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## A Critical Examination of “Humanity”

Samuel Jarvis

### Introduction

In a speech to the United Nations General Assembly in September 1999, Secretary-General Kofi Annan addressed the gap that had developed between traditional interpretations of the UN Charter and evolving humanitarian practice, in which member states had gradually begun to recognise further limits to state sovereignty. In direct response to the inaction of the Security Council in Rwanda, and its division in the case of Kosovo, Kofi Annan (1999) argued that, ‘In both cases, the UN should have been able to find common ground in upholding the principles of the charter, and acting in defence of our common humanity’. Implicit in Annan’s assessment of the previous moral failings of the UN, is the assumption that the defence of “humanity” itself can and should act as a central guiding principle for UN member states. In response, Annan (1999) argued the case for a ‘new commitment to humanitarian action’ that needed to be ‘universal, irrespective of region or nation’ and underpinned by a ‘broader definition of national interest’. Central to this new approach was the need for Security Council action to now be ‘answerable to a higher authority, that of morality’, in order to reject the absolutism of traditional sovereignty (Hopgood 2014, p. 190). Consequently, it is this recognition of a distinct moral concern for the threat posed by mass atrocity crimes to a collective humanity, which would prove central to the original framing of the Responsibility to Protect (R2P) within the International Commission on Intervention and State Sovereignty (ICISS) report. However, the extent to which recognition of the moral plight of our common humanity can be used to ground state consensus, and how this triggers when the international community *should* intervene on behalf of others, remains a question left critically underexplored.

The philosophical and moral foundations of humanity's relationship to the R2P have for a long time remained a largely overlooked element of the R2P literature. Despite the language of humanity and appeals to it being a consistent feature in a wide range of R2P scholarship, from Nicholas Wheeler (2005) questioning if the R2P is 'A victory for common humanity?' to Peter Hilpold's (2012) framing of the R2P as 'Intervening in the name of humanity', it is most often the case that humanity's normative status and value is one left assumed and / or unexplored. This appears strikingly at odds with the significant normative weight both scholars and diplomats continue to place on the concept of humanity, and the metaphysical heavy lifting they assume the word can provide to any moral argument. This can be illustrated in a number of examples, including Ramesh Thakur's (2015, p. 23) conceptualisation of the R2P as being one underpinned by 'our common humanity', and hence demanding 'an acceptance of a duty of care by all of us who live in zones of safety towards all those who are trapped in zones of danger'; as well as Gareth Evans (2008), who suggests that 'the case for R2P rests simply on our common humanity'. Thus, as Maja Zehfuss (2012, p. 862) has argued, 'most often "humanity" is not considered a category in need of explanation', leading to the assumption that 'it self-evidently deserves protection'. In both these examples, the concept of humanity provides the central philosophical principle underpinning the moral weight of their arguments, yet the concept is presented without further comment, and simply taken as an uncontested truth.

Whilst more recent scholarship has looked to fill this void, such as an *International Politics* special issue on 'The Responsibility to Protect 10 years on from the World Summit (2016)', focusing more specifically on the relationship between humanity and the R2P, there still remains a tendency to overlook the complexities of humanity's moral foundations and its subsequent impact on the framing and construction of the R2P. One can highlight this oversight within the special issue, whereby the concept of common humanity is most often utilised as a

theoretical benchmark in which to measure the current progress of the R2P. In this sense, the focus often concerns ‘whether the Responsibility to Protect promotes a common humanity’ (Waldorf 2016, p. 50); or the extent to which the R2P can represent an ‘expression of common humanity’ (Newman 2016, p. 32). Thus, rather than analyse the R2P as simply an attempt to live up to or put into practice the universal value of humanity, one must further interrogate the points of contestation within this relationship, in particular, the extent to which states recognise the link made between humanity’s role in identifying collective harm and its ability to then motivate action through the framework of the R2P.

In light of this lacuna, it is necessary to ask what this theoretical oversight means for on-going debates about the R2P as well as our ability to still talk of a “common humanity”. First of all, the lack of critical engagement with the concept of humanity has to some extent clouded normative judgements concerning both the centrality of humanity to the R2P’s motivational capacity as well as its relation to issues of moral progress. The relative speed in which the R2P concept has moved from a loose abstract framework to an idea recognised by all states in the 2005 World Summit Outcome Document (WSOD) has thus been central to reinforcing the beliefs of many advocates that ‘the normative arguments about R2P are largely won’ (Bellamy 2015). However, this conflation between the R2P’s normative progression and the relative progress of our collective humanity is at times misplaced. In addressing this oversight the chapter will examine the extent to which the recognition of a moral demand for protection, founded in the idea of a collective harm to humanity, can in fact influence states to take action on behalf of others. Through this more critical engagement on the relationship between humanity and R2P, the chapter highlights the significant contestation that still exists, in terms of how the moral demands founded in the R2P compete with the everyday constraints of international politics.

In order to break down this complex relationship the chapter is structured around two key questions. Firstly, how does the concept of humanity underpin the moral claims that are central to the identification of universal ‘human wrongs’ (Booth 1999, p. 56)? In response to this question, the next section will focus on how to distinguish various aspects of humanity in order to ground our understanding of the distinctly human harm created by mass atrocity crimes. Building upon this theoretical outline, the chapter will secondly examine how the concept of humanity is used to underpin the moral and ethical framework of the R2P. In addressing this question, the chapter will analyse the key moral obligations created by the concept of humanity, and assess how these obligations have helped to inform and construct the central motivational qualities of the R2P. Through tracing the R2P’s chronological emergence, alongside its engagement with the concept of humanity, the section will demonstrate how states have continued to challenge the link made between humanity’s role in locating collective harm, and the subsequent call for humanity to be protected. The chapter will then conclude by highlighting the need to more critically engage with the normative tensions at play in the R2P concept, thus opening up space for a significant reassessment of how we qualify the ability of new humanitarian concepts such as the R2P to reflect moral progress and change.

### **Grounding the Concept of Humanity**

In order to clarify the distinct characteristics that make up our understanding of what constitutes the idea of harm to humanity, the chapter will first focus on two specific complimentary characteristics often used by philosophers in their examinations of humanity, namely *humanness* and *humankind*. Through exploring these dual characteristics, it will be possible to reflect on how both are essential elements in how we frame and categorise the crimes that are considered of greatest harm to us collectively. As Matthew Weinert (2015, p. 25) argues,

notions of humanity are not simply used as ‘diplomatic or academic flourishes’ but can in fact be seen to ‘exert influence on policies and ways of thinking about contemporary international relations’. This section will therefore help to demonstrate why there remains a need to further develop greater conceptual clarity on the diverse, yet central, elements of humanity, so as to better understand its moral significance in relation to categorising ‘conscious shocking crimes’ (Heinze 2009, p. 33).

Humanity can firstly be interpreted as referring to the quality of being human, encapsulated as what philosophers often call *humanness*. Humanity is thus the essence of what makes us human, which must be seen as an abstract property, rather than the human race or a set of individuals (Luban 2004, p. 90). In other words, there are certain basic values that are considered inherent to all human beings, such as a form of shared human dignity and our collective diversity as a species (Renzo 2012; Bauman 2001, p. 136). The consequence of this reading of humanity implies that there is something fundamental to being human and how we define these elements of humanness has a profound impact on our overall understanding of the concept of humanity.

Consequently, when we talk about a crime committed against humanity, we are often insinuating that the very basic moral sensibilities that are instinctive to human beings are challenged, and thus the foundations of human worth are directly under attack (Gyekye 2004). In this sense, we can also conceptualise humanness in terms of its relation to dehumanisation (Haslam 2006), whereby our ability to locate practices of dehumanisation, such as defining others as cockroaches instead of humans, helps to reinforce the value of recognising a shared humanness. We must therefore understand humans as having ‘capacities which non-humans do not and which humans consider being so significant, as to make them the basis of an

appropriate moral practice' (Parekh 1999, p. 147). The collective status of humanness is thus defined through 'individuals possessing certain species-specific capabilities', reinforcing the need to treat humans in a certain manner, not as inanimate objects (Parekh 1999, p. 147). The notion of humanness therefore allows us to set moral limits as to the categorisation of universal human wrongs (Booth 1999, p. 56), which can be seen to represent a direct affront to the human qualities we are all deemed to share.

In contrast, humanity can also be referred to as simply *humankind*, meaning the aggregation of all human beings. This requires the ability to accept that as human beings we all belong to one collective group and that this allows us to have interconnections with human beings as a whole. It is through greater identification with distant people that we can then expand our recognition of harm and therefore draw 'serious violations of human rights to the attention of a worldwide public' (Linklater 2009, p. 490). Thus, we can view crimes against humanity as crimes that not only harm the direct victim and their humanness, but also all human beings in the process (Renzo 2012, p. 449). The collective element of this understanding of humanity is based on the fact that we are all members of a human species, living in the confines of the planet, by which we are both constrained and interconnected by this reality. Whilst it is difficult to argue that we are all directly violated by acts that supposedly "stain the conscience of humanity", by referring to humankind one can suggest that a significant group representing human beings as a species has been directly affected as a singular body (Geras 2011, p. 49). Furthermore, if we assume that groups can be assigned responsibility as well as be the victim of harm, one can view certain acts as violating key interests of that group, for example, attacks on the diversity of culture and people; whereby humanity arguably has an interest in the maintenance of its relative diversity and security (Macleod 2010).

Whilst both categorisations prove useful in breaking down different elements of what we often refer to as our common humanity, it is important to note that the two interpretations do not exist independently of one another. It is often the case that when people refer to humanity they interpret its existence as containing elements of both humankind and humanness. One can see this in a statement by Geoffrey Robertson (1999, p. 220), who claims that crimes against humanity ‘diminish every member of the human race’. Implicit in this claim is the suggestion that certain crimes not only concern the whole of the human race, in regard to a collective understanding of humanity, but that these actions directly challenge and diminish human essence, which is key to the idea of humanness. In this sense, when we appeal to humanity in a motivational capacity, we are most often implicitly making reference to a dual conception of humanity, one that combines ideas of human interconnectedness with the individual characteristics of human nature. It is the way in which mass atrocity crimes supposedly challenge both these separate concepts of humanity simultaneously, that consequently reinforces the moral aversion shared by so many across the globe to the inherent wrong of such crimes. In this regard, addressing the problem of being human requires us to consider ‘the processes by which those who are “outside” the human family become fully human and to whom dignity is accorded’ (Weinert 2015, p. 27). The strength of humanity as a concept relevant to the R2P therefore lies in its ability to locate individual crimes within a collective framework of harm, whereby the defence of humanity can then be framed as a key objective for the international community at large.

However, there also remain those who directly question the value of appeals to any form of common humanity. As Ilana Feldman & Miriam Ticktin (2001, p. 1) highlight, any claim to be speaking on behalf of humanity is often one that is attempting to go beyond the categories of political, religious and social divides, in order to assert a fundamentally powerful universal

position. Despite the assumed neutrality that is implied by the concept, an understanding of what humanity specifically represents and how we can define it is still severely contested. Due to the almost limitless interpretations of what humanity consists of it can often appear as though we should simply dismiss the concept all together, as ultimately an empty signifier; where despite universal claims to its ability to encompass all human beings, it is in fact ‘so historically, geographically situated, as to have no meaning beyond its particular instantiation’ (Feldman & Ticktin 2010, p. 2). Accordingly, one is reminded of Carl Schmidt’s (2007, p. 54) famous critique in which he argued that ‘whoever invokes humanity wants to cheat’ and as such appeals to humanity can only open up the space for further inhumanity carried out in its name. This line of thought has led many to suggest that appeals to humanity are mostly used in a way that ‘obscures that lives are valued differently’ (Butler 2009, p. 50) and thus the imperative that is triggered by appeals to humanity is used to mask ‘the complexity of the political situations’ in which the term is applied to (Zehfuss 2012, p. 873).

Conversely, what these critiques attack is not necessarily the universal idea of humanity as a reflective guide to moral harm, but its role as a rhetorical tool used to legitimate action by state leaders, whether morally defensible or not. One must therefore separate out the meaning we place on humanity as a moral force for collective harm recognition and the belief that an appeal to humanity assumes the imposition of universal actions of protection. In this regard, humanity’s relation to the politics of intervention practices is one that will often be defined by a diversity of legitimate but potentially conflicting ethical considerations (Lu 2007, p. 945); but that does not equate to the idea that humanity should simply be thought of as devoid of value or merit. This is present in the very critiques of the use of humanity outlined above, since it is clear that by resisting dominant universal narratives about humanity, they themselves posit a different categorisation of humanity as embedded in a universal condition of pluralism, which

when taken seriously, acts as a common element shared by human beings writ large from which normative value should be attached.

The need to therefore acknowledge a separation in humanity's meaning can be best encapsulated by the language connected to its moral application. In this sense, whether or not we have a shared ideal of unconditional common humanity or agree on the actions performed in its name, the fact that we bring up the question of "should we act" in the face of mass atrocity crimes in the first place, assumes that we do have some moral ideals and principles, by which we recognise and condemn certain acts as inhuman (Luban 2002, p. 99). Without a form of shared moral concept, the question of should we act in the face of mass atrocity crimes simply would not arise. Consequently, one can highlight how the concept of humanity has been constructed through language to form an essential part of our ability to define universal human harms. In this sense, it is important to acknowledge how even those who commit acts, considered as against humanity, frame their actions and motivations through an understanding of who is or isn't included in humanity. This is most often highlighted by the dehumanising language used by perpetrators, through the use of phrases such as 'rats' (Holocaust), 'cockroaches' (Rwanda Genocide) and 'maggots' (Uganda Cultural Revolution) to refer to victims. This is demonstrative of how the language of humanity is deeply embedded in our understanding of specific mass atrocity crimes, which are made obvious not only to the potential intervener, but also to those committing such crimes in the first place. Subsequently, the concept of humanity is arguably central to the language of mass atrocity, whereby appeals to the concept are heavily embedded in our thought processes. When we see mass atrocity crimes and label them as such, we are already acting and believing in the concept of humanity. Thus, what remains central to our understanding of humanity is its role in reinforcing an assumed moral wrong found within the actions of the perpetrators, and thus generating a harm

that can be seen to transcend traditional sovereign borders. Yet, the extent to which the concept can provide more than a reflective point of reference for locating universal harm remains fundamentally contested.

Consequently, whilst the concept of humanity plays a central role in grounding our ability to locate the limits of human action and categorise certain crimes accordingly, it also remains critical to our understanding of what moral responsibilities states owe to those beyond their borders. In investigating this link more closely the chapter will next address the theoretical bond made between the concept of humanity and the R2P, in order to outline the role humanity plays in supporting a moral obligation for the international community to protect those threatened by mass atrocity crimes. In this sense, humanity is used to ground the concept of a wider international community, one that is able to recognise the idea ‘that community is equally relevant internationally as it is domestically’ (Bulley 2010, p. 447). This is the normative ambition that is subsequently fused into the creation of the R2P, placing the concept of humanity front and centre in its role as the guiding motivational force for action. The next section will therefore outline how these motivational elements have been drawn together within the construction of the R2P, and highlight the specific points of tension between the R2P’s normative commitment to humanity and the creation of its pragmatic framework in the 2005 WSOD.

### **Humanity and the Construction of R2P’s Moral Framework**

The R2P must be understood first and foremost as a commitment born out of previous inaction by the international community, in responding to genocides and mass atrocities across the globe. The starting point for reflection on these serious moral failings can subsequently be brought back to the aftermath of the Holocaust, in which states were in agreement that lessons

must be learnt and the mistakes of the past never repeated, in order for the crime of genocide to be outlawed once and for all. Consequently, as Adrian Gallagher (2013, p. 94) argues, it was the ‘moral abhorrence felt toward the Holocaust’ that dramatically altered ‘international society’s moral, constitutional and legal expectations’, resulting in the establishment of the 1948 Genocide Convention. For the first time genocide was understood as an international concern, whereby states now recognised a legal obligation to override the rights of sovereignty wherever genocide was committed (Gallagher 2013, p. 115). Yet despite the initial moral outrage created by the crimes of the Holocaust, the events of the following decades would provide little support to the possibility of realising “never again”. The response of the international community to the genocides of Rwanda and Bosnia demonstrated a lack of support for the principles underlying the Genocide Convention, as well as a general indifference in regard to the moral obligations states owe to those outside of their borders. The consistent failure to make the most conscience shocking crimes of greatest concern to states therefore drew many to call for a change in the way international society went about its approach to mass atrocity crime prevention and response.

Accordingly, it is still the symbolic language of “never again” that arguably gives R2P much of its moral authority in international affairs and thus underpins a key motivational element of the concept. The language of “never again” must therefore be understood in relation to the concept of common humanity, whereby mass atrocity crimes are considered so shocking to our collective humanity that we must all pledge to never let such crimes occur again. It is in relation to this moral framework that the R2P can be viewed as ‘essentially a narrative of guilt on the part of dissident former UN diplomats’, utilised in order to help ‘operationalize moral determinism more effectively’ (Lucas 2014, p. 37). Whilst this particular reading may be rejected by some R2P advocates (Bellamy 2013), the statement does highlight how significant

political failures of the past are very much interspersed within the very moral fabric of the concept. Thus, as Stephen Hopgood (2014, p. 182) argues, ‘The politics of the R2P are intimately interwoven with the politics of stopping genocide’ in which ‘it was the ghosts of Rwanda and Srebrenica that haunted advocates’. Nevertheless, the R2P does claim to provide a new focus to debates regarding humanitarian intervention, whereby states are now tied to a stronger moral obligation and must work harder to both prevent and react to mass atrocity crimes across the globe. Consequently, its many supporters (Evans 2009; Peters 2009) describe the R2P as representing a fundamental shift in state practice; whereby the failures of the past will no longer be played out again and again.

Nonetheless, one must also recognise that long before the creation of the R2P, states were forced to wrestle with a variety of obligations and responsibilities to not only humanity, but to the management of international peace and security, domestic actors, as well as the influence of material factors, when weighing up the case for action. Often the cacophony of voices pulling and pushing from each side resulted in deadlock or indifference from the international community. This failure to act was therefore seen as representative of a moral inadequacy of states, whereby state actors were fundamentally unable to recognise the responsibilities they supposedly had to those threatened by such “conscience shocking crimes”. As Secretary-General Ban Ki-moon reinforced in his 2012 R2P report, the tragic events of the past were underlined by the profound failure of ‘individual states to live up to their responsibilities and obligations under international law, as well as the collective inadequacies of international institutions’. Consequently, if we understand the R2P as a moral imperative derived from our ‘common humanity’ (Welsh 2014, p. 127), then to what extent can the normative ambition of humanity be utilised by the R2P, in an attempt to better reinforce moral responsibilities for states? As this section highlights, the complex relationship between the foundational moral

principle of humanity and its influence on the R2P's ability to forge greater state responsibility, is still one defined by political contestation. In tracing the development of the R2P one can therefore highlight how appeals to a collective obligation of protection have often resulted in the theoretical stretching of humanity's motivational influence.

### *ICISS*

What is perhaps most significant about the formulation of the ICISS report is the decision to specifically build the concept of R2P around direct appeals to a common humanity. As Jennifer Welsh (2012) acknowledges, whilst the construction of the R2P in the 2001 ICISS document is based upon the idea of securing individual rights that are denied by persecution and violence, the responsibility of states to intervene to protect these rights are built around the collective idea of a common humanity. In this sense, the document is grounded on a moral imperative, by which certain crimes are seen to 'affect us all collectively, through the international harm principle' (Welsh 2012, p. 105). As the ICISS (2001, p. 75) proposal states, 'all human beings are equally entitled to be protected from acts that shock the conscience of us all'. The reasoning behind this principle therefore stipulates that humanity itself can be damaged by mass atrocity crimes, generating a 'moral responsibility for members of the international community to act' (Welsh 2012, p. 105). Due to the severity of the crimes committed the responsibility generated by the R2P is then shifted upwards to the international level. This conception of R2P's moral framework has continued to define the approach taken by advocates when explaining how the R2P can generate consensus for protection. In this sense the R2P is often understood as 'the normative instrument of choice for converting a shocked international conscience into decisive collective action' (Thakur 2015, p. 23).

Correspondingly, as Michael Doyle (2015, p. 7) highlights, the R2P therefore attempts to ‘redefine and broaden’ the standard for authorization of force, Chapter VII’s “international peace and security” clause, reflecting a desire to draw more attention to the effects mass atrocity crimes can have beyond their domestic impact. The motivation for the expansion of this understanding must be understood in relation to the concept of humanity. This is articulated by the argument that mass atrocity crimes pose the most serious threat to the very ideals humanity is built upon; ‘Nothing has done more harm to our shared ideal that we are all equal in worth and dignity, and that the earth is our common home than the inability of the community of states to prevent genocide, massacre and ethnic cleansing’ (ICISS 2001, p. 75). The ICISS report explicitly states a need to ‘strengthen the prospects for obtaining action.... in response to conscience-shocking situations of great humanitarian need’ (ICISS 2001, p. 74). This statement again reinforces the centrality of the moral principle of humanity to the motivational strength of the overall R2P concept. Preventing and reacting effectively to mass atrocity crimes must therefore be considered a universal goal for the international community, based upon the importance of human dignity to the management of international society. Humanity in this sense provides an ability to theoretically locate the harm caused by mass atrocity crimes as well as define a moral obligation for states to protect and prevent such crimes. However, the scope of the international community’s moral responsibility to act in such situations has continued to be a key point of contestation, whereby states have often firmly rejected the link made between the identification of mass atrocity crimes as a threat to collective humanity, and the subsequent call for humanity to be protected.

#### *World Summit Outcome Document*

In the years following the ICISS report, the R2P concept experienced a number of key setbacks in its development, most notably the changing security environment post-9/11, resulting in the

highly controversial US led Iraq intervention (Weiss 2006). Yet, despite these initial setbacks, the R2P was able to gain considerable momentum during the 2005 Secretary General's High Level Panel on Threats, Challenges and Change, and following these negotiations states agreed to endorse a more refined principle of R2P in the WSOD. For supporters of the R2P, the 2005 WSOD was a major watershed moment in which the tragedies of the past had finally forced an 'historic shift in international relations' reinforcing the idea of a 'moral obligation to prevent and halt the most horrific crimes known to humankind' (Schmidt & Wolf 2012). However, as C.S.R. Murthy & Gerrit Kurtz (2016, p. 42) acknowledge, the disparate normative perspectives of contrasting states resulted in considerable contestation over agreement to the new formalisation of the R2P. Consequently, what emerged from the eventual agreement has often been referred to as "R2P lite" (Weiss 2007, p. 117), due to the fact the agreement did not fundamentally address the issue of political will, particularly in regard to how the Council could move beyond deadlock in mass atrocity crime situations.

The construction of the R2P within the 2005 WSOD therefore acknowledged a specific pragmatic understanding of when states should have the responsibility to act. This obligation was expressed as being on a strict 'case by case' basis. In this regard, the R2P was specifically set up to balance various imperatives and procedural considerations, and thus in many ways contradicts the form in which the R2P was originally presented in previous discussions (Paris 2014, p. 579). As Peter Hipold (2006, p. 65) argues, very little remained in the 2005 WSOD from the bold designs developed by the ICISS, and the HLP report. The agreement therefore underwent a number of significant changes to its language in which to help build international consensus (Bellamy 2006, p. 143). Thus, as Carsten Stahn (2007, p. 109) has highlighted, the strict conditions placed on the ability of states to use force clearly distinguished the WSOD from the more responsibility-driven approach of the previous ICISS report on collective

security, and reflects the views of those states against the imposition of ‘any legal obligation for Security Council members to support enforcement action in the case of mass atrocities’. In response to such demands, Paragraph 139 of the WSOD firmly locates the responsibility to protect within the framework of the Security Council and its powers under Chapter VII, and thus ‘does not provide any new legal obligations on the part of states to prevent or respond to atrocities’ (Welsh 2009, p. 4).

This reframing of the R2P within the 2005 WSOD agreement has since been described as a move to narrow the possibilities of implementing collective responsibility, whereby it is ‘no longer the challenging framework of common humanity which creates the moral responsibility, but rather the specific political commitment of states to act through the UN to address potential or real atrocities’ (Welsh & Banda 2010, p. 225). The 2005 WSOD is argued by Lars Waldorf (2016, p. 56) to have shifted the focus from ‘moral judgments about what shocks the conscience of humanity (ICISS 2001) to legal determinations about what violates international criminal law’ and is thus seen to have replaced ‘subjective moral judgments (and selective political decisions) with something more consensual and more consistent’. This reading of humanity’s changing role in relation to the R2P is significant and in many ways reflects how consensus was built through watering down the language of moral obligations in order to craft a pragmatic framework for action, which rejects the need to locate a higher authority above the state system. Whilst it may appear as simply a vital move away from the emotive language of the ICISS document, in order to put into place a more rigid and workable doctrine, it also represents a significant rejection of the idea that the R2P can reshape the current global political system (Hopgood 2014, p. 193). In this sense, it reinforces the idea that an obligation for the international community is one that sits at the sovereign level, whereby humanity as a moral obligation is internally reflected on by states and thus does not dictate to sovereign powers.

The 2005 agreement must therefore be understood as reinforcing existing but fragile state agreement as to the potential of mass atrocity crimes to threaten international peace and security, rather than an attempt to create a distinctly new responsibility founded in the respect of human dignity and common humanity. As a consequence, states do still face what Adrian Gallagher (2012, p. 343) has referred to as a “clash of responsibilities” ‘between the international responsibility of states to assist other states and the national responsibility of states to pursue survival within anarchy’. Based upon these terms, it makes sense to classify the R2P as representative of a distinctly pragmatic framework of protection, defined by a ‘duty of conduct’ which at a minimum generates a “responsibility to consider” the appropriate action concerning all incidents of mass atrocity crimes (Welsh 2013). Whilst this more pragmatic interpretation of the R2P is clearly an attempt to shrink down the influence of moral obligations, the framing of a theoretical ‘responsibility to consider’ must also be understood and interpreted through the language of common humanity, which informs our ability to recognise why we should consider the harm of mass atrocity crimes in the first place.

Nevertheless, this normative shift does also open up further space for states to contest and reinterpret the moral demands created by humanity, and ultimately to challenge the link made between the process of threat identification and the corresponding obligation to act. In this regard, the moral demand for protection on behalf of a common humanity is one that is continually internalised within the confines of the political, and as such, the scope of the moral obligations attached to the concept are continually reshaped by the system of sovereign states. Subsequently, rather than see humanity as a moral benchmark in which state action must aspire to, it is much more the case that the normative power of humanity provides a tool for driving action and critique, that is consistently manipulated by states, in an attempt to define the limits

of moral concern. As Michael Barnett (2002, p. 181) has argued, what this may suggest is that the very institutions and concepts that we develop in order to create higher humanitarian ends can still often ‘generate ethical principles that are disconnected from those in whose name they act’. Thus, the creation of the 2005 R2P agreement provides a normative space in which states can now more easily consider and define the political scope of protection on behalf of humanity, but this process of increased reflection does not necessarily correspond with the ability of the R2P to supposedly shift emotional shock and outrage into collective action on behalf of others.

### *Taking Stock – 10 Years of the R2P*

In the ten years since its official adoption, the R2P has been applied to a number of prominent mass atrocity cases, most notably the 2011 Libyan intervention, as well as its role in supporting more limited intervention and prevention practices in Cote d’Ivoire, Guinea and Kenya. Yet at the same time the R2P has also been unable to generate sufficient political interest or consensus, as to the need for protection, in cases including Syria, Sri Lanka and Sudan. This mixed picture of the R2P in its first decade of existence requires one to begin questioning the influence of the moral framework underpinning the R2P, and its role in grounding the scope of state obligations. Taking stock of the current R2P ‘balance sheet’ (Evans 2011), one can certainly highlight evidence of a continual process of R2P language becoming further embedded and commonplace within Security Council resolutions. As Jess Gifkins (2016, p. 13) highlights, ‘R2P has been regularly reaffirmed in a wide array of conflicts and thematic issues’. Yet in spite of this changing reality, there still remains a considerable lack of consensus surrounding the moral obligations for protection, and in particular, discussions concerning the hierarchy of when and where the protection of humanity must be reinforced. For Aidan Hehir (2016, p. 171), the lack of Pillar III engagement has been a consistent feature of R2P

discussions, and has arguably increased since the invocation of R2P language in regard to the 2011 Libya intervention, following which, members have continued to hold diverse views on how Pillar III can be applied and when certain criteria demand its application (Morris 2016). This contestation has certainly not gone unnoticed and has as such remained a significant point of concern following the continuation of the Syrian crisis, as well as relatively inadequate responses by the UN to situations in Central African Republic and Burundi (Cinq-Mars 2016; Rugiririza 2016). Subsequently, the impact of the motivational force of humanity and its relation to the R2P has become a key point of discussion once again, in particular, the need to question how it can influence state decision making in mass atrocity crime situations (Tacheva & Brown 2015).

In the 2015 UN Secretary General Report on the R2P, Ban Ki-moon (2015) engaged directly with the apparent tension between the pragmatic and moral frameworks embedded within the R2P concept and most significantly, the role of humanity as a central normative element of the R2P. The document states that despite the 2005 WSOD calling on the Security Council to address atrocity crimes on a case-by-case basis, ‘the Council’s inconsistent response to situations featuring genocide, war crimes, ethnic cleansing and crimes against humanity continues to affect the standing of the responsibility to protect’ (p. 13). Subsequently it is argued that, ‘the Security Council has too often failed to live up to its global responsibility and find a common purpose, allowing narrower strategic interests to impede consensus and preclude a robust collective response’ (p. 13). This common purpose is expressed through the distinctive harms created by the crimes of R2P, which are understood as ‘a deep affront to humanity, to the very dignity of human beings’ (p. 6). The concept of humanity is thus underlined as critical to building consensus as to the scope of the crimes that define the R2P as well as providing the key motivational force to compel states to drastically shift their

behaviour. As the report goes on to outline, a key priority for the future must be making sure the protection of populations is ‘elevated above political and strategic interests’ (p. 16). The key to achieving this lies in the ability of states to recognise the R2P as an ‘enduring obligation’, whereby the responsibilities it creates cannot be turned on and off by states (p. 18). All this adds up to an enhanced pressure on states to make atrocity crime prevention and response a priority.

Whilst the R2P clearly remains a work in progress, Ban Ki-moon’s harsh words against the current practices of the Security Council highlight a strained relationship between humanity’s moral demand for protection and the ability of the R2P to compel states to shift their behaviour accordingly. The complex relationship between humanity and the R2P therefore remains far from resolved. Subsequently, if the UN had the moral capacity to act in the cases of Rwanda and Srebrenica but failed to, can we confidently point to a different response in such situations in the future? The ability to fully address this question therefore requires the continuation of a more systematic engagement with the moral foundations of the R2P, in order to assess how normative concepts such as humanity influence the framing of the obligations states are believed to hold. Thus if we accept that the R2P does not place any higher law-like restraints on the actions of the Security Council, then to what extent can normative obligations created by the notion of humanity compete ‘in the sphere of “politics”, the world of everyday decision-making’ (Hopgood 2014, p. 193)?

## **Conclusion**

In a 2013 speech on the future of R2P, Gareth Evans stated his strong belief that ‘the imperative of our common humanity will eventually prevail’. With the growing traction of the R2P concept across the globe, demonstrated by numerous UN resolutions and continued

institutional support, advocates have since articulated similar sentiments (Bellamy 2014; Dunne 2013). Yet by focusing on humanity as a higher moral cause driving future progress, it is often easy to overlook the complexity of its current normative interaction with the R2P, and its role as a central motivational component for the doctrine. Subsequently, the chapter has sought to address this significant lacuna in the current R2P literature, in which appeals to the concept of humanity and its relationship to the R2P have remained considerably under theorised. A significant impact of this oversight has been to view the development of the R2P as one that follows a linear path of progression, dictated by the higher moral good of humanity. This framing of humanity's normative role has therefore often led advocates to overstate humanity's role in helping the R2P convert emotional shock and outrage into collective action.

The limitations of the R2P in helping to reinforce this conversion process can be reflected on through revisiting a critical statement from the 2001 ICISS report, in which it was argued that, 'for all the rhetoric about the universality of human rights some human lives end up mattering a great deal less to the international community than others' (ICISS, p. 1). In the 15 years since this report, states have continued to contest the scope of their zones of moral concern, in which the hierarchy of human life has remained a consistent challenge to the universal ambitions of the R2P. Subsequently, it is vital to reflect on the processes through which those who are currently dehumanised can become recognised as fully human (Weinert 2015, p. 2). The politics of forging such agreement is therefore the arena in which the normative and motivational capacity of humanity must compete. Yet whilst the R2P can never be a quick fix to the problems of collective morality in the current state system, we must be prepared to more critically engage with the wider normative tensions that remain apparent in the R2P's construction. Attempts to bypass or overlook the normative elements of such debates will only allow for further confusion, as a supposedly uncontested moral principle continues to provide

contrasting results. Consequently, whilst the concept of humanity is so often left under-theorised in the literature, there continues to be a tendency to overstate its apparent influence on generating consensus for responding to humanitarian crisis. In order to further address this oversight, it is vital that both academics and practitioners continue to reflect on how the language and moral demands created by humanity are internalised by states, and ultimately begin to challenge assumptions as to the ease from which its function as a generator of moral concern, can in fact fully translate to effective consensus and response, during mass atrocity crime situations.

## References

Annan, K 1999, *Two Concepts of Sovereignty*, *The Economist*, 18 September. Available from: <http://www.economist.com/node/324795> (accessed 10 December 2015).

Bauman, Z 2001, *Community: Seeking Safety in an Insecure World*, Polity Press, Cambridge.

Bellamy, A 2006, 'Whither the Responsibility to Protect? Humanitarian Intervention and the 2005 World Summit', *Ethics and International Affairs*, vol. 143, no. 20, pp. 143-169.

Bellamy, A 2013, 'The Responsibility to Protect: Added value or hot air?', *Cooperation and Conflict*, vol. 48, no. 3, pp. 333-357.

Bellamy, A 2014, *The Responsibility to Protect: A Defence*, Oxford University Press, Oxford.

Bellamy, A 2015, *Still Hearing the Cries from the Graves: Srebrenica, R2P and the Struggle for Human Protection*. Available from:

[http://www.internationalaffairs.org.au/australian\\_outlook/still-hearing-the-cries-from-the-graves-srebrenica-r2p-and-the-struggle-for-human-protection/](http://www.internationalaffairs.org.au/australian_outlook/still-hearing-the-cries-from-the-graves-srebrenica-r2p-and-the-struggle-for-human-protection/) (accessed 12 February 2016).

Barnett, M 2002, *Eyewitness to a Genocide: The United Nations and Rwanda*, Cornell University Press, New York.

Booth, K 1999, 'Three Tyrannies' in T Dunne & N Wheeler, (eds), *Human Rights in Global Politics*. Cambridge University Press, Cambridge, pp. 31-70.

Bulley, D 2010, 'The Politics of Ethical Foreign Policy: A Responsibility to Protect Whom?', *European Journal of International Relations*, vol. 16, no. 3, pp. 441- 461.

Butler J 2009, *Frames of War: When is Life Grievable?* Verso, London.

Cinq-Mars, E 2016, *How the World Failed the Central African Republic*. Available from: <https://www.washingtonpost.com/news/in-theory/wp/2016/02/18/how-the-international-community-failed-the-central-african-republic/> (accessed 17 March 2016).

Doyle, M 2015, *The Question of Intervention: John Stuart Mill and the Responsibility to Protect*, Yale University Press.

Dunne, T 2013, 'Distributing Duties and Counting Costs', *Global Responsibility to Protect*, vol. 5, no. 4, pp. 443- 465.

Evans, G 2008, 'The Responsibility to Protect: An Idea Whose Time Has Come ... and Gone?', Lecture to David Davies Memorial Institute, University of Aberystwyth, 23 April, Available from: <http://www.crisisgroup.org/en/publication-type/speeches/2008/the-responsibility-to-protect-an-idea-whose-time-has-come-and-gone.aspx> (accessed 16 February 2016).

Evans, G 2009, *The Responsibility to Protect, Ending Mass Atrocity Crimes Once and For All*, Brookings Institution Press, Washington.

Evans, G 2011, 'Interview: The "RtoP" Balance Sheet After Libya', e-International Relations. Available from: <http://www.globalr2p.org/media/files/gareth-interview-the-rtop-balance-sheet-after-libya.pdf> (accessed 12 January 2016).

Evans, G 2013, 'The Responsibility to Protect: Theory and Practice', presentation at China Institute of International Studies (CIIS) Conference on Responsible Protection: Building a Safer World, Beijing, 17 October. Available from: <http://www.gevans.org/speeches/speech535.html> (accessed 9 March 2016).

Feldman, I & Ticktin, M 2010, *In the Name of Humanity*, Duke University Press, Durham, NC.

Gallagher, A 2012, 'A Clash of Responsibilities: Engaging with Realist Critiques of the R2P', *Global Responsibility to Protect*, vol. 4, no. 3, pp. 334-357.

Gallagher, A 2013, *Genocide and Its Threat to Contemporary International Order*, Palgrave Macmillan, Hounslow.

Geras, N 2011, *Crimes Against Humanity*, Manchester University Press, Manchester.

Gifkins J 2016, 'R2P in the UN Security Council: Darfur, Libya and beyond', *Cooperation and Conflict*, vol. 51, no. 2, pp. 148-165.

Gyekye, K 2004, *Beyond Cultures: Perceiving a Common Humanity*, The Council for Research in Values and Philosophy, Washington, DC.

Haslam, N 2006, 'Dehumanization: An Integrative Review', *Personality and Social Psychology Review*, vol. 10, no. 3, pp. 252-264.

Hehir A 2016, 'Assessing the Influence of the Responsibility to Protect on the UN Security Council During the Arab Spring', *Cooperation and Conflict*, vol. 51, no. 2, pp. 166-183.

Heinze, E 2009, *Waging Humanitarian War: The Ethics, Law, and Politics of Humanitarian Intervention*, SUNY Press, Albany, NY.

Hilpold, P 2006, 'The Duty to Protect and the Reform of the United Nations – A New Step in the Development of International Law?', *Max Planck Yearbook of United Nations Law Online*, vol. 10, no. 1, pp. 35-69.

Hilpold P 2012, 'Intervening in the Name of Humanity: RtoP and the Power of Ideas', *Journal of Conflict Security and Law*, vol. 17, no. 1, pp. 49-79.

Hopgood, S 2014, 'The Last Rites for Humanitarian Intervention: Darfur, Sri Lanka and R2P', *Global Responsibility to Protect* vol. 6, no. 2, pp. 181-205.

ICISS 2001, 'The Responsibility To Protect: Report of the International Commission on Intervention and State Sovereignty', International Development Research Centre, Ottawa.

Ki-moon, B 2012, 'Responsibility to Protect: Timely and Decisive Response: Report of the Secretary-General', A/66/874–S/2012/578. Available from:

[http://www.responsibilitytoprotect.org/UNSG%20Report\\_timely%20and%20decisive%20response%281%29.pdf](http://www.responsibilitytoprotect.org/UNSG%20Report_timely%20and%20decisive%20response%281%29.pdf) (accessed 20 March 2016).

Ki-moon, B 2015, 'A Vital and Enduring Commitment: Implementing The Responsibility to Protect: Report of the Secretary-General', A/69/981-S/2015/500. Available from: <http://www.un.org/en/preventgenocide/adviser/pdf/N1521764%202015%20SG%20Report%20R2P%20English.pdf> (accessed 25 March 2016).

Linklater, A 2009, 'Human Interconnectedness', *International Relations*, vol. 23, no. 3, pp. 481-497.

Lu, C 2007, 'Humanitarian Intervention: Moral Ambition and Political Constraints', *International Journal*, vol. 62, no. 4, pp. 942-951.

Luban, D 2002, 'Intervention and Civilization: Some Unhappy Lessons of the Kosovo War' in P De Greiff & C Cronin, (eds), *Global Justice and Transnational Politics*. MIT Press, Cambridge, MA, pp. 79-116.

Luban, D 2004, 'A Theory of Crimes Against Humanity', *The Yale Journal of International Law* vol. 29, pp. 85-167.

Lucas, G 2014, 'Revisiting Armed Humanitarian Intervention: A 25-year Retrospective' in DE Scheid, (ed), *The Ethics of Armed Humanitarian Intervention*. Cambridge University Press, Cambridge, pp. 26-45.

Macleod, C 2010, 'Towards a Philosophical Account of Crimes Against Humanity', *The European Journal of International Law*, vol. 21, no. 2, pp. 281-302.

Morris, J 2016, 'The Responsibility to Protect and the use of force: Remaking the Procrustean bed?', *Cooperation and Conflict*, vol. 51, no. 2, pp. 200-215.

Murthy, CSR & Kurtz, G 2016, 'International Responsibility as Solidarity: The Impact of the World Summit Negotiations on the R2P Trajectory', *Global Society*, vol. 30, no. 1, pp. 38-53.

Newman, E 2016, 'What prospects for common humanity in a divided world? The scope for RtoP in a transitional international order', *International Politics*, vol. 53, no. 1, pp. 32-48.

Parekh, B 1999, 'Non-ethnocentric Universalism' in T Dunne & N. Wheeler, (eds), *Human Rights in Global Politics*. Cambridge University Press, Cambridge, pp. 128-159.

Paris, R 2014, 'The "Responsibility to Protect" and the Structural Problems of Preventive Humanitarian Intervention', *International Peacekeeping*, vol. 21, no. 5, pp. 569-603.

Peters, A 2009, 'Membership in the Global Constitutional Community' in J Klabbers, A Petersand & G Ulfstein, (eds), *The Constitutionalization of International Law*, Oxford University Press, New York, pp. 153-262.

Renzo, M 2012, 'Crimes Against Humanity and the Limits of International Criminal Law', *Law and Philosophy* vol. 31, no. 4, pp. 443-76.

Robertson, G 1999, *Crimes Against Humanity*, New Press, New York.

Rugiririza, E 2016, 'What Hope for Burundi After All the Failed Initiatives?' Available from: <http://www.justiceinfo.net/en/component/k2/25479-what-hope-for-burundi-after-all-the-failed-initiatives.html> (accessed 18 March 2016).

Schmidt, C 2007, *The Concept of the Political: Expanded Edition*, University of Chicago Press, London.

Schmidt, M & Wolf, A 2012, 'The Responsibility to Protect: a new norm to make "Never again" a reality'. Available from: <http://icrtopblog.org/2012/12/05/the-responsibility-to-protect-a-new-norm-to-make-never-again-a-reality/> (accessed 15 February 2016).

Stahn, C 2007, 'Responsibility to Protect: Political Rhetoric or Emerging Legal Norm?', *The American Journal of International Law*, vol. 101, no. 1, pp. 99-120.

Tacheva, B & Brown, GW 2015, 'Global Constitutionalism and the Responsibility to Protect', *Global Constitutionalism*, vol. 4, no. 3, pp. 428-467.

Thakur, R 2015, 'R2P's "Structural" Problems: A Response to Roland Paris', *International Peacekeeping*, vol. 22, no. 1, pp. 11-25.

Waldorf, L 2016, 'Inhumanity's Law: Crimes against humanity, RtoP and South Sudan', *International Politics*, vol. 53, no. 1, pp. 49-66.

Weinert, SM 2015, *Making Human: World Order and the Global Governance of Human Dignity*, University of Michigan Press: US.

Weiss, TG 2006, 'R2P after 9/11 and the World Summit', *Wisconsin International Law Journal*, vol. 24, no. 3, pp. 741- 750.

Weiss, TG 2007, *Humanitarian Intervention*, Polity, Cambridge, UK.

Welsh, J 2009, 'Implementing the Responsibility to Protect: Policy Brief'. Available from: [http://www.elac.ox.ac.uk/downloads/r2p\\_policybrief\\_180209.pdf](http://www.elac.ox.ac.uk/downloads/r2p_policybrief_180209.pdf) (accessed 4 March 2016).

Welsh, J 2012, 'Who Should Act? Collective Responsibility and the Responsibility to Protect' in W Knight & F Egerton, (eds), *The Routledge Handbook of the Responsibility to Protect*, 1st ed. Routledge, Milton Park, Abingdon, Oxon, pp. 103-114.

Welsh, J 2013, 'Norm Contestation and the Responsibility to Protect', *Global Responsibility to Protect*, vol. 5, no. 4, pp. 365-396.

Welsh, J 2014, 'Implementing the "Responsibility to Protect": Catalyzing Debate and Building Capacity' in A Betts & P Orchard, (eds), *Implementation and World Politics: How International Norms Change Practice*. Oxford University Press, Oxford, pp. 124-143.

Welsh, J & Banda, M 2010, 'International Law and the Responsibility to Protect: Clarifying or Expanding States' Responsibilities?', *Global Responsibility to Protect*, vol. 2, no. 3, pp. 213-231.

Wheeler, NJ 2005, 'A Victory for Common Humanity? The Responsibility To Protect After the 2005 World Summit', *paper presented to The UN at Sixty: Celebration or Wake? conference*, 6–7 October, University of Toronto.

Zehfuss, M 2012, 'Contemporary Western War and the Idea of Humanity', *Environment and Planning D: Society and Space*, vol. 30, no. 5, pp. 861-876.