KOSOVO, LIBYA AND THE PROBLEM WITH DEPOLITICISATION IN THE THEORY AND PRACTICE OF POST-COLD WAR HUMANITARIAN INTERVENTION

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Abstract

The key challenge humanitarian intervention is facing when protecting a universal human rights, is that it allows the intervener that defines its interest in terms of the ethical end, that is, universal human rights, to transcend the political – defined in terms of actors with different socio-political aims – that is, to depoliticise its actions. This act of depoliticisation in humanitarian intervention allows the intervener to ignore the role of power in politics – that is, to mutually adjust and settle the different socio-political aims – and thus not to be enquired about the restraint necessary in the pursuit of its own socio-political aims against other states. The main question of the thesis is: can the act of depoliticisation in humanitarian intervention protect universal human rights in the post-Cold War era? To answer this question, this thesis uses the humanitarian interventions in Kosovo in 1999 and Libya in 2011 as examples, and argues that when the act of depoliticisation in post-Cold War humanitarian intervention attempts to transcend the political, it presents the interests of the intervening actors in a manner that blurs the distinction between what they accept as universal human rights in theory and their practice of humanitarian intervention that presents their own socio-political aims, namely, to advance one mode of the pursuit of human rights that entails their decision to support one ally in the target state, and to confine universal human rights to their rights, while denying it to the alienated party. Having blurred this distinction, when depoliticisation in the theory and practice of post-Cold War humanitarian intervention ignores the role of power in politics, in practice, it justifies the status quo of the exclusionary force that imposes one mode of pursuit of human rights in the target state, based on the socio-political aims of the intervener. It, thus, presents a paradox that undermines the role of humanitarian intervention to protect universal human rights in the post-Cold War era, as states, with their clashing socio-political aims, use force to protect the human rights of their allies rather than universal human rights.
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Abbreviations

BRICS: Brazil, Russia, India, China and South Africa

CIA: Central Intelligence Agency

GNA: General National Congress

GCC: Gulf Cooperation Council

ICC: International Criminal Court

ICISS: International Commission on Intervention and State Sovereignty

ICTY: International Criminal Tribunal for the Former Yugoslavia

IR: International Relations (the discipline)

ISIS: Islamic State of Iraq and al Sham

KLA: Kosovo Liberation Army

LAS: League of Arab States

NAFTA: North American Free Trade Agreement

NATO: North Atlantic Treaty Organisation

NSC: NATO Strategic Concept

NTC: National Transitional Council

OAF: Operation Allied Force
OUP: Operation Unified Protector

P2: Russia and China

P3: US, UK and France

P5: US, Russia, China, UK and France

R2P: Responsibility to Protect

UDHR: Universal Declaration of Human Rights

UHP: Universal Harm Principle

UN: United Nations

UNGA: United Nations General Assembly

UNSC: United Nations Security Council

UK: United Kingdom

US: United States of America

US NSS: United States National Security Strategy

USSR: Union of Soviet Socialist Republics

WMDs: Weapons of Mass Destruction

WTO: World Trade Organisation

WWI: World War One
WWII: World War Two
Introduction

Topic, question and argument

Although ‘human rights’ is a legal concept under international law since the Universal Declaration of Human Rights (UDHR) in 1948, it is only after the fall of the Berlin wall, that is, in the post-Cold War era, that the major debate among International Relations (IR) theorists but also practitioners shifted, in the words of William I. Hitchcock, ‘from defining rights to defending them’ via the active force of humanitarian intervention (2015, 84 emphasis in original). The reason, theorists and practitioners alike argued, is because in the post-Cold War era, most wars began to take place within states, and the 1945 international order between states did not necessarily protect human beings from the atrocities committed by governments against their own people (among others, see Devetak 2007; Wheeler & Dunne 2004; Enuka 2012; Evans 2004; Walling 2015; Yilmaz 2007).

Humanitarian intervention is thus a topic of concern in the post-Cold War era. But then what does the notion mean? In The Purpose of Intervention, Martha Finnemore defines it as ‘deploying military force across borders for the purpose of protecting foreign nationals from man-made violence’ (2003, 53). To Thomas Weiss it means the use of force against another ‘state without the consent of its authorities, and with the purpose of preventing widespread suffering or death among the inhabitants’ (cited in Reus-Smit 2013, 1061). In Humanitarian Intervention and International Relations, Jennifer Welsh defines it as the ‘coercive interference in the internal affairs of a state, involving the use of armed force, with the purposes of addressing massive human rights violations or preventing widespread human suffering’ ([2004] 2006, 3 emphasis in original). This is akin to, albeit a less complete version of, the definition offered by J. L. Holzgrefe,

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1 For the origins of humanitarian intervention in international law and just war theory, see Simon Chesterman’s Just War or Just Peace? Humanitarian intervention and International Law (2001, 7-44). It is crucial to note here also that, contra proponents of the Responsibility to Protect (R2P), the thesis considers the R2P within, and not different from, humanitarian intervention, namely as facing the same difficulties and critique raised in the present work. The latter will be discussed in more detail when the arguments of the proponents of the R2P are considered in chapter two.
‘[…] the threat or use of force across state borders by a state (or group of states) aimed at preventing or ending widespread and grave violations of fundamental human rights of individuals other than its own citizens, without the permission of the state within whose territory force is applied’ (2003, 18).

Although some are more and, others are less, complete, these definitions share one end and one means. The end is ethical: to assist another human being whose human rights are universally regarded as an end, equal to every other human being. The means is military and against another state: this assistance, being, ‘the prevention of human suffering’, ‘the welfare of fellow humans’ or ‘the protection of human rights’, must come in the form of a coercive interference, that is, the use of military force against a government authority that formerly possessed a legal sovereignty as a state.

For the purpose of simplification, this thesis defines humanitarian intervention with this end and this means: the use of military force against another state to protect universal human rights – defined as human protection from political persecution or death. Other forms of interference, which do not involve the use of military force, or a government authority that formerly possessed a legal sovereignty as a state, are therefore excluded from the definition. This is not to contest, of course, that there are many supporters of universal human rights, who are also critical of military intervention. In Human Rights and International Relations for example John Vincent concludes that although ‘there is now an area of domestic conduct in regard to human rights’ yet, ‘This does not issue a general license for intervention’ (1986, 152; see also Booth 1995; and compare with Booth 2000). Nor is it to deny the right to other works to define humanitarian intervention in non-military terms.

But then can this means achieve this end? Can the use of military force against another state protect universal human rights? Can humanitarian intervention

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2 On the condition of universality in the notion of human rights see also (Donnelly 2003; Pogge 1992a).
3 It is because humanitarian intervention is studied as a post-1945 concept that it is also closely associated with the notion of legal sovereignty (Reus-Smit 2013).
4 If anything, it supports such attempts.
thus become a common goal between states? The key challenge humanitarian intervention is facing when protecting a *universal* human rights, is that it allows the intervener that defines its interest in terms of the ethical end, that is, universal human rights, to transcend the political – defined in terms of actors with different socio-political aims – that is, to depoliticise its actions. This act of depoliticisation in humanitarian intervention allows the intervener to ignore the role of power in politics – that is, to mutually adjust and settle the different socio-political aims – and thus not to be enquired about the restraint necessary in the pursuit of *its own* socio-political aims against other states.\(^5\) This is, on the basis that the latter is irrelevant because the intervener’s interest converges with the end ethical goal of protecting a universal notion such as human rights, or that, in other words, it complies with the third pillar in the ‘Responsibility to Protect’ (R2P) which asserts ‘the responsibility of [UN] Member States to respond collectively in a timely and decisive manner when a State is manifestly failing to provide such protection’ (A/63/677 2009, 9). The main question of the thesis, accordingly, is: can the act of depoliticisation in humanitarian intervention protect universal human rights in the post-Cold War era?

Arguments that strictly focus on the third pillar in the R2P answer this question in the affirmative (among others, see Bellamy 2014; Evans 2012; Evans et.al 2013). This is on the basis that the R2P – unlike humanitarian intervention – aims ‘to help to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity’ in a specific or precise sense (A/RES/60/1 2005, 30). On this basis these commentators might also refute the main question of this thesis to begin with, for not being more precise and focused on the four crimes of the R2P, rather than ‘the old’ humanitarian intervention, which they concur to entail strategic decisions, and thus, to be problematic. Arguments that draw on the just war tradition also answer this question in the affirmative, considering that the outcome results in more good than harm, as far as the protection of civilians is concerned (among others, see Pattison 2008; Wheeler & Dunne 2004).

Both these positions accept depoliticisation in post-Cold War humanitarian intervention on the basis of a vital assumption: that there is a clear dividing line

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\(^5\) ‘States’ and ‘actors’ are used interchangeably here. The thesis begs the reader to be patient for the justification as it is provided later in the chapter (section below on actors).
between the victims, namely, the innocent civilians whose human rights, as defined in this thesis, are universal and thus must be protected, and the victimisers, namely, the target states that perpetuate the crimes. The latter detaches the meaning of human rights – defined as the protection of civilians – from the political objectives of the contending parties in the target state. In light of the humanitarian interventions in Kosovo in 1999 and Libya in 2011, the thesis however finds this assumption problematic in both arguments. This is because it overlooks the fact that, in these cases, both contending parties, despite being unequal in strength, were, in fact, not only armed and supported by civilians, but also defined their human rights through the political objectives they fought for. The interveners, therefore, unlike what the proponents of the third pillar in the R2P and the just war tradition accepted as a given assumption in Kosovo and Libya (among others, on Kosovo see Bellamy 2006; on Libya see Pattison 2011; Ralph & Gallagher 2014), could not invoke universal human rights ‘to protect civilians’ from the ‘four crimes’, namely, ‘genocide, war crimes, ethnic cleansing and crimes against humanity’, in a neutral sense, without also supporting the political objectives of one party in each conflict. This is, in addition to that neither in Kosovo, nor in Libya, was there an impeding genocide against innocent civilians that could render the latter point irrelevant.⁶

To answer the main question, the thesis therefore uses the humanitarian interventions in Kosovo and Libya as examples, and argues that when the act of depoliticisation in post-Cold War humanitarian intervention attempts to transcend the political, it presents the interests of the intervening actors in a manner that blurs the distinction between what they accept as universal human rights in theory and their practice of humanitarian intervention that presents their own socio-political aims, namely, to advance one mode of the pursuit of human rights that entails their decision to support one ally in the target state, and to confine universal human rights to their rights, while denying it to the alienated party. Having blurred this distinction, when depoliticisation in the theory and practice of post-Cold War humanitarian intervention ignores the role of power in politics, in practice, it justifies the status quo of the exclusionary force that imposes one mode of pursuit of human rights in the target state, based on the socio-political aims of the

⁶ Many scholars share this premise. On Kosovo, see for example (Booth 2000; Chomsky 1999; Judah 2000; McCormack 2011; Vasquez 2002), On Libya, see (Gaskarth 2013a; Kuperman 2013; 2015).
intervener. It, thus, presents a paradox that undermines the role of humanitarian intervention to protect universal human rights in the post-Cold War era, as states, with their clashing socio-political aims, use force to protect the human rights of their allies rather than universal human rights.

The next section presents the theoretical framework the thesis follows and the method its employs to proceed with this argument.

Theory and method

To highlight the problem with depoliticisation in the theory and practice of post-Cold War humanitarian intervention, the thesis combines a theoretical framework informed by the classical realist school in IR theory with the interpretive method.

It is the works of Edward H. Carr, Hans J. Morgenthau, and Henry A. Kissinger that particularly inform the theoretical framework in this thesis. This framework provides a theoretical critique of depoliticisation. The problem with depoliticisation, it argues (in chapter one), is that while it attempts to transcend the political – defined in terms of actors with different socio-political aims, it presents the interests of the actors in a manner that blurs the distinction between what they accept as universal in theory and their practices that present their partially grounded socio-political aims. Having blurred this distinction, depoliticisation ignores the role of power in politics – that is, to open the space to mutually adjust and settle the different socio-political aims – and thus, in practice, it justifies one exclusionary force, that is, a force driven by the socio-political aims of the actors who set themselves the authority to impose their own status quo. This framework thus argues for the centrality of power in politics but also for its limits when it turns into an exclusionary force.

The reader might argue that there are differences among these commentators: that, in a famous publication, for example, Morgenthau castigates ‘[…] the political moralist [Carr who] transforms himself into a utopian of power’ (1948, 134), and thus classifies him alongside Adam Muller and Carl Schmitt. The thesis replies that Morgenthau’s critique was primarily directed against Carr’s later works (Carr 1942; 1945; 1947). This research instead draws on Carr’s Twenty Years’ Crisis (1939), in particular, where Carr explicitly argues not only for the
centrality of power in politics, but also of its limits when it turns into an exclusionary force,

‘Politics cannot be divorced from power. But the *homo politicus* who pursues nothing but power is as unreal a myth as the *homo economicus* who pursues nothing but gain. Political action must be based on a co-ordination of morality and power’ ([1939] 1984, 97 emphasis in original).

The reader might also argue that there were differences between Kissinger and Morgenthau especially during the Vietnam War when Kissinger was National Security Advisor to former US president Richard Nixon. In Kissinger’s words later,

‘In the 1960s, Hans proved that he was beyond the manipulation of military calculations. He opposed the war in Vietnam when it was still supported by all fashionable opinion. In 1966, he and I debated the issue in Look magazine. He considered America overextended, the war unwinnable, the stakes not worth the cost. I maintained that the size of our commitment had determined our stake; that we had an obligation to seek our way out of the morass through negotiation rather than unconditional abandonment of the entreprise’ (Kissinger 1980).

Despite these differences, however, Kissinger concluded that both him and Morgenthau agreed on the centrality of power in politics but also about its limits when it turns into an exclusionary force,

‘But I think it is important to understand that we shared almost identical premises […] we were both, in a way, lonely among our associates. Hans […] was a teacher trying to bring home to his beloved adopted country the limits of its power, just as earlier he had insisted on its central role’ (Kissinger 1980).

To highlight the problem with depoliticisation in Kosovo in 1999 and Libya in 2011, the thesis moreover combines the classical realist theoretical framework with the interpretive method. In this regard, it depicts what it refers to as ‘the new strand
of interpretivism’ to analyse the discourses on humanitarian intervention in both cases, and to explain how the socio-political aims of the intervening actors emerged within these discourses and caused a controversy with other actors in the UNSC in practice despite the presence of human rights as mutually agreed norms in theory.

The argument of the new strand in interpretivism (in chapter three) is simple: meanwhile actors, in response to dilemmas – that is, ‘novel experiences and ideas’ (Bevir et al. 2013, 167), can modify their beliefs and redefine their security interests to include the protection of universal human rights in other states, in practice, they invoke specific traditions influenced by their background experiences, to pursue these interests, namely human rights via discourses on humanitarian intervention that only present their socio-political aims – that is, whose rights to support – the ally, and whose rights to deny – the alienated party, in the target state. As these discourses emerge, they cause a controversy with the other actors who reject the traditions they invoke and the socio-political aims they present based on a particular mode of pursuit of human rights. In this controversy, the problem with depoliticisation becomes clear in the practice of post-Cold War humanitarian intervention where one actor, that is, the intervener, transcends the political, ignores the role of power in politics and uses its exclusionary force to impose its own mode of pursuit of human rights, to defend its own status quo.

So is this just another critique of humanitarian intervention? What is, then, the contribution of this thesis?

Thesis contribution

Why bother with another critique of humanitarian intervention as the tool of the dominant party if there is enough literature on the subject, by Noam Chomsky alone? (See, for example, Chomsky 1999; 2011; for other excellent accounts see also Ayoob 2001; Bricmont 2006; Parekh 1997). Is this just another critique of humanitarian intervention because it is political, and thus, the intervener pursues its strategic interests? But such theses have already been presented (see, for example, Chandler 2001; 2007; Douzinas 2013; Lawson & Tardelli 2013; McCormack 2008; Walzer [1977] 1978; Zolo 2004). What is this thesis then? What is it that makes its critique novel as opposed to these already existing critiques of humanitarian intervention?
The first contribution of the thesis is theoretical. It reads humanitarian intervention with the lens of classical realism in IR theory, and demonstrates that the latter is not only the tool of the dominant, and not only political, but its theory in the post-Cold War scholarship, while it attempts to transcend the political, in effect, presents the interests of the intervening actors in a manner that blurs the distinction between what they accept as universal human rights in theory and their practice of humanitarian intervention that presents their partially grounded socio-political aims. Having blurred this distinction, moreover, it ignores the role of power in politics – that is, to open the space to mutually adjust and settle the different socio-political aims, and thus also justifies one exclusionary force in practice, hence it also becomes the tool of the intervening party to impose its own status quo. Although attempts have been made to provide a classical realist critique of the R2P and humanitarian intervention (see, for example, Moses 2013; Kissinger 2001, respectively), no application of the classical realist theory in IR in this manner, that is, to distinguish between what the actors accept as universal in theory and their practices that present their partially grounded socio-political aims, and to thus highlight the role of power, has been attempted before.7

There are a number theoretical works on depoliticisation that argue that the interests of the actors in the political entail their partially grounded socio-political aims, and in turn, highlight the centrality of the role of power in politics (see, for example, Arendt 1968; Brown 2006; Edkins 1999; Lefort 1986; Mouffe 1999, 2005). So why did the thesis choose classical realism in IR theory in specific? The reason is because the topic of humanitarian intervention in the post-Cold War era is dominated by IR scholars who draw on – both the solidarist and pluralist ends of – the English School theory (see, for example, Jackson 2000; Ralph 2014; Wheeler [2000] 2010), or, as the vast majority do, draw on the constructivist approach – both implicitly and explicitly (see, for example, Badescu & Weiss 2010; Bellamy 2015; Gholiagha 2014). Meanwhile, there is almost a common consensus on the explicit

7 Power becomes a methodological tool. The thesis, following Giovanni Sartori, defines methodology as ‘a concern with the logical structure and procedure of scientific enquiry’ (cited in Jackson 2011, 25). Following the classical realists, the thesis here and throughout the work refers to power as a tool that closes the gap between theory and practice, in a science of IR theory. A fuller discussion is provided in chapter one.
rejection of the classical realist reading of humanitarian intervention and the R2P. The aim is thus to re-engage with this literature using the classical realist theory in IR, which, in the post-Cold War era – where ‘humanitarian intervention and the R2P became the norm’, is viewed as ‘outdated’ (Gallagher 2012; Hurrell 2003; Wheeler 2010).¹⁸

The reason behind this rejection does not pertain to humanitarian intervention as a topic of study per se, but to IR as a discipline, where classical realist thinking is presented as ‘pluralist’, namely, as prescribing a foreign policy that follows a narrow rational calculation of the national interest. The result is equating the classical realist thinking with rational choice theory. As leading interpretivists recently paraphrased Morgenthau, ‘The state was presumed to act in the “national interest” and to seek to maximise its economic and military power to secure that interest (Morgenthau 1951)’ (Bevir et.al 2014, 1). It is worth mentioning, however, that the classical realists this thesis draws upon advocate rationality in a normative sense, and do not argue it in an empirical sense: meaning, to prescribe how leaders ought to act, and not how they do in fact always act in the world.⁹ For, ‘The contingent elements of personality, prejudice and subjective preference and of all the weaknesses of intellect and will which flesh is heir to’ writes Morgenthau in Politics Among Nations, ‘are bound to deflect foreign policies from their rational course’ (1978, 7). To understand how the leaders did in fact act in Kosovo and Libya, the theoretical contribution is thus followed by a second contribution and it pertains to drawing the link between interpretivism and classical realism. In this regard, the thesis draws on the existing literature on

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¹⁸ The reader might further wonder why the thesis did not draw on other authors in classical realism, such as Reinhold Niebuhr or George Kennan. Why, in other words, did the thesis draw on Carr, Morgenthau and Kissinger in specific? The reason, the thesis replies, is because it is the works of these three authors in specific that were refuted by scholars in the literature on post-Cold War humanitarian intervention (for example, see Hurrell’s critique of all three in his critique of pluralism in Hurrell 2003; see also critique of Carr in Wheeler 2010; and critique of Kissinger in Gallagher 2012).

⁹ Thus, for example, in Politics Among Nations, Morgenthau opens his section on the ‘six principles of political realism with, ‘In order to improve society it is first necessary to understand the laws by which society lives’ (1978, 4 emphasis added).
interpretivism and depicts the new strand in interpretivism. What is novel about the new strand in interpretivism is that it uses the old tools of interpretivism, that is, the key interpretive argument that actors hold beliefs about their security interests which are informed by traditions, that is, background experiences, and can modify these beliefs in response to dilemmas, that is, ‘novel experiences and ideas’ (Bevir et al. 2013, 167), to explain how they invoke these traditions in discourses that could only present their partially grounded socio-political aims. In short, different actors who invoke different traditions also support different socio-political aims, for example, to support the rebels or to support the government authority in a civil war. Therefore, the thesis devises a general method, not only for this study of humanitarian intervention, but also for future studies of humanitarian intervention in general that do not wish to accept depoliticisation, and instead wish to interpret the traditions that the actors invoke when they pursue universal ideals, such as human rights, in discourses on humanitarian intervention that only present their socio-political aims.

As this method is applied to the case studies, that is, Kosovo and Libya, there is finally an empirical contribution that this thesis aims to advance apropos of these two cases. The thesis demonstrates empirically, that in Kosovo and Libya it was not only Western powers, such as the US, the UK and France who spoke in favour of human rights – defined as human protection from political persecution or death, but also other actors, such as China and Russia. And more crucially, that what was at the crux of the question of humanitarian intervention was in fact a particular mode of pursuit of human rights – that is, to support one party and alienate another in the target state, with which Russia and China, and others such as Brazil, India and South Africa in Libya, did not concur. This conclusion is highly significant because it means that the contention in Kosovo and Libya was not between supporters and opponents of human rights, as it is commonly assumed, by the proponents of the interventions (see, for example, Ralph & Gallagher 2014; Bellamy 2009; 2011), and some critics (see, for example, Glanville 2014; Hehir 2011; 2014; Murray 2014), but between the human rights of one party against the human rights of another. This, moreover, means, that the question of the success of

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10 As examples of some of the literature that draw on interpretivism to analyse British foreign policy, see (Daddow 2013; Gaskarth 2013b; McCourt 2013).
humanitarian intervention in Kosovo and Libya was not based on whether the intervening parties succeeded in their humanitarian endeavour, but on whether power played its role in opening the space to adjust and settle the different socio-political aims of the various groups. The implications of this argument became only too clear in the aftermath of Kosovo and Libya, when power failed to play its role, and human rights violations reoccurred – this time perpetuated by the former victims, as will be demonstrated in chapter six.

This is a summary of the contribution in this thesis. The following section presents the rationale behind the choice of the cases.

Kosovo and Libya

The cases chosen for this study are Operation Allied Force (OAF) in Kosovo in 1999 and Operation Unified Protector (OUP) in Libya in 2011. The reason for the choice of Kosovo and Libya lay in the common aim that brings together the cases, and that is, that both were justified as humanitarian interventions, as defined at the start of this chapter. By choosing these two cases, thus, the thesis confines the talk about human rights, to the use of military force as a part of a humanitarian campaign against a government authority that formerly possessed a legal sovereignty as a state.

To speak of the state as legally sovereign, it must be clear, however, that following Morgenthau in *Politics Among Nations*,

‘Sovereignty is not actual independence in political, military, economic, or technological matters. The actual interdependence of nations in those matters and the actual political, military and economic dependence of certain nations upon others may make it difficult or impossible for certain nations to pursue independent domestic and foreign policies, but it does not normally affect their supreme lawgiving and law-enforcing authority within their own territories – that is, their sovereignty’ (1978, 321).

To be sure, the Weberian definition of the state as the entity that ‘(successfully) claims the *monopoly of the legitimate use of physical force*’ is the ‘ideal type’ (1921, 396 emphasis in original). Politically speaking, the question is about the
extent of sovereignty (Krasner 1999; Nettl 1968), and the latter is neither absolute – because of external constraints – nor based on ‘physical force’ alone – internally.

The notion of ‘legal sovereignty’ is thus used in this thesis in a very specific sense: as a state that possesses a government authority.11 This is by no means to say that the present work is a defence of legal sovereignty, but, crucially, that cases that do not involve a government authority that formerly possessed a legal sovereignty as a state lie beyond the scope of this thesis for two reasons. First, they are not humanitarian interventions. As Robert Jackson puts it in The Global Covenant, ‘A solicited intervention, strictly speaking, is not an intervention at all because it is not an interference in state sovereignty’ ([2000] 2003, 253). Secondly, and more crucially as far as this thesis is concerned, they do not require the interveners to use the ethical end, that is, universal human rights, to depoliticise their actions – that is, to transcend the political defined in terms of actors with different socio-political aims – and to, accordingly, justify the use of force against other states.12 To critics who might argue: why other, more ‘successful’ cases such as East Timor (1999) and Sierra Leone (2000) were not aimed in this study? The answer therefore is: because the target states requested them. Hence, they do not fit the parameters of the definition of humanitarian intervention in this thesis and are beyond its scope.

This thesis also omits cases of intervention on the basis of self-defence, whose outcomes were in effect ‘humanitarian’. Among these cases, as cited by Nicholas Wheeler in Saving Strangers, are the wars of India-Bangladesh (1971), Vietnam-Cambodia (1978-9) and Tanzania-Uganda (1979). Central to Wheeler’s argument is the idea that it does not matter whether they were justified on

11 The notion of legal sovereignty of course does not settle the question of who can actually make use of that right, that is, the right to wage war, to conclude peace, to impose sanctions, and, in general, to advance foreign policy discourse in a particular fashion. The notion, to put simply, does not say whose interest the legal sovereignty of the state and its capacity to use force serves. ‘Foreign policy’ as Chomsky argues in Language and Politics, ‘reflects the interests and concerns of those who have the capacity to organise the resources to either control the state directly or to influence what the state does. In the case of foreign policy, it’s those segments of the domestic society that are particularly concerned with international affairs who will naturally have the major voice. So if you want to understand foreign policy you begin by looking at domestic structure’ ([1988] 2004, 583).

12 As the interveners in that case in fact clearly present their aims as to support the government authority, that is, one party, in the target state.
humanitarian grounds or not, as it is the outcome that matters.\textsuperscript{13} This is however incompatible with the aim of the current research. For, to recall, this thesis deals with the act of depoliticisation in humanitarian intervention, and aims to highlight it as a problem despite the presence of human rights as mutually agreed norms. For this, itunpacks the various discourses on humanitarian intervention to examine the different socio-political aims in the interpretations of human rights. This cannot be done if cases of humanitarian intervention are confounded with cases of self-defence for the simple reason that claims of self-defence are neither humanitarian claims nor those who engage in them draw on acts of depoliticisation.

It is precisely these ‘humanitarian outcomes’ that blind the observer from the political problem underlying humanitarian intervention as a separate justification to initiate war, and which leaves him or her in denial of the political move they took while defining an outcome as ‘humanitarian’. ‘You may go to war’ as Morgenthau puts it in \textit{Dilemmas of Politics},

‘justified by your nation’s interests, for a moral purpose and in disregard of considerations of power; and military victory seems to satisfy both your moral aspirations and your nation’s interests. Yet the manner in which you waged the war, achieved victory, and settled the peace cannot help reflecting your philosophy of politics and your way of thinking about political problems’ (1958, 75).\textsuperscript{14}

To unpack the political problem underlying humanitarian intervention, therefore, it is not the ‘humanitarian outcome’ that is helpful to look at. The reader might ask: why bother with the ‘political problem’ underlying humanitarian intervention in the first place? The answer is this: because, the failure to do so, also leads to the denial of the socio-political aims of the intervener and the blind acceptance of its exclusionary force that is both rejected between states and which presents a paradox that undermines the role of humanitarian intervention to protect universal human rights in the post-Cold War era.

\textsuperscript{13} This is a peculiar argument, coming from a book that examines the justifications of war.

\textsuperscript{14} Akin to Morgenthau, ‘Success is often so elusive’ Kissinger writes in \textit{Diplomacy}, ‘that statesmen pursuing it rarely bother to consider that it may impose its own penalties’ (1994, 128).
The reader might point at a potential shortcoming in the choice of the cases. The criticism goes as follows: both Kosovo and Libya were limited bombing campaigns, so why did the thesis decide to study them as cases of humanitarian – namely, armed, intervention in a more general sense? In response, the thesis argues that the fact that they were limited bombing campaigns is irrelevant to the argument present research, as the interventions in both cases supported the political objectives of one party in each of these conflicts, confining universal human rights to their rights. Therefore, as far as the main question and the argument of the present research are concerned, whether it was a limited bombing campaign or a full invasion, it makes no practical difference.15

The two cases are thus used as examples to provide the empirical evidence for the overall argument of the thesis. In both cases, the thesis argues, the discourses on humanitarian intervention transcended the political, ignored the role of power in politics, and thus in practice, drew on force to impose one mode of pursuit of human rights in the target state, based on the socio-political aims of the intervener. To be precise, in Kosovo and Libya respectively, the US and the UK leaders pursued universal human rights in manner that confined their socio-political aims to support the rights of the Kosovo Liberation Army (KLA) and the National Transition Council (NTC), while the other party to the conflict, that is, represented by the former Serbian president Slobodan Milosevic and the former Libyan leader Muammar al-Qaddafi, was alienated. The empirical cases, moreover, demonstrate that other actors, such as Russia and China in Kosovo, but also Brazil, India and South Africa in Libya also sought to protect universal human rights – defined as human protection from political persecution or death, yet they rejected the US and the UK modes of pursuit of human rights, to support one party in Kosovo and Libya. In this case, the acts of depoliticisation in humanitarian intervention failed to become an acceptable behaviour between states, which, while their socio-political aims clashed, the intervening parties finally used force to defend their own mode of pursuit of human rights. With the other party in the target state alienated, moreover,

15 This is not to say, of course, that the distinction is not crucial to other studies (see, for example, Coicaud 2000). If the reader, for instance, is concerned with whether there would have been an intervention in the first place, and/or, whether it is morally acceptable to sacrifice one’s own citizens to ‘save strangers’.
the interventions in Kosovo and Libya also failed to protect universal human rights in practice.

This is the rationale behind the choice of the cases, and sets some of the parameters of the work. The following section discusses the data the thesis relies upon and how it is analysed using the new strand in interpretivism as a method.

Data collection and analysis

The research relies on secondary and primary data. The secondary data entails books and journal articles in philosophy, the philosophy of science and IR theory. They are useful to present the theoretical critique of depoliticisation (chapter one), to apply the critique to the existing theory on post-Cold War humanitarian intervention (chapter two), and finally to depict the new strand in interpretivism as a method to dig out the political – that is, the various socio-political aims, in the practice of post-Cold War humanitarian intervention (chapter three).

The primary data, on the other hand, serve empirical purposes (chapters four, five and six). The data consists, first, of the memoirs and the speeches by American and British leaders. Second, it entails the UNSC meeting records on Kosovo – between 31 March 1998 and 10 June 1999, and Libya – between 26 February 2011 and 10 May 2011. In addition, the research consults official documents, such as the US and the UK National Security Strategies, NATO Strategic Concepts, United Nations General Assembly meetings and reports by other UN officials, such as the Secretary General, envoys and special advisers. In combination with other secondary material published on the subject, such as academic books, biographies and journal articles, the aim is to depict how the discourses in the practice of post-Cold War humanitarian intervention in Kosovo and Libya presented the socio-political aims of the intervening parties, despite the presence of human rights as mutually agreed norms, and to explain how the act of depoliticisation in humanitarian intervention could neither become an acceptable behaviour between states, nor could it protect universal human rights within the target state.

To analyse this primary data, the new strand in interpretivism is employed as a method. The new strand in interpretivism demonstrates that the US and the UK officials, faced with the dilemma of a new security environment in the post-Cold
War, 9/11 and R2P eras respectively, incorporated the halting of human rights violations in Kosovo and Libya into their security interests. They, moreover, invoked three traditions, namely, neo-liberal interdependence, community and democratic peace to pursue human rights in their discourses on humanitarian intervention in both cases. In these discourses, Milosevic and Qaddafi, the ‘dictators’, were dismembered from the international community, and the Kosovar Albanians and Libya rebels ‘fighting for their rights’ became the allies. Other actors, namely, Russia and China in Kosovo, and additionally Brazil, India and South Africa in Libya, who also accepted the human rights norms in theory, rejected this mode of pursuit of human rights in practice: they, that is to say, refused to ally with one party and dismember the other from the international community. As a result the modes of the pursuit of the human rights norms in practice remained normatively unsettled in Kosovo and Libya with the intervening actors depoliticising their actions, that is, transcending the political, ignoring the role of power in politics, and imposing their own status quo, that is, their own interpretation of human rights, to support one party in the target state, by force.

To this application of the methods, the reader might raise a question: whether and why the discourses in these sets of data are reliable? The answer is: it depends how the research uses the discourses in these sets of data, and for what aim(s). If the aim is to find the traditions invoked in the discourses that caused the actions in Kosovo and Libya, then the endeavour, philosophically speaking, ends in despair. This is because this causal analysis opens a gap between the explainer and the explained: the discourse and the action. With interpretivism, as well as classical realism, however, the discourses present – and do not represent – the socio-political aims of the players. What does this mean? It means that they already play a role in political action. The unity of theory and practice means that states’ interests do not cause their actions, but their discourses in fact are these actions. The traditions that are invoked in the actor’s discourses, therefore, are not separated from their actions.

Interpretivists, in other words, and contra social constructivists, such as Alexander Wendt and Martha Finnemore, who draw on scientific realism to present the ideas that explain the causal structure of the world (see Wendt 1999; Finnemore 2003, respectively), reject the separation between the explainer and the explained in the first place. To quote two leading interpretivists, Mark Bevir and R. A. W. Rhodes, in their answer to critics,
‘Our analysis of a narrative form of explanation suggests correlations between variables never do any explanatory work. They point to a relationship. We need to adopt a narrative to explain that link. We disagree with Alexander Wendt, then, in a way that [Colin] Hay does not mention. Wendt and Hay believe that constitutive and other causal logics apply to the human sciences, disagreeing only about whether these different logics are incommensurable. In sharp contrast, we believe that constitutive logics are causal, and we reject the idea that other causal logics apply to human actions’ (2004, 159).16

The key, to be clear, is to show how the discourses on humanitarian intervention interpret human rights via traditions to support one party in a war and to condemn the other, and by doing so, also exclude all the other possibilities, that is, to condemn the other, or both, parties. On the basis of this exclusion, these discourses take a specific political action against all those who are excluded. To present his or her discourse on humanitarian intervention in this manner, therefore, the actor does not merely to describe who committed a human rights violation, but also engages in an act of antagonism against that party, who is now a political opponent. The depiction of a political opponent in the discourse, that is to say, is also an act of hostility against that opponent.

For ‘the words of the statesman’ as Morgenthau puts it in Truth and Power, ‘are themselves a form of action’ (1970, 17). The discourses, that is to say, do not explain the actions,17 as what explains needs to first be separated from what is explained. The discourses, meanwhile, are not separated from the actions. They, in fact, as Morgenthau argues, are the actions. Thus, neither in interpretivism, nor in classical realism, there is a search for the motives behind, and which hence explain, the discourses and the actions, outside of, or separated from, the discourses and the actions. In Morgenthau’s words at the outset of Politics Among Nations,

16 See also chapter one for a fuller discussion and critique of Wendt.
17 At least not in the sense understood by Wendt, or as is commonly separated from ‘understand’ (see separation in Hollis & Smith 1991).
‘To search for the clue to foreign policy exclusively in the motives of statesmen is both futile and deceptive. It is futile because motives are the most illusive of psychological data, distorted as they are, frequently beyond recognition, by the interests and emotions of actor and observer alike. Do we really know what our own motives are? And what do we know of the motives of others?’ (1978, 6).

‘It follows’ Morgenthau thus continues, ‘that while ethics in the abstract judges the moral qualities of motives, political theory must judge the political qualities of intellect, will, and action’ (1978, 7). To put things in context, therefore, the discourses that invoke the neo-liberal interdependence, community and democratic peace traditions in Kosovo and Libya, by invoking these traditions, they take action against those who were described as dictators and thus became dismembered from the international community. As far as this thesis is concerned, this is all that matters, and perhaps all that which the observer can in fact know.

To speak of ‘actors’, however, it might seem a little vague and thus requires more elaboration.

*The actors*

Who are the actors? Are they States? Are they individuals? Which states? Which individuals? The discourses examined are of course discourses by individual leaders, not states. The state is an abstract unit that can neither speak nor hear. This, however, does not mean that it does not have a legal apparatus, as a sovereign unit, with the capacity to use force via humanitarian intervention. The discourses on the use of force are, of course, by individual leaders. The states they represent, however, remain the primary actors – or better call them legally sovereign bodies – that in fact can, and did – in Kosovo and Libya, use force.

The thesis therefore deals with states as legal actors that present various socio-political aims in international politics. This is, not because it has faith in international law, but because these states also happen to be the major powers that can determine the final and ultimate fate of humanitarian intervention between and within states. To be precise, therefore, the key states this thesis looks at are the major powers. But who are the major powers? It is not possible to provide a general
definition here of a major power (for a discussion about the definitions of ‘dominant powers’, ‘great powers’ and ‘world powers’ see, for example, Wight [1978] 1986, chapters 2, 3 and 4, respectively). An entire thesis could be devoted to the latter aim.

This is not to say, however, that a specific definition cannot be provided in context, that is, to clarify to the reader how the research uses the notion of a major power as it proceeds. This context, on the basis of the criteria chosen, can filter the definition. These criteria, moreover, are related to the aims and the topic of the research, but also the historical epoch in which it is written. For example, if this were a thesis as with Kissinger’s, written on the restoration of peace in Europe after Napoleon Bonaparte, then the United States would not be considered as a major power. This is for the simple reason that it did not play a major military or diplomatic role in world affairs at the time – that is, in the Napoleonic wars or the Congress of Vienna afterwards, as the UK Austria and France, despite the latter’s defeat, did.

In relation to the aim and topic of this research, and the present historical context, the major powers are those, to recall, who can determine the fate of humanitarian intervention between and within states in the post-Cold War era. These include the actors with the military capacity to lead the humanitarian interventions, but also those who possess the military capacity and veto right to oppose it. These actors exist in the UNSC, and they, as Melissa Labonte argues, are ‘a proxy for the international community’ (2011, 989). This is so, she says, because,

‘Unless [Security] Council members voluntarily agree to accept specific duties and obligations related to their secondary responsibility under R2P their approach to civilian protection in cases of manifest failure is likely to be highly inconsistent and selective’ (2011, 989).

To the present research, the actors with this high significance – as far as the fate of humanitarian intervention is concerned in post-Cold War era – are divided into two main camps. The first camp, it is led by the US and the UK who engaged in the humanitarian interventions. As for the opposition, it is led by Russia and China. The main discourses on humanitarian intervention the study interprets are therefore those of the US and the UK leaders – namely, those who led the interventions. To
demonstrate the opposition, on the other hand, the Russian and Chinese positions, particularly in the UNSC, are presented.

The latter explains the focus of the research in the empirical chapters (four and five) first, on the memoirs and speeches of the US and the UK officials. This is because the US and the UK were the primary interveners in Kosovo and Libya. In other words, without the military and financial backing of the US and the UK, the humanitarian interventions in Kosovo and Libya would not have been completed. The interpretive method is therefore employed to analyse the discourses of the US and the UK leaders on humanitarian intervention in Kosovo and Libya. This is not to say that other actors, such as France were not involved in the interventions. But that the ultimate fate of the humanitarian interventions in Kosovo and Libya in specific, and post-Cold War humanitarian intervention – as defined at the start of this chapter – did/do not depend on them, and therefore their role was/is secondary. In the case of Libya, although the US was reluctant and France played a hawkish role, especially at the beginning, yet, overall, they were, again, the US and the UK who played the leading roles, in terms of contribution in the military operations, without whom the intervention would not have been completed (see, for example, Bumiller 2011; for the statistics see Rogers 2011). The US and the UK discourses, therefore, are used as representative of the intervening camp.

This also explains why the thesis draws on the UNSC meeting records to present the key voices in the opposition, that is, Russia and China. For the UNSC is the key arena where these actors voiced their opposition against the discourses on humanitarian intervention, primarily led by the US and the UK in Kosovo and Libya. On the opposition camp, there are also actors such as India, Brazil and South Africa. Their opposition was neither unimportant nor unheard in Libya, and their positions, along with France’s, the League of Arab States (LAS), the Gulf Cooperation Council (GCC) and the African Union (AU) will be acknowledged in the thesis. The key focus on the opposition camp is however on Russia and China, and this is because they present the key obstacle for humanitarian intervention to become a commonly accepted behaviour between states to protect universal human rights in the post-Cold War era, as seen in Syria today. The Russian and the Chinese voices, therefore, are used as representative of the opposition camp.

This is not to suggest that the various actors, and particularly those who opposed the discourses on humanitarian intervention in Kosovo and Libya, namely
the BRICS share one common view of global governance in the post-Cold War era. The focus of the study is however on Kosovo and Libya where they shared a common ground against the intervening parties, namely, they rejected the traditions that informed their pursuit of human rights to side one party in the conflicts. As for their general perception about global governance in the twenty first century, it is beyond the scope of the present research (for a recent overview, see, for example, Gaskarth 2015, particularly chapter 4).

Having clarified who the actors are, the introduction concludes with a brief presentation of the architecture of the thesis to highlight how it proceeds to pursue its argument.

Architecture of the thesis

The architecture of the thesis is built in six chapters. Chapter one draws on classical realism – namely, Carr, Morgenthau and Kissinger to highlight the role of power in politics and to thus present a theoretical critique of depoliticisation. The problem with depoliticisation, the chapter argues, is that while it attempts to transcend the political – defined in terms of actors with different socio-political aims, it presents the interests of the actors in a manner that blurs the distinction between what they accept as universal in theory and their practices that present their partially grounded socio-political aims. Having blurred this distinction, depoliticisation ignores the role of power in politics – that is, to open the space to mutually adjust and settle the different socio-political aims – and thus, in practice, it justifies one exclusionary force, that is, a force driven by the socio-political aims of the actors who set themselves the authority to impose their own status quo.

Chapter two highlights the problem of depoliticisation in the theory of post-Cold War humanitarian intervention. The problem with depoliticisation in this theory, the chapter argues, pertains to that it presents the interests of the intervening actors in a manner that blurs the distinction between what they accept as universal human rights in theory and their practice of humanitarian intervention that presents their partially grounded socio-political aims. Having blurred this distinction, depoliticisation in post-Cold War humanitarian intervention theory ignores the role of power in politics – that is, to open the space to mutually adjust and settle the different socio-political aims – thus, in practice, it justifies one exclusionary force,
that is, a force driven by the socio-political aims of a state or a group of states that set themselves the authority to impose their own status quo.

But then how did these partially grounded socio-political aims of the intervening states emerge in the practice of humanitarian intervention in Kosovo and Libya and cause a controversy with the other actors despite the presence of human rights as mutually agreed norms? Chapter three presents the new strand of interpretivism as a method to follow to answer this question. The new strand in interpretivism argues that meanwhile actors, in response to dilemmas – that is, ‘novel experiences and ideas’ (Bevir et al. 2013, 167), can modify their beliefs and redefine their security interests to include the protection of universal human rights in other states, in practice, they invoke specific traditions, to pursue these interests, namely human rights via discourses on humanitarian intervention that only present their socio-political aims – that is, whose rights to support – the ally, and whose rights to deny – the alienated party, in the target state. As these discourses emerge, they cause a controversy with the other actors who reject the traditions they invoke and the socio-political aims they present based on a particular mode of pursuit of human rights.

Chapters four and five draw on the new strand in interpretivism to provide an empirical account of the problem with depoliticisation in the practice of humanitarian intervention in Kosovo and Libya. Drawing on the new strand in interpretivism, chapter four argues that in response to the dilemma of a new security environment in the post-Cold War era, the US and the UK leaders incorporated the halting of human rights violations in Kosovo into their security interests. It moreover argues that the US and the UK leaders invoked three traditions, namely, neo-liberal interdependence, community and democratic peace to pursue human rights in their discourses on humanitarian intervention in Kosovo. In these discourses, the then Serbian president Slobodan Milosevic, the ‘dictator’, was dismembered from the international community, and the Kosovar Albanians ‘fighting for their rights’ became the ally. Other actors, namely, Russia and China, who also accepted the human rights norms in theory, rejected these discourses and the socio-political aims they presented in practice: they, that is to say, refused to ally with one party and dismember the other from the international community.

Akin to Kosovo, drawing on the new strand in interpretivism, chapter five argues that in response to the dilemma of a new security environment in the post-
9/11 (followed by Iraq) and post-R2P era, the US and the UK leaders incorporated the halting of human rights violations in Kosovo into their security interests. As also with Kosovo, it moreover argues that the US and the UK leaders invoked three traditions, namely, neo-liberal interdependence, community and democratic peace to pursue human rights in their discourses on humanitarian intervention in Libya. In these discourses, the then Libyan leader Muammar al-Qaddafi, the ‘dictator’, was dismembered from the international community, and the Libyan rebels ‘fighting for their rights’ became the ally. Other actors, namely, Russia and China, but also Brazil, India and South Africa (all together known as BRICS), who also accepted the human rights norms in theory, rejected these discourses and the socio-political aims they presented in practice.

As a result, chapters four and five conclude, the modes of the pursuit of human rights in practice remained normatively unsettled in Kosovo and Libya with the intervening actors engaging in the problematic act of depoliticisation – that is, while attempting to transcend the political, presenting their interests in a manner that blurred the distinction between what they accepted as universal human rights in theory, and their discourses on humanitarian intervention that presented their socio-political aims. Having blurred this distinction, they ignored the role of power in politics, and imposed their own status quo, that is, their own mode of pursuing human rights, by force.

Chapter six highlights the implications of depoliticisation in the practice of humanitarian intervention for universal human rights within Kosovo and Libya, and for the role of humanitarian intervention to protect universal human rights in the post-Cold War era. It argues that by transcending the political and ignoring the role of power in politics the act of depoliticisation in humanitarian intervention, firstly, undermined universal human rights in Kosovo and Libya because it imposed a particular political order that overlooked the role of power to adjust and settle the socio-political aims of the various groups within Kosovo and Libya. Secondly, it undermined the role of humanitarian intervention to protect universal human rights in the post-Cold War era, because it failed to adjust and settle the different socio-political aims between states on a common conception of humanitarian intervention, leaving a grey area for different interpretations by states to use force to support their own socio-political aims, over the protection of human life.
Chapter one: the role of power in politics and the theoretical critique of depoliticisation

‘“Not real,” Murugan chimed in. ‘That’s exactly what I was trying to say.’”
“You’re assuming,” said Dr Robert, ‘“that the brain produces consciousness. I’m assuming that it transmits consciousness […] You can’t demonstrate the truth of your hypothesis, and I can’t demonstrate the truth of mine. And even if you could prove that I’m wrong, would it make any practical difference?”’ (Huxley 1962, 138 emphasis in original).

‘It is precisely our uncertainty which brings us a good deal closer to reality than was possible in former periods which had faith in the absolute’ (Mannheim [1936] 1968, 75).

INTRODUCTION

This chapter draws on classical realism – namely, Carr, Morgenthau and Kissinger to highlight the role of power in politics and to present a theoretical critique of depoliticisation.18 The problem with depoliticisation, the chapter argues, is that while it attempts to transcend the political – defined in terms of actors with different socio-political aims, it presents the interests of the actors in a manner that blurs the distinction between what they accept as universal in theory and their practices that present their partially grounded socio-political aims. Having blurred this distinction, depoliticisation ignores the role of power in politics – that is, to open the space to mutually adjust and settle the different socio-political aims – and thus, in practice, it justifies one exclusionary force, that is, a force driven by the socio-political aims of the actors who set themselves the authority to impose their own status quo.

To proceed with this argument, the chapter unfolds in three sections. The first section presents the classical realist argument on the role of power in politics, as opposed to force. The second section brings a discussion on Friedrich Nietzsche’s dissolution of the Cartesian gap to explain the rationale behind the logic

18 In the next chapter the thesis applies this critique to the theory of post-Cold War humanitarian intervention.
of this argument. The third section presents the theoretical critique of depoliticisation.

POWER VERSUS FORCE IN CLASSICAL REALISM

This section argues that classical realists emphasise the role of power in politics, as opposed to force. In the absence of a discussion about power in politics, they argue, the dominant party imposes its own particular interest by force.

‘Just as the ruling class in a community prays for domestic peace which guarantees its own security and predominance, and denounces class war, which might threaten them’ writes Carr in *The Twenty Years’ Crisis*, ‘so international peace becomes a special vested interest of predominant powers’ (1984, 82). Thus, ‘pleas for international solidarity’ in international politics reflect the values of ‘those dominant nations’ hoping ‘to exercise control over a unified world’ (1984, 86). This is the interwar idealism, which in Carr’s view is ‘purely utopian’. It is purely utopian because it is a ‘plea for international solidarity’ that in practice ignores the role of power in politics, and thus allows the dominant party to impose its own particular interest by force.19 To Carr, however, there is also another form of utopia, which he in turn refers to as the ‘utopian in the right sense’: ‘to base the bargaining process of peaceful change on a common feeling of what is just and reasonable’ (1984, 222). To attain this, he adds, ‘we shall also keep in mind the realist view of peaceful change as an adjustment to the changed relations of power […]’ (1984, 222).

The role of power, as opposed to force, is also central to Morgenthau and Kissinger. In *Politics Among Nations*, for instance, Morgenthau differentiates between power and force, assigning the physical violence to the latter, but a psychological character to the former, and ‘it is for this reason that in the exercise of physical violence the psychological element of the political relationship is lost’

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19 In line with Carr’s refutation of the interwar idealism, in *Moral Man and Immoral Society*, Reinhold Niebuhr argues that states mask their imperialist objectives with ‘claims to be primarily concerned with the peace and prosperity of the people whom they subjugate’ (1960, 105; for a historical overview see also Moon 1927; Wight 1986, chapter 3).
Akin to Carr’s utopia – ‘in the right sense’ – Morgenthau, in the words of Michael Smith, ‘reminded policy-makers of the inescapable importance of power, but also of its limits’ (1981, 780). Thus, as Vassilios Paipais argues, ‘Morgenthau’s theory of the political strove to maintain fidelity to the logic of political difference as such’ (2014, 362 emphasis in original). The logic of political difference as defined by Paipais, neither maintains ‘the familiar post-political foreclosure of the ontological instance of antagonism’ (2014, 361), nor sees the political adversary ‘as an enemy to be destroyed by all means’ (2014, 361). Post-politics, that is, the former, and its opposite, that is, the latter – what Slavoj Žižek (1999) refers to as ultra-politics – however, belong to one and the same problem. That one is unaware that one’s aim is political, or that one is aware of it but decides to annul the adversary, does not change the fact that both ignore the role of power, deny the adversary’s political space, and thus, in practice, allow the dominant party to impose its own particular interest by force.21

‘[By] violating the legitimising principle of their settlement’ writes the young Kissinger in A World Restored, ‘the victorious powers create a psychological distortion’ ([1957] 1999, 181). ‘No longer can the status quo powers appeal to “legitimacy” in defence of their position. Against the victim of a punitive peace, they must rest their claims on force’ (1999, 181). Thus, Kissinger proposes a foreign policy that does not only aim to increase power, but which is also guided by the moral aim of diverting this power towards the concert, for, ‘the quest for absolute security leads to permanent revolution’ (1999, 181). This subtle approach, to Kissinger – as to Carr and Morgenthau – defines the statesman. In American Foreign Policy, Kissinger contrasts the statesman with the prophet. ‘To the prophet’, Kissinger thus protests, ‘negotiations can have only symbolic value – as a means of converting or demoralising the opponent […]’ (1969, 48). It is this ‘prophet’ who the classical realists are wary of: akin to Carr’s utopian, he or she ignores the role of power, and thus, in practice, sets itself the final authority to impose its particular interest by force.

20 This idea goes back to, at least, Friedrich Nietzsche. ‘Certainly the state in which we hurt others’ thus Nietzsche argues in The Gay Science, ‘[…] it is a sign that we are still lacking power, or it shows a sense of frustration in the face of this poverty […]’ ([1882] 1974, 87).
21 The reader can here see the picture where stupidity and harm shake hands in politics.
It is clear, therefore, that to portray the classical realist literature as pessimistic in a general sense is a common mistake in IR theory, since the school is certainly not pessimistic about the positive role of power in politics, as opposed to force. But then, why is there a need for the role of power in the first place? What is the rationale behind the logic of such an argument? The next section sets out to answer these questions.

THE ROLE OF POWER IN POLITICS: THE RATIONALE

This section argues that the rationale behind the classical realist argument for the role of power in politics can be traced to Nietzsche’s dissolution of the Cartesian mind/world gap. In dissolving the gap between the subjective mind and the objective world, Nietzsche denies the actor – and/or observer – any universal claims in theory, that is, the Truth (with a capital T), which are detached from their socio-political aims in practice. Classical realists accept the Nietzschean dissolution of the gap between the subjective mind and the objective world, and thus reject any universal claims in the actors’ interests in theory that do not reflect on their socio-political aims in practice. They in turn define the political as consisting of actors who engage in constant attempts to ground the universal claims in their interests in a practice that only allows them partially grounded socio-political aims. Power, in this context, is a methodological tool in the science of politics – that is, without which politics cannot exist because the actors/observers cannot have their space to mutually adjust and settle their various partially grounded socio-political aims.

To proceed with this argument, the section is divided into two sub-sections. The first sub-section presents the Cartesian problem and the Nietzschean critique of the mind/world dualism. The second sub-section highlights the implications of the critique for the rationale behind classical realist argument about the role of power in politics.

*The Cartesian problem and the Nietzschean critique*

In dissolving the gap between the subjective mind and the objective world, this sub-section argues, Nietzsche denies the actor – and/or observer – any universal claims
in theory, that is, Truth, which are detached from their socio-political aims in practice.

It is commonplace, when thinking of ‘science’, to also think of the ‘objective reality’, and it is for the purpose of the search for this reality that René Descartes raised his doubts in *Meditations on First Philosophy* (1647), which in turn, opened a gap between the mind and the world that has hitherto become a fundamental epistemological problem in modern western philosophy. The ‘Cartesian doubt’, as it is widely known today, doubts all existence: this entails the five senses, which Descartes, too, doubts for the simple reason that they can be ‘deceiving’,

‘Whatever I have up till now accepted as most true I have acquired either from the senses or through the senses. But from time to time I have found that the senses deceive, and it is prudent never to trust completely those who have deceived us even once’ ([1647] 2002, 12).

The exception to this is the mind that he uses to exercise the doubting in the first place,

‘The fact that it is I who am doubting and understanding and willing is so evident that I see no way of making it any clearer […] For even if, as I have supposed, non of the objects of imagination are real, the power of imagination is something which really exists and is part of my thinking’ (2002, 19).

The latter, however, also opened a gap between the mind ‘in here’ and the objective world ‘out there’ that ever since Descartes modern western philosophers endeavoured to close. Despite these attempts, Hannah Arendt concludes in *The Human Condition*,

‘The moment he wants what all ages before him were capable of achieving, that is, to experience the reality of what he himself is not, he will find that nature and the universe “escape him” and that a universe construed according to the behaviour of nature in the experiment and in accordance with the very principles which man [sic] can translate technically into a working reality lacks all possible representation’ (1958, 288).
This lack of ‘all possible representation’ finally leads Nietzsche, and unlike the British empiricists before him who tried to close the mind/world gap through the senses (namely, Hobbes 1651; Locke 1689; Hume 1739), or the rationalists who divided knowledge into the a priori – on the mind side – and the empirical – in the outer world – and grounded the latter in the former (namely, Kant 1871),\(^{22}\) to dissolve the mind/world gap.

Contra his predecessors, that is to say, Nietzsche argued that ‘art’ is more crucial than ‘truth’. As Martin Heidegger later put it in his lectures on Nietzsche, ‘Art is the most genuine and profound will to semblance, namely, to the scintillation of what transfigures, in which the supreme lawfulness of Dasein [Being] becomes visible’ ([1961] 1991, 216). ‘In contrast’ Heidegger adds, ‘truth is any given fixed apparition that allows life to rest firmly on a particular perspective and to preserve itself’ (1991, 216). Thus Heidegger quotes Nietzsche, ‘We have art so that we do not perish from the truth’ (1991, 216). To be sure, it is against this truth that Nietzsche fiercely attacks Kant’s transcendental answer to the Cartesian gap. Not only is he skeptical about the ‘universality’ of Kant’s a priori principles, but, and more crucially, he overturns Kant’s entire reasoning into some form of idealistic theological argument. In The Anti-Christ Nietzsche thus argues,

‘The success of Kant is merely a theological success […] A virtue must be our invention; it must spring out of our personal need and defence […] a virtue which has its roots in mere respect for the concept of ‘virtue’, as Kant would have it, is pernicious. ‘Virtue,’ ‘duty,’ ‘good for its own sake’,

\(^{22}\) Kant argues in Critique of Pure Reason that knowledge itself is divided into the empirical and the a priori, ‘There can be no doubt that all our knowledge begins with experience […] But although all our knowledge begins with experience, it does not follow that it arises from experience’ ([1781] 2007, 37 emphasis in original). The knowledge that arises with experience is the empirical, whereas the knowledge that does not arise ‘from experience’ is the a priori: which ‘our own faculty of knowledge supplies from itself’ (2007, 37). For Kant, it is the a priori knowledge that presents the ‘concrete foundations’ of all our empirical knowledge. To solve the problem of doubt posed by Descartes, therefore, Kant proposes the ‘faculty of a priori knowledge’, which is on the mind side of the gap and which has the properties of ‘necessity’ and ‘universality’: it thus cannot be refuted by experience (2007, 39-41).
goodness grounded upon impersonality or a notion of universal validity – these are all chimeras, and in them one finds only an expression of the decay, the last collapse of life, the Chinese spirit of Königsberg’ ([1895] 2008, 32 emphasis in original).

And, finally, he calls Kant ‘an idiot’,

‘What destroys a man [sic] more quickly than to work, think and feel without inner necessity, without any deep personal desire, without pleasure – as a mere automaton of duty? That is the recipe for décadence, and no less for idiocy … Kant became an idiot’ (2008, 33 emphasis in original).

Nietzsche’s answer to the Cartesian gap, on the other hand, attacks the separation between the subjective mind and the objective world in the first place. Thus in *Genealogy of Morals* he says,

‘Even as the people will separate the lightning from its flash and take the latter for the doing, the effect of a subject called lightning, so popular morality will sever strength from the manifestations of strength, as if behind the strong man [sic] there existed an indifferent substratum which is free, to manifest strength or not. But there is no such substratum; there is no ‘being’ behind doing, acting, becoming. ‘The doer’ is merely a fictitious addition to the doing; the ‘doing’ is all’ ([1887] 1899, 44-45 emphasis in original).

This does not only render knowledge dependent on practice, but also reassures the reader that human beings are not beasts. It shows, to be clear, that human beings, as well as the observer, are socio-political beings who interact with one another in an incomplete world. What matters, as a result, is no more the truth-value or universality of the ‘thing in itself’ as separate from the outer ‘appearance’, for such a universal claim in theory, that is, such a Truth simply does not exist as a separate entity – or it does exist: in the realm of ‘theology’ which Nietzsche castigates.

In *The Gay Science* Nietzsche makes the latter clear when he asks ‘What is ‘‘appearance’’ for me now?’ ([1882] 1974, 116), to which he simply answers, ‘Certainly not the opposite of some essence: what could I say about any essence
except to name the attributes of its appearance!’ (1974, 116). ‘Appearance is for me’ thus Nietzsche continues,

‘that which lives and is effective and goes so far in its self-mockery that it makes me feel that this is appearance and will-o-the-wisp and a dance of spirits and nothing more – that among all these dreamers, I too, who “know” am dancing my dance; that the knower is a means for prolonging the earthly dance and thus belongs to the masters of ceremony of existence; and that the sublime consistency and interrelatedness of all knowledge perhaps is and will be the highest means to preserve the universality of dreaming and the mutual comprehension of all dreamers and thus also the continuation of the dream’ (1974, 116 emphasis in original).

‘The reality’ behind ‘appearance’ thus simply does not exist: ‘The “apparent” world is the only world: the “true world” is just a lie added to it’ ([1889] 2005, 168 emphasis in original). To Nietzsche, there is no such a thing as universality, therefore. Knowledge is no more value-neutral but driven by the values and goals that we assign to them, to accomplish what we want to accomplish. The ‘Being’ is instead contingent upon ‘practice’ in relation to a particular ‘time’. But does this say that the socio-political world is ‘subjective’? For something to be ‘subjective’ however it needs to be first separated from an object – it needs, in Nietzsche’s words, a ‘being behind doing’. In Twilight of The Idols, Nietzsche attributes this mistake to language,

‘Language began at a time when psychology was in its most rudimentary form […] It sees doers and deeds all over: it believes that will has causal efficacy: it believes the ‘I’ – substance onto all things – this is how it creates the concept

23 ‘Time must be brought to light – and genuinely conceived – as the horizon for all understanding of Being and for any way of interpreting it […]’ as Heidegger puts it later in Being and Time, ‘Historicality, as a determinate character, is prior to what is called ‘history’ […] only on the basis of such ‘historising’ is anything like ‘world history’ possible or can anything belong historically to world history’ ([1927] 1962, 39-41).
of ‘thing’ in the first place […] Being is imagined into everything – *pushed under everything* […] (2005, 168 emphasis in original).

But if it is accepted that the practice *dissolves* the subject and the object into one single totality that entails actors, who act and engage with one another in an incomplete world, does this not seem problematic? The thesis refers to this approach that dissolves the mind/world dualism as ‘anti-representationism’, and it is defined by its aim to shift the methodological focus from ontology to socio-politics, hence to shift the debate to ‘what purposes are worth bothering to fulfill’, instead of, ‘which purpoures the nature of humanity or of reality obliges us to have’ (Rorty 1998, 110; see also his earlier works in Rorty 1961; 1979).

The goal in this shift is to reject the universality of Truth in theory or, as Francis Fukuyama put it (1992), *The End of History*, that is neither consonant with the changing nature of the international political environment nor compatible with the present democratic values. Rather, it is ‘a stubborn observation’ as Karl Mannheim argues in *Man and Society*, ‘which never fails to perceive the social aspect of every psychological phenomenon, and to interpret it in terms of a continual interaction between the individual and society’ ([1935] 1944, 17). The problem with the Truth that closes debate is that it is the same as any truths that encourage a functional rationality. ‘Even societies which are held together by tradition are rational in the functional sense’ says Mannheim, ‘since their activities are definitely calculable and individual actions derive their meaning from the part they play in achieving the goal of the whole course of actions’ (1944, 56).

The breakdown of functional rationality usually takes place in times of great wars and/or revolutions.\(^{24}\) The implications for knowledge are perennial. It is as though a person just woke up after a long dream that seemed more real than reality itself, only to realise, to recall Nietzsche’s quote above, that ‘[…] all knowledge perhaps is and will be the highest means to *preserve* the universality of dreaming […]’ (1974, 116 emphasis in original), that is, that every reality in that dream was also no more than an internal reality of a dream. Indeed, the validity of rationality in a functional sense is a *technical* matter, whereas, the validity of the totality of theory and practice is a matter that can only be decided by the socio-political aims

\(^{24}\) Mannheim for example wrote his book during the Second World War.
of the actors, which are only partially grounded and not universal. The failure to
distinguish between the two is the result of a confusion, caused by the Cartesian
dualism, that entraps the actor/observer in an (ir)rational defence of their universal
claims in theory, that is, Truth, as detached from their socio-political aims in
practice.\textsuperscript{25} ‘This mentality’ says Mannheim, ‘is reminiscent of the joke about the
specialist in the medical world, who is reputed, to have said: “the operation was a
splendid success. Unfortunately, the patient died” ’ (1968, 106).

The next sub-section highlights the implications of this Nietzschean critique
of the Cartesian dualism for the rationale behind the classical realist argument about
the role of power in politics.

\textit{Implications of Nietzsche for power in politics}

Classical realists accept the Nietzschean dissolution of the gap between the
subjective mind and the objective world, this sub-section argues, and thus they
reject any universal claims in the actors’ interests in theory that do not reflect on
their socio-political aims in practice. They in turn define the political as consisting
of actors who engage in constant attempts to ground the universal claims in their
interests in a practice that only allows them partially grounded socio-political aims.
Power, in this context, is a methodological tool in the science of politics – not
because its pursuit is in human nature, but because it is the medium through which
human beings who, contra Descartes, are political beings with partially grounded
socio-political aims, who, and especially after Nietzsche proclaimed Kant an idiot
and pronounced God dead ([1883] 2005, 9), require their space to live, and present
their interests, in \textit{this} world.\textsuperscript{26} Without power, politics therefore cannot exist
because the actors/observers cannot have their space to mutually adjust and settle
their various partially grounded socio-political aims.

To classical realists, ‘to live in \textit{this} world’ is the only practical – that is,

\begin{itemize}
\item \textsuperscript{25} ‘The inability to grasp in thought the unity of theory and practice and the limitation of the concept of necessity to inevitable events’ as Max Horkheimer later argues, ‘are both due, from the viewpoint of theory of knowledge, to the Cartesian dualism of thought and being’ (1972, 231).
\item \textsuperscript{26} ‘The awakening of the self’ that came as a byproduct of the ‘death of God’, as Theodor Adorno and Horkheimer eloquently put it in \textit{Dialectic of Enlightenment}, ‘is paid for by the acknowledgment of power as the principle of all relations’ ([1944] 1992, 9).
\end{itemize}
available, solution to what is a peculiar problem to the ‘political’ sciences as opposed to the ‘physical’ sciences. At the outset of *The Twenty Years’ Crisis*, Carr makes the distinction clear, ‘In the physical sciences, the distinction between the investigation of facts and the purpose to which the facts are to be put is not only theoretically valid, but is constantly observed in practice [...]’ (1984, 3). In the political sciences, however, ‘[...] the purpose is not as in the physical sciences, irrelevant to the investigation and separable from it: *it is itself one of the facts*’ (1984, 4 emphasis added). In the political sciences, that is to say, the gap between the observer/mind and the observed/world is not as clear as in the physical sciences. As a result, the actor/observer finds him or her self pushed towards – that is, dissolved into and influencing the world they study alongside the other actors, thus impairing his or her universal claims in their interests in theory, which are detached from their socio-political aims in practice.

In *Science: Servant or Master?* Morgenthau draws his reader’s attention to the same distinction to advance the same argument,

‘However, pragmatic science, by making politics its object, faces an issue that it does not face, at least not in such acuteness, when it deals with inanimate nature. That issue concerns the relationship between theoretical thinking and purposeful action. It raises the question of the possibility of influencing political action through theoretical thought’ (1972, 34).

Therefore, neither Morgenthau takes politics as a science in the same sense as physics is: where the actor/observer can be clearly be detached from the variables they observe and present any universal claims in their interests in theory, which are detached from their socio-political aims in practice. Thus, Morgenthau argues in *Scientific Man Versus Power Politics* that ‘Politics is an art and not a science, and

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27 As Popper also puts it in *The Poverty of Historicism*, ‘nowhere is the fact that the scientist and his object belong to the same world of greater moment than in the social sciences’ ([1957] 1961, 14). This practical limitation, he says, impairs not only prediction, but also the possibility of ‘objectivity’ (1961, 14-15).

28 Hence, as the reader can notice, the chapter uses ‘observer’ and ‘actor’ interchangeably.
what is required for its mastery is not the rationality of the engineer but the wisdom and the moral strength of the statesman’ ([1946] 1965, 10).

But then, what does this ‘statesman’ need to understand in terms of wisdom? What are the criteria of his or her wise judgment? It is here that the reader begins to read about a science of politics in classical realism. This science, because it is not like physics,\(^{29}\) that is, because it cannot detach the observer/mind from the observed/world and thus cannot base the actors’ interests on any universal claims in theory without reflecting on their socio-political aims in practice, it hence defines the political as consisting of actors who engage in constant attempts to ground the universal claims in their interests in a practice that only allows them partially grounded socio-political aims.

Take for instance the example of justice: ‘In sum’ Morgenthau writes in *Truth and Power*, echoing Nietzsche’s refutation of theology,

> ‘our knowledge of what justice demands is predicated upon our knowledge of what the world is like and what it is for, of a hierarchy of values reflecting the objective order of the world. Of such knowledge, only theology can be certain, and secular philosophies can but pretend to have it’ (1970, 63).

Because of this lack of grounding in practice, moreover, the claim of justice by any actor becomes ‘the mere byproduct of ever changing power relations’ (cited in Cozette 2008, 19). To quote Morgenthau more fully, ‘Without the assumption that objective, general truths in matter political exist and can be known, order and justice itself become the mere byproduct of ever changing power relations’ (cited in Cozette 2008, 19).

\(^{29}\) Although the reader should not assume that in the natural sciences the gap between theory and practice is closed on the basis of a strict claim of objectivity: ‘Science and scientific objectivity do not (and cannot) result from the attempts of an individual scientist to be “objective” ’ writes Popper in *The Open Society and its Enemies*, ‘but from the cooperation of many scientists. Scientific objectivity can be described as the intersubjectivity of scientific method’ ([1945] 1957, 217). For an excellent overview of how the gap between theory and practice in the natural sciences is closed see the Popper-Kuhn-Lakatos debate in (Popper [1959] 2002; Kuhn [1962] 1970; Lakatos 1969/70; 70; for an earlier account see also Poincaré 1905).
Power, thus is a methodological tool in the science of politics – that is, without which politics cannot exist because the actors/observers cannot have their space to mutually adjust and settle their various partially grounded socio-political aims. Politics, therefore, is the realm of power, and it is only due to a ‘lack of political intelligence [to believe] that scientific truth could be carried over from science to the realm of politics, which, according to Morgenthau, is the realm not of truth, but of power’ (Molloy 2010, 6). This is because the Nietzschean dissolution of the gap between the subjective mind and the objective world left no means other than power to adjust the various interests, which are based on the partially grounded socio-political claims of the actors in practice. ‘The truth of political science is the truth about power, its manifestations, its configurations, its limitations, its implications, its laws’ Morgenthau thus writes (1955, 446). And, ‘Politics cannot be divorced from power’ Carr concurs (1984, 97).

This can be seen as, irresponsibly, isolating the study of politics from, say, economics, law, or morality (see for example critiques of Morgenthau in Rosecrance 1981; Hoffmann 1981). But to methodologically isolate the political question as a question of power does not necessarily deny, for instance, the economic struggle generated when the power-relations are not mutually adjusted (Marx), nor does it exclude its moral direction – as the latter is an empirical question. What it makes explicit is that power should be confused neither with force, nor with strength (Morgenthau 1978; Kissinger 1994; see also Arendt 1969). Economic strength, for instance, can be consumed, just like any other object of consumption. Political power, on the other hand, can only be actualised in

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30 It is crucial to note here, that although classical realists make this distinction, they often use the term ‘power’ in other occasions to mean strength, force or simply a state – for example when they speak of ‘military power’ (Morgenthau 1978; Carr 1984) or ‘naked power’ (Morgenthau 1978; see also Russell 1938) or ‘revolutionary power’ (Kissinger 1999). They, consequently, use the term with several meanings. The thesis owes this point of clarity to Felix Rösch (2014) who distinguishes between two important meanings of power in Morgenthau – one that means power as defined in this research, another that means strength. Hannah Arendt highlights the distinction, which is useful to mention here. ‘When we speak of “powerful man” [sic] she says, “[…] we already use the word “power” metaphorically; what we refer to without metaphor is “strength” ’ (1970, 44). ‘Power’ on the other hand she argues, ‘corresponds to the human ability not just to act but to act in concert. Power is never a property of an individual; it belongs to a group and remains in existence only so long as the group keeps together’ (1970, 44 emphasis in original).
a group coming together and mutually adjusting their partially grounded socio-political aims as in, for example, a Kissingerian concert (Kissinger 1999; see also Arendt 1958).\footnote{The group, as opposed to individual, quality of power in Morgenthau is clear for example in the definition he provides in Politics Among Nations, ‘By political power we refer to the mutual relations of control among the holders of public authority and between the latter and the people at large’ (1978, 30 emphasis added).}

For the actors also require the power-relations, which allow action, that is, which allow them to present their different interests based on their partially grounded socio-political aims. Here the reader is reminded of what Arendt previously called the ‘space’ for exercising freedom ([1963] 1990, 235). For classical realists, power provides this space, without which, no freedom, utopia or justice, can be thought of among the actors in practice. ‘Man alone is, as it were, suspended between heaven and earth’ in Truth and Power Morgenthau thus reminds his reader that human beings are socio-political players presenting their interests in an incomplete world, and then he continues, ‘His freedom is marred by the power of others, as his power is by their freedom’ (1970, 61). Thus, power comes to the center of all socio-political relations, and plays a methodological role – that is, to open the space to mutually adjust and settle the various partially grounded socio-political aims.\footnote{The theoretical use of the ‘balance of power’ therefore does not only belong to the ‘problem solving theory’ (Ó Tuathail 1999). Thus when Peter Gellman says, ‘balance of power theorists […] have provided explanations that tend to make too much of too little, and too little of too much’ and ‘The theoretical elegance of deductive theory is ill suited for the world of international affairs, where attention to detail is theoretically, as well as descriptively enriching’ (1989, 178), it is a clear example of a refutation not of the balance of power as a concept but of a methodology through which the concept is studied. It is not difficult to see that Gellman refutes the deductive theory of the balance of power: this is of course a methodological point that must not be confused with the concept itself, as there is no logical reason why the balance of power must be associated it.}

This understanding of power as playing a methodological role in the science of politics is overlooked by neo-realists such as Kenneth Waltz. In contrast to ‘reductionist’ theories, Waltz argues in Theory of International Politics, a systemic theory of international politics maintains that in order to understand or predict particular outcomes the observer must go beyond ‘knowing the characteristics, purposes, and interactions of the system’s units’ (1979, 39). Systemic theories are
particularly useful when under the same system – macro-level system – various units – micro-level units – produce the same outcome. In this case the examination of the properties of the latter becomes irrelevant, as the results are caused by the system and not by the attributes of its units. For example, if falling off a hundred meters cliff leads to human death and this outcome is produced even when repeated a hundred times, the outcome, that is, human death, is without difficulty predicted by the system – because the human being fell off a hundred meters high cliff – without the need to examine the unique properties of each human body. It is for this reason that Waltz rejects his ‘reductionist’ predecessors’ reliance on characteristics intrinsic in ‘human nature’ to explain the struggle for power in international politics.

The quintessential figure of those who rely on the argument about human nature is of course Morgenthau to whom, ‘politics, like society in general, is governed by objective laws that have their roots in human nature’ (1978, 4). ‘Human nature, in which the laws of politics have their roots’ writes Morgenthau in *Politics Among Nations*, ‘has not changed since the classical philosophies of China, India, and Greece endeavoured to discover these laws’ (1978, 4). Echoing Hobbes, Morgenthau argues that ‘the struggle for power’ is found ‘in all social relations and on all levels of social organisation, is it surprising that international politics is of necessity power politics?’ (1978, 38; see also Hobbes [1651] 2010, 117-118). The struggle for power in the international scene is therefore no more than a continuation of what is originally a key characteristic in the nature of the relationships at every level of human interaction,

‘On the family level, the typical conflict between the mother-in-law and her child’s spouse is in its essence a struggle for power, the defence of an established power position against the attempt to establish a new one. As such it foreshadows the conflict on the international scene between the policies of the status quo and the policies of imperialism’ (1978, 37).

Waltz on the other hand rejects Morgenthau’s reference to human nature. In his earlier work *Man the State and War* he writes,

‘While human nature no doubt plays a role in bringing about war, it cannot by itself explain both war and peace, except by the simple statement that man’s
nature is such that sometimes he fights and sometimes he does not’ ([1959] 2001, 29).

Instead, Waltz argues that the key determinant of the balance of power is anarchy, that is, the structure of the system and not the key attributes of states or state actors. It is this anarchical structure that compels the units to behave the way they do, that is, to balance each other’s powers – and power defined strictly in terms of material capabilities – in order to survive.

But although Waltz here rejects the explanations that regard international politics as governed by rules intrinsic in human nature, his Theory holds an ontological assumption about the Hobbesian nature of the international system (Buzan & Little 2009; Crawford 2009; Sørensen 2009). In Chapter six ‘Anarchic Orders and Balances of Power’ in particular Waltz argues that the international system is a ‘self-help’ system, and as a result: ‘units worry about their survival, and the worry conditions their behaviour’ (1979, 105). Although unlike with Morgenthau, Waltz’s Theory emphasises ‘survival’ rather than ‘domination’ as the states’ ultimate goal, it largely concedes to an ontological commitment apropos of states’ interests: under anarchy states are, by necessity, living in a distrustful and uncooperative environment. He argues that ‘ever since Machiavelli through Meinecke and Morgenthau the elements of the approach and the reasoning remain constant’ (1979, 117). Thus Chris Brown concludes,

‘[Waltz] may not see human nature as constant, but he does, I think share with these authors [classical realist authors] the view that the interests of states, which are ultimately generated by human nature, are, more or less constant’ (2009, 266, emphasis in original).

In Waltz’s theory the perceived ontological assumption about human nature thus shifts towards an assumption about states’ interests in the international system (Humphreys 2012). 33

33 In his earlier publications, Alexander Wendt points to the latter to argue that Waltz’s argument is ‘ontologically reductionist’, for it ‘constrains’ agency, but does not ‘generate’ it, due to the structure that is ‘reduced to the properties of agents in the first place’ (1987, 342; see also Wendt 1995, 72;
The key problem with Waltz’s approach, however, is that it detaches itself from the political as understood by the classical realists, which consists of different actors engaging in constant attempts to ground the universal claims in their interests in a practice that only allows them partially grounded socio-political aims. This has two implications for his argument: first, he fails to define interests as the various partially grounded socio-political aims of the actors in practice. And second, he fails to see power as a methodological tool without which politics cannot exist in the first place because the actors/observers cannot have their space to mutually adjust and settle their partially grounded socio-political aims. He instead bases his theory on an ontological assumption about states’ interests in the international system, which, from a classical realist perspective, already presupposes a methodology that is post-political, that is, that denies the role of power at the crux of all political relations, irrelevant to the structure of the international system.34

To Morgenthau, as to Carr and Kissinger, it is accepted for methodological purposes, and not (only) ontologically, that political relations are relations of power – that is, because all interests are based on partially grounded socio-political aims. Thus, to Carr, to recall, ‘Politics cannot be divorced from power’ (1984, 97). To Morgenthau, on the other hand, power ‘is not a metaphysical abstraction derived out of a fixed view about human nature as inherently evil’ (cited in Paipais 2014, 367; see also Neufeld 1993).35 Its role, however, is due to ‘a tension between man’s inability to ground his own being in a post-Nietzschean world and the need to

Wendt 1998). ‘The consequence of making the individual ontologically primitive’ says Wendt, ‘is that the social relations in virtue of which that individual is a particular kind of agent with particular causal properties must remain forever opaque and untheorised’ (1987, 343).

34 In the classical realist reading, Waltz’s ontological argument about states’ interests, and the role of the balance of power is not only post-political but also ultra-political: the latter is because if foreign policy is not about defending national values, nothing is left to defend for the homo economicus but sheer force (Ashley 1984; or, more recently, Kirshner 2015). This also applies to Waltz’s offensive realist successor, John Mearsheimer (2001) who also defines power strictly in terms of (economic and military) strength. By contrast, ‘For classical realists’ as Jonathan Kirshner argued recently, ‘international politics is less of an active, present struggle for survival […] and more about the clash of interests with outcomes determined by power’ (2015, 162).

35 ‘That elusive entity of “human nature”’ Carr thus argues in What is History, ‘has varied so much from country to country and from century to century that it is difficult not to regard it as an historical phenomenon shaped by prevailing social conditions and conventions’ ([1961] 2001, 27).
 incessantly engage with meaning construction in a world that defies absolute grounding’ (Paipais 2014, 367; see also Petersen 1999).

It is, moreover, on the basis of this interpretation of power as an ontologically accepted, rather than methodologically constructed notion, that Wendt’s social constructivist approach refutes Waltz’s theory. To be clear, Wendt’s refutation of Waltz’s systemic theory is not that the latter is wrong, but that it is ‘underspecified’ ([1999] 2006, 107). This lack of specification, Wendt argues in Social Theory of International Politics, is the result of the assumption made by Waltz that the ‘interests’ and ‘identities’ are ‘given’ and ‘constant’ (2006, 109). Wendt in turn enquires into Waltz’s ontological assumption about the structure of the international system and its effects on not only what states perceive as their ‘interests’ but also on their ‘identities’ qua states. Instead of searching for causal explanations only, Wendt also engages in the question of what ‘constitutes’ state interest and identity (2006, 78). Wendt argues that interests and identities are constituted by ideas that are neither constant, nor only caused by the ‘distribution of capabilities’ (2006, 113). ‘The distribution of capabilities only has the effects on international politics that it does’, says Wendt, ‘because of the desiring and believing state agents who give it meaning’ (2006, 185). A process of interaction between states moreover constitutes their desires and beliefs: a process, which according to Wendt, Waltz failed to ‘fully’ recognise. Waltz instead ‘[left] out the level of interaction altogether’, whereas, ‘this is problematic because macro-level structures are only produced and reproduced by practices and interaction structure at the micro level’ (2006, 150). There is no such thing as the ‘logic of anarchy’ thus Wendt argues (2006, 247). While the structure of the international system has a causal effect on state behaviour, states’ identities and interests and the structure of the international system mutually constitute each other. ‘In both a causal and constitutive sense’ he says, ‘structure is an on-going effect of process’, while, ‘at the same time that process is an effect of structure’ (2006, 186).

It must be clear to reader from this discussion, however, that Wendt’s critique of the effects of anarchy on the role of power is empirical in nature, and not methodological. The classical realist invocation of power is, on the other hand, methodological – a tool without which politics cannot exist because the actors/observers cannot have their space to mutually adjust and settle their various partially grounded socio-political aims. Methodologically, Wendt draws on the
scientific realist position that presupposes the Cartesian separation of the world into two realms: the inner realm of what ‘constitutes’ the subject, and the outer realm of what is ‘out there’ in the objective world. To Wendt, thus, ‘reality exists independent of human beings’ ([1999] 2006, 49), ‘the subject and object are distinct’ (2006, 49), and ‘the world is what it is whether we see it or not’ (2006, 52). ‘The international system’ moreover, ‘confronts the IR theorist as an objective social fact that is independent of his or her beliefs’ (2006, 75). ‘What makes a theory true’ therefore ‘is the extent to which it reflects the causal structure of the world’ (2006, 58 emphasis added). From the ‘objective world’, in the ‘outer realm’, therefore, to Wendt, the observer deduces his or her conclusions about its causal structure.\footnote{Note here that although Wendt’s social constructivism empirically accepts reality not as a natural fact but as a social fact, nonetheless this social fact is methodologically accepted as being objectively separated from the observer. The reader must not confuse the two. In this regard, Wendt’s argument draws on the representationist methodology that presupposes a mind/world dualism castigated by Nietzsche, and later by the classical realists.}

The problem with this formulation, from a classical realist perspective, is that, in the absence of a discussion of power, it presupposes the acceptance of ontology before epistemology, also in a methodological sense. For, as Patrick T. Jackson usefully clarifies in \textit{The Conduct of Inquiry in International Relations}, although Wendt prioritises ontology over epistemology, with the latter defined in an empirical sense – namely, as objects that exist ‘out there’ in the world, yet, the scientific realist position Wendt draws upon also assumes the priority of ontology in a methodological sense – namely, how the observers/actors ‘produce knowledge in the first place’ (2011, 28).

The latter, in \textit{the production of knowledge}, assumes a claim of universality – that is, Truth, in the observer’s interest, in theory – that does not reflect on his or her partially grounded socio-political aims in practice. Wendt’s claim for this universality in the observer’s interest, in the production of knowledge, can be summarised in his statement: ‘pig can’t fly’ (2006, 56 emphasis in original). In his response to this statement, Torsten Michel, highlights the problem of grounding in practice. For, ‘What prevents the pig from flying’ says Michel, is not its own nature as a pig but specific conditions on earth – gravity’ (2009, 404). ‘Gravity’, on the
other hand, is the ‘scientific’ way of explaining why pigs cannot fly. But there are also other ways, for example the religious: because ‘God decided so’ and so on (2009, 404). The two explanations, based on two different practices, create two different ‘realities’. Thus Michel argues,

‘Overall, we can see that even common sense facts such as “pigs cannot fly” are in fact deeply interwoven and dependent on human practices and not vested in the nature of objects in a min-independent world. We never have a neutral stand towards objects in our world but always encounter them with specific conceptions and categories in place; we always encounter them in a mode of involvement or engagement’ (2009, 405).

There is always a ‘frame of reference’ while comparing theories says Michel (2009, 407). And beyond his example of religion and science, there are different frames of reference in the production of knowledge within science.37 To focus, however, on one frame of reference, and to defend its universality or Truth in politics, in the absence of a discussion of power, from a classical realist standpoint, justifies a technically valid but narrowly focused empirical social science that in practice imposes the political order of the dominant party, that is, it only leads to scientism,

37 To elucidate the point further, an example from Ludwig Wittgenstein’s lectures can be useful. ‘[…] we all know what in ordinary life would be a miracle’ Wittgenstein says, ‘It obviously is an event the like of which we have never yet seen’ (1965, 10). But when such an event does happen, Wittgenstein argues, and once we call a scientist to ‘investigate’ it, then ‘where would the miracle have got to?’ (1965, 10). ‘For it is clear that when we look at it in this [scientific] way everything miraculous has disappeared’ (1965, 10). In the latter case, Wittgenstein argues that we cannot say ‘science’ disproved the existence of ‘miracles’ but instead, ‘the scientific way of looking at a fact is not the way to look at it as a miracle’ (1965, 11). The existence of a miracle, that is to say, is also related to a practice that also makes it internally valid. Its absence, moreover, is related to a different practice. Outside these two worlds of practices, ‘imagine whatever fact you may, it is not in itself miraculous in the absolute sense of that term’ (1965, 11). There is, in other words, no absolute reality of a miracle that ‘we know’ outside our world of miracles, that is, outside our practices. For Wittgenstein, however, this also applies to the practices of science, for even if by ‘miracle’ it is meant ‘that a fact has not yet been explained by science’ (1965, 10), in that case, it also ‘means that we have hitherto failed to group this fact with others in a scientific system’ that will also give it internal validity within that science (1965, 11).
rather than science. For the problem to classical realists begins with ontology, understood in a methodological, and not empirical, sense. And because there is a lack of grounding in this meaning of ontology, which also guides the actor/observer’s production of knowledge in the world – that cannot be detached from his or her socio-political aims, power comes to fill this space, namely, it plays a methodological role: the role of grounding, or, as Jackson (2011) calls it, the ‘hook up’ – that is, the bridge between theory and practice. Hence, different frames of reference in the production of knowledge in politics, already play a political function in the causal analysis in practice, and it is in this sense that the reader can see Wendt’s conceptual constructions, that is, the type of culture dominating the international system and its effect on state behaviour, when failing to acknowledge the methodological role of power as also justifying a particular status quo in the name of the discovery of Truth.

Wendt’s attack against the constant role of the balance of power in the international system is thus based on an ontologically accepted notion of power, that is, against the materialism of his predecessor (Waltz). Facing the classical realist literature, however, Wendt’s argument is not only an attack against that which is not argued – that power is only an ontologically accepted entity – but also fails to bridge the gap between the technico-theoretical on the one hand and the socio-political on the other, whose claims are only partially grounded. The dualism of mind and world here causes more, not less, confusion in the literature.38 For as long as the object and the subject remain in two distinct realms only to be explained in the causal analysis of the objective world, the Cartesian problem stands in the explanation. Wendt does not deny this,

38 This confusion becomes clear in chapter seven of Social Theory ‘Process and structural change’. In this chapter Wendt proposes ‘interdependence’, ‘common fate’ and ‘homogeneity’ as ‘efficient causes of collective identity’ (2006, 343). ‘Self-restraint’ on the other hand, is ‘an enabling or permissive cause’ (2006, 343). To form a collective identity ‘all that is necessary’ says Wendt, ‘is one efficient cause combined with self-restraint’ (2006, 343-344). ‘Self-restraint’ thus, ‘plays a key role’ enabling ‘states to solve the fundamental problem of collective identity formation: overcoming the fear of being engulfed by the Other’ (2006, 344). This need for self-restraint is, finally, an attempt to recognise the role of power in politics (in a classical realist sense). What is different with Wendt is the initial dualism of ideas and the material that confuses him and his reader into thinking that ideas can ‘change’ the particular interests in a way that renders power matter no more.
‘This formulation of materialism-idealism problem is ultimately Cartesian, insofar as it separates the world into two kinds of phenomena – in effect, mind and body – and may be criticized for that reason. But I do not see any other way to think about the problem if we are to be scientific realists about social life’ (2006, 112 emphasis added).

The problem with this statement is that it implies that for a study to be scientific it presupposes a methodological commitment to representationism, which in turn, and without offering any supportive argument, rejects the scientific status of the classical realist and the interpretive non-representationist methodological approaches that do not accept this separation. If Wendt draws on ‘scientific realism’ to ‘identify the underlying causal mechanisms which make an event naturally necessary’ (1987, 353-354), it must be clear that not only this ‘identify’ necessitates a separation between the subject and the object ‘out there’, but also the ‘naturally necessary’ implies no more than a logical necessity that cannot be defended philosophically. Wendt’s statement, hence, as with Descartes, and unlike the classical realists, raises unnecessary doubts about the ‘truth’ of his theory and in virtue of the limitations of the human sciences invites more sceptics to question his argument (see, for example, Suganami 2002, 36).

There is no reason to deny that Wendt’s theory remains crucial to understand that the interaction between states involves an aspect in the international system that is not only material but also social. Classical realists do not deny this. Any social change in international politics, however, cannot, detached from power, be used as a form of explanation in politics, since then the latter plays a political

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39 Instead, only offering an assumption, which the reader has no reason to accept.

40 In *Tractatus Logico-Philosophicus*, for example, Wittgenstein argues, ‘It is a hypothesis that the sun will rise tomorrow: and this means that we do not know whether it will rise. There is no compulsion making one thing happen because another has happened. The only necessity is logical necessity’ ([1921] 1974, 70 emphasis in original).

41 Central to Kissinger’s thesis in a *World Restored*, for example, was the idea that the statesman at the Congress of Vienna saw the intangibles similarly (see 1999, chapter 10). The thesis will return again to the impact of the ‘social learning’ process on post-Cold War humanitarian intervention in chapter six.
role in practice. Where the explanation belongs, classical realists accept the political nature of the game. Once they accept this, moreover, no ‘inner realms’ of the states’ interests are either necessary or sufficient as forms of explanation. In short, it does not interest the classical realists whether the world is this or that, but how they know that it is ‘this’ or ‘that’. The objection against the former does not stem from a peculiar desire to deny reality or truth, but from a caution against the technical validity of such a system of thought (and/or knowledge) that, in the absence of the methodological role of power, can also become the tool of the dominant.

In sum, to classical realists power is an integral part of a science of politics – it is the methodological tool – that is, without which politics cannot exist because the actors/observers cannot have their space to mutually adjust and settle their various partially grounded socio-political aims. No social theory or a cultural understanding of the structure that relies on what constitutes states’ interests can thus abolish this role of power from politics. For, to recall, the actors also require the power-relations, which allow action, that is, which allow them to present their different interests based on their partially grounded socio-political aims.

The next section draws on this argument on the lack of grounding in the political and thus the role of power in politics to present the theoretical critique of depoliticisation.

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42 Humphreys also highlights this problem with the ‘Harvard School liberals’, when he concludes that ‘Because [they] believe that theories explain by developing causal generalisations, they are inclined to assess existing liberal claims by formulating them as putative universal generalisations. In so doing, they make liberalism into an ideology: they inappropriately universalise liberal claims, thereby not only making them seem implausible, but also making it appear that such claims disguise a more parochial agenda. This facilitates the critique of liberalism as endangering a state’s real national interest’ (2012, 37 emphasis in original). This, moreover, implies that the title of Wendt’s book is inconsistent with its content, for what he presents in the book is no more a social theory of international politics, but a social theory of the international system. The latter is consistent with his critique of Waltz – who, as Wendt argues, neglects the social aspect of the interaction between states. 43 And ‘The international system’ as Nicholas Rengger argues in his Preface to Just War and International Order, can be seen as in an ‘uncivil condition’ and thus, ‘deliberately distancing it not only from the hallmarks of civility that might be held to obtain in at least some forms of established political community but also from the (mistaken) image of an allegedly ‘‘Hobbesian’’ state of war, ‘‘a war of all against all’’ ’ (2013, x).
The problem with depoliticisation, this section argues, is that while it attempts to transcend the political – defined in terms of actors with different socio-political aims, it presents the interests of the actors in a manner that blurs the distinction between what they accept as universal in theory and their practices that present their partially grounded socio-political aims. Having blurred this distinction, depoliticisation ignores the role of power in politics – that is, to open the space to mutually adjust and settle the different socio-political aims – and thus, in practice, it justifies one exclusionary force, that is, a force driven by the socio-political aims of the actors who set themselves the authority to impose their own status quo.

As with Morgenthau’s example of justice, notions that actors accept as in theory, when pursued in practice, require a claim of universality that cannot be attained. For in practice, when actors define their interests in terms of the pursuit of justice, they define this ‘justice’ differently from one another. Each definition, moreover, presents the socio-political aims of the actors, who, as seen with Nietzsche, can only partially ground their claims. This means that, in practice, there is no absolute definition of justice that is static and/or above everyone. ‘Justice’, instead, ‘dissolves into the relativity of so many interests and points of view’ (Morgenthau 1970, 65). It, therefore, needs to be settled without delineating any party: it needs to be ‘adjusted’.

It is precisely for this reason that classical realists retain the role of power in politics – to adjust these partial claims. Thus, as Morgenthau argues in his Prologue to Truth and Power,

‘[…] any approach toward reform that leaves the relative distribution of power intact will at best mitigate the social ills or at worst convey to the victims the soothing appearance of remedial action while confirming the status quo’ (1970, 7 emphasis in original).

44 And the goal of this adjustment, as Sean Molloy echoes Carr is, ‘to break the cycle of hatred’ (2013, 267).
The problem with depoliticisation, on the other hand, is that while it attempts to transcend the political defined in terms of actors with different socio-political aims, it presents the interests of the actors in a manner that blurs the distinction between what they accept as universal in theory about justice, and their practice, to pursue it, that presents their partially grounded socio-political aims. Having blurred this distinction, moreover, depoliticisation ignores the role of power in politics, and thus, in practice, it only confirms the status quo of the exclusionary force that imposes its own political order, that is, its own conception of what is just.

In the latter case, moreover, the situation with a science of politics that accepts depoliticisation turns into what Morgenthau prophesised more than fifty years ago,

‘A political science that is respected is likely to have earned that respect because it performs useful functions for society. It helps to cover political relations with the veil of ideologies which mollify the conscience of society [...] The relevance of this political science does not lie primarily in the discovery of the truth about politics but in its contribution to the stability of society’ (1958, 30-31; see also Hurrell 2011).

The success in imposing one universal theory about justice in this context is not a proof that the latter is also the truly universal theory of justice, but can be compared to ‘A game of chess between a world-champion and a schoolboy’ writes Carr in the Twenty Years’ Crisis, ‘[that] would be so rapidly and so effortlessly won that the innocent onlooker might be pardoned for assuming that little skill was necessary to play chess’ (1984, 103). It gives the impression ‘that power played little part in the game’ (1984, 103). Classical realists therefore differentiate their theory from those who accept depoliticisation, deny the political as consisting of actors with different socio-political aims, and finally, while ignoring the role of power in politics, justify the status quo of the few who possess the exclusionary force now.
They do not only castigate the depoliticisation of normative endeavours, but also of legal endeavours. As Morgenthau argues in *Scientific Man Versus Power Politics*,

‘The question to be answered is not what the law is but what it ought to be, and this question cannot be answered by the lawyer but only by the statesman. The choice is not between legality and illegality but between political wisdom and political stupidity [...] Law and political wisdom may or may not be on the same side. If they are not, the insistence upon the letter of the law will be inexpedient and may be immoral’ (1965, 120).

Thus at the outset of *Politics Among Nations* he writes, ‘International politics cannot be reduced to legal rules and institutions’ (1978, 17). For, as Kissinger argues in *World Order*, ‘The essential question has been what to do when these rules were violated or, more challengingly, manipulated to ends contrary to their spirit’ (2014, 266). The use of the word ‘spirit’ in this context draws the reader’s attention to an interesting link to Montesquieu (1748), whose concern was not with the laws themselves (the technico-theoretical), but *The Spirit of the Laws* (the socio-political). The distinction is highly crucial to the classical realists, and depoliticisation blurs it when it attempts to transcend the political and draws on the universality of the technico-theoretical to ground the ‘within’ of the laws, which, once all parties *already accepted* the higher authority, only the technical application is left to negotiate (recall Mannheim’s functional rationality).

This leaves the authority itself, that is, the interest dominant party that defends its own political order, be it normative or legal – and thus, endeavours to present it in the interest of the whole, unquestioned. To role of power in this context is to protect the laws from the latter’s arbitrary abuse of them through its exclusionary force. This is because when one party, with its socio-political aims,  

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45 This was the conclusion Morgenthau came to earlier in this doctoral dissertation (see Eckstein 1981, 646).

46 Thus, as Adam Humphreys argues, ‘Carr’s objection to liberalism was not only that it was utopian, but also that its ideals became “the ideology of a dominant group concerned to maintain its predominance by asserting the identity of its interests with those of the community as a whole” ’ (2012, 35-36; see also Carr 1984, 44).
draws on its exclusionary force and violates the spirit of the law, it does not necessarily follow that it also violated the law itself, since, to recall Kissinger’s passage, the rules can be ‘manipulated to ends contrary to their spirit’ (2014, 266).47

Crucially, hence, as Mannheim’s Ideology and Utopia eloquently puts it, to separate law from the political and to prioritise the former, in effect, ‘fails to see that behind every law that has been made there lie the socially fashioned interest […] of a specific social group’ (1968, 105). This, moreover, does not only apply to international law, but to all human sciences that accept acts of depoliticisation that provide technico-theoretical justifications for one party to defend its interest based on its partially grounded socio-political aims. ‘The science of economics’ for instance, Carr argues in the Twenty Years’ Crisis, echoing Mannheim, ‘presupposes a given political order, and cannot be profitably studied in isolation from politics’ (1984, 117; for the influence of Mannheim on Carr, see also Cox 2010, 530).

‘A political science that is true to its moral commitment’ Morgenthau thus concludes in Dilemmas of Politics, ‘[…] cannot help being a subversive and revolutionary force with regard to certain vested interests – intellectual, political, economic, social in general’ (1958, 29). Indeed, it needs not to take the existing order as a given but to constantly address the underlying power structure that sustains the various interests of the actors in the system.48 This is because these interests, to recall, since Nietzsche proclaimed Kant an idiot and pronounced God dead, draw on the partially grounded socio-political aims of the actors, and not on some universal theory of justice, as seen with Morgenthau’s example. Depoliticisation, in contrast, attempts to transcend the political defined in terms of actors with different socio-political aims. This is problematic, however, from a classical realist perspective, for, in doing so, it presents the interests of the actors in a manner that blurs the distinction between what they accept as universal in theory and their practices that present their partially grounded socio-political aims. Having blurred this distinction, when it ignores the role of power in politics, depoliticisation

47 A judge, for example, can be fully within the parameters of law, and meanwhile manipulate the law to eliminate a political opponent. In the latter he or she goes against the spirit of the law, yet, play within the rules of the law.

48 This shares the assumption with Robert Cox that ‘Institutions reflect the power relations prevailing at their point of origin and tend, at least initially, to encourage collective images consistent with these power relations’ (1981, 136).
finally *justifies* one exclusionary force, that is, a force driven by the socio-political aims of the actors who set themselves the authority to impose their own *status quo*.

CONCLUSION

This chapter drew on classical realism to highlight the role of power in politics and to present a theoretical critique of depoliticisation. The problem with depoliticisation, the chapter argued, is that while it attempts to transcend the political – defined in terms of actors with different socio-political aims, it presents the interests of the actors in a manner that blurs the distinction between what they accept as universal in theory and their practices that present their partially grounded socio-political aims. Having blurred this distinction, depoliticisation ignores the role of power in politics – that is, to open the space to mutually adjust and settle the different socio-political aims – and thus, in practice, it justifies one exclusionary force, that is, a force driven by the socio-political aims of the actors who set themselves the authority to impose their own *status quo*.

The next chapter applies the theoretical work presented in this chapter to key literature in post-Cold War humanitarian intervention, with the aim to highlight the problem with depoliticisation in post-Cold War humanitarian intervention theory.
Chapter two: the problem with depoliticisation in the theory of post-Cold War humanitarian intervention

INTRODUCTION

This chapter divides the theory of post-Cold War humanitarian intervention into two broad arguments. Firstly, there are the proponents of universal human rights as a minimum standard, who can be classified under the liberal, constructivist, and the solidarist end of the English School theories. The supporters of the third pillar in the R2P also belong here. These commentators argue that human rights norms are the ‘minimum standard’ for state sovereignty to be granted. Hence, in extreme cases of human rights violations humanitarian intervention is permissible, as states lose the *sine qua non* for the very possession of their sovereignty. In the second argument, there are the proponents of cosmopolitan justice who can be classified under liberal cosmopolitan and critical theory. This group values universal human rights, not only as a minimum standard for state sovereignty – as in the first argument – but as democratic rights that individuals can hold against their governments as free and equal persons. Despite their differences, however, both arguments in the theory of post-Cold War humanitarian intervention share the assumption that the intervener is set to protect the universal human rights of innocent civilians in a target state with a functioning government authority. And on this basis, they accept depoliticisation in post-Cold War humanitarian intervention.

The problem with depoliticisation in this theory, the chapter argues, pertains to that it presents the interest of the intervening actors in a manner that blurs the distinction between what they accept as universal human rights in theory and their practice of humanitarian intervention that presents their partially grounded socio-political aims. Having blurred this distinction, depoliticisation in post-Cold War humanitarian intervention theory ignores the role of power in politics – that is, to open the space to mutually adjust and settle the different socio-political aims – thus, in practice, it justifies one exclusionary force, that is, a force driven by the socio-political aims of a state or a group of states that set themselves the authority to impose their own *status quo*.

To proceed with this overall argument, the chapter is divided into two sections. The first section highlights the problem with depoliticisation in the
arguments about the minimum standard. The second section highlights the problem with depoliticisation in the arguments about cosmopolitan justice.

DEPOLITICISATION IN ARGUMENTS ABOUT MINIMUM STANDARD

The arguments in this section can be classified under the liberal, constructivist and the solidarist end of the English School theories. The supporters of the third pillar in the R2P also belong here.

The first strand in the arguments about universal human rights as a minimum standard maintains the minimal, or weak, cultural relativist view, which, albeit views the liberal order as superior to others, and supports humanitarian intervention in extreme cases of human rights violations, to varying degrees, demands respect of the cultural differences among different societies. In *The Law of Peoples* John Rawls argues for a ‘realistic utopian’ position.⁴⁹ ‘Political philosophy is realistically utopian’ he says, ‘when it extends what are ordinarily thought of as the limits of practical political possibility’ with the future hope ‘that the nature of the social world allows reasonably just constitutional democratic societies existing as members of the Society of Peoples’ ([1999] 2002, 6). As conspicuous from this passage as from the title of the book, it is no coincidence that Rawls mentions ‘Peoples’ and not ‘states’. The distinction according to him is due to that the latter ‘have powers of sovereignty included in the (positive) international law’ (2002, 25).

These powers, he continues, ‘grant a state a certain autonomy in dealing with its own people’. But, ‘this autonomy is wrong’ he says (2002, 26). ‘The term ‘‘Peoples’’, then, is [...] to highlight their moral character and the reasonably just, or decent, nature of their regimes’ (2002, 27).⁵⁰ Rawls thus classifies the Peoples into the liberal and the decent hierarchical (2002, 59-88). He then argues, for the

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⁴⁹ The reader should not confuse this ‘realistic utopia’ with the classical realist, or even Booth’s (1991) arguments that aim to combine utopia with realism. Realism in the latter is meant in the classical sense of IR theory – that is, associated with the realist school in IR theory that emphasises the importance of power alongside morality. In Rawls’ argument it simply means pluralism – the respect of the sovereignty of the Peoples.

⁵⁰ Advocates of cosmopolitanism castigate Rawls’ position saying that by respecting the equality between Peoples and neglecting the rights of individuals he undermines the goal of cosmopolitan justice altogether (Beitz 2000; Buchanan 2000; Caney 2002; Kuper 2000).
sake of peace, that the use of force should be outlawed only against these two Peoples. This is because they have ‘reasonably just’ interests, as opposed to ‘outlaw states’ that do not have these ‘reasonably just’ interests, and therefore violate human rights, but also ‘are aggressive and dangerous’ (2002, 81). But then, the reader wonders, who is to decide that a state in fact has ‘reasonably just’ interests or that it violates human rights and therefore should be subject to military intervention? This, moreover, leads to the second question: whoever is taking this decision, does he or she (or it, if it is an institution) also have ‘reasonably just’ interests to protect universal human rights?

Thomas E. Doyle, for instance, recently argued that ‘Rawls’ depiction of outlaw states is comparable to Cold War depictions of the former Soviet Union and to post-Cold War US administrations’ depictions of ‘‘rogue state actors’’ ’ (2015, 269). This is due to the simple fact that ‘In the end’, he says,

‘the ideological fear of the ‘‘outlaw’’ will assuage the liberal conscience that carrying out the nuclear deterrent threat was the only reasonable option left to them – that is, that the outlaw states made it to where liberal peoples had no other choice but to push the button. And the moment that the liberal people’s conscience is assuaged by the Rawlsian grammar, its transformation into the outlaw state is complete’ (2015, 269).

Here the problem becomes clear, and it is due to the clash between two answers to two different types of questions. The first is an answer to a normative question – that is, ‘who should be subject to military intervention’. The second, however, is an answer to a political question – that is, ‘who is to decide that the intervener also has ‘reasonably just’ interests to protect universal human rights’. But then, the answer to the political question, as seen with the classical realists in the previous chapter, raises the further question: in practice, what socio-political aims do ‘liberal’ and ‘decent’ societies simply justify by presenting their interests as ‘reasonably just’ and thus proceeding with humanitarian intervention? In the case of a civil war for example, each party, on the basis of its socio-political aims, defends the human rights of one party in the war, as in Syria today, while justifying its interest to be ‘reasonably just’. Thus, by accepting the interest of the intervener as ‘reasonably just’ to protect universal human rights, Rawls simply denies, not only that this
reasonably just interest, in practice, could be used by any political group to justify any political order, but also and more crucially, that his stand is no less political, thus no ‘higher’ than others.

Hence commentators such as Christian Reus-Smit, rightly situate Rawls alongside the more general ‘liberal argument for the rehierarchisation of international society and its attendant prescriptions for the legitimate use of force’ (2005, 72; examples of these liberal arguments are also found in Held 1995; and, Buchanan & Keohane 2004). In other words, the problem with depoliticisation in Rawls’ argument pertains to that it presents the (reasonably just) interests of the intervening actors in a manner that blurs the distinction between what they accept as universal human rights in theory, and their practice of humanitarian intervention that presents their partially grounded socio-political aims. Having blurred this distinction, depoliticisation allows Rawls to ignore the role of power in politics, and thus, in practice, it does no more than justify one exclusionary force that sets itself the authority to impose its status quo, that is, its political order, and can be used, as such, to justify any political order.

Reus-Smit on the other hand draws on the constructivist approach in IR theory to argue that universal human rights today plays a justificatory role in the very constitution of state sovereignty. The latter, per se, is of course not problematic. In relation to humanitarian intervention, that is, in practice, however, it raises some difficult questions about human rights as norms and takes the reader to the second strand in the arguments about universal human rights as a minimum standard, which holds the latter as a part of the evolution in the normative context of international politics since 1945. Treating human rights and sovereignty as separate, says Reus-Smit, ‘obscures the justificatory role that human rights principles have performed in the constitution of the modern sovereign order’ (2001, 520; for a similar argument see also Donnelly 1998; 2003), for, ‘In the twentieth century, sovereignty has been increasingly justified in terms of the state’s role as a guarantor of certain basic human rights […]’ (2001, 520). Reus-Smit thus argues that ‘the principle of sovereignty and human rights norms are best conceived as two normative elements of a single, distinctly modern discourse about legitimate statehood and rightful state action’ (2001, 520).

‘These insights into communicative action and norm formation’ to Reus-Smit, ‘are of crucial importance in understanding the social construction of
sovereign regimes’ (2001, 527). Contra Reus-Smit, however, the present enquiry draws on the classical realist argument, sketched in the previous chapter, which highlights the significance not of the norms in theory per se, but their modes of pursuit in practice via humanitarian intervention. Reus-Smit, following Agnes Heller argues, ‘[contestants] justify their values (as right and true) […] by restoring to values higher than those which they want to justify’ (2002, 494). These ‘higher values’, however, such as universal human rights, if the reader follows the classical realists, it becomes clear that once they are put into action, that is, once they are pursued in practice via humanitarian intervention, they entail the partially grounded socio-political aims of the interveners. To speak about norms in theory per se, therefore, constructivism in IR theory does not join the political game in practice yet (see also discussion on Wendt in the previous chapter).

The problem with depoliticisation pertains to when the observer presents the interests of the intervening actors in a manner that blurs the distinction between the two: universal human rights as accepted norms in theory and the practice of humanitarian intervention that presents their partially grounded socio-political aims. Once the distinction is blurred, moreover, depoliticisation in post-Cold War humanitarian intervention theory ignores the role of power in politics, only to engage in a practice that justifies one political order. This problem is particularly clear with the proponents of the third pillar in the R2P who present the interests of the intervening actors in a manner that blurs the distinction between what they accept as universal human rights in theory – ‘to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity’ (A/RES/60/1 2005, 30), and the inescapable political stand they take in practice, to use force to support the rights of one party in a civil war (Bellamy 2013; 2015; Doyle 2011; Evans 2004; 2008; Evans et al. 2013; Gallagher & Ralph 2014; Pattison 2008; Thakur 2003). If the use of force protects human life, advocates of the third pillar in the R2P thus argue, then depoliticisation in humanitarian intervention is excusable, if not necessary (Gallagher & Ralph 2014; Hehir 2012; see also Bellamy 2006; Buchanan 2003).

For, proponents of the third pillar in R2P argue, there is, in fact, a difference between humanitarian intervention and the R2P,

‘Unlike humanitarian intervention, R2P puts the needs and interests of the
victims of atrocities ahead of those of the intervening powers. It is victim and people centered, whereas “humanitarian intervention” privileges the perspectives, preferences, and priorities of the intervening states’ (Evans et.al 2013, 202).

Others, such as Jason Ralph and Simon Adams, go beyond this and argue that the R2P and humanitarian intervention, in fact, contradict one another. Thus Ralph writes,

‘To repeat paragraph 139, states were ‘‘prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities manifestly fail to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity’’. In other words, R2P was politically, if not legally, ‘‘an explicit rejection of humanitarian intervention’’ ’ (2014, 22 emphasis in original; see also Adams 2013).

‘R2P’, Ralph thus concludes, ‘is a political norm and there is no question that humanitarian intervention without a UN resolution contradicts it’ (2014, 23). ‘The charge against R2P – that it is too permissive and would embroil the United States and the West in interventions without end all over the world – is’, thus, ‘wrong in theory and demonstrably false in practice’ (Evans et. al 2013, 203). For, ‘The goal of intervention’ Ramesh Thakur argues, is ‘to protect victims of atrocities inside the state’ (2003, 163). And the role of the R2P, as with Reus-Smit above, is not to challenge the notion of state sovereignty, as ‘the state is the cornerstone of the international system’ (2003, 166).

‘[It] is important to consider that the R2P does not represent an ‘‘abandonment of sovereignty’’ […]’ thus Adrian Gallagher assures his reader, ‘Instead the R2P asks signatories to understand legitimate sovereignty as conditional rather than absolute’ (2012, 350 emphasis in original). Hence, ‘The core idea of the responsibility of protect is very simple’ in the words of Gareth Evans, ‘Turn the notion of ‘‘the right to intervene’’ upside down. Talk not about the
“right” of big states to do anything, but the responsibility of all states to protect their own people [...]’ (2008, 285 emphasis in original). Thus Carrie Booth Walling recently argued about the Libyan intervention that,

‘By appealing to sovereignty as responsibility and locating sovereign authority in the Libyan people, Security Council members could defend the sovereignty and territorial integrity of the Libyan state while simultaneously protecting the human rights of the Libyan population. In effect, supporters of Resolution 1973 defined sovereignty as comprising state responsibility for the protection of human rights. Because the government authorities were failing to protect, they lost the right to rule and sovereign authority was transferred to the Libyan people and their representatives. Humanitarian intervention in Libya demonstrates that the meaning of human rights norms and sovereignty norms are co-evolving at the UN and affirms a re-conceptualised understanding of state sovereignty that includes elements of both responsibility and legitimacy’ (2015, 411).

In cases of ‘genocidal killings, humanitarian atrocities and ethnic cleansing’, that is to say, the aim is ‘normative’ and ‘limited’ to ‘the target of abuse’ (Thakur 2003, 163).

To be sure, though, as will be seen in the case of Libya (chapter five), even with a UN resolution, it is this ‘the’ in ‘target of abuse’, that is depicted as the ally who ought to be supported by the intervening parties, that is problematic and opens the political aspect of the conversation, which proponents of the third pillar in the R2P, simply consider a given. The problem with the proponents of the third pillar in the R2P, that is to say, is that they depoliticise the intervener’s decision about the target of abuse. Thus, they present the interests of the intervening actors in this decision in a manner that blurs the distinction between what they accept as universal human rights in theory, that is, ‘to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity’ (A/RES/60/1 2005, 30), and their practice that presents their partially grounded socio-political aims. Having blurred this distinction, moreover, depoliticisation in post-Cold War R2P theory ignores the role of power in politics, only to justify the one exclusionary force that decides who is the target of abuse and who is not, in practice, that is, whose rights to protect, the
ally and whose rights to deny, the opponent who is dismembered from the international community, in the target state.

It can only be on the basis of this assumption – that the ‘the’ in ‘target of abuse’, that is, the political, is a given – that James Pattison offers his effectiveness solution that omits the discussion of power and instead ‘[…] aims to establish a norm that the most effective intervener has the duty to intervene’ (2008, 264-265). This is, he says, because, ‘It seems self-evident that if humanitarian intervention is to be morally acceptable’ that ‘it should be expected to be successful at achieving a humanitarian outcome’ (2008, 265 emphasis added). It is not the effectiveness *per se* that the classical realists reject, however, but the underlying assumption that overlooks the socio-political aims of the intervener: effective to do what and to whom? With the latter question in mind, Pattison’s answer becomes both tautological and irrelevant. Tautological, that is, because it does seem self-evident as Pattison argues, if the ‘what’ question is answered – that is, the socio-political aims of the intervener are accepted, *a fortiori*, what concerns the observer is the ‘how’, the effectiveness, that is, the technico-theoretical (also recall Mannheim’s functional rationality in chapter one). It is irrelevant, on the other hand, because it answers what is not asked, and that is, the ‘how’ question. It simply rests the ‘what’ in a black-boxed *a priori* assumption. Having presented the interests of ‘the most effective intervener’ in a manner that blurs the distinction between the two, depoliticisation in Pattison’s theory ignores the role of power in politics, and finally, justifies the latter’s *status quo*, that is, its political order.\(^5\)

‘But hierarchy is based on double standards and can, as noted, reduce the significance of this particular legitimacy cost by effectively delivering outcomes that protect international society’s substantive values’ Ralph and Gallagher reply (2014, 14; see also Wheeler & Dunne 2004). Indeed, but this is only if the observer, contra Nietzsche (see previous chapter), presupposes a dualism of ‘value’ and ‘pursuit’, where the former can be defined in its own right, without being confounded with the latter. Following Nietzsche, however, to classical realists the value – universal human rights – can only have meaning in its pursuit – via a discourse on humanitarian intervention – and the different modes of the pursuit of

\(^{51}\) ‘Even in the case of effectiveness’, thus for a good reason Hurrell argues, ‘legitimacy has to rely on more than ““brute facts on the ground” […]” (2005, 23).
the value do not negate the value itself.

This is because human rights as norms in theory do not have a meaning by themselves apart from the actors who, in turn, present their partially grounded socio-political aims, when they pursue them via humanitarian intervention. That human rights norms mean to support the rebels or the target government, say in Syria, it can neither be defined by, nor can it negate the value – universal human rights. This was also clear in Kosovo and Libya, where, as shall be empirically demonstrated in chapters four and five, neither Russian nor Chinese delegates at the UNSC negated the value – universal human rights, defined as the protection of civilians – although both negated the mode of the pursuit of the value – one interpretation of human rights in practice – that is, who to support in the war. The negation of the pursuit of the value, however, is not to be seen as a mere disagreement on the ‘how’ question (Ralph & Gallagher 2014, 7). It is rather what the disagreement is about. Jennifer Welsh by contrast argues that ‘There is much wisdom in Thomas Weiss’s statement that today “the main challenge facing the responsibility to protect is how to act, not how to build normative consensus”’ (2011, 1). It is this ‘how to act’, however, that also entails the socio-political aims of the actors, namely, the parties they align themselves with politically. The alignment with one party, moreover, excludes others.

With the classical realists, thus, the ‘hierarchy’ in Ralph and Gallagher’s passage – the dominant party, to put it in more straightforward terms, is no more ‘effectively delivering outcomes that protect international society’s substantive values’ (2014, 14). By contrast, and following the classical realists, it is ‘effectively delivering outcomes that protect’ its own political order, in the name of the ‘international society’s substantive values’ (2014, 14). Thus, the problem with depoliticisation in Ralph and Gallagher’s argument pertains to that they present the interests of the intervening actors in a manner that blurs the distinction between what they accept as these substantive values, namely, universal human rights, in theory on the one hand, and their practice of humanitarian intervention on the other,

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52 This applies to other proponents of the third pillar in R2P, who argue that ‘There was such consensus when the Security Council, specifically invoking R2P, authorized military action in Libya in March 2011, but it fell apart later in the year as the “BRICS” countries charged that the NATO-led forces had exceeded their civilian protection mandate’ (Evans et. al 2013, 200).
which, as seen in the previous chapter with the classical realists, presents their partially grounded socio-political aims. Having blurred this distinction, moreover, depoliticisation in Ralph and Gallagher’s argument ignores the role of power in politics and, finally, justifies the status quo, that is, the political order, of this ‘hierarchy’.

Scholars, such as Alex Bellamy, acknowledge the gap between the value – universal human rights, and its pursuit – via R2P (Bellamy 2013; 2015), and despite this, they accept the importance of the value in its technico-theoretical form – that is, as separate from the socio-political aims of the actors who pursue it. Here, Bellamy follows the constructivist argument in IR theory and argues that the principles of R2P ‘reshape states’ identities and interests, such that consideration of the protection needs of populations in relation to the threat of genocide and mass atrocities has been internalised to some extent’ (2013, 352). This argument was refuted in chapter one of this thesis, for the simple reason that it is based on a dualism that defines the interests of the actors as separate from their socio-political aims. In other words, by accepting the gap between value and pursuit, Bellamy also suggests that the pursuit of the value in fact can be detached, not only from the interests of the intervening actors, but also from their socio-political aims to support one party in a civil war and alienate another. As will be shown in the cases of Kosovo and Libya, this is not the case, and the problem with depoliticisation in Bellamy’s argument, as with the proponents of the third-pillar in R2P therefore, pertains, to that it presents the interests of the intervening actors in a manner that blurs the distinction between the two.

Contra the classical realists, proponents of the third pillar in the R2P accept depoliticisation in humanitarian intervention on the ground that the human rights norms some actors pursue are legitimate because they are ‘commonly agreed’ (Evans et al. 2013; Ralph & Gallagher 2014). On this basis, the discourse on humanitarian intervention simply criminalises one party in the target state (Ralph 2010). To focus on criminal activity in humanitarian intervention is however problematic. ‘What a government leader must not do’ writes Inis Claude in Power and International Relations,

‘is assume that the conflicts which arise in a pluralistic society can invariably be settled by ignoring the corporate reality of lesser associations the state and
proceeding against their leaders as if they represent nobody but themselves’ (1964, 267 emphasis in original).

In the latter case, the injustice is not only in that the dominant plays the role of the jurist and the opponent simultaneously. More crucially, it is in the social exclusion of the entire group the ‘criminal’ in the target state represents. This is because, \textit{before} the intervening party can focus on criminal activity it needs to take for granted, not only that universal human rights is legitimate to pursue, but also that its own interpretation of human rights, \textit{via the practice of humanitarian intervention, is legitimate}.

This means, when the question of the ‘legitimacy’ of humanitarian intervention is at stake, there are no simple \textit{a priori} norms such as universal human rights to follow to get it ‘right’ or to admit to be ‘wrong’ as in, say, the field of mathematics.\textsuperscript{53} Instead, the \textit{practical} question remains open, or, as Ian Hurd puts it, ‘It is always ‘‘under construction’’ ‘ (2005, 502). This, moreover, explains why the ‘effectiveness solution’ in humanitarian intervention must be rejected. The argument that suggests the effectiveness solution, to be clear, can be used \textit{by any political order} to challenge sovereignty and intervention equally, depending on how its proponents interpret the human rights norms. Consequently, depoliticisation in humanitarian intervention only leaves the dominant power impose its own ‘efficient’ \textit{status quo}, by force.

Philip Cunliffe rejects this problem, and instead argues that ‘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’ (2014, 64). Therefore, he concludes, the doctrine substitutes security for freedom, and, unlike the classical liberal internationalism of the interwar period, cannot be accused of hypocrisy. But this prompts the questions: why not support the government in the target state, especially in Syria today? Why did the proponents of the third pillar hasten to topple Qaddafi, rather than assist him?\textsuperscript{54} The answer again, presents the interests of the intervening actors in a manner that blurs the distinction between what they accept as universal human rights in theory and

\textsuperscript{53} A priori is used here in its Kantian sense, for details see chapter one.

\textsuperscript{54} And precisely, since the R2P \textit{does} entail a pillar to assist the target state.
their practice of humanitarian intervention that presents their partially grounded socio-political aims: because by toppling Qaddafi the intervention was on the side of universal human rights, rather than engaged in a political act that also entailed a socio-political aim that advanced the specific political cause of one group, the rebels. The discourses for humanitarian intervention in Libya, which proponents of the third pillar in the R2P celebrate, however, supported the rights of the Libyan people. This means, that either they did not substitute freedom with security, or that it simply did not matter what the end political goal was, as long as the intervention can be described, equivocally, as ‘successful’. In either case, proponents of the third pillar in the R2P consider the socio-political aims of the intervener a given.

Due to his lack of satisfaction with the R2P, Robert Pape, formulates his own ‘pragmatic’ approach. The pragmatic approach is not only set to avoid the problem with depoliticisation that haunts the R2P, but is also set to resolve the problem of the ‘moral hazard’ raised by Alan Kuperman (2001) in The Limits of Humanitarian Intervention. In short, the problem of the moral hazard argues that the systematic intervention on behalf of the weaker groups results in their deliberate attempt ‘to exacerbate the suffering of their own people, because they expect or hope to attract foreign intervention’ (2001, 117). To overcome this problem, Pape’s pragmatic approach suggests that, officials only support rebels who are ‘already willing to risk substantial losses’ and only when ‘the threatened population will join forces with a local ally’ (2012, 72). The reader wonders, though, would any armed group not fight for its political cause to the finish? Pape lets the cat out of the bag when he, as he proceeds, speaks of a ‘local ally’. It becomes clear that Pape is in fact allying himself with one party, and that is, whom he considers to be the liberators. And, although the victim is known – unarmed civilians, the question of identifying the liberator remains unsettled among the actors – or unsettled, period.55 A terminological shift is not followed by a shift in the problem that is not only technical, but also political at its very core.

Constructivists, such as Finnemore, on the other hand argue that the norms that justify intervention have changed in the post-Cold War era: ‘[…] the balance seems to have shifted since the end of the Cold War, and humanitarian claims now

55 This is not to say that the causal relations suggested by proponents of ‘moral hazard’ are not debatable. For a critique, see (Bellamy & Williams 2011).
frequently trumps sovereignty claims’ (2003, 79). Humanitarian intervention, Finnemore thus postulates in *The Purpose of Intervention*, can be justified considering it is ‘*multilateral*’ (2003, 73 emphasis in original). Why will states respect the rules of multilateralism? The constructivist reply to this question, is, ‘[because] attempts to use force alone for social control or social influence tend not to gain well over the long-term’ (2003, 16-17). In other words, Finnemore argues that it is the lack of legitimacy in the use of force that will eventually restrain it. For ‘The utility of force’ she says, ‘is a function of its legitimacy’ (2003, 16). ‘Force’ she continues, ‘must be coupled with legitimacy for maximum effect’ (2003, 17).

Humanitarian intervention, to Finnemore in specific, and to constructivists in general, is thus defined by the norms of the age. And humanitarian intervention in the post-Cold War era, Finnemore argues, is defined in terms of its reliance on multilateralism (2005, 194). The ‘qualitative dimension of multilateralism that makes it a distinct form of political action’, she argues, is that its ‘principles apply regardless of power capabilities, individual country interest, or convenience of circumstances’ (2005, 196). ‘Multilateralism’, therefore, ‘is more than just concerted action with some number of partners. Those partners have to act in particular ways, specifically they have to act according to some set of generalised rules or principles’ (2005, 195).

In this sense, multilateralism ‘entails a degree of Great Power restraint’ (2005, 196). There are two crucial questions, however, that Finnemore fails to ask in her analysis and which render her argument problematic. First, *whose* multilateralism provides the legitimacy for humanitarian intervention in the post-Cold War era? Second, can universal human rights, as accepted in theory, be detached from the socio-political aims of the actors once pursued in practice via humanitarian intervention? Apropos of the first question, it is clear that the political to Finnemore is reduced to a cost-benefit analysis of what the actors can gain from the norms of the age, that is, by following the rules of multilateralism and not having to put with the extra cost that results from the higher price they will pay in the future due to being condemned by the other actors. There is no doubt that the use of force from an empowered, that is, multilateral, position, makes it more

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effective.\textsuperscript{57} To say this, however, it does not necessarily follow that no force could \textit{already} be empowered by some form of multilateralism, due to its belonging to a unit such as NATO.\textsuperscript{58} To be sure, therefore, the question of force versus legitimacy is a matter of extent. No legitimated power fails to use force illegitimately, and no force exists without some prior form of legitimacy (for a more detailed account see Beetham 1991).

Once multilateralism is attained, through NATO, the second question follows: can universal human rights, as accepted in theory, be detached from the socio-political aims of those who pursue it in practice via humanitarian intervention? According to the classical realists, the actor’s knowledge about what the norms, that is, universal human rights mean, only exists in theory. When actors pursue them in practice via humanitarian intervention, meanwhile, they no more retain their theoretical universality, but present the partially grounded socio-political aims of the interveners. When human rights norms translate into different socio-political aims, moreover, force comes to play the role of the final decision maker. Constructivists, such as Finnemore, who speak about norms in theory in this sense, from a classical realist perspective, do not join the political game in practice yet (see also discussion on Wendt in the previous chapter).\textsuperscript{59}

Following the constructivist line of argument, an English School solidarist such as Wheeler argues in \textit{Saving Strangers}, that humanitarian intervention is becoming the norm in the post-Cold War era. Contra Carr, moreover, Wheeler argues, ‘Once established [humanitarian] norms will serve to constrain even the most powerful states in the international system’ (2010, 7). To defend his argument, Wheeler draws on Quentin Skinner’s (1988) work that argues that ‘the range of legitimating reasons that any actor can invoke is limited by the prevailing morality in which she finds herself’ (2010, 7). Wheeler thus argues that ‘states are socialised

\textsuperscript{57} Classical realists do not deny this. In \textit{Politics Among Nations}, Morgenthau for instance says, ‘Legitimate power, which can invoke a moral or legal justification for its exercise, is likely to be more effective than equivalent illegitimate power, which cannot be so justified’ (1978, 32).

\textsuperscript{58} Thus, for example, Booth defines NATO’s actions in Kosovo as ‘unilateral multilateralism’ (2000, 10).

\textsuperscript{59} And it is crucial to mention here that Finnemore draws on Wendt methodologically, and thus, denies power as a methodologically constructed tool to combine theory and practice; see (Finnemore 2003, 15).
into a set of predispositions that are not questioned [...] [They] follow their interests, but the way they define these is shaped by the rules prevailing in the society of states’ (2010, 24).

Indeed, the critique of depoliticisation equally applies to Wheeler. To be precise, norms, although they enable actors in the sense that they set the broader normative framework where justifications for action are situated, they do not work as constraints against actors who intend to use force (even constructivists disagree with Wheeler here), in the pursuit of these norms via actions that present their partially grounded socio-political aims. The problem with depoliticisation in wheeler’s argument, therefore, pertains to that it presents the interests of the actors who pursue these norms in a manner that blurs the distinction between what they accept as universal human rights in theory and their practice of humanitarian intervention that presents their partially grounded socio-political aims. Having blurred this distinction, depoliticisation in Wheeler’s argument ignores the role of power in politics and ends up justifying one exclusionary force, that sets itself the authority to impose its status quo, that is, its political order.

Political morality, therefore, is not only inseparable from legality, but must also not be separated from ethical morality when the observer examines (ethical) foreign policy discourses. Bulley makes this clear in the title of his book: ‘Ethics as Foreign Policy’ ([2009] 2011 emphasis added). But although ethical morality must not be seen as separate from political morality in the study of foreign policy, it does not follow, as Bulley argues, that ‘every foreign policy is an ethical foreign policy’ (2011, 5). For, in the latter, Bulley confuses morals for ethics, and because every foreign policy involves morals, he argues that ‘Every foreign policy contains an ethics, a conception of otherness and how a “we” ought to act in relation to it’ (2011, 5). This ‘ought’, however, although by necessity involves morals it does not necessarily entail an ethical decision, in which case ‘the other’ is treated as an end, and not merely as a means to our moral end.

Bulley’s argument is clearly supported by a premise that employs ethics and morality interchangeably. This is clear from the very start of his book where he says,

‘[…] morality emerges from who the ‘we’, as a collective subject, considers itself to be; who or what we construct as other, as different, to this self […]

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After all, it is not as if we could decide that our foreign policy would no longer contain ethics. Moral values can neither be left out from the beginning nor expunged once a policy has been initiated’ (2011, 3 emphasis added).

To be sure, thus, when Bulley argues that ‘a foreign policy cannot help but be ethical’ (2011, 5), what he really means is ‘it cannot help but entail moral values’. And when he says that an ethical foreign policy is ‘impossible’, by that what he really means is that our moral values cannot be separated from our political values and, therefore, the ethical rule of treating others as ends, rather than means to our (moral) ends, is also undermined by the political action. Bulley is not the first to observe this. In *Scientific Man Versus Power Politics*, for example, Morgenthau makes it clear,

‘It is unattainable for an action at the same time to conform to the rules of the political art (i.e. to achieve political success) and to conform to the rules of ethics (i.e. to be good in itself). The test of political success is the degree to which one is able to maintain, to increase, or to demonstrate one’s power over others. The test of a morally good action is the degree to which it is capable of treating others not as means to the actor’s ends but as ends in themselves’ (1965, 194-195; he also devotes a whole paper to this, see Morgenthau 1945).

How are ‘ethical’ decisions taken then? Bulley’s answer is as follows: ‘to avoid the coming of the ‘worst’, ‘Britain’ is necessarily affirmed as a subject, capable of taking responsibility’ (2011, 88). The good (although impossible) ethical decision for Bulley is thus one that answers the question of ‘urgency’ (2011, 96).

This is although Bulley is aware that ‘The moral dilemma is eternal because there is moral responsibility on both sides of the argument’ (2010, 452). Therefore, ‘retaining the politics of ethical foreign policy is a better, and more honest, place to begin from’ (2010, 455), and by ‘allowing the complexity of the situation to remain and asking what precise relationship to the other we are seeking to enact, we give ourselves the chance of negotiating a more ethical foreign policy’ (2010, 455 emphasis in original). This is undoubtedly true, but only if ‘we’ allow ‘ourselves’ to decide for these morals, that is, because they are not only morals, but also a part of an *ethical* foreign policy. The ‘ethical’ in foreign policy, that is, universal human
rights, becomes the end that also justifies the means. But do morals in foreign policy necessarily lead to an ethical foreign policy? Bulley wants to acknowledge that his stand is political, meanwhile he assumes that if he is to pursue universal human rights in foreign policy he then has no other option to choose. But then who decides how to pursue this ‘universal human rights’? Surely Bulley does! Why? Because it is not his, that is, Britain’s, interpretation of universal human rights, but the interpretation of universal human rights, that is, because it is not a part of a moral judgment that is a part of every foreign policy, but also a part of an ethical foreign policy.

It is, however, as seen with classical realism via Nietzsche in the previous chapter, dictated by the policymaker’s socio-political aims whether universal human rights in the situation justifies action and against whom: for example against Saddam and/or to join a side in the Libyan/Syrian civil wars, but not against Saudi Arabia, Bahrain and/or Israel. The question is how the policymaker who justifies the use of force in effect uses the notion of universal human rights in practice via humanitarian intervention. This practice, moreover, presents the socio-political aims of the interveners. The problem with depoliticisation in Bulley’s argument pertains to that by presenting universal human rights as an ‘ethical’ goal, it also presents the interests of the intervening actors in a manner that blurs the distinction between what they accept as universal human rights in theory and their practice of humanitarian intervention that presents their partially grounded socio-political aims. Having blurred this distinction, depoliticisation in Bulley’s argument, ignores the role of power in politics and in turn justifies the one exclusionary force, which Bulley supports of course, to set itself the authority to impose its status quo, that is, its political order. Bulley’s argument, to put it bluntly, provides a justification for one political order to use its force to promote its own socio-political aims with impunity. This is clear in that it is an argument that could in fact be used by any political order that defends the bombing of Serbia in 1999 and Libya in 2011, as equally as the invasion of Iraq in 2003.

In summary, there is no doubt that the normative context in which actors justify their actions changes over time (Finnemore 2003; Wheeler 2010). It does not follow, however, that there is a consensus on the pursuit of the norms, and/or that norms, such as human rights, speak for themselves, apart from the actors who use force to defend their own socio-political aims in practice. The problem with
Depoliticisation in the arguments on the minimum standard thus pertains to that they present the interests of the intervening actors in a manner that blurs the distinction between what they accept as universal human rights in theory and their practice of humanitarian intervention that presents their partially grounded socio-political aims. Having blurred this distinction, they ignore the role of power in politics – that is, to open the space to mutually adjust and settle the different socio-political aims – thus, in practice, they justify one exclusionary force, that is, a force driven by the socio-political aims of a state or a group of states that set themselves the authority to impose their own status quo.

The next section highlights the problem with depoliticisation in the arguments about cosmopolitan justice.

DEPOLITICISATION IN ARGUMENTS ABOUT COSMOPOLITAN JUSTICE

The arguments in this sub-section can be classified under liberal cosmopolitan and critical theory. The two, despite the cosmopolitan goal in common, disagree on how to pursue it. The liberal cosmopolitan arguments can be divided into the moral, the institutional and the statist. Charles Beitz presents the key moral cosmopolitan argument that refutes Rawls’ restricted definition of universal human rights in *The Law of Peoples*. By emphasising life, personal liberty, property and equality before the law, Beitz says, Rawls ‘omits several rights identified in the 1948 Universal Declaration of Human Rights’ (2000, 684). Two examples are freedom of expression and freedom of association. The problem with these omissions according to Beitz is that they change the role of universal human rights, as the latter is no longer a basis for ‘claims by individuals against their own government’ or ‘grounds [for] political actions by the various nongovernmental organisations that compose international civil society’ (2000, 684). Instead, they become ‘a special class of rights intended for the limited purpose of demarcating the boundary of acceptable pluralism in international society […]’ (2000, 684).

Despite his critique of Rawls, Beitz however, at least in a practical sense, does not offer the solution for applying his moral argument in practice. His argument, therefore, as with Rawls, engages in depoliticisation – that is, it presents the interests of the intervening actors in a manner that blurs the distinction between what they accept as universal human rights in theory and their practice of
humanitarian intervention that presents their partially grounded socio-political aims. This is clear in that Beitz’s argument focuses on those who are entitled the rights, and omits those who are obliged to act when rights are violated (a critique later raised by O’Neill 2005). The latter is problematic, however, for, as seen with classical realism in the previous chapter, those who act in fact, advance their own socio-political aims, and depoliticisation in Beitz’s argument, when it does not deal with the socio-political aims the latter present in practice and ignores the role of power in politics, it, finally, in practice, justifies the latter’s exclusionary force: it offers a justification to support the latter’s status quo, that is, political order.

Beyond Beitz’s moral cosmopolitanism, institutional cosmopolitans, on the other hand, think of humanitarian intervention as performed by institutions that go beyond the nation-state in a system of global governance of multiple layers, designed to defend universal human rights (Hayden 2005; Held 1995; Pogge 1992b; Caney 2005). In this, first, they, following Kant, reject the notion of world government, and second, they refute the proponents of the minimum standard for not addressing the root causes of the problem, which, as with Beitz, they say, can only be resolved by forcing states to protect the universal human rights of their free and equal individuals.

‘On the institutional view’ thus Thomas Pogge argues, ‘human rights impose constraints upon shared practices, and direct responsibility for their fulfillment thus rests with institutional schemes’ (1992b, 91). Pogge thus proposes ‘to promote gradual shifts of governmental authority “upward” to regional and global bodies (like the European Community or the United Nations)’ (1992b, 97). ‘This is not’ he says,

‘the proposal of a world government, which would constitute the ultimate concentration of sovereign powers. To the contrary, these powers are to be dispersed to create a robust system of checks and balances within which no governmental body would have the kind of power, with coordinate temptations to abuse it, that national governments enjoy at present’ (1992b, 97; see also Caney 2005).

In such an institutional transformation, however, it is unclear how these ‘checks and balances’ within global institutions can be achieved among unequal states, and thus
giving an ‘impartial’ authority to these institutions to enforce universal human rights. Empirical findings, for instance with the International Criminal Court (ICC), point against such a proposition, due to, *inter alia*, the institution’s financial and political dependence on the dominant actors (Graubart & Varadarajan 2013; Tiemessen 2014).

The latter was clear, for the example, in Milosevic’s trial in the aftermath of the Kosovo war in 1999. The Kosovo war, Jonathan Graubart and Latha Varadarajan argue, ‘consisted of exclusively high attitude bombings that led “in a number of cases to the unlawful killing of civilians” ’ (2013, 450). This was not only a byproduct of the war – collateral damage as described in Wesley Clark’s memoirs (2001) – for ‘The bombing targeted an expanding range of civilian infrastructure with the aim [...] of demoralising the population’ (2013, 450). No investigation was conducted about NATO’s war crimes, and former ICTY prosecutor Justice Arbour, when threatened to do so ‘was quickly reminded of the relative standing of politics and justice’ (2013, 450). As prosecutor Carla Del Ponte put it later,

‘I quickly concluded that it was impossible to investigate NATO because NATO and its member states would not cooperate with us. They would not provide us access to the files and documents. Over and above this, however, I understood that I had collided with the edge of the political universe in which the tribunal was allowed to function’ (cited in Graubart & Varadarajan 2013, 451).

Graubart and Varadarajan thus conclude that ‘the claim that international tribunals act autonomously to adjudicate the innocence or guilt of individual defendants is at best the articulation of extreme political naiveté’ (2013, 448). For such institutions ‘to operate effectively, they require extensive cooperation from outside actors for funding, delivering of evidence, enforcement of legal findings, and political support’ (2013, 448). 60 ‘The question’ therefore, ‘is one of clarifying who the protagonists are and what exactly is at stake’ (2013, 448).

60 ‘In other words’ writes Kirsten Sellars in her conclusion about these institutions in *The Rise and Rise of Human Rights*, ‘he who pays the piper calls the tune’ (2002, 184).
The ICC, that is to say, played the role of what Judith Shklar once referred to as, ‘a judicial means for regimes in power to “eliminate political enemies”’ (cited in Tiemessen 2014, 446). In the case of Libya, the ICC played the same role. For, as Alana Tiemessen argues, the politics of the ICC is also closely linked to the politics of the UNSC, ‘The UNSC can directly or indirectly prevent the court from pursuing situations and cases that involve its members and their allies, or for which political priorities supersede a resolute commitment to justice’ (2014, 449). In the context of Libya,

‘The UNSC Resolution [1970] thus narrows the scope of the ICC’s prosecutorial strategy and effectively attempts to prevent investigation into crimes committed by mercenaries or other states, and notably of crimes potentially committed by NATO forces’ (2014, 456).

Tiemessen thus concludes,

‘Even though an international commission of inquiry established by the UN Human Rights Council called attention to possible war crimes violations by opposing forces […] considering NATO’s and UNSC’s tacit support for Libyan rebel forces, it is unlikely that the ICC will pursue crimes committed by any forces that opposed Gaddafi’ (2014, 456).

Hence, as a Milosevic or a Qaddafi, to be tried under this institution is analogous to receiving a red card in a soccer game, except for the fact that it is a soccer game where the arbiter is also playing in the opposing team, and failing to give even yellow cards to his or herself and/or the members of his or her team. Thus, the argument pursued by institutional cosmopolitans, for so long as particular nation-states remain the dominant actors within these global institutional platforms, such as the ICC, in fact defends, not a universal human rights, but the practice of humanitarian intervention that presents the partially grounded socio-political aims, of these dominant actors. The problem with depoliticisation becomes clear in their argument(s) as they present the interests of the dominant actors in a manner that blurs the distinction between the two, ignores the role of power in politics, and justifies their exclusionary force.
Akin to Beitz, Andrew Kuper thus refutes Rawls’ *Law of Peoples* – and, in general, the minimalist argument of the first group, in that it, ‘still tolerates too much’ (2000, 645), and that ‘nondemocratic regimes are in fact almost unfailingly detrimental to human rights and well-being’ (2000, 663). As with the other institutional cosmopolitans, however, the global democratic order, which Kuper invokes, fails to identify the higher force in the authoritative structure of his democratic project. It is precisely this ambiguity in the higher force central to the authoritative structure of institutional cosmopolitanism that leads other cosmopolitan scholars to suggest more ‘statist’ solutions (Brown 2011).

For in the absence of a clear and commonly accepted overarching authority, there is also a problem apropos complying (Ypi 2008). In support of this statist cosmopolitanism, Garret W. Brown thus argues ‘cosmopolitans should reconsider the idea of responsible cosmopolitan states as a means to create stronger links between cosmopolitan theory and contemporary international practice’ (2011, 55 emphasis in original; see also Wheeler & Dunne 1998). Along with this responsibility, and in a manner reminiscent of the proponents of the third pillar in the R2P earlier, Brown clearly overlooks the political in his endeavour. In raising the issue in the normative, that is to say, Brown fails to address the question: who decides between the responsible and the irresponsible cosmopolitan state? Having failed to find any authority beyond the state, Brown returns to the state for authority. The observer, however, can discuss it on whichever level he or she

61 This is especially clear in his reading of Kant, who, he says, ‘relied heavily upon the idea of responsible cosmopolitan states’ (2011, 64), and hence contemporary cosmopolitans should follow him. Pace Brown, however, Kant was, in fact, the philosopher who limited rather than rendered it more permissible to intervene in the affairs of other countries. In the *Groundwork* (1785), Kant formulates the philosophy of morality on pure *a priori* grounds (1948, 85). He argues that an action is not morally wrong because it empirically leads to an undesired end, but because it contradicts itself on pure logical grounds. This, applied to Brown, shows how he contradicts himself on purely *a priori* grounds: surely, if everyone intervenes militarily to defend the responsible cosmopolitan state, it is by necessity that there will be nobody left to have any rights in the first place, as there will be a war of all against all. In this case, the entity that uses forces fits well the description Kant gives of the ‘unjust enemy’ in *The Metaphysics*, ‘[…] an enemy whose publicly expressed will (whether by word or deed) reveals a maxim by which, if it were made a universal rule, any condition of peace among nations would be impossible and, instead, a state of nature would be perpetuated’ ([1797] 2012, 119).
wishes and it does not change the fact that when the mutually agreed authority is absent, the problem with depoliticisation haunts Brown’s argument: for Brown advocates a normative order – universal human rights, which in practice supports the status quo, that is, of those who, in practice, pursue their own partially grounded socio-political aims.

To Fernando Tesón, the responsible cosmopolitan state is the liberal democratic state that protects the human rights of its citizens. Tesón’s argument thus ‘centrally rests on a standard assumption of liberal political philosophy: a major purpose of states and governments is to protect and secure human rights’ (2003, 93; see also Cooper 2004; Feinstein & Slaughter 2004; Hoffmann 1998). Governments that violate human rights according to Tesón ‘undermine the one reason that justifies their political power, and thus should not be protected by international law’ (2003, 93). ‘Because human rights are rights held by individuals by virtue of their personhood’ he says, ‘they are independent by history, culture, or national borders’ (2003, 94). To be sure, though, Tesón’s definition of a ‘permissible humanitarian intervention’ causes more confusion to his reader than elucidates, for the ‘proportionate international use or threat of military force, undertaken in principle by a liberal government or alliance, aimed at ending tyranny or anarchy, welcomed by the victims and consistent with the doctrine of double effect’ (2003, 94 emphasis in original), seems indeed attractive, but only for so long as variables in the equation such as ‘the victims’ hold prima facie values.

But what is defined in theory, is yet to be pursued in practice. The latter, moreover, presents the socio-political aims of the actors. To Tesón, however,

‘The situations that trigger humanitarian intervention are acts such as crimes against humanity, serious war crimes, mass murder, genocide, widespread torture, and the Hobbesian state of nature (war of all against all) caused by the collapse of social order’ (2003, 94-95).

In addition to these situations, Tesón moreover adds ‘‘beyond the pale’’ situations’ (2003, 98), and ‘the right to ‘‘restore democracy’’ ’(2003, 94). The longer the list, the more confusing the argument gets, and the less internal logical coherence it entails. To be clear, no sensible person would of course disagree with these criteria in theory. But this is precisely where the problem is, since it also obscures the area
of disagreement: that each of these criteria in practice can be used to justify both action and inaction simultaneously, and, crucially, against different parties in a civil war. The more criteria the observer adds, the more reason the reader finds for political disagreement in practice. The political disagreement is not simply about who is to intervene, but also how these criteria are to be pursued in specific contexts, and against which parties.

What Tesón ends up doing in practice, as also with the proponents of the third-pillar in the R2P discussed above, is neither object to, nor accept, the final decision on humanitarian intervention based on a clear set of defined criteria, but (deny to) take a political decision: any ‘undemocratic’ state, at any time, can also become an object of regime change due to its ‘dictatorial’ form of government. The problem with depoliticisation in his argument thus pertains to that it presents the interests of the intervening actors in a manner that blurs the distinction between what they advocate as universal human rights in theory and their practice of humanitarian intervention that presents their partially grounded socio-political aims. Having blurred this distinction, moreover, depoliticisation in Tesón’s argument ignores the role of power in politics, and thus, in practice, it justifies one exclusionary force to set itself the authority to impose its status quo, that is, its political order.

This refutation is equally applicable to David Luban who, akin to Tesón, draws on the ‘contract model’, to argue that ‘aggression violates a state’s right only when the state has been legitimated by the consent of its citizens’ (1980, 169). Meanwhile, he says, a state ‘governing without the consent of the governed is, therefore, morally if not legally estopped from asserting a right against aggression’ (1980, 169). The problem with depoliticisation, as with Tesón, is also clear in Luban’s argument. The latter is because Luban fails to notice that the notion of ‘consent’, which he advocates, in practice, is difficult to resolve because it involves political groups. ‘As an extended insurrection indicates popular support for the rebels’ as Walzer beautifully puts it, ‘so an extended resistance to insurrection indicates popular support for the government’ (1980, 221). In other words, in a civil war, the ‘consent’ of those whose universal human rights must be protected, does not dictate which party to support. The problem with depoliticisation in Luban’s argument thus pertains to that it presents the interests of the intervening actors, in the name of ‘consent’, in a manner that blurs the distinction between what they
accept as universal human rights, as defined in theory, and their practice of humanitarian intervention that enforces a decision about consent, and thus presents their partially grounded socio-political aims. Having blurred this distinction, depoliticisation in Luban’s argument ignores the role of power in politics, and thus, in practice, it justifies one exclusionary force, to set itself the authority to impose its status quo, that is, its political order.

Critical theorists, on the other hand, endeavour to go beyond the liberal cosmopolitans, in promoting inclusive values among equals. In Andrew Linklater’s ‘third stage’ in Men and Citizens and later in The Transformation of Political Community individuals live ‘as equal’ in ‘a global legal and political system’ (1990, 199; 1998, 35-36). What is needed, Linklater says, is ‘a politics of moral inclusion to create a community coextensive with the whole human race’ (1990, 142). Linklater’s critical theory thus castigates the ‘unnecessary social constraints anchored in distorted forms of culture and communication’ (1990, 148). On the practical level, he argues, the subversion of the state as an exclusionary force is due to, inter alia, ‘[a] marked increase in the ideal of the international protection of human rights’ (1990, 151; see also Brown 2011). In line with this normative progress, Linklater proposes ‘the harm principle’. The universality of human rights as a part of the harm principle lies in, first, ‘the damaging effects’ of ‘limited sympathies’ (2002, 326), that is, to overcome the dangers that emanate from the excessive loyalty to the sovereign state. Second, it pertains to ‘the fact that not all human collectivities have the same conception of the good society or good life’ (2002, 327), hence the importance of ‘mutual forbearance’ for the coexistence of ‘independent political communities [...] despite their radically different conceptions of the good’ (2002, 327).

The latter in mind, Linklater finally proposes what he refers to as the ‘thin’ Habermasian discourse ethic, ‘to protect vulnerable societies from harm’ by allowing them ‘to be consulted about decisions made outside their society which

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62 Drawing on Adam Smith, Amartya Sen presents a similar argument in The Idea of Justice when he says, ‘we must inter alia view our sentiments from “a certain distance from us” ’ (2009, 45 emphasis in original), if we want to scrutinise ‘not only the influence of vested interest, but also the impact of entrenched tradition and custom’ (2009, 45). This is, he argues, to create a ‘multi-tradition consciousness’: a consciousness that transcends a single tradition. The affinities in turn become towards ‘individuals’ not to specific ‘nations’ bound by certain ‘traditions’.
disadvantage them’ (2005, 144). Such a project, in theory, is inclusive. In practice, however, it is exclusive. For, to ‘consult’ others, it presupposes guidelines for argumentation. In other words, even commonly accepted humanitarian norms require a further consensus on ‘a common language of reason’ to inform their pursuit in practice via humanitarian intervention. Habermas’ work takes this project seriously and Linklater draws on it. To highlight the problem with depoliticisation in Linkater’s work, it is therefore crucial to show it in Habermas first.

‘Any explicit examination of controversial validity claims’ Habermas writes in Theory of Communicative Action, ‘requires an exacting form of communication satisfying the conditions of argumentation’ (2004, 22). And what are these ‘conditions of argumentation’? ‘Participants in argumentation’ Habermas continues,

‘...have to presuppose in general that the structure of their communication, by virtue of features that can be described in purely formal terms, excludes all force – whether it arises from within the process of reaching understanding itself or influences it from the outside – except the force of the better argument (and thus that it also excludes, on their part all motives except that of a cooperative search for the truth)’ (2004, 25).

All force must be excluded, therefore, and only ‘the force of the better argument’ rules (2004, 25). But then what is next? How will the participants reach an agreement? This is where the problem with depoliticisation reveals itself in Habermas’ argument. ‘The aim in argumentation’ according to Habermas is, inter alia, ‘to produce cogent arguments that are convincing in virtue of their intrinsic properties and with which validity claims can be redeemed or rejected’ (2004, 25 emphasis in original). Habermas therefore distinguishes between the technical and the practical by means of communication. And based on this distinction the intrinsic properties of the Truth appear to him.63

63 Following this pattern, even though he castigates Rawls who, to him, ‘imposes a common perspective on the parties in the original position through informational constraints and thereby neutralises the multiplicity of particular interpretive perspectives from the outset’ (1995, 117), Habermas himself does not transcend the Kantian universal ‘thing in itself’, which his theory of argumentation aims to achieve (for the details about the Kantian ‘thing in itself’ see chapter one).
To be precise, when Habermas argues that ‘The rationality of forms of life cannot be reduced to the cognitive adequacy of the worldviews underlying them’ (2004, 59), he sees the ‘cognitive adequacy’ as a ‘rationality of forms of life’ that is also detached from the socio-political aims of the agents, which, in practice, as seen with the classical realists, via Nietzsche in the previous chapter, can never be universal nor can become more rational after argumentation as Habermas conjectures. The argument by Habermas that ‘Scientific rationality belongs to a complex of cognitive-instrumental rationality that can certainly claim validity beyond the context of particular cultures’ (2004, 65), is therefore clearly mistaken, as Habermas detaches ideas, that is, the norms, from worldviews, that is, the socio-political aims of the actors who pursue them, and in doing so, he opens the possibility once more for the theory to deny the political in practice.

Habermas separates argumentation from argument: argumentation is the process by which argument is formulated, but it plays no role in the production of that argument, as the argument, for Habermas, is truthful ‘in itself’. Classical realists challenge this in a crucial respect: the denial of the process also entails the denial of the influence of the political in the argumentation on the argument itself – and vice versa, and therefore, leads to an acceptance of the status quo, that is, the socio-political aims the process of argumentation serves. Habermas fails to see that for the argumentation to reach an argument, it also entails a partially grounded socio-political claim that in turn provides an argument for argumentation. In denying the influence of this claim on the argument, Habermas finally denies the role of power in argumentation: for the closer the parties are to Truth according to Habermas, it logically follows that power plays less of a role, that is, because there are no more partially grounded socio-political claims that need to be settled – and rationality plays a larger role – in the production of their arguments. This is a mistake attributable to the Cartesian dualism lurking at the background of Habermas.64 There is neither a ‘science’ of argumentation nor a theory of rationality that can eliminate the role of power in politics: to adjust and settle the various socio-political aims. ‘Power is what keeps the public realm,’ as Arendt puts it in The

64 For a fuller discussion about the Cartesian dualism see previous chapter.
Human Condition, ‘the potential space of appearance between acting and speaking men [sic], in existence’ (1958, 200).

Now following Habermas, Linklater’s critical theory presents the interests of the intervening actors – to halt ‘harm’ and thus protect universal human rights, in a manner that blurs the distinction between the technico-theoretical and the socio-political. For the reference to ‘harm’ to protect universal human rights, as with Habermas, simply separates argument from argumentation, that is, the harm principle that aims to protect universal human rights in theory, from the partially grounded socio-political aims of the actor who pursues it via a discourse on humanitarian intervention. This simply avoids the politically problematic questions that follow the latter: inter alia, who defines the harm? And, who is harming whom? The end result is a return to the problem with depoliticisation in Linklater’s argument: for it presents the interests of the intervening actors in a manner that blurs the distinction between what they define as the harm principle that aims to protect universal human rights in theory and their practice of humanitarian intervention that presents their partially grounded socio-political aims.  

65 The implications of this critique can, moreover, be seen in Habermas’ position vis-à-vis Kosovo. For despite the fact that communicative dialogue in Kosovo was never actually tried among equal parties (Head 2008), Habermas argued in favour of the intervention because it was in the name of universal human rights as distinct from the socio-political aims of the interveners: ‘Certainly, in Kosovo the intervening powers are trying to secure the justified claims of those whose human rights are being trampled upon by their own government’ (1999, 270). This is not incompatible with Habermas’ critical theory, since the Truth-value, and universality, of human rights in fact can be detached from the socio-political aims of the actors who use force via humanitarian intervention. It should not, therefore, surprise the reader that Habermas needed no further communicative dialogue among all parties, to support the intervention in Kosovo.

66 The undermining role of this reading of Habermas also applies to other scholars who draw on him to advance ‘communicative action in world politics’ (Risse 2000). Thomas Risse for instance suggests ‘that social constructivism encompasses not only the logic of appropriateness but also what we could call a “logic of truth seeking or arguing”’ (2000, 6). ‘Argumentative rationality’ Risse writes, ‘implies that the participants in a discourse are open to being persuaded by the better argument and that relationships of power and social hierarchies recede in the background’ (2000, 7). ‘Where argumentative rationality prevails’, echoing Habermas, Risse adds, ‘actors do not seek to maximize or to satisfy their given interests’, they instead, ‘justify the validity claims inherent in them’ (2000, 7). This, as with Habermas above, is based on a dualism, a separation between theory (ideas/norms) and practice (socio-political aims).
Having blurred this distinction, depoliticisation in Linklater’s argument ignores the role of power in politics and justifies one exclusionary force to set itself the authority to impose its status quo, that is, its political order, to implement the exigencies of the harm principle, and to thus protect universal human rights.

The Universal Harm Principle (UHP) is also central to Richard Shapcott’s work. Echoing Henry Shue, Shapcott argues that a harm principle means that ‘every nation ought generally to avoid producing harm outside its territory’ (2008 193; see also Shue 1981, 115). ‘In accepting an obligation not to export harm’ Shapcott says, ‘states recognise the rights of outsiders, both as individuals and as communities, to be treated equally’ (2008, 193). This, to Shapcott, however, is not an argument against humanitarian intervention, but one for it. The latter is because Shapcott turns the argument from the ‘negative duties’ communities owe to each other, that is, not to inflict harm, to the ‘positive duties’ toward each other, encapsulated in the notion of ‘humanitarianism’. ‘Humanitarianism’ Shapcott thus says, ‘refers to the positive duties of cosmopolitans towards others in need, in particular to aid those who are suffering, even in situations where “we” are not responsible for the suffering’ (2008, 195). The ‘cosmopolitanism’ in this approach is based on the assumption that we are treating ‘strangers as friends’ who are ‘created equal’ to us and that these equal friends are ‘in extreme need’ (2008, 195).

This, however, does not transcend the aforementioned refutations of the ‘minimum standard’, and, to be sure, Shapcott’s refutation of them applies to him too. The political controversy over the definition of, say for instance, the ‘extreme need’ in practice remains with him at this stage. In a civil war, which side is in extreme need? How much and what kind of support do they need? To answer these questions in theory as separate from the partially grounded socio-political aims of those who implement them in practice is not helpful. But then, Shapcott elaborates on the ‘harm principle’, and, as with Linklater above, he mentions ‘consent and communication’ (2008, 199). With Linklater as his reference, Shapcott argues that ‘the dialogic ethic is a primary means of avoiding the imposition of any one cultural standard upon others’ (2008, 200).67 His answer to the question of humanitarian

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67 Elsewhere, Shapcott draws on Hans Georg-Gadamer’s hermeneutic approach to overcome the weaknesses in the Habermasian discourse ethic (2002, 223; see also Gadamer 1960). To make reason inclusive, also to those who do not accept the Kantian maxim of humanity as an end, it is, however,
intervention, moreover, is simply to change the question, from one about justice, to another about harm, that is, ‘by asking ‘‘who is harming who?’’ rather than ‘‘what is justice?’’ (2008, 202). Interestingly, though, there is no mention ‘how’ and ‘why’ states and non-state actors will agree on, to recall, the ‘the’ in the ‘target of abuse’ in practice. And by presenting the latter only in theory, the problem with depoliticisation in Shapcott’s argument becomes clear: akin to Linklater, it presents the interests of the intervening actors in a manner that blurs the distinction between what they define as the harm principle that aims to protect universal human rights in theory and the practice of humanitarian intervention that presents their partially grounded socio-political aims. Having blurred this distinction, moreover, depoliticisation in Shapcott’s argument, akin to Linklater again, justifies one exclusionary force to set itself the authority to impose its status quo, that is, its political order to implement the exigencies of the harm principle, and to thus protect universal human rights.

In summary, the problem with depoliticisation in the arguments on cosmopolitan justice, akin to the argument on the ‘minimum standard’ reviewed in the first half of the chapter, pertains to that they present the interests of the intervening actors in a manner that blurs the distinction between what they accept as universal human rights in theory and their practice of humanitarian intervention that presents their partially grounded socio-political aims. Having blurred this distinction, they ignore the role of power in politics – that is, to open the space to mutually adjust and settle the different socio-political aims – thus, in practice, they justify one exclusionary force, that is, a force driven by the socio-political aims of a state or a group of states that set themselves the authority to impose their own status quo.

The attempt to transcend the political, as with the proponents of the minimum standard and cosmopolitan justice, and to situate one’s position by ‘defining’ the content of universal human rights in theory, to dictate action (see, for example, Damrosch 2000), is therefore not only a painstaking endeavour, but it also leads to nowhere beyond where the actor/observer already started. For it simply evades the political question, for its own good: it assumes a consensus over the

unclear how ‘merely the possession of language’ will play a role in ‘understanding’ in theory and practice (2002, 238).
socio-political aims of the exclusionary force that sets itself as the ultimate authority to implement the humanitarian norms in practice. The latter runs whichever is argued for in defence of humanitarian norms and/or laws on a treadmill, and in fact justifies the status quo, that is, political order, of such an exclusionary force.

CONCLUSION

This chapter highlighted the problem with depoliticisation in the theory of post-Cold War humanitarian intervention. The problem with depoliticisation in this theory, the chapter argued, pertains to that it presents the interests of the intervening actors in a manner that blurs the distinction between what they accept as universal human rights in theory and their practice of humanitarian intervention that presents their partially grounded socio-political aims. Having blurred this distinction, depoliticisation in post-Cold War humanitarian intervention theory ignores the role of power in politics – that is, to open the space to mutually adjust and settle the different socio-political aims – thus, in practice, it justifies one exclusionary force, that is, a force driven by the socio-political aims of a state or a group of states that set themselves the authority to impose their own status quo.

But then how did these partially grounded socio-political aims of the intervening states emerge in the practice of humanitarian intervention in Kosovo and Libya and cause a controversy with the other actors despite the presence of human rights as mutually agreed norms? Chapter three presents the new strand of interpretivism as a method for this study to follow to answer this question.

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68 ‘We should remember also’ Hedley Bull thus concludes in one of his latest works (before he died in 1985), ‘how slender is the consensus that unites the governments of the world today in the matter of human rights’ (1984, 193). For, ‘The reluctance evident in the international community even to experiment with the conception of a right of humanitarian intervention’ he adds, ‘reflects not only an unwillingness to jeopardise the rules of sovereignty and non-intervention by conceding such a right to individual states, but also to talk of any agreed doctrine as to what human rights are’ (1984, 193).
Chapter three: the new strand in interpretivism and the emergence of socio-political aims in the practice of humanitarian intervention

‘“Have you guessed the riddle yet?” The Hatter said, turning to Alice again. “No, I give it up,” Alice replied: “what’s the answer?” “I haven’t the slightest idea” said the Hatter […] Alice sighed wearily. “I think you might do something better with the time,” she said, “than wasting it asking riddles with no answers.” “If you knew Time as well as I do,” said the Hatter, “you wouldn’t talk about wasting it. It’s him’ (Carroll 1905, 91 emphasis in original).

‘What should we gain by a definition, as it can only lead us to other undefined terms?’ (Wittgenstein 1958, 26).

INTRODUCTION

The new strand in interpretivism argues that meanwhile actors, in response to dilemmas – that is, ‘novel experiences and ideas’ (Bevir et al. 2013, 167), can modify their beliefs and redefine their security interests to include the protection of universal human rights in other states, in practice, they invoke specific traditions influenced by their background experiences, to pursue these interests, namely human rights via discourses on humanitarian intervention that only present their socio-political aims – that is, whose rights to support – the ally, and whose rights to deny – the alienated party, in the target state. As these discourses emerge, they cause a controversy with the other actors who reject the traditions they invoke and the socio-political aims they present based on a particular mode of pursuit of human rights.

To proceed with this argument, the chapter is divided into three sections. Section one briefly presents the argument in interpretivism on the actors’ beliefs about their security interests in response to dilemmas. Section two depicts the new strand in interpretivism as a method that explains how the socio-political aims of the actors emerge in their discourses in the pursuit of these interests. Section three explains how the method is employed in the case studies – Kosovo and Libya.
This section briefly presents the argument in interpretivism and its application to the area of security. Interpretivists argue that actors hold beliefs which are informed by traditions, that is, background experiences, and they can modify these beliefs in response to dilemmas, that is, ‘novel experiences and ideas’ (Bevir et al. 2013, 167). Interpretivism thus examines the traditions that inform the actors’ beliefs and how the actors modify these beliefs against dilemmas. In relation to the area of security, therefore, interpretivism argues that in response to dilemmas, actors can modify their beliefs about their security interests (for an excellent overview see also Bevir et al. 2014, chapter 1).

‘People can engage in a practice’ says Mark Bevir and R.A.W. Rhodes, ‘only because they hold certain beliefs or concepts’ (2004, 131). The role of the observer is to ‘explore’ the practices ‘by unpacking the relevant beliefs and explaining why they arose’ (2004, 131). For, ‘Individuals […] necessarily come to hold the beliefs they do within a social context that influences them’ (2004, 131). The social context is invoked by ‘traditions’ (2004, 131), and, ‘the invocation of a tradition’ Bevir argues, ‘explains why someone set out with the initial beliefs in the way they did’ (2002, 93). Hence to examine political outcomes and discourses, it is crucial to first understand these ‘traditions’, as they inform the ‘webs of beliefs’ of political actors (2004, 132).

But although traditions help inform the webs of beliefs of the actors who in turn utter words and perform actions, Bevir and Rhodes argue that the concept of tradition as such does not tell us the whole story. An analysis that focuses solely on traditions is misleading as it ‘can neglect the differences in the beliefs of the individuals lumped together in a tradition’ (2004, 131). The interpretive approach, thus, also invokes the role of the actors themselves in modifying their beliefs ‘in response to specific dilemmas’ (2004, 135). ‘A tradition’ says Bevir et al., ‘captures the historical inheritance against the background of which individuals act’, whereas on the other hand, ‘a dilemma captures the way people are capable of modifying this inheritance to incorporate novel experiences and ideas’ (2013, 167). ‘The appeal to dilemmas’ therefore, ‘explains why [actors] modified their initial beliefs in the way they did’ (2002, 93).
The latter is particularly what distinguishes interpretivists from contextualists, such as Michel Foucault (1972) and conventionalists such as Skinner (1972). In his earlier work *The Logic of the History of Ideas* Bevir stages his initial refutation of Foucault and Skinner, who, to him, mistakenly downgrade the role of agency in favour of structure. Foucault’s discursive contextualism argues that ‘a theoretical and linguistic structure “governs the appearance of statements as unique events” in a way that makes language, not the author, “the first law of what can be said” ’ (1972, 129; cited in Bevir 1999, 34). Skinner’s conventionalism on the other hand asserts that authors’ intentions stem from social conventions. This is because, he says, without these conventions the author risks not being understood by his audience. In Skinner’s words,

‘[…] whatever intentions a given writer may have, they must be conventional intentions in the strong sense that they must be recognizable as intentions to uphold some particular position in argument, to contribute, in a particular way to the treatment of some particular theme, and so on’ (1972, 406 emphasis in original).

By contrast, Bevir argues, ‘individual intentions are neither determined nor limited by the relevant linguistic conventions […]’ (2002, 86). From the fact that language presupposes conventions, he says, it does not necessarily follow that an author’s intentions must follow these conventions since ‘conventions are too vague to fix performances’ (1999, 41). ‘Even when constructivists and poststructuralists acknowledge the importance of ideas and agency’, writes Bevir et al., ‘they are still tempted to ascribe explanatory power to institutions and discourses. They thus drift towards reification and determinism’ (2013, 167).

Instead, Bevir proposes a ‘weak intentionalism’ which ‘captures the way in which the mind can be directed to, or constitutive of, objects in the world’, for ‘utterances only have meaning for individuals, not in themselves’ (2002, 88). To Bevir, this closes the gap between ‘meaning’ and ‘motive’, for, although the motives of the actors cannot be fully known, and hence cannot be used as forms of explanation, yet, the actors give meaning to their utterances. They, that is to say,

69 See also discussion with Morgenthau in the introduction.
use their discourses as forms of purposeful action: ‘even if people from another time or culture lacked any concept akin to ours of a belief or action, we want to ascribe to them capacities for holding beliefs and for performing actions’ (2002, 85).

These actions, moreover, cannot be detached from the contexts in which they arise, meaning, they cannot be based on any form of *a priori* knowledge, understood in a Kantian sense.\(^{70}\) Instead, interpretivists accept the position where ‘our thoughts and actions embody beliefs, where these beliefs arise against the background of our social inheritances, but where we are still agents who can modify our inherited beliefs for reasons of our own’ (2002, 94). This in turn implies that, ‘individuals never have access to pure experiences or pure reason so they can never become self-made knowers’ (2002, 95). And although, in practice, agents ‘cannot engage in a wholesale rejection of their existing beliefs’, it does not follow that in theory it is impossible, albeit only gradual and highly unlikely (2002, 95-96). This, however, does not mean that Bevir believes agents are autonomous, for ‘to reject autonomy is not necessarily to reject agency’ (2011, 89). Rationality becomes ‘local reasoning’ and, ‘To insist on the local nature of reasoning’ he says, is ‘to preclude the autonomous and universal concepts of reasoning and subjectivity associated with much rational choice theory’ (2011, 89-90).

Applied to the area of security, the interpretive argument is that, in response to dilemmas, actors can modify their beliefs about their security interests (Bevir et al. 2014, chapter 1). This is because these ‘security interests’ have no objective meaning apart from the actors who interpret them. It is, for example, historically known that ever since the Monroe Doctrine in 1823 the presence of any European power in the Western hemisphere presented a security interest to the US leaders. ‘Supreme in the Western Hemisphere’ Kissinger moreover argues in *Diplomacy*, ‘the United States began to enter the wider arena of international affairs’ (1994, 38). Ever since the Monroe Doctrine, that is to say, the US expanded the scope of what is within the jurisdiction of its ‘security interest’, even if, by doing so, it disregarded the ‘security interest’ of others. K. J. Holsti summarises this well when he says,

‘Underlying much of the need to have an external foe or enemies is the portrayal of the exceptionalist as a *victim* of others’ hatreds and malign

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\(^{70}\) For a discussion on the *a priori* knowledge in Kant see chapter one.
intentions. American innocence is a prominent theme throughout the historical discourse on American foreign policy. It is others who threaten American interests and values, and the United States itself is seldom the perpetrator of actions that give rise to foreign resistance. Americans typically dealt with the problem of ‘Indians’ as one of punishment for barbaric acts of cruelty visited upon settlers by the savages. Rare was the acknowledgment that the natives were fighting to survive as distinct cultures in their traditional lands. But virtually all of the lands annexed by the United States between the administrations of Jefferson and Jackson started out as native-held territory, from which over the years they were expelled, exterminated, or ethnically cleansed’ (2010, 395).

The latter is because the security interest ‘can never be based on the objective reference that something is in and of itself a security problem’ (Buzan & Waever 1997, 246). The limits to redefining the security interests are thus simply indeterminate, and as Michael Williams argues,

‘Security is treated not as an objective condition but as the outcome of a specific social process’ the social construction of security issues (who or what is being secured, and from what) is analysed by examining the ‘‘securitising speech-acts’’ through which threats become represented and recognised’ (2003, 513).

As a result, ‘any issue’ he says, ‘is capable of securitisation if it can be intensified to the point where it is presented and accepted as an ‘‘existential threat’’ ’ (Williams 2003, 516; for an earlier account see also Wolfers 1952). ‘To understand what is meant by ‘‘new security challenges’’ ’ thus, as Hurrell argues in On Global Order, ‘we have to open up the politics of security’ (2007, 181; for a critical study see also Ciuta 2009).

‘To open up the politics of security’ interpretivists focus on the actors, namely the leaders of states who, faced with new dilemmas, that is, new experiences and circumstances and new challenges, modify their beliefs about their countries’ security interests. In the specific cases of Kosovo and Libya, the dilemmas were the new security environments created by the post-Cold War era on
the one hand, and the post-9/11 (followed by Iraq) and post-R2P era on the other. In response to these dilemmas, the actors, namely, the US and the UK leaders modified their beliefs and redefined their security interests in a manner that rendered halting the human rights violations in Kosovo and Libya in the US and the UK security interests. Interpretivists in turn explain how the actors modified their beliefs to present halting the human rights violations in Kosovo and Libya in the US and the UK’s security interests.

The new strand in interpretivism, on the other hand, combines interpretivism with the classical realist argument in IR theory. It uses the old tools of interpretivism, that is, the key interpretive argument that actors who are informed by traditions, that is, background experiences, and faced with dilemmas, that is, ‘novel experiences and ideas’ modify their beliefs about their security interests (Bevir et al. 2013, 167; Bevir et al. 2014, chapter 1), to explain how they pursue these security interests, namely human rights in discourses on humanitarian intervention that could only present their socio-political aims.

Drawing on interpretivism, therefore, the next section depicts the new strand in interpretivism as a method that examines how, in practice, actors invoke specific traditions, to pursue their interests, namely human rights via discourses on humanitarian intervention that only present their socio-political aims – that is, whose rights to support – the ally, and whose rights to deny – the alienated party, in the target state.

THE NEW STRAND AND THE EMRGENCE OF SOCIO-POLITICAL AIMS

According to interpretivism, norms such as human rights have no meaning apart from the actors who interpret them via discourses on humanitarian intervention. This does not mean that human rights norms mean nothing. It simply means that human rights norms in theory are yet to be interpreted by the actors in practice.\(^{71}\)

\(^{71}\) The role of ‘hidden experiences’ in the actor’s interpretation is well explained in Arendt’s *Life of the Mind* (1978). ‘In order for us to think about somebody, he must be removed from our presence’ she writes, ‘so long as we are with him we do not think either of him or about him; thinking always implies remembrance; every thought is strictly speaking an after thought’ (1978, 78). ‘While thinking I am not where I actually am’ therefore, ‘I am surrounded not by sense-objects but by
This, however, also means that human rights norms are ambiguous enough in theory to play a political role in practice.\(^{72}\) In the latter, this section argues, interpretivism meets classical realism in the new strand in interpretivism: for actors, in practice, invoke specific traditions to pursue human rights in discourses on humanitarian intervention that only present their socio-political aims, and thus, whose rights to support, that is, the ally, and whose rights to deny, that is, the alienated party, in the target state.

The rejection of the deterministic view of norms, and the emphasis on actors is what differentiates interpretivism from other approaches such as constructivism.\(^{73}\) To be clear, what differentiates interpretivists from constructivists in IR theory is that the latter, as seen in the previous chapter – with Reus-Smit and Finnemore, give explanatory role to norms such as human rights, as objective facts separate from the actors who interpret them. Proponents of the third pillar in R2P, such as Sassan Gholiagha (2014) also draw on constructivism in IR theory, to apply the deterministic argument about norms to the R2P. Quoting Nicholas Onuf, Gholiagha thus argues,

‘“Indeed, saying is doing: talking is undoubtedly the most important way that we go about making the world what it is”’ (Onuf, 1998: 59). As a result, a question can be raised with regard to R2P: What world are we making when we talk about R2P? The claim I want to advance here is that we make a world in which we construct individual human beings – ourselves – as worthy of images that are invisible to everybody else’ (1978, 85).

\(^{72}\) This also applies to the notion of the R2P. ‘While the assignment of a protection responsibility to the international community (mainly through the Security Council), even a provisional one, is perhaps R2P’s most innovative element’ as Labonte argues, ‘its language does not suggest how to realise this transferred responsibility. Nor does R2P provide guidance for gauging whether or when the international community has, is, or shall fulfill that responsibility’ (2011, 988).

\(^{73}\) This also includes Skinner – as seen with Bevir’s discussion above, upon whom Wheeler draws in Saving Strangers (2010, 7-9).
protection’ (2014, 363).

The problem with this approach from an interpretive perspective, however, is, as with the constructivists, that it attributes meaning to the R2P, as though it is a real person, rather than the person who in fact interprets it in practice. Interpretivism, rejects this discursive determinism and instead focuses on the actors who interpret the R2P – and norms in general. These actors, to be clear, are neither limited nor fixed by the R2P and/or norms: they themselves interpret the R2P/norms and thus, as the empirical chapters aim to demonstrate, they can interpret the R2P/norms in many different ways, presenting many socio-political aims – that is, supporting the rights of different parties.

The political role that human rights norms play in practice is not a post-Cold War phenomenon, nor does it only pertain to the topic of humanitarian intervention. As Costas Douzinas argues,

‘[The] term human rights, with its immense symbolic capital, has been co-opted to a large number of relatively independent discourses, practices, institutions and campaigns. As a result no global ‘theory’ of rights exists or can be created’ (2013, 52).

Samuel Moyn demonstrates this in his latest book *Human Rights and the Uses of History*. Contra Michael Ignatieff’s contention that human rights came in response to the Holocaust,74 Moyn argues that,

‘[…] the brief career of human rights in the 1940s is the story of how the Allied nations promoted language about human rights as they reneged on the

74 Scholars who specialise in genocide studies, such as Gallagher also accept this argument, and link it to the genocide convention. Thus, Gallagher, echoing Richard Falk, writes, ‘As Richard Falk explains, the Holocaust (as it came to be known) had a critical impact on “the origins of the movement for the international protection of human rights”’, which remains an overlooked point in International Relations (IR) (Falk 2009: 83-96). In short, the Holocaust acted as the catalyst that altered the legal, moral and political expectations of international society to the point that genocide was deemed to be a matter of international jurisdiction’ (2014, 129).

As history proceeded post-1945, Moyn continues, ‘[…] the West had succeeded in capturing the language of human rights for its crusade against the Soviet Union’ (2014, 74). Therefore, ‘human rights proved soon after to be just another way of arguing for one side in the Cold War struggle’ (2014, 75).

The political role that human rights play in practice is thus clear to those who studied the early history of human rights. ‘Early human rights’ Douzinas for example argues, ‘were historical victories of groups and individuals against state power while at the same time promoting a new type of domination’ (2013, 60). This is, because ambiguity of the concept in theory gave it the advantage to yet be interpreted by actors in practice. Faced with the dilemma of the post-colonial era, for example, actors invoked different traditions in their discourses to pursue human rights, and thus presented different socio-political aims that advanced different political causes. Therefore, to anti-colonialists who invoked a communitarian tradition, human rights meant self-rule – that is, their self-determination. To former colonialists, who invoked a liberal individualist tradition, human rights meant the opposite: against the excess of self-ruling states. When these socio-political aims clashed, the situation turned into one where: those who supported human rights clashed with those who supported human rights.75 Thus Bonny Ibhawoh concludes,

75 Glanville concurs with this analysis. ‘Anti-colonialists’ he says, ‘successfully argued that sovereign independence was a human right that ought to be enjoyed by all and, in turn, sovereign independence was necessary for the realisation of human rights. However, the sovereignty granted to colonised peoples by international society was not conditional upon the rights of individuals being secured. As it turned out, many of the newly sovereign states displayed little capacity to protect these individual rights’ (2010, 247). Despite this, however, he fails to see the picture in political terms. For instead of arguing that this is a clash between two political groups each speaking in the name of human rights, he concludes, ‘The development of the idea of sovereignty as a responsibility to protect in the years since the end of the Cold War represents an attempt to reconcile or at least deal with the inherent contradictions in the idea of sovereignty. This conceptualisation of sovereign responsibilities suggests that, while peoples have a right to govern themselves free from outside interference, this should be conditional on their protection of human rights; the legitimate expression of the will of a sovereign people entails the protection of their individual rights’ (2010, 249).
‘The history of human rights in the twentieth century shows that human rights have rarely been invoked and deployed in normatively objective ways’ (2014, 854).

The problem, however, as Moyn explains, is more fundamental than this: it lies in the contradictions within the concept itself due to its openness to a myriad of interpretations,

‘Like all universalist projects, human rights are violated every time they are interpreted and transformed into a specific programme. Because they promise everything to everyone, they can end up meaning anything to anyone’ (2014, 84).

The latter, moreover, explains why in *Truth and Power* Morgenthau argues that ‘Power, in order to be effective, must appear as something other than what it actually is. Deception – deception of others and of self – is inseparable from the exercise of power’ (1970, 14). For power, so to speak, desperately requires the incomplete norms, that is, human rights, to be complete. But because human rights are incomplete, the actor who is informed by traditions and faced with dilemmas needs to interpret them in a discourse that only presents his or her partially grounded socio-political aims. In the latter case, it is not only that human rights norms cannot give the complete guide for action, that is, because as seen with the examples above, they can be used by different political groups to support different political causes, but also, and more crucially, they finally contradict themselves, by denying others their rights too, and therefore, as Morgenthau argues, ends up in ‘deception of others and of self’ (1970, 14).76

76 Power hence needs to rely on a discourse that plays the role of a spy: working to promote some partially grounded socio-political aims, so long as others, and the self, do not spot its deceptive role. This, moreover, explain why many social psychologists are skeptical about the role of reason in groups. ‘Astonishment is felt at times on reading certain speeches at their weakness’ writes Gustave Le Bon in *The Crowd*, ‘and yet they had an enormous influence on the crowds which listened to them; but it is forgotten that they were intended to persuade collectivities and not to be read by philosophers’ (1938, 74). ‘A reasoned structure of arguments’, akin to Le Bon, Bertrand de Jouvenel argues in *Power: The Natural History of its Growth*, ‘setting in motion a whole stream of logical correspondences between defined terms does not as such make its way into the social consciousness’ (1947, 204). By contrast, in the social consciousness reasoned argument ‘has undergone pressures
This is particularly evident in the discourses on humanitarian intervention that endeavour to defend human rights. For instance, when former UK Shadow Foreign Secretary William Hague, announced that ‘the violence in Libya must stop’ but also, and more crucially, ‘that Gaddafi’s departure is best for Libyans, who have the right to decide their own country’s future’ (Hague 2011a), it must be clear that ‘the violence in Libya must stop’ was a reference to the human rights norms – defined as the protection of civilians. However, in adding that Libyans ‘have the right to decide their own country’s future’, Hague also invoked, not only the self-determination of the Libyan people, but also the democratic peace tradition to specify the democratic ally – the rebels, and delegitimise the undemocratic opponent – Qaddafì, who is now dismembered from the international community. By invoking the democratic peace tradition, therefore, Hague interpreted human rights in his discourse on humanitarian intervention. Based on his interpretation, his discourse, moreover, presented his socio-political aims, that is, which party he supported and which party he denied their rights in Libya.

It should not, therefore, be a surprise to the observer that other actors, such as Russia and China, who did not invoke the democratic peace tradition, although they, too, accepted the human rights norms – defined as human protection, did not accept Hague’s discourse on humanitarian intervention that defined the parameters of the ally and the opponent in the target state along these specific lines. The latter’s discourses on humanitarian intervention interpreted human rights differently, that is, invoking the tradition of sovereign equality, and thus presented their socio-political aims, which argued for both parties in Libya to be equally condemned for the human rights violations. As with the story of the former colonialists and the anti-colonialists discussed above, when the socio-political aims clashed in Libya, moreover, the situation turned into one where: those who supported human rights clashed with those who supported human rights.

Even when there was no disagreement about the human rights norms, defined as the protection of human life, that is to say, different actors, who invoked

which have destroyed its internal architecture’ and what the group is left with is ‘a confused babel of concepts, the most magical of which wins credit for the others’ (1947, 204). Consequently, ‘it is not Reason which has found a guide but Passion which has found a flag’ (1947, 204).

77 For the empirical evidence to back this discussion see chapter five.
different traditions, ended up defining their socio-political aims, via their discourses on humanitarian intervention, differently. This is because the core of the issue apropos of the human rights norms is political and the search for definitional meanings in politics always open room for more than one interpretation: these norms are open enough to be used in different ways (proponents of the third pillar in the R2P also acknowledge this in the recent literature, see, for example, Gallagher 2014). The latter clarifies the political dimension underlying the legalistic objection to humanitarian intervention in Andrew Hurrell’s following question in On Global Order,

‘[…] how should international society act when principles of procedural legitimacy come into conflict with established or emerging understandings of global justice? If we know what should be done — for example to engage in humanitarian intervention in order to save distant strangers from murder and oppression — why should we allow a legalistic or formalist concern with rules and institutions to get in the way?’ (2007, 86; see also Hurrell 2005, 17).

To be sure, then, ‘established or emerging understandings of global justice’, such as, for example, the protection of human rights, per se, is seldom in conflict with ‘principles of procedural legitimacy’. What is in conflict is the humanitarian intervention that presupposes a political decision based on a socio-political aim that competes with other socio-political aims, causing ‘rules and institutions to get in the way’.

‘Universal human rights’, thus, to be clear, is an abstract notion that, in theory, does not really specify which side in the war to support: neither for ‘democracy’, that is, against the target government, nor for ‘stability’, that is, against the rebels. For, ‘The substance of the answers derives not from the abstract pronouncements’ as Morgenthau argues, ‘but from the concrete interests at stake.

78 In other words, it does not really say whose human rights to support and who to exclude.
79 Thus when Gholiagha argues that ‘talking about R2P is part of making a world in which the individual human being in IR is one that is worthy of protection, by its own state or by the international community’ (2014, 367 emphasis in original), the omission of what the R2P actually means to the actor is highly significant. For then, the observer assumes that the R2P in fact has a meaning that can be known apart from how it is used.
These interests fill the gap between abstract statements and concrete cases; they give concreteness to the abstractions’ (1970, 64 emphasis added). In concrete cases, that is to say, it is not the norms – human rights – that are dealt with, but the competing socio-political aims, which the actors advance in the form of discourses on humanitarian intervention. When the latter is the case, moreover, the human rights norms mean different things to different actors, depending on which political causes they support. As a result, the socio-political aims clash in the international political game and the actors, on the basis of their political causes, begin to support the rights of different parties in the target state, in the name of universal human rights.  

The same ‘norms’, in this case, human rights, informed by different traditions and acted upon by different actors means the support of a different political group in the target state, once pursued via a discourse on humanitarian intervention. Different socio-political aims, therefore, to put it simply, can, and do, clash under human rights, as mutually agreed norms. And the most crucial implication is the shift of a notion such as human rights, from being only ‘norms’, seen as clear and defined ‘commonly accepted’ in a constructivist sense, to also being norms that can only be understood when pursued in practice. To say that human rights are norms, therefore, it is in vain to try to discover a ‘legal’ or normative fixed theoretical definition so that it would be applicable in this or that case, as the meaning of the norms cannot be complete by themselves – as the more deterministic approaches such as constructivism assume. To understand what meaning human rights have, that is to say, the observer needs to look at how they are pursued by the actors in practice via discourses on humanitarian intervention. The latter, moreover, shows how different actors use the human rights norms to

80 The protection of human life, as a result, becomes secondary to the socio-political aim and the socio-political aim become the end as depicted by the political stand. The war prolongs and the cost is more weapons on the field and more human life until the political goal is achieved, as it is clear with Syria today. ‘By blurring the line between humanitarian intervention and forcible regime change’ Samuel Charap thus concludes, ‘[…] Western governments bear the responsibility for finding other means of ending the unfolding [Syrian] tragedy’ (2013, 40). Regime change, the reader might as well add, is what humanitarian intervention is about.
defend different socio-political aims that finally clash in the international political game. So how is this new strand as a method applied in the empirical chapters to highlight the problem with depoliticisation in the practice of humanitarian intervention in Kosovo and Libya? The final section of this chapter sets out to answer this question.

APPLYING THE NEW STRAND IN KOSOVO AND LIBYA

The five main questions the new strand in interpretivism, as a method, aims to answer are: first, how did the actors define their security interests in response to specific dilemmas? To recall, in Kosovo and Libya, the dilemmas were the new security environments created by the post-Cold War era on the one hand, and the post-9/11 (followed by Iraq) and post-R2P era on the other. In response to these dilemmas, the actors, namely, the US and the UK leaders defined their security interests in a manner that rendered the human rights violations in Kosovo and Libya in the US and the UK security interests.

The second question the new strand asks is: what tradition did the actors invoke to pursue these interests, namely, human rights, in their discourses? In the pursuit of human rights, the US and the UK leaders, in both cases, invoked three traditions, namely neo-liberal interdependence, community and democratic peace. The third question is: what socio-political aims did these discourses present? In these discourses, the Kosovar Albanians and the Libyan rebels respectively became the ally to support, and Milosevic and Qaddafi respectively were alienated, in the target state.

The fourth question is: how did these socio-political aims cause a controversy with the other actors? In the cases of Kosovo and Libya, other actors such as Russia and China, but also Brazil, India and South Africa in Libya accepted the human rights norms, although they rejected the discourses on humanitarian intervention that presented the socio-political aims of the intervening actors. The

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81 To understand the true meanings of norms, in other words, the observer must follow Wittgenstein’s advice to his students at Cambridge: ‘Ask what sort of application they have, how they are used’ ([1939] 1976, 174).
fifth and final question is: how does the outcome of this controversy highlight the problem with depoliticisation in the practice of humanitarian intervention in Kosovo and Libya? In this controversy, the problem with depoliticisation became clear in the practice of post-Cold War humanitarian intervention where the intervening actors, led by the US and the UK, while attempting to transcend the political, presented their interests in a manner that blurred the distinction between what they accepted as universal human rights in theory, and their discourses on humanitarian intervention that presented their socio-political aims. Having blurred this distinction, they ignored the role of power in politics, and used their exclusionary force to impose their own interpretation of human rights to support one party in the target state.

CONCLUSION

This chapter presented the new strand of interpretivism as a method that explains how the socio-political aims of the intervening states emerged in the practice of humanitarian intervention in Kosovo and Libya, despite the presence of human rights as mutually agreed norms. The new strand in interpretivism argued that meanwhile actors, in response to dilemmas – that is, ‘novel experiences and ideas’ (Bevir et al. 2013, 167), can modify their beliefs and redefine their security interests to include the protection of human rights, in practice, they invoke specific traditions influenced by their background experiences, to pursue these interests, namely human rights via discourses on humanitarian intervention that only present their socio-political aims – that is, whose rights to support – the friend, and whose rights to deny – the enemy, in the target state. As these discourses emerge, they cause a controversy with the other actors who reject the traditions they invoke and the socio-political aims they present based on a particular mode of pursuit of human rights.

The following two chapters draw on the new strand in interpretivism to provide an empirical account of the problem with depoliticisation in the practice of humanitarian intervention in Kosovo and Libya.
Chapter four: the new strand in interpretivism and the problem with depoliticisation in Kosovo

INTRODUCTION

Drawing on the new strand in interpretivism, this chapter argues that in response to the dilemma of a new security environment in the post-Cold War era, the US and the UK leaders incorporated the halting of human rights violations in Kosovo into their security interests. It moreover argues that the US and the UK leaders invoked three traditions, namely, neo-liberal interdependence, community and democratic peace to pursue human rights in their discourses on humanitarian intervention in Kosovo. In these discourses, the then Serbian president Slobodan Milosevic, the ‘dictator’, was dismembered from the international community, and the Kosovar Albanians ‘fighting for their rights’ became the ally. Other actors, namely, Russia and China, who also accepted the human rights norms in theory, rejected these discourses and the socio-political aims they presented in practice: they, that is to say, refused to ally with one party and dismember the other from the international community. As a result, the modes of the pursuit of human rights in practice remained normatively unsettled in Kosovo, with the intervening actors engaging in the problematic act of depoliticisation – that is, while attempting to transcend the political, presenting their interests in a manner that blurred the distinction between what they accepted as universal human rights in theory, and their discourses on humanitarian intervention that presented their socio-political aims. Having blurred this distinction, they ignored the role of power in politics, and imposed their own status quo, that is, their own mode of pursuing human rights, by force.

To proceed with this argument, the chapter is divided into three main sections. The first section presents the new security environment as a dilemma that the US and the UK leaders faced in the post-Cold War era, to which they responded by defining their security interests in a manner in which, to halt the human rights violations in Kosovo became in the US and the UK security interests. Section two depicts how the US and the UK leaders invoked the three traditions – neo-liberal interdependence, community and democratic peace – to pursue the human rights norms in their discourses on humanitarian intervention in Kosovo. The third section highlights the controversy with the other actors, namely, Russia and China, once
these discourses reached the UNSC, and the problem with depoliticisation in the practice of humanitarian intervention in Kosovo.

**THE POST-COLD WAR ERA AS A DILEMMA**

As the military build-up of the Union of Soviet Socialist Republics (USSR) and the possibility of a Cold War Super Power confrontation was not the existential threat anymore, the post-Cold War era presented a dilemma of a new security environment to the US and the UK leaders. In response to this dilemma, the section argues, the US and the UK leaders responded by redefining their security interests: to halt the human rights violations in Kosovo became in the US and the UK security interests.

As argued in the previous chapter, under new circumstances, states, as well as international institutions, redefine what constitutes as their ‘security interest’. The end of the Cold War was no aberration to the rule but the rule itself. As early as 1991, NATO published its ‘Strategic Concept’ stating that,

> ‘In contrast with the predominant threat of the past, the risks to Allied security that remain are multi-faceted in nature and multi-directional, which makes them hard to predict and assess. NATO must be capable of responding to such risks if stability in Europe and the security of Alliance members are to be preserved’ (NSC 1991, 1).

Thus NATO members face ‘new challenges’ to their security: challenges arising from ‘the serious economic, social and political difficulties, including ethnic rivalries and territorial disputes, which are faced by many countries in central and Eastern Europe’ (NSC 1991, 1).

To address these new challenges, NATO amended its role from being a defensive alliance to playing a more expeditionary role in world politics (for a more detailed overview see also Butler 2000). The new role was described as ‘preventive diplomacy’ in the 1991 Strategic Concept,

> ‘In the new political and strategic environment in Europe, the success of the Alliance’s policy of preserving peace and preventing war depends even more
than in the past on the effectiveness of preventive diplomacy and successful management of crises affecting the security of its members’ (NSC 1991, 3).

NATO was not alone, however, in redefining its role through ‘preventive diplomacy’. The UN also used the concept in the post-Cold War era. As early as 1992, the United Nations issued a report arguing,

‘The international community therefore faces new challenges in the search for peace. All Member States expect the United Nations to play a central role at this crucial stage. The members of the Council stress the importance of strengthening and improving the United Nations to increase its effectiveness [...] making [it] more efficient within the framework and provisions of the Charter the capacity of the United Nations for preventive diplomacy’ (S/23500, 1992).

‘Preventive diplomacy’ as former UN Secretary General Boutros Boutros Ghali defined it in his Agenda for Peace, ‘is action to prevent disputes from arising between parties, to prevent existing disputes from escalating into conflicts and to limit the spread of the latter when they occur’ (A/47/277-S/24111, 1992, 45).

Preventive diplomacy, however, also meant engaging in other programmes, such as development and the protection of universal human rights. This is because, the 1994 Human Development Report argues, ‘Behind the blaring headlines of the world's many conflicts and emergencies, there lies a silent crisis of underdevelopment, of global poverty, of ever-mounting population pressures, of thoughtless degradation of environment’ (1994, iii). Therefore, the report called for the protection of ‘all basic human rights-economic and social as well as civil and political’ and thus,

‘demands non-discrimination between all people, irrespective of gender, religion, race or ethnic origin. And it focuses directly on human beings-respecting national sovereignty but only as long as nation-states respect the human rights of their own people’ (1994, 13).
For, ‘[… ] human security, good governance, equitable development and respect for human rights are interdependent and mutually reinforcing’ (A/54/1 1999, 5).

In this new security environment, constructivists in IR theory were quick to conclude that the, ‘[… ] the balance seems to have shifted since the end of the Cold War, and humanitarian claims now frequently trump sovereignty claims’ (Finnemore 2003, 79; as for the proponents of R2P who argue for the redefinition of sovereignty in the post-Cold War era, see chapter two). ‘States still may not respond to humanitarian appeals’ Finnemore thus argues in The Purpose of Intervention, ‘but they do not hesitate because they think such intervention will be denounced internationally as illegitimate’ (2003, 79). ‘A brief look at the ‘non-case’ of Rwanda illustrates this’ she adds, ‘[… ] In contrast to the cold war [sic] cases, no significant constituency was claiming that intervention in Rwanda for humanitarian purposes would have been illegitimate or an illegal breach of sovereignty’ (2003, 79).

What constructivists could not explain – at least through the ‘constructivist lens’, however, is ‘why’ the intervention in Somalia for example, was ‘limited’. Why, moreover, was there no action in Rwanda or in Bosnia, but there was in Kosovo? The reason for this gap, from a classical realist and from an interpretivist perspective is because constructivists black box humanitarian norms. In other words, humanitarian norms are accepted in theory and determine the actors’ behaviours in practice, not the other way around. It is the actors, however, who interpret the humanitarian norms, who take the decision to pursue them via their discourses. And, as the thesis argued in the previous chapters, different actors simply pursue the humanitarian norms differently: the same norms define action and inaction simultaneously.

Interpretivists, on the other hand, take actors seriously, and therefore, do not only appreciate the differences between the cases, but also provide a richer analysis of what explains the politics of humanitarian norms. This is because they deal with the changing normative context not as an end, but as a start. This means, the normative context, that is, the new security environment, is presented as a ‘dilemma’ that the leaders need to yet engage with and interpret. ‘In the post-Cold war era’ thus Oliver Daddow and Jamie Gaskarth argue,
‘a new dilemma for policy makers emerged: how could they plan for Britain’s security in the apparent absence of existential threats? When the Soviet Union collapsed, it left the UK operating in a security environment that was less threatening than at any time since perhaps the 1830s. The downfall of communist regimes across the European continent meant that social democracies such as Britain no longer had to be wary of internal or external ideological challenges’ (Daddow & Gaskarth 2014, 84).

In this new security environment, it was the leaders of New Labour, Daddow and Gaskarth argue, who defined the UK’s goal ‘for the promotion of values alongside the protection of interests’ in Kosovo (2014, 75). Interpretivists thus provide the answer to the question constructivists could not answer: how the US and the UK leaders interpreted the situation in Kosovo in their discourses to proceed with action, while no such interpretation – and thus action – was provided in Rwanda or Bosnia,

‘However, the human cost of these policies and the responsibility Britain held for blocking attempts to confront human rights abuses in Bosnia and Rwanda with force meant that Britain’s identity as an effective military and political actor was tarnished. When ethnic conflict broke out in Kosovo in 1998, it is possible to see a desire to reaffirm British leadership in the region and thereby reassert Britain’s great power status’ (Daddow & Gaskarth 2014, 85).

The central figure in this leadership was of course the former Prime Minister Tony Blair. As the then Chief of Staff Jonathan Powell later wrote in his memoirs,

‘During one gap in the proceedings, [Blair] took Alastair and me for a stroll in a nearby park. It was at the time when the handover of Hong Kong to the Chinese was taking place, and suddenly he said to us, apropos of nothing in particular, that Britain was too small to play a major role in the modern world and we must not give away any more territory. Alastair and I burst into laughter and christened it the ‘‘bigger Britain’’ policy. Actually, it was an expression of Tony’s desire to make Britain count for something again’ (2010, 262-263).
Context and leadership were also central to the role of the US in Kosovo. To the former US president William Clinton, Rwanda and Bosnia were too close in time to Somalia, and thus the war would not have sold to the US public.

In the absence of an overall post-Cold War strategy, equivalent to the Cold War policy of ‘containment’ prescribed by George Kennan in 1947, Clinton’s foreign policy *modus operandi*, that is, that it was ‘driven by media attention and public opinion polls rather than by coherence of any sort’ was acknowledged by more than one scholar and castigated by more than one official (cited in Elshtain 2001, 9; see also Mandelbaum 1999; Kissinger 2001, chapter 7; Scheuer 2008).

‘And Mr. Clinton’ writes former Central Intelligence Agency (CIA) officer Michael Scheuer in *Marching towards Hell*,

‘was and is the personification of all that was worst in Cold War America, a man embarrassed by the unsophisticated nature of American life and so armed with a passionate thirst to be loved and applauded by European and Hollywood elites […]’ (2008, 11).

Unlike Rwanda and Bosnia, a ‘bombing campaign’ in Kosovo thus offered him just this opportunity, considering there were no boots on the ground (Clinton [2004] 2005, 851). This of course caused controversy with his British counterpart, Blair. As former British Ambassador to the United States, Christopher Meyer later stated in his memoirs,

‘The British newspapers continued to criticise Clinton for his caution, some of the time on the basis of unattributable briefing from government sources […] This followed by Clinton himself in an explosive phone call to Blair […] The episode fascinated me. Blair should have known before arriving that planning

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82 See his X article in *Foreign Affairs* in July 1947. Under Clinton, the attempt, albeit unsuccessfully, was made by former US National Security Advisor Anthony Lake, in his remarks on 21 September 1993, to replace ‘containment’ with ‘enlargement’, that is, the enlargement of market democracies: ‘The successor to a doctrine of containment must be a strategy of enlargement – enlargement of the world’s free community of market democracies’ (Lake 1993 emphasis in original).
for a ground war in Kosovo was going to be a tough sell’ ([2005] 2006, 102-103).

Thus, Blair later wrote in his memoirs,

‘Bill and I agreed to take military action through NATO in a series of air strikes At the beginning, and despite my intense misgivings, it was stated unequivocally that there would be no ground troops. Without that statement, there would have been no air action, so I thought it worth agreeing to’ (2010, 235).83

In the new security environment, therefore, the US and the UK leaders responded by redefining their security interests: to halt the human rights violations in Kosovo became in the US and the UK security interests.

‘If we want still to be secure’, Blair argued, we need to redefine our security interests, in a manner that also takes into consideration to protect the ‘human rights within others countries’ (Blair 1999a). In Kosovo, ‘If we let an evil dictator range unchallenged’ Blair continued, ‘we will have to spill infinitely more blood and treasure to stop him later’ (Blair 1999a). To halt the human rights violations in the Balkans – that is, Kosovo, therefore, is today in the UK’s security interest. Akin to his British counterpart, ‘If the conflict [in Kosovo] continues’ Clinton moreover argued, ‘there will certainly be more atrocities, more refugees, more victims crying out for justice and seeking revenge’ (Clinton 1999a).

A two-dimensional security-morality hybrid framework can thus be pictured in the discourse as though it is throwing a ball in a game of Ping-Pong from one side to the other only to keep the game going,

‘America has a responsibility to stand with our allies when they are trying to save innocent lives and preserve peace, freedom and stability in Europe […]

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83 Despite his agreement, however, the Prime Minister was convinced that a ground invasion remained an option. As he explained in his memoirs, ‘So, yes, a ground war in the Balkans. Are you crazy? But if the alternative is a victory for Milosevic, what price peace in the wider region then? What price NATO credibility? What price deterrence to dictators?’ (2010, 239).
We need a Europe that is coming together, not falling apart. A Europe that shares our values, and shares the burdens of leadership. That is the foundation on which the security of our children will depend’ (Clinton 1999b).

On the one hand, that is to say, the human rights cause is illustrated in the US ‘trying to save innocent lives’ (Clinton 1999b), meanwhile, the security interest, is on the other hand preserved because Europe is at peace and not falling apart. Akin to Blair, Clinton thus argued in Kosovo that America would pay a ‘higher price’ if it does not act to halt the human rights violations now, for there is a foreseen threat of the conflict spreading: ‘Let a fire burn here in this area, and the flames will spread’ (Clinton 1999a). ‘Ending this tragedy is a moral imperative’ thus Clinton argued in his 24 March 1999 Address on Kosovo, ‘It is also important to America’s national interest’ (Clinton 1999b). ‘We are resolute’ former US Secretary Madeleine Albright argued on 6 April 1999, ‘because it is in our interests and because it is right’ (Albright 1999a).

To actualise this correlation – between the human rights violations and the security interest in Kosovo, Clinton and Blair, moreover, depicted an historical analogy. 84 Thus for instance Clinton argued that,

‘Sarajevo, the capital of neighbouring Bosnia, is where World War I began. World War II and the Holocaust engulfed this region. In both wars Europe was slow to recognise the dangers, and the United States waited even longer to enter the conflicts. Just imagine if leaders back then had acted wisely and early enough, how many lives could have been saved, how many Americans would not have to die’ (Clinton 1999b).

‘The doctrine of isolationism had been a casualty of a world war’ Blair moreover argued, ‘where the United States and others finally realised standing aside was not an option’ (Blair 1999a).

The purpose of the historical analogies, Paul Chilton argues in Analysing Political Discourse, is to ‘bring the Balkans closer to home’ (2006, 149), both historically and geographically. The logic of national security in this context lay in

84 For an excellent analysis of the utility of these analogies in Kosovo see also (Herring 2000).
the discourse’s attribution of causation to a crucial geopolitical knowledge that anticipates a great catastrophe that is inevitable if action is not taken immediately to halt the human rights violations in Kosovo. Such discourse, writes Chilton, depicts a direct correlation between conditionality and causality: ‘if such and such a condition is met, then such and such will inevitably follow, and behind this is a post hoc ergo propter hoc reasoning schema’ (2006, 149 emphasis in original).

The next section argues that the US and the UK leaders invoked three traditions namely, neo-liberal interdependence, community and democratic peace to pursue the human rights norms in their discourses on humanitarian intervention in Kosovo. In these discourses, the then Serbian president Slobodan Milosevic, the ‘dictator’, was dismembered from the international community, and the Kosovar Albanians ‘fighting for their rights’ became the ally.

A DISCOURSE ON HUMANITARIAN INTERVENTION IN KOSOVO: THREE TRADITIONS

This section is divided into three sub-sections, to, respectively, present the three traditions, namely, neo-liberal interdependence, community and democratic peace, invoked by the US and the UK leaders to pursue the human rights norms in their discourses on humanitarian intervention in Kosovo. The aim is to build a scenario to explain how these discourses defined their socio-political aims in the war: to alienate one party, Milosevic – who was dismembered from the international community, and to support the other party – the Kosovar Albanians.

Tradition one: neo-liberal interdependence

This sub-section argues that to pursue the human rights norms in their discourses on humanitarian intervention in Kosovo, the US and the UK leaders firstly invoked the tradition of ‘neo-liberal interdependence’, which argued that in the present era of interdependence, globalisation eroded the old division between foreign and domestic politics, and thus eroded the old division between sovereignty and human rights.

‘I believe the world has changed in a more fundamental way’ thus Blair’s argument goes in the Chicago Speech,
Globalisation has transformed our economies and our working practices. But globalisation is not just economic - it is also a political and security phenomenon. We live in a world where isolationism has ceased to have a reason to exist’ (Blair 1999a).\footnote{It must be noted, however, that there is nothing new about Blair’s statement that the era of isolationism has ended. History is full of examples of revolutionary leaders who made similar remarks in different occasions. In the same tone as Blair, for example, former Egyptian president Gamal Abdel Nasser wrote in his memoirs, ‘If the whole matter were limited to our capital, or our political boundaries, it would be much simpler. We would shut ourselves in, and live in an ivory tower, and we would try to our utmost to get away from the world, its problems, wars and crises, which all burst in on us through the doors of our country and influence us, though we have nothing to do with them. The age of isolation in gone’ (1955, 84 emphasis added).}

Neo-liberal economic globalisation, that is to say, changed the world not only by making it more interdependent in terms of economic relations, but also more interdependent in terms of political, that is, security, relations. ‘Today’, the former Prime Minister argued, ‘the impulse towards interdependence is immeasurably greater’ (Blair 1999a). Therefore,

‘We are all internationalists now whether we like it or not. We cannot refuse to participate in global markets if we want to prosper. We cannot ignore new political ideas in other counties if we want to innovate. We cannot turn our backs on conflicts and the violation of human rights within other countries if we want still to be secure’ (Blair 1999a).

Isolationist thinking about security, in this sense, belongs to the old division between foreign and domestic politics, sovereignty and human rights, and therefore, is out-dated: for the forces of globalisation in the new interdependent world eroded the latter distinction, and thus, in Kosovo ‘We cannot turn our backs […] of we still want to be secure’ (Blair 1999a; see also Daddow & Gaskarth 2011, chapter 1).

Akin to Blair, ‘I say again’ Clinton argued in his ‘Remarks on Foreign Policy’ on 26 February 1999, ‘the inexorable logic of globalisation is the genuine recognition of interdependence. We cannot wish into being the world we seek’ (Clinton 1999a). Interdependence is thus a fact that cannot be changed, and to deny
it, is to become the utopian, as distinguished from the realist, in the classical Carrian sense (for the distinction, see, Carr 1984, chapter 2). The old division between foreign and domestic politics, must therefore be rejected, and instead Clinton argued,

‘Today we must embrace the inexorable logic of globalisation – that everything, from the strength of our economy to the safety of our cities, to the health of our people, depends on events not only within our borders, but half a world away. We must see the opportunities and the dangers of the interdependent world in which we are clearly fated to live’ (Clinton 1999a).

Akin to Blair, therefore, to Clinton the era of interdependence rendered the old division between foreign and domestic politics, sovereignty and human rights, no more relevant.

Other US and UK leaders also invoked the tradition of neo-liberal interdependence, where globalisation eroded the boundaries of domestic and foreign policy, sovereignty and human rights. ‘We recognise globalisation demands a new internationalism’, echoing Blair, former UK shadow Foreign Secretary Robin Cook argued, ‘And our internationalism recognises that we cannot deliver our domestic programme working alone in the world. Our internationalism recognises that the boundaries of national interest have shifted’ (Cook 1999a). Due to this shift, moreover, the old division between domestic and foreign policy, sovereignty and human rights has been eroded, and thus ‘Gross breaches of humanitarian law are the business of all humanity’ (Cook 1999a). To quote Cook more fully,

‘Our internationalism recognises that rights belong to the people not to their governments. We ignored Milosevic when he tried to tell us that atrocities

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86 In Does America Need a Foreign Policy? , Kissinger makes the same remark about the then Deputy Secretary of State Strobe Talbott, who ‘explained the support, promotion, and defence of democracy “in other countries” was the quintessence of realism’ (2001, 256).
were an internal matter. Gross breaches of humanitarian law are the business of all humanity’ (Cook 1999a). 87

Thus in *The Labour Party and the World* Rhiannon Vickers concludes,

‘Kosovo represented very clearly a new approach to [British] foreign policy in terms of intervention for humanitarian reasons overriding the traditional norm of state sovereignty, and such intervention being viewed as acting in the international interest rather than undermining it’ (2011, 169).

Akin to Cook, ‘In the meantime’ Clinton’s then National Security Advisor Samuel Berger argued, ‘America will sometimes be called upon to decide what to do when brutal and dangerous conflicts break out’ (Berger 2000). The reason, he argued, ‘because in a globalised world, we see – almost instantly – the killing and uprooting of innocent men, women and children thousands of miles away. In such a world, we cannot choose not to know; we can only choose not to act’ (Berger 2000). In the era of interdependence, that is to say, globalisation eroded the old division between foreign and domestic politics, sovereignty and human rights.

‘Some people say that human rights in other countries is none of our business’ Cook argued, ‘We can have democracy and civil liberty for ourselves, but can turn a blind eye to how other governments behave and a deaf ear to the cries for help of their people’ (Cook 1999a). ‘I find it offensive […]’ he replied (Cook 1999a). But as sovereignty has been eroded in the discourse, in practice it still existed, for international politics is yet composed of a world of nation states. The US and the UK leaders thus had to invoke a second tradition to transcend this statist-order that distinguishes between domestic and foreign policy, sovereignty and human rights to pursue the human rights norms in their discourses on humanitarian intervention in Kosovo. This tradition was: community.

87 It is crucial to note here that there were vital differences between Cook’s ‘ethical dimension’ in foreign policy (Cook 1997), and Blair’s approach (see, for example, Kampfner 2003, 15-16). As far as the present argument is concerned, however, these differences make no practical difference. For, despite these differences, as Wheeler and Dunne argue, ‘in the era of globalisation’, both officials ‘were committed to a highly interventionist foreign policy’ (2004, 14).
Tradition two: community

This sub-section argues that to pursue the human rights norms in their discourses on humanitarian intervention in Kosovo, the US and the UK leaders secondly invoked the tradition of ‘community’, which argued that the intervention was not only in the interest of the US and the UK, but also in the interest of the overall international community.

In US politics, nowhere was the invocation of the tradition of ‘community’ clearer or more present than in Clinton’s speeches that involved his domestic policy. For, there, as early as 1993, the former president clearly presented his ‘strategy to rebuild the American dream’ aimed to restore ‘middle class values of opportunity, responsibility, and community, rewarding work and family and faith’ (Clinton 1993). What the reader finds in Kosovo is this tradition transcending the discourse on domestic policy to reach the arena of foreign policy. Once the war in Kosovo was over, Clinton, therefore, argued that ‘The demands of an outraged and united international community have been met’ (Clinton 1999c). If, otherwise, these were only the US’s demands, they would have been relative and partial. But because these are not only the partial demands of the US, they are absolute and impartial. They are, so to speak, ‘right’ (Albright 1999a), and therefore, in the interest, not only of one state – the US, but also the international community. As Albright also remarked ‘[Milosevic] must comply in a manner that is both durable and verifiable, with the longstanding political humanitarian and military demands of the international community, or face the gravest consequences’ (Albright 1998, cited in BBC 1998).

In British politics, the invocation of the tradition of community was also clear in the speeches that involved Blair’s domestic policy. The influence of the tradition of ‘community’ on Blair in fact not only predated his political career, but also defined it altogether. As he wrote in his memoirs, it was during the years at Oxford that,

‘I developed a theory about the basis of socialism being about “community” – i.e. people owed obligations to each other and were social beings, not only individuals out for themselves – which pushed me down the path of trying to
retrieve Labour’s true values from the jumble of ideological baggage that was piled on top of them, obscuring their meaning’ (2010, 79).

Later in his domestic policy, as Prime Minister, Blair argued, ‘We are the party of the individual because we are the party of the community’ (Blair 1994). What the reader finds in Kosovo is this tradition also transcending the discourse on domestic policy to reach the arena of foreign policy. As early as 1995, Blair thus delivered his speech in Brighton where he defined British foreign policy in the following terms, ‘We will be a nation that stands up for the rights of other nations […] a nation that will stand up for our allies when right and make a stand when they are wrong’ (Blair 1995). Later in his Chicago Speech, Blair therefore fully articulated the relation. ‘Just as within domestic politics’ he argued, ‘the notion of community - the belief that partnership and co-operation are essential to advance self-interest - is coming into its own; so it needs to find its own international echo’ (Blair 1999a).

It logically follows from this ‘that Bismarck was wrong’ (Blair 1999a), for his realpolitik did not stand up ‘for the right of other nations’ (Blair 1995),

‘Bismarck famously said the Balkans were not worth the bones of one Pomeranian Grenadier. Anyone who has seen the tear-stained faces of the hundreds of thousands of refugees streaming across the border, heard their heart-rending tales of cruelty or contemplated the unknown fates of those left behind, knows that Bismarck was wrong’ (Blair 1999a).

In other words, Bismarck was wrong because he also failed to act for what was right and against was wrong, not only for his nation, but also for the community of nations. But we, who know ‘the rights of other nations’ (Blair 1995), we will stand for them, for these rights are not only our rights, but also ‘the rights of other nations’ (Blair 1995 emphasis added), that is, the rights of the international community. In the context of Kosovo, on 26 April 1999 Blair thus argued, ‘It is our collective task now to make that victory, of justice over evil, a reality for Kosovo’s long suffering people’ (Blair 1999b). Our ‘collective task’ as a community, in this struggle, is not the task of one state with its own subjective interests against another partial state with equally subjective interests, but one of universal justice, victorious against universal evil for the interest of the overall international community.

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Once the national security logic is set in such a manner, the pursuit of the human rights norms in the discourse is inevitable for the interest, not only of Britain, but also the overall international community (see also Atkins 2013; O’Neill 2003). To put it bluntly: we do not only protect the US and the UK interests but also the interest of the international community. A key problem with the tradition of community transcending the domestic policy and reaching foreign policy, however, pertains to that the latter does not have clear-cut guidelines that can define the actual membership in this community. The problem with ‘community’ coming next to ‘international’ is that the latter is by definition open, while the former entails boundaries (for an excellent discussion see also Gaskarth 2011). Hence the question: how to demarcate the boundaries of the international community? The discourse on humanitarian intervention thus needs to construct the characteristics that define the membership in the international community. The discourse, in other words, needs to construct the ‘ally’ in the international community whose human rights ought to be protected, and exclude the dismembered party.

Here comes the role of the third important tradition that the US and the UK leaders invoked to pursue the human rights norms in their discourses on humanitarian intervention in Kosovo: the democratic peace tradition. With this interpretation, the then Serbian president Slobodan Milosevic, the ‘dictator’, was dismembered from the international community, and the Kosovar Albanians ‘fighting for their rights’ became the ally.

*Tradition three: democratic peace*

This sub-section aims to demonstrate how, to define the membership in the international community, the US and the UK leaders’ discourses on humanitarian intervention invoked the democratic peace tradition. In these discourses, the section argues, Milosevic, the ‘dictator’, was dismembered from the international community, and the Kosovar Albanians ‘fighting for their rights’ became the ally.

‘If Europe is to enjoy a stable, democratic peace’ Clinton argued in his Remarks on 22 April 1999, invoking the democratic peace tradition, ‘it is essential that our values prevail in Kosovo’ (Clinton 1999d). With Blair the invocation of the democratic peace tradition was also clear when he argued, ‘If NATO fails in Kosovo the next dictator to be threatened with military force may well not believe
our resolve to carry the threat through’ (Blair 1999b). To be sure, the latter also entails a presupposition: surely the next threat comes from ‘the next dictator’ and not from ‘the next democratically elected leader’. In his memoirs, the Prime Minister moreover affirmed his case against dictatorial regimes to make the point explicit, ‘intervention to bring down a despotic dictatorial regime could be justified on grounds of the nature of that regime’ he writes, ‘not merely its immediate threat to our interests’ (2010, 248).

In his statement on the war in Kosovo on 14 April 1999, former Shadow Foreign Secretary Robin Cook also made his case, not only against Milosevic the ‘dictator’, but also against all dictators, using Milosevic as one example,

‘Once our country is engaged upon war, there is only one acceptable outcome, and that is victory. We must see it through to the end whatever it may take. The consequences of failure are too dire for the people of Kosovo, who have suffered enough already; for the neighbouring nations and states; and for our alliance, because other dictators and aggressors will take it to heart that our alliance is not prepared to stand up for its rights and for the liberties of its citizens, and ultimately has not the strength and courage to win’ (Cook 1999b).

Dictators, in this sense, are no more members of the international community as depicted by these leaders. They are not only dictators, but also ‘aggressors’ (Cook 1999b).

‘Looking around the world’ Blair hence saw, ‘many regimes that are undemocratic and engaged in barbarous acts’ (Blair 1999a). The old division between sovereignty and human rights, in turn, does not apply to them. As former Minister without Portfolio Peter Mandelson later put it in his memoirs,

‘In the past, war had been a last-resort response to direct threats to a nation’s security or sovereignty. Tony said that would no longer work at a time when democracies faced the challenge of confronting “two dangerous and ruthless men – Saddam Hussein and Slobodan Milosevic”. The world had not only the right, but a duty, to act’ (2010, 282).
For these are not only dictators, but also aggressors – they are ‘dangerous and ruthless’. There is, as a result, a correlation between dictatorship and aggressiveness that makes the pre-emptive action inevitable. Powell also later summarised this hybrid argument depicting the correlation between dictatorship and aggressive behaviour in his memoirs,\(^{88}\)

‘We liberal interventionists believed that unpleasant dictators who murdered their own people and posed a threat to their neighbour should be removed, both because what they were doing was wrong and the international community had a duty to stop it, but also because in the long run a failure to stand up to their behaviour would pose a threat to us at home’ (2010, 265).

And since it was the ‘international community’ that had to stop these ‘dictators’, then, it logically follows, that their ‘aggression’ and ‘barbarous acts’ are also against the rest of the international community, the US and the UK leaders speak in the name of.

The US and the UK discourses on humanitarian intervention in Kosovo, in turn, defined Milosevic, not only as a dictator, but also, and because he belongs to the category of the dictators – as an ‘evil’ that must be eliminated. As Anthony Seldon later remarked in *Blair*, ‘Blair considered Milosevic like Saddam, to be a bully and a deeply evil man’ ([2004] 2005, 392). To Albright the question was equally as personal. ‘I understood that pragmatism dictated at Dayton that we deal with Milosevic to end the Bosnian war’ she wrote in her memoirs,

‘but I never trusted him […] we needed to send a message to Serb businesspeople that he was bad for business, to the Serb military that he invited the destruction of their institutions, and the Serb middle class that he was wrecking their hopes for a peaceful and prosperous future’ (2003, 605).

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\(^{88}\) This hybrid argument should remind the reader of Rawls’ ‘outlaw states’ in *The Law of Peoples*, which do not only violate the basic human rights of their citizens, but also ‘are aggressive and dangerous’ (2002, 81). For a more complete discussion see chapter two.
For, to Albright Milosevic ‘came crashing through the door’ to join a long list of dictators, among which there were, ‘Saddam Hussein, Muammar Qaddafi, Fidel Castro, and Ayatollah Khamenei’ (2003, 590).

Milosevic, Clinton thus announced to the American people on 10 June 1999, represents ‘evil’ and ‘aggression’,

‘My fellow Americans, all these challenges are substantial, but they are far preferable to the challenges of war and continued instability in Europe. We have sent a message of determination and hope to all the world. Think of all the millions of innocent people who died in this bloody century because democracies reacted too late to evil and aggression’ (Clinton 1999c).

He is a dictator who represents evil and aggression and, on the other side, he is faced with ‘democracies’. Democracies, in this sense, are depicted as the ‘peaceful’ allies. These democracies, to be sure, are only seeking to defend ‘their rights’ threatened by dictatorial aggressors, whose regimes engage ‘in barbarous acts’ (Blair 1999a).

Thus Albright, in her Address at Florence on 20 May 2000 argued, ‘[…] we are striving to build a Europe that is united and strong; where democratic practices are deeply rooted and wars simply do not happen’ (Albright 2000). For it is not only the case that the US takes democracies as its allies, but, and more crucially, these democracies are ‘peaceful’ and ‘tolerant’, ‘Those in Kosovo who are striving to build a peaceful, tolerant and democratic society should know we will stand by them’ (Albright 2000). But then who in Kosovo personifies the peaceful and tolerant democratic example? It is here that the discourse on humanitarian intervention depicts the Kosovar Albanians who, are, ‘fighting for their rights’ as the ally.

‘For years, Kosovars struggled peacefully to get their rights back’ thus Clinton announced in his statement on Kosovo, 24 March 1999, ‘When President Milosevic sent his troops and police to crush them, the struggle grew violent’ (Clinton 1999b). ‘As the Kosovars were saying yes to peace’ he added, ‘Serbia stationed 40,000 troops in and around Kosovo in preparation for a major offensive—and in clear violation of the commitments they had made’ (Clinton 1999b). ‘There can be no doubt about what is at stake. The choice is now his’ thus
Blair said to the House of Commons on 23 March 1999, ‘Milosevic can choose peace for the peoples of Kosovo and an end to the Federal Republic of Yugoslavia’s isolation in Europe. Or he can choose continued conflict and the serious consequences that would follow’ (Blair 1999c).

The dictator, that is, the aggressor, therefore, crushed the peaceful Kosovars, unjustly. He thus denied them ‘their rights’. As Albright put it on 28 June 1999,

‘But in the future, Kosovars will have something they’ve never had, which is genuine self-government. They will be out from under Milosevic’s boot, with the freedom to choose their own leaders and shape the laws by which they are governed. Milosevic, meanwhile, won’t be able to arrest so much as a jaywalker in Kosovo. And his henchmen won’t have the capacity to intimidate Kosovars or deny them their rights’ (Albright 1999b).

These rights, moreover, as with the dictator, do not only represent the rights of the Kosovar Albanians, but also the rights of the overall international community. For, as Blair echoes John Kennedy ‘“Freedom is indivisible and when one man is enslaved who is free?” ’ (Blair 1999a).

This, in other words, means that the dictator, Milosevic, just as with the other aforementioned dictators, is not only opposed to the Kosovars, but also of all those who share the quest for their rights in the international community. In this sense, once the democratic peace tradition was invoked by the US and the UK leaders, Milosevic’s war became not only against the Kosovars, but against an international community that takes them as the ally personified in the forces of democracy, and which excludes him, and all other dictators, from the international community, of which he is no more a member. ‘The war in Kosovo’ Jackson thus concludes in *The Global Covenant*, ‘was a war of democracy against one of the last remaining dictatorships in Europe’ (2003, 290). The reader can, in other words, observe that with Clinton and Blair the tradition of democratic peace advanced a discourse on humanitarian intervention that set the parameters of the ally and the dismembered party from the international community: Milosevic, the ‘dictator’, was dismembered from the international community, and the Kosovar Albanians ‘fighting for their rights’ were presented as its ally.
These parameters, the next sections argues, as they reached the UNSC, and were rejected by the other actors, namely, Russia and China, who also accepted the human rights norms in theory, it became clear that the modes of the pursuit of human rights in practice remained normatively unsettled in Kosovo. As a result, the intervening actors engaged in the problematic act of depoliticisation – that is, while attempting to transcend the political, they presented their interests in a manner that blurred the distinction between what they accepted as universal human rights in theory, and their discourses on humanitarian intervention that presented their socio-political aims. Having blurred this distinction, they ignored the role of power in politics, and imposed their own status quo, that is, their own mode of pursuing human rights, by force.

THE CONTROVERSY IN THE UNSC AND DEPOLITICISATION IN KOSOVO

It is through the UNSC that the US and the UK discourses traversed the realm of foreign policy to enter the international political game. At the meetings, the American and the British delegates argued that Milosevic’s crimes were not against the Albanian Kosovars, but against the ‘international community’ where the Albanian Kosovars are members. ‘The massacre at Racak’ thus, to the British delegate in the 3988th meeting on 24 March 1999, showed Milosevic’s contempt ‘for the international community as a whole’ (S/PV. 3988, 11). The British delegate in turn presented Milosevic as acting ‘In defiance to the international community’ and argued that ‘it is not too late’ for Belgrade ‘to meet the demands of the international community’ (S/PV. 3988, 12). The American delegate on the other hand argued that Belgrade ‘has chosen to defy repeatedly the will of the international community’ and that, ‘the United Nations Charter does not sanction armed assaults upon ethnic groups, or imply that the international community should turn a blind eye to a growing humanitarian disaster’ (S/PV. 3989, 5).

The invocation of the democratic peace tradition to define the membership of Belgrade in the ‘international community’ was also a matter of course. ‘You deserve a chance at democracy and a better economic life, as a part of the Euro Atlantic community’ such were the words of the American delegate to ‘the people of Serbia’ on 10 June 1999 (S/PV. 4011, 15). The panacea, as the British delegate put it, was ‘in the restoration of normal life to Kosovo and in the creation of
democratic, self-governing institutions’ (S/PV. 4011, 18). This, as seen earlier, constructed a specific discourse on humanitarian intervention that also approached the democratic ally and dismembered the undemocratic opponent from the overall membership in the international community. The latter caused a controversy with the other actors in the UNSC, namely Russia and China.

While the American and the British delegates invoked the aforementioned traditions to pursue the human rights norms in Kosovo and thus to depict Belgrade as the undemocratic enemy, the same was not necessarily the case with the Russian and the Chinese delegates. The latter, that is to say, although they accepted the human rights norms in theory, rejected the US and the UK discourses that drew on these specific traditions to dismember Milosevic from the international community. Thus when the Chinese delegate argued in the 3989th meeting on 26 March 1999 that ‘the legitimate rights and interests of all the ethnic groups in the Kosovo area’ should be the basis of the settlement of the conflict (S/PV. 3989, 9), and when the Russian delegate in the 4011th meeting on 10 June 1999 found it ‘essential to fight for the respect of human rights and norms of international humanitarian law’ (S/PV. 4011, 7), it must be clear that neither China nor Russia denied the human rights norms, in theory, which, they concurred, govern state behaviour in post-Cold War international politics.89

But when in the same statements the former added that the panacea should be on ‘the basis of respect for the sovereignty and territorial integrity of the Federal Republic of Yugoslavia’ (S/PV. 3989, 9), and the latter affirmed that the promotion of human rights can be done ‘solely through political and legal methods on the firm basis of the United Nations Charter and the relevant multilateral instruments’ (S/PV. 4011, 7), it was clear that to the Russians and the Chinese, unlike to the US and the UK, Belgrade, that is, Milosevic, remained a full member of the international community. They instead invoked the traditions of ‘sovereignty and territorial integrity’ working within the ‘United Nations Charter’ to pursue the human rights norms, and to thus resolve the problem, in Kosovo. On this basis, in the 4003rd meeting, on 14 May 1999, the Chinese delegate argued,

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89 In Saving Strangers, Wheeler draws on this empirical evidence, compares it with the Cold War era, and argues that there is in fact an evolution in humanitarian norms in the international society.
‘An immediate cessation of NATO’s bombing campaign against the Federal Republic of Yugoslavia should be the prerequisite for any political solution to the Kosovo issue and also the minimum condition for alleviating the humanitarian crisis in the Balkans’ (S/PV. 4003, 8).

In the same meeting, the Russian delegate defined his country’s role in Kosovo as follows,

‘The Russian Federation, together with its active efforts to promote a peaceful political settlement of the Kosovo crisis, will continue to give whatever humanitarian assistance it can on an impartial, non-discriminatory basis to the needy civilian population in Kosovo, other regions of Yugoslavia and neighbouring States’ (S/PV. 4003, 9).

In this context, to regard the controversy in Kosovo as one between proponents and opponents of human rights that ended with the victory of the former, as it is commonly assumed (see, for example, Freedman 2005), whose actions were legitimate though illegal, presupposes the acceptance of the parameters of the ally and the dismembered party from the international community within one mode of the pursuit of human rights as based upon an apolitical judgment. To accept such a scenario, that is to say, is also to accept the discourse of the status quo as the discourse, not on humanitarian intervention, which entails its partially grounded – and thus contested – socio-political aims, namely to eliminate one party to the conflict, but also on universal human rights as commonly agreed norms.

The Russian position, however, was clear. As the Russian delegate argued on the 3988th meeting, on 24 March 1999,

‘The Russian Federation is profoundly outraged at the use by the North Atlantic Treaty Organisation (NATO) of military force against the Federal Republic of Yugoslavia. In recent weeks, when we were constantly hearing threats — detrimental to the negotiating process — that there would be missile strikes against Serbian positions in Kosovo and other parts of Serbia […]’ (S/PV. 3988, 2).
It is, thus, *not* against universal human rights as commonly accepted norms, but against those who set themselves to pursue it via their discourses on humanitarian intervention that only present their socio-political aims – that is, to attack with ‘missile strikes against Serbian positions in Kosovo and other parts of Serbia’ against Milosevic, who was dismembered from the international community, that the Russians objected (S/PV. 3988, 2).

In the same meeting, China’s position was also clear, and it presented the same objection – that is, against a discourse on humanitarian intervention that only presents the socio-political aims of the intervener, against one party, Milosevic – who was dismembered from the international community,

‘Today, 24 March, the North Atlantic Treaty Organization (NATO), with the United States in the lead, mobilised its airborne military forces and launched military strikes against the Federal Republic of Yugoslavia, seriously exacerbating the situation in the Balkan region. This act amounts to a blatant violation of the United Nations Charter and of the accepted norms of international law. The Chinese Government strongly opposes this act’ (S/PV. 3988, 12).

The problem with viewing this controversy as a battle between proponents and opponents of human rights pertains to the denial of the distinction between universal human rights in theory, and their particular mode of pursuit, which in effect impose one political order to support one party.

If the observer, on the other hand, views the controversy among the actors as a political one, that is, between actors with different socio-political aims, he or she will find that while the US and the UK considered the conflict in Kosovo as endangering international peace and security, the Chinese and the Russian delegates also agreed on the latter point, only apropos of the actions of the intervening party – NATO, led by the US and the UK. ‘If the Council is to get involved in a dispute without a request from the country concerned’ the Chinese delegate argued in the 3868th meeting as early as 31 March 1998, ‘it may set a bad precedent and have wider negative implications. Therefore, the Council *should be cautious* when addressing these issues’ (S/PV. 3868, 11-12 emphasis added). ‘The illegal use of
force by NATO’ the Russian delegate put it more bluntly later in the 3989th meeting on 26 March 1999,

‘not only destabilises significantly the situation in the Balkans and in Europe as a whole, but it also directly undermines the fundamental bases of the entire modern system of international relations, which is based on the primacy of the United Nations Charter. One’s worst fears are now being fulfilled. The virus of lawlessness is spreading to ever more spheres of international relations’ (S/PV. 3989, 5-6).

Thus, as they were the undemocratic regimes, according to the US and the UK, that posed the threat to the international community, to Russia and China, the threat came from democratic regimes that intervened in the affairs of other countries – joining one party in the war, and seeking to eliminate the other. The threat of undemocratic regimes the US and the UK perceived, was due to the spill over effect, discussed earlier in this chapter. The threat of democratic regimes, on the other hand, was due to the imposition of their political order in the name of human rights as mutually agreed norms. The emphasis on ‘should be cautious’ clearly demonstrates the fear of the ‘negative implications’ of such an imposition of a political order in the name of human rights,

‘If the Security Council becomes involved in a dispute without being requested to do so by the countries of the region – or goes even further and unfairly applies pressure on or threatens actions against the Government of the country concerned – it would create a bad precedent and have wider negative implications’ (S/PV. 3930, 3).

The ‘bad precedent’ and the ‘negative implications’ result from the unrestrained exclusionary force that threatens ‘the stability of the entire modern multi-polar system of international relations’ (S/PV. 3988, 2).

It was the Russian delegate in the 3988th meeting on 24 March 1999, who raised the latter argument. To quote him more fully,
‘The Russian government strongly proclaimed its categorical rejection of the use of force in contravention of decisions of the Security Council and issued repeated warnings about the long-term harmful consequences of this action not only for the prospects of a settlement of the Kosovo situation and for safeguarding security in the Balkans, but also for the stability of the entire modern multi-polar system of international relations’ (S/PV. 3988, 2).

It thus became clear that an international society that is politically multi-polar but militarily unipolar could not provide the type of ‘stability’ the Russian delegate asks for: a stability that replaces the role of power in politics: to adjust and settle, rather than conceal, the socio-political aims of the various actors.

The latter also became clear, later, to those who formerly sided the war in Kosovo. In his memoirs, Cook for example says,

‘We are in a unique period in the history of the world, in which there is one global superpower without a rival, and yet it is also a superpower whose President does not accept global responsibility. Whether it is Kyoto or Johannesburg, whether it is the International Criminal Court or the Chemical Weapons Convention, whether it is the Middle East peace process or Iraq, their instincts are unilateralist rather than multilateralist. The world today needs a strong, united Europe that can provide an alternative vision in international forums’ (2004, 196 emphasis added).

To be sure, although, as in the phraseology of Karl Deutsch (1957), there is a ‘pluralistic security community’ to which both the US and the UK are bound, ‘without a rival’, a superpower such as the US does not always ‘accept global responsibility’. When Cook was later aware of this, he suggested that ‘the world needs a strong, united Europe’ to provide an alternative vision in international forums’ (2004, 196).90

90 Contra Cook, other officials such as Powell viewed US power as an opportunity for Britain to regain its place in the world by strengthening the ‘transatlantic relationship’. In his memoirs, Powell wrote, ‘If we have neither the strong transatlantic relationship nor a central role in Europe, we will
Truly, would it have been conceivable for US-led NATO during the Cold War to take such a unilateral military action without worrying about the response of the USSR? In an early post-Cold War environment with America as the sole superpower the situation is different however: not that there is no agreement on human rights as mutually agreed norms in theory, but that there is neither an agreement on their pursuit via a discourse on humanitarian intervention that presents the socio-political aims of those who pursue it, nor there is a discussion about power to calibrate the socio-political aims of the various parties when former US State Secretary Albright postulates that ‘The United Nations’ agenda and core U.S. security interests have gradually converged’ (2003, 17-18). For then, what the other actors are left with, is the wonder whether it was the US security interests that have converged with the UN agenda, or it was the UN agenda that converged with the US security interests. It also remains an open question whether the security interest of Russia and China will also ‘gradually converge’ with the UN agenda in a future distribution of power.

In the latter, it becomes clear that those who depoliticise their actions, that is, transcend the political – defined in terms of actors with different socio-political aims, and ignore the role of power in politics – that is, to open the space to mutually adjust and settle the different socio-political aims, in effect, speak of their own security interest as ‘converging’ with the security interest of the international community. This is, because their own security interest is defined through the values of the international community – namely, universal human rights, and not their socio-political aims. This act of depoliticisation is however, problematic, for it presents the interests of the actors in a manner that blurs the distinction between what they accept as universal human rights in theory, and their discourses on humanitarian intervention that present their socio-political aims. To blur this distinction, the actors thus differentiate between a security interest that advances socio-political aims and another that advances ‘values’, that is, ‘right’ and

fall back to our natural weight in the world, measured by population and wealth, somewhere around Italy’ (2010, 293; see also Freedman 2006).
There is a crucial sense in which, however, the preservation of one’s security interest *always* entails a defence of values that invoke some philosophy of morality. For, ‘A nation has security’ in the words of Lippmann in *U.S. Foreign Policy,* ‘when it does not have to sacrifice its legitimate interests to avoid war and is able, if challenged, to maintain them by war’ (1943, 51). To seek the security interest, therefore, is not to seek peace, but to defend one’s ‘legitimate interests’ through war, *or preferably,* through peace. But then how can one have legitimate interests without also defining the ‘illegitimate’ ones, and opening a clear dividing line between the two with reference to ‘right’ and ‘wrong’, that is, morality?

Clearly, therefore, the end goal of the national security interest is not only peace, *but to stand for one’s values invoked in one’s philosophy of morality,* and it is in the latter sense that morality and politics are always inseparable in defining the security interest in foreign policymaking. Robert Jervis thus quotes former French diplomat Paul Cambon,

‘Security! The term signifies more indeed than the maintenance of a people’s homeland, or even of their territories beyond the seas. It also means the maintenance of the world’s respect for them, the maintenance of their economic interests, everything in a word, which goes to make up the grandeur, the life itself, of the nation (1978, 185; see also Kissinger 1979, 70).

The crucial question, that is to say, has never been ‘is security assured?’ But, as David Baldwin puts it, ‘How much assurance is enough?’ (1997, 21). ‘The pursuit of “security” by satisfied Powers’ thus for a good reason Carr writes in *The Twenty Years’ Crisis,* ‘has often been the motive of flagrant examples of power politics’ (1984, 105). Indeed, ‘securitisation’ is no more seen in political terms, but assessed by apolitical standards and seen no more as a political opponent, but as an illegitimate ‘criminal’ (see, for example, Ralph 2010).

To put this in the present context, when Clinton argued ‘By acting now we are upholding our values, protecting our interests and advancing the cause of peace’

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91 Of course, and the latter, contra Nietzsche entails the Kantian language of universality, which also presuppose knowledge of Truth (with a capital T). For a fuller discussion about Nietzsche see chapter one.
(Clinton 1999b) and Blair confirmed, ‘I advocate an enlightened self-interest that puts fighting for our values right at the heart of the policies necessary to protect our nations’ (Blair 2002), both believed that that way ‘more than ever’ they took a major step in merging ‘two views of international affairs’, that is, the ‘utilitarian’ and the ‘utopian’ (Blair 2002; Clinton 1999b). What they did not realise is that the two views always merge, whether they were aware of it or not, for without an end vision of ‘utopia’, utilitarian calculations have nowhere to go (see also the critique of neo-realism in chapters one), and without the invocation of values, no security interest can be defined in the first place (Williams 2002).

What they, in fact, were defending, therefore, was not a merge between ‘two views of international affairs’, but one view – that is, the idealistic view that denied both the political and power in politics.\footnote{This also applies to Nasser, quoted earlier in the chapter, who, akin to Blair, pursued an idealistic foreign policy that denied both the political and power in politics (see Kissinger 1979, 361-370).} As Powell later wrote his memoirs, ‘Tony was firmly in the internationalist and the idealists camps’ (2010, 263). ‘The Clinton administration’ Kissinger moreover argues in \textit{Does America Need a Foreign Policy?},

‘was charged with going beyond the dictates of the national interest in its various military interventions. But what was actually happening was an attempt by Clinton to redefine the national interest in extreme Wilsonian terms’ (2001, 256).

For, to recall, the ‘security interest’ of a nation, as with Lippmann’s definition, is protected when its core values are defended. The question, thus, is not whether this security interest holds values that are moral \textit{per se} – that is, that advocate an ‘enlightened’ or ‘non-enlightened’ interest – but whether the pursuit of these values, or ‘enlightened interest’ via humanitarian intervention can be detached from the socio-political aims of the actors, that is, become depoliticised. To engage in an act of depoliticisation while pursuing a discourse on humanitarian intervention is to simply deny the socio-political aims the latter pertains, and by doing so, to also deny the restraint necessary in the pursuit of the security interests to defend one’s national values. In Kosovo, while depoliticising their actions, by denying the role of
power to adjust and settle their socio-political aims with the other actors, namely Russia and China, but most crucially Belgrade itself, the US and the UK also widened the scope of their definition of the ‘security interest’ set to protect their ‘core values’.

In protecting these ‘core values’, however, a gap opened between theory and practice in the pursuit of human rights. This is because those who intervened in Kosovo spoke of universal human rights in a law-like fashion, as though it was also the law-like or theoretical universality of the norms, which they defended, when they pursued them via their discourses on humanitarian intervention. In practice, however, what they pursued was a discourse on humanitarian intervention, which presented their socio-political aims that supported an ally in the target state, and dismembered the other party, represented by Milosevic, the ‘dictator’, from the overall membership of the international community. Having blurred the distinction between the two, moreover, the intervening members universalised their mode of pursuit of human rights and presented it in the name of the international community. Thus, in the aforementioned discourses on humanitarian intervention the US and the UK proclaimed that they were ‘doing what is right’ not just for the interest of one country, but also for ‘the rights of other nations’ (Blair 1995 emphasis added), that is, for the interest of the international community. Or as, Clinton concluded by the end of the mission, ‘The demands of an outraged and united international community have been met’ (Clinton 1999c).

In such a process of action, by speaking in the name of universal human rights, the US and the UK also bestowed upon themselves the right to speak in the name of the international community. But then is speaking in the name of the community the same as representing it? To represent a community, those who speak in its name need first to adjust and settle the socio-political aims of the various actors, or, in other words, formulate an overarching order that brings the various members under a common conception of humanitarian intervention. In the

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93 ‘One method of making force redemptive’ thus writes Niebuhr in Moral Man and Immoral Society, ‘is to place it in the hands of a community, which transcends the conflicts of interest between individual nations and has an impartial perspective upon them’ (1960, 110).

94 ‘Some common notion of justice can and must be found’ in Kissinger’s words from his Nobel Prize Acceptance Speech, ‘for failure to do so will only bring more ‘‘just’’ wars’ (Kissinger 1973).
absence of such a common conception, representation turns into a farce and the
UNSC becomes an arena for different modes of pursuit of human rights in the name
of the overall international community. When this problem emerged during the
Kosovo crisis, China and Russia also responded by presenting their modes of the
pursuit of human rights also in the interest of the international community. The
Chinese delegate for instance remarked in the 3937th meeting as early as 24 October
1998,

‘Maintaining the sovereignty and territorial integrity of the Federal Republic
of Yugoslavia conforms to the provisions and requirements of the United
Nations Charter and is also a shared commitment of the international
community. It is on that basis that the question of Kosovo should be resolved’
(S/PV. 3937, 14 emphasis added).

As the Russian delegate also argued later in the 3988th meeting on 24 March 1999,

‘NATO’s decision to use military force is particularly unacceptable from any
point of view because the potential of political and diplomatic methods to
yield a settlement in Kosovo has certainly not been exhausted. The enormous
quantity of complicated work done by the international community has now
been dealt a very powerful, a very grave and probably an irrevocable blow’
(S/PV. 3988, 3 emphasis added).

This is a clear case where two competing camps spoke in the name of the
international community, both accepting the human rights norms in theory, and
while both purported to represent the international community, none really
represented it.

It is clear from this discussion, therefore, that the issue at stake was different
modes of pursuit of human rights in the international political game. And although
all conceptions were defined in terms of human protection in theory, they competed
with one another on where and which parties to align with in practice. In the
absence of a common conception of humanitarian intervention in practice, it is
clear, moreover, that the multilateralism, which constructivists celebrate as a post-
Cold War norm for humanitarian intervention to proceed is but a means to the US
and the UK discourses on humanitarian intervention: ‘let no one doubt that this president is willing to use force unilaterally when necessary’ said Albright echoing former US State Secretary Warren Christopher, ‘we see multilateralism as a means, not an end’ (Albright 1993). Crucially, however, the scope of this multilateralism – that is, the ‘whose’ question in multilateralism, remains unsettled. To be sure, whose multilateralism was served in Kosovo? Clearly NATO – the multilateral instrument for the pursuit of one discourse on humanitarian intervention, that is, to provide the full support to one party in the conflict.

If there is any social change in the international system to be taken seriously, it must not be seen in the realm of the evolution of humanitarian intervention as norm in the international society *per se* (Wheeler 2010), but in the mutual recognition of the multilateral system in which the humanitarian norms are in fact pursued (see also Chesterman 2001, 219-236; Bell 2000). The view of multilateralism as a means for its own *status quo* is however a key foundation stone to US foreign policy, and it must be clear that it by no means transcends the age when empires legitimated their socio-political aims, while purporting the ‘convergence’ of their own interest with the interest of the whole. In an article published in *Foreign Policy*, Albright acknowledges this,

‘Although the council is not and never has been the preeminent arbiter of war and peace that its supporters wish it were, it remains the most widely accepted source of international legitimacy – and legitimacy still has meaning, even for empires’ (2003, 17 emphasis added).

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95 Many scholars reject the use of the term ‘empire’ in this context. Instead, in *Universal Human Rights in Theory and Practice*, Jack Donnelly argues that the US ‘acted like a hegemon’ in Kosovo: ‘Nonetheless, the United States [in Kosovo] acted like a hegemon – a leader acting with normative authority and a collective purpose (in addition, of course, to power and self-interest) – rather than unilaterally and imperially’ (2003, 258-259). The distinction from ‘empire’ according to Donnelly, as the reader can notice, is made firstly, by the multilateral means employed, and secondly, by ‘acting with normative authority’. Contra this position, the thesis argues that the imperial nature of the intervention pertains, firstly, to the scope of multilateralism, and secondly, to that Donnelly’s argument about the normative authority presents the interest of the US in a manner that blurs the distinction between what the latter defines as these norms, namely, universal human rights in theory, and its discourse on humanitarian intervention that presents its socio-political aims.
But can this ‘multilateralism’ restrain the arbitrary use of force to further the socio-political aims of a state or a group of states at the expense of others? To this, even Secretary Albright, a staunch advocate of liberal democracy and human rights, would disagree. For, multilateralism ‘has a meaning even for empires’. But for institutions to restrain the use of force, as Randall Schweller argues,

‘they must possess a high degree of autonomy. Most important, their decisions and ability to enforce them must be independent of the hegemon’s wishes and power. Otherwise, there is no reason for other states to believe that the institution can or will exert limits on the hegemon’s power when called on to do so’ (2001, 176 emphasis in original).

This is simply not the case with the UNSC and therefore, the latter has hitherto been used as an instrument to advance a particular status quo in the name of the international community. In the latter, one exclusionary force, namely, the US and the UK, engaged in the problematic act of depoliticisation, presented their interest in a manner that blurred the distinction between what they accepted as universal human rights in theory, and their discourses on humanitarian intervention that presented their socio-political aims. Having blurred this distinction, they ignored the role of power in politics, and thus became the final arbiters to advance the cause of ‘human rights’ in Kosovo based on their own conception of what human rights actually meant in practice, that is, to support the rights of their allies, and to eliminate their opponents, by force.

CONCLUSION

Drawing on the new strand in interpretivism, this chapter argued that in response to the dilemma of a new security environment in the post-Cold War era, the US and the UK leaders incorporated the halting of human rights violations in Kosovo into their security interests. It, moreover, argued that the US and the UK leaders invoked three traditions, namely, neo-liberal interdependence, community and democratic peace to pursue human rights in their discourses on humanitarian intervention in Kosovo. In these discourses, the then Serbian president Slobodan Milosevic, the
'dictator’, was dismembered from the international community, and the Kosovar Albanians ‘fighting for their rights’ became the ally. Other actors, namely, Russia and China, who also accepted the human rights norms in theory, rejected these discourses and the socio-political aims they presented in practice: they, that is to say, refused to ally with one party and dismember the other from the international community. As a result, the modes of the pursuit of human rights in practice remained normatively unsettled in Kosovo, with the intervening actors engaging in the problematic act of depoliticisation – that is, while attempting to transcend the political, presenting their interests in a manner that blurred the distinction between what they accepted as universal human rights in theory, and their discourses on humanitarian intervention that presented their socio-political aims. Having blurred this distinction, they ignored the role of power in politics, and imposed their own status quo, that is, their own mode of pursuing human rights, by force.

The next chapter draws on the new strand in interpretivism to provide an empirical account of the problem with depoliticisation in the practice of humanitarian intervention in Libya.
Chapter five: the new strand in interpretivism and the problem with depoliticisation in Libya

INTRODUCTION

Unlike Kosovo, in Libya the US and the UK sought and obtained a UNSC resolution before the intervention. But akin to Kosovo, drawing on the new strand in interpretivism, this chapter argues that in response to the dilemma of a new security environment in the post-9/11 (followed by Iraq) and post-R2P era, the US and the UK leaders incorporated the halting of human rights violations in Kosovo into their security interests. As also with Kosovo, the chapter moreover argues that the US and the UK leaders invoked three traditions, namely, neo-liberal interdependence, community and democratic peace to pursue human rights in their discourses on humanitarian intervention in Libya. In these discourses, the then Libyan leader Muammar al-Qaddafi, the ‘dictator’, was dismembered from the international community, and the Libyan rebels ‘fighting for their rights’ became the ally. Other actors, namely, Russia and China, but also Brazil, India and South Africa (BRICS), who also accepted the human rights norms in theory, rejected these discourses and the socio-political aims they presented in practice. As a result, the modes of the pursuit of the human rights norms in practice remained normatively unsettled in Libya with the intervening actors engaging in the problematic act of depoliticisation – that is, while attempting to transcend the political, presenting their interests in a manner that blurred the distinction between what they accepted as universal human rights in theory, and their discourses on humanitarian intervention that presented their socio-political aims. Having blurred this distinction, they ignored the role of power in politics, and imposed their own status quo, that is, their own mode of pursuing human rights, by force.

To proceed with this argument, the chapter is divided into three main sections. The first section presents the dilemma of a new security environment that the US and the UK leaders faced in the post-9/11 (followed by Iraq) and post-R2P era, to which they also responded by defining their security interests, as with their predecessors, in a manner in which, to halt the human rights violations in Kosovo became in the US and the UK security interests. Section two depicts how the US and the UK leaders, as with their predecessors in Kosovo, invoked the three
traditions – neo-liberal interdependence, community and democratic peace – to pursue human rights in their discourses on humanitarian intervention in Libya. The third section highlights the controversy with the other actors, namely, Russia and China, but also Brazil, India and South Africa once these discourses reached the UNSC, and the problem with depoliticisation in Libya.

THE POST-9/11 (FOLLOWED BY IRAQ) AND POST R2P ERA AS A DILEMMA

In the assessment of the situation in 2011, it is vital to note that at least two crucial events occurred since 1999. The first event was the terrorist attacks of 11 September 2001 – followed by the invasion of Iraq. The second event was the advent of the ‘Responsibility to Protect’ (R2P). The post-9/11 (followed by Iraq) and post-R2P era thus presented a dilemma of a new security environment to the US and the UK leaders. In response to this dilemma, this section argues, the US and the UK leaders, as with their predecessors in Kosovo, continued defining their security interests in a manner in which, to halt the human rights violations in Libya became in the US and the UK security interests.

‘The costs of 9:11 to the United States’ says Michael Cox, ‘were undoubtedly enormous. Yet every crisis represents an opportunity as well as a challenge’ (2002, 271). There is no doubt that the events of 11 September raised a great opportunity for the US (and its allies) to expand the areas which became pertinent to their security interests: the US declared a global war on ‘terrorism’ and for the first time in its history NATO invoked article five of its Charter affirming the members’ collective defence responsibility. The events of 11 September also had an impact on America’s ‘increasing sense of self-confidence about its global role’: a sense of self-confidence that, as Cox argues, ‘coincided nicely to place the United States at the pinnacle of the international system’ (2002, 264-265). Nowhere the implications of these events were more conspicuous than in America’s unilateralism under George W. Bush, which also coincided with the Schmittian-style language that reduced politics to us/our friends and them/our enemies, as employed in the 2002 US National Security Strategy (US NSS).96

96 For the political as defined by Carl Schmitt see his Concept of the Political ([1927] 2007).
The events of 9/11 also had a crucial impact on British foreign policy. Blair edited his previous equation that defined the British security interest against evil dictators who violated their people’s basic human rights, by adding to it an important variable: terrorists. In a peculiar manner, thus, the threat coming from terrorists was also the same threat coming from the evil dictators, as though both were one and the same person. The outcome was a thesis presented by Blair that depicted a correlation between these ‘evil dictators’ abroad and the ‘terrorists’ who also posed a threat to Britain’s security back home. As Blair put it,

‘This is not the time to falter. This is the time for this house, not just this government or indeed this prime minister, but for this house to give a lead, to show that we will stand up for what we know to be right, to show that we will confront the tyrannies and dictatorships and terrorists who put our way of life at risk, to show at the moment of decision that we have the courage to do the right thing’ (Blair 2003).

In other words, after 9/11, not only the world, but also ‘evil’ became interdependent. As Blair explained,

The threat we face is not conventional. It is a challenge of a different nature from anything the world has faced before. It is to the world's security, what globalisation is to the world's economy. It was defined not by Iraq but by September 11th. September 11th did not create the threat Saddam posed. But it altered crucially the balance of risk as to whether to deal with it or simply carry on, however imperfectly, trying to contain it (Blair 2004).

The rhetoric finally culminated in action: the 2003 Iraq war.

After the ramifications of the invasion of Iraq became clearer, the Obama administration found itself a good reason to, not only consciously abandon his predecessor’s unilateralism altogether and return to Clinton’s multilateralism, but ‘play it safer’ than the latter also. In the 2010 US NSS, for instance, the reader no more finds the us-friends/them-enemies language, but instead a stronger emphasis on multilateralism (US NSS 2010). In British foreign policy the conservative party
associated the errors in judgment with Blair’s ‘sofa style’ decision-making. In a foreign policy speech on 21 June 2009 Hague thus argued,

‘Good decision-making also requires the Foreign and Commonwealth Office to be in its rightful place at the centre of decision-making […] In my view, the sofa-style decision-making of Labour's Downing Street has often prevented it from taking this role’ (Hague 2009b).

But although the episode of Iraq was a dark one, continuity rather than change was the norm. Both the US and the UK leaders in the latter governments, that is to say, defined their security interests, akin to their predecessors in Kosovo earlier, in a manner in which, addressing human rights violations abroad were the US and the UK security interests.

The latter was clear, for example, in that as early as in his Cairo speech Obama defined the US security interests as follows,

‘I know there has been controversy about the promotion of democracy in recent years, and much of this controversy is connected to the war in Iraq […] That does not lessen my commitment, however, to governments that reflect the will of the people […] I do have an unyielding belief that all people yearn for certain things: the ability to speak your mind and have a say in how you are governed; confidence in the rule of law and the equal administration of justice; government that is transparent and doesn’t steal from the people; the freedom to live as you choose. Those are not just American ideas, they are human rights, and that is why we will support them everywhere’ (Obama 2009a).

As for Hague, he reiterated Blair’s earlier notion of ‘enlightened self-interest’,

‘In its broadest sense, what we might call our ‘enlightened national interest’ requires British global engagement too. Britain will be safer if our values are strongly upheld and widely respected in the world. Nor would Britain ever be
happy as a nation if we partly or largely retired from trying to influence world events’ (Hague 2009b).

The second crucial event that followed this was the initiation of the notion of the R2P. It was the International Commission on Intervention and State Sovereignty (ICISS), set up by the government of Canada, which first spoke of the notion. The R2P redefined the Westphalian concept of sovereignty: while the peace of Westphalia defined sovereignty as means of control, the R2P defined sovereignty as responsibility (Evans 2004). States, in other words, can be subject to foreign military intervention if they fail to protect their own citizens, or, fail to fulfil, in the words of Evans, ‘the minimum content of good international citizenship’ (2004, 83). In 2005, the United Nations General Assembly (UNGA) adopted the notion in a resolution (see A/RES/60/1 2005).

For the purpose of the case at hand, the interest of the chapter is in paragraph 139 of the resolution, which says,

‘The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity’ (A/RES/60/1 2005, 30).

In July 2009, the debate took place in the UNGA, following a report from the Secretary General Ban Ki-moon on how to implement it (see A/63/677 2009). The report advanced three pillars, from which only pillar three argued for ‘the responsibility of Member States to respond collectively in a timely and decisive manner when a State is manifestly failing to provide such protection’ (A/63/677 2009).

As a result of these developments, the Special Advisor on the R2P to the UN Secretary General, Edward Luck remarked,

‘This is not 1999. Ten years ago the Assembly addressed the concept of humanitarian intervention and found it wanting. Unilateral armed intervention under the guise of humanitarian principles was - and is - seen as morally,
politically, and constitutionally unacceptable. That is not the UN way. But neither is standing by in the face of unfolding mass atrocities a morally or politically acceptable option for this Organization. Kofi Annan, Gareth Evans, Mohamed Sahnoun, Jean Ping, and Francis Deng, among others, led the search for a better way. The broader, more multilateral, more nuanced, and more positive notion of the responsibility to protect was their answer. Prevention and state responsibility were to be the keys’ (2009, 2).

With these developments, and although neither the 2010 UK Strategic Defence Review, nor the 2010 UK National Security Strategy mentioned the R2P, statements were made by Obama and Cameron that implicitly pointed at the notion. On 28 March 2011, Obama argued, America ‘has a responsibility to act’ (Obama 1999a). Meanwhile, ten days earlier, on 18 March Cameron argued, ‘Now that the UN Security Council has reached its decision there is a responsibility on its members to respond’ (Cameron 2011a). In the 2010 US NSS the notion was also mentioned,

‘The United States and all member states of the U.N. have endorsed the concept of the “Responsibility to Protect.” In so doing, we have recognized that the primary responsibility for preventing genocide and mass atrocity rests with sovereign governments, but that this responsibility passes to the broader international community when sovereign governments themselves commit genocide or mass atrocities, or when they prove unable or unwilling to take necessary action to prevent or respond to such crimes inside their borders’ (US NSS 2010, 48).

Crucially, and despite these announcements, contra the R2P, which, as in the paragraph 139 quoted above required ‘the international community through the United Nations’ to take action (A/RES/60/1 2005, 30 emphasis added), British Prime Minister David Cameron in other occasions undermined the authority of the UN, arguing, ‘The United Nations, for example, confers the ultimate legitimacy on any multilateral action. But the very process of securing that legitimacy can undermine its effectiveness - as we saw, for example, in the Balkans’ (Cameron 2006). Whilst in office, moreover, he confirmed the latter position,
‘I think Kosovo proved that there are occasions when your responsibility to protect ... to save lives, to stop slaughter, to act in a way that is both morally right but also in your own national interest – that there are occasions when you can do that without a UN resolution ... I’ve always thought it odd the argument that because there’s a Russian veto, suddenly all other moral arguments are washed away. I don’t believe that’ (cited in Ralph 2014, 23).

It should not be a surprise to the reader, therefore, that the third pillar in the R2P, in fact, played a minimal role in the Libyan intervention. The third pillar in the R2P, that is to say, was scarcely mentioned in the UNSC meetings, during the Libyan intervention (for details see, for example, Hehir 2013; Morris 2013).

The argument that there was a ‘global support’ to protect the civilians in Libya, on the basis of which, both Russia and China abstained from resolution 1973 (Pattison 2011; Walling 2015), thus misses the point, since it was not because of the ‘R2P’ (or the protection of civilians in a general sense) that there was such a support on the regional level. It was rather because, as Bellamy argues, ‘Qaddafi’s regime had few friends in the region’ (2011, 266). And, if not for the support of regional organisations such as the Gulf Cooperation Council (GCC) and the League of Arab States (LAS), Bellamy says, ‘China and Russia would have certainly vetoed Resolution 1973’ (2011, 266; see also Williams 2011). Proponents of the third pillar in the R2P during the Libyan intervention (Daalder & stavridis 2012), despite these empirical facts, do not see that the broad participation in the events by these organisations does not necessarily mean that they internalised the R2P as a norm – as many of their member states violate the human rights of their people to begin with. ‘Following the Arab Spring’, Lee Jones thus argues, ‘Saudi Arabia intervened to suppress pro-democracy protests in Bahrain and covertly arm the Syrian

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97 ‘Humanitarian intervention in Libya was monumental’ Walling for example concludes, ‘because it represented the first time the Security Council authorized military force against a perpetrator government that was also UN member in defense of human rights. In Libya, human rights violations were not only considered a threat to international peace and security but also an assault on common humanity. Humanitarian intervention was discursively justified by Security Council members who invoked responsibility to protect principles, arguing that states have an obligation to protect their populations and lose their sovereign authority when they willingly fail to do so’ (2015, 413).
opposition, while simultaneously asserting the Gulf monarchies’ inviolable sovereignty’ (2013, 1154).

What remained, in the midst of all this, in short, was the doctrine of humanitarian intervention: the US and the UK leaders, as with their predecessors in Kosovo, continued defining their security interests in a manner in which, to halt the human rights violations in Libya became in the US and the UK security interests. In the latter case, moreover, the definition of what constitutes a security threat expanded from 1999. It was noted in the previous chapter that in the case of Kosovo western officials presented the violation of human rights in the Balkans as a threat to European stability and thus to their security interest. In the case of Libya the threat came from a further distance: North Africa. This, moreover, complied with the discourse employed by NATO in the 2010 Strategic Concept, which affirmed its association of what constitutes a security threat with ‘developing crises that have the potential to affect [NATO] security’ (NSC 2010, 8).

Thus, despite of the fact that earlier in his ‘Cairo Speech’ where he argued that ‘no system of government can or should be imposed upon one nation by any other’ (Obama 2009a), that is, as a reaction to the controversy caused by his predecessor’s foreign policy errors in Iraq, akin to Clinton and Albright in Kosovo, Obama firmly believed that, ‘a failure to act in Libya would have carried a far greater price for America’ (Obama 2011a). ‘Libyans’ former US State Secretary Hillary Clinton argued, ‘must continue to stand against violence, extremism and work with us to ensure that weapons from Gadhafi’s stockpiles do not threaten Libya or Libya’s neighbours or the world’ (Clinton 2011a).

As also with Chilton’s study of Kosovo, the discourse on humanitarian intervention in Libya provided a crucial geopolitical knowledge to bring the conflict ‘closer to home’. The latter was clear in Cameron’s argument that, ‘Britain could not stand by as Gadhafi slaughtered his people. Nor could we allow a failed pariah state festering on Europe’s southern border, with the potential to threaten our own security’ (Cameron 2011b). For as the reader can notice Libya is no more in North Africa but ‘on Europe’s southern border’ (Cameron 2011b). It is hence striking how

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98 Therefore, Jones ‘[…] argues that the creation and maintenance of sovereign statehood and its violation through intervention are never neutral but always advance the interests, agendas, and preferred orders of some social forces over others’ (2013, 1150).
similar to their predecessors in Kosovo these leaders tied their post-Cold War security obligation to the moral cause of protecting human rights.

The next sub-section argues that akin to Kosovo twelve years earlier, the US and the UK leaders invoked three traditions namely, neo-liberal interdependence, community and democratic peace to pursue human rights in their discourses on humanitarian intervention in Libya. In these discourses, the then Libyan leader Muammar al-Qaddafi, the ‘dictator’, was dismembered from the international community, and the Libyan rebels ‘fighting for their rights’ became the ally.

A DISCOURSE ON HUMANITARIAN INTERVENTION IN LIBYA: THREE TRADITIONS

This section is divided into three sub-sections, to, respectively, present the three traditions, namely, neo-liberal interdependence, community and democratic peace, invoked by the US and the UK leaders to pursue human rights in their discourses on humanitarian intervention in Libya. The aim is to build a scenario to explain how these discourses defined their socio-political aim in the war: to alienate one party, Qaddafi – who was dismembered from the international community, and to support the other party – the Libyan rebels.

 Tradition one: neo-liberal interdependence

This sub-section argues that to pursue human rights in their discourses on humanitarian intervention in Libya, the US and the UK leaders firstly invoked the tradition of ‘neo-liberal interdependence’,\(^99\) which, as with their predecessors in Kosovo, argued that the old divisions between foreign and domestic politics, and sovereignty and human rights have been eroded.

Echoing her husband and Blair earlier in Kosovo, on 22 February 2010 H. Clinton argued, ‘In an interconnected world we cannot defend our people by crouching behind the geographic boundaries of the [NATO] Alliance’ (Clinton 2010). ‘And in an increasingly interconnected world’ the former State Secretary added, ‘NATO’s positive influence extended far beyond the boundaries of its

\(^{99}\) ‘Interconnectedness’ was the word used by the latter leaders – the thesis does not distinguish between the two.
member states’ (Clinton 2010). The ‘interconnected world’ in other words, complicated our world and made us more dependent on each other, not only economically, but also in security terms, to the extent that the boundaries of domestic and foreign policy, of sovereignty and human rights, no more apply: for ‘today, we can survey the landscape from the Baltics to the Balkans and find a Europe that is more peaceful, democratic, united, and free than at any time in its history’ (Clinton 2010).

‘In an era when our destiny is shared, power is no longer a zero-sum game’ Obama similarly argued in his speech to the UNGA on 23 September 2009,

‘No one nation can or should try to dominate another nation. No world order that elevates one nation or group of people over another will succeed. No balance of power among nations will hold. The traditional divisions between nations of the South and the North make no sense in an interconnected world; nor do alignments of nations rooted in the cleavages of a long-gone Cold War’ (Obama 2009b).

In other words, the old notion of the balance of power between sovereign nation states no more applies to the present era of interconnectedness. For, the division of domestic and foreign policy has been eroded, ‘And now is the time for all of us to take our share of responsibility for a global response to global challenges’ (Obama 2009b). One of these ‘global challenges’ that threaten our ‘common humanity’ and ‘common security’ in an interdependent world was of course present in the case of Libya. In his remarks on Libya on 28 March 2011 Obama thus argued,

‘There will be times, though, when our safety is not directly threatened, but our interests and our values are. Sometimes, the course of history poses challenges that threaten our common humanity and our common security […]’ (Obama 2011a).

Akin to the US leaders, the UK leaders also invoked the tradition of ‘neo-liberal interdependence’ to pursue human rights in Libya. On 1 July 2010, Hague delivered his ‘networked world’ speech, in which he spoke of ‘the emergence of a networked world’ (Hague 2010), and to which he responded,
‘Our new Government’s vision of foreign affairs therefore is this: a distinctive British foreign policy that is [...] at ease within a networked world and harnesses the full potential of our cultural links, and that promotes our national interest while recognising that this cannot be narrowly or selfishly defined. What I call instead our enlightened national interest requires a foreign policy that is ambitious in what it can achieve for others as well as ourselves, that is inspired by and seeks to inspire others with our values of political freedom and economic liberalism, that is resolute in its support for those around the world who are striving to free themselves through their own efforts from poverty or political fetters [...] Our foreign policy should always have consistent support for human rights and poverty reduction at its irreducible core and we should always strive to act with moral authority, recognising that once that is damaged it is hard to restore’ (Hague 2010).

In this new ‘networked’ – that is, interdependent, world, Britain’s national interest is no more defined in terms ‘our selfish interests’, but also ‘our enlightened national interest’. The latter knows no division between domestic and foreign policy, for it ‘is ambitious in what it can achieve for others as well as ourselves’ (Hague 2010). Irrespective to the division between domestic and foreign policy, it ‘is resolute in its support for those around the world who are striving to free themselves through their own efforts from poverty or political fetters’ (Hague 2010) – and thus, also annuls the distinction between sovereignty and human rights (see also Beech 2011). Therefore, as with Blair earlier, Hague argued in his speech on Libya, ‘we cannot seal off our nation from the consequences when tyranny prevails and human rights are trampled’ (Hague 2011a). This foreign policy, thus, dictates anything but, in the words of Hague, ‘the ‘“strategic shrinkage” of Britain’s role’ (Hague 2009a).

‘This interconnected world, the world of restless markets, so well represented here in this room tonight’ Cameron similarly argued in a speech on 15 November 2010, ‘is creating huge new opportunities for the countries that are able

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100 It seems, thus, that in the final analysis to seek one’s ‘enlightened self-interest’ in following hybrid morality/security foreign policy is by no means peculiar to Clinton or Blair, but more broadly a crucial post-Cold War publicly accepted discourse, if not the acceptable discourse of the day.
to seize them. But this very same interconnectedness is creating new and more diverse threats to our security’ (Cameron 2010). Thus, the Prime Minister added, ‘We want an active foreign policy that is staunch in its support for democracy and human rights […]’ (Cameron 2010). The interconnectedness – that is, interdependence, of economics, that is to say, has security implications that erode the division between domestic and foreign policy, between sovereignty and human rights.

But as sovereignty has been eroded in the discourse, in practice it still existed, for international politics is yet composed of a world of nation states. The US and the UK leaders thus had to invoke a second tradition to transcend this statist order that distinguishes between domestic and foreign policy, sovereignty and human rights to pursue human rights in their discourses on humanitarian intervention in Libya. This tradition, akin to Kosovo earlier, was: community.

**Tradition two: community**

This sub-section argues that to pursue human rights in their discourses on humanitarian intervention in Libya, the US and the UK leaders secondly invoked the tradition of ‘community’, which argued that the intervention was not only in the interest of the US and the UK, but also in the interest of the overall international community.

In US politics, the invocation of the tradition of ‘community’, as with Clinton twelve years earlier, was clear in Obama’s domestic policy. As with his predecessor, Obama, that is to say, advocated ‘Stronger families. Stronger communities. A stronger America’ in his domestic policy’ (Obama 2013; for an earlier account see also Obama 2009c). In Libya, this tradition transcended Obama’s domestic policy, and reached his foreign policy. ‘Ten days ago’ Obama thus announced on 28 March 2011,

‘having tried to end the violence without using force, the international community offered Qaddafi a final chance to stop his campaign of killing, or face the consequences. Rather than stand down, his forces continued their advance, bearing down on the city of Benghazi, home to nearly 700,000
men, women and children who sought their freedom from fear’ (Obama 2011a).

Qaddafi, in other words, is not only fighting his opponents, that is, the rebels, in Libya, but is also challenging the international community on both security and moral grounds. Hence once Qaddafi was defeated, Obama concluded, ‘Libya is a lesson in what the international community can achieve when we stand together as one’ (Obama 2011b).

Akin to Milosevic twelve years earlier, the Qaddafi threat, thus, was not only against the interests of Libyan rebels, but also against freedom itself, against the values and interests of the international community, which finally prevailed when it stood ‘together as one’. This is because ‘the values of political freedom’ and ‘human rights’ are, by definition, indivisible. ‘The United States’ Obama therefore argued, ‘[…] strongly supports the universal [human] rights of the Libyan people. That includes the rights of peaceful assembly, free speech, and the ability of the Libyan people to determine their own destiny’ (Obama 2011b emphasis added).

Former US State Secretary H. Clinton also invoked the tradition of ‘community’ to present the US intervention in Libya in the interest of the overall international community. Having defeated Qaddafi, ‘we need to welcome Libya back into the community of nations’ she argued (Clinton 2011a). In other words, Qaddafi was not only challenging the interest of the Libyan rebels, but also the interest of ‘the community of nations’. And once defeated, the new government in Libya now receives a ‘welcome back’ to this community. The US here, as with Kosovo, therefore was doing the ‘right thing’, not only for its own interest, but also for the interest of the overall international community.

In UK politics, the invocation of the tradition of ‘community’, akin to Blair twelve years earlier, was also clear in Cameron’s domestic policy. To be sure, the priority of the ‘community’ in Blair’s domestic and foreign policy discourse simply translated into Cameron’s ‘Big Society’. As with Blair before him, Cameron, that is to say, became as a staunch believer in ‘strong families, strong communities, strong relationships’ (Cameron 2011c), and in turn elucidated his ‘driving mission in politics’ as ‘to build a Big Society, a stronger society’ (Cameron 2011c). What the reader finds with Cameron in Libya, as with Blair in Kosovo, is this tradition also transcending the discourse on domestic policy to reach the arena of foreign policy.
‘I am sure’ Cameron said to the House of Commons on 18 March 2011, ‘that all sides of the House call upon Colonel Gaddafi to respond immediately to the will of the international community and cease the violence against his own people’ (Cameron 2011a). Thus, Qaddafi, by fighting the rebels, is not only defying the UK, but also ‘the will of the international community’. To intervene against his forces, therefore, is not only in the UK’s interest, but also in the interest of the overall international community, that the UK is serving. And once Qaddafi was defeated, Cameron, echoing his US counterpart quoted in this sub-section, also concluded, ‘[...] the international community has found its voice in Libya’ (Cameron 2011d). It ‘has found its voice in Libya’ because, earlier, on 13 April 2011, Hague argued, that the international community, demonstrated its ‘commitment to a better future for Libya’ – a commitment to the notion that, ‘There can be no future for Libya under Qadhafi. He must leave power’ (Hague 2011b). To intervene against Qaddafi and to force him to ‘leave power’, thus, was not only for the UK’s interest, but also for the interest of the whole international community.

But as the US and the UK leaders argued, ‘we stand together as one’ (Obama 2011b), and ‘the international community found its voice in Libya’ (Cameron 2011d), what exactly defines the membership in our community in the international realm where there is no clear-cut community? As in Kosovo twelve years earlier, the US and the UK leaders had to face the problem of ‘community’ coming next to ‘international’ which is, by definition, open. Hence the problem rose again: how to demarcate the boundaries of the international community? The discourse on humanitarian intervention in Libya, as in Kosovo twelve years earlier, thus needed to construct the characteristics that defined the membership in the international community. The discourse, in other words, needed to construct the ‘ally’ in the international community, and exclude the dismembered party.

As also in Kosovo, in the Libya context came the role of the third important tradition that the US and the UK leaders invoked to pursue human rights in their discourses on humanitarian intervention: the democratic peace tradition. With this interpretation, the then Libyan leader Muammar al-Qaddafi, the ‘dictator’, was dismembered from the international community, and the Libyan rebels ‘fighting for their rights’ became the ally.
Tradition three: democratic peace

This sub-section aims to demonstrate how, to define the membership in the international community, the US and the UK leaders’ discourses on humanitarian intervention invoked the democratic peace tradition. In these discourses, the section argues, Qaddafi, the ‘dictator’, was dismembered from the international community, and the Libyan rebels ‘fighting for their rights’ became the ally.

‘But today the Arab spring is a step further away from oppression and dictatorship and a step closer to freedom and democracy’ Cameron announced on 22 August 2011, ‘And the Libyan people are closer to their dream of a better future’ (Cameron 2011e). ‘While our military mission is narrowly focused on saving lives’ Obama moreover argued ‘we continue to pursue the broader goal of a Libya that belongs not to a dictator but to its people’ (Obama 2011b).101 As the reader can notice, the discourse divides the international community into two poles: dictatorship and democracy. Dictators, that is, oppressors, are the opponents and those who represent democracies are the allies. Dictatorship, moreover, is not only the symbol of suppression in one country, but is also the ideology of the ‘terrorists’: ‘But in the long term we must defeat not only the terrorists, but the extremist ideology that feeds them. Al Qaeda's poisonous ideology has thrived on repression. Democracy is what it fears most’ (Cameron 2011d). This means that, as in Kosovo, it represents its threat not only to the Kosovars or the Libyan rebels, but also to the overall international community. It is, in short, the opponent of the international community, and therefore, ‘North and south, east and west, voices are being raised

101 The common approach between Obama and Clinton should not surprise the reader, as, ‘It should also be noted’ in the words of Nicolas Bouchet, ‘that the co-head of Obama’s foreign policy team during the 2008 election was Tony Lake, the National Security Advisor who had pushed a democracy agenda during Bill Clinton’s first term’ (2011, 574). And ‘If Obama showed signs of being ideationally inclined towards the notion of democracy promotion before his election’ Bouchet adds, ‘this impression is reinforced by his appointment of several people who are similarly inclined. The president’s senior and mid-level appointments include many prominent figures with a well established record of being predisposed towards, championing or being active in DP in its various forms. Both Secretary of State Clinton and Vice-President Joe Biden can be described as liberal interventionists or liberal hawks, with a record going back to the main foreign policy debates of the Clinton presidency in the 1990s’ (2011, 574).
together to oppose suppression and support the rights of the Libyan people’ (Obama 2011c).

The whole international community, that is to say, ‘North and south, east and west’ stand with their allies who are being supressed: ‘the Libyan people’ (Obama 2011c). For, ‘Freedom of expression. The right to free and fair elections. The right to peaceful protest. Respect for human rights and the rule of law. These aren’t values that belong to any one nation. They are universal’ Cameron argued, and ‘They are embedded in the Vision of a Democratic Libya set out by the Interim Transitional National Council today’ he added (Cameron 2011f). The National Transitional Council (NTC), that is, that represents the Libyan people, the forces of democracy. And what characterises these forces? They are ‘more peaceful, more stable and more just’ (Obama 2011d). ‘And now’ thus Obama announced, ‘we cannot hesitate to stand squarely on the side of those who are reaching for their rights, knowing that their success will bring about a world that is more peaceful, more stable, and more just’ (Obama 2011d). The democratic peace tradition is thus invoked in the discourse on humanitarian intervention, to demarcate between who is the ally and who is dismembered from the overall international community.

Qaddafi is dismembered from the international community. Why? Because he represents the forces of dictatorship, along with the longer list, in which Milosevic and Saddam were also members. These are not only dictators suppressing their own people’s human rights, but also an obstacle in the face of a more stable, more peaceful and more just international community. They are, therefore, the opponents of the international community. And when they attack their own people, they also represent their threat to the international community as a whole.

And ‘So’ Obama thus finally concluded in his ‘Address on the Death of Muammar al-Gadhafi’ on 21 October 2011,

‘this is a momentous day in the history of Libya. The dark shadow of tyranny has been lifted. And with this enormous promise, the Libyan people now have a great responsibility -- to build an inclusive and tolerant and democratic Libya that stands as the ultimate rebuke to Qaddafi’s dictatorship’ (Obama 2011e).
The defeat of Qaddafi in the discourse, in other words, is not a defeat of a political opponent in a specific sense, but the defeat of dictatorship in a more general sense. It exemplifies ‘The dark shadow of tyranny’ which ‘has been lifted’ (Obama 2011e). It is, not only a victory of a political group, but also the victory of democracy. The victory, that is to say, of the forces of peace, stability and justice in the overall international community.

Other US and UK leaders also invoked the democratic peace tradition in their discourses on humanitarian intervention in Libya to dismember Qaddafi, the ‘dictator’, from the overall membership in the international community, and to define the Libyan rebels ‘fighting for their rights’ as the ally. The tradition for instance underlay Hague’s statement quoted in an earlier chapter,102 which argued,

‘And we have sent a clear message that the violence in Libya must stop, that Gaddafi’s departure is best for Libyans, who have the right to decide their own country’s future, and that the international community must prepare for all eventualities in Libya, by doing the planning now to deal with ever greater violence if it arises in the days to come’ (Hague 2011a).

As Hague’s position is clear, the UK supports ‘Libyans, who have the right to decide their own country’s future’, for they represent the new democracy, and thus, they are depicted as the ‘ally’ of the international community. As for Qaddafi, he is the dictator stripping them from their rights, and therefore he is the opponent of the international community.

H. Clinton also invoked the democratic peace tradition in Libya to define the parameters of the ally and the opponent in the international community. ‘We all need to work together’ she argued on 3 March 2011, ‘on further steps to hold the Qaddafi government accountable, provide humanitarian assistance to those in need, and support the Libyan people as they pursue a transition to democracy’ (Clinton 2011b). Once the discourse was set in this manner, it became inevitable that the forces of democracy became the ‘ally’, and Qaddafi, who was opposed to these forces became the ‘opponent’. And why does the United States support the forces of democracy? Because, H. Clinton argued, ‘[…] history has shown that democracies

102 See chapter three.
tend to be more stable, more peaceful, and ultimately more prosperous’ (Clinton 2011b).

As with the case of Kosovo discussed in the previous chapter, the democratic peace tradition thus set the parameters that defined who is the ally and who is dismembered from the international community: Qaddafi, the ‘dictator’, was dismembered from the international community, and the Libyan rebels ‘fighting for their rights’ became the ally. These parameters, the next sections argues, as they reached the UNSC, and were rejected by the other actors, namely, Russia and China, but also Brazil, India and South Africa who also accepted the human rights norms in theory, it became clear that the modes of the pursuit of the human rights norms in practice remained normatively unsettled in Libya. As a result, the intervening actors engaged in the problematic act of depoliticisation – that is, while attempting to transcend the political they presented their interests in a manner that blurred the distinction between what they accepted as universal human rights in theory, and their discourses on humanitarian intervention that presented their socio-political aims. Having blurred this distinction, they ignored the role of power in politics, and imposed their own status quo, that is, their own mode of pursuing human rights, by force.

THE CONTROVERSY IN THE UNSC AND DEPOLITICISATION IN LIBYA

As with Kosovo in the previous chapter, it is through the UNSC that the US and the UK discourses traversed the realm of foreign policy to enter the international political game in Libya. As also with Kosovo, the issues of ‘who’ to condemn and ‘how’ to proceed remained unresolved among the actors in the UNSC on Libya. The disagreement on the ‘who’ and ‘how’ was due to that the construction of the subject of the international community on the basis of the democratic peace tradition and translated in the UNSC to the condemnation of one party in the war: a discourse that was not acceptable to the other actors, namely Russia and China, but also Brazil, India and South Africa.

As early as 26 February 2011, America’s stance in the 6491st UNSC meeting was clear: echoing the US leaders discussed in the previous section, it fully condemned the Libyan government for the then on going crisis,
‘When atrocities are committed against innocents, the international community must speak with one voice and today, it has […] This is a clear warning to the Libyan Government that it must stop the killing. Those who slaughter civilians will be held personally accountable. The international community will not tolerate violence of any sort against the Libyan people by their Government or security forces’ (S/PV. 6491, 3).

The US held this stance throughout the meetings. To mention another example, in the 6528th meeting on 4 May 2011, the American delegate argued,

‘The Prosecutor has highlighted the deeply troubling actions of the Libyan Government and its security forces, including incidents in which Al-Gadhafi forces fired on civilians, reports of torture, rape deportations, enforced disappearances, the use of cluster munitions and heavy weaponry against targets in crowded urban areas, and the blocking of humanitarian supplies. All of that underscores the gravity of what we are witnessing in Libya today’ (S/PV. 6528, 12).

‘Al-Gadhafi’ according to the American delegate was, thus, the one and only responsible party for the then ongoing ‘humanitarian crisis’ in Libya.

The British delegate also held the same stance throughout the meetings. Akin to the US delegate, in the 6491st UNSC meeting the British delegate argued, ‘The violence we have seen and the incitement to further violence by Colonel Al-Qadhafi are totally unacceptable, and my Government has expressed its profound condemnation of them’ (S/PV. 6491, 2-3). The British position remained the same throughout the meeting. ‘Al-Gadhafi’ the British delegate for example repeated on 10 May 2011, ‘[was] inflicting severe violence on Libya’s civilian population’ (S/PV. 6531, 8).

The French delegate Alain Juppé held the same stance. In the 6498th meeting on 11 March 2011, he clearly stated France’s position in the war: on the side of ‘democracy’ as opposed to ‘dictatorship’,

‘Every hour and day that goes by increases the burden of responsibility on our shoulders. If we are careful not to act too late, the Security Council will have
the distinction of having ensured that in Libya law prevails over force, democracy over dictatorship and freedom over oppression’ (S/PV. 6498, 3).

The purpose of the intervention in Libya as stated by the US and the UK, but also France, in the UNSC, and akin to the discourses by the leaders reviewed in the previous section, was thus not confined to the protection of civilians, but it also insisted on prioritising the democratic ‘ally’ in Libya, and eliminating the dictator – in this case Qaddafi. The aim, therefore, was not only to resolve the crisis, but to also overthrow the system of government: to replace dictatorship with democracy, to replace, that is to say, Qaddafi with the NTC.

‘Democracy’ in this context, became the trait that also defined the political stand in the war. And, on the basis of such a particular interpretation of human rights, the discourse on humanitarian intervention at once depicted the democratic ‘ally’ (NTC) as well as dismembered the undemocratic opponent (Qaddafi) from the international community. The initial goal of the preservation of the human rights of all Libyans, to put it another way, became a political decision to side the ‘good guys’. But this is not the crux of the problem. For as Jeffrey Isaac argues,

‘It may be true that human rights should be respected everywhere and instituted globally. But saying this does not make it so, and trying to make it so is a political project that will necessarily come up against partialities, resistances, unintended consequences, and other obstacles that cannot and will not ever be transcended’ (2002, 532 emphasis in original).

The problem lay in the discourse on humanitarian intervention that justified the latter in the broad sense of ‘defending universal human rights’ and those who did not side its interpretation of human rights that sided one party in the war were also not treated as ‘political opponents’ but as the ‘inhumane’ and ‘illegitimate’ enemies of such a universal notion, of human rights. The discourse on humanitarian intervention, so to speak, advanced an unquestionable theological argument the opposition of which also meant blasphemy: the denial of the rights of ‘the people of Libya’. That the discourse advanced such an argument it shows that it treated itself as though it already transcended the political by becoming socially inclusive, this is
although it remains in the socially exclusive framework of ‘our allies’ versus ‘our opponents’.

Other actors did not accept this particular mode of pursuit of human rights, based on the assumption that Qaddafi was the only perpetrator of crimes against humanity – and therefore the ‘opponent’, and the rebels were the victims – and therefore the ‘ally’. In the 6527th meeting, for instance, the UN Special Envoy to Libya Al-Khatib’s report did not condemn the Qaddafi regime alone for the crisis. The report rather described something more like a civil war in which both parties are to be condemned,

‘Fighting has broken out in the Western Mountains. As a result, clashes spilled over into the eastern Tunisian city of Dehiba during attempts by pro-Al-Qadhaifi and opposition forces to control the key border post on either side of the Libyan-Tunisian frontier, the Dehiba-Wazin border crossing’ (S/PV. 6527, 2).

As the report reads, both ‘Al-Qadhaifi’ and ‘opposition forces’ are involved in the conflict. It was based on the latter assumption that the Russian delegate held his stance in the UNSC, and thus argued from the very start,

‘We condemn the use of military force against peaceful demonstrators and all other manifestations of violence and consider them absolutely unacceptable. We call for an immediate end to such actions […] ‘All the parties involved must show restraint and observe the norms of international civil and human rights law’ (S/PV. 6491, 4 emphasis added).

Russia’s position also remained the same throughout the meetings. Thus, the delegate argued in later meetings, although Russia’s ‘position regarding the clear unacceptability of the use of force against the civilian population of Libya [remained] unchanged’ (S/PV. 6498, 8), the killing of civilians was seen by the major power ‘as a result of the actions by opposing Libyan parties’ (S/PV. 6528, 9 emphasis added).
It was based on the latter assumption – that both parties involved armed groups – that, from the start, China also held the argument not to join one of the parties in the conflict, and instead proposed ‘dialogue’,

‘China is deeply concerned over the turbulent situation in Libya. In our view, it is of the greatest urgency to secure the immediate cessation of violence, avoid further bloodshed and civilian casualties, restore stability and normal order as soon as possible, and resolve the current crisis through peaceful means, such as dialogue’ (S/PV. 6491, 4).

China’s position also remained unchanged throughout the meetings. Thus, although in later meetings it was, again, ‘gravely concerned by the continuing deterioration of the situation in Libya’ and thus supported the UNSC ‘to halt acts of violence against civilians’ (S/PV. 6498, 10), yet it by no means supported or condemned any particular party, as opposed to the other, in the war,

‘The international community and external organisations can provide constructive assistance, but they must observe the principles of objectivity and neutrality and fully respect the independence, sovereignty, unity and territorial integrity of the country concerned. There must be no attempt at regime change or involvement in civil war by any party under the guise of protecting civilians’ (S/PV. 6531, 20 emphasis added).

What these actors rejected was not human rights per se – defined as the protection of civilians, but a particular mode of the pursuit of the norms that presupposed traditions invoked by the intervening states. These traditions, as demonstrated in the previous section, culminated in an ally/opponent dichotomy, where the forces of democracy – the rebels – became the ally, and the forces of dictatorship – Qaddafi – became the opponent. The latter actors rejected this picture, and instead invoked a more classical tradition, in the pursuit of human rights: ‘ […] the principles of objectivity and neutrality and fully respect the independence, sovereignty, unity and territorial integrity of the country concerned’ (S/PV. 6531, 20). They thus called for the ‘peaceful dialogue’ and the utter rejection of the ‘excessive use of outside force
in Libya’ (S/PV. 6498, 8). Consequently, the ‘how’ and ‘what’, as the Russian delegate argued, ‘remained unanswered’ (S/PV. 6498, 8).

While the US, the UK and France called for intervention to topple Qaddafi’s regime, ‘Only by actively promoting a political solution by peaceful means through dialogue and negotiation’ the Chinese delegate argued, ‘can civilian casualties be minimised. Military means are not an effective answer to these issues’ (S/PV. 6531, 21). China thus, ‘opposed any attempt to wilfully interpret the resolutions or to take actions that exceed those mandated by the resolutions’ (S/PV. 6531, 21). By the same token, the Russian reading of Resolutions 1970 and 1973 concluded that the former ‘does not enjoin sanctions, even indirect, for forceful interference in Libya’s affairs, which could make the situation worse’ (S/PV. 6491, 4), for ‘all parties to the armed conflict are responsible to the security of the civilians’ (S/PV. 6531, 9 emphasis added), and the P3’s (US, UK and France’s) reading of the latter ‘is not in line with the reality’ (S/PV. 6531, 9).

It is clear, that is to say, that the latter did not depict the ‘ally’ of the international community in the forces of democracy that requires military support. This means that the ‘opponent’ of the international community, that is, Qaddafi who represents the forces of dictatorship, was, and as with Milosevic twelve years earlier, not dismembered from the international community. The threat of democratic regimes, Russia and China saw, as in Kosovo, was due to the depoliticisation of their actions, based on discourses that in reality imposed their socio-political aims, through the strictly political ally/opponent dichotomy they created in the latter’s own image.

Russia and China were not alone, however, to hold this position in Libya. India for instance, although it raised its ‘serious concern the developments in Libya, which have resulted in the loss of numerous lives and injuries to many more’ in the 6491st meeting (S/PV. 6491, 2), yet, it insisted, ‘we reiterate our call on all parties to immediately cease attacks on civilians and engage in political dialogue to resolve the crisis’ (S/PV. 6528, 7 emphasis added). It thus unequivocally raised its objection against defining the ally/opponent distinction on the same line as with the P3.

Akin to India, Brazil also held the position that the Libyan crisis must be resolved ‘through dialogue and reconciliation’ (S/PV. 6491, 7). ‘We must avoid excessively broad interpretations of the protection of civilians’ the Brazilian delegate argued in the 6531st meeting on 10 May 2011, ‘which could link it to the
exacerbation of conflict, compromise the impartiality of the United Nations or create the perception that it is being used as a smokescreen for intervention or regime change’ (S/PV. 6531, 10). Brazil, thus, also unequivocally rejected the ally/opponent distinction depicted by the P3, in their discourses on humanitarian intervention, and which implied that the end goal was the elimination of one party – Qaddafi.

In addition to Brazil and India, there was also South Africa that accepted human rights, defined in terms of human protection, but objected to the socio-political aims of the P3 in the war: the aims to support the ally – the forces of democracy personified in the rebels and to deny the opponent – the figure of dictatorship, personified in Qaddafi, the membership in the international community. Thus, in the 6531st meeting, the South African delegate argued,

‘South Africa is fully committed to the protection of civilians in armed conflict and continues to support a strengthened normative and legal framework for enhancing such protection measures. We welcome the concerted efforts of the international community to protect civilians in armed conflict’ (S/PV. 6531, 17).

And despite holding this position, akin to the Russian, Chinese, Brazilian and Indian delegates, in the same meeting he added,

‘We therefore call upon all relevant parties to conflicts to put an end to such practices and recognise that States bear the primary responsibility of protecting civilians within their borders. That does not exonerate non-State armed groups to conflicts. Non-State actors have responsibility under international humanitarian law to protect civilians and they must be held accountable for violations. Accordingly […] while United Nations peacekeeping operations should always adopt a robust posture in implementing the mandates of the Council, including the protection of civilian elements, they must do so in an impartial manner. United Nations peacekeeping operations should never be seen to be siding with one party to a conflict, as that would undermine the integrity of United Nations efforts’ (S/PV. 6531, 17 emphasis added).
If there is one thing in common among these latter positions and Russia and China, it is, therefore, that they rejected the traditions invoked by the US and the UK leaders. As with Russia and China on Milosevic in Kosovo, thus, the BRICS did not perceive Qaddafi as the ‘opponent’ who is no more a member of the international community. They, in turn, condemned both parties to the conflict for the human rights violations. But if there were such divisions within the UNSC, who was to decide what is legitimate course of action? The answer of course pertains to the final decision of the 1973 Resolution to force the no-fly zone.

This however misses the point, because it treats the multilateral system as a means to pursue the socio-political aims of those with the capacity to project force. The problem however, to recall, is not that there is no agreement on universal human rights in theory, but that there is no agreement on its pursuit via a discourse on humanitarian intervention that supported the rights of one party. The problem with depoliticisation in the case of Libya became clear when the intervening actors presented their interests in a manner that blurred the distinction between what they accepted as universal human rights in theory, namely, to protect the innocent civilians in Libya, and their discourses on humanitarian intervention that presented their socio-political aims, namely, to support their ally on the ground and to thus eliminate their opponent. Having blurred this distinction, they ignored the role of power in politics, and imposed their own status quo, that is, their own mode of pursuing human rights, by force. This is of course peculiar to the post-Cold War environment with America as the sole superpower. For, to also recall from Kosovo, there is no higher body of authority that can calibrate the socio-political aims of the various parties when former US State Secretary H. Clinton, echoing Albright 12 years earlier, postulates that America’s exceptionalism is due that it is ‘the indispensable nation’ (Clinton 2013), and, that America’s ‘devotion to human rights and democracy’ in fact, ‘are beautifully matched to the demands of this era […]’ (Clinton 2013). It is in this context that the discourse on humanitarian

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103 For ‘Any discussion of coercive military action’ as Chandler argues, ‘would clearly be dependent on the international political context rather than any abstract principles […]’ (2010, 166 emphasis added).
104 Thus, ‘in the post-Cold War era’ for a good reason Chandler argues elsewhere, ‘international actors have a much freer hand to impose conditions upon, and to intervene in, states which are judged to be at risk of failure or to have failed’ (2007, 89).
intervention ‘transcends’ the political, and America’s ‘efforts to support those working for human rights, economic empowerment, and democratic governance are driven by commitment, not convenience’ (Clinton 2009a). It is therefore not about what America does, but rather what America – the exceptional power – is, and hence as with Woodrow Wilson almost a century ago, H. Clinton rejected the ‘European balance of power’, 105 and aimed to tilt ‘the balance away from a multi-polar world and toward a multi-partner world’ (Clinton 2009b).

The reader who draws, however, on Lippmann’s definition of security as presented in the previous chapter, 106 can conclude that the dualism of commitment and convenience in H. Clinton’s aforementioned statement is in effect based on a fallacious premise, and that, following Holsti, ‘Most governments most of the time seek to maximise their freedom of action. [And] In that sense, there is nothing exceptional about exceptionalism’ (2010, 388). For in politics, as also shown earlier with classical realism via Nietzsche, there is no such a division, since commitment and convenience are on one and the same side of the coin in support of one’s socio-political aims: what America is, is in fact what America does. 107

In differentiating between a security interest that advances socio-political aims and another that advances ‘values’, that is, ‘right’ and ‘wrong’ thus the intervening actors engaged in the problematic act of depoliticisation: they presented their interests in a manner that blurred the distinction between what they accepted as

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105 Take for example his address in London on 28 December 1918, ‘[…] the centre and characteristic of the old order was that unstable thing which we used to call the “balance of power” – a thing in which the balance was determined by the sword which was thrown in the one side or the other; a balance which was determined by the unstable equilibrium of the competitive interests’ (cited in Kissinger 1994, 226).

106 To recall: ‘A nation has security’ in the words of Lippmann in U.S. Foreign Policy, ‘when it does not have to sacrifice its legitimate interests to avoid war and is able, if challenged, to maintain them by war’ (1943, 51).

107 ‘Some governments’ Holsti thus continues ‘have a tendency to transform discrete threats coming from particular states or other agents at particular times into a universal, hostile Hobbesian worldview. Threats are all pervasive, limitless, and enduring. It is the responsibility of the exceptionalist state to counter those threats by superior power, by adopting policies of preventive and pre-emptive uses of military force, and by refusing to negotiate with enemies who are perceived to be morally tainted and to have unlimited will and capacity to inflict damage on the government and its society. In the case of the United States, the examples are legion’ (2010, 391).
the universal values they promoted, namely, universal human rights, in theory and their discourses on humanitarian intervention that presented their socio-political aims. By depoliticising their actions in Libya, moreover, the intervening actors also freed the scope of their ‘security interests’ from any power constraints, to protect their ‘core values’. As argued in chapter three, it is ever since the Monroe Doctrine that the US expanded the scope of what was within the jurisdiction of its ‘security interest’. Humanitarian intervention, however, unlike the Monroe Doctrine could not be simply dealt with as a matter of domestic politics. The act of depoliticisation in the latter played the role of the harmoniser between power politics on the one hand, and freedom on the other. The UNSC, in this context, was used as an instrument to advance the socio-political aims of the intervening actors, in the name of the international community. In the latter case, one exclusionary force, led by the US and the UK, while depoliticising their actions, became the final arbiters to advance the cause of ‘human rights’ in Libya, based on their own interpretation of what human rights actually meant in practice, that is, to support the rights of their allies, and to eliminate their opponents.

CONCLUSION

Drawing on the new strand in interpretivism, this chapter argued that in response to the dilemma of a new security environment in the post-9/11 (followed by Iraq) and post-R2P era, the US and the UK leaders incorporated the halting of human rights

108 In western democracies such as the US and the UK acts of depoliticisation, leading to an exponentially expanded scope of ‘securitisation’ of what constitutes a threat, finally, makes the overall endeavour politically problematic to pursue. The ‘political obstacle’ as Arthur Schlesinger explains, consists of ‘how to explain to the American people why their husbands, fathers, brothers, or sons should die in conflicts in remote lands where the local outcome makes no direct difference to the United States?’ (1995, 3 emphasis in original). When ‘the marginal costs outweigh the marginal benefits’ (Baldwin 1997, 22), that is to say, it becomes an ‘issue’ to persuade a nation to send their children to go and die. To be sure, besides the role of propaganda, examined in some length by Chomsky (2001) in Media Control: The Spectacular Achievements of Propaganda, the superiority in military technology and the reliance on the zero-casualty air power in Kosovo and later in Libya helped, at least, minimise this problem (see also Bellamy 2006, 217). Critics during the Kosovo and Libya crises who argued that the air strikes alone were ineffective missed this latter point (Chesterman 2011; Posen 2000).
violations in Kosovo into their security interests. As also with Kosovo, the chapter also argued that the US and the UK leaders invoked three traditions, namely, neo-liberal interdependence, community and democratic peace to pursue human rights in their discourses on humanitarian intervention in Libya. In these discourses, the then Libyan leader Muammar al-Qaddafi, the ‘dictator’, was dismembered from the international community, and the Libyan rebels ‘fighting for their rights’ became the ally. Other actors, namely, Russia and China, but also Brazil, India and South Africa (BRICS), who also accepted the human rights norms in theory, rejected these discourses and the socio-political aims they presented in practice. As a result, the modes of the pursuit of the human rights norm in practice remained normatively unsettled in Libya with the intervening actors engaging in the problematic act of depoliticisation – that is, while attempting to transcend the political, presenting their interests in a manner that blurred the distinction between what they accepted as universal human rights in theory, and their discourses on humanitarian intervention that presented their socio-political aims. Having blurred this distinction, they ignored the role of power in politics, and imposed their own status quo, that is, their own mode of pursuing human rights, by force.

The next chapter highlights the implications of depoliticisation in the practice of humanitarian intervention for human rights within Kosovo and Libya, and for the role of humanitarian intervention to protect universal human rights in the post-Cold War era.
Chapter six: implications of depoliticisation for universal human rights within Kosovo and Libya, and humanitarian intervention in the post-Cold War era

INTRODUCTION

This chapter argues that by transcending the political and ignoring the role of power in politics the act of depoliticisation in humanitarian intervention, firstly, undermined universal human rights in Kosovo and Libya because it imposed a particular political order that overlooked the role of power to adjust and settle the socio-political aims of the various groups within Kosovo and Libya. Secondly, it undermined the role of humanitarian intervention to protect universal human rights in the post-Cold War era, because it failed to adjust and settle the different socio-political aims between states on a common conception of humanitarian intervention, leaving a grey area for different interpretations by states to use force to support their own socio-political aims, over the protection of human life.

To proceed with this argument, the chapter unfolds in two sections. The two sections, respectively, explain how depoliticisation in the practice of humanitarian intervention undermined universal human rights within Kosovo and Libya, and the role of humanitarian intervention to protect universal human rights in the post-Cold War era.

DEPOLITICISATION AND UNIVERSAL HUMAN RIGHTS WITHIN KOSOVO AND LIBYA

This section argues that by transcending the political and ignoring the role of power in politics the act of depoliticisation in humanitarian intervention undermined universal human rights in Kosovo and Libya. This is because it imposed a particular political order that overlooked the role of power to adjust and settle the socio-political aims of the various groups within Kosovo and Libya.

Echoing the realist critique of neo-conservatism and referencing Lord Acton, Piki Ish-Shalom writes,

‘If one wishes to build domestic checks and balances to prevent concentrated power, one should aspire to similar precautionary mechanisms globally, ensuring that no single power can rule without prudence-inducing restraints.'
After all, the logic of Lord Acton warning that ‘“power tends to corrupt and absolute power corrupts absolutely”’ applies globally as well as domestically’ (2007-2008, 551).

The acts of depoliticisation in humanitarian intervention fail to aspire to these mechanisms globally when they draw on the strength of the part and thus undermine the role of power in adjusting the socio-political aims of the different actors. With this failure, moreover, they do not only challenge the framework of order between states, but also impose a particular political order that undermines the domestic role of power in the preservation of universal human rights among the various groups within the target state.\(^\text{109}\)

For acts of depoliticisation fail to combine theory (values) with practice (socio-political aims), and unless the reader is ready to concede to a Kantian \textit{a priori} argument, theory and practice are combined in politics, among the political actors in their power relations.\(^\text{110}\) The Kantian argument, as shown in chapter one, resolves theory and practice in the \textit{a priori} principles that can neither be verified nor falsified empirically. These \textit{a priori} principles, inspired by Jean Jacques Rousseau’s ‘general will’, are somehow ‘divine’ and ‘above politics’ (Rousseau [1762] 1941; and see critique in Russell [1946] 1967, chapter 19). This is clear when Kant differentiates between a ‘republican’ and ‘democratic’ government. As Carl Friedrich argues in \textit{The Philosophy of Kant}, ‘It is important not to confuse the republican constitution with the democratic one, as is commonly done’ (1949, 438). Democracy, to Kant, is not republican but ‘necessarily a despotism’ ([1795] 2003, 438).

\(^{109}\)The US Founding Fathers understood this only too well. The \textit{raison d’être} of the early military Union of the thirteen American colonies, for instance, can be seen as a manifestation of a balance of power to provide justice not only nationally, that is, through a system of checks and balances, but also, and more crucially, internationally: through restraining European powers and the political order they tried to impose. In \textit{The Federalist Papers} John Jay for example says, ‘In the year 1685, the state of Genoa having offended Louis XIV, endeavoured to appease him. He demanded that they should send their Doge, or chief magistrate, accompanied by four of their senators, to France, to ask his pardon and receive his terms. They were obliged to submit to it for the sake of peace. Would he on any occasion either have demanded or have received the like humiliation from Spain or Britain or any other powerful nations?’ (1787, Federalist No. 3 emphasis in original).

\(^{110}\)For a fuller discussion see also chapter one.
10 emphasis in original), that is, Kant argues in *Perpetual Peace*, ‘because it sets up an executive power in which all citizens make decisions about and, if need be, against one (who therefore does not agree); consequently, all, who are not quite all, decide, so that the general will contradicts both itself and freedom’ (2003, 10).

The latter leads to a theological argument: the general will is somehow divine, and defines freedom, but is also above politics, and thus neither ‘democracy’ nor ‘power’ apply to it. It is this argument that leads Nietzsche in *The Anti-Christ* to accuse Kant of ‘impersonality’ and to finally say, ‘Kant became an idiot’ (2008, 33 emphasis in original). If the reader is not, however, ready to concede to the Kantian *a priori* argument, then, willy-nilly, the final answer in society always goes back to the reflection of the power relations among the political groups. Thus, when the outside force intervenes in the target state, it does not only protect one party, but also disrupts the role of power in the preservation of universal human rights in that target state by ‘liberating’ the other party.

In the literature on post-civil war reconstruction, commentators such as Staffan Lindberg (2006) argue that, irrelevant to the role of power to adjust and settle the socio-political aims of the various parties, holding elections after the conflict is over, in effect, and by itself, contributes to the domestic order. Michael Mann on the other hand argues in *The Dark Side of Democracy* that to hold elections in multi-ethnic societies in fact ‘carries more ominous consequences’ ([2005] 2009, 2). Other scholars such as Roland Paris (2004), and, more recently, particularly apropos of the case of Libya, Jason Pack and Haley Cook (2015) thus argue that liberalisation without institutionalisation is bound to fail to bring order and instead will raise the previous tensions among the contending parties.

Only recently the literature on post-civil wars has explicitly raised the question of power in post-civil wars (Hartzell & Hoddie 2015). To build a new system, say a republic or a democracy, that is to say, there is a power structure that is situated at its background. And, it is not only because the various rival groups ‘require some guarantee that if they lose an election their opponent will not be able to use the powers of the state to target them’ as Caroline Hartzell and Matthew

111 The followers of Rousseau in the French Revolution, such as Robespierre, attempted to transcend this with the notion of the general will, with notorious results (see discussion in Arendt [1963] 1965, chapter 6).
Hoddie argue (2015, 49), but also, and more crucially, because of the simple fact that no law can replace power in its role in settling and adjusting the various socio-political aims of the actors, since then, as shown in chapter one, the observer ends up in the type of depoliticisation that denies that the political order in fact underlies the legal order.

This explains, for example, why the federal system in the US is not based on ‘law’ but primarily on the balance of power, between three separate branches in the modal structure of the US government, which, in the words of James Madison, aim, ‘to destroy all symmetry and beauty of form, and to expose some of the essential parts of the edifice to the danger of being crushed by the disproportionate weight of other parts’ (1788, Federalist No. 47). Thus, ‘the actual content of the [American] constitution’ writes Arendt in On Revolution, ‘was by no means the safeguard of civil liberties but the establishment of an entirely new system of power’ (1965, 146).

The act of depoliticisation in humanitarian intervention, on the other hand, disrupts this ‘entirely new system of power’ (Arendt 1965, 146). With this disruption, moreover, it also undermines the space of a political group and thus the ‘human rights’ of its members who are now politically alienated in the target state. For instead of asking: how can a new system of power be established to defend the human rights of different political groups? It leaves the reader wondering: what good reasons do the new victors have to make any adjustments with the losers whose human rights are in turn denied? It is clear that one of the ‘principal reasons to expect that difficult civil wars will end with adversaries agreeing to engage in power sharing [is for] opponents [to] come to believe that they are locked in an unwinnable conflict […]’ (Hartzell & Hoddie 2015, 53). Neither in Kosovo nor in Libya the winners thus had any reasons to make adjustments with the losers, and therefore, the acts of depoliticisation in humanitarian intervention, did not only disrupt the order between states, as argued with the previous chapters (four and five), but also universal human rights – defined as human protection from political persecution or death, within Kosovo and Libya.

The reader finds this in the literature by commentators and officials alike, in the aftermath of the interventions in Kosovo and Libya. ‘Since the conflict [in Kosovo] has ended’ writes John Kampfner in Blair’s Wars, ‘200,000 Serb refugees, driven from Kosovo by Albanians in the aftermath of the conflict, have been
forgotten by the same people who invoked humanitarian principles to defend Albanians from ethnic cleansing’ (2003, 61). The latter victims were not only forgotten, by officials involved the decision making, but also ‘dropped off’ the media screen altogether. In the words of Jean Elshtain,

‘In Kosovo, those who were the victims are now the victimisers, and the more brutal members of the Kosovo separationist movement seem to be in ascendancy. But these persistent and deteriorated conditions have dropped off our media radar screen’ (2001, 9).

‘There are many lessons to learn from the war in Kosovo’ thus, the then UK Secretary of State for International Development Clare Short wrote in her memoirs,

‘one of the most important being that the failure to settle the final status of Kosovo after the war has left it in limbo, with high levels of unemployment which exacerbate ethnic tension and have led to a terrible outbreak of ethnic violence and destruction of ancient Serb churches during 2004’ (2004, 96).

Meanwhile, NATO’s engagement in the humanitarian war supported the ‘liberators’, whose goals ‘turned out’ to be also political. In Order and Justice in International Relations John Gaddis thus writes,

‘[…] the Kosovo operation caused yet another problem, anticipated almost a century ago by Theodore Roosevelt: it raised false hopes. These were most apparent among the Kosovars themselves, many of whom assumed that NATO’s intervention on their behalf meant that Washington and its allies now favoured Kosovo’s independence from Serbia […] even as the Kosovo Liberation Army – no bastion of either democratic procedures or humanitarian sensibilities – began seeking not just independence but a Greater Kosovo […]’ (2003, 167).

In Does America need a Foreign Policy? Kissinger makes a similar remark,
‘A pluralistic, multiethnic democracy including Serbs was not a concept comprehensible in the KLA community […] The Albanians did not fight for autonomy but for independence and surely not to remain under Yugoslav suzerainty. And they displayed this attitude when they ethnically cleansed over two hundred thousand Serbs from the territory after the NATO victory’ (2001, 262-270).

On 17 February 2008, Kosovo declared its independence from Serbia unilaterally. This was of course, against the UNSC Resolution 1244, passed earlier in June 1999, and unequivocally, ‘reaffirming the commitment of all Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia’ (S/RES/1999, 2).

It was on the basis of this resolution that Serbia agreed to withdraw from Kosovo. Later, however, as Kosovo violated the resolution, the US and the UK, the two main interveners in the conflict, accepted Kosovo’s new status. Thus Marta Vrbetic argues,

‘In the case of Kosovo, this process should have involved Pristina and Belgrade in reaching a mutually acceptable compromise, which then the UN Security Council (UNSC) would have endorsed. However […] the United States and its allies recognised Kosovo’s [independence] […] instead of an internationally endorsed negotiated outcome, there has been an attempt at a unilaterally enforced political settlement to the major benefit of one of the disputants’ (2013, 309).

To be sure, having intervened to protect the human rights of one party in the conflict, should the interveners turn against it now that Serbia and the Serbs in Kosovo are the victims? Having signed the deal, namely, UNSC Resolution 1244 with Serbia to halt the war, and having avoided further violence, by not confronting the Kosovar Albanians’ declaration of independence, the US and the UK offered no compromise to the defeated party. They, thus, and contra to Blair’s earlier claim in the Chicago Speech, namely, that Kosovo was an exceptional case of humanitarian war because it was fought on the basis of ‘values’ (Blair 1999a), as Booth (2000) points out, won a ‘traditional’ rather than a ‘humanitarian’ war, the cost of which
was paid by the Serbs in Kosovo who became refugees, and Serbia that lost parts of its sovereign territory. To fight for the independence of the Kosovars, moreover, it finally brings into question, whether, ‘On the basis of the Kosovo precedent’ as Richard Falk later remarks, ‘any “people” living in a geographically distinct area, if suffering from gross abuse of human rights, could claim sovereign independence and statehood’ (2011, 58).

To be sure, the key question is: whose ‘human rights’ does this claim of independence advance? As demonstrated in chapter three, with the new strand in interpretivism, human rights, as mutually accepted norms between states, do not have any meaning apart from the actors. And what does this mean in the present context? It means that they cannot be employed in a universal sense, that is, be ‘right’ or ‘wrong’ in a mathematical sense. It means, that is to say, that they only have a meaning to actors who pursue socio-political aims, who seek their human rights, and in turn, deny them to others. In conclusion, therefore, Roberts speaks of an ‘uncomfortable paradox’, as far as the question of human rights is concerned in Kosovo, as the ‘humanitarian’ intervention, ‘culminated in a settlement in which the majority of Serbs resident in Kosovo departed’ (1999, 120). Hence Roberts argues, ‘humanitarian operations cannot suddenly transform a political landscape full of moral complexity’ (1999, 120).

Despite his optimism apropos of the evolution of humanitarian intervention ‘as a norm in international society’, in Saving Strangers, Wheeler advances a similar conclusion with regard to Kosovo,

‘Yet if NATO’s intervention in Kosovo was successful in restoring to the Albanians the civil and political rights that Milosevic’s policy of repression had stripped away, it failed to stop a new round of ethnic cleansing, as thousands of Serbs fled in fear of Albanians seeking revenge. Far from creating the conditions for a new multi-ethnic polity in which Serbs and Albanians live under the protection of the rule of law, KFOR was unable in the early months to protect Serbs who now found themselves on the receiving

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112 Susan Woodward argues that the local campaigns to influence great powers to ‘do something’, that is, become their friends in the war, is nothing new to the Balkans. In fact, she traces it to, at least, the nineteenth century (2013, 1171).
end of a new order of ethnic apartheid [...] there are continuing concerns about the security of those Serbs who remain in Kosovo, uncertainties about whether KFOR troops will become the target for Albanian extremists if the Kosovars are frustrated in their bid for independence, and the danger that Albanian nationalism could lead to a ‘Greater Albania’, which could lead to a new round of instability and violence in the Balkans centred on Macedonia’ (2010, 274-275).\(^{113}\)

These conclusions were not only drawn by commentators, but also by officials who took crucial decisions in the war. Thus Albright, for example, later wrote in her memoirs,

> ‘When I had met the bishop in Washington before the war, he had warned that a military confrontation would be a disaster. Now he showed me pictures of destroyed churches, recounted attacks that had been made on Serbs, and expressed his fear that all Serbs might have to leave Kosovo. I told him that outcome was the opposite of what I wanted […]’ (2003, 668).

Clearly *Madame Secretary* would not read: ‘yes our aim was genocide against the Serbs’. It is thus unclear how this provides the answer to the paradox caused by the political elimination of one party to the conflict: Milosevic, and with him, the entire group whose interests, and thus rights, he represented.

In *Just Wars: From Cicero to Iraq*, Bellamy points out the significance of post-war reconstruction, that is, the *jus post bellum*, for the overall ‘legitimacy’ of the humanitarian endeavours (2006, 213). Yet, although he accepts this as a test for success, he clearly overlooks it in his analysis of Kosovo. Instead, his focus shifts towards the protection of the non-combatants in the war, that is, the *jus in bello*, as a separate justification for the legitimacy of the war, that is, the *jus ad bellum*. The problem in this separation is that it focuses on the ‘how’ question (the techno-theoretical) and overlooks the ‘what’ (the socio-political). It is the ‘what’, however, that entails the political direction of the war, which cannot be accepted in *prima

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\(^{113}\) KFOR is the peacekeeping force that was responsible to maintain the peace in Kosovo in the aftermath of the intervention.
facie terms. The *jus post bellum*, under these circumstances, *can* offer a guideline for success, if the result is inclusive of all the political groups. But this cannot be the case in Kosovo where the use of force *already* alienated one party, and denied the role of power to adjust the various socio-political aims *within* Kosovo. To put it simply, by eliminating a political opponent – Milosevic the dictator, and supporting the ‘liberators’ in Kosovo, the interveners also denied the human rights of those who were *represented* by their leader. In a political situation full of ethnic tensions, the intervening parties, in effect, did not only misjudge the intentions of those who sought their independence – the Kosovar Albanians, but also misread the fact that human rights as a concept, has no meaning apart from those who invoked it in the midst of these tensions to protect their own rights.

When Bellamy thus argues, on the basis of the *jus post bellum*, that NATO secured the safety of ‘those forced to flee their homes’ (2006, 218), clearly this ‘those’ did not entail the Serb population in Kosovo – who were also ‘forced to flee their homes’. And crucially, Bellamy’s analysis fails to make any further mention of the post-conflict reconstruction in Kosovo, and thus, fails to pass his own test. Rather, it returns to the same problem that haunts the proponents of the third pillar in the R2P: the *jus in bello* is not only separate from the *jus ad bellum*, but the former also *justifies* the latter. In this, the endeavour deals only with the technico-theoretical – universal human rights in theory, rather than the socio-political aims it serves in practice. Once the two – theory and practice – are combined in the *jus post bellum*, the reader instead finds that by delegitimating Milosevic, and by presenting him as ‘the root cause of all the Balkan conflicts’ (Graubart & Varadarajan 2013, 452), the result came as the exclusion of an entire political group he represented, to whom the concept of human rights no more applied (for an excellent theoretical analysis see also Walzer 1980, 221-222).

‘A central principle of *jus post bellum* for institutions’ writes Pattison, ‘is that the war be terminated once its objectives have been largely met’ (2013, 52 emphasis in original). But what are these objectives? Who decides them? ‘Universal human rights’ decides them? What does ‘universal human rights’ mean? To whom does it hold such a meaning? Central to the present work, in light of Kosovo and Libya, is the argument that humanitarian intervention could not detach universal human rights from the political objectives of the various groups. Pattison overlooks this however. For he detaches universal human rights – defined in terms of the
protection of civilians, from the political objectives the interveners serve when they intervene to side one party in the conflict. This is, of course, on the basis of the assumption that the innocent civilians belong in one party to the conflict and are being attacked by armed groups, who do not represent civilians. To recall, there are two problems with this argument. First, both armed groups in Kosovo and Libya represented civilians. Second, the rebels in both conflicts were armed, and sought political objectives.

The implications of the use of force in both cases thus undermined universal human rights. In the case of Kosovo, for instance, the defeated party either had to suffer assault under the new ‘democracy’ or leave their homes (Paris 2004, 217). In the case of Libya, as in Kosovo, joining one party in the war as personified in the democratic ally also disrupted the role of power in adjusting the various socio-political aims of the parties to the conflict. Officials such as Ivo Daalder and James Stavridis however disagree with this analysis and instead argue that ‘By any measure, NATO succeeded in Libya. It saved tens of thousands of lives from almost certain destruction’ (2012, 3). Among the scholars who concur, there is Pattison, whose conviction that the Gaddafi regime’s ‘willingness to use force against its own people’ led him to argue that ‘the intention of the intervention [in Libya was] predominantly the protection of civilians’ (2011, 273). This, of course, is on the basis that NATO bombed only targets that presented ‘a clear threat to civilians’, he

114 These commentators, as with Pattison above, simply assumed that Qaddafi was faced with innocent civilians rather than political groups. With the war continuing in Libya today, it might seem self-evident that this assumption was in fact flawed. Among the scholars who stood against it during the intervention, however, there is Kuperman who argued that ‘many Libyan protestors were armed and violent from the first day of the uprising’ (2013, 108 emphasis added). This does not only open a gap between ‘innocent civilians’ and ‘liberators’, but also raises questions about the choice of the sides in the war. To Critics, such as Pattison, who considered all this as irrelevant and argued that Qaddafi in fact targeted innocent civilians, Kuperman moreover replied, ‘The best evidence that Qaddafi did not use force indiscriminately, but rather targeted the rebels narrowly, comes from Libya’s third-largest city, Misurata, […] During the first seven weeks of fighting, according to Human Rights Watch, 949 people in Misurata were wounded, of whom only 22 were women and 8 children. This means that less than 3 percent of the wounded were female, which is strong evidence that government forces strove to target only combatants […] If government forces had targeted civilian areas indiscriminately, as alleged, the female percentage of wounded should have approached 50 percent, rather than 3 percent’ (2013, 111).
argues (2011, 273). The intervention in Libya, thus Pattison concludes, ‘was, then, morally permissible’ (2011, 273).

Less optimistically, LaBonte argues, ‘While critics of the invasion point to ulterior motives on the part of Council members, it is difficult to argue that lives were not saved by the actions taken under R2P in the Libya case’ (2011, 991). ‘As Libya and the international community prepare for the post-Qaddafi transition’ Jon Western and Joshua S. Goldstein argue ‘it is important to examine the big picture of humanitarian intervention – and the big picture is decidedly positive’ (2011, 49).

This is because, they add,

‘[…] despite the initial military setbacks and some frustration over the length and cost of the operation, the intervention [in Libya] contributed to the end of the civil war between Qaddafi and the rebels, which otherwise might have been much longer and more violent’ (2011, 57).

That NATO ‘did not bomb civilians’, or that ‘lives were saved’ and ‘the civil war ended’ in a general sense, however, it is not an argument for NATO defending human rights. For the distinction between innocent civilians and the liberators is a political one, and not one based merely on ‘universal values’ (for an excellent account see also Jones 2013). To depoliticise one’s actions apropos of the values, and to ignore power, in this context, opens a gap between theory and practice, in which the theory simply denies the rights of others and serves one’s socio-political aims – to support the liberators. NATO intervention in Libya, to be clear, intervened on behalf of the liberators, and alienated those who were on the side of the dictator – Qaddafi. As with Milosevic in Kosovo, the whole political group Qaddafi represented was alienated.

Unlike in Kosovo, however, the opposition in Libya was not united. Post-revolutionary Libya therefore became a battleground, an arena for a power struggle once again. With each party drawing on its strength, that is to say, to defend its own particular political order. In the latter, however, the role of power to adjust the various socio-political aims, and thus to preserve universal human rights – defined as human protection from political persecution or death within Libya, was lost. This is because this comprehensive definition of universal human rights requires a platform, that is, a well functioning state with effective organs. Thus in Libya ‘free’
and ‘fair’ elections were held in July 2012, and which transferred power from the unelected NTC to a then newly elected body – the General National Congress (GNC). The problem, however, could not be solved simply by elections as it became clear in Libya later (Pack & Cook 2015). For the Libyan state stands on a political order that each contending party is attempting to impose. Thus Pack and Cook argue, ‘The election [in Libya] was just one component of a larger free-for-all struggle for power in post-Qadhażi Libya whereby local and regional interests vied for dominance at the expense of the cohesive whole’ (2015, 180). The battle for human rights in Libya, in short, turned into who is to control this platform, and in turn speak in the name of human rights for all Libyans. But then, is speaking in the name of all Libyans the same are representing them? In other words, can this platform protect human rights without a discussion about power within the new state and its functioning organs?

The power structure in Libya, as in Kosovo earlier, was disrupted, with the help of an outside force, before the negotiations even began. ‘Libya does not have a transitional judicial strategy’, Florence Gaub thus wrote in the aftermath of the Libyan intervention, ‘and, as in the security sector, such legal process as there is centers mainly on ad hoc or anti-Qadhażi policies that ignore the consequences of such a vengeful course’ (2014, 114). ‘In retrospect’ thus Kuperman argued most recently,

‘Obama’s intervention in Libya was an abject failure, judged by its own standards. Libya has not only failed to evolve into a democracy; it has evolved into a failed state […] As bad as Libya’s human rights situation was under Qadhażi, it has gotten worse since NATO ousted him. Immediately after taking power, the rebels perpetrated scores of reprisal killings, in addition to

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115 And this, to be sure, goes against Lindberg’s argument mentioned earlier in the chapter.
116 This, in effect, justifies Michael Walzer’s argument on ‘foreign intervention’ in Just and Unjust Wars (1977). ‘But foreign intervention’, Walzer argues, ‘if it is a brief affair, cannot shift the domestic balance of power in any decisive way toward the forces of freedom’ ([1977] 1978, 88). ‘While if it is prolonged or intermittently resumed’, on the other hand, ‘it will itself pose the greatest possible threat to the success of those forces’ (1978, 88). Thus Walzer concludes, ‘The outcome of civil wars should reflect not the relative strength of the intervening states, but the local alignment of forces’ (1978, 101).
torturing, beating, and arbitrary detaining thousands of suspected Qaddafi supporters’ (2015, 67-68).\textsuperscript{117}

‘At the heart of Libya’s security predicament’ hence, as Gaub argues, ‘is the government’s lack of authority and consistency’ (2014, 113).\textsuperscript{118}

Having criminalised Qaddafi and presented him as ‘the root cause’ of the problem in Libya (for details see discussion in chapter five), the intervening states also alienated the entire political group he represented, and their rights in post-revolutionary Libya. For to recall a passage quoted earlier from Claude,

‘What a government leader must not do is assume that the conflicts which arise in a pluralistic society can invariably be settled by ignoring the corporate reality of lesser associations within the state and proceeding against their leaders as if they represent nobody by themselves’ (1964, 267 emphasis in original).

And precisely this is what the intervening states did in Libya – against all facts on the ground. As Gaskarth explains in \textit{British Foreign Policy},

‘The problem that arose during the intervention [in Libya] was that substantial support did appear to exist for Gaddafi in the Western half of Libya. Representing this as a war between Gaddafi’s immediate family and the wider

\textsuperscript{117}This conclusion supports the Hegelian thesis that associates human rights with positive rights, rather than natural rights (for a defence of this position see Brown 1997). ‘Hence’ in Hegel’s Theory of the Modern State, Shlomo Avineri writes, ‘the purely individualistic concept of freedom, which maintains no limits on one’s arbitrary choice, has to be superseded by the ethical order which makes my freedom dependent on that of the other’ ([1972] 1979, 179). In the modern state, the citizen no more enjoys her savage freedom. Instead of the latter, she gains her civic freedom, which also offers the guarantee against others’ freedom. What follows thus, is not only freedom, but also a sense of security. ‘When we walk the streets at night in safety’ says Hegel in Philosophy of Right, ‘it does not strike us that this might be otherwise. This habit of feeling safe has become second nature, and we do not reflect on just how this is due solely to the working of special institutions’ ([1835] 1973, 282).

\textsuperscript{118}The danger of an external militarised response to civil conflict’ thus in the words of John MacMillan, ‘is that it fuels escalating syndromes of violence and intensifies and polarises the underlying political issues in contention’ (2013, 1055).
population was belied by events on the ground, and NATO’s air support was crucial in achieving victory for the opposition’ (2013a, 111).

And the victory of the opposition, of course, also meant no rights to the group, namely, the former regime’s supporters, in the negotiation table. As the latter became evident in post-revolutionary Libya, Gaub thus argued, ‘The way in which civil wars end also determines their aftermath’ (2014, 106). Clearly, the power-positions the wars reflect are also mirrored in their post-war settlements. History is full of examples: the UNSC is the best contemporary witness. And what about one party’s decisive victory with the aid of an outside force? The result is not only the exclusion of the defeated group, but also the denial of its space in the power-positions from which the human rights of the political group emanates. And what about the new state? Could it transcend this problem and instead become the provider of human rights? No, because the gap between theory and practice is now open within the state – namely, the state fails to adjust and settle the socio-political aims of the various parties, because it, itself, only presents one political order. The acts of depoliticisation in the practice of humanitarian intervention here transcended the international level, to reach the target state. On the basis of this problem, that is, to find a comprehensive solution for post-revolutionary Libya, Gaub thus concludes, ‘If Iraq’s mistakes are to be avoided the empowerment of the Libyan government is now the only option left’ (2014, 116).

Others, such as Dirk Vandewalle (2012), argue optimistically in favour of the democratic transition in Libya under the NTC (and later the GNC), on the basis that the latter did not engage in the repression of their opponents, with the exception, of course, of the compromises it made with the armed rebels, against former Qaddafi supporters, who in turn became politically alienated. It turned out, however, that the result of these policies of compromise with the armed groups were not successful either, as they finally resulted in the collapse of the central government in post-revolutionary Libya with its potential security apparatus altogether (BBC 2015a).

Thus commentators such as Pack and Cook (2015), finally reached the same conclusion as Gaub’s earlier, and concluded by arguing against the ‘appeasement policy’. And these conclusions, to be sure, deal with the technico-theoretical and avoid the socio-political, which the fight initially started for: to be clear, whose
rights will this new government that does not appease represent? By representing these rights, whom does it exclude? In other words, who is this appeasement against? In the latter case, if it does not appease its opponents, how different would it be from the Qaddafi regime? And if the difference lay in the process of elections, on the basis of which there would be a rule of law, then, what would happen to those whose rights will be democratically and lawfully eliminated, as with those who were formerly represented by Qaddafi?\(^{119}\) In the Libyan crisis, this conflict between human rights and democracy, moreover, raises a crucial question: will the armed groups in positions of (military) strength give up their positions to the weaker, albeit elected, parties? There are many armed groups in Libya today, ‘Most estimates run in the low hundreds’ (Chivvis & Martini 2014, 13). Under what conditions will these armed groups disarm? ‘One commander from Misrata’ Christopher Chivvis and Jeffrey Martini recently wrote, ‘argued that he was “not after any political, economic, or financial benefits” and supported the legitimacy of the NTC, but was unwilling to disarm before the country was “run by those who deserve to run it” ’ (Chivvis & Martini 2014, 15). And who deserves to run it?

Politically speaking, the latter is the wrong question to ask. For, as one commentator recently argued,

‘A large section of the Libyan youth empowered by the revolution has only known this economy used by the Qadhafis to play one group against another. Now they feel entitled to those material things previously denied them. They lack a proper education, a work ethic, and defy the government with arms. Many who I spoke to identify groups with a poor work ethic and see the post-Qadhafi economy as an opportunity more for self-promotion than self-improvement or putting in place longer term development visions. For what would they give up the empowerment of arms?’ (Randal 2015, 220).

Thus, Thijs Jeursen and Chris van der Borgh conclude that in post-revolutionary Libya ‘different armed forces continuously contest and collaborate with each other, but are in the end primarily concerned with their own position and influence over

\(^{119}\) On the conflict between human rights and democracy see also (Donnelly 2003), and (Mann 2009).
others’ (2014, 188). Among the contenders in Libya today there are many groups, and if the interveners decide to side the ‘elected’ government, help it suppress these armed groups, it raises two further questions: first, how many ‘innocent civilians’ will die in the process? And second, can the ‘elected government’, if successful, still claim democratic legitimacy with the number of deaths that will result from such action? The interveners, therefore, decided not to take such controversial course of action, and to keep the status quo, despite the latter’s exclusionary and damaging consequences. Kosovo saw the same response in the aftermath of the intervention. The reader could thus also ask: why did NATO not intervene against the Albanians when they expelled their Serbian minorities and later declared their independence in 2008? To which the answer will be: because, as with Libya, that would also have resulted in civilian casualties, and hence would have been seen as controversial, having already intervened in support of the Kosovars.

In both Kosovo and Libya, in the aftermath of the interventions the US and the UK therefore chose the easy way: no intervention. And the reason is not because there were less civilian casualties and less political prosecution in the post-Kosovo and the post-Libya interventions, but because the wars were simply over, and with them the media attention and the momentum (see critiques in Booth 2000; Kissinger 2001; Kuperman 2015). And crucially, the new political environment the end of the wars created, by implication, imposed a particular political order that overlooked the role of power to adjust and settle the socio-political aims of the various groups within Kosovo and Libya, leading to the political exclusion of one party (both in Kosovo and in Libya) and the continuation of violence (in Libya). In both cases, the results undermined universal human rights as a stated goal for humanitarian intervention – defined a human protection from political persecution or death.

The next section highlights the implications of depoliticisation in the practice of humanitarian intervention in Kosovo and Libya for the role of humanitarian intervention to protect universal human rights in the post-Cold War era.

DEPOLITICISATION AND THE FUTURE OF HUMANITARIAN INTERVENTION

This section argues that by transcending the political and ignoring the role of power in politics the act of depoliticisation in Kosovo and Libya undermined the role of
humanitarian intervention to protect universal human rights in the post-Cold War era. This is because it failed to adjust and settle the different socio-political aims between states on a common conception of humanitarian intervention, leaving a grey area for different interpretations by states to use force to support their own socio-political aims, over the protection of human life. To illustrate this point, this section uses three examples, Georgia in 2008 (post-Kosovo), Crimea in 2014 and the on-going conflict in Syria (post-Libya).

‘A society of states (or international society) exists when a group of states’, writes Bull in The Anarchical Society,

‘conscious of certain common interests and common values, conceiving themselves to be bound by a common set of rules in their relations with one another and sharing in the working of common institutions’ (2002, 13 emphasis in original).

In the absence of ‘common interests’ and ‘common values’ this society becomes what Barry Buzan refers to as ‘a primitive international system’ where only the ‘structural realist’ logic of interest and power applies (1993, 340). Common rules, per se, however, are insufficient to maintain the international society. For, ‘[the] International society’ as Tim Dunne argues, also ‘exists to protect diverse political communities from being overrun by more powerful neighbours’ (2003, 306). The society thus, as Kissinger argues in World Order, depends on ‘a set of commonly accepted rules that define the limits of permissible action’ but also, and more crucially, ‘a balance of power that enforces restraint where rules break down, preventing one political unit from subjugating all others’ (2014, 9 emphasis added).

In the absence of the restraining role played by the balance of power, there is a crucial sense in which the rules that apply to one party do not apply to others.

The latter is because, from a classical realist perspective, when states pursue these common rules, they present their own socio-political aims that require adjustment and settlement with the other states. For order to be maintained there is therefore a need for ‘common rules’, and to ensure that these rules apply to all equally, there is a need for the restraining role of the balance of power. The main obstacle for such an international society to operate under these conditions according to neo-realists is the problem of the ‘prisoner’s dilemma’, which, in short,
refers to a situation where no state is aware of the intentions of other states and therefore, argues John Mearsheimer, ‘the most attractive strategy for each state is to cheat and hope the other state pursues a cooperative strategy’ (1994-1995, 17). Neo-liberal institutionalists such as Robert Keohane argue that the key to mitigate this problem is to persuade states not only to stop cheating, but also that other states will not cheat either: this is where the role of international institutions comes (1984, 89-92; see also Kupchan & Kupchan 1995). But then this raises the question: how can the latter mitigate the effects of asymmetries from within the institutions? Even when states live in a ‘society’, it is not clear if these ‘common rules’ can actually restrain the stronger, if power – defined as strength, is concentrated in the hands of the few within the institutions.

Here, the distinction between power, strength and force is a crucial one. As the dangers of the few, drawing on their strength to preserve a particular political order, in fact, undermines the role of power to mutually adjust the various socio-political aims of the states. The distinction is crucial in the cases of Kosovo and Libya, to be precise, because the acts of depoliticisation in the practice of

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120 It is crucial to note here that this distinction – between strength and power – is also not clear within the concept of the balance of power – neither in the English School literature, particularly in the work of Bull (1977) nor in the classical realist literature, particularly in Morgenthau. In The Anarchical Society, Bull for instance uses the concept to justify aggression in the interest of a particular political order when he says that ‘The partition of Poland was not a departure from the principle of balance of power but an application of it’ (2002, 103). In Politics Among Nations, moreover, Morgenthau argues, ‘This uncertainty of all power calculations not only makes the balance of power incapable of practical application but leads also to its very negation in practice’ (1978, 215). Historically, those who were critical of the balance of power had the role of strength as a reference point and those who argued in favour had the role of power in mind. Both are present in the eighteenth and nineteenth century diplomatic literature. In 1700, for instance, François Fénelon had in mind the role of power in mutually adjusting the various interests when he wrote, ‘Neighbouring state are not only obliged to observe towards each other the rules of justice and public faith; but they are under a necessity, for the security of each, and the common interest of all, to maintain together a kind of society and general republic […]’ (cited in Wright 1975, 39). The reader finds similar references in A Review of the State of the English Nation by Daniel Defoe (1706), and Fragments Upon the Balance of Power in Europe by Friedrich Von Gentz (1806). And because the balance of power can be used in both senses, with Richard Cobden, in the later half of the nineteenth century, the concept is not only dismissed as a chimera, but also as ‘an undescribed, incomprehensible, nothing’ ([1868] 1903, 152).
humanitarian intervention drew on the strength of the intervening parties who presented their interests in a manner that blurred the distinction between universal human rights as mutually agreed norms in theory and humanitarian intervention as a practice that presented their socio-political aims. In doing so, they failed to adjust and settle the different socio-political aims between states on a common conception of humanitarian intervention, leaving a grey area for different interpretations by states to use force to support their own socio-political aims, over the protection of human life.

This argument is set against two main positions. The first position entails the constructivist argument in IR theory that sees a ‘normative change’ in international politics, towards ‘multilateral’ humanitarian action (Finnemore 2003; see also Donnelly 2003). The question this argument fails to raise, as argued previously in this thesis (see chapter two), is: whose multilateralism does humanitarian intervention draw upon? In the cases of Kosovo and Libya, multilateralism was simply an alliance of states led militarily by the US and the UK. And, ‘Clearly’ Kissinger argues in Does America Need a Foreign Policy?,

‘neither alone nor in combination with Europe is the United States in a position to right every wrong or even every major wrong, in the world by applying military force – as so many NATO leaders asserted in the heady aftermath of Kosovo’ (2001, 257).

To be sure, Kissinger’s argument does not only apply to Kosovo, but also to Libya. This is not because states ought to define their national interests in narrow terms, but because when the intervening states depoliticised their actions in both cases, they defined their interests in a manner that blurred the distinction between what they accepted as universal human rights in theory and the socio-political aims these ‘rights’ served. In both cases, that is to say, multilateralism became a means, not for the protection of human rights, but to serve particular socio-political aims, namely, for regime change, leading to a unilateral declaration of independence by the Kosovar Albanians in one case (Kosovo in 2008), and the overthrow of the system of government in another (Libya in 2011).

These results failed to bring a common conception of humanitarian intervention between states in the international society, and crucially, left a grey
area for different interpretations by states to use force to support their own socio-political aims, over the protection of human life. ‘Russian acts ranging from the use of force in Chechnya to the intervention in Georgia’ thus Mark Webber writes, ‘have a lineage which can be traced back to the Kosovo crisis’ (2009, 459). To be sure, the end of the Kosovo crisis resulted in a declaration of independence by the Kosovar Albanians in 2008 that neither Serbia nor Russia accepted. In response, moreover, former Russian president Dmitry Medvedev employed the language of the R2P to intervene militarily in Georgia, namely, to halt the ‘genocide’ against the Ossetians and Abkhazians, and recognised the independence of their republics from Georgia,

‘Tbilisi made its choice during the night of August 8, 2008. Saakashvili opted for genocide to accomplish his political objectives. By doing so he himself dashed all the hopes for the peaceful coexistence of Ossetians, Abkhazians and Georgians in a single state. The peoples of South Ossetia and Abkhazia have several times spoken out at referendums in favour of independence for their republics. It is our understanding that after what has happened in Tskhinval and what has been planned for Abkhazia they have the right to decide their destiny by themselves’ (Medvedev 2008).

Truly, and what is most crucial about this ‘lineage’ does not only pertain to Russia’s quid pro quo action, but also, and most crucially, in the precedent that Kosovo set, for the Russian action. As James Gow explains,

‘The US-led approach to Kosovo’s independence was a significant factor in shaping events in Georgia. Russia formally upheld the key principle of international law and politics – sovereignty and territorial integrity – regarding Kosovo, blocking formal UN Security Council endorsement of de facto arrangements driven by the United States and Western countries to “unfreeze” the conflict there and separate Kosovo from Serbia. At the same time, Western action on Kosovo in February was the signal for Russia to take the initiative on the “frozen conflicts” in Georgia […] Thus, while the West had ceded the high ground of principle over Kosovo, Russia engineered a situation in which it could complete the de facto separation of territories from
Georgia, following the Kosovo model, yet continue to proclaim its adherence to principle and international law’ (2009, 254-255 emphasis in original).

In response to Russia’s actions in Georgia, key figures among the proponents of the third-pillar in the R2P, and former supporters of the Kosovo (and Libya) interventions also argued about the damaging impact due to the failure to adjust and settle the different socio-political aims between states on a common conception of humanitarian intervention. Ralph for example argued,

‘By demonstrating that it would not be constrained by that political norm it is likely that the UK Government compounded the suspicion that many states, especially the BRICs, have about the UK (and US) attitudes to military intervention and R2P. It was only the intervention of Parliament that prevented the UK Government from doing even further damage to the concept as well as to an international order that is based on a legal hierarchy controlled by the UN Security Council. A vision of the world without such a hierarchy, one based on anarchic claims to be defending human rights through unauthorised military intervention was reflected in the March 2014 crisis when Russia occupied the Crimea’ (2014, 23).

Evans on the other hand concluded,

‘The Russia-Georgia case highlights the dangers and risks of states, whether individually or in a coalition, interpreting global norms unilaterally and launching military action without UN Security Council authorisation. The sense of moral outrage at reports of civilians being killed and ethnically cleansed can have the unintended effect of clouding judgment as to what is the best response, which is another reason to channel action collectively through the United Nations. The Russian references to similar action by other permanent members of the Security Council in other theatres may reinforce doubts about those other instances, but does not justify the Russian actions in Georgia’ (2009, 27-28).

The argument that the latter ‘case highlights the dangers and risks of states, whether
individually or in a coalition’ (Evans 2009, 27-28), is reminiscent of an earlier remark by Kissinger on Kosovo, ‘neither alone nor in combination with Europe is the United States in a position to right every wrong’ (2001, 257). For despite the differences between the two cases, they are in a crucial way similar: both involved a state or a group of states that presented their interests in a manner that blurred the distinction between what they accepted as universal human rights in theory, and their practice of humanitarian intervention that presented their socio-political aims.

Having blurred this distinction, in both cases, the interveners disregarded the role of power in politics – namely, to adjust and settle these socio-political aims with the other actors. Thus, as Kosovo failed to bring a common conception of humanitarian intervention between states in the international society, and having ‘provided a catalyst for new thinking about the use of armed force for humanitarian purposes and the infusion of the doctrine of sovereignty as responsibility into the debate about humanitarian intervention’ (Bellamy 2009, 164), it left a grey area for different interpretations by states to use force to support their own socio-political aims, over the protection of human life. Thus, apropos of Kosovo, Booth concluded,

‘The conviction of the NATO allies that they had the right in this case to act as judge, jury and executioner in what some regarded as the internal problems of another country has seriously polarised world politics. It is too soon to declare the arrival of a new Cold War, but it is not too soon to think about slippery slopes […] NATO’s multilateral unilateralism with respect to the UN gives such countries a clear precedent for ignoring the UN when they themselves want to wield the big stick in their own neighbourhoods’ (2000, 10).

And, to be sure, Russia’s actions in Georgia in 2008 confirmed Booth’s argument.

The annexation of Crimea in 2014 is another case example of this grey area being exploited by Russia to use force to support its own socio-political aims, namely, to declare Crimea’s independence on the basis of ‘self-determination’, just as with Kosovo and Libya, and to thus annex it. As the Russian President Vladimir Putin argued in his speech on the event,
‘[…] we had to help create conditions so that the residents of Crimea for the first time in history were able to peacefully express their free will regarding their own future. However, what do we hear from our colleagues in Western Europe and North America? They say we are violating norms of international law. Firstly, it’s a good thing that they at least remember that there exists such a thing as international law – better late than never […] Moreover, the Crimean authorities referred to the well known Kosovo precedent – a precedent our western colleagues created with their own hands in a very similar situation, when they agreed that the unilateral separation of Kosovo from Serbia, exactly what Crimea is doing now, was legitimate and did not require any permission from the country’s central authorities’ (Putin 2014).

As the reader can see, although Russia rejects Kosovo’s independence as ‘illegal’ – which therefore also undermines Russia’s claims in Crimea, yet, Kosovo was used as a ‘precedent’. To continue with Putin,

‘I do not like to resort to quotes, but in this case, I cannot help it. Here is a quote from another official document: the Written Statement of the United States America of April 17, 2009, submitted to the same UN International Court in connection with the hearings on Kosovo. Again, I quote: “Declarations of independence may, and often do, violate domestic legislation. However, this does not make them violations of international law.” End of quote. They wrote this, disseminated it all over the world, had everyone agree and now they are outraged. Over what? The actions of Crimean people completely fit in with these instructions, as it were. For some reason, things that Kosovo Albanians (and we have full respect for them) were permitted to do, Russians, Ukrainians and Crimean Tatars in Crimea are not allowed. Again, one wonders why’ (Putin 2014).

The reader can of course here accuse Russia of ‘double standards’, because it rejected the claim of independence in Kosovo, yet accepted it in Crimea. This, however, misses the point, for it is due to the grey area that was created by the acts of depoliticisation, which presented the interests of the actors in a manner that
blurred the distinction between what universal human rights meant to them in theory and their practice of humanitarian intervention that presented their socio-political aims, that Russia could also trespass the rules of the international legal order – which it long proclaimed to defend earlier in Kosovo and Libya (for details see chapters four and five) – for its own political expediency. For diplomacy among the major powers became futile and, ‘The use of force has become “less justifiable” ’ in the words Vladimir Baranovsky, ‘NATO set a precedent, and Russia should not hesitate if it considers that resorting to military means is necessary’ (2000, 107).

On the differences between NATO’s actions and Russia’s actions, there is of course the argument that NATO intervened in Kosovo ‘multilaterally’, and in Libya via a UNSC resolution, meanwhile Russia acted ‘unilaterally’ and therefore became ‘isolated’ from the international community (see, for example, Bryant 2014). This argument can be refuted, for two crucial reasons. Firstly, because there is the counterargument about the scope of multilateralism, mentioned above.121 Secondly, because the argument about Russia’s diplomatic isolation is exaggerated. Almost half of the General Assembly, including the BRICS, did not vote for the resolution to keep Crimea’s status as a part of Ukraine (see GA/11493 2014). Considering that the rule about the sovereignty and territorial integrity of states under the UN Charter is unequivocal, and central to the post-1945 international order, and, considering that the BRICS take this rule seriously – known from the Kosovo and Libya experiences earlier,122 if anything, this was a diplomatic victory for Russia. Two factors are crucial to take into consideration to explain the BRICS’ position. First, that the US position against Russia’s violation of international law is in fact undermined by the fact that the US is viewed by the BRICS as hypocritical, since it also failed to comply with international law before. Secondly, that the isolation of Russia, and thus the prioritisation of law over politics, as the classical realists also argued before, is, politically speaking, ‘stupid’ (Morgenthau 1965, 120; Carr 1984; Kissinger 1994; 1999; 2014).

121 See also discussion with Finnemore in chapter one.
122 In this case it could be argued that the BRICS value the post-1945 international order, rather than the US led post-Cold War world order. Although this argument is based on the faulty premise that the US itself does not prioritise the post-1945 when it suits its interest.
The second position against which the present classical realist argument is set, is advanced by the proponents of the third-pillar in the R2P, and it argues that to delay military action for the sake of ‘procedural legitimacy’, namely, a common conception of humanitarian intervention between states in the international society is mistaken (Gallagher 2012; Ralph & Gallagher 2014). This is because ‘Quite simply’, Gallagher writes in his response to the realist critiques of the R2P, ‘the threat of Great War did not loom large in 1999 as it did in 1618’ (2012, 355). The problem, however, is not whether a Great War looms large or not, for this assumption can also be held by any state or group of states when they engage in acts of aggression. The problem, to be clear, pertains to the failure to search for a common conception of humanitarian intervention, and with it, the failure to formulate what Ken Booth (2000) calls ‘a common security’ approach. ‘Common security’ as Booth defines it, ‘is the idea of trying to achieve security with others as opposed to the traditionalist idea of national security, which entails seeking security against others’ (2000, 9 emphasis in original).\footnote{See also the relation to the discussion on utopia and realism in Carr (1984), political difference in Morgenthau (cited in Paipais 2014), and the statesman versus the prophet in Kissinger (1999), in chapter one.} The importance of this ‘common security approach’ transcends the area of security. A common security approach, in other words, is not only crucial to maintain an international order between the major powers, but also to attain the goal of justice in international politics: the preservation of universal human rights, defined as human protection from political persecution or death.

It became clear, for example, that Russia’s cooperation was necessary to reach a settlement in Kosovo (for further details see Brzezinski 1999). The no-fly zone in Libya was, moreover, only possible after Russia and China abstaining and not vetoing the 1970 and 1973 UNSC Resolutions. This means, when the common security approach does not substitute ‘the traditionalist idea of national security’, the act of depoliticisation does not only present the interests of the interveners in a specific, that is, apolitical, manner that does not distinguish between the intervener’s aim to protect ‘civilians’ and the fact that the latter allies itself with one party – the liberators, but also, in a crucial sense, it undermines the future role of humanitarian intervention. This is because, instead of searching for a political
solution, via diplomacy, the major powers now prioritise the use of force to support of the socio-political aims of their ‘liberators’, over the protection of human life. In short, ‘to avoid what happened to the Serbs’ as Baranovsky put it, it became clear that ‘Russia will have to rely on military force’ to defend the rights of its allies (2000, 107). The case of Syria today is a good example that confirms the latter argument.

‘The question’ writes Kissinger in Diplomacy, ‘is whether the maintenance of the international system can turn into a conscious design, or whether it will grow out of a series of tests of strength’ (1994, 77). As the role of strength prevailed over the role of power in politics twice before in Kosovo and Libya, Russia and China also learned their lessons in Syria: that the international system in fact does ‘grow out of a series of tests of strength’. In Libya, as Jolyon Howorth argues, the Russians and the Chinese ‘felt they had been tricked into supporting Resolution 1973 and vowed never to be misled again’ (2013, 302; see also Allison 2013). Not to allow the situation in Syria to mount to a regime change, the Russian government sent S-300 missiles to help the Syrian government strengthen its position vis-à-vis the Syrian rebels (Guardian 2013). In Syria, the society of states in a sense formed two blocs each drawing on its individual strength to support a local belligerent in the conflict. Each bloc, moreover, by drawing on its own strength, prioritised its particular socio-political aims – namely, to support a local liberator, over the protection of civilians.

Contra this argument, proponents of the third-pillar in R2P such as Ralph on the other hand argue that,

‘[…] it is by no means clear whether Security Council discord over Syria and its failure to protect civilians in that conflict was a consequence of what happened in Libya. The geopolitical situation surrounding the Syrian situation always made the prospect of Security Council consensus difficult’ (2014, 16; see also Bellamy 2014).

124 And, of course, the political here is defined in a classical realist sense. For further details see chapter one. This also explains why Booth referred to Kosovo as success in a traditional sense, and not as a humanitarian war.
It is of course not possible to prove that the impasse in Syria is a consequence of Libya. But only because a cause-effect relationship cannot be fully depicted between the two cases, it does not necessarily follow that the failure of the common security approach did not also have implications for Syria. In Syria, the reader can find the culmination of the earlier controversy among the major powers in Kosovo and Libya. As no common security approach was pursued in the former cases, there is also a ‘social learning’ process, explained in length by the constructivists in IR and by which the methods of settling wars within states are internalised (see, for example, Wendt 1992; 1998; 1999).

Unlike what many proponents of the third-pillar in the R2P believe (see, for example, Gallagher 2012; Ralph & Gallagher 2014), to speak about adjusting the various socio-political aims between states does not necessarily mean to reject human rights. It simply means to reject the interpretation of human rights solely in terms of military intervention to side one party in a conflict. For the latter, as seen in Kosovo and Libya divides the UNSC into blocs opposed to each other, and, as Jackson argues in The Global Covenant, ‘There is a basic responsibility not to split the great powers into antagonistic camps if it can be avoided’ (2003, 283-284).

This responsibility is not only towards the multilateral system of governance, but, and more crucially, towards those civilians who are in need of assistance. For when a state or a group of states prioritise the role of strength over the role of power in international politics, it follows that the other members also learn this lesson. ‘NATO’s mission in Libya’ as Kuperman argues,

‘also hindered peacemaking efforts in Syria by greatly antagonising Russia. With Moscow’s acquiescence, the UN Security Council had approved the establishment of a no-fly zone in Libya and other measures to protect civilians. But NATO exceeded that mandate to pursue regime change’ (2015, 75).

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125 Even if the latter was a consequence of the former: it is, logically speaking, impossible to ‘prove’ the causal relationship between two events, by referring to the latter event. See Wittgenstein’s critique of the logical positivists of the Vienna Circle in his Tractatus (1974), and Popper’s Logic of Scientific Discovery (2002) where he replaces verifiability with falsifiability – the criterion of proving, with disproving, for scientific validity.
Thus Russian foreign minister Sergei Lavrov argued later that Russia ‘would never allow [in Syria] the Security Council to authorize anything similar to what happened in Libya’ (cited in Kuperman 2015, 75). In response as seen above with Ralph, but also with proponents of the third pillar in the R2P who, almost anonymously, argue that this is irrelevant because Russia, *anyway*, has strategic interests in Syria, unlike in Libya, and that Assad, unlike Qaddafi, is a close Russian ally.

This argument of course only affirms that the clash *is* in fact over aiding parties, rather than protecting universal human rights as defined at the start of this research – that is, human protection from political persecution or death. And thus, that the act of depoliticisation in humanitarian intervention in fact leaves human rights as mutually accepted norms between states only in theory, and not in practice. For the reader then wonders: is the aim to topple Assad or to cooperate with the aim of protecting civilians? In light of the evidence of the use of chemical weapons in Syria, for example, the Russians and the Chinese did in fact cooperate in the UNSC (see S/RES/2118, 2013). The latter demonstrates that there *is* in fact room for negotiations, to reach a common ground on protecting human rights, in the interest of the Syrian people.

As the situation in Kosovo and Libya ended, twice, with the victory of the role of strength in the preservation of a particular political order rather than the role of power, however, it became clear to Russia and China that they could not cooperate with the US and the UK, for the simple reason that the latter aim to topple the regime in Syria, as they formerly helped topple the regime in Libya. As Kirsten Ainley argued most recently,

‘Russia’s protection of the Assad government is a key problem, as is China’s reluctance to breach norms of state sovereignty under just about any circumstances, but the blame for failures over Syria also lies with the P3, which are seen to be too keen to use R2P and the ICC for their own ends. An analysis of UNSC action which focuses entirely on Russia and China misses the justifications they give for their positions, which are based on some fairly widely shared beliefs about P3 abuses of R2P and the ICC’ (2015, 40).
The latter, in effect, led to a stalemate of the various socio-political aims. It is thus for a good reason that Charles Kupchan from the Council of Foreign Relations concludes, ‘if the next international system is to be characterised by norm-governed order rather than competitive anarchy, the West will have to make room for competing visions of rising powers’ (2011, 171). The importance of this ‘norm-governed order’ is of course pressing, if the observer bears in mind that, following Justin Morris, ‘any migration in the balance of global power [that is, power defined as strength] towards the BRICS will enhance their ability to compete in the highly contested normative space of international politics’ (2013, 1280). Or, perhaps as some recent literature in response to the events in Ukraine now see it, that is, that it is a little too late, and instead NATO needs to get ‘ready for a new Cold War’ (Kroenig 2015).

Whichever the scenario is, it must be clear that despite the continuing normative evolution in world politics (Wheeler 2000; Welsh 2011), the mechanism through which humanitarian norms are pursued remains contested, and can only be understood in terms of the various socio-political aims of the actors. The acts depoliticisation in the practice of humanitarian intervention did succeed in Kosovo and Libya. Their success, however, to recall, can be compared to ‘A game of chess between a world-champion and a schoolboy’ as Carr argues in the Twenty Years’ Crisis, ‘[that] would be so rapidly and so effortlessly won that the innocent onlooker might be pardoned for assuming that little skill was necessary to play chess’ (1984, 103). It gives the impression ‘that power [defined as strength] played little part in the game’ (1984, 103).

In ignoring the role of power in politics, moreover, the act of depoliticisation undermined the role of humanitarian intervention to protect universal human rights in the post-Cold War era. This is because it failed to adjust and settle the different socio-political aims between states on a common conception of humanitarian intervention, leaving the grey area to whoever plays chess the best, to use force in the pursuit of its own socio-political aims, and to prioritise the latter aim, over the protection of human life.
CONCLUSION

This chapter highlighted the implications of depoliticisation in the practice of humanitarian intervention for universal human rights within Kosovo and Libya, and for the role of humanitarian intervention to protect universal human rights in the post-Cold War era. It argued that by transcending the political and ignoring the role of power in politics the act of depoliticisation in humanitarian intervention, firstly, undermined universal human rights in Kosovo and Libya because it imposed a particular political order that overlooked the role of power to adjust and settle the socio-political aims of the various groups within Kosovo and Libya. Secondly, it undermined the role of humanitarian intervention to protect universal human rights in the post-Cold War era, because it failed to adjust and settle the different socio-political aims between states on a common conception of humanitarian intervention, leaving a grey area for different interpretations by states to use force to support their own socio-political aims, over the protection of human life.
Conclusion

Some twelve years ago, in Order and Justice in International Relations Hurrell argued that ‘[…] a retreat to pluralism is impossible: pluralism both as a way of thinking about justice and as a limited model of state-based international order’ (2003, 32). Among the reasons he stated were ‘The rising costs of major war […]’ alongside with interdependence, be it economic, ecological or social (2003, 32). But then, this raises the questions: how did this normative change, in the subject of humanitarian intervention in the post-Cold War era look like? Did the states cooperate in the pursuit of human rights? Are the human rights norms pursued universal? For states to cooperate in the pursuit of universal human rights there is a need for a common ground, both to deliberate and to pursue them, in practice via humanitarian intervention.

This thesis demonstrated in the empirical chapters (four and five) that such a common ground did not exist in the deliberations among the major powers and thus in the pursuit of human rights via humanitarian intervention in Kosovo and Libya. This is, despite human rights being ‘commonly accepted norms’ between states in the twenty-first century. The reason for this, is that the interveners, led by the US and the UK, in their discourses on humanitarian intervention invoked three specific traditions, namely, neo-liberal interdependence, community and democratic peace, which finally resulted in the alienation of one party to the conflicts – Milosevic and Qaddafi. Other major powers such as China and Russia, but also Brazil, India and South Africa in Libya rejected these discourses, which simply translated into military action, via humanitarian intervention, to side one party and to alienate the other. The intervening actors, on the other hand, engaged in the problematic act of depoliticisation and presented their interests in a manner that blurred the distinction between what they accepted as universal human rights in theory, and their discourses on humanitarian intervention that presented their socio-political aims. Having blurred this distinction, they ignored the role of power in politics, and proceeded with force, to support one ally, namely the ‘liberators’ in both conflicts.

As the interveners ignored the role of power in politics, and proceeded with force, the thesis argued, depoliticisation in post-Cold War humanitarian intervention could neither protect universal human rights in the target state, nor could it secure the role of humanitarian intervention to protect universal human rights in the post-
Cold War era, as states, with their clashing socio-political aims, use force to protect the human rights of their allies rather than universal human rights. In other words, by imposing one mode of pursuit of human rights to support one ally in the conflicts, the intervening actors also undermined the role of power in settling and adjusting the socio-political aims of the various groups in Kosovo and Libya. These became clear in the aftermath of the interventions, where ‘the victimisers became the victims’, and the interveners found themselves in the paradoxical position to accept the demands of the local parties, even at the expense of their victims.

On the other hand, by depoliticising their actions, the interveners undermined the role of humanitarian intervention to protect universal human rights in the post-Cold War era. The latter is because by failing to adjust and settle the different socio-political aims between states on a common conception of humanitarian intervention, the interveners left a grey area for different interpretations by states to use force to support their own socio-political aims, over the protection of human life. This also became clear in the aftermath of the interventions, not only when Russia for instance, referred to the Kosovo example, to invade Georgia (2008) and later Crimea (2014), but also and most crucially, where *all parties* prioritised their socio-political aims to side one party in the Syrian conflict, over the protection of human life.

It is, thus to be sure, without doubt that commonly agreed norms such as human rights, both can, and cannot, provide a common ground for cooperation in the post-Cold War era. They can provide the ground, in theory, because they are commonly accepted norms. They cannot provide the ground, in practice, because they are open to interpretations when they are pursued via humanitarian intervention: there is no one human rights, but different human rights, meaning different political objectives to different political groups. To ignore these interpretations, and to depoliticise one’s actions in humanitarian intervention, in this context, is problematic: for such acts fail to appreciate the various interests among different political groups. In the latter case, force replaces power to impose one interpretation of human rights, based on the socio-political aims of the intervener, confining human rights to the rights of one party. And thus, the acts of depoliticisation in humanitarian intervention neither become an acceptable behaviour between states, which hitherto have clashing socio-political aims and use force to promote different human rights in the name of *universal* human rights.
Syria is not the exception in this context, but another example where different groups interpret human rights to means their socio-political aims. It is a prime example today, that is to say, where different states and groups within states, following their socio-political aims, employ the language of rights to support their allies and to eliminate their opponents. And what about the protection of the lives of civilians? This comes secondary. The latter is evident in the response of those who most vehemently were on the side of humanitarian intervention to protect universal human rights, to the refugee crisis in Syria. As Ainley put it,

‘The response of the P3 to the Syrian refugee crisis gives some indication of their willingness to contribute to the relief of humanitarian suffering. France has granted refugee status on humanitarian grounds to around 500 of the 2.8 million people who have fled Syria, the UK has accepted just 24 Syrians on its ‘Syrian vulnerable persons relocation scheme’ and the United States accepted only 31 of the 135,000 Syrians who applied for asylum there in the year up to October 2013. It would seem, then, that the fault for failing to generate an R2P response to Syria does not lie solely with Russia and China, or with the structure of R2P decision-making at the international level’ (2015, 42).

It seems, therefore, that the R2P, as with humanitarian intervention, came to only mean, one mode of pursuit of human rights, that is, the use of military force to support one party in the conflict – our allies.

The cases of Kosovo and Libya, but also Syria today demonstrate that the key problem associated with the focus on military intervention breaks down to this: instead of seeking an agreement on the protection of civilians via diplomacy, which is more likely to be successful if achieved among the major powers, the interveners seek to ally themselves with the liberators. The difference between the civilians and the liberators, however, is a political one that the acts of depoliticisation in humanitarian intervention do not take into consideration. This is clear, in that

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126 It is, perhaps, worth mentioning here that the state that accepted to host the highest number of refugees in Europe, Germany, in fact abstained from the vote for a non-fly zone in Libya in 2011 (for statistics see BBC 2015b).
depoliticisation simply draws on the language of ‘genocide’ to transcend the political. Such language, however, can be employed by any state, as seen with Russia in Georgia. Despite the human casualties, neither in Kosovo and nor in Libya was there an impeding ‘genocide’ as there was, for instance, against the Armenians in 1915, the Jews during the Nazi Holocaust or in Rwanda in the 1990s.¹²⁷

The ‘liberators’, unlike the ‘innocent civilians’, that is to say, belong to political groups, armed, not only politically, but also with force. And therefore, for the intervening actors to ally themselves with the liberators means that they take a political decision: to choose the side of the liberator. Few commentators took into consideration the distinction between the ‘innocent civilians’ and the ‘liberators’, and those, such as Kuperman, who did, concluded that ‘[…] there was a better policy available [in Libya] – not intervening at all, because peaceful Libyan civilians were not actually being targeted’ (2015, 67). In Kosovo, Booth on the other hand concluded,

‘The alternative to bombing -- ‘doing something’ – was not necessarily doing nothing. A more sensible alternative would have been for the international community to have pursued a long-haul strategy. It could have looked after the refugees, built a hostile international consensus against Milosevic, imposed extremely rigorous sanctions on Serbia, helped in whatever ways possible the empowerment of Serbian civil(ised) society, and offered huge incentives in terms of regional economic and security-building in return for a changed polity in Kosovo’ (2000, 11).

Instead, NATO decided to take military action, without distinguishing between the ‘innocent civilians’ it aimed to protect and the ‘liberators’ it assisted while using force. This failure to distinguish between the innocent civilians and the liberators creates a crucial controversy in humanitarian intervention, for different states have different socio-political aims, which dictate their decisions to use force on the side of different ‘liberating’ parties in civil wars. This is the situation today with Syria. Shiite Iran, for example, is on the side of Shiite Assad; Sunni Saudi is on the side of

¹²⁷ For references to back this argument, see the introduction.
the Sunni rebels. Both support the human rights of the parties they support – their allies. To join a war on the side of a liberator, however, does not necessarily mean the intervener is either liberating or securing universal human rights – defined as human protection from political prosecution or death, in the target state. This is because, the intervener is then ready to inflict more harm on civilians, if such harm is necessary to advance its socio-political aims, as many critics of the Kosovo intervention argued apropos of NATO bombing in Serbia proper (Chomsky 1999; McCormack 2011; Kuperman 2015 see also argument on proportionality by Gaskarth 2013a, 108). To join the side of the liberator thus simply means to support the socio-political aims of one party.128

This is a political problem that cannot be eliminated with the use of international institutions, such as the ICC, either. The problem with the ICC, in both Kosovo and Libya, was that, and along with the interveners, it, also, joined the side of the liberators, and decided to only persecute the ‘dictators’, that is, Milosevic and Qaddafi. When a criminal court persecutes only one party to a conflict, it becomes, to recall Shklar’s words, ‘a judicial means for regimes in power to ‘‘eliminate political enemies’’ ’ (cited in Tiemessen 2014, 446). If, on the other hand, it persecutes all political groups, which are responsible for crimes, it does not help either. For at the crux of the problem there is the fact that the leaders of political groups cannot be seen as mere criminals who represent no one but their persons. This is, because, ‘In the broadest sense’ Claude explains in Power and International Relations, ‘governmental restraint of isolated or random individuals is a method of coping with the problem of crime, and as such is not particularly relevant to the problem of civil war […]’ (1964, 266-267 emphasis in original). Leaders, to be clear, represent political groups, and hence, the acts of criminalisation against them do not help the process of negotiations – unless, of course, they are totally eliminated.129

To totally eliminate the dictators was presented as a part of the US and the UK war aims in Kosovo and Libya. This was based on the premise that negotiations

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128 ‘The coalition targeted Qaddafi’s forces for seven months’ Kuperman says, ‘even as they retreated, posing no threat to civilians – and armed and trained rebels who rejected peace talks’ (2015, 75).

129 This was, for instance, the case with the Nazi regime in post-WWII. Without the total defeat of Germany in the war, it is hard to think how otherwise the Nazi leaders would have faced criminal charges. Having said this, this is not, of course, to justify their actions.
were bound to fail because they were conducted with ‘aggressive’ and ‘barbaric’
dictators who would, a fortiori, engage in more aggressive and ‘barbaric’ acts even
after the negotiations.130 ‘Yet’ Gaskarth replies in British Foreign Policy, ‘peace has
been negotiated with autocratic regimes, ranging from Stalinist Russia, Mao’s
China, Ho Chi Minh’s Vietnam to Kim II-Sung’s North Korea’ (2013, 110). ‘The
difficulty of couching war aims in moralising (distinct from ethical) language’
Gaskarth thus argues, ‘is that this may impede the ethical search for a peace
settlement’ (2013a, 110).

Indeed, any peace settlement would require adjusting and settling the socio-
political aims of the various groups. For this, the role of power comes in, to allow
the various actors to present their socio-political aims. In ignoring the role of power,
the acts of depoliticisation in humanitarian intervention make it only more difficult
to the various parties to find the starting point of the cooperation that is necessary.
For it is power that provides the space for the actors and groups, to act and engage
with one another.131 And if human rights violations are seen as political acts
committed against individuals who belong to politically alienated groups, this
means that to aim for a political solution is to restore an order within the target state
where different actors and groups can once again act and engage with one another
and present their socio-political aims. No order can be restored, however, by
institutional means if a discussion about power is absent or simply overlooked. This
is because any institutional framework represents a distribution of power.132 Nor
can order be implemented through international institutions – that is through the
ICC. The latter is because both these solutions in effect join different parties, and
can be used by any political groups, to justify the intervention to support their allies.

130 See chapters four and five for details about the US and the UK discourses.
131 In The Origins of Totalitarianism, Arendt speaks about this lack of ability to act and engage in
political life when she refers to the ‘isolation’ caused by totalitarian regimes. This isolation, she says
is not the same as loneliness, ‘I can be isolated – that is, in a situation that I cannot act, because there
is nobody who will act with me – without being lonely; and I can be lonely – that is in a situation in
which I as a person feel myself deserted by all human companionship – without being isolated’
([1951] 1967, 474). Thus, ‘Isolation is that impasse into which men [sic] are driven when the
political sphere of their lives, where they act together in the pursuit of a common concern, is
destroyed’ (1967, 474).
132 Recall the discussion on depoliticisation in chapter one, final section.
The key challenge to humanitarian intervention, thus to conclude, is the political: how to reconcile different socio-political aims. The problem with depoliticisation in both the theory and practice of post-Cold War humanitarian intervention is that it simply overlooks this, and instead seeks to resolve the ‘operational tensions, legal dilemmas, and normative challenges’ that arise when force is used (cited in Welsh 2011, 7), and on this basis argues that ‘If the Libya case can contribute to further research and policy debate on these questions, then it truly will have advanced the international community’s understanding and implementation of the responsibility to protect’ (cited in Welsh 2011, 7). In transcending the political, however, post-Cold War humanitarian intervention also imposes a particular political order that annuls the possibility of any common ground, and leaves no more choice to the recalcitrant groups, but to all attempt to impose their political orders by force. Politics in the latter case turns into what Kissinger calls ‘a series of tests of strength’ (1994, 77). In other words, it fails to heed to the warning against the excess of power when it turns into force – in which case, Morgenthau’s refutation of Carr in 1948, applies today to those who support humanitarian intervention, but also, to proponents of the third-pillar in R2P – the political moralists who became utopians of force.

133 The political, as the classical realists understand it.


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