

The Responsibility to Protect and the New Liberal Dystopianism

Written by Philip Cunliffe

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PHILIP CUNLIFFE, FEB 16 2014

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At first sight, the Western reluctance to openly intervene in the Syrian civil war in defence of human rights seems to be yet another instance in which humanitarian ethics have had to give way before power politics, where idealism has had to concede to realism, and where hypocrisy and inconsistency have once again triumphed over universal values.

But it would be a mistake to cast the debate in such terms. To do so would be to miss how far the tenets of liberal idealism have been debased by the doctrine of the “Responsibility to Protect” (R2P), and how far liberal idealism has accommodated itself to the interests of power. Designed to help protect vulnerable people from extreme violence whenever possible and prudent, the doctrine of R2P has never aimed at consistency, let alone at transforming the international order or abolishing war. In this, the doctrine of R2P falls far short of the classical liberal idealism of the last century. While liberal idealists were charged with utopianism for propagating their vision of a world without war, the most that can be hoped for from the sub-idealism of R2P is a shabby dystopia of erratic global policing and intermittent global law enforcement.

The Retreat from Universalism

The 2011 NATO intervention in the Libyan civil war proceeded as if scripted by R2P theorists. A limited military intervention was justified by the need to protect civilians from a vengeful regime repressing a popular uprising. The intervention was authorised by the United Nations, with the two permanent members of the Security Council not involved in the military campaign—China and Russia—refraining from casting their vetoes, as they had no vital national interests at stake to discount the urgency of protecting Libyan civilians.

Although any number of reasons could be adduced to account for the failure to mount a similar intervention in Syria, any one of them could be rendered consistent with R2P doctrine. Although the Assad regime in Syria is more brutal than Qaddafi's, it is also better-armed, with strong allies keen to preserve it, while the potential targets of an air campaign are more widely dispersed and the country as a whole straddles a confluence of regional geopolitical rivalries and ethnic conflicts: reasons that would justify non-intervention under the terms of R2P. Inconsistency is woven into the fabric of the doctrine. The earliest formulation of R2P, published by the International Commission on Intervention and State Sovereignty (ICISS) in 2001, suggests that if intervention is likely to provoke a greater conflagration, it should be avoided.¹ This renunciation of universalism is telling: the doctrine comprises no claims sufficiently clear or principled that its proponents could be accused of hypocrisy.

Not satisfied with this vague general principle of inconsistency, the report's authors solidified it by making clear that the doctrine could never be reasonably invoked against the permanent five members of the UN Security Council.² From the start, then, it was made clear that enforcing R2P would never involve challenging the power relations underpinning the international order, thus legitimising and thereby reinforcing the inequality of the UN system. This has only been reaffirmed in subsequent iterations of the doctrine.³

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The Retreat from Cosmopolitanism

The unashamed defence of inconsistency is not the only, or even the most important, concession made to the principle of power in the theory of R2P. Often cast as a means of protecting the rights of the vulnerable, what is overlooked is that this principle also reframes the justification of state power in a way that diverges from the classical liberal ideal of self-determination. Under the terms of R2P, legitimacy derives not from correspondence with and responsiveness to the political will of a particular national group, but from the effectiveness of protection offered by the state. In classical liberal internationalism, the sovereign rights and integrity of the state emanate from the rights of the people that it claims to represent. Under the terms of R2P, the legitimacy of the state flows from the effectiveness of that state's security structures. In short, the responsibility to protect substitutes security for freedom, elevating the principle of state power over that of representation and accountability.

In its original formulation by ICISS, the doctrine of R2P was explicitly cast as the rejection of cosmopolitan ideals of transcending the sovereign state and the repudiation of any rights that could be claimed over and above state sovereignty.⁴ As a hypertrophied form of liberal idealism, cosmopolitanism at least had the benefit of looking beyond the state as the ultimate form of political order. R2P, by contrast, reaffirms the state as the best means for organising political life, while at the same time stripping it of the right to non-intervention. The effectiveness of a state's security structures is what counts for R2P doctrine, with the result that a state's inhabitants are treated not as citizens, but as wards that may be shuffled from the protection of one agency to another without prejudice to their rights.

The Retreat from Peace

Perhaps the most striking departure from the tenets of classical liberal idealism is how the doctrine of R2P responds to the problem of war. Liberal idealism aimed at the utopian goal of abolishing war as such, R2P is focused, as the subtitle of Gareth Evans' book puts it, on "ending mass atrocity crimes once and for all."⁵ Although a more modest goal than that of abolishing war, it would nonetheless be wrong to see the goal of ending mass atrocities as being more appealing by virtue of being more practicable. For what can it mean to abolish mass atrocities without attempting to abolish the conditions and opportunity to commit such atrocities?

If the primary goal of the doctrine is to end mass atrocities, this must presuppose that war is not seen as problematic in and of itself, but rather it is the conduct of war that is problematic. This is to implicitly accept and normalise warfare as a permanent condition of international order. In other words, R2P accepts one of the founding premises of political realism. What is more, the doctrine expands the right to wage war beyond the scope of anything as parochial as the national interest, legitimating war on behalf of humanity as a whole.

Liberal idealists were at least clear that war itself was the terrible evil to be avoided. By its very nature, war will always result in atrocities, whether they be from machetes or from laser-guided bombs. To believe otherwise is to regress to a level of naivety far beneath that of the most ardent liberal utopian. Today's humanitarian liberals feel no compunction about expanding the normative resources available for waging war, while also holding that its worst excesses can be meliorated. To aim to "end mass atrocity crimes once and for all" without seeking to "end war once and for all" is not only absurd, it is also cynical and dishonest. As a political goal, it has all the limitations of utopianism without any of the redeeming nobility or consistency of purpose. If liberal idealists dreamt of a world without war, humanitarian liberals dream of a world where all wars are fought with the latest precision-guided munitions and technology. While liberal idealists hoped to use law to restrict and abolish war, humanitarian liberals would prefer that lawyers wage war to ensure that it meets the guidelines of international humanitarian law.

Realists and strategists have frequently been frustrated with the ascendancy of humanitarian liberalism in determining the use of force since the end of the Cold War. However, it would be wrong to see this as a reprise of the perennial debate between idealism and realism, for we have regressed behind the intellectual achievements of our classical forebears. The liberal defenders of R2P fall far short of the goals and values of the classical liberalism of the eighteenth and nineteenth centuries and the liberal idealists of the inter-war period. The responsibility to protect offers no vision for superior forms of political organisation that might transcend the limits of the current world order, or a world that might transcend warfare. Debased and compromised by its accommodation to the interests of power and

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states, whatever criticisms may be levelled against R2P, it would be to give its defenders too much credit to criticise the doctrine for being either idealistic or utopian.

1 International Commission on Intervention and State Sovereignty, *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty* (Ottawa: International Development Research Centre, 2001), 37.

2 *Ibid.*

3 See, *inter alia*, United Nations, “2005 World Summit Outcome Document” (24 October 2005). A/RES/60/1.

4 See, e.g., *Responsibility to Protect*, 17, 31.

5 Gareth Evans, *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and For All* (Washington, D.C.: Brookings Institution Press, 2011).

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