

R2P: “State of Play”

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ABSTRACT

Is R2P the most effective tool the international community has to prevent genocide, or the newest neo-imperial norm perpetuated by the most powerful states? In a dramatic performance of the key debates within R2P, each of these views is presented before Aristotlean and Tocquevillean insights are drawn upon to find a middle ground rooted in citizen resistance against mass atrocity crimes. R2P can both become a more effective tool of prevention and gain needed political legitimacy by drawing on the rich historical tradition of citizen resistance to empower local actors defying regimes engaged in mass atrocity crimes.

KEYWORDS

Responsibility to Protect; humanitarian intervention; citizen resistance; mass atrocity crimes; prevention

Act 1

In the dusty corner of an Oxford seminar hall, several disgruntled academics have been listening to a vigorous defense of the Responsibility to Protect doctrine by Michael Ignatieff. We hear bits of sentences such as, “Not another Rwanda or Srebrenica” ... “each state must accept the primary responsibility” ... “the international community” ... “duty to help states to fulfill these responsibilities” ... “but in the case of any ... manifest failure to protect” ... “as a matter of last resort, military force will be...”

Keeping their voices low, the figures in the corner begin to whisper their frustrations.

Frantz Fanon: “Ignatieff...Ignatieff, where do I know this name from? Ah, yes: his generous use of his intellectual credentials to support ‘Operation Freedom’ – an imperial intervention that promised democracy, but killed hundreds of thousands of Iraqi citizens while destabilising the entire Middle East... . Is it a mere coincidence that a leading justifier of colonial violence has become the standard-bearer of ‘humanitarian’ intervention? I think I’ve had my fill of the Responsibility to ‘Protect.’”

Karl Marx: “I’ve also been having my misgivings, Frantz. The R2P doctrine asks us to care so much for the 100,000 people who *might* die in Benghazi, and so little for the millions of people who *actually* die each year because our global economic system does not provide them with the minimum food and medicine to survive. The great myth of capitalism is that each individual is

free to sell his or her labour in exchange for these basic necessities, but we know this isn't true: global capitalism requires poverty and wage slavery to keep both prices and wages low in the industrialised world. The consequence is death for millions of people every year. R2P wants us to ignore that capitalism is perpetual war, with the haves driving the have-nots to their deaths! It laughably suggests that if people die by state violence, they could do nothing to avoid it and we are thus responsible to protect them, but if people die because our global economic system denies them basic necessities, it is their own failure and we have no such responsibility. R2P is merely one of the many contradictions of late capitalism!"

Sigmund Freud: "Oh Karl, why are you always so material? We should understand R2P as the grand dream of the liberal statesman, the 'royal road' to his unconscious. And what do we find if we stroll down this royal road? These fragile, insecure, but powerful men are unconsciously acting out the experience that traumatizes us most as children: helplessness. Can I have any impact on the course of reality? Should I intervene? Should I not intervene? Of course, there will be tragedy either way. R2P merely makes that tragedy more livable by dramatising the helplessness of powerful people under the impossible pressure of publicly presenting themselves as if they are in control."

Judith Butler: "Yes, notice the masculine performativity of the R2P doctrine. The language of responsibility, protection, and saving can be understood as the production of a male narrative that justifies military force (a classically male solution), without thinking systematically about the depth of other violence, such as structural gender and class violence. These concerns are relegated to 'private' life, where women have been forced to suffer silently for millennia. How 'responsible' is that?"

Fanon: "Precisely. Court intellectuals like Ignatieff have always been responsible for the suffering of the silenced. He makes it all too easy to decry brown tyrants like Saddam Hussein and Muammar Qadhafi, while ignoring that it is the colonial administrators Ignatieff defends who so violently govern international politics. You all know I'm not one for liberal discourse or nanny-panny solutions: I say it's time Ignatieff faces the very violence he has spent his career justifying! Let's round up Ignatieff and put him on trial at the *other* ICC: the International Critical Court."

Marx: "Agreed! I can't think of a better representative of the global bourgeoisie to face the guillotine!"

Freud: "Don't be ridiculous, Marx. Don't you remember that you yourself are opposed to capital punishment? You must be hanging out with Stalin too much lately..."

Marx: "Uhm...ehhr...uh..."

Freud: "Anyway, Ignatieff will have plenty of time to psychoanalyse himself in prison."

Butler: "Enough talking! It is left to citizens to challenge power structures that won't act on their own accord. On three, we rise, rush the podium, and put him under citizen's arrest!"

Fanon: "One!"

Freud: "Two!"

Marx: "Vanished! He's gone! How did Ignatieff just vanish?"

Butler: "He must be hiding behind the veil of ignorance – again. These liberal political theorists are *so* predictable."

With Freud, Marx and Butler scouring the conference room and peeking down the hallway,
Fanon: “He must have found such an original position to hide away in!”

A Student, listening in, cautiously leaning toward the group: “Sorry to interrupt, but I couldn’t help overhearing. As a first year grad student studying R2P, I was wondering if it might be best not to off Ignatieff just yet...?”

Fanon: “Silence! I hear footsteps...”

Student: “See, the thing is, if your critiques are ever going to move past being confined to the Critical Corner —”

Marx: “The what?”

Student: “Yeah, that’s what everyone calls you. From my first year grad school reading, it seems like your critiques are known, but not taken very seriously. The —”

Marx: “Not taken seriously? Once Howard Zinn visited me from the future, and he told me *everyone* is a Marxist now.”

Student: “Uh...right. Is that *all* he told you about Marxism after Marx?”

Fanon: “Enough distraction! We have an Ignatieff to subject to liberating anti-colonial violence this afternoon!”

Chorus, chanting: “We are the ghosts of massacres past. We are the forgotten, the slain, the slaughtered beneath your abstractions and your certainties. We are the tortured who you have never known. We are the dead.”

The Student, looking between the chorus and the Critical Corner: “Will castigating Ignatieff help those who have already died? Or will it only further isolate the Critical Corner. Isn’t it better to build bridges with those who share your frustration with —”

Fanon: “Imperialism! Perpetual colonialism!”

Marx: “Sidelining the suffering of the proletariat!”

Conference Organiser: “Excuse me, could we have silence in the back?”

Student, whispering to the Critical Corner: “This is kind of what I mean...you guys aren’t so popular around here. But still...R2P advocates know they have a hard time building support outside western academia, and you all have great street cred. If we could find a way for R2P advocates to capitalise on your credibility, while addressing your concerns about —”

Marx: “The global poor!”

Butler: “Marginalised women.”

Fanon: “Non-whites.”

Freud: “Psychoanalysts!”

Conference Organiser, dismissively turning for the first time to the Critical Corner: “We could use some psychoanalysts in here!”

Ignatieff, reappearing at the front of the room: “Not to intervene, but —”

Fanon: “He’s back. Seize him!”

Student: “Wait! Shouldn’t we hear him out?”

Fanon: “Why should I listen to someone whose hands bear the blood of —”

Chorus, chanting: “We are the ghosts of massacres past. We are the forgotten, the slain, the slaughtered beneath your abstractions and your certainties. We are the tortured who you have never known. We are the dead.”

After a moment of silence, Ignatieff: “I don’t think it’s fair to say that R2P is a doctrine of the powerful. Do China or Russia endorse it? Many powerful states object to international norms or practices that prevent them from dealing with internal problems as they see fit. It’s simply inaccurate to —”

Fanon: “Yes: that’s why western states wrote the doctrine to apply to others, not themselves!”

Butler: “The relationship will always be asymmetric: the West as subject, the Rest as object.”

Ignatieff, changing the topic: “It’s just not true that western states devised R2P. The doctrine was formulated by representatives from all six continents who worked together on the International Commission on Intervention and State Sovereignty. Plus, the first regional organisation to incorporate humanitarian intervention, as it was called before R2P, into its constitution was the African Union, in 2000. The AU was also the first regional organisation to ratify the R2P doctrine, in 2005: the same year the General Assembly officially recognised the doctrine, and five years after an African UN Secretary General challenged the international community to devise a solution to the systematic killing and humanitarian crises of the 1990s. And let’s not forget that the first internationally recognised diplomat to argue for ‘sovereignty as responsibility’ was Francis Deng, a South Sudanese diplomat who wrote a seminal book by that title in 1996 and later served as Special Adviser for the Prevention of Genocide to the UN Secretary General. If anything, western states might complain that R2P has been dominated by Africa!”

Fanon: “The colonial master is so unable to see black life that he believes a panel in which two of the twelve members are Canadian, a panel in which seven of the twelve members are from Europe, White North America and Australia, is ‘representative’. Is this the world your white eyes see?”

Ignatieff: “You’re cherrypicking the evidence. The International Commission on Intervention and State Sovereignty was chaired by Ramesh Thakur of India, and —”

Fanon: “Well there’s someone with *Black Skin, White Mask* if I ever saw one, trying to appropriate the concerns and goals of the colonizer under his own black skin...”

Ramesh Thakur, materialising from the back of the room and rushing forward: “Don’t dismiss my work so easily, Frantz. You entirely misunderstand the situation if you think R2P is a western imperial device. The sole time R2P was put into effect, in Libya via UN Security Council Resolution 1973, it was supported by European, Latin American, African and Middle Eastern states. If that’s not representative enough for you, I don’t know what could ever be.”

Fanon: “Libya? That intervention shows everything wrong with R2P: neither the doctrine nor the Security Council resolution justified regime change, and yet there was no one to stop NATO from going ahead with it once self-appointed western saviours had decided to do it anyway. And look at the chaos that’s followed! You try to remake the world in your own colonial image, but only disaster ensues. Today Libya is entering its fifth year of post-intervention dysfunction, it’s

GDP has fallen 15 percent and 24 percent in consecutive years, and those who were so keen to bomb the country are nowhere to be found when it needs rebuilding. Meanwhile, major global players like India have lost faith in R2P because NATO went so far beyond the UN mandate in toppling Qadhafi's regime. Remind me where the success was again?"

Ignatieff: "In saving the lives of tens of thousands of people in Benghazi who Qadhafi ominously promised to find in their closets and slaughter! This is always the problem with the Critical Corner: you're so keen on theoretical criticism, and so blind to practical success."

Fanon: "Blind? Ignatieff, you're the one who is blind to the thousands of invisible people – almost all non-white, non-European – who have been killed by western powers and their allies. You don't care about these lives, 'collaterals' as you call them, because they're politically inconvenient to acknowledge. What about slaughtered Gazans or Iraqis? Wasn't it the US who supported murderous regimes in East Timor, Nicaragua, El Salvador? You never care about those lives. You don't criticise western regimes when they engage in the very atrocities you've supposedly built your career condemning. They're invisible to you. Oh, how comfortable it is to repress your own population while friends watch your back at the Security Council and court intellectuals justify your crimes!"

Ignatieff: "Scandalous! Libelous! You scoundrel! You're selecting the worst historical cases to dismiss a doctrine that can save lives, all in the name of your unsubstantiated theories and hyperbolic critiques. People will die because of your simplistic invalidation of the best doctrine we have to prevent mass atrocity crimes, imperfect as it is! Don't you see how your criticisms actually support tyrants by persuading states to do nothing in the face of mass murder? What's so 'radical' or 'liberating' about condemning some of the world's most vulnerable citizens to the machetes of the Hutus, the mass graves of Darfur, the killing fields of Choeung Ek? Your behaviour is little short of assisting genocidaires!"

Fanon: "Well it would take one to know one, wouldn't it Professor?"

The men rise, rush toward each other, and are near to blows when the door burst opens and all heads turn toward the two figures gliding confidently into the room.

Act 2

Two figures stand in the seminar room doorway, one in a flowing achiton, with a majestic ruby-coloured beard and willow leaf sandals, unperturbed by the Oxford chill; the other in the finest French silks, with the edge of a perfectly ironed white shirt delicately emerging at the neck.

Aristotle: "This is an intervention!"

Tocqueville: "We can't help but feel responsible to protect you from yourselves!"

Conference Organiser: "Aristotle? Tocqueville? I don't see your names on the registration list. I'm afraid that without prior registration you won't be able to —"

Tocqueville: "Conference sovereignty no longer applies!"

Aristotle, seizing the microphone: "We're here to do capacity building."

Tocqueville: "To take R2P back to basics."

Student: "This is so cool!"

Aristotle: “To find a golden mean between the critiques from the Critical Corner and the untenable status quo.”

Tocqueville: “To return R2P to its noble purposes.”

Marx: “To not only interpret the world, but also change it?”

Aristotle: “Something like that.”

Student: “I am totally staying in academia.”

Tocqueville: “We’ve been reading the literature on R2P..”

Aristotle: “...and we can’t help feeling...”

Tocqueville: “...even if we don’t know how to say it modestly...”

Aristotle: “...that you’ve forgotten...”

Tocqueville: “...about us.”

Aristotle: “Maybe today the ripest questions in political theory are about planes and bombs, but in my day it was about how public institutions shape human nature. Politics used to be about imagining how the right institutions could create moral virtue: how our institutions shape our habits, and our habits shape our character. If we want to prevent mass atrocity crimes, we need to ask how the moral architecture of contemporary international institutions can habituate authoritarian rulers out of their governance practices. We need to re-think prevention as the project of cultivating particular types of states in a particular type of international system, just as politics should be about the cultivation of moral life in the individual.”

Ignatieff: “Hum, that sounds much more ‘interventionist’ than anything I’ve proposed!”

Aristotle: “Well, it’s certainly more imaginative. To prevent mass atrocity crimes, we need a bolder theory of justice that cultivates moral virtue in states by letting each see its ultimate end as co-existing in a shared international system, not merely one dominated by the powerful. Details to come!”

Fanon: “Live and let live!”

Tocqueville: “Not exactly, Frantz. What Ari is saying is that R2P can’t just be about using coercive force to correct for moral failures. Instead, we need to forge the sort of society of states in which mass atrocity crimes are less likely to be committed and more likely to be universally acted against: one that prioritises deliberation, citizenship, and accountability – the best principles of civil society! And if it does come to coercive action against a regime committing these crimes, we have to remember that it is civil society that stands between an authoritarian state and its victims, and thus it is civil society through which we should empower citizens to defy authoritarian regimes.”

Aristotle: “Precisely. We need to learn to see societies, not just emergencies. Aiding citizens in their own efforts at liberation means clarifying for Fanon and his disciples that R2P is not an imperial mission. Doing so steadfastly and with all the resources of the international community can satisfy Ignatieff’s admirable insistence that our first priority be the cessation of mass atrocity crimes. All matters of justice lie along a mean: in this case, we must balance a theory of justice that privileges national self-determination with a theory of justice that privileges human rights. We must find a balance between the critiques coming from the Critical Corner and the

status quo R2P doctrine. But surely we can all agree to this: the doctrine's basic premise – that the international community can help citizens defying mass atrocity crimes – is too valuable not to rehabilitate. What theory of justice could possibly condemn the victims of mass atrocity crimes to a silent death?”

Fanon: “Are you suggesting the possibility of an R2P that empowers oppressed peoples to act on their own behalf, an R2P that comes to the aid of the wretched of the earth as they meet the violence of the state with a liberating violence of their own?”

Butler: “That not only listens to the needs of women, but pays structural heed to their empowerment?”

Marx: “That understands political violence as situated within deeper economic violence?”

Fanon, Butler, Marx, together, with the Student egging them on: “We could go for that.”

Aristotle and Tocqueville, to the conference hall: “Who among you will turn these principles into practices we can all endorse? Is it possible? Can it be?”

Student, whispering in the tense silence that follows: “Would you guys write a letter of rec for my PhD application?”

Act 3

United Nations General Secretary Ban Ki-Moon, entering the room: “Hi everyone. My indispensable R2P adviser Jennifer Welsh just alerted me to your little intellectual gathering – she is good at listening in from anywhere! I just had to stop by to chip in. I like the sound of what you're saying, but I have to tell you... it doesn't seem so new at all. Actually, your ideas seem awfully similar to many of my own. In 2012, I called for a ‘Year of Prevention,’ arguing that mass atrocity crimes occur far less often when civil society is robust, tolerance is practiced, and diversity is celebrated.”

Tocqueville: “Why, of course, you...ehr...read our minds —”

Fanon: “The same speech in which you hailed the Libyan intervention as a success, while admitting ‘innocent lives were lost in the name of R2P’? I underestimated your ability with the euphemisms of imperial overreach, Mr. Secretary General!”

Ignatieff: “You ruthless idealist! If you had actually read the full speech, you would have seen the Secretary General struggling with R2P's imperfections. You would have seen that he implored, ‘Let us not make the best the enemy of the good.’ But your petulant, childish, idealistic, impractical sense of —”

Chorus, chanting: “We are the ghosts of massacres past. We are the forgotten, the slain, the slaughtered, covered by your abstractions and your certainties. We are the tortured who you have never known. We are the dead.”

Fanon and Ignatieff's looks of utter hatred soften, their eyes find the floor tiles suddenly riveting, and Aristotle sweeps between them.

Aristotle: “The Responsibility to Protect doctrine will never be perfect, but it can be far better than it is today. We can never forget this, for if we do, we forget the very nature of ethics.

Moral virtue requires not only knowledge, but also *phronesis*, or practical wisdom: the ability to apply universal principles to the craggy particulars of the world as it is. *Phronesis* can only be acquired through experience, and R2P is a very young doctrine. Frantz and the Critical Corner cannot reject the doctrine so soon, before its imperfections are rounded to something better approximating moral virtue. And Michael cannot so adamantly defend R2P as it is, without a willingness to accept that even the fundamentals of R2P may need reform. If we remember that moral virtue can be found in practical wisdom, that we need experience to apply universal principles to particular situations, and if we never forget the moral urgency of our chorus, I am sure we can all agree to begin making a better R2P. Now, who is willing to move forward?”

The room – both the Critical Corner and mainstream conference – offer reluctant nods.

Tocqueville: “We should proceed with this spirit of collective goodwill and mutual collaboration – best practiced in civil society, of course.”

Student: “Political theory in practice – I always told my parents it was worth taking courses in the humanities!”

Ban Ki-Moon: “Civil society! Civil society! Everyone is always talking about civil society! What on earth do you actually *mean*, Alexis?”

Tocqueville: “Civil society is where citizens join together to work collaboratively toward common goals. We need to apply that ethos more rigorously to each of R2P’s three so-called Pillars. To begin with, Pillar 1 says that states are the first to be responsible, right? And Pillar 2 says that the internationals should help states exercise that responsibility, right? So let’s create a Prevention Observatory at the United Nations specifically dedicated to working with local civil society organisations to monitor potential outbreaks of mass atrocity crimes. Citizens are the ones who see it coming. Moreov —”

Ban Ki-Moon: “I’d like that, and I’d also like a closet full of your French silk ties – but who is going to pay? The problem with prevention is that when it works, nobody can claim credit. It’s not like a vaccination campaign with nice before and after graphs that you can show to —”

Marx: “Maybe it is like a vaccine. If just one person takes a vaccine, it has no effect: disease can only be prevented when vaccines are fairly distributed. It’s communism in practice! Just like disease spreads when vaccines aren’t distributed to everyone, so too does conflict come about when economies are developed unevenly, when some have all and others have none, and artificial ethnic divisions are created. You worry about the costs of prevention, Mr. General Secretary? What a great example of capitalist thinking in the short term, of why capitalism always has to be rescued from itself. European states that are worried about the cost of refugees today would have saved a pretty penny had they spent on prevention yesterday. Tell your reluctant capitalists *that!*”

Freud: “No one will listen! We are irrational beings! The civilisational death drive will overrun us! History is a nightmare we will never wake up from!”

Tocqueville: “Wrong, Freud! Focusing on prevention can in fact change the way R2P is seen, defining it as a doctrine primarily of effective anticipation rather than military force. That’s important for establishing the legitimacy of the doctrine. But because we can’t ignore that force will sometimes be necessary, we need to apply our understanding of civil society to Pillar 3 of R2P as well. With Pillar 3 we learn that if states fail, the UN is committed to protecting civilians, with armed force if necessary. Doesn’t anyone think it’s curious that of all the ways of defying the

regime committing mass atrocity crimes, none calls upon citizens and civil society? As recently argued by...ah, my memory gets worse and worse the longer I'm dead..."

Student, eagerly leaping forward: "Frédéric Megret!"

Tocqueville: "Yes, that's right, Frédéric, one of my great disciples." (*Proceeding, with a smug smile*). "Frédéric said it well, almost as well as I might: citizens are too often overlooked by R2P. Wherever you study mass atrocity crimes, whether in Rwanda, the Armenian Genocide, the Khmer Rouge, the former Yugoslavia, you will always find fierce citizens taking their future into their own hands, whether violently or non-violently, in defence of their lives, their children, and their communities. Yet R2P sees victims of mass atrocity crimes as passive, even depoliticised: as objects instead of subjects. But think of the immense effect the international community could have by empowering citizens to defy authoritarian regimes themselves. Just look at Syria. We have seen there how civil society organisations can work against a regime committing mass atrocity crimes: by organising medical care and developing information systems that enable affected citizens to improve their chances of escaping state violence. All of these actions can save lives, but R2P does not emphasize civil society empowerment because it fails to see the power of citizens to act on their own behalf. These brave citizens could have done so much more with assistance from the international community. Citizens are in the front row not just as victims but as actors – they need help from outside. That means seeing targeted citizens as peers in an international effort to defy mass atrocity crimes."

Ban Ki-Moon: "Another funding disaster. Who wants to give support to 'civil society' organisations that may be funding violent extremists?"

Tocqueville: "If we cannot find any citizens with whom to work, what hope is there for finding stability and reconstruction after mass atrocity crimes have ended?"

Ban Ki-Moon: "You're really serious about —"

Tocqueville: "Civic virtue! Inclusion! Participation! Democratic deliberation! Yes, I am. We must take the principles of empowerment, citizen deliberation, and accountability that characterise civil society and apply them to the United Nations itself. And that brings me to my suggestions for Pillar 3. Imagine if every R2P intervention required a follow-up evaluation one year after atrocities began, in which a public hearing held at the United Nations would scrutinise the ways the international community had chosen to act, or not act as the case may be. It would hear testimonies from citizens on the ground, legal experts, journalists who covered the intervention, as well of course as those who led it. Supporters and critics of the intervention would be able to make their case – or their *mea culpa*."

Ban Ki-Moon: "I'm drawn to this type of accountability. States that clearly played power politics would be named and shamed in a public arena."

Tocqueville: "Together, we would reason through the evidence and better understand how to improve R2P. With a clearer sense of our options, key international actors could begin to cultivate the moral wisdom Aristotle taught us can only be acquired through practical experience, all while reinforcing the best principles of global civil society: citizen deliberation and public accountability."

Chorus: "Our lives would be honoured instead of forgotten, our deaths instrumental in stopping evil instead of eulogized with grand words and no deeds. We, the forgotten, the

slain, would come to life in an international process that respected our suffering by working tirelessly to end it. We would be forgotten no more.”

Ignatieff: “This would give both new international attention to R2P and the chance to reform it with new experience. It would also bring out from the dark those states which, shamelessly tethered to their own narrow interests, have worked against the goals of R2P.”

Fanon: “Better yet, it would give a public spotlight to your imperial justifications, your self-righteousness, your crimes!”

Ignatieff: “How da —!”

Student: “Can’t you two save it for the forum, where everyone will have the chance to debate differences publicly?”

Ignatieff and Fanon, together: “Sign me up!”

Marx: “Not so fast. The asymmetry of the powerful and the powerless will not be overcome simply through the spread of mere *information* – a classic market solution!”

Freud: “We are allies again, Marx. What foolish liberal naiveté to think that a mere forum can cure our civilisation’s submerged death drive...”

Ban Ki-Moon: “If you’re right, Freud, the least we can do is create a suicide watch squad. To the forum, I say!”

Marx and Freud, grumpily: “Well, I suppose it’s better than nothing...”

Butler: “Power structures can never be counted upon to function justly on their own. Citizens around the world will have to actively demand that this forum be representative, that the unique violences experienced by women, queers, the disabled, and the poor be represented.”

Ignatieff: “Do I hear a nod to pragmatism and assent beneath the theoretical density of the Critical Corner?”

Ban Ki-Moon, bringing out a clean book and pointing to a page with a dotted line: “Sign now! Before the disagreements start again, sign on the dotted line!”

Chorus: “Could it be, Oh Aristotle, that our thinkers and politicians have become wise! If only in our life times, then our blood might never have been shed...”

Aristotle, signing his name after those of Marx, Freud, Butler, Fanon and Ignatieff:

“Practical wisdom is never easily earned
But for perfection good cannot be spurned.
For the moral good we can never acquire
unless through experience we refuse to tire
of the search for morality that lets us reach higher.
If to this we can agree
Then less wanton bloodshed shall there be.”

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