its international conduct.

By suggesting that America ought to avoid criticizing others on moral bases, and ought to save its moral attention for self-scrutiny, Kennan also implies that other states ought to do the same. This suggests a general model of world politics where the subject matter of argumentative diplomacy between governments is limited to interest-based considerations. In fairness, then, it is not that Kennan sees no role in international affairs for relational modes of responsibility and practices of holding-accountable – he simply suggests that such practices ought properly to be restricted to interest-based claims, demands, and responses, to the exclusion of moral judgments and concerns.

It is worth noting, however, that even within this de-moralized framework, Kennan does allow that moral principles do, indirectly, make a meaningful difference in relations between states. Whether a government comports itself in keeping with its professed principles has a bearing on how it will be perceived, and thus reacted to, by other governments. Self-scrutiny and principled reflection will contribute towards the sustenance of prestige, respect and credibility enjoyed by a state on the world stage, since “a lack of consistency implies a lack of principle in the eyes of much of the world; whereas morality, if it is not principled, is not really morality.”¹⁰⁵ For Kennan, the positive prestige to be reaped through principled practice helps to explain how moral consistency and

¹⁰³ Jim George, “Realist ‘Ethics’, International Relations, and Post-Modernism: Thinking Beyond the Egoism-Anarchy Thematic,” *Millennium* 24, no. 2 (1995), 200.

¹⁰⁴ Kennan, “Morality and Foreign Policy,” 207-208.

¹⁰⁵ Kennan, “Morality and Foreign Policy,” 210-211.

self-scrutiny can be reconciled with a mainly interest-based account of international relations.

While realist approaches to international relations are often caricatured as ignoring ethics in favour of wholesale materialism, the nuance in much of the realist tradition challenges such simplifications. Richard Ned Lebow has suggested that classical realist thinkers like Hans Morgenthau and E.H. Carr viewed world politics through a “tragic” lens that allowed them to stress the importance of persuasion and ethical argumentation even as they recognized how such discursive practices could be undermined by dissembling and defaulting behaviour. “Like Thucydides, Morgenthau understood that adherence to ethical norms was just as much in the interest of those who wielded power as it was for those over whom it was exercised.”¹⁰⁶ Although classical realist arguments tended to give primacy to material interests and strategic thinking, they still took seriously the significance of normative dynamics.

The development of the more economistic and straightforwardly materialist version of realism introduced by thinkers like Kenneth Waltz placed significantly less emphasis on norms, ideas, and values. This ‘structuralist’ or ‘neo’-Realism suggested that morality and ethics ought to be set aside for study by other disciplines so that international relations might be developed into a social science based on empirical facts, rather than subjective values.¹⁰⁷ Thus the attention paid to the role of ethics and normative ideas in international relations dwindled, especially in American thought.¹⁰⁸

Bringing Norms and Argument Back In

In the last decades of the 20th century, dominant theories of international relations that minimized any meaningful role for normative argumentation and the power relations of responsibility were challenged by the emergence of new voices in IR theory. From one direction, social-science-minded scholars have questioned reductively materialist theories of IR on an *empirical* basis. The traditional dismissal of the role of normative dynamics, they have argued, is based on inaccurate empirical simplifications. Actors on the international stage do indeed make evaluative judgments about acts and omissions, call others to account, demand justification, hold each other culpable, and take responsive

¹⁰⁶ Richard Ned Lebow, “Classical Realism” in Tim Dunne, Milja Kurki, and Steve Smith, eds., *International Relations Theory: Discipline and Diversity* (Oxford: Oxford University Press, 2007), 61.

¹⁰⁷ Kenneth Waltz, *Theory of International Politics* (New York: Random House, 1979).

¹⁰⁸ The traditionalist line of thinking did continue in the context of the English School of IR. See Molly Cochran. “Charting the Ethics of the English School: What ‘Good’ is There in a Middle-Ground Ethics?” *International Studies Quarterly*, 53:1 (2009): 203-225.

action if not satisfied. Whereas materialist theories would simply dismiss the normative dimension of these dynamics as window-dressing that cynically masked the true nature of *realpolitik* and the imperatives of *raison d'état*, many contemporary liberal, constructivist, and poststructuralist theories of global politics take seriously the role of culture, ideas and arguments, not only in adjusting interests but also in shaping and reshaping the core identities of the participants in politics.¹⁰⁹ If theories of international politics based exclusively on materialism and the national interest cannot incorporate such phenomena, these critics argue, then they are of limited worth or utility in describing key dimensions of global political relations.

From an empirical perspective, the simple assertion that there exists no super-national entity to reinforce supposed responsibilities does not entail the conclusion that there exist no relations of holding-accountable between collective actors at the global level. Although there exist few (or no) *formalized* forward-looking obligations or systematized structures of accountability, nation-state actors and their representatives have quite often engaged in *informal* disciplinary practices of holding-responsible, demanding answers for actions, and engaging in practices of calling-to-account. Of course, these practices of disciplining, as well as the power structures of accountability that have played out in practice, have historically tended to operate inconsistently and inequitably in favour of states with great strength, influence, and prestige. Yet in many cases, the relatively weak have nevertheless succeeding in constraining or redirecting the actions of the strong by engaging in diplomatic wrangling, moral argumentation, just-war theorizing, and other similar mobilizations of ideas.¹¹⁰

A major factor that has facilitated these dynamics is the formation of *regimes*. Krasner's oft-cited definition describes a regime as the "implicit or explicit principles, norms, rules and decision-making procedures around which actors' expectations converge in a given area of international relations."¹¹¹ While some contemporary IR scholars have criticized regime theory for its association with neo-realist assumptions, others have noted that scholars like John Ruggie and Friedrich Kratochwil have helpfully developed the concept of the regime

¹⁰⁹ Alexander Wendt, *Social Theory of International Politics*, (Cambridge: Cambridge University Press, 1999); Friedrich Kratochwil, *Rules, Norms, and Decisions* (Cambridge: Cambridge University Press, 1989); Neta C. Crawford, *Argument and Change in World Politics* (Cambridge: Cambridge University Press, 2002).

¹¹⁰ See Richard Ned Lebow, "The Ancient Greeks and Modern Realism: Ethics, Persuasion and Power" in Duncan Bell, ed., *Political Thought and International Relations: Variations on a Realist Theme* (Oxford: Oxford University Press, 2008).

¹¹¹ Stephen D. Krasner, "Structural Causes and Regime Consequences: Regimes as Intervening Variables." *International Organization* 36, no. 2 (1982). Reprinted in Stephen D. Krasner, ed., *International Regimes*. (Ithaca, NY: Cornell University Press, 1983).

beyond the limitations of traditional neo-realism.¹¹² Kratochwil's 1998 book *Rules, Norms and Decisions*, for example, indeed helpfully challenged the idea that international politics can be understood merely through the lens of instrumental rationality and a materialist conception of power politics. Instead, Kratochwil stresses the significance of norms, conventions, and other social carriers of *meaning*.¹¹³

The recognition that normative argumentation can shape the flows of global politics in meaningful ways helped to set the stage for studies in international relations theory that sought to examine how certain actors work as "norm entrepreneurs"¹¹⁴ in order to change people's minds and secure commitment to new ideas and practices. For an emergent set of norms to reach a critical momentum where it achieves a cascade of support, Finnemore and Sikkink suggest that it must become institutionalized in specific rules and structures:

Institutionalization contributes strongly to the possibility for a norm cascade both by clarifying what, exactly, the norm is and what constitutes violation (often a matter of some disagreement among actors) and by spelling out specific procedures by which norm leaders coordinate disapproval and sanctions for norm breaking.¹¹⁵

This emphasis on constructivist ideas of norm entrepreneurship has clear connections to the issues of obligation and accountability. The fact that activists in international humanitarian campaigns and proponents of initiatives like the responsibility to protect make their arguments for action and change by using the language of obligation, ethics, conscience and responsibility provides empirical reasons to take moral argumentation seriously.¹¹⁶

In sum, the recognition that norms, values, and ideas do, in practice, play a significant role in shaping the workings of global politics has unsettled the dominance of reductively materialist and structuralist positions in academic international relations theory. This has led to a proliferation of theoretical approaches that attempt to reconcile the importance of strategy and material

¹¹² Michael C. Williams, "Neo-Realism and the Future of Strategy," *Review of International Studies* 19, no. 2 (1993), 119.

¹¹³ Friedrich Kratochwil, *Rules, Norms, and Decisions* (Cambridge: Cambridge University Press, 1989).

¹¹⁴ Margaret Keck and Kathryn Sikkink, *Activists Beyond Borders* (Ithaca: Cornell University Press, 1998).

¹¹⁵ Martha Finnemore and Kathryn Sikkink, "International Norm Dynamics and Political Change", *International Organization* 52, No. 4 (1998), 900.

¹¹⁶ See Neta Crawford, "Homo Politicus and Argument (Nearly) All the Way Down: Persuasion in Politics," *Perspectives in Politics* 7, no. 1 (2009): 103-124.

power with the influence of norms, values and ideas. Such efforts have led to a revitalized attention to the long-ignored complexities in the work of thinkers such as Morgenthau and Carr.¹¹⁷ For this reason, when it comes to the task of setting out a theoretical framework for understanding the role of the ethics and politics of responsibility in international politics, simplistic caricatures of theoretical traditions will not suffice.

From another direction, political philosophers, moral theorists, and others have articulated *ethical* and *moral* criticisms of the premises and practices of traditional IR theory. These critics have rejected the separation of international politics and morality, a separation upon which traditional realist approaches have been based.¹¹⁸ Over and above theorizing about the empirical significance of social norms, these contributors have shown a greater willingness to engage in 'normative theory', described by Hidemi Suganami as argument that shows how fundamental normative ideas lead to conclusions about "what should be done".¹¹⁹ Part of the argument in favour of thoughtful normative and prescriptive theorizing is that such thinking is difficult to expunge from one's writing and thinking about global politics, and that many ostensibly 'objective' or 'empirical' analyses rely upon tacit normative claims. As Richard Price argues, even constructivist analysts whose work seeks to chart so-called "moral progress" often tend to obscure the normative and prescriptive commitments upon which they base assertions that norms are indeed 'progressive'.¹²⁰ These insights have led to a reinvigoration of the scholarly conversation surrounding ethics, morality, and justice in global affairs.

While much of the engagement between IR and ethics has tended to aim at deducing normative conclusions from basic ethical principles, a number of voices have argued that the essence of ethical engagement is not knowing what is the right thing to *do*, but is rather in adopting an appropriate ethico-political orientation towards other actors. Some contributors like Daniel Warner have drawn upon the work of Martin Buber, citing his distinction between *I-Thou* relations and *I-It* relations. *I-Thou* relations are those that engage with the Other

¹¹⁷ Michael C. Williams, *Realism Reconsidered: Hans J. Morgenthau and International Relations* (Oxford: Oxford University Press, 2007).

¹¹⁸ It is worth noting that contributors to the fields of philosophy and political theory have long articulated arguments about the demands of justice across borders, and that the exclusion of these considerations from the field of IR has had more to do with a refusal by IR scholars to take such questions seriously than any paucity of such arguments in academic and popular discussion.

¹¹⁹ Hidemi Suganami, "The English School and International Theory" in Alex Bellamy, ed., *International Society and Its Critics*, (Oxford: Oxford University Press, 2005). See also Molly Cochran, *Normative Theory in International Relations* (Cambridge: Cambridge University Press, 1999).

¹²⁰ Richard Price, "Moral Limit and Possibility in World Politics," in Richard Price, ed. *Moral Limit and Possibility in World Politics* (New York: Cambridge University Press, 2008).

in a way characterized by openness, reciprocity, and real responding between two subjects. *I-It* relations, in contrast, are marked by a subject-object dynamic that tends to position the Other as something less than equal, as a means to an end rather than as a subject. Others such as Jim George and David Campbell have drawn on the philosophy of Emmanuel Levinas and Jacques Derrida, often incorporating Simon Critchley's approach to helping those two thinkers' works complement each other.¹²¹

While the intricacies associated with drawing on rich philosophical canons has sometimes resulted in somewhat esoteric debate¹²², a shared concern with responsibility as a *relational* ethico-political phenomenon animates each of these approaches. For Campbell, the central point relates to Levinas' distinction between ethics and morality. While morality has to do with norms and rule-following, it must be "guided by the ethical norm of the interhuman and its radical responsibility."¹²³ Part of Campbell's purpose is to draw on Levinas' idea of "ethics as first philosophy" and Derrida's approach to deconstruction in order to argue for the sustained *enactment* of this sort of engaged ethical posture in international relations, and for a serious engagement with the radical implications that would necessarily accompany such a posture. In a similar way, Warner's concern is to argue in favour of an "energy of responsibility" based on an ethic of responsibility framed within a relational approach to ethics.¹²⁴ Furthermore, like Campbell, Warner stresses the need to embed ethics in politics and practice: "It is not even enough to say that we care for others, we must show the politics and the consequences of that caring."¹²⁵

Despite the tendency in Levinasian ethics to stress the demands of the Other, both Warner and Campbell recognize that being 'responsive' to the Other does not and should not mean adopting a passive ethico-political disposition. Writes Campbell: "The Other is thus not omnipresent with responsibility pressing 'in' upon us (as would be Levinas' position), but has to be consciously reached by energy that is directed *outwards*."¹²⁶ While 'others' might always be inclined to call us to account, we must not assume that such calls will actually reach us given

¹²¹ Jim George, "Realist 'Ethics', International Relations, and Post-Modernism"; David Campbell, *National Deconstruction: Violence, Identity, and Justice in Bosnia* (Minneapolis: University of Minnesota Press, 1998). Simon Critchley, *The Ethics of Deconstruction: Derrida and Levinas*, Revised Edition, (West Lafayette, Purdue University Press, 1999).

¹²² See Daniel Warner, "Levinas, Buber, and the Concept of Otherness in International Relations: A Reply to David Campbell," *Millennium* 25, no. 1 (1996) 111-128; David Campbell, "The Politics of Radical Interdependence: A Rejoinder to Daniel Warner," *Millennium* 25, no. 1 (1996): 129-141.

¹²³ Campbell, "The Politics of Radical Interdependence," 133.

¹²⁴ Warner, "Levinas, Buber, and the Concept of Otherness in International Relations," 125.

¹²⁵ Warner, "Levinas, Buber, and the Concept of Otherness in International Relations," 126.

¹²⁶ Campbell, "The Politics of Radical Interdependence," 136.

the barriers presented by distance, time, and – most importantly – our own tendency to withdraw, exclude, close off, and ignore.¹²⁷ This is what necessitates Warner's call for an "energy" of responsibility – especially in the context of relations between peoples and nation-states, where contemporary structures are founded upon practices and dispositions of non-obligation, and rely upon them to maintain their legitimacy.

How to proceed with a genuinely relational energy of responsibility given the existing structures and relationships that define contemporary world politics is a particular challenge, as Campbell admits: "The state, for Levinas, is a spatial solution to the dilemma of limiting responsibility in the context of a multiplicity of Others, even though responsibility is supposed to be without limits."¹²⁸ Yet this is precisely what prompts him to refer to Levinas' suggestion that "the political order of the state may have to be challenged in the name of our ethical responsibility to the Other."¹²⁹

Conclusions and Ways Forward

Advocates of a "responsibilities approach" are correct in arguing that rights-claims are relatively meaningless unless they can be linked to corresponding obligations, and unless they can identify actors who can be expected to fulfil them. This chapter has argued, however, that making responsibility-claims without identifying corresponding rights may be equally problematic. If relational modes of responsibility are indeed more satisfying or 'genuine', then it is worth exercising care to make sure that in seeking to reinforce rights with plausible obligations we do not shift into transcendental or autonomous modes of thinking that re-entrench 'rights' as a mere task aimed at an *object* of moral action rather than recognizing them as entitlements to recognition that are held by ethical and political *subjects*. In short, it is important not to let the rights-responsibilities pendulum swing too far in *either* direction. Both elements are crucial to an understanding of political ethics that values the social grounding of obligations through the responsive and accountable recognition of rights claims.

The challenge, of course, is that in many domains of politics, especially in global relations, there are few or no structures or traditions in place to guarantee

¹²⁷ The often-problematic language of 'we' is used here primarily for clarity's sake, and only secondarily as an indictment of the practices of the privileged communities to which the author admittedly belongs.

¹²⁸ Campbell, "The Politics of Radical Interdependence," 135.

¹²⁹ Emmanuel Levinas and Richard Kearney, "Dialogue with Emmanuel Levinas" in Richard A. Cohen, ed., *Face to Face with Levinas* (Albany: SUNY Press, 1986), 29-30; cited in Campbell, "The Politics of Radical Interdependence," 135.

that political subjects will be able to call others to account – especially not the powerless, who have little recognized recourse against the powerful. ‘Rights’ simply do not exist as entitlements in any meaningful, relational, sense. Furthermore, efforts to cultivate a relations of responsibility in global politics where rights are enjoyed as entitlements held by the weak against the strong are continually complicated if not frustrated by the dominant ideas and practices of international politics and International Relations.

What then, accounts for the tendency to frame responsibility as detached from rights and accountability? It may well be that, having recognized the unfortunate features of contemporary affairs, many concerned voices have resigned themselves to being satisfied with disembodied ‘morality’ while sacrificing an embedded ‘ethics’ – in the Levinasian sense – because of a sense that an ethics of relational engagement is simply too tasking and impracticable under present conditions. This may be what has led many activists and norm entrepreneurs to place rhetorical emphasis on “responsibilities” in order to foster the sorts of actions that will at least achieve the *outcomes* or *content* aimed at by basic rights, even if they will be fulfilled through modes that defer issues concerning fair *processes* of account-giving, or the recognition of *subjects* as legitimate claimants.

This seems to be, I will argue, the pragmatic ethico-political approach adopted by many advocates of the responsibility to protect, who see themselves as engaging in a sort of moral triage. Of course, whether this approach is sustainable, either philosophically or politically, is another question.

Chapter 4: Responsibility and the Performativity of Moral Argument

Introduction

In the previous chapter, I distinguished between conceptions of responsibility as 'relational', 'transcendental' and 'autonomous'. I advocated in favour of an approach to the study of the social relations of responsibility in a way that puts primary emphasis on 'relational' forms, and which examines how actors translate their beliefs about transcendental obligations into practices of holding-accountable. In this chapter I build on the idea of responsibility as 'relational' by arguing that relational responsibility is best understood in terms of *power relations*, involving processes of political and ethical argumentation through which obligations are established, invoked, resisted and contested. Emphasizing the 'political' nature of relations of responsibility, I argue, should remind us to understand claims about obligation and responsibility as forms of speech imbued with power relations. Rather than simply being *descriptive* of obligations, responsibility-talk can be understood as 'speech acts' that are *performative* of social fields of responsibility. I then draw on some of the work of constructivist scholars in international relations theory to make some connections between the literature on norm entrepreneurship and my conception of the power relations of responsibility. I conclude by suggesting that developing a satisfying approach to the study of the power relations of responsibility and norm development will necessitate a deeper engagement with the role of persuasion and argumentation in the transnational and international realms.

Power Relations of Responsibility

It is common to differentiate between legal responsibility, political responsibility, and moral responsibility. By taking these categories as a point of departure, I will argue for an approach that conceives of responsibility as a more general concept and which, to a certain degree, destabilizes the tidy separation between these three forms, without completely erasing their utility as heuristic and conceptual categories. First, however, it is worth briefly spelling out the typical distinctions.

Legal responsibility and legal accountability are perhaps the most straightforwardly understood – or at least the most clearly delineated. Legal obligations and liability are given the force of law, so to speak, because of recognized processes and standards that are rooted in legal codes, constitutions, contracts, and the fundamental social institutions that make up a society. The

‘legal’ sphere depends on centralized and institutionalized lines of authority, with key judges, officials and decision-makers recognized as sufficiently legitimate that their decisions carry the force of law. In global politics, of course, the scope of ‘legal’ obligations is relatively limited and, in any case, substantially different than in the domestic arena.

Moral responsibility (or, alternately, ‘ethical responsibility’), by contrast, is understood as having to do with matters of values such as justice, and fairness. The content of ethical obligations may sometimes overlap with the subject matter of legal obligations, as in cases where acts like murder or exploitation are considered both immoral and illegal. However, each category is typically seen to include within its scope matters which are beyond the scope of the other. For instance, many arguably unethical behaviours are not illegal, and many illegal activities are arguably not unethical. In theoretical frameworks where ethical responsibility is considered separable from political and legal responsibility, it is typically framed as being either transcendental or autonomous in nature. That is, it is considered either something having to do with a metaphysical sense of right and wrong, or else a matter of conscience.

Political responsibility and political accountability are understood in several different ways, reflecting long-standing debates over the most appropriate understanding of ‘the political’. On the one hand, political responsibility is often discussed in a narrow sense that emphasizes the domain of public office, representative politics, or similar institutional politicking, and the significance of popular support in each. Thus, to be held ‘politically’ responsible involves being punished at the polls by unhappy constituents, to experience a dip in approval ratings, or to otherwise take the blame, lose face or suffer reputational damage in ways that diminish one’s political capital in the volatile world of institutional politics. On the other hand, in a broader sense, political responsibility and accountability can be understood according to a more inclusive definition of ‘the political’, one that subsumes involving all those forms of pressure, action, and reaction through which social actors exercise power over each other.

This last category of ‘type’ of responsibility frames the concepts of responsibility so broadly that it is able to subsume the more limited categories just described; legal, moral, and political responsibility are all, in the relevant sense, ‘political’ in nature. For conceptual clarity, we might therefore helpfully refer to this category as ‘ethico-political’ responsibility.¹³⁰ This term has the

¹³⁰ The descriptor ‘ethico-political’ is common currency in many quarters of contemporary social and political thought, but is rarely explained or elaborated upon. While an explanation of the term’s denotations remains elusive, its connotations are certainly in keeping with my usage here. For noteworthy uses of the phrase, see: Benedetto Croce, *Politics and Morals*, trans. Salvatore J. Castiglione (New York: Philosophical Library, 1945); Antonio Gramsci, *Selections from the Prison*

added benefit of capturing the complex interplay between the ‘moral’ and ‘the political’ in the politics of responsibility and the way the two categories shade into each other. Not confined to the structured world of ‘formal’ politics, an ‘ethico-political’ conception of responsibility emphasizes the ways in which *most* forms of social relations involve complex power-laden struggles and social practices where actors call others to account and hold them responsible. Concepts like responsibility, accountability, and answerability, are understood in this sense to be part and parcel of a pervasive power-laden dynamics of scrutiny, judgment, and criticism, reinforced by practices of censure, reward, and punishment. This ‘ethico-political’ conception of responsibility is perhaps best framed in terms of the ubiquitous *power relations of responsibility* that are a crucial part of everyday life.

As is implied by the terminology, this ethico-political understanding of responsibility as a form of power relations is closely related to Michel Foucault’s idea of disciplinary power relations. It owes much to his contributions to political thought, which emphasize the idea that power is relational and diffuse, flowing in the everyday and local ‘capillaries’ of society, rather than being something that is amassed and spent like a currency only in the metaphorical ‘heart’ of society, its formalized centers. For Foucault, “power relations are rooted deep in the social nexus, not reconstituted ‘above’ society as a supplementary structure whose radical effacement one could perhaps dream of. In any case, to live in society is to live in such a way that action upon other actions is possible – and in fact ongoing.”¹³¹

This idea of a complex of “actions upon other actions” complements the conceptualization of the pervasive power relations of responsibility that I aim to conceptualize here. As I briefly suggested in the previous chapter, I understand social obligations as ‘existing’ in a relational, intersubjective sense, such that an obligation ‘exists’ as a configuration of dispositions amongst various social actors. It is because social actors are pre-disposed to hold others accountable for doing or not doing something, and to participate in the relevant ‘disciplinary’ processes, that obligations exist. Yet disciplinary practices of holding-responsible and holding-culpable rarely happen in a social vacuum. Instead, such practices are themselves evaluated, assessed, and judged by other social actors. If one actor attempts to hold a second actor accountable or culpable in a questionable way, a third party may object and rally others to hold *her* accountable, and perhaps culpable, for her inappropriate disciplinary action. Yet such interference might then be problematized and reacted to by still other social actors.

Notebooks, ed. and trans. Q. Hoare and G. Nowell Smith, (London: Lawrence and Wishart, 1971); and Slavoj Žižek, *The Ticklish Subject* (London: Verso, 2000).

¹³¹ Michel Foucault, “The Subject and Power,” *Critical Inquiry* 8, no. 4 (1982): 791.

Thus, social structures of responsibility, obligation, and accountability can be imagined as radiating outward from any given forward-looking duty or backward-looking culpability to a whole network of assessments, evaluations and disciplinary moves. Wherever there is an actor whose obligation is overseen by some accountability-holder, there is likely some other actor predisposed to act if that accountability-holder does not oversee it properly. Imagine, for example, the school superintendant who makes sure that the principal is making sure that the teachers are making sure that the students are doing their homework. We might imagine, furthermore, the student's parents and the mayor and the school board trustees as all being predisposed to act to correct any break in the chain of holding-accountable. Here the student's obligation is reinforced not only directly by the teacher as accountability-holder, but by a whole social configuration of actors pre-disposed to make sure that the teacher plays his or her role properly.

The point here is that the configuration of dispositions that underpins the 'existence' of any given social obligation or social right is multifaceted, layered, and volatile. This is because practices of holding accountable are fundamentally contestable – and are furthermore often actually contested in practice. Legal codes, laws, conventions, international treaties, contracts, promises, marriage licenses, dog licenses, parking passes and other structuring devices help to *organize* the configuration of dispositions that make obligations and accountabilities 'real', but such things are of secondary importance, standing in for what they signify. What is of primary importance is the web of actors predisposed, if necessary, and if sufficiently motivated, to take action to *reinforce* the expectations with social consequences and disciplinary action. This is what I mean when I suggest that the social structures in which obligations 'exist' are constituted by a diffuse, complex and configuration of ethico-political predispositions. This idea of a 'configuration of dispositions' has affinities with John Searle's idea of 'Background'¹³², argumentation theory's idea of 'commonplaces'¹³³, and Pierre Bourdieu's idea of *habitus*.¹³⁴

This ethico-political conceptualization of 'responsibility' has both forward-looking and backward-looking components. In a forward-looking sense, actors are rendered 'responsible' whenever they are *held* responsible by others –

¹³² See John Searle, "Wittgenstein and the Background," *American Philosophical Quarterly* 48, no. 2 (2011): 119-128.

¹³³ Crowley and Hawhee define a commonplace as "any statement or bit of knowledge that is commonly shared among a given audience or community." Sharon Crowley and Debra Hawhee, *Ancient Rhetorics for Contemporary Students*, 3rd ed., (Toronto: Pearson Longman, 2003), 430.

¹³⁴ Pierre Bourdieu and Loïc Wacquant, *An Invitation to Reflexive Sociology* (Chicago: University of Chicago Press, 1992). See also, Peter Jackson, "Pierre Bourdieu," In *Critical Theorists and International Relations*, ed. Jenny Edkins and Nick Vaughan-Williams (New York: Routledge, 2009).

whenever they have obligations attributed to them, or are the focus of other actors' normative expectations. In a backward-looking sense, actors are *held* accountable by others - whenever they are scrutinized, called to account, blamed, or disciplined in the relevant sense. Viewed as an ethico-political phenomenon, responsibility is relational in the sense that it 'exists' or 'comes into force' as a result of the perceptions, predispositions and speech acts of human subjects – both individual and collective. Holding responsible and holding accountable is something that actors *do to each other*, in many ways, and in many contexts, with many conceivable consequences.

There are many practical reasons to adopt this general, ethico-political conceptualization of responsibility, rather than focusing in on questions about either legal, ethical, or moral responsibility in the traditional sense. From an analytic point of view, the advantage of this more general perspective is that it is able to deal with the ambiguity that often is built into unqualified or underdeveloped assertions and claims about obligation, accountability, and responsibility. It is also helpful in better understanding the social processes of contestation that are at play, for example, when an actors' *assertions* about (moral) responsibility are taken up by other social actors, translating into (political) structures of accountability, and perhaps even built into (legal) legislation, contracts, codes or laws.

Prescriptive and Descriptive Responsibility-Talk

Understanding the relationship between *assertions* of responsibility and *structures* of responsibility requires yet another conceptual distinction. As Alan Gewirth has noted, when interpreting a speaker's suggestion that "A has a responsibility to do x", it is worth asking whether she intends it as a prescriptive statement, or as a descriptive statement, or both. The slight but important difference between descriptive and prescriptive assertions of responsibility centers on the extent to which there already exist social structures of expectation surrounding the relevant obligation.

On the one hand, the speaker might be *prescribing* behaviour, and making the substantive evaluative claim that A really ought to do X. Understood in this prescriptive sense, her obligation-statement might or might not also communicate an implied message about the how others might appropriately behave towards A. In other words, the speaker can be understood as suggesting that she and others should be permitted (and/or required) to apply social pressure on A to do X.¹³⁵

¹³⁵ Alan Gewirth, "Obligation: Political, Legal, Moral," In J. Roland Pennock and John W. Chapman, eds., *Political and Legal Obligation* (New Brunswick, NJ: Transaction Publishers, 1970).

On the other hand, when the speaker says “A has an obligation to do X” she might be *describing* A’s social obligations in terms of the expectations others hold for him within the rules and norms of a given institution. Some potential for ambiguity stems from the fact that obligation-claims can sometimes be made in order to describe without prescribing. In a purely descriptive sense, the speaker might not necessarily agree that it would be good for A to actually do X, but instead reports on a state of affairs in the dispassionate manner of a journalist, sociologist or anthropologist aiming at objectivity. Gewirth offers the example of a visitor to apartheid-era South Africa, who might have recognized that racist national policies gave black South Africans special obligations, yet who would argue adamantly that those obligations were illegitimate and should be resisted.¹³⁶

Gewirth describes prescriptive and descriptive statements as two different ‘kinds’ of obligation-statement.¹³⁷ Rather than mutually exclusive types, however, it is perhaps better to think of these prescriptive and descriptive elements as layers of meaning that obligation-statements can take on -- either or both of which might form a part of the speaker’s intended message. This latter point recognizes that, in practice, descriptive obligation-statements and prescriptive obligation-statements often (and even usually) coincide and reinforce each other. In practice, the two are linked by the general principle that actors ought to fulfil their legitimate social obligations.

Furthermore, just as one can describe without prescribing, the inverse is also possible; it is conceivable the speaker may use the prescriptive rhetorical power of the language of responsibility, without intending to point descriptively to any social institutions in which an obligation has thus far been established. Although terminological purists might be tempted to reject this sort of language usage as ‘out of bounds’, such disapproval does not change the fact that in ordinary speech the language of responsibility is used this way – and often very effectively.

In sum, the difference between the prescriptive and descriptive layers of obligation-statements helps us to recognize the complex relationship between the subjective and the intersubjective when it comes to matters of obligation. Furthermore, while the two can overlap, there is also room for disjuncture between them. When faced with claims that “A has an obligation to do X”, at least two considerations are worth considering. First, it is worth asking whether or not the members of a relevant community really are predisposed to apply social pressures on A to do X so that his ostensible obligation is given social weight by an active power relations of responsibility. Second, it is worth assessing whether the individual speaker judges that A really should do X, and

¹³⁶ Gewirth, “Obligation: Political, Legal, Moral,” p. 60.

¹³⁷ Gewirth, “Obligation: Political, Legal, Moral,” p. 59.

that the obligation is legitimate. Although the individual subject might be shaped by, and participate in, social institutions that are intersubjectively held as valid, it is worth recognizing the potential for individual dissent, criticism, disagreement, and resistance regarding extant social structures of obligation.

While the distinction between the prescriptive and the descriptive layers of obligation-statements is helpful for undertaking a nuanced examination of the role that responsibility-talk factors into the politics of responsibility, it provides an incomplete framework for understanding such talk. The next section will examine some of the ways in which *prescriptive* responsibility talk, apart from simply expressing a *wish* for structures of responsibility, can actually play a productive role in bringing such structures into being.

Subjectivity and Responsibility

One challenging dimension of an 'ethico-political' conceptual approach that emphasizes the ubiquity of power relations of responsibility is its seeming implication that one actor 'has a responsibility' or 'is accountable', to at least some degree, just because some single other actor asserts that she does. Does this, then, mean that responsibility is a subjective phenomenon, one that exists 'in the eye of the beholder'? The answer is both yes and no. Viewed from an ethico-political perspective, responsibility is perhaps best seen as an *intersubjective* social phenomenon rather than an objective or subjective one. Individual assertions of responsibility are certainly significant to this analysis, but they are even more powerful when they are shored up by the 'buy-in' of other actors. In order to understand why, it helps to start with the subjective point of view of the single claimant and then expand the lens outward to include wider perspectives. This ground-up approach will help to examine the intersubjective nature of the power relations of responsibility in a way that pays proper attention to the role of disagreement and contestation.

Single-Actor Perspective. In a limited sense, an actor can be seen to 'have' an obligation even if just because one single actor attributes that obligation to him. The same applies to attributions of culpability. Imagine, for example, the situation of a woman who blames her husband for some tragic accident, even though he has been cleared of any legal responsibility and no other people think that he ought to be considered responsible. No matter what the courts or reassuring family members might insist, from her perspective, he *is* culpable. Her point of view might seem unreasonable or unfair to others, but in a certain limited sense, her belief that he is culpable makes it so. Her holding him responsible, her unilateral forms of punishment, and her expressions of blame will affect him in meaningful ways and limit the options and freedoms available

to him – at least in the context of his relationship. The power relations of responsibility play out in situations like these, in socially meaningful ways, even though it is only one single actor who continues the practice of holding-culpable. Since the husband is being held responsible, he is, at least in a certain sense, responsible. This is an inevitable outflow of the conceptual premise that responsibility is a socially embedded phenomenon related to practices of holding responsible.

Two-Actor Perspective. Yet this does not mean that elements of responsibility are ‘merely’ subjective. Assignments of obligation, attributions of blame, and calls to accountability are the subject of disagreement, contestation, resistance, and struggle. Actors who are attributed obligations frequently reject them, argue against them, and challenge the basis on which they were asserted. The same is true of actors who refuse to accept blame or who shrug off calls to account for their behaviour. Conversely, some actors who unfairly or arbitrarily hold others accountable or discipline them for perceived wrongs can be called out of order, resisted, or otherwise challenged by the target of their energies.

It helps to think of assertions of obligation and accountability as ‘claims’ – as arguments that people make to others in an attempt to influence the shape and flow of power relations. Indeed, the act of issuing a ‘call’ to responsibility, to obligation, or to accountability stands out as a central feature of the power relations of responsibility. By making the socially meaningful move of calling someone to account, for instance, the accountability-holder applies social pressure in a way that is imbued with significant social consequences and power effects. The respondent (the actor who is the focus of calls to account) might respond to the call in any number of ways; she might ignore the call, respond to it half-heartedly, or engage meaningfully and dutifully in a process of account-giving. In many cases, the respondent might contest and challenge the call itself, objecting to grounds on which the call was made. Many factors might influence whether and how exactly the respondent will engage. It might depend on the inclinations, the dispositions, or the mood of the respondent. Relative physical power might shape the power relations of responsibility, because of the implied or explicit threat or possibility of a recourse to force. The nature of their relationship and their mutual respect or trust might be significant.

Multiple-Actor Perspective. In the thick of actual social relations, however, the power relations of responsibility do not take place within a vacuum. Rather, they occur within a social, cultural and institutional context shaped by and linked to the actions and attitudes of third parties (and fourth parties, and so on). Although obligation-claims can be made in an exclusive or private context involving just two parties, they are much more frequently made in contexts that invite and rely on the participation, recognition, and reinforcement of other actors. These others might be other stakeholders or

merely bystanders, but regardless of their role, their presence is key. Thus, the way in which the power relations of responsibility play out between two actors may depend on the *social* power of the accountability-holder and the amount of pressure she is able to bring to bear. In practice, the role of third parties, the crowd or, simply put, society at large.

When actors make assertions of obligation, they do not only try to motivate the respondent to whom they have assigned a duty. They also try to garner the recognition of that duty by a sufficient number of the other actors. If enough others 'buy in' to the idea that the respondent has an obligation, their beliefs and their willingness to participate in practices of holding-accountable will lend that obligation the social weight and consequence that it needs in order to be socially meaningful. As the number of actors who buy in rises, the social heft of the obligation becomes greater. Thus, when responsibility-claims or calls are widely accepted and recognized, they move from a subjective phenomenon to one that is embedded in social relations. In other words, the claim serves as a 'speech act' which has the potential to be recognized and affirmed by others, and incorporated meaningfully into social relations, thought, and practice. As I shall argue, speech act theory can help to understand how such claims can be *performative* of structures of responsibility, changing the nature of social reality by affecting the relevant actors' expectations and predispositions so that the obligation 'exists' intersubjectively.

Speech Acts and the Performative

The language of 'speech acts' and the 'performative' draws on the work of J.L. Austin, John Searle, and others. Austin famously suggested that many types of utterances do more than describe the world; they create new social realities. Beyond simply making a statement, Austin argued, such utterances can be considered *doing* something meaningful in the social world. They are *performative* of new social relationships, new understandings, and new dispositions in certain relevant actors. In many cases such performative speech acts set up expectations of "follow-through" via certain "subsequent actions".¹³⁸

Austin's conceptual scheme provides a language that distinguishes between some of the theoretical dimensions of speech acts. In Austin's terms, performative utterances have what he calls perlocutionary force and illocutionary force. The former, perlocutionary force, is "the achieving of certain affects by saying something."¹³⁹ For example, if an employer earnestly tells her

¹³⁸ J.L. Austin, *How to Do Things With Words*, 2nd edition (Cambridge: Harvard University Press, 1962/1975).

¹³⁹ Austin, *How to Do Things With Words*, 121.

employee “you’re fired”, the utterance of that phrase has the perlocutionary effect of ending the worker’s employment. The latter, illocutionary force, has to do with the sort of action which is performed ‘in’ saying something. In the previous example, in saying “you’re fired”, the boss can be understood to performing an illocutionary act – that is, firing the employee. In other words, the difference between illocution and perlocution is the difference between what the speaker trying to *do* at the moment of speaking, and the practical *effect* on the social world (and other people) the speaker is trying to have.

The Austinian concept of perlocutionary effects is crucial to the present study of responsibility-talk because it helps explain why the statement “A has an obligation to do X” can serve as a performative speech act. Beyond being merely either prescriptive or descriptive, such an utterance in speech (or in writing) can also be *productive* of social and psychological effects in others that reshape the social world. If such a statement has the perlocutionary effect of convincing certain actors that the ostensible obligation is worth reinforcing, and leaves them more willing to participate meaningfully in practices of expecting, demanding, calling-to-account, and holding-responsible, then the statement can be seen to be performative of that obligation as a social fact. After all, if elements of responsibility such as obligation and culpability are best understood as intersubjective, relational social facts borne out by coordinated social practices, such phenomena only ‘exist’ insofar as there are social actors predisposed to reinforce them in word and deed.

Performative speech does not merely ‘create’ new social circumstances – it also serves to reinforce them. Of course, in some cases, where the relevant social structures of responsibility are relatively well-established, it might make sense to suggest that responsibility-talk such as the statement “A has an obligation to do X” is *reproductive* rather than productive of social relations of responsibility. Understanding such statements as ‘descriptive’ should not stop us from recognizing that they have *reiterative* performative effects.¹⁴⁰ Reiterating already accepted claims about the distribution of responsibility buttresses and reinforces already extant institutions, common senses, and configurations of dispositions.

A more interesting situation occurs when actors make claims about obligation and responsibility in contexts where *no* meaningful social structures of responsibility exist – where no meaningful institutions, rules, or principles have been established, and where, furthermore, few or no actors are predisposed to participate in the relevant practices of holding-accountable. Under such circumstances, where no obligation ‘exists’ in the descriptive sense, the

¹⁴⁰ Butler, among others, emphasizes the importance of reiteration in performativity. See Judith Butler, *Gender Trouble* (New York: Routledge, 1990).

prescriptive statement “A has a responsibility to do X” can be interpreted in at least two ways:

1. As a transcendental obligation-claim which asserts that the responsibility ‘exists’ even though social actors (wrongly) don’t act as if it does. (i.e. “A has a transcendental responsibility to do X.”)
2. As a deliberate effort to engage in a performative speech act, as a call or rallying cry that intends to *initiate* social processes of making-obliged, holding-accountable, and so on. (i.e. “A ought to have a relational responsibility to do X.”)

What these two interpretations share is a recognition that assertions of responsibility can, in many contexts, be understood as attempts to mobilize other people to take action of the sort relevant to the power relations of responsibility: demanding, pressuring, punishing, expecting, and so on.

This link between moral argumentation and political action is especially relevant in the realm of global politics, where social structures and practices of responsibility are underdeveloped to say the least. Yet many scholars of global politics have examined the contestations over the politics of responsibility in a slightly different framing, focusing on Cass Sunstein’s concept of “norm entrepreneurs”.¹⁴¹ As I noted in the previous chapter, Margaret Keck, Martha Finnemore, Thomas Risse and Kathryn Sikkink have played an especially prevalent role in bringing the dynamics of norm entrepreneurship into the mainstream of international relations.

Norms and the Production of Fields of Responsibility

In Keck and Sikkink’s study of transnational advocacy networks, they examine how network actors “promote norm implementation, by pressuring target actors to adopt new policies, and by monitoring compliance with international standards.”¹⁴² In many cases, network mobilizers put pressure on the relevant actors to fulfil their existing responsibilities as set out in pre-existing rules, standards, or regimes. Understood in terms of the power relations of responsibility, they can be seen as *describing* responsibilities or obligations that already, ostensibly, exist in a social or relational sense. Keck and Sikkink’s “boomerang pattern”, for example, describes how domestic actors rely on

¹⁴¹ Cass R. Sunstein, “Social Norms and Social Roles”, *Columbia Law Review* 96, no. 4, (1996): 903-968.

¹⁴² Margaret Keck and Kathryn Sikkink, *Activists Beyond Borders* (Ithaca: Cornell University Press, 1998).

networks to apply pressure on authorities in countries where insufficient channels exist for civil society to shape government policies.¹⁴³ They coordinate with partners in advocacy networks, who pressure their own governments to engage in state-to-state diplomacy, pressure and engagement. Risse and Sikkink have similarly applied a 'spiral model' to describe transnational processes of human rights socialization.¹⁴⁴ According to this model, norm-violating governments can be susceptible to pressure from outside and within that makes them make tactical concessions in order to *appear* to have internalized a norm by cynically engaging in pronouncements and practices meant for show. Yet even the process of 'going through the motions' has the effect of normalizing and institutionalizing certain behaviours, such that what begins as an attempt at hollowly placating critics slowly becomes authentic adoption of ideas and principles. This process is facilitated where there are pre-existing expectations or commitments, laws, treaties, or norms.

Yet, as Sikkink and Martha Finnemore have argued, network actors can also play a key role in the *development* of new norms, expectations, and rules.¹⁴⁵ Many international norms emerge as the result of the efforts of "entrepreneurs" who take a lead role in identifying issue areas of concern and proposing what should be done, and by whom. While Finnemore and Sikkink do not put primary emphasis on the notion of 'responsibility', the dynamics they describe are certainly congruent with the concepts I have been developing. They suggest that "norm advocacy involves pointing to discrepancies between words and actions and holding actors personally responsible for adverse consequences of their actions," and note that when entrepreneurship is successful, the internationalization that follows leads to states "taking up new responsibilities or endowing individuals with new rights".¹⁴⁶ Indeed, norm entrepreneurs can play a key role in initiating the processes that lead to new intersubjective fields of responsibility. They "call" for the construction of new structures of expectation, obligation and responsibility, or for the adjustment or expansion of existing ones. In many cases, they explicitly draw on the power of responsibility-talk and other moral language in order to mobilize, persuade, and activate their audiences.

Finnemore and Sikkink draw on Cass Sunstein's work to explain what they term the "life cycle" through which norms emerge. The first stage of the life cycle is 'norm emergence', where norm entrepreneurs identify an issue area, rally

¹⁴³ Keck and Sikkink, *Activists Beyond Borders*, 13.

¹⁴⁴ Thomas Risse and Kathryn Sikkink, "The Socialization of International Human Rights Norms into Domestic Practices: Introduction," In Thomas Risse, Stephen C. Ropp, and Kathryn Sikkink, eds., *The Power of Human Rights: International Norms and Domestic Change* (Cambridge: Cambridge University Press, 1999).

¹⁴⁵ Martha Finnemore and Kathryn Sikkink, (1998). "International Norm Dynamics and Political Change", *International Organization* 52, No. 4, pp. 887-917.

¹⁴⁶ Finnemore and Sikkink. "International Norm Dynamics and Political Change", pg. 904-905.

attention, and attempt to persuade norm leaders (such as state governments). The second stage is a 'norm cascade', where arguments catch on, or spread, and gather momentum in something like a domino effect of persuading and convincing. Finnemore and Sikkink note that not all emerging norms ever reach the sort of 'tipping point' necessary to create a norm cascade; there is nothing inevitable about the life cycle, and many emergent norms fail to garner significant attention or cache. When a norm cascade does occur, however, the third phase is 'norm internalization'. Here the norm becomes part of the taken-for-granted background conditions of politics and practice as usual. Conformance with the norm becomes almost unthinking and automatic, and so many norms are both extremely powerful and hard to identify, explain, or put into words.¹⁴⁷

Different stages in this life cycle involve different sorts of actions, reactions, and mobilizations. Keck and Sikkink describe four key ways in which actors in advocacy networks exert their influence. First, network actors participate in 'information politics', or the strategic dissemination, publicity, and sharing of information that is usable and relevant to processes of oversight and holding-accountable. Second, they participate in 'symbolic politics', or the ability to use symbols, acts, and narratives framed in ways that will connect with the relevant audience. Third, they engage in 'leverage politics', calling upon relatively more powerful actors to participate in processes of holding-accountable, holding-culpable, and so on, where other weaker actors would not be able to exert such influence. Fourth, they participate in 'accountability politics', or "the effort to hold powerful actors to their previously stated policies or principles."¹⁴⁸

What makes the sorts of norm dynamics explained by Sikkink, Finnemore, Keck, and Risse especially relevant to a study of the power relations of responsibility is their description of advocates and entrepreneurs in dynamic practices of "persuasion, socialization, and pressure".¹⁴⁹ Their work helpfully attempts to explore the complex intersection between persuasion and political pressure in transnational advocacy politics.

Regimes of Responsibility / Fields of Responsibility

In international relations theory, regimes are understood, per Krasner, as the "implicit or explicit principles, norms, rules and decision-making procedures around which actors' expectations converge in a given area of international

¹⁴⁷ Finnemore and Sikkink, (1998). "International Norm Dynamics and Political Change", 904

¹⁴⁸ Keck and Sikkink, *Activists Beyond Borders*, 16.

¹⁴⁹ Keck and Sikkink, *Activists Beyond Borders*, 16.

relations."¹⁵⁰ I suggest that regimes of *responsibility* are formal or informal social institutions based on norms, practices, and expectations surrounding obligations, relations of oversight, processes of holding-accountable, and appropriate social forms of discipline and consequence.

In suggesting a complementary concept of *fields* of responsibility, my contention is that the sorts of loose arrangements typically called regimes (for example, the anti-Genocide regime) are one form of social institution embedded within another, even looser social configuration. I conceive of fields of responsibility as the more widespread context of power relations that reinforce any given regime, where 'tertiary' actors stand at various degrees of readiness to exert pressure, to make arguments, and to impose sanctions on the 'primary' and 'secondary' players within a regime of responsibility. By this phrasing I suggest that while 'primary' actors in a regime are held responsible by 'secondary' actors, those 'secondary' actors are held responsible by 'tertiary actors' who, while perhaps not having direct access to elite practices of decision-making, exert an influence nonetheless. Whereas regimes of responsibility are relatively more formal, organized, and official, fields of responsibility are informal, chaotic, and dynamic. In another context, the phrase 'meta-regime' might aptly describe what I have in mind, since that would connote the sense of a set of expectations and practices surrounding a set of expectations and practices.

My use of the term 'field' reflects a conscious choice to link this conception to the ideas of Pierre Bourdieu. As Richard Jackson notes, Bourdieu used the concept of 'field' in an attempt to overcome the opposition between structure and agency "by focusing on the interplay between the subjective perspectives and predispositions of social actors, their *habitus*, and the structural conditions of the particular social context in which they are acting, the field."¹⁵¹ Bourdieu's complementary concepts of 'field' and 'habitus' are especially helpful in concretizing the ideas about the relationship between social structures of responsibility and the configuration of predispositions amongst the relevant social actors.

Both 'fields' and 'regimes' of responsibility can be understood, generally, as forms of institution in the sense described by March and Olsen:

In a general way, an 'institution' can be viewed as a relatively stable collection of practices and rules defining appropriate behavior for specific groups of actors in specific situations. Such

¹⁵⁰ Stephen D. Krasner, "Structural Causes and Regime Consequences: Regimes as Intervening Variables," *International Organization* 36, no. 2 (1982): 186.

¹⁵¹ Peter Jackson, "Pierre Bourdieu," In *Critical Theorists and International Relations*, ed. Jenny Edkins and Nick Vaughan-Williams (New York: Routledge, 2009), 106.

practices and rules are embedded in structures of meaning and schemes of interpretation that explain and legitimize particular identities and the practices and rules associated with them. Practice and rules are also embedded in resources and the principles of their allocation that make it possible for individuals to enact roles in an appropriate way and for a collectivity to socialize individuals and sanction those who wander from proper behaviour.¹⁵²

As I conceive them, this description aptly describes both fields and regimes of responsibility, but also provides some reference points by which to distinguish them. The rules and practices that constitute regimes, I suggest, are *more* “relatively stable” than those making up fields of responsibility.

Some clarity might be provided by applying this schema to the example of the Clinton Administration’s obfuscations concerning the Rwandan Genocide. The American government, like the Rwandan government, had obligations and roles under the international anti-genocide regime and the human rights regime that were relatively structured – though, as suggested above, perhaps not structured enough. When it became clear that the key players in Rwanda were taking action that could be read to be in violation of the practices and rules of the regime, the Clinton administration had the ostensible right and responsibility to take action and impose some form of sanctions. In terms of the regime, the key players are the states party to the Convention – meaning the government and, according to principles well-established in the regime, actors such as the Hutu Power militia. The Clinton administration’s concern about political fallout makes it clear that it was concerned about the pressure that other actors in civil society stood ready to apply, given the right trigger. The field of responsibility in this case took the form of the social configuration of presented by the readiness, willingness, and ability of such actors as human rights activists, media pundits, op-ed writers, religious leaders, policy-makers’ spouses, to hold the administration responsible for living up to its obligations. In other words, the decision-makers in the administration seem to have believed that its words and deeds with regards to the Rwanda crisis and its obligations within the anti-genocide regime had to be decided upon in the context of a wider field of responsibility that *seemed* to them, at least, to be relatively robust in the sense of being able to rally significant pressure, attention, and political consequences (partisan and otherwise). President Clinton’s decision-makers believed that an influential set of politics stood ready to parlay the symbolic politics of the word

¹⁵² James G. March and Johan P. Olsen, “The Institutional Dynamics of International Political Orders,” *International Organization* 52, no. 4. (1998): 948.

'genocide' into politically troublesome moral pressure in the court of public opinion.

President Bush, and his representative in Secretary of State Colin Powell, were less concerned about these sorts of political repercussions. This might be, on the one hand, because few activist groups were waiting for a government pronouncement of 'genocide' in order to apply pressure to do something. The available details of the Darfur crisis had already motivated a large segment of the people who would be likely to take action to pressure the government to do something. On the other hand, it might be that the Bush administration was confident that it could withstand and deflect any attempts on behalf of civil society to apply moral leverage to follow through on the Genocide Convention – in part because the administration had already established, in other issue areas, its relatively dismissive attitude towards the practical weight of international commitments and the importance of living up to them.

While making a distinction between 'regimes of responsibility' and 'fields of responsibility' does not provide us with immediate insight into Glanville's puzzle surrounding the vitality of the anti-genocide regime, it does help to direct our attention towards some of the diffuse political dynamics that are at play in the contemporary global politics of responsibility. Specifically, the distinction provides an analytical language with which to describe the way in which struggles and decision-making over obligations and sanctions within the relatively formal arena of inter-state diplomacy are situated within a wider social context where other, more diffuse and varied forms of political pressure might be brought to bear, by less formally powerful but nonetheless (arguably) formidable individual and collective actors.

Conclusions and Ways Forward

The concept of diffuse social 'fields' of responsibility within which relatively more structured 'regimes' of responsibility are situated is one of the key elements in the wider research project I am attempting to elaborate. These concepts will prove helpful, in later chapters, for making the arguments about the emergent regime of the responsibility to protect. I will suggest in the following chapters that the responsibility to protect regime amongst state governments is situated within, and shaped in significant ways by a recognition of, a wider set of fields of responsibility for human rights protection. Much like the anti-genocide regime, its practical worth will depend on the level of care, concern, and political will that the relevant actors are disposed to put into enacting its premises and fulfilling its promises.

Part of the task before pro-RtoP political leaders and norm entrepreneurs, then, is to develop arguments in favour of the regime that will not only succeed in the short-term task of securing votes towards a resolution or similar document, but that will also leave a lasting impression by reshaping the dispositions and inclinations of leaders, diplomats, activists, and populations at large. This multiplicity of 'audiences' has complicated efforts to articulate a coherent and sustainable framework, since the sorts of arguments that might be convincing in one context, and for one audience, can often be subjected to scrutiny and criticism by another.

Chapter 5: The Responsibility to Protect at the UN World Summit

Introduction

In this chapter, I briefly discuss the reformulation of the parameters of the responsibility to protect at the United Nations World Summit in 2005. The revised version that emerged in the Summit's Outcome Document made four significant refinements to the framework originally presented by the ICISS. First, the Outcome Document explicitly specified the referent types of humanitarian emergencies to which the RtoP applied, narrowing the scope. Second, the new articulation altered the framing of the conditions under which a response by the international community was warranted. Third, the 2005 version of RtoP placed the decision to intervene squarely in the domain of the United Nations, with the Security Council named explicitly as the right authority for any international action. Fourth, the language of the Outcome Document included very carefully moderated use of the language of responsibility.

In what follows I briefly examine each of these changes, attempting to contextualize them in terms of the wider geo-political realities and argument trajectories of the time. This rough outline of the revised framing sets the stage for a more nuanced analysis, in the chapters to follow, of the careful political and diplomatic balancing act involved in maintaining the emerging 'consensus' around the RtoP.

The UN World Summit

The initial publication of the ICISS *Responsibility to Protect* report in mid-2001 was overshadowed by the attacks on September 11 that year. The ensuing preoccupation with responses to the threat of global terrorism diminished the attention given to complex humanitarian emergencies. However, the report did manage to make a lasting impression in the relevant circles of readership. The phrase 'responsibility to protect' gained in usage as scholars and activists took it up in different ways. RtoP was invoked in various ways to articulate arguments about how outsiders should respond to the ongoing violence in the Darfur region of the Sudan,¹⁵³ to call for responses to the humanitarian emergency caused by

¹⁵³ Michael Clough, "Darfur: Whose Responsibility to Protect?" Human Rights Watch (January 2005), http://responsibilitytoprotect.org/files/HRW_Darfur-WhoseResponsibilitytoProtect.pdf; Paul D. Williams and Alex J. Bellamy, "The Responsibility to Protect and the Crisis in Darfur," *Security Dialogue* 36, no.1 (2005): 27-47.

the aftermath of the Indian Ocean earthquake of 2004,¹⁵⁴ and, most controversially, to make arguments about the legitimacy of American-led interventions into Afghanistan and Iraq.¹⁵⁵

The increasing use of the concept in diplomatic argumentation and a bevy of academic and journalistic commentary helped to place the basic idea of the responsibility to protect on the agenda of international diplomats. In 2003, U.N. Secretary-General Kofi Annan created the High-Level Panel on Threats, Challenges and Change, which released a report entitled *A More Secure World: Our Shared Responsibility* in 2004. The inclusion of the 'responsibility to protect' in the Panel's report led to a debate on the concept at the United Nations World Summit in 2005. An energetic discussion and a series of last-minute revisions resulted in the establishment of a diplomatic consensus around the text of three key paragraphs of the summit's Outcome Document:

138. Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it. The international community should, as appropriate, encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability.

139. The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic

¹⁵⁴ Gareth Evans, "The Responsibility to Protect in 2005," Address to Annual Society and Defence Conference, Salen, Sweden, January 16, 2005, <http://www.gevans.org/speeches/speech115.html>

¹⁵⁵ Ramesh Thakur, "Iraq and the Responsibility to Protect," *Global Dialogue* 7, nos. 1-2 (2005): 16-26; Cristina G. Badescu and Thomas G. Weiss, "Misrepresenting RtoP and Advancing Norms: An Alternative Spiral?" *International Studies Perspectives* 11 (2010): 354-374.

cleansing and crimes against humanity. We stress the need for the General Assembly to continue consideration of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity and its implications, bearing in mind the principles of the Charter and international law. We also intend to commit ourselves, as necessary and appropriate, to helping States build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and to assisting those which are under stress before crises and conflicts break out.

140. We fully support the mission of the Special Adviser of the Secretary-General on the Prevention of Genocide.¹⁵⁶

The language of these paragraphs was the subject of significant bargaining and reworking until a satisfactory framing was developed.¹⁵⁷ As a result, the concept of the responsibility to protect was officially ‘accepted’ by the membership of the United Nations – at least in terms of the way the consensus language sets it out.

Critically assessing the key paragraphs of the World Summit Outcome Document helps to reveal how it established new parameters for the discussion of the responsibility to protect, making some new, more focused stipulations while also introducing new vagaries and ambiguities. Furthermore, interpreting this text in the light of the well-documented disagreements, revisions and negotiations that took place at the World Summit helps to explain exactly why and how the intricacies of nation-state bargaining and positioning resulted in text that reflects a changed – and arguably, impoverished – version of the responsibility to protect.

World Summit Refinements

The World Summit Outcome Document, when all was said and done, comprised one-hundred and seventy-eight paragraphs on a wide range of topics, from the establishment of a new Human Rights Council to the condemnation of terrorism to the elimination of the obsolete Trusteeship Council. The summit had been intended as an opportunity to review the progress made towards the goals

¹⁵⁶ United Nations, 2005 World Summit Outcome Document, (U.N. A/60/L.1).

¹⁵⁷ For a sustained analysis of the discussions at the World Summit, see Alex J. Bellamy, “Whither the Responsibility to Protect? Humanitarian Intervention and the 2005 World Summit,” *Ethics and International Affairs* 20, no. 2, (2006): 143-169.

of the Millennium Summit five years before, and in the lead-up to the summit a proposed package of wide-ranging reforms had been prepared by the UN Secretary-General.¹⁵⁸ Few of these were agreed upon at the summit; the state representatives failed to make specific progress on issues such as development, disarmament, and global warming, and could not agree on a much-needed definition of 'terrorism'.¹⁵⁹ A mere three paragraphs were devoted to the responsibility to protect, but the agreement on consensus text was seen as one of the more meaningful accomplishments of the World Summit. Each phrase of the RtoP-relevant paragraphs is loaded with significance, reflecting a careful balance of ideas. Much of the wording was composed in purposeful contradistinction to the phrasing of the ICISS report, which had by that time begun to shape the discourse around intervention and crisis response. At least four differences between the ICISS report and the world summit language are worth noting.

i. Narrowed Referents

The first and most significant change from the ICISS report to the World Summit paragraphs was the latter's much more precise articulation of the sorts of situations to which the responsibility to protect would apply. The World Summit debate converged on the four relatively specific problems of "genocide", "war crimes", "ethnic cleansing" and "crimes against humanity". The way in which the fourfold list is consistently articulated in official documents, even though it is wordy, is a reflection of the crucial specificity of the diplomatic consensus. Gareth Evans, following David Scheffer, has suggested grouping these four specific offences under the label of "mass atrocity crimes" for the sake of simplicity, and this seems sensible as a shorthand referent.¹⁶⁰

This careful focus on four key atrocity crimes has come to be called, within RtoP circles, the "narrow but deep" approach.¹⁶¹ The stipulation that the RtoP only directly applies to four specific atrocity crimes sets out much more focused parameters than the ICISS report – most specifically by giving a much clearer idea about the sorts of problems to which the responsibility to protect

¹⁵⁸ Kofi A. Annan, "In Larger Freedom: Towards Security, Development and Human Rights for All," Report of the Secretary-General of the United Nations, 2005 (A/59/2005), <http://www.un.org/largerfreedom/>

¹⁵⁹ Christine Gray, "A Crisis of Legitimacy for the UN Collective Security System?" *International and Comparative Law Quarterly* 56, no.1 (2007): 159.

¹⁶⁰ Gareth Evans, *The Responsibility to Protect*, (Washington: Brookings Institution Press, 2008), 13.

¹⁶¹ See Ban Ki-Moon, "Implementing the Responsibility to Protect," Report of the Secretary-General of the United Nations, 2008 (A/63/677), §10, pg. 8.

does *not* apply. The ICISS commissioners had used much less precise language in their consideration of how to respond to situations “where a population is suffering serious harm, as a result of internal war, insurgency, repression or state failure, and the state in question is unwilling or unable to halt or avert it.”¹⁶² The ICISS report had also referred loosely to “conflict”, “intra-state warfare” and “slaughter”, but also more generally to “conscience-shocking situations”, “disaster” and “human security-threatening situations”.¹⁶³ This ambiguity left ample wiggle room in the ICISS report, allowing readers to read their own priorities into the report. Yet the precise wording in the World Summit document rendered certain invocations of RtoP discourse inappropriate or out of bounds. As a result, when French Foreign Minister Bernard Kouchner argued in May of 2008 that the RtoP should be invoked in order to coerce the Burmese government to accept international assistance in the aftermath of Cyclone Nargis, he was challenged by critics who made specific reference to the World Summit document. As a result, Kouchner later retracted his argument.¹⁶⁴ In a similar way, the specificity of the Outcome Document language helped RtoP advocates to delegitimize the Russian government’s mobilization of ‘responsibility’ and ‘protection’ language in its military action against Georgia in August of 2008.¹⁶⁵

The case of the Russia-Georgia crisis also demonstrates, however, the fact that even a narrowed set of referents will not prevent questionable applications and concept stretching. Key figures in the Russian government argued that Russia’s military action was warranted because Georgia’s treatment of South Ossetians constituted ‘genocide’.¹⁶⁶ As Gareth Evans has noted, despite conventional and legal definitions, the limits and borders of these four concepts are not always fully agreed-upon in practice.¹⁶⁷ For instance, what exactly constitutes genocide has long been the subject of debate because of some of the

¹⁶² ICISS, *The Responsibility to Protect*, “Synopsis”, xi.

¹⁶³ ICISS, *The Responsibility to Protect*. See examples throughout the Report, specifically in sections (1.2), (1.20), (2.32), (3.2), (3.43).

¹⁶⁴ For a review of the controversy, see Alex Bellamy, *Global Politics and the Responsibility to Protect* (London: Routledge, 2011), 56-58.

¹⁶⁵ International Coalition for the Responsibility to Protect (ICRtoP), “Georgia-Russia Crisis and RtoP (August 2008)” <http://www.responsibilitytoprotect.org/index.php/crises/178-other-rtoP-concerns/2749-the-crisis-in-georgia-russia>

¹⁶⁶ Thus, setting aside discussions of the legitimacy of this framing, many commentators familiar with RtoP shifted their criticism to the *unilateral* nature of Russia’s action, stressing the RtoP’s explicit stipulation that ‘responsible intervention’ must be a collective action taken through the United Nations system in order to be legitimate. See ICRtoP, “Georgia-Russia Crisis and RtoP (August 2008)”, *op cit*.

¹⁶⁷ For a brief discussion, see Gareth Evans, *Responsibility to Protect*, 12-13.

vagaries of language in the 1948 Genocide Convention.¹⁶⁸ Crimes against humanity is a fairly wide category, as defined in the 1998 Rome Statute, including murder, deportation, torture, sexual violence, disappearances, and several other types of “inhumane acts”.¹⁶⁹ Thus, there is still plenty of room for debate about what sorts of situations fall under these criteria when it comes to the practical application of the RtoP. Although the goal is ostensibly to make the application of the crisis response mechanism less controversial by formalizing the language, the politics of decision has not been fully expunged from the RtoP framework. Since the prerequisites for action are not absolutely exact, judgment and discrimination will be required in order to determine whether a particular set of acts fits into one of these categories – and whether the situation is serious enough to warrant action by outsiders. Of course, this is one of the natural consequences of the fact that RtoP is a diplomatic, ‘political’ creation and not a legalistic one. In any event, while the RtoP framework will not expunge ambiguity and contestation, the specification of four key crimes will at the very least help to channel argumentation and give arguers common standards to work with.

ii. *Framing of Conditions for Response*

A second notable change is the adjustment in language and phrasing surrounding the conditions under which the international community ought to take action. The Outcome Document suggests that the international community ought to take collective action in cases where states are “manifestly failing” to stop mass atrocity crimes. This replaces the language suggested in the ICISS report that outside action was warranted when the government in question was “unwilling or unable” to exercise its own domestic responsibility to protect. Manifest failure, of course, can be the result of any combination of unwillingness or inability. Yet Alex Bellamy suggests that this change in wording *raised* the threshold for applications of RtoP.¹⁷⁰

Unlike many of the earlier reports, the Outcome Document text included no guidelines or criteria setting out conditions where the use of force would be

¹⁶⁸ Luke Glanville, “Is ‘Genocide’ Still a Powerful Word?” *Journal of Genocide Research* 11, no.4 (2009): 467-486; Martin Mennecke, “What’s in a Name? Reflections on Using, Not Using, and Overusing the ‘G-Word,’” *Genocide Studies and Prevention* 2, no. 1 (2007), 57–72.

¹⁶⁹ Patricia M. Wald, “Genocide and Crimes Against Humanity,” *Washington University Global Studies Law Review* 6, no. 3 (2007): 621-633; Margaret McAuliffe de Guzman, “The Road from Rome: The Developing Law of Crimes Against Humanity,” *Human Rights Quarterly* 22, no. 2 (2000): 335-403.

¹⁷⁰ Alex Bellamy, “The Responsibility to Protect and the Problem of Military Intervention,” *International Affairs* 84, no.4 (2008): 623.

appropriate, a change that Gareth Evans called “[o]ne of the many disappointments” of the Summit.¹⁷¹ According to Evans, this was the result of diplomatic concern coming on two fronts. On the one hand, the Americans and other Permanent Five Security Council member saw any potential guidelines as unduly restrictive. On the other hand, many representatives from the Global South argued that adopting guidelines would only *encourage* the use of force by emphasizing the premise that it could sometimes be used appropriately.¹⁷²

It is also worth observing that the paragraphs of the Outcome Document make no use of the term ‘intervention’. While the ICISS commissioners had been at pains to stress that the baggage and problems implied by the phrase “humanitarian intervention” should not be associated with RtoP, the World Summit language avoids both words ‘humanitarian’ and ‘intervention’ altogether. Of course, for reasons related to my argument about the language of ‘intervention’ in Chapter 1, the practical significance of the change is debatable; the paragraphs nevertheless deal with types of behaviour which could certainly be described as constituting acts of intervention.

iii. Specification of the ‘Right Authority’

A third and especially significant component of the Summit Outcome paragraphs is the emphasis placed on the processes and institutional frameworks of the United Nations. Paragraph 139 of the World Summit Outcome Document expresses the preparedness of the international community to “take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII” when states are manifestly failing to protect populations from mass atrocity crimes.¹⁷³ This can be seen as making two adjustments to previous ideas – in one sense a restriction and in another sense an expansion of authority.

On the one hand, this language implies a *restriction* of authority because it leaves no room for the RtoP response mechanism to operate legitimately outside of the United Nations system. This denies the possibility that so-called ‘coalitions of the willing’ could legitimately take steps towards intervention in situations where the Security Council proved unwilling to act. This is another shift from the ICISS report, which notes that during their consultations “some Commissioners preferred more, and others less, flexibility for military intervention outside the scope of Security Council approval.”¹⁷⁴ The ICISS

¹⁷¹ Evans, *Responsibility to Protect*, 60.

¹⁷² Evans, *Responsibility to Protect*, 60.

¹⁷³ UN, 2005 World Summit Outcome Document, (U.N. A/60/L.1), §139.

¹⁷⁴ ICISS, *The Responsibility to Protect*, “Synopsis”, viii.

report's discussion of the sources of 'right authority' insists that all responsible interventions must at least initially *request* authorization from the Security Council, but left some room for multilateral action outside of UN authority under certain conditions. The wording of the World Summit Outcome disallows this possibility, reaffirming the UN Charter's restrictions on the use of force and the role of the Security Council as the sole international body permitted to consider the use of force.

On the other hand, the Outcome Document language can be seen as consolidating an *expansion* of the authority of the Security Council itself. By explicitly suggesting that the four relevant mass atrocity crimes can under certain conditions be treated by the Security Council as Chapter-VII-relevant threats to international peace and security, the RtoP paragraphs further formalize the idea that Chapter VII applies to crises *within* states as well as conflicts between them. Chapter VII of the United Nations charter deals with the Security Council's role in identifying "threats to the peace, breaches of the peace, and acts of aggression". It also gives the Council the task of determining appropriate responses. Within Chapter VII, Article 42 empowers the Security Council to "take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security."¹⁷⁵ These coercive measures may only be taken once measures not involving the use of armed force (identified in Article 41) have been determined to be inadequate to "give effect" to the Council's decisions. This consolidates the Security Council's increasing willingness, in practice, to view internal conflicts and crises as legitimate focal points for Chapter VII action, overriding the language of non-interference found in Article 2(4).¹⁷⁶ The idea that internal abuses might constitute threats to international peace and security is not new. One might consider, for example, the use of Chapter VII with regard to Apartheid South Africa, or the decision that the overthrow of President Jean-Bertrand Aristide in Haiti constituted a "threat to international peace and security".¹⁷⁷ The language of the summit Outcome Document concretizes and validates this trend.

iv. Moderated Language of 'Responsibility'

¹⁷⁵ United Nations Charter, Chapter VII, Articles 41- 42.

<http://www.un.org/en/documents/charter/chapter7.shtml>

¹⁷⁶ Article 2(4) of the UN Charter states: "Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII."

¹⁷⁷ Jared Schott, "Chapter VII as Exception: Security Council Action and the Regulative Ideal of Emergency" *Northwestern Journal of International Human Rights* 6, no. 1 (2007): 24-80.

Despite a continued emphasis on the phrase “responsibility to protect”, the language of responsibility included in the World Summit paragraphs is much more limited than it had been in previous incarnations of RtoP. The change in tone was carefully crafted. Between the draft version and the final version of the Outcome Document, the start of the first line reading

The international community, through the United Nations, also has the *responsibility* to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help to protect populations...

was changed from the original “also has the obligation”. In the same vein, the phrase “We are prepared to take collective action” replaced the original wording “We recognize our shared responsibility to take collective action”.¹⁷⁸ To note these changes is not merely nit-picking and hair-splitting. Alex Bellamy explains that these particular changes were the result of pressure applied by the delegation from the United States, headed at the World Summit by its then-Ambassador to the United Nations, John Bolton. In the former instance, Bolton initially proposed using the phrase “moral responsibility” to replace “obligation”.¹⁷⁹ Bolton called for similar change in the latter case, in order to “make clear that the obligation/responsibility discussed in the text is not of a legal character.” He explained the American position as follows: “We do not accept that either the United Nations as a whole, or the Security Council, or individual states, have an obligation to intervene under international law.”¹⁸⁰

Bolton’s distinction between moral responsibility and legal obligation is a key example of how key policy-makers and norm entrepreneurs approach the mode of responsibility associated with the responsibility to protect. Whereas legal obligation implies a relational sense of accountability embedded within social structures, Bolton’s specification of ‘moral’ responsibility is virtually an explicit attempt to refocus the language of responsibility on disembedded forms, in either an autonomous or transcendental mode. That the final wording of the World Summit Outcome Document implicitly reflects this sensibility is, I would argue, no trivial matter. Indeed, as I have been attempting to demonstrate, it reflects one of the fundamental internal tensions within the overall framework

¹⁷⁸ United Nations, *Revised Draft Outcome Document of the High-level Plenary Meeting of the General Assembly of September 2005*, (A/59/HLPM/CRP.1/Rev.2); Compare with: United Nations, “2005 World Summit Outcome,” (A/60/L.1), cited above.

¹⁷⁹ John Bolton, Letter to General Assembly President Jean Ping (August 30, 2005); available at http://www.responsibilitytoprotect.org/files/US_Boltonletter_R2P_30Aug05%5B1%5D.pdf

¹⁸⁰ Bolton, “Letter to...” (August 30, 2005), op. cit.

of the responsibility to protect – the tension between embedded and disembedded international power relationships of responsibility, and how they are imagined to be distributed. This point is taken up in greater detail in the chapters to follow.

After the World Summit: Mixed Signals and Momentum

Following the World Summit, advocates of the responsibility to protect celebrated what they saw as a hard-fought consensus. To these observers, the changes explored above did not substantially alter the spirit and purpose of the responsibility to protect in any meaningful way. The consolidation of the complex ideas of the ICISS report into a succinct and deliberate set of paragraphs seemed to be a step in the right direction. For although many advocates had seen their particular ideas, priorities or concerns negated by the specific phraseologies of the diplomatic settlement, the fact of a tentative consensus around the core principles of the responsibility to protect was sufficient cause for optimism. As Alex Bellamy has noted, other voices were more critical, arguing that the World Summit had “watered down” the results of the ICISS report and the idea of the responsibility to protect.¹⁸¹ Thomas Weiss, who had been one of the key researchers behind the ICISS report, suggested that because the World Summit language prohibited any action outside of the Security Council, it could be described as ‘RtoP lite’.¹⁸²

The debates surrounding the responsibility to protect, intervention, and the global burden of obligations and accountability, did not end with the World Summit. But the articulation of the RtoP paragraphs in the Outcome Document did mark a turning point in the conversation. The official adoption of the outcome paragraphs by member states meant that, at the very least, the *language* of the responsibility to protect could now be referenced as an element of the intellectual and political culture of the United Nations. Member-state representatives, activists, and other interested actors were now able to refer to a general consensus about the responsibility to protect, or to draw upon the specific phrasing of the Outcome Document in crafting their arguments. This gave the basic phrase ‘responsibility to protect’ and its core associations some much-needed momentum, if nothing else.

¹⁸¹ Michael Byers, “High Ground Lost on UN’s Responsibility to Protect,” *Winnipeg Free Press*, September 18, 2005, p. B3., cited in Alex Bellamy, “Whither the Responsibility to Protect? Humanitarian Intervention and the 2005 World Summit, *Ethics and International Affairs* 20, no. 2, (2006): 143-169.

¹⁸² Thomas Weiss, cited in Bellamy, “The Responsibility to Protect and the Problem of Humanitarian Intervention,” pg. 616.

Yet there were substantive outcomes as well. The narrowed parameters of the outcome text also became the reference point concerning what the responsibility to protect ‘really’ meant, and what its main elements were. Even if it was minimalist, the baseline of agreement that had emerged at the World Summit meant that the Outcome Document paragraphs, rather than the arguments of the ICISS report, now became the main authoritative basis for activism, criticism, and debate. The Outcome Document also breathed renewed life into the responsibility to protect at the *institutional* level. The provisions of the World Summit text were reaffirmed by resolution of the Security-Council the next year,¹⁸³ which then included a reference to “the responsibility of the Government of the Sudan, to protect civilians”¹⁸⁴. Both of these resolutions were welcomed as signs of progress by proponents of the concept. Furthermore, member states had now given official support for the mission of the Special Adviser of the Secretary-General on the Prevention of Genocide. This position was held first by Juan Mendez but would later be held by Francis Deng at the level of Under-Secretary-General from 2007 until 2012. Secretary-General Ban Ki Moon would later appoint Edward Luck to an additional position, as Special Advisor with a focus on the Responsibility to Protect – though bureaucratic roadblocks would mitigate the resources and influence that came with this position.¹⁸⁵ Additionally, by acknowledging “the need for the General Assembly to continue consideration of the responsibility to protect”, the outcome text also ensured that the responsibility to protect will continue to be discussed, refined, and developed. It was widely agreed that the next challenge would be guiding the idea of the responsibility to protect from principle to practice by further developing the norms, the response mechanisms and the political will necessary to ensure its successful implementation.

Conclusions and Ways Forward

Of the four refinements to the RtoP doctrine discussed above, the delegates’ careful re-positioning and re-framing of the moral language of responsibility is the element most central to the present analysis. The manoeuvring surrounding this wording is revealing of some of the subtextual political dynamics surrounding the power relations of responsibility that underpin the responsibility to protect. Indeed, the continued wrangling over the significance, nature, and practical implementation of the responsibility to protect tend to center on fundamental questions about the *nature* of the component

¹⁸³ United Nations, Security Council Resolution 1674, S/RES/1674 (2006)

¹⁸⁴ United Nations, Security Council Resolution 1706, S/RES/1706 (2006)

¹⁸⁵ Bellamy, *Global Politics and the Responsibility to Protect*, 32, note 31.

responsibilities that comprise the overall doctrine, and the extent to which the power relations of accountability are coherent, fair, and balanced.

Ambassador Bolton's distinction between 'legal' and 'moral' responsibilities cuts to the core of some of the uncertainties surrounding the responsibility to protect. Plenty of ink has been spilled attempting to identify what exactly the responsibility to protect 'is': alternately, a norm, a regime, a mechanism¹⁸⁶, a principle¹⁸⁷, a concept, a doctrine¹⁸⁸, *et cetera*. Furthermore, is it 'legal', 'moral' or 'political' in nature? And what are the implications of such categorizations? I have thus far largely bypassed this categorizing debate since, in my judgment, the RtoP is sufficiently amorphous and contested that a case could be made for any of these labels, depending on whose vision of the limits of RtoP one accepts. In a very narrow sense, the phrase 'responsibility to protect' refers to the set of steps the international community has agreed are appropriate in responding to situations in which governments are manifestly failing to protect people from mass atrocity crimes. It is a "response mechanism", to use Gareth Williams' phrase. According to Edward Luck, as far as the membership of the United Nations is concerned, "the principle of a responsibility to protect is what is contained in paragraphs 138 and 139 of the Outcome Document, nothing more and nothing less."¹⁸⁹

On the other hand, what the responsibility to protect 'is' can also be understood in a wider sense. However, even after the World Summit, there has been a strong tendency amongst participants in the debates to invoke (or criticize) principles, arguments, and concepts articulated over the course of the decade-long discussion of RtoP, such as those included in the 2001 report of the International Commission on Intervention and State Sovereignty. The conceptual coherence of the regime continues to suffer because so many of these wider doctrinal ideas were neither confirmed nor denied by the language of the World Summit consensus text. As Alex Bellamy has argued, the RtoP is not just a single

¹⁸⁶ See Evans, *The Responsibility to Protect*, 11.

¹⁸⁷ The suggestion that the responsibility to protect is a single 'principle' makes sense if one identifies it solely with one of its constituent elements, such as the idea of responsible sovereignty, or the idea of a duty on behalf of the international community to mobilize responsible interventions. But for reasons explained below, this might be too simplistic a framing.

¹⁸⁸ For works treating the RtoP as a "doctrine", see, among others, R. J. Hamilton, "The Responsibility to Protect from Document to Doctrine – But What of Implementation?" *Harvard Human Rights Journal* 19 (2006), 289–297; Carlo Focarelli, "The Responsibility to Protect Doctrine and Humanitarian Intervention: Too Many Ambiguities for a Working Doctrine," *Journal of Conflict and Security Law* 13, no.2 (2008), 191–213.

¹⁸⁹ Edward Luck, "The Responsible Sovereign and the Responsibility to Protect," *Annual Review of United Nations Affairs* (Oxford: Oxford University Press, 2007), pg. xxxv; Cited in Bellamy (2011), *Global Politics and the Responsibility to Protect* (New York: Routledge, 2011), 33.

principle, but “a collection of shared expectations that have different qualities.”¹⁹⁰

Bellamy’s emphasis on shared expectations is apt, but it is hard to see RtoP as a collection in the sense of a defined and confirmed set of ideas. Instead, it might be more sensible to refer to the ongoing *conversation* surrounding RtoP. This more accurately captures the unresolved polyphony, disagreement, and debate that surrounds the term and the main arguments that constitute it in people’s minds. At its core, the conversation surrounding the phrase ‘responsibility to protect’ centers on fundamental questions concerning what people ought to expect from one another in world politics. It is a discussion about obligations, and accountability, about how human morality, politics and law ought to apply, at the very least, to mass commissions of the most universally condemned types of atrocities. It is a debate about how to reconcile contemporary impulses towards care and concern for the most vulnerable with the contemporary structures of international politics defined by the sovereign nation-state. Questions of responsibility are fundamental to this conversation – in many senses of the term. These questions are complicated by the necessity of engaging in a re-evaluation of the global politics of responsibility, in order to struggle over essential questions about “who has standing to give or to demand accounts.”¹⁹¹ However, while *questions* surrounding the politics of responsibility are thematically crucial to the basic problematic of the responsibility to protect, satisfying responses are far from clearly defined. The moral, political, and legal quality of the expectations contained within the current incarnation of the responsibility to protect regime are decidedly unclear and ambiguous. In the next chapter, I examine these ambiguities in greater depth, and critically assess the role they play in maintaining the questionable ‘consensus’ about the RtoP.

¹⁹⁰ Alex Bellamy, “The Responsibility to Protect: Five Years On,” *Ethics and International Affairs* 24, no. 2 (2010): 160.

¹⁹¹ Walker, *Moral Understanding*, 12. Emphasis added.

Chapter 6: The Question of 'Balance'

Introduction: The Pillars of the RtoP

In 2009, Secretary-General Ban Ki-Moon and his Special Advisor, Edward Luck, presented a special report, titled *Implementing the Responsibility to Protect*, to the General Assembly as a formal response to the proceedings of the Millennium Summit.¹⁹² The report had the express aim of articulating practical steps to move forward on the RtoP initiative while still preserving the fragile consensus around the wording of the Outcome Document articles. One of the most notable dimensions of the Secretary-General's report is its framing of the responsibility to protect as being comprised of three 'pillars', representing three distinguishable but interrelated components. The three pillars are outlined as follows:

- "The protection responsibilities of the state." This first pillar refers to each individual state's responsibility to protect the people within its sovereign domain.
- "International assistance and capacity-building." The second pillar calls for international assistance and support in order to "encourage and help States" to exercise their domestic responsibilities by building up a "capacity to protect" that will prevent crises and conflicts from occurring in the first place.
- "Timely and decisive response."¹⁹³ The third pillar refers to the role (or 'responsibility')¹⁹⁴ of the international community to respond quickly and effectively to the four relevant mass atrocity crimes.

The three-pillar model rearranges the content of the summit outcome paragraphs in a way that more clearly emphasizes three of the main elements of the responsibility to protect. Pillar one corresponds to what I have called 'responsible sovereignty', while pillar two encapsulates the importance of 'sustained assistance', and pillar three covers the role of the international

¹⁹² For simplicity's sake, I will refer to Secretary-General Ban as the author of the report given that it was officially released through his office, though it should be noted that Edward Luck is widely credited as having been responsible for its composition. Ban Ki-Moon. *Implementing the Responsibility to Protect*. Report of the Secretary-General of the United Nations, 2008 (A/63/677).

¹⁹³ Ban Ki-Moon, "Implementing the Responsibility to Protect," pg. 2.

¹⁹⁴ Ban Ki-Moon, "Implementing the Responsibility to Protect," pg. 22, 26.

community in enacting 'responsible intervention' when appropriate.¹⁹⁵ This revised framing of the RtoP has helped to facilitate clearer political discussion and analysis. The three-pillar division is structured so that the first pillar refers to the role of the state, while the latter two focus on the role of the international community. Importantly, the second and third pillars distinguish between, on the one hand, the role of outsiders in sustained, precautionary assistance, and on the other hand, the role they play in pre-empting and responding to crises involving mass atrocities.

In his report, Secretary-General Ban stresses that none of these pillars is more important than another, and that they do not necessarily progress chronologically. "Like any other edifice," he suggests, "the structure of the responsibility to protect relies on the equal size, strength and viability of each of its supporting pillars."¹⁹⁶ Ban's emphasis on the equal importance of the pillars regime demonstrates his recognition that the tenuous agreement that was established at the World Summit will only be sustainable if the principles they reflect are developed equally in practice as well as in theory.

In this chapter, I examine the 'three-pillar' model laid out in the Secretary-General's Report. I focus on how the report frames the relationship between two 'layers' of the Responsibility to Protect, that is, the domestic layer and the international one. In examining the defining features of these layers, I draw on Alex Bellamy's contrast between the prescriptive and permissive components of the Responsibility to Protect, while suggesting that it is also useful to consider whether there are also prohibitive components.¹⁹⁷ I examine the relationship between these components in order to examine the precise nature of the RtoP's constituent normative expectations, which are all too often obscured by ambiguous rhetorical language.

I then offer an analysis of the most salient points of controversy surrounding the ethics and politics of the responsibility to protect. One of the premises underpinning this analysis is that the conceptualization of responsibility across the different dimensions of the RtoP are more than trivial, and will in fact have a significant bearing on the normative integrity, longevity and legitimacy of the regime. The extent to which each of the RtoP's various component "responsibilities" can be understood as embedded, relational, socio-political obligations depends on the strength of the structures of accountability that give them weight. If some of these ostensible responsibilities are seen as embedded socio-political obligations while others are more like transcendental

¹⁹⁵ For a discussion of 'responsible sovereignty', 'sustained assistance' and 'responsible intervention' as components of RtoP, see Chapter 1.

¹⁹⁶ Ban Ki-Moon, "Implementing the Responsibility to Protect," pg. 2.

¹⁹⁷ Alex Bellamy, "Whither the Responsibility to Protect? Humanitarian Intervention and the 2005 World Summit," *Ethics and International Affairs* 20, no. 2, (2006): 145.

responsibilities detached from any meaningful, relational structures of accountability, the perceived equitability of the overall regime will suffer. Indeed, in the medium to long-term, the sustained legitimacy of the Responsibility to Protect amongst the members of the global community will likely depend on the degree to which its structures of accountability are perceived to govern different actors with equitable levels of consistency or effectiveness.

The Politics of Responsibility

I suggested in chapter three that traditional approaches to international affairs have typically framed the question of responsibility in global politics in terms of disembedded, autonomous forms of responsibility, which emphasized 'inward' accountability to a country's national values, or accountability to the interests and judgments of domestic populations. Furthermore, I have begun to suggest that this sensibility is carried forward in both the ICISS report that introduced the responsibility to protect and the World Summit document that refined it.

One of the core normative commitments underlying this investigation is the contention that there are good reasons to emphasize the virtues of embedded, relational modes of accountability over autonomous and transcendental ones. Forms of responsibility that understand obligation as embedded within social morality are beneficial in that they emphasize processes of calling-to-account and account-giving that are, in my view, crucial elements of ethico-political engagement. Such engagements create a space for politicized encounters where it becomes possible to disturb and unsettle unsustainable frameworks of justification and excuse.

Of course, it is conceivable that while forms of responsibility that favour responsiveness and accountability are good, they are not *always* appropriate, and must be balanced against other moral and political considerations. There may indeed be a time and place for transcendental and autonomous approaches to responsibility. The point, however, is that these less socially responsive forms of obligation should not necessarily be accepted by default, and their logics used to make moral claims about obligation that obscure the importance of relationality and "real responding".¹⁹⁸

Even if one remains skeptical about the relative benefits of relational, transcendental, and autonomous modes of responsibility, recognizing the qualitative difference between them is *analytically* worthwhile. Recognizing the distinctions between them and how they relate to crucial questions of

¹⁹⁸ Martin Buber, *Between Man and Man* (New York: Macmillan, 1965), 18. See below.

accountability can help us to understand complex contemporary debates and disagreements about the politics of responsibility by recognizing when participants might be talking past each other. The polysemy and vagueness that characterizes the language of responsibility makes this all too possible, and so it is helpful to have ready a conceptual toolkit that recognizes the difference between account-settling and account-giving, or between forwards-looking and backwards-looking dimensions of responsibility.

Adopting an approach to the study of responsibility that emphasizes its potential relationality draws our attention to the essentially *political* nature of responsibility talk. Such an approach suggests a careful scrutiny of the rationales, arguments and rhetorical assertions that are mobilized to shore up particular relations of obligation and accountability. Furthermore, this sort of approach prompts us to adopt a critical lens towards obligation-claims framed ambiguously in the moral language of transcendental responsibility, and challenges us to ask elaborating questions about the *power relations* of accountability that are being asserted, mobilized, or called for. This makes it possible to understand what is at stake in debates and contestations about, in Marion Urban Walker's words, "who gets to do what to whom and who must do what for whom, as well as *who has standing to give or to demand accounts*."¹⁹⁹

My goal in this project, then, is to explore how some of the most challenging arguments about obligation and duty in contemporary global politics are complicated by wider struggles over the structure of international social relationships of accountability. As such, my primary empirical interest is in examining the social phenomena involved in socio-political structures of responsibility. Of the three modes of responsibility distinguished in chapter three, then, it is the *relational* mode that I intend to focus on. In the chapters that follow, whenever my meaning is unclear, the reader will be safe to presume that my assertions about responsibility and obligation are meant in this 'sideways', relational, social sense. I aim to make few to no assertions about transcendental obligations, and will thus make no attempt to derive and justify certain core duties from social contract theory, or from authoritative voices in philosophy or political theory. Simply put, this is not a project that makes primary arguments about who ought to do what for whom and why. There are two reasons for this. First, to be truthful, my own ontological and epistemological commitments incline me to be skeptical about whether there exist any 'objective' or 'transcendental' obligations available from a source outside of human social relations and human judgments. Second, and most importantly, there is plenty enough work to be done in *studying* prominent

¹⁹⁹ Marion Urban Walker (2007). *Moral Understanding: A Feminist Study in Ethics*, 2nd Edition, (Oxford: Oxford University Press), 12. Emphasis added.

primary arguments about responsibility that a full elaboration on my own ethical musings must necessarily be left for future writing projects.

However, this does not mean that I see this exercise as ethically neutral, morally agnostic, unbiased or devoid of normative content. I do have an agenda; I am reasonably convinced that the ways in which arguments about responsibility and obligation are articulated in contemporary global politics tends to be muddled and obscurant in ways that allow problematic claims to go unchallenged and troublesome dynamics to go uninterrogated. My hope is that by helping to find clearer and more thoughtful ways to think critically about, *and articulate, arguments about* responsibility, I will contribute something to the quality of contemporary conversations about international ethics. Much of my normative purpose in this project is to show, as best I can, that clearer conversations about responsibility are likely to be 'better' ones.

In light of all the awkwardness and ambiguity associated with the concept, we might be tempted to declare the word 'responsibility' to be more trouble than it is worth. However, although the polysemy of the concept might prove burdensome, the manifold ideas and relationships that it signifies are of fundamental importance to human social interaction, and should not be dismissed. The dynamics of setting expectations, examining agency, and holding accountable are of sufficient consequence to make it worthwhile to slog through the dense verbiage. Demystifying moral language helps to make sense of what is at stake in arguments about responsibility, and what sorts of *power relationships* those arguments describe or prescribe. Both in public and in private, argumentation in writing and speech is a crucial determinant of who is held accountable for what, by whom, and with what disciplinary outcomes and power effects. Far from being merely 'academic', then, the subtleties of the language of responsibility can therefore be enormously consequential for people's lives, their relationships, and the outcomes of their struggles.

As such, the ability to develop and articulate compelling arguments about obligations, responsibility and culpability is a considerably potent form of social power. This prompts us to recognize a further reason to take the polysemy of 'responsibility' seriously: the possibility that its imprecision, besides allowing missteps and foibles, might also provide cover for careless – or purposefully ambiguous -- deployments of rhetorical power. Terminological ambiguity is a notoriously potent resource for clever arguers and rhetoricians who can utilize cloudy rhetoric to their advantage. Although slipping between related senses of a term is often the result of simple error, it can also sometimes serve as a slyly obscurant rhetorical move, helping the arguer to gain widespread adherence and agreement on murky and questionable grounds.²⁰⁰ Of course, while conceptual ambiguity and obfuscation can be weighty resources in the power relations of

²⁰⁰ See Harry G. Frankfurt, *On Bullshit*, (Princeton: Princeton University Press, 2005).

responsibility, so can clear-mindedness and crisp argumentation. Conducting a careful critical analysis of contested concepts like ‘responsibility’ therefore requires one to be alert and savvy enough to notice such slippages, and perhaps to point out their uses, abuses, and power effects.

Balancing the Pillars

The three-pillar framing of the RtoP set out in the Secretary-General’s report roughly correspond to some of the same priorities which the ICISS commissioners had framed as discrete ‘responsibilities’: the responsibility of states to protect their people; the responsibility of the international community to help at-risk states build preventative capacity; and the responsibility of the international community to make a “timely and decisive response” when crises emerge. It should be noted, however, that mapping the concept of ‘responsibility’ or ‘obligation’ onto the content of the three pillars is not unproblematic or uncontroversial. In fact, while the first pillar is indeed framed as a “responsibility” in the Secretary-General’s report, the other two pillars are not – at least not consistently. Whereas the ICISS commissioners had placed a great emphasis on what they called the responsibility to prevent, the responsibility to react, and the responsibility to rebuild, the language negotiated at the World Summit was more restrained.²⁰¹ Some aspects of the responsibility to protect are framed as responsibilities, but others are not – and quite deliberately so.

The language of responsibility has permeated the conversation about the Responsibility to Protect from the beginning, since the introduction of the phrase by the members of the International Commission on Intervention and State Sovereignty in 2001. The concept is built into the very fabric of the doctrine, most obviously in its titular key phrase. However, the overall framework of the responsibility to protect does not just capture one singular responsibility. Instead, the phrase has come to describe a linked bundle of responsibilities, distributed amongst national and international actors in different circumstances.

As I have argued, the concept of responsibility is a notoriously slippery one, since although its connotations might seem to be a matter of common sense, it can be used to describe significantly different social and philosophical ideas. In different contexts, “responsibility” is used to talk about obligation, accountability, ethical diligence, characteristic trustworthiness, evaluative blameworthiness, culpability, causal determinacy, and degrees of empowered moral agency. A great deal of confusion can result from slipping between these

²⁰¹ As I noted in Chapter 6, this reflects an acknowledgement of the intricacies of the language of responsibility by World Summit negotiators.

ideas, so the conceptual distinctions between them are worth keeping at the front of one's mind when examining the explicit (and implied) meaning of the language of "responsibility" that recurs so often throughout RtoP discourse.

In order to analyse and parse out the multifaceted discourse of responsibility that pervades the R2P conversation, two key conceptual distinctions are worth making at the outset. First, it is important to note that despite the recurring language of "responsibility" in R2P discourse, not all of the interrelated principles and expectations that make up the Responsibility to Protect involve the ascription of positive duties. It is necessary to distinguish between the doctrine's prescriptive components and its permissive components.²⁰² The RtoP not only covers what certain actors should do, but also what they *may* do under certain circumstances. Further to the point, it is also useful to consider the function of *prohibitive* components -- those that outline expectations dealing with what actors may *not* do. Focusing lucidly on the practical difference between permission, prohibition and requirement allows a more complete examination of the politics of the responsibility to protect than is possible when these concepts are collapsed and confounded under the foggy concept of "responsibility". Each of these three ethico-political components has, in practice, been the subject of great debate during the decade-long conversation about the R2P.

Second, it is crucial to distinguish between what I referred to in chapter three as different 'modes' of responsibility in the sense of an obligation or requirement. Even the meaning of responsibility-as-obligation has multiple possible interpretations. One crucial distinction concerning the different meanings of responsibility is best explained with reference to Daniel Warner's distinction between social morality, on the one hand, and ideal morality, discussed in the previous chapter.²⁰³ That distinction helps to understand the difference between two conceptualizations of responsibility. On the one hand, responsibility can be understood in an *embedded* way, such that actors 'have' responsibilities because of practical socio-political relations of oversight, calling-to-account, judgment, and disciplinary response. On the other hand, responsibility can be understood in a way that is *disembedded* from relational social arrangements, including either transcendental responsibilities that emphasize the standards of a higher non-human authority or reference point or autonomous responsibilities wherein the relevant standards and judgments are those internal to the actor.

²⁰² For similar points, see Alex Bellamy, "Whither the Responsibility to Protect?", 145; Luke Glanville, "The International Community's Responsibility to Protect" *Global Responsibility to Protect* 2 (2010), 288.

²⁰³ Daniel Warner, *An Ethic of Responsibility in International Relations*, 2.

Third, it is essential to distinguish between the domestic and the international layers of the responsibility to protect. States framed as the potential sites of mass atrocities subject to RtoP concern have qualitatively different responsibilities than outside states cast as helpers and/or interveners. The power relations of responsibility pertaining to each are structured differently in most versions of the responsibility to protect. By examining the permissive, prescriptive and prohibitive components of each layer, and how they relate, it is possible to come to some insight about the structures of accountability and the power relations of responsibility that are set out by the RtoP regime in its present form. This, in turn, may help to better understand some of the longstanding critiques and concerns that have been leveled against the present shape of the responsibility to protect.

The Domestic Layer of the Responsibility To Protect

The domestic layer of the responsibility to protect forms the first of the three pillars set out in the Secretary-General's report, "the protection responsibilities of the state."²⁰⁴ The ICISS report articulated this domestic layer as one of two basic principles of the RtoP, summarizing it as follows: "State sovereignty implies responsibility, and the primary responsibility for the protection of its people lies with the state itself."²⁰⁵ Understood in general terms, the idea of a domestic responsibility to protect has been the subject of relatively little controversy. It is in the fine details of the concept of responsible sovereignty that the potential for contestation arises.

The ubiquitous use of the positive diplomatic language of responsibility tends to obscure the fact that the domestic layer of RtoP has both a prescriptive and a prohibitive component. Its prescriptive component focuses the state's positive duty to protect the population within its borders from mass atrocity crimes. Inversely, the prohibitive component of the domestic layer reinforces the idea that state authorities may not *commit* mass atrocity crimes against their populations, nor may they stand idly by while such crimes are being carried out. The idea that states may not commit mass atrocity crimes against their own people is a good example of how the wider doctrine of RtoP outstrips the explicit scope of the World Summit Outcome Document. The prohibition is already set out in other established bodies of diplomatic convention and international law, which allows it to be understood as forming part of the RtoP doctrine without being explicitly re-articulated in the language of the consensus text. Of course, to a certain extent, the prohibitive component is the logical flip side of the

²⁰⁴ Ban Ki-Moon, "Implementing the Responsibility to Protect."

²⁰⁵ ICISS, *The Responsibility to Protect*, pg. xi.

prescriptive component. Yet the two ideas are distinct to the degree that there is a meaningful difference between negative duties (what an actor must refrain from doing) and positive duties (what an actor must do). Indeed, this difference has been quite relevant to the idea that state governments should be held to account for their acts of omission as well as their acts of commission, an idea that is central to related debates about when outside intervention is permitted.²⁰⁶

The domestic layer of the Responsibility to Protect does not have much of a permissive component. In other words, it does not introduce or emphasize any significant ideas about what individual states may legitimately do. Its main function is not to grant states more freedoms but to challenge the inter-state culture of permissiveness which has traditionally allowed domestic authorities free reign under the principle of sovereignty. Taken together, the prescriptive and prohibitive components work to destabilize the traditional norm of impunity that has, in the past, allowed state authorities to commit mass atrocity crimes with relatively little fear of reproach. In other words, beyond ascribing transcendental or autonomous 'duties' to state authorities, the domestic layer of the Responsibility to Protect also arguably attempts to make sure that they have some measure of socio-political *accountability*, embedded in the power relations of international society, for actually fulfilling those duties. This mirrors the argument made in *Sovereignty as Responsibility* that governments be "accountable not only to their national constituencies, but ultimately to the international community,"²⁰⁷ and reiterated years later in Francis Deng's claim that the international community should "hold governments accountable in the discharge of their national responsibilities."²⁰⁸

The idea that the RtoP regime will help to "end impunity" has been a recurring theme in RtoP discourse, both before and after the World Summit.²⁰⁹ Yet given that the Outcome Document text is silent on the idea of holding states accountable, or on international criminal prosecution of rights abusers and war criminals, this is another example of the way in which the ostensible content of the doctrine extends beyond the explicit language of the Outcome Document. The lack of explicit agreement means that the precise content of the wider

²⁰⁶ ICISS, *The Responsibility to Protect*, §2.15, pg. 13.

²⁰⁷ Deng et al, *Sovereignty as Responsibility*, 1.

²⁰⁸ Deng, Francis M., "From 'Sovereignty as Responsibility' to the 'Responsibility to Protect'," *Global Responsibility to Protect 2* (2010): 354.

²⁰⁹ For examples of works linking the RtoP to the fight against impunity, see Ban Ki-Moon, "Implementing the Responsibility to Protect," section 14, p. 5; Bellamy, *Responsibility to Protect*, 118-128. See also the statements of Member State representatives during the General Assembly Debates: General Assembly, 63rd Session, 97th Plenary Meeting, Thursday, July 23, 2009, A/63/PV.97. Among others, see the statements by France (p.10); Bosnia and Herzegovina (p.15); Italy (p.27).

doctrine is still open for interpretation and contestation. While few commentators have objected to the general idea that state authorities should be accountable for their acts and omissions with respect to mass atrocity crimes, there has been little substantive agreement on exactly what this means in practice. On the one hand, there seems to be an understanding that under ideal circumstances, domestic structures of accountability are those best suited to administer justice. On the other hand, there is room for significant disagreement about what the international community should do when those domestic structures are weak or failing, and about what the consensus text does or not imply.

The International Layer of the Responsibility To Protect

According to the Secretary-General's report, the second and third pillars of the responsibility to protect consist of "international assistance and capacity-building" and "timely and effective response". Both of these describe the role of actors outside the state in helping to protect populations from mass atrocity crimes. However, it is perhaps worth noticing that the Secretary-General presents these phrases as sentence fragments, rather than mirroring the ICISS commissioner's suggestion that outside actors have a "responsibility to react" as well as a "responsibility to react".²¹⁰ This seems to reflect a recognition of the fact that the commitments reflected in the World Summit Outcome Document do not necessarily reflect prescriptive obligations. In order to examine the exact normative content of the second and third pillars, it is once again useful to distinguish between the permissive, prescriptive, and prohibitive components of the relevant normative ideas.

The idea that intervention by individual states or coalitions of the willing is rendered illegitimate by the RtoP regime forms the basis for what might be seen as the prohibitive component of the Responsibility to Protect's international layer. Whether this prohibition has actually been effected, however, remains to be seen. On the one hand, the language of the Outcome Document mentions only collective interventions authorized under Chapter VII of the Charter by the Security Council – and then only where other means have failed. One of the significant shifts that occurred between the ICISS report and the finalization of the World Summit consensus text was the rejection of language outlining the possibility for actions to be taken in the event that the Security Council failed to act.²¹¹ However, as Bellamy points out, the language of the Outcome Document does not necessarily preclude states from taking

²¹⁰ ICISS, *The Responsibility to Protect*, pg. xi.

²¹¹ ICISS, *The Responsibility to Protect*, §6.7, pg. 48; §6.31, pg. 53.

unilateral action: the wording could be read as suggesting that “concerned states *may* work under the Council’s rubric but may also choose to work through alternative arrangements.”²¹² Indeed, because of the ambiguity of the text, it is not clear whether there is a consensus around the prohibition of intervention outside of the Security Council. In any case, the formulation of structures of accountability that might hold states *accountable* for unauthorized intervention has not been a significant part of the debate.

Despite the ubiquity of the language of responsibility throughout RtoP discourse, the prescriptive component of the regime’s international layer is also unclear – at least in the sense relevant to the distinction between disembodied responsibilities and embedded socio-political responsibilities. This has raised questions amongst those who view the RtoP with a critical eye. For example, in July 2009, in advance of a General Assembly debate about RtoP, General Assembly President Miguel D’Escoto Brockmann circulated a “concept note” expressing a number of concerns about the utility and viability of the Responsibility to Protect regime.²¹³ Some of Brockmann’s points focused on the wording of the World Summit Outcome Document. He argued that the language of the consensus text is “carefully nuanced to convey the intentions of the member states.”²¹⁴ He focused on a disparity in the tone of the text, noting that while the state’s responsibility to its own people is made clear, the responsibilities held by the international community are much more ambiguous. He suggested that the abundance of qualifiers in paragraph 139 implies a “voluntary, rather than mandatory engagement”, which “precludes a systematic responsibility.”²¹⁵ Brockmann elaborated on this concern in his introductory remarks to the interactive dialogue. “If proponents are correct in claiming that R2P is permissive, not obligatory, then it cannot compel action where the international community may believe strongly that it is necessary.”²¹⁶ He therefore questioned whether the doctrine of the Responsibility to Protect would help to make sure that states would intervene to prevent future mass atrocity crimes – one of the original purposes of the whole initiative.

As I noted earlier in this chapter, the phrases cited by Brockmann were indeed the result of careful terminological wrangling. When Ambassador John Bolton, representing the U.S.A. suggested that a reference to the “obligation” to

²¹² Alex Bellamy, “Whither the Responsibility to Protect?”

²¹³ Miguel D’Escoto Brockmann, “Concept Note on Responsibility to Protect Populations from Genocide, War Crimes, Ethnic Cleansing and Crimes Against Humanity,” United Nations, July 17, 2009.

²¹⁴ Brockmann, “Concept Note.”

²¹⁵ Brockmann, “Concept Note.”

²¹⁶ Miguel D’Escoto Brockmann, “At the Opening of the Thematic Dialogue of the General Assembly on the Responsibility to Protect,” July 23, 2009.

<http://www.un.org/ga/president/63/statements/openingr2p230709.shtml>

help protect populations be changed to “moral responsibility”, the rationale for the change corresponded with the practical and conceptual difference between disembedded and embedded forms of responsibility, articulated in chapter three. The phrase “moral responsibility” is often used to imply transcendental or autonomous duties not tethered to relational structures of accountability. This is contrasted to “legal” or “political” responsibility, which are understood as implying a form of obligation that is relationally embedded. In Bolton’s terms, if individual states or bodies like the Security Council have a ‘duty’ to take action, then that duty is of a transcendental or autonomous ‘moral’ character, rather than being the sort of obligation one owes to other actors in a relational sense.

That this change was not considered especially problematic may underscore the fact that the exact nature of the prescriptive “responsibilities” of international actors has rarely been discussed in the context of RtoP. Nor, for a long while, was there much focus on developing accountability structures that might give such responsibilities socio-political weight and authenticity. Instead, throughout the years of debate over RtoP, the concept of international “responsibility” has been understood as expressing a loose moral impulse around which there was enough of an “overlapping consensus”²¹⁷ to move forward, but which did not warrant much justification or support. There seem to be several reasons why responsibility-talk regarding the international layer of the RtoP has remained relatively superficial. On the one hand, appeals to responsibility have been treated as uncontroversial because of the ways in which past atrocities and inaction had “shocked the conscience of mankind”.²¹⁸ On the other hand, it seems likely RtoP norm entrepreneurs are familiar enough with debates about international justice, ethics, and morality to know that the exact *reasons* why the international community might have a “responsibility” to respond to atrocities would likely be the subject of tremendous contestation and debate. Thus, there has likely been a conscious effort to maintain the overlapping consensus by emphasizing the fact that there was general agreement *that* members of the international community had a responsibility to act without stirring up unhelpful controversy by making sustained arguments about *why*.

There is another, more critical explanation. The case can be made that throughout the RtoP conversation, loosely prescriptive claims about responsibility have mainly served as a rhetorical framing tool used to ‘soft-sell’ the *permissive* component of the doctrine. Since the first articulation of the core RtoP principles by the members of the International Commission on Intervention and State Sovereignty, it has been common to find substantive claims about permission expressed in the language of obligation. Ideas about the permission

²¹⁷ John Rawls, *A Theory of Justice*, Cambridge: Bellknap Press, 1971.

²¹⁸ ICISS, *Responsibility to Protect*, §4.13, pg. 31.

to intervene and ideas about the responsibility to intervene have been treated interchangeably rather than separated out for discrete consideration. This has had two major consequences on the shape of the discussion. First, it has had a deleterious effect on the lucidity with which the parameters of the international *obligation* to intervene (and/or assist) has been considered, debated and developed. Second, it has obscured the permissive component of the international layer of the Responsibility to Protect and complicated debates on that issue by obfuscating their practical political stakes. While this obfuscation could, in theory, be the result of imprecise thinking, it seems just as likely that the vagueness around this distinction is a purposeful deployment of ambiguity – a strategic framing intended to encourage acceptance of the RtoP framework while depoliticizing some of its most contentious dimensions.

The Requirement and Permissibility of Intervention

A major part of the wider conversation about the responsibility to protect has focused on the conditions under which outside actors are *permitted* take action into the territory of a sovereign state – even against the wishes of the state authorities. Discussing when it is permissible to act is crucial to the agenda, because prescriptive conclusions about what members of the international community ought to do are futile unless they are free to actually do it. Of course, as advocates of the RtoP are often at pains to emphasize, the prospect of unwelcome intervention is only a matter of last resort, acceptable under very limited conditions, and even then only after other more agreeable forms of timely and decisive response have failed. Nevertheless, restricted though it might be, this matter of last resort is a crucial part of the RtoP. A key part of the policy agenda has been to find the right “principles, norms, rules and decision-making procedures”²¹⁹ to constitute a regime for the legitimate use of intervention. The challenge has been to accomplish this without alienating those who are suspicious of the very idea of intervention – those who argue that international peace and stability is best protected by strict adherence to the norm of non-intervention.

An important part of the norm entrepreneurship around RtoP has been careful and conscious choice of palatable terminology. Proponents have learned to avoid certain phrases at all costs. For instance, the phrase “humanitarian intervention” has been the subject of heated controversy in global politics and is now widely considered taboo in diplomatic circles.²²⁰ It has enormous discursive baggage. It invokes the idea of a unilateral prerogative, wielded unaccountably

²¹⁹ Krasner, “Structural Causes and Regime Consequences,” 186.

²²⁰ ICISS, *The Responsibility to Protect*, §1.39, pg. 9.

by powerful states. Sometimes phrased in terms of a “right”, the concept of humanitarian intervention is widely treated as a rhetorical euphemism, putting a thin veil of legitimacy on the self-interested deployment of coercive power to interfere in the affairs of others. It is therefore frequently cited as an example of the way in which the exercise of power politics can be disguised by the language of humanitarianism and morality. These associations help to explain why this phrase is almost never used by advocates of the RtoP. In fact, the phrase “responsibility to protect” was initially conceived as a succinct and effective way to signal a paradigm shift away from the focus on the right of humanitarian intervention which had previously dominated debates about humanitarian crises.²²¹ However, this shift has been more discursive than substantive; arguments about the permissibility of intervention for humanitarian purposes have remained central to the RtoP framework. They have merely been dressed in kinder, gentler language.

Indeed, the permissive component has often been underplayed in the rhetorical construction of arguments about the doctrine – especially surrounding the question of forceful intervention. In a recurring move tending unhelpfully towards doublespeak, the idea of “may” is often rhetorically obscured by the language of “ought”. A quintessential example of this slippage can be found at the outset of the original 2001 report of the ICISS. In the opening synopsis introducing the very concept of the Responsibility to Protect, the ICISS commissioners express the second of the doctrine’s basic principles as follows: “Where a population is suffering serious harm, as a result of internal war, insurgency, repression or state failure, and the state in question is unwilling or unable to halt or avert it, the principle of non-intervention yields to the international responsibility to protect.”²²² What is implied but essentially elided in this sentence is the crucial idea that outsiders are *permitted* to do what they are required to do. Framing this key premise in terms of the the prescriptive language of responsibility allows the commissioners to avoid an explicit assertion of the permissibility of protective intervention while still functionally making such an assertion by implication.

Rhetorical Entrapment and the RtoP

Several analysts have commented on the ‘buyer’s remorse’ exhibited by many nation-state representatives in the aftermath of the 2005 World

²²¹ Gareth Evans, *The Responsibility to Protect*, 3-5.

²²² ICISS, *The Responsibility to Protect*, pg. xi.

Summit.²²³ While it has sometimes been dismissed as based on leaders' misunderstanding or misconstruing the principles of the consensus, the 'buyer's remorse' phenomenon should also raise questions about what the successful passing of the World Summit text was intended to accomplish, and the degree to which those goals were indeed accomplished. The archetypical model of norm entrepreneurship certainly relies upon the conception, articulation, and acceptance of well-developed norms. Yet in practice, norms and principled ideas can be articulated and spread without being well-developed, and what qualifies as meaningful 'acceptance' is a matter of degree.

Ronald Krebs and Patrick Jackson have demonstrated how state actors often use "rhetorical coercion" in an attempt to put counterparts in a difficult position:

While claimants may deploy arguments in the hope that they will eventually persuade, their more immediate task is, through skillful framing, to leave their opponents without access to the rhetorical materials needed to craft a socially sustainable rebuttal. Rhetorical coercion occurs when this strategy proves successful: when the claimant's opponents have been talked into a corner, compelled to endorse a stance they would otherwise reject."²²⁴

Similarly, Risse and Sikkink's 'spiral model' of international human rights socialization (discussed in Chapter 4) shows how activists often attempt to get recalcitrant governments to commit in speech to certain principled ideals, hoping that even hollow commitments may prove to take on a normative momentum, leading to unintended levels of institutionalization, socialization and internalization. Frank Schimmelfennig offers a fairly appropriate name for this strategy, describing it as "rhetorical entrapment".²²⁵ Through rhetorical manoeuvres, he argues, actors can be shamed out of self-interested behaviour and into compliance by exposing the inconsistency between their deeds and their publically professed principles.

Understanding the push for recognition of the responsibility to protect at the 2005 World Summit as an attempt at rhetorical entrapment by RtoP advocates seems appropriate. The attempt to secure an international

²²³ Gareth Evans, "The Responsibility to Protect: An Idea Whose Time Has Come... and Gone?" *International Relations* 22, no. 3 (2008), 288; W. Andy Knight, "The Development of the Responsibility to Protect – From Evolving Norm to Practice," *Global Responsibility to Protect* 3, no. 1 (2011), 35.

²²⁴ Ronald Krebs and Patrick Thaddeus Jackson, "Twisting Tongues and Twisting Arms: The Power of Political Rhetoric," *European Journal of International Relations* 13, no. 1 (2007): 36.

²²⁵ Frank Schimmelfennig, "The Community Trap: Liberal Norms, Rhetorical Action, and the Eastern Enlargement of the European Union," *International Organization* 55, no. 1 (2001): 47-80.

commitment to the idea seemed to hold the promise that even the barest of agreement based on the 'lowest common denominator' of principled ideas could form the bedrock upon which future norm development could be premised. From the point of view of RtoP advocates, if skeptical state representatives who tended to misrepresent or misunderstand the doctrine could be convinced to voice acceptance of its *least* controversial components, they might eventually be brought to see that their previous concerns had been misplaced. What mattered was maintaining momentum and developing even the barest form of 'consensus' upon which later arguments and legitimizing appeals could be based.

Describing the 2005 push for UN recognition of the RtoP as an attempt at 'rhetorical entrapment' does not necessarily mean ascribing nefarious ulterior motives on the part of its proponents. Indeed, it could be argued that attempt to pursue a strategy of rhetorical entrapment in the interest of addressing the problem of mass atrocities is not only defensible but admirable from the point of view of all those who agree that genocide and war crimes are worth organizing against, even if it means twisting the tongues and twisting the arms of reluctant state leaders.²²⁶

Instead, the point is that the attempt to secure and maintain consensus may have required advocates of the responsibility to protect to gloss over some of the most significant – and thus potentially controversial – dimensions of the RtoP framework, sacrificing any attempt to fully develop the principled ideas at stake. Indeed, the 'consensus' version of the responsibility to protect regime seems, on closer scrutiny, to have established only superficial agreement about these weighty issues. Tentative agreement has been reached, it seems clear, by successfully employing a framing of the relevant relationships that employed the ambiguous language of responsibility to satisfy various parties and stakeholders, offering yet another example of the well-worn diplomatic utility of vagueness. It seems evident, then, that the result has been the establishment of a working 'overlapping consensus' in the Rawlsian sense: different actors agreed that the text was satisfactory, even if their reasons for agreeing to it were based on differing interpretations and understandings.

It is conceivable, of course, that this overlapping consensus may prove to be functionally sufficient. Since the various players and stakeholders that participate in international diplomacy and decision-making disagree on so many fundamental philosophical, religious, and political issues, perhaps a practical commitment to addressing mass atrocity crimes is the best that can be hoped for. Indeed, some practitioners might argue, the goal of saving lives in practice requires that diplomats and norm entrepreneurs let the proverbial sleeping dogs of moral theory and political philosophy lie.

²²⁶ My phrasing here purposefully borrows from Krebs and Jackson, "Twisting Tongues and Twisting Arms", *op cit*.

Yet it is equally plausible that some of the vagaries and ambiguities upon which the 2005 RtoP consensus was based will cause that consensus to unravel as it is put to the test in the thick practice of crisis response – or even as its ethical and political implications are more carefully weighed and interpreted by academics, policy-makers and civil society. While the consensus language of the World Summit Outcome Document contributed to further developing firm ideas about the sorts of crimes that ought to ‘count’ under the RtoP rubric, and where to place the authority for deciding upon RtoP-based responses, the precise nature of the ‘responsibilities’ at play remain decidedly *underdeveloped*. Furthermore, it may well be that the distribution of responsibilities under the current version of RtoP benefits some state actors much more than others. While this may not have proved to be a problem in the short term, it may create crises of legitimacy for the RtoP framework in the longer term. If so, it may be that arriving at a truly *sustainable* consensus on the overall framework of the responsibility to protect will require a wider degree of agreement about the global distribution of obligations, and international systems of accountability.

Conclusions and Ways Forward

As mentioned above, the Secretary-General’s report emphasizes the equal importance of the three pillars of the responsibility to protect. “If the three supporting pillars were of unequal length,” the report argues, “the edifice of the responsibility to protect could become unstable, leaning precariously in one direction or another.”²²⁷ The equal viability of each of the three pillars is not just an operational matter, but also reflects an important political reality. The fragile diplomatic consensus reached at the World Summit depends on the equal balancing of the component principles of the RtoP. Each of the three pillars represents a package of normative and procedural principles, emphasizing a different dimension of the complex social relations of responsibility that make up the regime. Throughout the continuing debate, various diplomats and commentators have expressed varying amounts of enthusiasm and suspicion about each of these components. It has therefore been necessary to balance key concerns by incorporating compromises and trade-offs into the doctrine.

Given that the third pillar is the most contentious, many observers see the other two pillars as forming a sort of authenticity test for principled and legitimate use of intervention. At the 2009 debate over RtoP at the UN, for example, the delegate from Pakistan argued that actors moving too quickly to the third pillar should be called out and challenged, and told: “you must slowly legitimize your access” to the permissions of the third pillar by showing a

²²⁷ Ban Ki-Moon, “Implementing the Responsibility to Protect,” p. 9.

willingness to fulfil the ostensible duties of the other two.²²⁸ For many actors, balance across the three pillars is crucial to the overall legitimacy of the regime.

As I shall demonstrate in the next chapter, an increasing number of criticisms have argued that the existing framework of the RtoP regime is indeed off-balance. Some of the RtoP's most prominent critics have argued that RtoP discourse's pervasive language of global responsibility rings hollow. They have seized on some of the crucial ethical and political ambiguities that persist in the doctrine. They have attempted to call the normative rhetoric of the Responsibility to protect into question by juxtaposing its characteristic language of 'responsibility' with the everyday practices of interstate politics, where structures of accountability are all too often undermined and resisted by powerful actors – many of the same actors who are most empowered and made least vulnerable by the emergent RtoP regime. In so doing, they attempt to link the debates about the responsibility to protect regime to much wider debates about global ethics, international accountability, and duties of justice across borders.²²⁹ One result of this has been the effort to link the implementation of the responsibility to protect to other efforts to increase global accountability, such as the International Criminal Court and the issue of Security Council reform.²³⁰ Some of these critics have been scolded for introducing criticisms from out of left field, abstracting away from the subject at hand in order to 'critique' the responsibility to protect without taking its core principles seriously. On closer inspection, however, these apparent abstractions should be understood as critical interjections about the politics of international responsibility and accountability, issue areas that cut to the very core of the debates over the responsibility to protect.

Paying careful attention to the emerging criticisms which the RtoP now faces can help to identify some of the big-picture questions that will need to be addressed in order to grant the regime lasting legitimacy. The working consensus on the Responsibility to Protect rests on a political compromise between diplomatic elites, established at the World Summit, but the emergence of renewed doubts demonstrates that the compromise is not entirely stable. Its maintenance will depend on the degree to which the regime's sense of balance

²²⁸ Remarks by the representative from Pakistan, General Assembly, 63rd Session, 98th Plenary Meeting, Friday, July 24, 2009, A/63/PV.98, p. 2.

²²⁹ See, for example, the statements by Noam Chomsky, Jean Bricmont, and Ngugi wa Thiong'o to the UN General Assembly Interactive Dialogue on the Responsibility to Protect, New York, 23 July, 2009; <http://www.un.org/ga/president/63/interactive/responsibilitytoprotect.shtml>

²³⁰ For examples, see the statements of Member State representatives during the General Assembly Debates: General Assembly, 63rd Session, 98th Plenary Meeting, Friday, July 24, 2009, A/63/PV.98. On Security Council Reform, see the statement by the representative from Egypt (pg. 9). On the International Criminal Court, see the statement by the representative from Japan (pg.21).

can be adequately strengthened, so that the regime provides a complex structure of accountability that is effective, consistent and equitable. In turn, strengthening the second pillar will require more careful consideration about the obligations that actors have to one another even across state borders. Indeed, if the Responsibility to Protect is going to provide an effective response mechanism through which the tension between sovereignty and humanitarianism are to be overcome, it will likely be necessary to move beyond breezy rhetoric and conduct more deep thinking about the global politics of responsibility and the diffuse ethico-political 'fields' of accountability that give it shape.

Chapter 7 – Situating the Politics of Intervention

Introduction

In this chapter, I aim to explain some of the tendencies of participants in the responsibility to protect debate to ‘talk past each other’, and to engage in seemingly petty meta-debates about what is and is not the ‘matter at hand’. A key part of the argumentative politics of the responsibility to protect, I suggest, is this second-level wrangling about whether the framework can or should be treated in isolation from other issue areas related to human rights, human needs, and human security. Part of my aim in this is to take seriously the efforts of skeptics and critics to situate assessments of the responsibility to protect in a wider social and political context, arguing that such critiques are not ‘needless politicizations’ nor ‘unhelpful distractions’ even if the manner of their framing and presentation do not always manage to demonstrate engagement with the careful stipulations of responsibility to protect proponents on their own terms. I suggest that these debates can be most helpfully understood in terms of the differing political strategies of three groups of actors: ‘broadeners’ seeking to apply RtoP to domains beyond the four stipulated atrocity crimes; ‘narrowers’ aiming to entrench and defend the limited applicability of RtoP to those four crimes; and ‘translators’ hoping to parlay some of the explicit and implicit ethico-political premises of the RtoP into an improvement in the transnational politics of responsibility beyond the parameters of the RtoP doctrine.

The 2009 Interactive Dialogue

In July of 2009, the United Nations General Assembly convened for an interactive dialogue to continue its consideration of the responsibility to protect. The discussion was intended to follow up on the text of the 2005 World Summit Outcome Document, which had called on the General Assembly to actively continue its consideration of the responsibility to protect. A few days in advance of the interactive dialogue, Secretary-General Ban Ki-Moon had formally presented his report on *Implementing the Responsibility to Protect*, produced with significant input from the Secretary-General’s Special Advisor on the Responsibility to Protect, Edward Luck. The report was presented to the General Assembly as a formal response to the proceedings of the Millennium Summit. It had the express aim of articulating practical steps to move forward on the RtoP initiative while still preserving the fragile consensus around the wording of the outcome document articles.

The particular moment in which the interactive dialogue and debate unfolded offered something of a 'kairotic moment'²³¹ for discussion of RtoP; In July of 2009 the inauguration of Barack Obama as president of the United States had tempered some of the international diplomatic discord associated with the baggage of the Bush Administration's relatively unenthusiastic approach to international institutions, and while the ongoing war and occupation in Iraq was still a sore point, there was a sense that the new administration was prepared to head in a different direction. The social unrest in the Middle East and North Africa associated with the 'Arab Spring' of 2011 had not yet taken place, so the complex diplomatic, strategic, practical and legal questions associated with the eventual 2011 military intervention in Libya and the wrangling over intervention in Syria were not yet on the horizon. In short, it seemed to be a period of transition, a temporary period of (relative) calm, where the issue of 'intervention' could be discussed in general, without any one emergent crisis shaping the discussion.

The proceedings of the General Assembly are often dismissed as political pageantry and theatre. Indeed, there was a certain amount of posturing and grandstanding in the proceedings of the interactive dialogue. Yet studying the substance of debate is nonetheless useful. Examining the arguments presented in the General Assembly debate can help to illustrate the complexity of the controversies and tensions involved in the development and implementation of the responsibility to protect. The record of the debate provides a good opportunity to examine some of the arguments, ideas and disagreements that define the wider debate over the responsibility to protect.

General Assembly President Miguel D'Escoto Brockmann's circulation of a "concept note" a few days prior to the interactive dialogue helped to set the tone for the debate.²³² The concept note, which expressed skepticism about the Responsibility to Protect regime, provided a counterbalance to the optimism and enthusiasm of the Secretary-General's report. As mentioned in an earlier chapter, Brockmann's concept note and opening statement focused critically on the ambiguous language of responsibility in the World Summit Outcome Document, suggesting that the responsibilities and obligations of the

²³¹ In argumentation theory, *kairos* refers to an opportune occasion for certain ideas to be accepted. See Michael Carter, "Stasis and Kairos: Principles of Social Construction in Classical Rhetoric," *Rhetoric Review* 7, no. 1 (1988): 97-112.

²³² Miguel D'Escoto Brockmann, "Concept Note on Responsibility to Protect Populations from Genocide, War Crimes, Ethnic Cleansing and Crimes Against Humanity," United Nations, July 17, 2009.

international community are hazy, and that the role of the international community is framed as “a voluntary, rather than mandatory engagement.”²³³

The first portion of the actual proceedings of the informal dialogue consisted of President Brockmann’s opening statement, which was followed by a statement from Special Advisor Edward Luck, and then a series of panel presentations by invited speakers: Noam Chomsky, the American linguistic scholar and political activist; Jean Bricmont, the Belgian physicist, philosopher of science, and critic of ‘humanitarian imperialism’; Ngugi wa Thiong’o, the Kenyan professor and novelist; and Gareth Evans, the former Australian foreign minister who had played a key role in chairing the ICISS Commission and authoring the original *Responsibility to Protect* report. This section briefly examines the themes and critiques introduced by these preliminary speakers.

Luck, speaking on behalf of the absent Secretary-General, emphasized the progress made in building consensus around the RtoP, and welcomed constructive discussion on the proposals in the *Implementing the RtoP* report. “What we do not need at this point, however, are efforts to turn back the clock, to divide the membership, or to divert attention from our central task.”²³⁴ Luck stressed how the context for discussion had changed. Just ten years earlier, he noted, the concept of ‘humanitarian intervention’ had been found wanting, exposed as a smokescreen for unilateralism, while at the same time it was recognized that inaction was not acceptable. At the same time, Luck noted, there remained several points of contention surrounding the responsibility to protect:

1. Whether or not RtoP is simply a repackaging of ‘old’ forms of military intervention.
2. Whether RtoP is a political concept or constitutes a set of new legal norms.
3. Whether the ideas of ‘sovereignty’ and ‘responsibility’ are compatible or incompatible.
4. Whether the RtoP framework favours strong states over less powerful ones.

Luck challenged some of these ostensible debates as based on “twisted notions” and “recurring distortions”, and thus called for “more sober reflection and less polarizing rhetoric in our RtoP discourse.”²³⁵

²³³ Miguel D’Escoto Brockmann, “At the Opening of the Thematic Dialogue of the General Assembly on the Responsibility to Protect,” July 23, 2009.

<http://www.un.org/ga/president/63/statements/openingr2p230709.shtml>

²³⁴ Edward Luck, “Remarks to the General Assembly on the Responsibility to Protect,” New York, July 23, 2009. <http://www.un.org/ga/president/63/interactive/protect/luck.pdf>

²³⁵ Edward Luck, “Remarks to the General Assembly on the Responsibility to Protect,” *op cit*.

Framing the Debate: Invited Panelists

Ngugi wa Thiong'o

Ngugi wa Thiong'o began his comments by linking the phrasing of the responsibility to protect to the violent events that had unfolded in Kenya earlier in the year following a tense election. He noted the role that the UN had played, through Kofi Annan, in bringing the violence to an end. He expressed hope that the ideas presented in the Secretary General's report could help to protect future generations from atrocity crimes. "The devil, however, lies in the context of implementation in terms of definition, history, and the contemporary global situation."²³⁶ For Ngugi, the phrase "international community" all too often frames Western countries as gatekeepers – a symbolic injustice only reinforced by the institutional makeup of the United Nations Security Council, which over-represents Europe, and in which no African country holds a veto. He noted that, contra the "holier-than-thou attitudes" of many in the developed world, throughout history many of the worst atrocities have been committed by European colonizers, slave-holders, and imperialists. In the case of Kenya, for example, Ngugi recalled how British powers in colonial Kenya would only permit political organization based on ethnicity until just before independence – an example that demonstrates the complexity of 'responsibility' for ethnic conflict. By recognizing that the world history of violence holds lessons for all peoples, we can better understand the context in which crises emerge.

Ngugi echoed the idea that long-term preventative measures should be prioritized in order to make interventions unnecessary. In that regard, he argued that the economic disparities that define the contemporary world should be interpreted as a form of 'early warning'. The unequal enjoyment of the benefits of growth both between countries and within societies, he argued, warrants a consideration of "the structural basis of the instability in the world today and of the many of these crimes".²³⁷ Thus, he concluded with the recommendation that the global community, through a revitalized UN, "should look at structural uneven development as an integral part of the implementation of the responsibility to protect."²³⁸

²³⁶ Ngugi wa Thiong'o, "Statement to the UN General Assembly Thematic Dialogue," New York, July 23, 2009. <http://www.un.org/ga/president/63/interactive/protect/ngugi.pdf>

²³⁷ Ngugi wa Thiong'o, "Statement to the UN General Assembly Thematic Dialogue."

²³⁸ Ngugi wa Thiong'o, "Statement to the UN General Assembly Thematic Dialogue."

Noam Chomsky

Noam Chomsky started by suggesting that the responsibility to protect and the idea of ‘humanitarian intervention’ were indeed “cousins”, and that the discussions surrounding either or both are “regularly disturbed by the rattling of a skeleton in the closet: history to the present moment.”²³⁹ He argued that three principles tend to be borne out in the practice of international affairs. First, “the voice of the powerful sets precedents” and makes the rules since, paraphrasing Thucydides, the strong do what they wish, and the weak suffer what they must. Second, as argued by Adam Smith, economic elites are careful to make sure that policies benefit their own interests. Third, he argued, “virtually every use of force in international affairs has been justified in terms of RtoP, including [by] the worst monsters.”²⁴⁰

Taken at face value, Chomsky’s assertion is certainly anachronistic, since the specific term ‘responsibility to protect’ – let alone the shortened phrase ‘RtoP’ – were not available for invocation during the time period of his examples. Yet in the context of his argument, it is clear that what Chomsky is critiquing is the mobilization in world affairs of responsibility-talk and protection-talk more broadly, as a legitimizing trope to excuse aggression and encourage colonization. In this context, he argues: “It is understandable that the powerful should prefer to declare that we should forget history and look forward. For the weak, it is not a wise choice.”²⁴¹

Chomsky’s critique centered on the argument that paying attention to contemporary history shows how “rhetorical invocation of RtoP and its cousin” reveal a “selectivity of application”.²⁴² As a result, the 2005 World Summit consensus “keeps the skeleton in the closet – if, and it is a large *if*, we can regard the Security Council as a neutral arbiter, not subject to the maxims of Thucydides and Adam Smith”.²⁴³ Yet, he argued, given the ways in which veto power has been used at the Security Council to keep certain cases and regimes immune from sanctions and attention, this veneer of neutrality cannot be taken seriously. Thus, for Chomsky, the enduring interest-based conduct of the permanent members of the Security Council (among other factors) means that the acceptance of R2P rhetoric at the World Summit “adds nothing substantially new.”²⁴⁴

²³⁹ Noam Chomsky, “Statement to the UN General Assembly Thematic Dialogue,” New York, July 23, 2009. <http://www.un.org/ga/president/63/interactive/protect/noam.pdf>

²⁴⁰ Noam Chomsky, “Statement to the UN General Assembly Thematic Dialogue.”

²⁴¹ Noam Chomsky, “Statement to the UN General Assembly Thematic Dialogue.”

²⁴² Chomsky, *ibid.*

²⁴³ Chomsky, *ibid.*

²⁴⁴ Chomsky, *ibid.*

In substance, R2P as formulated at the [World] Summit is a subcase of the “right of humanitarian intervention,” omitting the part that has been contested: the right to use force without Security Council authorization. That does not imply that there is no significance to the more explicit focus on rights that had already been widely accepted. The significance of the rhetorical shift will be determined by how it is implemented. On that matter, there are few grounds for celebration.

Chomsky pointed to the example of atrocities in East Timor to show the ways in which regimes perpetrating atrocities often rely on the outside governments that continue “actively supporting” them – the United States and Britain, in this case. “To end the atrocities in this case would not have required bombing, or sanctions, or indeed any act beyond withdrawal of participation.”²⁴⁵ Here Chomsky’s critique of complicity is paired with a critique of explicit selectivity and passivity. He cites National Security Advisor Sandy Berger as justifying continued support for the regime in East Timor by saying: “I don’t think anybody ever articulated a doctrine which said that we ought to intervene wherever there’s a humanitarian problem.”²⁴⁶

Chomsky also expressed concern that the original ICISS version of the responsibility to protect had suggested allowances for regional organizations to undertake action in their “area of jurisdiction” should a stalemate in the Security Council prevent UN action. Drawing on the example of the 1999 bombing of Serbia during the Kosovo Crisis, Chomsky argued that this sort of license would likely have been interpreted quite liberally, with regional organizations such as NATO defining and re-defining their “area of jurisdiction” at their pleasure, and selectively, with no real consequences. Although the bombing violated the UN Charter, Chomsky argued, legal contortions and rhetoric allowed it to be justified as “illegal but legitimate”.²⁴⁷

Like Ngugi, Chomsky linked the conversation over RtoP to humanitarian concerns other than mass atrocities. “In another domain, there is no thought of invoking even the most innocuous prescriptions of R2P to respond to massive

²⁴⁵ Chomsky, *ibid.*

²⁴⁶ The White House, Office of the Press Secretary, “Press Briefing by National Security Advisor Sandy Berger and National Economic Advisor Gene Sperling,” 9 September, 1999. <http://clinton6.nara.gov/1999/09/1999-09-08-press-briefing-by-berger-and-sperling.html> cited in Chomsky, “The Skeleton in the Closet,” 18 n. 34.

²⁴⁷ International Independent Commission of Inquiry on Kosovo, *The Kosovo Report* (Oxford: Oxford University Press, 2000), pg. 4. cited in Noam Chomsky, “The Skeleton in the Closet: The Responsibility to Protect in History,” in Philip Cunliffe, ed., *Critical Perspectives on the Responsibility to Protect*. (New York: Routledge, 2011), 18 n. 31. This is a version of Chomsky’s UN speech with footnotes added.

starvation in poor countries.”²⁴⁸ Despite the severe consequences of hunger and deprivation worldwide, he noted, the World Food Programme of the UN had recently announced that its aid funding would be cut back because of reduced contributions from rich countries. Easily preventable disease and malnutrition cause deaths at daily rates exceeding the worst cases of mass atrocities, and yet no ‘responsibility’ to assist people in these conditions is invoked in a similar fashion, even though addressing these issues “would be easy enough if the will was there.”²⁴⁹

Chomsky’s speech was not without some dimension of optimism. He claimed that a majority of Americans already favored an approach to international crises led by a strong United Nations rather than by the United States. Arguably this sort of sentiment could be translated into a push to eliminate the Security Council veto – if it weren’t for the fact that the maxims of Smith and Thucydides made this suggestion seem practically heretical. And yet, according to Chomsky,

American public opinion brings up a further consideration. The maxims that largely guide international affairs are not graven in stone, and, in fact, have become considerably less harsh over the years as a result of the civilizing effect of popular movements. For that continuing and essential project, R2P can be a valuable tool, much as the Universal Declaration of Human Rights has been. Even though states do not adhere to the UDHR, and some formally reject much of it (crucially including the world’s most powerful state), nonetheless it serves as an ideal that activists can appeal to in educational and organizing efforts, often effectively. My suspicion is that a major contribution of the discussion of R2P may turn out to be rather similar, and with sufficient commitment, unfortunately not yet detectable among the powerful, it could be significant indeed.²⁵⁰

Jean Bricmont

Jean Bricmont’s remarks, like Chomsky’s, were strongly infused with skepticism about the promise of the RtoP given the dominant practices and attitudes of powerful countries, especially the Western states. The responsibility to protect,

²⁴⁸ Chomsky, *ibid.*

²⁴⁹ Chomsky, “Statement to the UN General Assembly Thematic Dialogue.”

²⁵⁰ Chomsky, *ibid.*

he suggested, is “an ambiguous doctrine”²⁵¹, one that is packaged for its United Nations audience as something fundamentally different from the ‘right of intervention’, while framed in the Western media and by the public at large as a new and beneficial norm lifting outdated constraints on military intervention for humanitarian purposes. For Bricmont, “the main obstacle to the implementation of a genuine RtoP are precisely the policies and the attitudes of the countries that are most enthusiastic about this doctrine, namely the Western countries, and in particular the US.”²⁵²

One of Bricmont’s main concerns was the undermining of the principle of national sovereignty. Protecting sovereign societies against the outside manipulation of great powers had, ostensibly, been a founding purpose of the United Nations. The framing of RtoP, he worried, “may in reality be used by the Great Powers to justify their own future wars by undermining the principle of national sovereignty.”²⁵³ Bricmont stressed that his criticisms of intervention were “not based on an ‘absolutist’ defense of national sovereignty, but on a reflection on the policies of the most powerful states that forces weaker states to use sovereignty as a shield.”²⁵⁴ The unequal power relations of holding-responsible were central to Bricmont’s critiques about the politics of sovereignty and interference.

First of all, national sovereignty is a partial protection of weak states against strong ones. Nobody expects Bangladesh to interfere in the internal affairs of the United States to force it to reduce its CO₂ emission because of the catastrophic human consequences that the latter may have on Bangladesh. The interference is always unilateral.

By ‘unilateral’, Bricmont can be taken to mean ‘unidirectional’. The larger point stressed in his speech was that high-minded affirmations of even the noblest sets of duties are likely to be betrayed and undermined by imbalanced structures and relations of answerability. Unequal power structures of holding-accountable, he suggests, undermine the legitimacy of the principles they are intended to uphold. “Any system of international justice or police,” Bricmont argued, “whether it is RtoP or the ICC, needs a relationship of equality and a climate of

²⁵¹ Jean Bricmont, “Statement to the UN General Assembly Thematic Dialogue,” New York, July 23, 2009. <http://www.un.org/ga/president/63/interactive/protect/jean.pdf>

²⁵² Jean Bricmont, “Statement to the UN General Assembly Thematic Dialogue,” New York, July 23, 2009.

²⁵³ Bricmont, “Statement to the UN General Assembly Thematic Dialogue.”

²⁵⁴ Bricmont, “Statement to the UN General Assembly Thematic Dialogue.”

trust.”²⁵⁵ The issue of mutual answerability is central not only in principle, but in political practice:

The protection of the weak always depends on limitations of the power of the strong. The rule of law is such a limitation, so long as it is based on the principle of equality of all before the law. Achieving that requires clear-headed pursuit of idealistic principles accompanied by realistic assessment of the existing relationship of forces.²⁵⁶

In the contemporary “relationship of forces”, Bricmont argued, the American government is relatively free to undertake illegal bombings in Iraq, Afghanistan, and Pakistan, to continue support unscrupulous client regimes, and to engage in destabilizing and harmful proxy wars in pursuit of its own interests. Even in the face of decisions by the International Court of Justice calling it to account for its actions in Indochina, Iraq, or Nicaragua, the United States is able to shirk any substantial consequences. This provides few avenues of recourse for addressing their culpability and complicity in creating the conditions for mass atrocities:

The humanitarian disasters in Eastern Congo, as well as in Somalia, are mainly due to foreign interventions, not to a lack of them. To take a most extreme case, which is a favorite example of horrors cited by advocates of the R2P, it is most unlikely that the Khmer Rouge would ever have taken power in Cambodia without the massive “secret” US bombing followed by US-engineered regime change that left that unfortunate country totally disrupted and destabilized.²⁵⁷

Just as there are few mechanisms in place to ensure that the backwards-looking responsibility of culpable and complicit are redressed, there are also few ways to ensure that the forward-looking duties (to protect) of powerful states will be followed through upon.

[Even] if a “new norm” is introduced, within the context of the current relationship of political and military forces, it will not save anyone anywhere, unless the United States sees fit to intervene, from its own perspective.²⁵⁸

²⁵⁵ Bricmont, “Statement to the UN General Assembly Thematic Dialogue.”

²⁵⁶ Bricmont, “Statement to the UN General Assembly Thematic Dialogue.”

²⁵⁷ Bricmont, “Statement to the UN General Assembly Thematic Dialogue.”

²⁵⁸ Bricmont, “Statement to the UN General Assembly Thematic Dialogue.”

Thus, if the goal is to try to make sure that the ‘international community’ responds adequately to genocide, the biggest impediment is not truly ensuring that the relevant actors have the permission, but ensuring that they are truly *motivated* to fulfil any sort of moral or political requirement. In Bricmont’s words, for example, “it is scarcely credible to maintain that it is international law and respect for national sovereignty that prevent the United States from stopping genocide.”²⁵⁹

For Bricmont, a true commitment to acting responsibly on the world stage could be demonstrated in any number of ways that would exhibit consistent, principled international conduct. He suggested for example, that

guaranteeing the strict respect for international law on the part of Western powers, implementing the UN resolutions concerning Israel, dismantling the worldwide US empire of bases as well as NATO, ceasing all threats concerning the unilateral use of force, lifting unilateral sanctions, in particular the embargo against Cuba, stopping all interference in the internal affairs of other States, in particular all operations of “democracy promotion”, “color” revolutions, and the exploitation of the politics of minorities.²⁶⁰

In addition, Bricmont suggested that the ballooning and outsized military budgets of Western countries could be redirected to “finance massive investments in education, health care and development”.²⁶¹ This echoes the emphasis on global social and economic justice by Chomsky and Ngugi. “The world can become more secure,” he argued, “only if it first becomes more just.”²⁶²

Bricmont anticipated dismissals of his critiques. “Defenders of R2P may argue that what I say is besides the point or needlessly ‘politicizes the issue’,” he argued. Furthermore, whereas his remarks were focused on the faults of the West, he expected the objection that it is the international community as a whole, channeled through the Security Council, that is the acting subject of RtoP. “In reality,” he suggested, “there is no such thing as a genuine international community.”²⁶³

²⁵⁹ Bricmont, “Statement to the UN General Assembly Thematic Dialogue.”

²⁶⁰ Bricmont, “Statement to the UN General Assembly Thematic Dialogue.”

²⁶¹ Bricmont, “Statement to the UN General Assembly Thematic Dialogue.”

²⁶² Bricmont, “Statement to the UN General Assembly Thematic Dialogue.”

²⁶³ Bricmont, “Statement to the UN General Assembly Thematic Dialogue.”

Gareth Evans began his comments by indicating a desire to “focus squarely on the issues that are at the heart of this debate” and to “avoid the distractions that so often accompany it.”²⁶⁴ It is perhaps worth noting that by implying that such distractions were “besides the point”, in Brimont’s terms, Evans seems to step willingly into the role of the RtoP defender Brimont had anticipated.

The problem that the responsibility to protect was created to address, Evans stressed, is the difficulty surrounding what the “international community” should do about the four sorts of mass atrocity crimes emphasized in the World Summit Outcome Document. This difficulty ought to be addressed, he argued, by looking at the issue in a new way. “The issue is not the ‘right’ of big states to do anything, including throwing their weight around militarily, but the ‘responsibility’ of all states to protect their own people from atrocity crimes”. In a similar fashion, he argued, “[t]he core theme is not intervention but *protection*.”²⁶⁵ Similarly, Evans stressed the consensus that had emerged at the 2005 World Summit, suggesting that the wide-ranging support of representatives from all regions belies the claim that the RtoP was “a matter of the North pushing something down the throats of the South”.²⁶⁶ In particular, he noted, a good deal of momentum was gained by the fact that many contributors drew connections to the norm of “non-indifference” set out in the Constitutive Act of the African Union.²⁶⁷

One of Evans’ key concerns was reinforcing the “narrow but deep” approach to the responsibility to protect. “The responsibility to protect is not about conflict more generally, or human rights violations more generally, or human security more generally; it’s not about solving all the world’s problems, just one small sub-set of them.” For Evans, there is an important qualitative difference between the category or class of situation that fits within the RtoP rubric: while there might be, at any time, hundreds of human rights situations worldwide that “justify international attention and concern”, Evans suggested, only a dozen of these will “properly justify concern on responsibility to protect grounds”.²⁶⁸

Anticipating (and responding to) concerns about the critique that the responsibility to protect would be applied selectively and inconsistently, Evans argued that

²⁶⁴ Gareth Evans, “Statement to the UN General Assembly Thematic Dialogue,” New York, July 23, 2009. <http://www.un.org/ga/president/63/interactive/protect/evans.pdf>

²⁶⁵ Gareth Evans, *ibid.*

²⁶⁶ Gareth Evans, *ibid.*

²⁶⁷ Gareth Evans, *ibid.*

²⁶⁸ Gareth Evans, *ibid.*

There are no inherent or necessary double standards in any of this. The responsibility to protect is a universal doctrine of universal application. We all know that there are potential problems with the exercise of the veto by the permanent members of the Security Council, but that is a constraint that applies across the whole of the UN's peace and security role, and is in no way made worse by the embrace of the new norm.²⁶⁹

He argued that if the Security Council proves unreliable or disappointing in its decisions, then the key challenge will be to find ways to improve the structure and practices of the Security Council, rather than to perform an end-run around the Council. In any event, he argued, the Security Council's authority to take action to stop mass atrocity crimes, given its longstanding practice, as well as the precedent set by the General Assembly in defining the apartheid regime in South Africa as a threat to *international* peace and security.

Evans concluded by suggesting that there were three reasons why the General Assembly's debate that day would be important. First, it would help to "clarify some of the conceptual misunderstandings" surrounding the responsibility to protect. Second, it would help to engage in a detailed fashion with "the range of policy options available to states" under the three pillars of the responsibility to protect. Third, he argued, the debate would be an opportunity, "if approached in the right spirit, to build the foundations for the exercise of political will, which we all know is the ultimate critical ingredient."²⁷⁰ To that end, he argued, "now is the time to be looking forward, not backward" in order to build that will.²⁷¹

Argumentation and the Responsibility to Protect

Taking the contributions of the invited panelists seriously can help to demonstrate some of the complex dynamics of argumentation that marked the following General Assembly discussion, and which accompany debates about the responsibility to protect more generally. In order to make sense of the multifaceted debate and all of its related issues and sub-topics, it is helpful to break down some of the recurring themes, repeated points, and unsettled issues into clusters based on the *dimension* of responsibility to which they most closely relate.

²⁶⁹ Gareth Evans, "Statement to the UN General Assembly Thematic Dialogue."

²⁷⁰ Gareth Evans, "Statement to the UN General Assembly Thematic Dialogue."

²⁷¹ Gareth Evans, "Statement to the UN General Assembly Thematic Dialogue."

In the second chapter, I stipulated an analytic toolkit for distinguishing several senses of the term ‘responsibility. First, I suggested, a ‘responsibility’ can be understood as a discrete task or charge, an action that must be performed. In this sense, a responsibility is an object of obligation rather than a relationship that the responsible subject is in. Second, I argued, responsibility can refer to the social structures and relations of oversight that establish to whom an actor is answerable and accountable for performing her duties or obligations. In subsequent chapters I explored several types of orientations towards accountability, and highlighted the ethical and political distinctiveness of engaged, relational responsibility in terms of “real responding”.²⁷² Third, the concept of responsibility in a backwards-looking sense focuses on issues of culpability, and attendant issues of causation, blameworthiness, and liability. Attributions of wrongdoing are central to discussions of such backwards-looking responsibility because they are the focal point for practices of holding-accountable and imposing sanctions. Fourth, the question of ‘responsibility’ examines the conditions under which an actor should be considered a competent, empowered moral agent. Questions of intellectual capacity, knowledge, and self-control are crucial here since they help participants in social relations of responsibility to determine when discipline and sanctions are and are not appropriate, and who is to be recognized as a participant in such relations – both as duty-bearer and as accountability-holder.²⁷³ Fifth, and finally, responsibility is often framed as a character trait. An actor is seen as ‘responsible’ when she or he is characteristically dutiful, exhibiting ethical diligence (in an autonomous ‘inward’-focused sense) or reliability (in a relational, ‘outward’-focused sense).

Each of these five dimensions of the concept of responsibility can be used heuristically to organize and distinguish the different questions, claims, and concerns of the invited speakers explored above. Breaking down the debate in this way helps to show how many dimensions of the power relations of international responsibility must be juggled, balanced, and tracked by any contributor to debates over RtoP. Such a breakdown also, therefore, makes it easier to show how some of these dimensions are differentially emphasized or downplayed by different participants in responsibility-to-protect discourse. The remainder of this chapter shall be dedicated to examining the first dimension, the question of ‘what must be done’ in terms of the referent ‘object’ of obligation. This will set the stage for a discussion of the other dimensions in the subsequent chapter.

²⁷² Martin Buber, *Between Man and Man* (New York: Macmillan, 1965), 18.

²⁷³ See chapter three for a review of the terms “duty-bearer” and “accountability holder”. See also Ruth W. Grant and Robert O. Keohane, “Accountability and Abuses of Power in World Politics,” *American Political Science Review* 99, no. 1 (2005): 29-43.

Objects of obligation (i.e. what must be done)

Questions about what exactly different actors are responsible to do are still quite central to the debates over the essence of, and operationalization of, the responsibility to protect. As I suggested in Chapter 6, the distribution of obligations associated with the responsibility to protect can be broken down into a domestic layer and an international layer, each with prescriptive, permissive, and prohibitive components. At the domestic level, obligations are relatively straightforward: governments and other actors are prohibited from committing gross human rights abuses and atrocity crimes against populations, are required to take the necessary action to protect populations from such abuses, and are certainly permitted to take such action. At the international level, however, matters are more contested. Central to the responsibility to protect framework is the idea that while states are prohibited from unilateral interference in each others' affairs, the collective 'international community', via the United Nations, has the obligation to take action to prevent, pre-empt, and halt mass atrocity crimes, and by implication ought to be permitted to do so under certain conditions.

The language of the World Summit Outcome Document suggested that the responsibility to protect applies only to four issue areas: genocide, war crimes, ethnic cleansing and crimes against humanity, and does not extend to other related issue areas such as poverty, disaster-relief, and hunger – at least not directly. Whether such issue-areas might be *indirectly* relevant to the responsibility to protect (and therefore worth discussing as a part of the wider debate) remains ambiguous and, therefore, a matter of some contention. It is not difficult to see where this ambiguity stems from. The Secretary-General's report suggests that "[w]hile the scope should be kept narrow, the response ought to be deep, employing the wide array of prevention and protection instruments available to Member States, the United Nations system, regional and subregional organizations, and their civil society partners."²⁷⁴

While the 'narrow' part of the "narrow but deep" approach closes off certain non-atrocity issue areas as proper direct subjects of RtoP discussion, the 'deep' part brings them indirectly back into the fray. This ambiguity about the relevance and topicality of non-atrocity harms and threats is a prime source of norm confusion in the wider responsibility to protect conversation, and continues to cause participants in that conversation to talk past one another. This problem can be seen to some extent in both the introductory speeches of the invited panelists, and in the thick of the General Assembly debate itself.

²⁷⁴ Ban Ki-Moon, "Implementing the Responsibility to Protect," (A/63/677), §10, pg. 8.

For instance, both Evans and Luck were, in their contributions, at pains to reinforce the ‘narrow’ part of the “narrow but deep” proviso, with the seeming goal of safeguarding the consensus over RtoP by warding off any efforts to stretch or distort the RtoP framework. A careful, focused insistence on the narrow parameters of RtoP pushed back against distortions from two different potential groups, both of whom might argue that RtoP might be used to *permit* outside states (or the Security Council) to take action, unwelcome by a host state, in direct response that host state’s manifest failure to protect populations from *non-consensus harms* such as natural disasters, epidemics, or extreme poverty. The first group is those skeptical state representatives or civil society leaders who might (arguably wrongly) use their concern about this ‘stretching’ or ‘normative creep’ as a reason to abandon the responsibility to protect altogether. The second group is those more activist states – casting themselves as potential interveners – who might betray the delicate balance of agreement around the responsibility to protect by invoking rights and permissions not granted by the consensus framework to call for ‘interventions’ regarding issue-areas outside its carefully-negotiated present domain. Thus, insistence that the RtoP ought to be ‘narrow’ can be understood as representing, in the main, an ongoing effort to place careful limits on the *permissions* associated with the *unwelcome* and *reactive* dimension of its international layer. This is arguably crucial to preserving the consensus over the idea that in certain limited contexts *unwelcome* and *reactive* responses are indeed crucial to saving lives in extreme and shocking cases of mass atrocity crimes where intervention *would* be both permitted and required.

These concerns were echoed by member states in the debate itself. The Irish delegation, for example, argued that participants in the RtoP conversation “must be careful not to confuse the development agenda with the need to prevent and respond to [the specified] four crimes.”²⁷⁵ Giving in to the temptation to broaden the scope of its application would be to “confuse or embroil the responsibility to protect with other reforms that might be necessary within the United Nations”, and “would impair its operational utility and count unrealistically present it as a cure for all ills.”²⁷⁶

The contributions of Chomsky, Ngugi and Bricmont, on the other hand, certainly sought to link the conversation about the responsibility to protect to non-atrocity issue areas in other domains of international politics. It is crucial to recognize, however, that this does not mean that their contributions stand opposed to the priorities of Luck and Evans. Indeed, rather than undermining or questioning the ‘narrow’ part of the “narrow but deep” approach to the RtoP,

²⁷⁵ See remarks by the representative from Ireland, General Assembly, 63rd Session, 98th Plenary Meeting, Friday, July 24, 2009, A/63/PV.99, p. 1.

²⁷⁶ Ibid, page 3.

their contributions can be seen as taking a different (but not irreconcilable) approach that prioritizes reinforcing the ‘deep’. They are primarily concerned, in other words, with arguing that any meaningful – or ethically and politically sustainable – attempt to prevent mass atrocities from emerging must address the sorts of structural social and economic harms that create the conditions for the sorts of extreme tensions that lead to mass violence. Their priority, it seems, was highlighting the *requirements* associated with a satisfactory *preventive* approach – one which would perhaps not only be *welcomed* by the affected host or ‘target’ states, but would likely address many of their long-standing ethical/political claims and calls for assistance. This is the implication of Ngugi’s emphasis on addressing the “the structural basis of... instability”²⁷⁷, and similar points made by nation-state representatives during the debate.²⁷⁸

Translating the Ethical Impulses of RtoP

Yet not all efforts to link the RtoP to non-atrocity harms are intended as practical contributions towards successful implementation of its prevention. In some cases, critical voices in the RtoP conversation seem to want to make points about the distribution of obligations as a matter of principle. Chomsky’s focus on massive hunger, deprivation, and disease, for example, is framed in terms of the lament that no comparable international ‘responsibility’ to respond to such systemic harms is invoked in international politics, even though the death toll of such humanitarian crises is comparable to the worst cases of mass atrocity. Chomsky doesn’t draw an explicit conclusion from this point, but it is possible to induce two, both of which were plausibly part of his point. On the one hand, pointing out the lack of any meaningful corollary regime of responsibility implies that the moral language of responsibility associated with the responsibility to protect is underdeveloped at best and empty cover for power politics at worst. One way for advocates of the responsibility to protect to prove that the international-layer requirements they enthusiastically speak of are not empty rhetoric would be to demonstrate an interest, in practice, in engaging in a more responsible and accountable form of global politics.

On the other hand, Chomsky can also be understood as attempting to make a positive argument in favor of what we might call “normative carryover”. That is, he can be understood as arguing that if the international community of individuals, leaders, and collective institutions have an obligation to make tough

²⁷⁷ Ngugi wa Thiong’o, “Statement to the UN General Assembly Thematic Dialogue.”

²⁷⁸ See, for example, the discussion of “structural causes and the imperial hegemonic domination exercised throughout history by western imperial powers” by the representative from Venezuela, General Assembly, 63rd Session, 98th Plenary Meeting, Friday, July 24, 2009, A/63/PV.99, p. 3.

sacrifices to respond to mass atrocity crimes, then they surely must also have corollary obligations to take action in regards to other comparable situations of widespread humanitarian concern. The question is: was Chomsky, in his remarks, questioning the authenticity and meaning of appeals to responsibility, or *making* an appeal to responsibility?

Both options center on the same basic logic, especially if Chomsky's contribution to the UN dialogue is understood in terms of an interest in *situating* the purported principles of the responsibility to protect in wider social arrangements and critically evaluating any juxtaposition or dissonance. If the responsibility to protect regime, narrow and deep as it is, is truly based on goodwill, care and concern for the well-being of international others, then why do such impulses not carry over into related issue areas, prompting the establishment of parallel initiatives where similar language of responsibility is mobilized to take poverty, malnutrition, disease, and disaster relief as *primary* objects of ethical and political concern? The disjuncture between the presence of responsibility-talk in the domain of atrocity-response and its *absence* in other domains and issue areas is the challenge Chomsky seems interested in raising. In terms of his motives, it seems reasonable to read Chomsky as *both* suggesting that this disjuncture should give skeptics pause to think about the depth and integrity of the responsibility-talk associated with RtoP *and* arguing that such responsibility-talk is indeed appropriate but ought to be taken much more seriously, and followed through upon and applied consistently even in its more radical implications. Insofar as critics like Chomsky are interested in making principled linkages to "carry over" the principled thinking and norm-based arguments from RtoP into other issue areas, they might more accurately be thought of as attempting to 'translate' RtoP, over and above their efforts to 'deepen' the scope of its framework.

This attempt at 'translating' the ethical, moral and political sentiments upon which RtoP arguments are so often premised can be helpfully reframed as an instance of what Andrew Linklater has called praxeological analysis. For Linklater, "praxeology is concerned with reflecting on the moral resources within existing social arrangements which political actors can harness for radical purposes."²⁷⁹ Such analyses can demonstrate the degree to which new ways of thinking about political community, for example, are already immanent within existing moral and social frameworks. The logic of such critical interventions can be understood as follows.

Assertions of 'responsibility' and 'obligation' are a key component of RtoP talk. It appears both in its terminological rhetoric of RtoP talk and in the *logical*

²⁷⁹ Andrew Linklater, *The Transformation of Political Community: Ethical Foundations of the Post-Westphalian Era* (Columbia: University of South Carolina Press, 1998), 5; cited in Richard Price, "Moral Limit and Possibility in World Politics," 9.

structure of the regime. Indeed, even setting aside any careless or vague uses of *words* loaded with ethical and political meaning, the actual content of the premises underpinning most arguments in the RtoP conversation relate to substantive relations of permitting, requiring, and the power relations of holding-accountable. Do such arguments, in style and in substance, represent a cynical manipulation of obscurant language, or the authentic assertion of principled thinking? If the former, a critical observer might assert, they ought to be recognized for what they are, so that any manipulation can be made to fail. If the latter is the case, however, and key ethical impulses really are worth acting upon, then they ought to be taken seriously and applied both within and outside the narrow parameters of the responsibility to protect people against atrocity crimes.

Indeed, this praxeological form of critical analysis is a common technique applied by those who take a ‘critical’ stance towards the argumentative politics of the responsibility to protect. Rather than *denying* the importance of international responsibility, such critics are often interested in questioning the integrity and authenticity of responsibility-claims by probing, testing and evaluating stakeholder’s true adherence to their articulated premises.

Conclusions and Ways Forward

The aforementioned two main approaches to the proper scope of the RtoP, one emphasizing the ‘narrow’ and one emphasizing the ‘deep’, are not necessarily irreconcilable. As I have tried to demonstrate, they focus on sufficiently different dimensions and modalities of the wider RtoP framework that it is possible to conceive of ways in which the priorities of the ‘narrowers’ and the priorities of the ‘deepeners’ (and even the ‘translators’) might be reconciled. One possible way to address this issue might be to suggest, for example, that the range of issue areas which outside states have a responsibility to address proactively and with host permission extends wider than the range of issue areas which outside states (or the Security Council) ought to be permitted to address without host permission and/or reactively. A fully formulated responsibility to protect framework structured on this basis – boasting a wider range of international-level requirements than permissions – would likely be welcome from the point of view of poorer, weaker, or developing states because it would help to channel the mobilizing power and moral impetus of the responsibility-to-protect framework into non-atrocity issue areas without necessarily allowing the permissive license to intervene to carry into such areas.

Moving forward, having examined the apparent tension between the ‘narrowers’ (on the one hand) and the ‘broadeners’ and ‘translators’ (on the

other) helps to explain the continued relevance of disagreements over the extent to which criticisms of economic injustice ought to be considered relevant to RtoP debates. Should the attempt to make linkages to non-atrocity issue areas be considered distracting and unproductive “polarizing rhetoric”, or should it be viewed as an effort to both test and emphasize the meaningfulness of the principled ideas about responsibility at the heart of RtoP discourse? This will likely continue to be the subject of some contention within the wider conversation about RtoP, but the answer should certainly not be taken for granted.

Chapter 8 – Debating the Responsibility to Protect

Introduction

In this chapter I continue to examine the 2009 United Nations General Assembly debate through the lens of the various dimensions of ‘responsibility’.²⁸⁰ While the previous chapter dealt with the question of the referent object or content of the responsibility to protect, the present discussion will focus on issues related to oversight and accountability, diligence and self-governance, and claims of culpability.

Many contemporary scholars of rhetorical analysis place emphasis on the *situated* nature of argumentation as a social practice, paying close attention to some of the factors that shape when arguments do and do not secure the ‘adherence’ of their audience.²⁸¹ One of these elements is the perceived character (*ethos*) of the speaker.²⁸² In this chapter and the conclusion to follow, I link the significance of rhetorical ethos to the dynamics of argumentation associated with the responsibility to protect. By demonstrating how matters related to moral authority and trustworthiness factor into the shape and flow of the debate, I aim to demonstrate some of the ways in the perceived *character* of the relevant actors matter, over and above the abstract, logical coherence of the ideas (*logos*) of the responsibility to protect framework.

I conclude the chapter by drawing together a number of the threads of argument in this project, arguing that the dynamics of the 2009 debate demonstrate some of the key questions about the ethics and politics of accountability and justification that remain unanswered in contemporary framings of the responsibility to protect.

Debating the Structures of International Responsibility

Relations of oversight (i.e. to whom one is answerable and accountable)

A major part of what is at stake in debates surrounding the responsibility to protect is the structure of the power relations of responsibility that underpin the regime. As I argued in Chapter 7, this structure of rights, obligations and accountabilities is made up of a complex composite of a number of permissions and requirements distributed across two layers (the international and the

²⁸⁰ For the a discussion of these dimensions, see Chapter 2.

²⁸¹ See, for example, Christopher Tindale, *Acts of Arguing: A Rhetorical Model of Argument* (Albany: SUNY Press, 2000).

²⁸² See Michael Carter, “Stasis and Kairos”, *op cit*.

domestic). Furthermore, as I have argued, this network of obligations and permissions takes on different *modes* of responsibility across those two different layers.

While the phrase ‘responsibility to protect’ is often invoked and referenced in popular media and activist circles to refer to a duty of the international community to take action to stop atrocities, any sort of *obligation* applying to the international layer ought to be heavily qualified and critically interrogated against the extant doctrine. As Canada’s former United Nations Ambassador Paul Heinbecker notes, “the responsibility to protect, in a normative sense, is still permissive rather than required.”²⁸³ For Heinbecker, this comes down to a difference between “elective”²⁸⁴ responsibility and socially embedded answerability. “Accountability is a way harder thing to achieve than responsibility. To acknowledge responsibility still is a voluntary act, it’s elected. To be *held* responsible is something else. The fundamental point is: who holds you responsible?”

The tricky matter of building up a regime premised on relations of ‘holding-responsible’ is one of the key discrepancies between the *rhetorical language* of the responsibility to protect doctrine and its *practical establishment* as a regime of responsibility. As I noted in Chapter 6, international diplomats used carefully moderated language of responsibility in the World Summit Outcome, expressing that outside states are “prepared to take collective action”, instead of phrasing the relation in terms of “obligation”. This is significant insofar as there is a distinction between disembodied, autonomous responsibilities and *embedded* forms of relational responsibility that can be invoked by rights-holders. In the current RtoP model, citizens within a sovereign state who are at risk of suffering mass atrocity violations may get help under the RtoP rubric, but have “no right to expect it”²⁸⁵ vis-a-vis outsiders. This moderated language was noted with varying levels of disappointment by activists and observers, with some recognizing that incremental commitments are better than none. As Heinbecker suggests: “What I would have liked to have seen was a ‘right to be protected’. I would have rather finished up there, but you take what you can get.”²⁸⁶

From a certain perspective, the absence of any rights-based or accountability-based aspect to the RtoP’s international layer, points to the uncertain success of RtoP norm entrepreneurs in finding satisfying answers to

²⁸³ Paul Heinbecker, Personal Interview, (Ottawa: November 29, 2011).

²⁸⁴ Paul Heinbecker, Personal Interview, (Ottawa: November 29, 2011).

²⁸⁵ ICISS, *The Responsibility to Protect: Research, Bibliography, Background*, 148. Quotation from Mona Fixdal and Dan Smith, “Humanitarian Intervention and Just War,” *Mershon International Studies Review* 42 (1998): 289-312. See discussion in chapter three.

²⁸⁶ Paul Heinbecker, Personal Interview, (Ottawa: November 29, 2011).

the key questions that plagued policy-makers and activists at the turn of the millennium. For instance, in the wake of the 1999 NATO intervention in Kosovo, UN Secretary-General Kofi Annan wrote an article in the *Economist*, asking

On the one hand, is it legitimate for a regional organization to use force without a UN mandate? On the other, is it permissible to let gross and systematic violations of human rights, with grave humanitarian consequences, continue unchecked?²⁸⁷

One of the hard truths of the current RtoP doctrine is that the answer to the second question is still, *yes, it is permissible*. This is true, at least, if we take permissibility in its embedded, relational sense. Any ostensible ‘duty’ to take action is not a relational, institutionalized requirement backed up with structures of accountability-holding. There is no real equivalence, in international law or diplomacy, to the idea of criminal negligence. While the Security Council is empowered to act, there are few to no mechanisms through which its members can, collectively or individually, be censured, sanctioned or even called to account for acts of omission. Inaction may be *morally* impermissible in an autonomous or *transcendental* sense, and there might even be actors in the wider social field who are inclined to participate in practices of holding-accountable in a *relational* sense. But as of yet, RtoP advocates have not succeeded in developing any institutionalized, strongly-embedded social structure of responsibility through which such practices of holding-accountable might be invigorated and sustained.

This hard truth could be moderated, of course, by suggesting that while there are no *formal* or *legal* mechanisms for calling actors to account for their failures to act, the responsibility to protect doctrine is designed precisely as a *political* instrument providing a normative basis on which activists and concerned observers might call world leaders and decision-makers to account for their failure to take effective action. Yet this is no great solace given that the consensus version of the doctrine in its current form avoids any normative commitment to an obligation to act. If the wider responsibility to protect conversation is, indeed, about promulgating the sense that certain actors in the ‘international community’ should have a ‘responsibility’ to take appropriate action in a accountable way, then there remains a great deal of work to be done in developing that assertion clearly as a part of the actual normative, diplomatic and political regime.

The problem of accountability inherent in the extant RtoP structure can be seen clearly in the continuing conversation about the doctrine. Many state

²⁸⁷ Kofi Annan, “Two Concepts of Sovereignty,” *The Economist*, September 18, 1999, p. 49. Cited in Alex Bellamy, “Whither the Responsibility to Protect”, 143.

representatives at the 2009 debate lamented, for example, that there still exist no stable structures of accountability through which powerful countries (or the Security Council) might be held answerable for their acts, either of omission or commission. For some representatives, the key role of the Security Council ought to serve as a reminder “of the privilege and duty of the five permanent members, which must be matched with their special responsibility.”²⁸⁸ Yet such appeals framed in terms of appeals to autonomous forms of diligence and self-governance were matched by calls to “strengthen the accountability”²⁸⁹ of the Council and to address its “known shortcomings”²⁹⁰.

The delegate from Ecuador lamented that the Council “has not been an objective, effective and impartial actor, and that its working methods have not had the desired transparency and neutrality.”²⁹¹ This reinforced concerns on the part of that delegation that application of RtoP might be marked by “discretionality, unilateralism, and double standards.”²⁹² These sorts of concerns led many representatives to link the implementation of RtoP to the contentious issue of Security Council reform, whether that be a change in its working methods or its composition.

It is therefore legitimate to ask whether the Security Council, with its current composition and decision-making mechanisms, should be the authority responsible for military interventions for humanitarian protection purposes, or whether deep, comprehensive reform of the Council should take place first, enhancing its legitimacy and effectiveness.²⁹³

In addition to the concern that the Council may not exhibit the necessary “political will” when action is required, concern about its lack of accountability has also revolved around concerns that the language of RtoP might be misused by powerful states in order to justify acts of ‘intervention’ (justifying them *vis-a-*

²⁸⁸ Remarks by the representative from the Republic of Korea, General Assembly, 63rd Session, 98th Plenary Meeting, Friday, July 24, 2009, A/63/PV.97, p. 19.

²⁸⁹ Remarks by the representative from Switzerland, General Assembly, 63rd Session, 98th Plenary Meeting, Friday, July 24, 2009, A/63/PV.98, p. 5. The debate took place across four plenary meetings, beginning on Thursday, July 23rd 2009 and continuing on Friday and the following Tuesday. For the sake of simplicity, subsequent references to the General Assembly debate will use the document number and page number of the official United Nations records of discussion.

²⁹⁰ Remarks by the representative from Guatemala, A/63/PV.97, p. 14.

²⁹¹ Remarks by the representative from Ecuador, A/63/PV.98, p. 8-9.

²⁹² Remarks by the representative from Ecuador, A/63/PV.98, p. 8-9

²⁹³ Ibid, p. 8-9

vis domestic audiences) on illegitimate and contested bases (from the point of view of others in the global community).

As I argued in Chapter 7, this highlights one of the arguable ‘imbalances’ in the present version of the doctrine. The perceived lack of accountability in the structures governing the international layer of the responsibility to protect stand in contrast to the practical reality that RtoP provides a mechanism for disciplining and punishing governments and holding them accountable for committing atrocities – whether actual or alleged. Indeed, the Brazilian representative detected a measure of “punitive intent” in the doctrine, and the Pakistani contributor expressed concern that it could be misused “as a tool to pressure or interfere”²⁹⁴. Several other delegates made positive links between the form of national “accountability” made possible by RtoP and the sort of criminal accountability governed by the International Criminal Court.²⁹⁵ This was often framed in terms of RtoP’s contribution to “ending impunity.”²⁹⁶

The statement by the representative from Singapore offered perhaps the clearest assertion of political tension between the permissive and requiring dimensions of RtoP’s international layer, and the clearest expression of the political compromise at play:

[I]f we, the General Assembly, imbue the Security Council with the power to invoke the RtoP to justify action, the Council must also commit to exercising fully that grave responsibility. And it must do so without fear or favour.²⁹⁷

Put another way, as long as there is an imbalance between the ability of some states to wield RtoP as a tool to permit sovereignty-violating action and the lack of any mechanism for other states to call the powerful to account for *failing* to act on ostensible requirements, the legitimacy of the overall regime will be undermined. On the other hand, working to further develop the principled ideas behind the RtoP “will lessen the opportunity for subversion and abuse. As long as the RtoP concept remains hazy and undefined, it will remain up for grabs and open to manipulation.”²⁹⁸ In order to build a regime of responsibility that protects against such misuses, one that is truly based on sovereign equality and

²⁹⁴ Remarks by the representative from Pakistan, July 24, 2009, A/63/PV.98, p. 3.

²⁹⁵ See, for example, remarks by the representative from Italy, A/63/PV.97, p. 27.

²⁹⁶ See the remarks by the representatives of France (A/63/PV.97, p.9), Colombia (A/63/PV.98, p.13), Bolivia (A/63/PV.99, p.8), Turkey (A/63/PV.99, p.8), Panama (A/63/PV.100, p.16)

²⁹⁷ Remarks by the Representative from Singapore, A/63/PV.98, p. 6-8.

²⁹⁸ Remarks by the Representative from Singapore, A/63/PV.98, p. 6-8. See similar points by the Irish delegation at A/63/PV.99, p. 1.

impartiality, “all countries must be open to being judged and all situations being acted upon according to the same standards.”²⁹⁹

Diligence and reliability (i.e. being characteristically dutiful)

Without any meaningful *relational* and *embedded* forms of responsibility governing the international use of intervention, the hope that ‘good’ interventions will be mustered and that ‘abusive’ interventions will be avoided relies upon the diligence, self-governance and dutiful character of powerful states, especially the permanent members of the Security Council. The representative from Pakistan suggested that “discretion will be the ultimate factor that will decide the application of R2P as far as this stage of the document is concerned.”³⁰⁰ Yet, as the Pakistani delegate noted, putting faith in the discretion of the powerful is “history of lack of trust” within the United Nations. It is not hard to see, then, why many of the delegates at the 2009 debate, like observers at large, have expressed concern about the historical failings of those states most empowered to act under RtoP auspices.

While many of the contributors to the 2009 debate listed off a series of seemingly *non sequitor* historical grievances, these should be understood as representing more than politicized expressions of ‘whataboutism’ of the sort popular in the Cold War, where calls to account for the offenses of one actor were redirected (rather than justified) by pointing to similar offenses by an actor in the opposing camp.³⁰¹ If the successful and consistent implementation of the responsibility to protect doctrine will rely upon the autonomous diligence and self-governance of powerful states, then raising concerns about their past actions ought not to be dismissed as distractions.

Unlike in abstract argumentation and logical reasoning, where to criticize the arguer is to commit an *ad hominem* fallacy, making points about claimants’ historical track records is arguably relevant when the relevant claims are precisely about issues of trust, character and legitimacy. This is why the rhetorical *ethos* of the actors involved in RtoP debates cannot be separated from the “principled ideas” at stake. If the whole regime will depend on the upstanding moral character, or the autonomous sense of political responsibility of the Permanent Five states – or worse yet, on the processes through which domestic-oriented processes of inward accountability translate into external policymaking – then the historical track record of those states is indeed relevant

²⁹⁹ Remarks by the Representative from Singapore, A/63/PV.98, p. 6-8.

³⁰⁰ Remarks by the Representative from Singapore, A/63/PV.98, p. 4.

³⁰¹ See *The Economist*, ‘Whataboutism’ (January 31st, 2008); retrieved August 29, 2013 at <http://www.economist.com/node/10598774>

to discussions of implementing RtoP. This is why it is necessary, from the point of view of many state representatives and activists to “address the trust deficit against the background of historical injustices, including foreign occupation.”³⁰²

Culpability (i.e. whose faulty action warrants redress)

Situating the future of the RtoP within the historical context shaped by the various failings of powerful states in the past has continued to be a staple rhetorical strategy for many RtoP skeptics. Even for cautiously optimistic supporters of the doctrine, the backdrop of global political history provides adequate reason to be concerned about the likelihood that its potential will be realized under present conditions.

One of the most salient examples of past ‘wrongs’ to fuel the fire of RtoP skepticism is the 2003 Iraq War. “How can we believe in the good faith of Powers that carry out wars of aggression against other nations?” asked the delegate from Cuba.³⁰³ That conflict serves as a reminder that there is little recourse against those who undertake unilateral acts of aggression, even when those acts are later shown to have been based on fabricated evidence. The danger implied by this example is that if one or more powerful states can muster sufficient domestic support to undertake reckless military action – even through false pretenses – there is little that dissenting members of the international community can do to stop them. The lead-up to the Iraq War demonstrated that some domestic audiences can be strung along through dissembling and double-speak, even in the face of strong international disapprobation. Thus, participants in the 2009 debate frequently expressed the worry that an underdeveloped version of the RtoP might make such mobilizations that much easier, even if simply because of the moral resonance of the phrase ‘responsibility to protect’.³⁰⁴

A different sort of example is offered by the international community’s failure to respond adequately to the Rwandan genocide. Several contributors to the 2009 debate cited that case as an example of a situation in which the problem was “too little intervention, not too much”³⁰⁵ because of a lack of “political will.”³⁰⁶ This echoed the argument of the Kosovo Commission that

³⁰² Remarks by the representative from Pakistan, A/63/PV.98, p. 3.

³⁰³ See remarks by the representative from Venezuela, A/63/PV.99, p. 22.

³⁰⁴ See remarks by the representative from Venezuela, A/63/PV.99, p. 3; Monaco (A/63/PV.99, p. 12); North Korea (A/63/PV.100, p. 17). Capitalization in original.

³⁰⁵ Thomas Weiss, “The Sunset of Humanitarian Intervention? The Responsibility to Protect in a Unipolar Era” *Security Dialogue* 35, no. 2 (2004), 137.

³⁰⁶ Statements decrying the lack of political will to act in the international community were plentiful in the 2009 debate. For examples, see the remarks by representatives of the United

[t]he challenge for the future is certainly not that countries or groups of countries are too eager to intervene to stop serious abuse human rights, but rather the opposite. The pattern of the recent past suggests that states are eager to find excuses not to intervene.³⁰⁷

Although the blameworthiness in this case is based on outsiders' acts of omission rather than commission, the larger point is the same. If the hope that state actors will take timely action in the face of atrocity crises lies in a sort of autonomous, self-governing form of responsibility – or worse yet, the calculations of national interest – then past experience does not bode well. The lacklustre quality of the international community's moral diligence has been demonstrated time and again, not only in Rwanda but in response to other past cases like Srebrenica and Darfur.

The 1999 Kosovo crisis, along with the subsequent NATO bombing of Serbia, remains extremely contested even a decade later, and claims that the Western coalition over-reached by skirting the question of Security Council authority. For some observers, the main lesson from Kosovo was that the recalcitrant members of the Council were guilty of putting up roadblocks to any meaningful action, forcing multilateral action outside of UN auspices.³⁰⁸ For others, the blame lies with Western states who exhibited a lack of respect for due process and the proper channels, and insisted on taking matters into their own hands for their own allegedly dubious reasons.³⁰⁹ Whether the blame lies with states too eager to undertake ostensibly reckless interventions or too willing to put up roadblocks when action is necessary, many of the contributors to the General Assembly debate argued that the outcomes resulting from the actions of the powerful states have been far from satisfactory, marked by high levels of inconsistency and selectivity.³¹⁰ If the efficacy of the responsibility to protect regime will rely upon the autonomous "discretion" and self-governance

States (A/63/PV.97, p. 17); the Netherlands (A/63/PV.97, p. 26); Switzerland (A/63/PV.98, p. 5); Slovenia (A/63/PV.99, p. 11), among many others.

³⁰⁷ International Independent Commission of Inquiry on Kosovo, *The Kosovo Report*, 195.

³⁰⁸ Gareth Evans, "Statement to the UN General Assembly Thematic Dialogue," New York, July 23, 2009. Retrieved at: <http://www.gevans.org/speeches/speech405.html>

³⁰⁹ See, for instance, the mention of "NATO aggressions" by the representative from Cuba, A/63/PV.99, 22. See also Chomsky's critique of the Kosovo Intervention in the earlier portions of the interactive dialogue: Noam Chomsky, "Statement to the UN General Assembly Thematic Dialogue," New York, July 23, 2009.

³¹⁰ For discussions of "inconsistency" and "selectivity" see, for example, the remarks by representatives of Vietnam (A/63/PV.98, p. 14); the Philippines (A/63/PV.97, p. 12); Sri Lanka (A/63/PV.100, p. 3-4), among others.

of the powerful states, with low levels of relational accountability, this track record certainly has relevance to the prospect of moving forward.

These past crises, and the RtoP debate more generally, are also situated in a wider historical context still defined by memories of traditional colonialism, as many contributors to the debate noted.³¹¹ “After centuries of colonialism, interventionism and political manipulation, trust cannot be decreed by fiat but must be built step by step on the basis of facts.”³¹² Relations between the Global North and South, already complicated by the legacy of the imperial experience, are further marred by contemporary histories of subversion, covert operations, economic exploitation, and outside manipulation. This only reinforces concerns about RtoP’s permissive dimension, and the lack of any stable structures of accountability surrounding it. “It should therefore come as no surprise to any of us that many States perceive that they are faced with a new concept of neocolonialism. RtoP should therefore be better defined and better communicated in order to overcome misperceptions.”³¹³

While this airing of grievances might be dismissed as unhelpful, besides-the-point politicization by impatient proponents of the responsibility to protect, the substantive point behind these claims of past injustices should not be ignored. Past actions, decisions, and behaviours serve as an illustration of the present workings of the international system, and provide a measure against which it is possible to evaluate the prospect that future engagements will turn out differently. The common theme, and arguably the common point behind the frequent recitation of this litany of wrongs in the context of the RtoP debate, is that the existing structure of international relations is shaped by fairly unsatisfying relations of responsibility, where accountability and recourse for misdeeds are rare and where the exercise of ‘responsibleness’ as self-governance is lacklustre. Thus, when measured against the outcomes that have resulted from the present configuration of dispositions, dynamics and pressures, the promise of the exercise of autonomous ‘responsibility’ by the relevant state actors seems dubious indeed.

This helps to explain why so many participants in the General Assembly debate, though supportive of the idea of the responsibility to protect, were wary of its deployment as a ‘political’ regime of the sort that could be invoked at the discretion of great powers, but that could be ignored with equal discretion, and without any meaningful accountability. Instead, these critics argued that the proper implementation of the RtoP will require strengthening the processes and institutions of international decision-making, such that a more principled,

³¹¹ See, for example, the statements by the representative from Sri Lanka (A/63/PV.100, p. 3-4); Qatar (A/63/PV.99, p. 13); and Venezuela (A/63/PV.99, p. 4).

³¹² Remarks by the representative from Bolivia, A/63/PV.99, p. 3.

³¹³ Remarks by the representative from Turkey, A/63/PV.99, p. 21.

egalitarian and, in short, *legalized* regime might be established. As the representative from Qatar argued:

The implementation of the responsibility to protect must be subject to regulation in line with international law [...]. Those who seek to develop the concept must strive to conclude a detailed, internationally agreed definition of situations in which the responsibility to protect should be invoked and of the conditions that must prevail before it can be invoked.³¹⁴

Degrees of empowered moral agency (i.e. competent subjecthood)

As I have demonstrated, many of the critical arguments voiced in relation to the responsibility to protect can be understood not as *denials* of international obligations, but as skeptical evaluations of the logical framework of responsibility-claims that constitutes the present formulation of the regime. Indeed, many of these ‘critical’ engagements should be understood as political calls to *strengthen, authenticate and legitimate* the responsibility to regime by following its ethico-political premises to their arguable logical conclusions. If the international response to mass atrocities is to be made a ‘responsible’ one, critics seem to argue, then it will be necessary to base the response mechanism on meaningful and durable structures of responsibility.

The foregoing discussion of culpability-claims emphasizes the degree to which structures of accountability based on *autonomous* modes of responsibility are not satisfying to many critics. These contributors to the RtoP conversation argue, explicitly and implicitly, that building an RtoP regime that relies upon disembedded ethico-political action will be unsustainable in two senses of the term.³¹⁵ First, an RtoP regime that relies upon world powers and the Permanent Five to govern themselves in a diligent and dutiful manner will be doomed to fail. It will fail precisely because the status quo dynamics determined by domestic sentiments and strategic thinking will not likely lead to the desired outcomes of crisis response, let alone crisis preemption or prevention.

Second, moreover, an RtoP regime that relies upon disembedded and autonomous forms of responsibility will be unsustainable in the sense of being unjustifiable, incoherent, and impossible to legitimize through principled

³¹⁴ Remarks by the representative from Qatar, A/63/PV.99, p. 13.

³¹⁵ Of course, the framing of responsibility as ‘embedded’ vs. ‘disembedded’ is my own; what I mean to say is that critics frequently make arguments about the relational politics of accountability both by making specific points about social structures of obligation and answerability, and also by *implying* such points in their argumentation and their use of examples.

argumentation. For the moment, the ambiguous language of ‘responsibility’ seems to have sufficiently muddled the RtoP conversation that the practical implications of the power relations of responsibility established through its distribution of permissions and requirements are not easy to deduce – and deduced they must be, since they are rarely explicated in any clear fashion. But such a deduction is possible, as demonstrated by the present exploration. Underneath all the vague language of responsibility, RtoP’s constituent distribution of powers and responsibilities is, I contend, weighted in a way that grants the world’s most powerful states increased socio-political freedom and authority in the international system without similar corresponding obligations. To the extent that other stakeholders come to the same conclusions, the existing framework of the RtoP will simply not be acceptable to them once they become clarified through further discussion and practical application.

It will not be acceptable to such actors on political grounds, of course, in the sense that a disproportionate distribution of limitations and powers will create or reinforce disadvantages. Yet it is equally likely that many interlocutors will find the responsibility to protect unacceptable in its current form since it falls short of their own vision for how a world politics shaped by practices of responsibility ought to be structured. Moreover, the practical *relations* of responsibility set out in the current incarnation of RtoP fails to live up to the promise of the core ethical impulses and ideas that continue to give the doctrine its normative momentum.

For all the reasons offered above, many participants in the RtoP debate seem to take the position that if a multilateral response mechanism is to be established under a meaningful framework of ‘responsibility’, then simply ‘operationalizing’ it in its present form, and leaving other international structures as they are, will not be sufficient. Instead, it will be necessary to work towards the reforms and changes that would be necessary to increasing the role of embedded, relational accountability in the international arena.

The idea that state leaders ought to be held accountable by international Others for fulfilling human rights obligations contradicts the traditional norm of non-interference, which held that outsiders ought to play no role in holding state actors accountable.³¹⁶ Concerns about mass atrocity crimes have pushed for a reconsideration of precisely that norm. Yet building a truly ‘responsible’ response mechanism might also demand protecting against illegitimate or unilateral interventions, or other similar acts of commission that might be perpetrated through the illegitimate invocation of RtoP. Indeed, this point was made nearly explicitly by state representatives at the 2009 debate, who argued that any endorsement of the RtoP ought to be accompanied by a strengthening of the international regime of accountability surrounding the crime of

³¹⁶ For further discussion, see chapter three.

‘aggression’. As the delegate from India suggested, “[p]erhaps finalization and adoption of the definition of aggression under the Rome Statute would to some extent assuage the concerns regarding the misuse of this idea.”³¹⁷ The consistent application of RtoP might require building and strengthening international institutions, such as the International Criminal Court and the International Court of Justice, or other avenues through which intervening (or obstructing) actors might be called to account, made answerable, and faced with coordinated sanctions if their actions proved unjustifiable.

The prospect of holding actors responsible for acts of omission is, of course, even more complex. Yet this does not mean that international practices of account-giving and justification could not be strengthened even if formal sanctions are not viable. For example, faced with the prospect that the implementation of RtoP will be hindered by overuse of the veto by members of the Security Council, many contributors to the 2009 debate suggested that the rules and voting practices of that body might need reform. Some have called for member states to be required to give an account of their decision-making, hoping that if the onus was placed on representatives to provide a justification that self-interested behaviour could be, at the very least, exposed, challenged and contested. Others have suggested that the permanent five members ought to be attributed a ‘responsibility not to veto’ resolutions dealing with the response to mass atrocity crises.³¹⁸ Of course, framing this limitation in terms of ‘responsibility’ begs the question of whether this would imply an autonomous duty or an institutionalized lack of permission to use the veto, but the basic principle is clear, regardless of the details.

One major problem, of course, is that each of these reforms would meet with strong opposition, not only from diplomats and leaders, but from domestic stakeholders to whom the prospect of stronger and more assertive international institutions is threatening and unwelcome. For instance, the attempt to complement the RtoP framework with a strengthened International Criminal Court continues to be hampered by the long-standing lack of enthusiasm for the Court, if not outright disdain, held by many American policymakers, commentators, and a large segment of the American public.³¹⁹ Many voices in the United States have expressed concern that if American nationals were to be made subject to the Court, they would be faced with ‘politicized’ persecution by

³¹⁷ Remarks by the representative from India, A/63/PV.99, p. 25.

³¹⁸ On the establishment of rules or agreements governing the use of the veto, see, among others, remarks by the representative from Liechtenstein, A/63/PV.97, p. 21-22. For a discussion of the “responsibility” not to veto, see Ariela Blätter and Paul D. Williams, “The Responsibility Not to Veto,” *Global Responsibility to Protect* 3, no. 3 (2011), 301-322.

³¹⁹ Kurt Mills and Anthony Lott, “From Rome to Darfur: Norms and Interests in US Policy Toward the International Criminal Court,” *Journal of Human Rights* 6, no. 4 (2007) 497-521.

those holding a grudge.³²⁰ A similar disinclination to submit to outside scrutiny is evident in the foreign policies of other states as well.

The predisposition against participating actively in transnational relations that would require being held accountable is based, in no small part, on beliefs about who ought to have standing to demand, receive, and act upon ethico-political accounts. These beliefs influence, in crucial ways, the politics of recognition and engagement, and determine the ways in which the members of a given national community will answer big-picture questions about the shape, scope and definition of the global “dialogic community”, in the words of Andrew Linklater.³²¹ As Linklater suggests,

Engaging the excluded in dialogue about the ways in which social practices and policies harm their interests is a key ethical commitment for any society which embarks on [the] process of change [towards more egalitarian social relations].³²²

The traditional reduction of the dialogic community to the confines of the nation-state has frequently been rationalized through a dismissal of outside counterparts as unequal to the task of engaging seriously and fairly in ethical and political conversation and scrutiny.³²³ In other words, the closing-off of ethical relations has corresponded to a denial of the responsible subjecthood of global Others. This ethico-political withdrawal, which has been the subject of many critical theoretical interventions in contemporary International Relations scholarship,³²⁴ reveals itself in very *practical* ways in the context of attempts to establish and strengthen international structures of holding-accountable.

Promoting and Developing an RtoP Culture

The Singaporean representative, one of the most thoughtful participants in the 2009 debate, noted that having raised some difficult and substantive issues in the debate

³²⁰ For discussion, see Ruth Wedgwood, “The International Criminal Court: An American View,” *The European Journal of International Law* 10, no. 1 (1999), 99.

³²¹ For discussion of the concept of a “dialogic community”, see Andrew Linklater, *The Transformation of Political Community: Ethical Foundations of the Post-Westphalian Era* (Columbia: University of South Carolina Press, 1998). See also the discussion below.

³²² Linklater, *The Transformation of Political Community*, 7

³²³ See R.B.J. Walker, *Inside/Outside: International Relations as Political Theory* (Cambridge: Cambridge University Press, 1993); Roxanne Lynn Doty, *Imperial Encounters* (Minneapolis: University of Minnesota Press, 1996).

³²⁴ For further discussion, see chapter three.

may have upset some who would prefer that they be set aside for the time being so that the RtoP concept can be adopted as a purist ideal or an abstract principle. But we cannot put aside those difficult issues, only to be confronted by them when it is too late.³²⁵

This speaks to the matter of the time horizons of RtoP implementation. As many of the contributors to the 2009 debate were eager to suggest, ensuring adequate response to future crises will require more than just the right discrete actions taken when the moment of emergency comes. Instead, ‘responsible’ action will likely require improved structures and institutions. It will require adjusted orientations and dispositions on the part of the relevant actors, both collective and individual. Too great a focus on the moment of reaction or preemption, and what ought to be done when that moment arrives, is likely to direct attention away from the international and domestic power relationships of responsibility that will help determine whether those actions are taken, and the attitudes and dispositions on which the “will to act” will rely. Just as a ‘balanced’ RtoP regime will likely require complementing the attempt to build reaction and preemption mechanisms with the effort to engage in meaningful prevention, creating an *effective* response mechanism will likely necessitate significant *preparative* work focused on addressing the structural barriers to ‘responsible’ action.

This preparative work might include, for example, enacting the necessary institutional reforms at the United Nations or other related structures. But such changes have proven notoriously difficult to enact given the political landscape shaped by the present configuration of dispositions within and between national societies. Thus, meaningful change might hinge on the project of fostering the necessary sorts of *attitudes* and *inclinations* in the relevant diplomats, leaders, and – crucially – populations. Several contributors to the United Nations debate seemed to recognize that better actions will require stronger institutions, and changing institutions will require altered thinking. The delegate from the United Kingdom suggested that what was needed was

an RtoP culture -- a culture of prevention that in the long term [...] will help us to build an international system which is better equipped and more effective at preventing and responding to conflict; and a culture which fosters our ability to reach consensus on timely and decisive action.³²⁶

³²⁵ See remarks by the representative from Singapore, A/63/PV.98, p. 8.

³²⁶ Remarks by the representative from the United Kingdom, A/63/PV.97, p. 6.

This matter of developing a 'culture' is indeed a crucial aspect of the challenge of implementing RtoP. Yet simply working to change the ideas and inclinations of elite actors in the hopes that they will be predisposed to facilitate appropriate collective action in the future is a short-sighted endeavour. Simply attempting to change the 'culture' of the United Nations, for example, will be insufficient precisely because the decision-makers from various nation-states make their choices about how to engage in the context of wider fields of responsibility. International institutional culture is a reflection of various national cultures, which are, in turn, reflective and at least in part representative of popular cultures, attitudes, cares, concerns, and priorities. Prevailing social attitudes about humanitarianism, intervention, and multilateral action are embedded in the wider "webs of significance"³²⁷ that inform public thinking about global politics and relations with foreigners in general. Thus, the "political will" that must be fostered in order to engage in 'responsible' responses to atrocities is not simply the will of five key Security Council diplomats, for example, but the will of the government leaders for whom they work, and, in turn, the will of the populations to whom they are in various ways answerable and accountable.

The importance of fostering an attitude of care and concern in publics at large is recognized explicitly in the original report of the International Commission for Intervention and State Sovereignty. "How an issue will play at home... [is] always a factor in international decision-making,"³²⁸ the commissioners note, though they recognized that the extent to which domestic constituencies influence elites varies widely. The members of the ICISS thus recognize the need for "leadership" through argumentation by individuals and organizations in order to mobilize widespread care and concern in the relevant publics.³²⁹

[W]hat is necessary is a good understanding of the relevant institutional processes [...] and good arguments. What constitutes a good argument will obviously depend on the particular context. But [mobilization will] need to be supported by arguments having four different kinds of appeal: moral, financial, national interest, and partisan.³³⁰

Recognizing the variety of types of arguments around which crisis prevention, preemption and response can be mobilized shows the commissioners'

³²⁷ Clifford Geertz, *The Interpretation of Culture*, (New York: Basic Books, 1973), 5.

³²⁸ ICISS, *The Responsibility to Protect*, §8.8, 70.

³²⁹ ICISS, *The Responsibility to Protect*, §8.11, 71.

³³⁰ ICISS, *The Responsibility to Protect*, §8.12, 71.

recognition of the different types of reasoning that shape attitudes about global politics, and the different ethico-political orientations that inform them.

Basing arguments about acting for the well-being of outside Others on financial, partisan, and national-interest reasoning is completely in keeping with the long-prevailing political culture of inter-state relations, informed by values associated with nationalism, particularism, and sovereignty. As I argued earlier, the dominant political culture of sovereignty not only emphasizes autonomy within the borders of a state, but an *absence* of meaningful obligations towards outsiders. Precisely because of the resilience of the norm of non-obligation, those who argue in favour of undertaking any sort of national action or expenditure related to humanitarianism or the human rights of outsiders tend to do so in terms of the rational calculus of self-interest. It is only prudent, then to recognize that given the realities of contemporary social and political attitudes and inclinations, calls to action that can be framed in these terms will continue to be successful.

However, one of the core dilemmas that necessitated the emergence of the wider ‘responsibility to protect’ conversation was the problem of asking what could be done when atrocity crises seemed to demand some action that was unlikely to be taken if it relied upon the strategic, partisan, financial, and national-interest motives of elite outsiders. What ought to be done when crises emerged that “shocked the conscience of mankind”³³¹, or seemed to “call” for a response by outsiders?³³² This language reflects the elemental sense of care, concern that underpins so much of RtoP advocacy. It is clear that for many participants in the wider conversation, while atrocities might pose a threat to international peace and security, and may affect the interests of outsiders, they are not *only* worrisome in this regard. Humanitarian suffering is also worth caring about and responding to for ethical or moral reasons. This basic moral impulse of care and concern has remained a crucial motivating factor for many actors, across many spheres of RtoP advocacy.

Furthermore, by acknowledging the potential role of ethical thinking and argumentation in humanitarian mobilization, ICISS commissioners give recognition to the fact that in contemporary global politics, strategy and self-interest do not have exclusive sway over the hearts and minds audiences. It is easy to forget, they write, the potential mobilizing power of “sheer sense of decency and compassion”.³³³ To be sure, the political, philosophical, and ethical sensibilities of many individuals and groups within society have, over time, been

³³¹ ICISS, *The Responsibility to Protect*, §4.13, 31; see also discussion of “conscience-shocking” situations in §4.23, §6.37, et cetera.

³³² The language of humanitarian action being “called for” is found throughout the ICISS report, for instance, in its Forward, in §3.6 and §8.7. Such language was also prominent in the

³³³ ICISS, *The Responsibility to Protect*, §8.12, 71.

shifting and evolving towards the inclination to treat outsiders as having significance and value both as objects and as subjects.

Yet argumentation on moral principles, unfortunately, continues to be *out of sync* with the dominant sensibilities of how foreign policy and global politics ought to be conducted, and is frequently either channelled into, or made subservient to, more strategic modes of thought. If developing and implementing an enduring transnational regime of humanitarian response will require a significant shift in these dominant sensibilities, then there is still much work to be done in fostering a reconsideration and re-evaluation of the cultural assumptions, political attitudes and ideational frameworks of argumentation that sustain those sensibilities. Only such a deep reorientation of the diffuse configuration of dispositions will help to develop the wider social field of accountability on which a regime of humanitarian responsibility will depend.

Principled Argumentation and Changing Dispositions

To the extent that ‘implementing’ the basic ideas of the responsibility to protect will require their recognition and acceptance by elite decision-makers, the endorsement of the concept at the 2005 World Summit, and in subsequent United Nations resolutions³³⁴, can be seen as a victory for RtoP norm entrepreneurs. However, insofar as the long-term effectiveness of the regime will depend upon developing clear and cogent arguments in favour of deeper and more widespread social, cultural, and philosophical change, the flow and trajectory of the conversation about RtoP in elite forums leaves much to be desired.

As I have demonstrated, the prominence of moral argumentation as a dimension of the responsibility to protect has ebbed – at least in terms of its core documents and the structures of its practical ‘implementation’. As I have tried to demonstrate, the purportedly ‘ethical’ dimension of the responsibility to protect is also undermined by the non-ethical structure of the present regime’s actual distribution of responsibilities, which privileges disembedded and autonomous modes of accountability which. Under the present framework, this inevitably implies a reduction of ‘accountability’ to inward justifications based on national interests and strategic advantages.

This is not to detract from, or belittle, the significant gains made by RtoP advocates in making sure that the phrase “responsibility to protect” continues to echo through the corridors of foreign ministries and international institutions. It is, however, to point out that merely promulgating the use of the *phrase* is a

³³⁴ See United Nations Resolution 63/308 (A/RES/36/08), passed September 14th, 2009 and Security Council Resolution 1674 (S/RES/1674), passed April 28, 2006.

partial victory, if not an empty or Pyrrhic one. The more radical task of changing people's ideas about the *practices* and *relations* of responsibility upon which successful humanitarian responses, while initially a key element of the RtoP conversation, has been effectively suspended in the interest of establishing consensus. Developing elite consensus has, as I have argued, required the marginalization, deferral and sometimes dismissal of critical interjections about the global politics of responsibility, culpability, and accountability. The consequences of this prioritization, in the long view, are my present concern.

Improved relations of responsibility in global politics based on authentic practices of engagement, embedded within relational structures of accountability, will hinge on changes in popular attitudes and ideas about the degree to which outsiders 'count' as fellow members of a meaningful ethical community – both as objects of concerns and as subjects worth recognizing and engaging in meaningful processes of account-giving, justification, and argumentation.

Furthermore, debates about the scope of ethical community turn on claims about the extent of the effects and impacts sovereign communities have on each other. The common sense that the dominant norm of non-obligation is ethico-politically defensible relies to some degree on the assumption that state communities do not affect each other in a sufficiently meaningful way.³³⁵ Thus, activating deep and lasting moral dispositions of outward care and concern may in fact require a more involved and widespread social conversation about the ways in which nation state communities have, and continue to, impact each other. Moreover, to the extent that problematic transnational harms and influences truly do contribute towards creating the conditions under which atrocity crises emerge, critically evaluating these influences will be a necessary part of any genuine attempt at atrocity prevention.

At present, the responsibility to protect conversation is geared much more heavily towards getting the permanent state elites at the Security Council to take action in occasional, discrete cases than in engaging in these discussions. The dominant normative strategy seems to be the attempt to rhetorically entrap these elites by wielding and invoking the superficial moral language of responsibility, in the hopes of shaming them into action in the face of atrocity crises. For reasons of political expediency, this strategy depends upon bracketing out complexity, and mobilizing the practical diplomatic efficacy of ambiguity, vagueness, and truthiness. This strategy, then, necessarily postpones and defers

³³⁵ See, for example, the ideas expressed in John Rawls, *The Law of Peoples* (Cambridge: Harvard University Press, 1999). For critical discussion of these claims, see Henry Shue, "Global Accountability: Transnational Duties Toward Economic Rights" in Jean-Marc Coicaud, Michael W. Doyle, and Anne-Marie Gardner, eds., *The Globalization of Human Rights* (New York: United Nations University Press, 2003).

any more comprehensive social conversation about the international power dynamics of accountability, justification, and reciprocal susceptibility to ethico-political judgment.

As I have argued, dominant attitudes about the scope of dialogical communities continue to sustain an orientation towards outsiders on the part of many state political communities characterized by a reluctance to engage in the serious exchange, examination, and evaluation of claims with outsiders. Instead, dominant approaches to the question of 'morality' in the external affairs of states remain tethered to a statist orientation emphasizing an autonomous mode of responsibility based on 'inward' principled adherence to national principles and self-governance based on a collective conscience. Why is this approach still so prominent, even in a contemporary social and political context partially defined by ever-widening recognition of the ethical problems associated with statism, and the moral challenges posed by mass atrocities? I can only offer an hypothesis – one possible explanation that attempts to situate the contemporary dynamics of responsibility and humanitarianism in terms of the conditions of our present political and historical moment.

In closing, then, I will briefly discuss the possibility that the present scope and limits of the responsibility to protect conversation can best be understood as a consequence of the attempt to reconcile some of the tensions between moral universalism and political state-centrism. Furthermore, I suggest, the dominant ethico-political autonomism that characterizes even normative regimes purportedly based on 'responsibility' ought to be regarded as reflecting a collective attempt to postpone or ward off calls to accountability, responsibility, and justification across a multiplicity of domains of global politics.

Conclusions and Ways Forward

Changing philosophical and moral thinking, and the increased visibility of humanitarian suffering, has led to the introduction of novel impulses and principles that seem to 'call' individual and collective social actors to take action. These principles are difficult, if not impossible, to reconcile with many of the core premises and practices of the contemporary global politics defined by sovereign state communities. From the point of view of many people in more affluent parts of the world, and even from the perspective of elites in less secure and prosperous countries, the 'call' to be responsible to and for global Others who suffer from starvation, poverty, disease, and other sources of human insecurity is a difficult call to answer in any principled fashion.

Specifically, moral principles asserting that individuals and collective actors ought to care about the suffering Others across borders are difficult to

square with the dominant principle of non-obligation – a principle that underpins the justificatory frameworks behind a great many dominant practices, institutions, and attitudes upon which their various material and immaterial privileges depend. Engaging with problems of global ethics is often quite morally exhausting, precisely because of the radical implications of seemingly sensible moral arguments, if considered through to their logical and practical conclusions.³³⁶

Thus, perhaps in the contemporary political moment, individuals and national collectives find it quite difficult to engage with outside demands, allegations, and criticisms alleging that their past and present behaviours (economic, political, military, etc.) violate either some universal ethico-political principles or, even worse, their own professed beliefs. It is difficult not only because these allegations are often misplaced, biased, and unfair, but because they are frequently convincing, accurate, and difficult to refute. It may well be, then, that the difficulty with committing to practices and processes of accountability, justification and explanation with outsiders lies precisely in the contemporary proliferation of difficult questions that cannot be answered, and practices for which rationales cannot be sustained under scrutiny.

Morally reassuring rationales are much *easier* to maintain, of course, in isolation and among the like-minded. Discourse ethicists tend to encourage the exposure of arguments and ideas to all comers precisely because unsustainable and indefensible argumentative frameworks can often endure quite easily in limited, closed-off communities.³³⁷ This suggests that moral autonomism can be understood as a mode of ‘responsibility’ that, by rejecting *relational* calls to accountability, makes it possible to preserve the moral and “ontological” security of existing collective actors, permitting them to maintain a satisfactory moral self-image.³³⁸

If this reading of the contemporary politics of justification and dialogue is accurate, then perhaps the present incarnation of the responsibility to protect can be understood as an attempt to superficially reconcile the moral impulse presented by mass atrocity crimes with the extant structures of state sovereignty, without disrupting the concatenation of justifications and rationales

³³⁶ See the discussion of this problem at the personal and political level in G.A. Cohen, “If You’re an Egalitarian, How Come You’re So Rich?” *Journal of Ethics* 4, No. 1-2 (2000), 1-26; Thomas Pogge, *World Poverty and Human Rights* (Cambridge: Polity Press, 2002).

³³⁷ See John Stuart Mill’s discussion of the problem of ‘dead dogma’ in J.S. Mill, *On Liberty*, ed. Stefan Collini, (Cambridge: Cambridge University Press, 1989); see also Stephen K. White, *Sustaining Affirmation: The Strengths of Weak Ontology in Political Theory* (Princeton: Princeton University Press, 2000).

³³⁸ On ontological security, see Jennifer Mitzen, “Ontological Security in World Politics: State Identity and Security Dilemma,” *European Journal of International Relations*, 12, no. 3 (2006), 341-370.

that guards against a wholesale examination of untenable and indefensible global practices. This reading of the situation is consistent with the strategy of 'moral triage' that seems to pervade much of the norm entrepreneurship surrounding RtoP. Indeed, RtoP could be interpreted, as offering a 'pressure valve' through which the most violent, visible and upsetting forms of atrocity might be addressed, without necessitating a more comprehensive re-evaluation of contemporary practices, dispositions, and thinking.

This take on the argumentative politics of the RtoP is, I argue, as plausible as any. It is certainly consistent with the analysis offered in the preceding chapters, though fully substantiating some of the general assertions just made must necessarily be the work of future theoretical and empirical projects. At the very least, this reading, and the conceptual discussion that has built up to it in these pages, raises crucial questions about the relationship between responsibility, answerability, and justification. Such questions, which challenge the attempt to reduce questions about global ethical relations to monological appeals to autonomous self-governance, ought to be a part of the wider conversation about the responsibility to protect as it continues to develop. If anything, that is the key contention that the arguments developed in this project have been aimed at supporting.

Conclusion: The Present and Future of the Responsibility to Protect

This project has dealt with the conception, formulation, and contestation of the idea of the responsibility to protect in its first decade. For reasons of timing, space and scope, the contested multilateral intervention in Libya in 2011, widely framed under the rubric of RtoP, has not yet factored into the analysis. In the context of that crisis, the Security Council had delighted RtoP advocates by reiterating “the responsibility of the Libyan authorities to protect the Libyan population” in Resolution 1973, which had established a no-fly zone and “all necessary measures” to protect civilians.³³⁹ Similarly, as the process of composing these arguments was concluding, the long-simmering crisis in Syria was coming to a head, as reports that chemical weapons had been used by either the rebels or, according to American intelligence reports, the regime of Bashar al-Assad.

How do the arguments presented in this project help to make sense of the Libyan Crisis, or the Syrian crisis, or other similar crises that may emerge? What practical suggestions can be teased out that might help to make the world more secure, or improve the lot of those affected by violent conflict and atrocity crimes? These are fair questions, and warrant a thoughtful response. In these few remaining pages, I hope to address these questions while recapitulating the main thrusts of my argument.

Critical Theory and the Politics of Responsibility

Discussing the moral and political challenges of the responsibility to protect in an interview, Former Canadian Ambassador to the Security Council Paul Heinbecker noted that an overdrawn focus on consistency and prevention can often leave commentators in the untenable position of advocating inaction.

The drowning person is a good analogy. What do you do, do you say: it’s pointless for me to jump into that canal. I’m going to go the school board and tell them that they need to teach people to swim?³⁴⁰

This nicely captures the complex practical challenges presented by the time horizons associated with prevention, preemption, and response. Clearly by the time a vulnerable person is in the process of drowning, it is too late to argue for education, proper signage, safety fences, or other preventative measures. Yet at

³³⁹ See S/RES/1973 (2011), adopted March 17, 2011.

³⁴⁰ Paul Heinbecker, Personal Interview, (Ottawa: November 29, 2011).

the same time, such measures cannot be dismissed simply because they are of little use in the moment of emergency. To draw another metaphor, a stable community needs both fire inspectors to enforce the fire code *and* fire fighters to extinguish flames when they break out.

Anne Orford has written on the temporal construction of intervention narratives, adopting a feminist and postcolonial reading of international law. As Orford writes:

The focus is always on the moment when military intervention is the only remaining credible foreign policy option. The question that is produced by law's focus on the moment of crisis is always 'What would you suggest we do if we are in that situation again?' The assertion that this is the only moment which can be considered renders it impossible to analyse any other involvement of the international community or to think reflexively about law's role in producing the meaning of intervention.³⁴¹

It follows, Orford argues, that many narratives of humanitarian intervention assert that the choice is between action or inaction, intervention or genocide. The focus on the moment of crisis means that the options available are limited, thus shaping the sorts of responses which are considered appropriate. Peter Nyers points out that international emergencies and crises seem to require responses that are immediate, practical, and that get results. Responses that point out long-term requirements, unequal power relations, and problems with the normal state of affairs are dismissed as unhelpful and overly academic.³⁴²

It is by now almost cliché in some corners of academic International Relations to draw on Robert Cox's distinction between 'problem-solving' and 'critical' theories.³⁴³ For Cox, problem-solving theory "takes the world as it finds it, with the prevailing social and power relationships and the institutions into which they are organized, as the given framework for action."³⁴⁴ The goal of such theory, he suggests, is to help existing relationships and institutions work smoothly by dealing with emergent crises. *Critical* theory, on the other hand, takes a step back from the prevailing order and examines its origins and rationales. Critical theory "does not take institutions and social and power

³⁴¹ Ann Orford, *Reading Humanitarian Intervention*, (Cambridge: Cambridge University Press, 2003), 18.

³⁴² See Peter Nyers, *Rethinking Refugees: Beyond States of Emergency*, (New York: Routledge, 2006), 3.

³⁴³ Robert Cox, "Social Forces, States and World Orders: Beyond International Relations Theory", *Millennium* 10, no. 2 (1981), 126-155.

³⁴⁴ Cox, "Social Forces, States and World Orders," 128.

relations for granted but calls them into question by concerning itself with their origins and how and whether they might be in the process of changing.”³⁴⁵

To engage in critical theory is not to refuse to address pressing social, ethical and political problems. Rather, critical theoretical interventions often focus on identifying the *deeper*, structural and ideational problems that act either to cause or facilitate more discrete, tangible crises. At its best, critical theory can thus serve as a form of *problem-identifying* theory. Contrary to caricature, critical theorists rarely intend to critique and criticize without offering any positive suggestions for change. However, given that they are very often focused on diffuse and deep-seated structural, cultural, and ideational problems, their solutions are quite frequently posed in those same terms.

Any complex political problem deserves analysis from both a problem-solving and a critical-theoretical perspective. Acute crises demand efforts at immediate response and practical attempts to “muddle through” by dealing with the imperfect circumstances presented by existing realities. They *also* demand thinking about the bigger picture, about the background ideas, relationships, attitudes and power structures that perpetuate those imperfect circumstances, and the attempt to articulate some political strategies through which they might be altered. A division of labour, of sorts, is necessary between these two approaches. Choosing which avenue to pursue inevitably turns on the priorities, beliefs, since pursuing either line of investigation raises sufficient questions and challenges that pursuing both is impractical.

RtoP Discourse and Productive Critical Engagement

It is by now obvious that this investigation is motivated by a critical-theoretical sensibility. As a result, the questions I have prioritized are *structural* in nature, and so I can offer few insights to satisfy readers concerned about whether powerful states should go it alone when the Security Council is gridlocked, or whether airstrikes are an adequate alternative to deploying armed troops for peace enforcement. These are surely important questions, but they are *different* questions than have motivated this investigation. To any reader insisting on a response to them, I can only attempt to redirect the spirit of concern that lies behind the desire for a plan of action into a different, but *fundamentally* related, set of questions. When acute humanitarian crises emerge, I might say, the inevitable question of how to respond should be addressed in a way that addresses *both* the tactical and strategic questions about how to resolve the short-term crisis *and* the much wider ethical and political challenges that come to the fore when the relatively privileged are faced with

³⁴⁵ Cox, “Social Forces, States and World Orders,” 129.

awareness of suffering. The task of advocating for these sorts of ideational changes is certainly a weighty one, and one that will yield few immediate results, but few worthwhile tasks are never easy. The practically-minded may take some comfort in knowing that this project is intended as an attempt to engage strategically in the 'long-game' of social and political change, leaving questions of immediate tactics to other, more capable voices.

To that end, my purpose has been to interrogate, evaluate, and make sense of the arguments about responsibility that are so prominent in the RtoP conversation, in order to develop a clearer picture of the dominant attitudes about ethics and the power relations of accountability that constitute the global political reality in which efforts at atrocity-response are situated. These arguments and practices are difficult to make sense of given the conceptual ambiguity that is inherent in the moral language of responsibility, and which is only exacerbated by the tendency towards strategic rhetorical obscurantism on the part of policy elites and norm entrepreneurs.

While the moral dimension of the responsibility to protect is one of its most appealing aspects, it is also hard to defend, explain, or rationalize under scrutiny. While the *rhetoric* of RtoP argumentation tends to be framed in terms of the moral language of 'responsibility', and is geared towards a discursive strategy that plays into the inchoate moral impulses of various audiences, the practical *logic* of the regime's core premises indicate a power relations of responsibility that limits ethico-political relations to autonomous self-governance. Indeed, as I have attempted to show, the idea that "individuals and states may well 'have a duty to help those that have *no right to expect it*'"³⁴⁶ is not merely a throwaway line, but accurately captures the disembedded form of moralizing that pervades not only RtoP discourse, but global politics in general.

Thus, the difficulty that RtoP norm entrepreneurs seem to have in carving off the debate over the responsibility to protect as an isolable issue-area for manageable and delimited discussion reflects the reality that while a politically palatable framing of the responsibility to protect relies upon the rhetoric of ethical and political responsibility, that rhetoric is a natural focal point for skepticism, and for calls for principled consistency across other related issue-areas. While there is certainly a basic *impulse* of goodwill, duty and obligation that underpins the desire to save innocents from mass atrocities, the strictures and structures of contemporary politics amongst nation-states requires that this impulse be manifested through modes of being-responsible that are *autonomous* or *transcendental* rather than *relational*, and situated within social practices of 'responsibility' marked by extremely limited commitments to accountability,

³⁴⁶ ICISS, *The Responsibility to Protect: Research, Bibliography, Background*, 148. Quotation from Mona Fixdal and Dan Smith, "Humanitarian Intervention and Just War," *Mershon International Studies Review* 42 (1998): 289-312.

answerability, and openness to sanction and discipline by others. Thus, critics – or even advocates – who consider the RtoP’s moral framing closely and critically have many reasons to find it unsatisfying on its own terms because of these limits, which in reality leave the prospect of intervention an *elective* matter rather than a required one, from the point of view of those powerful state actors who are permitted to authorize and undertake collective intervention.

Furthermore, recognition of the practical and political limitations of this moral autonomism and reliance on the self-governance of the powerful has spurred many stakeholders in RtoP debates to question the distribution of accountabilities established in the present incarnation of the regime. Not content to be treated as “the (rights-less) beneficiary of someone else’s obligation,”³⁴⁷ these voices have begun to question the ways in which RtoP discourse has to this point answered questions about “who gets to do what to whom and who must do what for whom, as well as who has standing to give or to demand accounts.”³⁴⁸

What I hope to have contributed to the RtoP conversation, moving forward, is an analytical toolkit through which arguments about the regime can be parsed, disambiguated, and critically engaged. Having differentiated for myself the practical and conceptual difference between the different dimensions of responsibility (i.e. obligation, accountability, diligence, agency) and having identified the practical significance of its various modes (i.e. relational, autonomous, and transcendental conceptions), I find myself much better equipped to critically engage with new arguments about ‘responsibility’ that emerge in the context of RtoP discussions. It is my hope that interested readers will find these conceptualizations similarly useful in developing incisive critiques and framing cogent arguments.

Beyond this conceptual contribution, my aim has been to argue in favour of an *expansion* of the argument about ‘protection’ and ‘responsibility’ beyond the narrow confines of acute crisis response. On the one hand, engaging in a farther-ranging conversation is called for in the sense that if direct forms of physical harm perpetrated against outsiders are worthy of ethical and political care concern, there are few sustainable or defensible reasons why other forms of suffering should not be problematized as well.

Activists and policy-makers asserting claims about moral obligation or responsibility in the context of responses to atrocity crimes are susceptible to demands for explanation or calls for explanation. Are these claims about care, concern, and obligation mere rhetoric (in the pejorative sense) intended to soothe potential critics while securing powerful states increased license,

³⁴⁷ Donnelly, *Universal Human Rights in Theory and Practice*, 9.

³⁴⁸ Marion Urban Walker (2007). *Moral Understanding: A Feminist Study in Ethics*, 2nd Edition, (Oxford: Oxford University Press), 12. Emphasis added.

permission, and freedom to act as they see fit? Or is this moralizing talk based on authentic, principled commitments which the relevant actors are willing to uphold and carry over into other issue areas by following through on them in practice?

A *wider* conversation about the various sorts of obligations which might be held towards people facing disease, deprivation, and underdevelopment would be a difficult question indeed, especially given the tensions surrounding sovereignty, state-centrism, and ethical particularism in our particular historical moment. Engaging in a sustained, principled, and consistent discussion of how the global power relations of obligation, accountability, redress, and recourse ought to be organized will make for a difficult and uncomfortable conversation indeed. A desire to avoid this wider conversation by results-oriented advocates of the responsibility to protect is understandable and even necessary in the short term, to the extent that problem-solving in the here and now depends on not challenging the ideas and practices of the powerful too aggressively.

Yet such a conversation may be necessary in the long term, if a more consistent and principled version of the responsibility to protect regime is to be borne out in relations between peoples. It seems clear that mobilizing adequate 'responses' to acute crises in the future will require changes in the configuration of dispositions that shapes the webs of inclination and the practices of holding-accountable that determine political outcomes in times of crisis. Strengthening the wider social *fields* of responsibility on which the RtoP regime depends for its energized enaction will likely require engaging in a much wider, more diffuse and far ranging discussion of how obligations ought to be distributed and how relations of answerability ought to be arranged. This is because mobilizing effective responses to pre-empt crises will continue to depend on activation of care, concern, and the will to sacrifice in domestic populations of comfortable states who are quite *used* to ignoring, rationalizing or distancing themselves from the suffering of faraway others, and who must rarely concern themselves with the challenge of justifying their attitudes and actions.

The relationship between this problem of ethico-political isolation in everyday life and the problem of public activation in times of crisis demonstrates that seemingly esoteric efforts to critically interrogate the ethics and politics of responsibility by widening the conversation turn out to be not only relevant but *fundamental* to both the moral sustainability and the practical implementation of the responsibility to protect populations from mass atrocities.

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