Reflections on Genocide[1]

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This is mainly about the wider framework for thinking about international responsibility. What I say reflects the fact that I am a Quaker philosopher but also a social liberal in the tradition of L.T Hobhouse and T.H. Green, but also reflecting the more recent expressions of a social liberal approach in John Rawls and Amartya Sen.

Two premises frame what I will say about responding to genocide:

First, liberalism is about all basic human rights not just liberty. Second, our responsibility for human rights crosses borders: liberalism should be seen as international or, I would prefer to put it, cosmopolitan. Let me expand these two points.

1. Liberalism and Human Rights

First, as liberals we are concerned to protect and promote not just liberty/the right to liberty but also the right to security, subsistence/welfare, and also, both as intrinsically important and as vital means to the first three values, education, non-discrimination, political participation and so on. In fact as Rawls notes, the reason why liberty is valuable (the worth of liberty) largely resides in one's being able to exercise it in a meaningful way and this require a background of adequate resources and general social conditions, not just laws that permit it.

Any act that violates these rights is seriously wrong, including acts that violate them because the person violated belongs to a group e.g. a white who attack a black because he is black, a Christian who attacks a Muslim because she is a Muslim, a Serbian who attacks a Kosovan Albanian because he is a Kosovan Albanian.

Genocide is this kind of behaviour on a wider scale with an additional intention to destroy or weaken a group, or (as in ethnic cleansing) to get it to go away. (A religiously or racially motivated attack need have nothing to do with this wider goal, but it involves the same human rights violations.) See the UN definition below for a more precise definition in terms of international law[2].

2. Cosmopolitanism

Second, if the promotion and protection of these rights along with responding to violations of them are all morally important, this importance crosses borders. It matters to everyone in principle, not just to compatriots. In other words our liberalism needs to be cosmopolitan: this means that both as global citizens we have an individual responsibility across borders but also that nation-states in their foreign policy need accept this (and part of our role as global citizens is to influence our governments in this direction)(Dower 2007[3]). Liberalism does not have to be internationalist/cosmopolitan, since one could hold as a liberal that the promotion and protection of human rights was the responsibility citizens and governments within each state, but generally modern liberals accept an international dimension, including support for the United Nations as a vehicle for promoting these things: how far and in what ways is a matter of controversy.

Henry Shue claims that basic rights (to liberty, security and subsistence) are the 'minimum demand of all human on all humanity'[4]. The cosmopolitan perspective is reflected in Thomas Pogge's quite explicit cosmopolitanism (see his definition below[5]) and his view that the securing of basic threshold human rights takes moral priority.

So human rights violations, especially when they are extensive and systematic as in genocide require a trans-boundary response. There are two main responses: proactive and reactive. The proactive responses are about making it less likely that human rights violations will happen; reactive responses are about various measures to try to stop human rights violations when they are happening (and of course post conflict justice issues like Truth commissions).The proactive aspect is linked to the point made earlier about promoting the general conditions for rights realisation, and

to the specific idea of Henry Shue's that, in addition to the duty to avoid violating human rights and the duty to come to the aid of those whose rights are violated, there is a duty, partly for organisations like the state and partly for individuals backing them, to protect people from 'standard threats' of violation'. Whatever one thinks about what should be done in response to human rights violations and about military intervention in particular, the challenge is to find ways of making such things less likely to happen in the first place.

3. Responsibility to Protect

This is illustrated in the UN commitment in 2005 to Responsibility to Protect, commonly referred to as R2P. R2P arose out of much thinking that had occurred particularly after the NATO intervention in Kosovo which was clearly done at least in part to protect an ethnic group within a state, which clearly went against Article 2.7 of the UN Charter which rules out interference in matters internal to a member-state. R2P is interesting because it represents a shift in thinking about the UN in that it make much of the idea of an international responsibility to deal with human rights violations, in particular genocide, war crimes, ethnic cleansing and crimes against humanity. Arguably the thinking is more cosmopolitan here.

There are three so called 'pillars' to R2P: national responsibility, international proactive responsibility and international reactive responsibility (see below for details[6]). The second is of course an expression of the general commitment to promote and protect human rights that I have already emphasised. The third, whilst it emphasises a wide range measures to be taken, does include the possibility of military intervention. It is this small part of it that has attracted all the attention, and whatever one makes of it, it is worth remembering that the general thrust of R2P is extremely important in underlining a way of thinking that appropriate actions in regard to actual or possible serious human rights violations are an international responsibility.

What then should we think about military humanitarian intervention to try and stop genocide and other serious human rights violations? If ever there were a 'just cause' this would surely rank as one along with self-defence? However even those who do not share the doubts I express below will recognise that other conditions of a just war would apply, such as last resort, non-combatant immunity, proportionality (the good to be achieved in the action is not outweighed by the likely harms) and reasonable hope of success (see e.g. Dower 2009[7]).

4. Doubts about humanitarian military intervention

There are four kinds of doubts: the first one I merely mention but do not discuss, is doubts about the motives behind interventions which may be mixed or other than humanitarian for which the humanitarian argument is a cloak; the second concerns the wider consequences of such actions and the risks of being counter-productive; the third questions the ethical priority of stopping human rights violations over helping to realise human rights realisation; the fourth questions the 'ethics of the means' of military intervention. (The latter three arguments are discussed in more detail in my article – Dower 2014[8].)

The argument about counter-productivity is really an expansion of the traditional proportionality argument, but applied to longer term consequences and wider framework of such actions. First, all too often violence begets violence and a short-term good outcome is overturned by later development (as we have seen in the cases of Iraq, Libya, Afghanistan, all partly but only partly inspired by humanitarian concerns). Second the resort to war as a way of resolving problems simply perpetuates the cycle/culture of war in the future. Third, preparations for and the waging of war involve massive use of resources that could be used for positive humanitarian work and human rights realisation in development etc.

Second, some may say that intervention is not simply justified by looking at consequences, and we simply have to act. It is wrong to stand by when human rights are being actively violated by others. But we have to be cautious about this argument. Does stopping human rights violations have ethical priority over helping to realise human rights realisation generally? The duty to stop others violating

rights looks parallel to the duty not to violate them ourselves, but it is really parallel to the duty to help realise the rights of others by all manner of means (including both reactive emergency assistance and proactive development assistance). And the advantage of the latter is that generally it does not involve doing harm (killing, maiming, destroying property) and violating the rights of others (civilian bystanders, quite apart from combatants) in the process. Still it may be said: how can we let human rights be violated by others? But by the same token, how can we let the rights of people not be realised or be undermined by not intervening or helping with aid? We do not do all we can. Far from it. We are highly selective and limited in what we do or support our governments in doing, and do not think such limitation is unjustified. In regard to what we do do, there are many considerations that enter the decision about the best use of resources etc. Going in guns blazing may not be the right one.

Fourth, this leads to the issue of the ethics of the means. Here I invoke Gandhi's statement 'the means are the ends in the making'. You may think this is just a restatement of a pacifist objection to using violence for any reasons. But it is actually another more complex thought. The thinking is that the means ought to reflect/express the values of the goals pursued e.g. pursuing justice by just means. It is the antithesis of the common view that the end justifies the means. In the 'real' world it is not always possible to follow it completely, but it is a regulative ideal, something we should try to reflect in our actions, private and public. Arguably the more we follow this, the more 'civilized' we are. Of course this is idealistic, but cosmopolitanism is meant to be a civilising project – it represents faltering moral progress in the world – and so insofar as the motivation for actions in response to genocide is actually or genuinely cosmopolitan, there is at least a mild sense of paradox in the military option.

Whether or not one is persuaded by these doubts about military intervention, the main point is this: the key focus of attention should be improving the general conditions for human rights protection and answering the questing: how to make genocide or other human rights violations less likely? This is a challenge for the international community all the time, not just when crises loom.

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Notes

1 This is a slightly expanded version of a talk I gave to the Liberal International/Liberal Club of Scotland Fridge meeting at the Scottish LibDem Conference in Aberdeen on 28th March 2014.

[2] While a precise definition varies among genocide scholars, a legal definition is found in the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide (CPPCG). Article 2 of this convention defines genocide as 'any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life, calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; [and] forcibly transferring children of the group to another group.'

[3] Nigel Dower, *World Ethics - the New Agenda,* Edinburgh: Edinburgh University Press (1998, 2nd edition 2007).

[4] Henry Shue, *Basic Rights: Subsistence, Affluence and US Foreign Policy, Princeton:* Princeton University Press (1980/1996).

[5] Pogge for instance characterises cosmopolitanism as follows: 'Three elements are shared by all cosmopolitan positions. First, individualism: the ultimate units of concern are human beings, or persons – rather than, say, family lines, tribes, ethnic, cultural or religious communities, nations, or states. … Second, universality: the status of ultimate unit of concern attaches to every living human being equally – not merely to some sub-set, such as men, aristocrats, Aryans, whites, or Muslims. Third, generality: this special status has global force. Persons are ultimate units of concern for everyone – not only for their compatriots, fellow religionists, or suchlike.' (Pogge *World Poverty and Human Rights*, Cambridge: Polity Press(2002): 169)

[6] For more detail see http://www.who.int/hiv/universalaccess2010/worldsummit.pdf and http://www.un.org/en/preventgenocide/adviser/responsibility.shtml, and Buskie, A., 'The Responsibility to Protect and the prevention of mass atrocities', UNA-UK, 3, Whitehall Court, London, February 2013. I include the analysis she presented of the three pillars: "Each individual state has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means."/"the international community should, as appropriate, encourage and help states to exercise this responsibility"…"we also intend to commit ourselves, as necessary and appropriate, to helping States build capacity to protect their populations … and to assist those which are under stress before crises and conflicts break out"/"the international community…also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means…to help protect populations…we are prepared to take collective action, in a timely and decisive manner…should peaceful means be inadequate and national authorities are manifestly failing to protect their populations"

[7] Nigel Dower, *The Ethics of War and Peace*, Cambridge: Polity Press (2009).

[8] Nigel Dower, 'Global ethics in theory and in practice: the case of The Responsibility to Protect (R2P)', *Nordicum-Mediterraneum*, vo. 9, no.2 (2014), http://nome.unak.is/nm-marzo-2012/vol-9-no-2-2014.