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What Should Be Done? Pragmatic Constructivist Ethics and the Responsibility to Protect¹

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The purpose of this paper is to examine what constructivist approaches to International Relations (IR) tell us about how states *should* act when confronted by atrocities such as genocide, war crimes, crimes against humanity and ethnic cleansing. How states should act is a normative issue, and for this reason the author might be accused of asking the wrong question. While certain strands of constructivism might share with critical theory ‘a normative commitment to bettering the human condition’,² constructivism generally focuses on the ‘is’ without commenting on the ‘ought’. Constructivism can *explain* why occurrences of atrocity represent a ‘crisis’ for some states when their material interests are not at stake. Furthermore, constructivism would *explain* action designed to protect foreign populations from such acts, action that is consistent with the Responsibility to Protect (R2P) norm, in terms of self-images of the ‘good’ state; and they would *explain* action that is inconsistent with R2P by referencing how well that norm has been ‘internalized’.³ Yet constructivists would not *advocate* a particular response to atrocity; nor would they *judge* state practice. That task would be left to normative theorists.

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² Reus-Smit 2008, 72.

³ Finnemore and Sikkink 1998.

Recently, however, a number of constructivist theorists have taken up Richard Price and Christian Reus-Smit's call to unite normative and constructivist approaches with the dual aim of substantiating the constructivist's claim to explain 'moral progress' and to better inform normative assessments of state practice.⁴ The objective of this paper is to first build on this work and to consider what kind of ethic emerges from constructivist IR. It then seeks to apply that ethic to offer a normative assessment of state responses to atrocity, focusing specifically on the Syria case as an example. The central claim is that the constructivist emphasis on the historical and social contingency of a norm does not rule out ethical standpoints. It suggests instead a 'pragmatic' ethic. Rather than fix one's ethics to moral foundations, this approach finds value in social norms that ameliorate lived social problems. The focus on ameliorating lived social problems normatively 'anchors' constructivists to *useful* beliefs without fixing them to positions their epistemologies cannot sustain. From this perspective, constructivists can trace the 'life-cycle' of a norm (e.g. the Responsibility to Protect), examine the effects of its various 'meanings in use', *and* assess the *usefulness* of those meanings. Here pragmatic constructivism shares with classical realism an emphasis on practical judgment and the ability to decide well by weighing the consequences of acting according to a norm.⁵ However, as we shall see, classical pragmatism emphasises these skills in the context of a commitment to ameliorating the *shared* social problem, which means those skills should be put to use in ways that are other- as well as self-regarding.

To establish this definition of pragmatic constructivism, and to illustrate its contribution to the normative assessment of state practice, the paper is structured in three sections. The first synthesizes recent thinking on constructivist ethics and explains how classical pragmatism establishes the normativity of a norm. It focuses on Toni Erskine's critique of the Price / Reus-Smit project and builds on initial attempts to link IR constructivism and philosophical pragmatism.

⁴ Price and Reus-Smit 1998, Price 2008a, b, c, d, Price 2012a, b. See also Adler 2005 3-28 on uniting analytical and normative constructivism.

⁵ Brown 2012.

The key contribution here is that pragmatic constructivism recognises as real the ideational (epistemic and normative) structures of a particular ‘community of practice’,⁶ but it values the norms of that community only to the extent critical inquiry establishes their ability to effect practical consequences that ameliorate lived social problems. These problems arise because practice evolves (e.g. through material change and interaction with different communities) independently of, and possibly to the detriment, of existing norms.⁷ This demands reflection and possibly new norms (or new meanings of existing norms); but, from the pragmatist’s perspective, this process of normative reconstruction is likely irrelevant, and possibly inappropriate, if it dismisses the lived experiences that gave rise to the problem.

The second section relates pragmatism to constructivist norm-life cycle theory and illustrates its empirical application with reference to the R2P norm. R2P emerged as a pragmatic response to the problem created when a community of humanitarians insisted firstly that atrocities (such as those that occurred in Rwanda and Bosnia) were crimes of universal concern, and secondly that states motivated to stop such acts had the right to override the international non-intervention norm (as NATO did in Kosovo). The argument here is that pragmatic constructivists can normatively commit to the compromise articulated by R2P as a hypothesis (rather than absolute value) that promises a better world by reconciling the potentially competing impulses of human solidarity and political pluralism. Whether R2P fulfils that promise must be assessed by what it means for and in practice, and the argument here is that this remains problematic if R2P implementation were to be guided by a regulative approach underpinned by unwarranted assumptions about the norm’s prescription (if not proscription). Here the paper draws on the analytic and normative insights of what has recently been called ‘reflexive constructivist’ approaches.⁸ These argue that ‘conventional constructivists’ too readily take the meaning of a

⁶ Adler 2005.

⁷ Dewey 1920, 38; Hoover 2016, 125-6.

⁸ Wiener 2009; Wiener and Puetter 2009; Wiener 2014.

norm to be fixed and this uncritically authorizes self-appointed norm entrepreneurs to dismiss alternative ideas as shameful acts of non-compliance. Pragmatic constructivism advances this research agenda, taking it beyond the focus on meanings-in-use to assess the usefulness of meanings as they relate to the hypothesis at the core of the norm.

The third section applies this ethic to assess the way R2P supported the initial response to the Syria crisis. It argues that there were certain meanings in the community of R2P practice (which includes states and advocacy groups) that reinforced the insistence on what in effect was ‘regime change’. While these meanings may have articulated an ideal form of protection, they were less than effective in protecting vulnerable populations in this particular situation at that specific time, and they were practically useless in sustaining support for humanitarian goals in the context of political pluralism. Critical reflection on the usefulness of a certain meaning of R2P could have led to a better appreciation of what was possible and opened up policy to alternative approaches. This finding might challenge faith in R2P, but the critique here is aimed not at the norm’s core hypothesis. Rather the critique is levelled at the tenacity of those who insisted R2P’s meaning was fixed and held an unyielding commitment to ends that were, in practice, unrealistic. The paper finds value in this respect in the efforts of pragmatic norm entrepreneurs, such as the former UN Special Adviser Jennifer Welsh, to ‘reframe’ R2P.

A constructivist ethic?

Erskine’s two options

IR Constructivism studies norms as ideational standards of appropriate behaviour. Its contribution has been to demonstrate how norms influence, and therefore help explain, state behaviour. For some constructivists responding to the Price / Reus-Smit challenge, this focus on norms was sufficiently normative. Kathryn Sikkink, for instance, noted that when she started ‘working on human rights in the late 1980s, the choice of topic alone was a sufficiently normative

signal that I felt obliged to spend the rest of my time demonstrating that I was being rigorous in my theory and method'.⁹ There is something to this. Important normative implications flow from the rigorous empirical research that demonstrates how states are not necessarily the power-maximizing, rational, egoists that Rationalist approaches assume they are. But that only takes us so far, as Sikkink acknowledges. She 'pleads guilty' to Price's charge that constructivism too readily equates the influence of norms with normative progress. This unwarranted assumption was further exposed by research demonstrating the influence of 'bad' norms, which reinforced the power of constructivism as an explanatory approach but demonstrated that it could not necessarily be equated with normative progress.¹⁰ Sikkink and the other contributors to Price's 2008 volume recognized that constructivism had to go further.¹¹ It had to engage normative theory to distinguish good progressive norms from bad regressive ones; and – on the other side of the same coin – normative theory had to engage constructivism to distinguish idealism from utopianism.

For Toni Erskine, Price's volume held out 'the intriguing possibility' of a constructivist ethic, but ultimately failed to deliver.¹² This is because, from Erskine's perspective, the contributors adopted what she called the 'division of labor option'. This involved 'outsourcing' the ethical reasoning that established a substantive ethic (i.e. the normativity of a norm) to abstract normative theory and limited constructivist input to questions of how best to implement a norm. Ann Towns states this explicitly when she writes that 'there is no distinctive constructivist set of ethics as such' but, she adds, constructivism is 'central to ethical action since it provides a unique understanding of how the world operates'.¹³ Price too clearly sets out his position: 'While constructivism does not by itself entail full-fledged normative commitments of a sort of cosmopolitanism or communitarianism it does lend strength to a position between scepticism and utopianism'.¹⁴

⁹ Sikkink 2008, 83.

¹⁰ Sikkink 2013; Adler 2005, 104; Mckeown 2009.

¹¹ See especially Havercroft 2008, 116-7.

¹² Erskine 2012.

¹³ Towns 2008, 225.

¹⁴ Price 2008a, 320.

The point here is that in these approaches the substantive ethic (e.g. human rights) is exogenous to constructivism. It is something a constructivist ‘adopts ... as a starting premise’.¹⁵ It is not something that is within constructivism. At best, constructivism leads to a consequentialist ethic because it alerts moral agents to how their actions influence the prospect of their values being realised. Thus, for Sikkink, ‘to answer the question of ‘what to do?’ we need to ask not just ‘what is right?’ but also ‘what may work?’ to bring about outcomes consistent with my principles’.¹⁶ Constructivism, she concludes, ‘can contribute to thinking, researching and writing clearly about consequences and then link this work on consequences to thoughtful normative judgment’.¹⁷ This is important, and we shall return to the question of practical consequences in the second section, but for Erskine consequentialism is an attenuated view of constructivism’s influence on ethical thinking. Ultimately, it falls short of the promise of a constructivist ethic.¹⁸

Building on this critique, Erskine argues that the division of labor approach is potentially problematic for constructivists whose starting premise is a moral commitment to universal human rights. This is because the foundations for this normative position are often justified using abstract reasoning such as social contract, ideal speech or veil of ignorance theory; and it assumes the ability of moral agents to be impartial and reasonable. This is ruled out by a constructivist ethic – as Erskine conceives it – because such an ethic must share with communitarianism the view that moral value is ‘radically situated and socially contingent’. Thus, a cosmopolitan ethic committed to promoting human rights, Erskine writes,

does seem radically at odds with constructivism’s own assumptions that the identities of actors are defined by the institutionalized norms and values of their social contexts, making political agency (and arguably moral agency) radically

¹⁵ Towns 2008, 227.

¹⁶ Sikkink 2008, 85.

¹⁷ Sikkink 2008, 86.

¹⁸ Erskine 2012; also Rengger 2012.

situated and socially determined. This apparent obstacle to establishing an internally generated constructivist ethic deserves attention.¹⁹

From this perspective, the affinity - at least at the epistemological level – between constructivism and communitarianism means evaluative ethical criteria can only be established from within an existing community and by interpreting existing norms. As Erskine puts it, constructivists can only ‘*interpret* (rather than invoke) evaluative standards’.²⁰ To be sure, Erskine’s ‘critical communitarianism’ offers a means of moving beyond this unsatisfactory position. In doing so, she hints at the pragmatic constructivist approach developed in the following sections. ‘Critical communitarianism’, Erskine explains, allows constructivists to ‘be simultaneously committed to the social construction of values, agency, and identity, and still challenge the prevailing practices and espoused values of a particular community – by exposing their inconsistency and tension with underlying, *even ‘latent’,* values and social meanings’.²¹ However, Erskine accepts that even this might lack appeal because it ‘would remain contingent upon the results of ... empirical research and vulnerable to change over time’.²² The critical communitarian position nevertheless is, Erskine concludes, the best constructivists committed to human rights can hope for *if* they take seriously ‘the more demanding version of Price’s challenge’, which is to find within constructivism ‘the evaluative criteria necessary to judge and to champion alternatives to the moral norms they currently map’.²³

A third option – pragmatism

By setting out the two options for ethically engaged constructivists Erskine clarifies what is required of the Price / Reus-Smit challenge. The insistence that a constructivist ethic is necessarily

¹⁹ Erskine 2012, 461.

²⁰ Erskine 2012, 463.

²¹ Erskine 2012, 463-4, emphasis added.

²² Erskine 2012, 464.

²³ Erskine 2012, 465.

communitarian, however, can be supplemented with accounts that examine the normative implications of constructivism by making a connection to philosophical pragmatism.²⁴ Matthew Hoffmann, for instance, also takes on Price's challenge, asking whether a 'constructivist ethic' is an oxymoron. This may appear to be the case, given the lack of substantive moral commitments in constructivist theory, but for Hoffmann the core assumption that agents and structures are mutually constituted through social process is ethically significant. It leads to a sense of 'malleability or even uncertainty'.²⁵

Rather than accept the relativist implications that might flow from this, Hoffmann connects IR constructivism to philosophical pragmatism, which is content to make ethical commitments while brushing aside questions about the foundations and authenticity of a norm. From this perspective, constructivists need not be concerned with the origin of a norm.²⁶ For pragmatists inspired by Dewey, norms are a fact of human life, which is characterised by emotional impulse as well as reasoned argument. They can therefore call on 'a multitude of sources for deriving what is good in world politics' but they must advance those values with humility. Emanuel Adler too makes the connection to philosophical pragmatism. He accepts that the constructivist insistence on social contingency makes it communitarian, but this shared epistemology does not necessarily lead constructivists down a path to relativism. Echoing Erskine's emphasis on latency, Adler writes that 'constructivism adopts the notion that pragmatic and contingent knowledge is *achievable and desirable* and that, in association with conditions that can be clearly specified and understood, the communities within which knowledge develops may *become* transnational even global.'²⁷

²⁴ See Price 2008d, 287, 303; Evanoff 2004; Widmaier 2004; Hoffmann 2009; Ralston 2013; Weber 2013. Bray 2009, 2013; Brown 1999; Cochran 1999, Cochran 2002b apply classical pragmatism to the cosmopolitan-communitarian problem without linking it to a constructivist ethic.

²⁵ Hoffmann 2009, 243. Also Crawford 2002, 2, who argues that an understanding of the process of social construction makes 'it possible to think prescriptively about using ethical argumentative processes to re-make world politics'.

²⁶ Dewey 1920; See Hoover 2016, 126.

²⁷ Adler 2005, 13. Emphasis added. Also Erskine 2008; 2012, 464.

The implication here then is that constructivism need not dismiss the normativity of universal values such as human rights and humanity simply because it is aware of their historical and social contingency. These ideas are not devalued because they lack concrete foundation. Indeed, they might be more valuable once their advocates realise they are products of social practices.²⁸ This is because, as Hoffmann notes, contingency influences *the manner* in which constructivists can commit to substantive values. Drawing on John Dewey's classical pragmatism, for instance, Hoffman insists that 'because constructivists exist in a world of constructed morals, the ethical principles of humility and self-reflection are all important'.²⁹ By stressing that the principles of humility and self-reflection are 'all important', however, Hoffmann risks downplaying an equally important (and in some senses paradoxical) aspect of the pragmatic approach, which is 'anti-skepticism' or 'faith'.³⁰ Indeed, Charles Peirce, who Dewey acknowledged as the originator of pragmatism, defended faith as part of what he called a 'fallibalist' approach to inquiry.³¹ This dropped the Cartesian quest for certainty because of the contingency that constructivism exposes, but it also insisted that doubt could never be the starting point for scientific investigation.³² Faith in the adequacy of the 'hypothesis' should only be challenged when 'real and living doubt' (i.e. experience, practice) suggested there were benefits to discarding it.³³ The pragmatist's recognition of the contingent character of knowledge, including moral knowledge, did not therefore lead to relativism and, crucially, it qualified the doubt that underpins humility.³⁴

In exploring the value and limits of belief, pragmatists like Peirce speak to Erskine and Adler's attempts to address the concern that constructivism necessarily leads to ethical and political communitarianism. As noted, the shared epistemology potentially restricted the scope for ethical critique to the standards that were already embedded within a particular community. Indeed, for

²⁸ This is a theme of Hoover 2016, 103-36.

²⁹ Hoffmann 2009, 246. He cites Dewey 1932 [1985] and the secondary accounts of Owen 2002 and Widmaier 2004.

³⁰ Dancy 2016, 516.

³¹ Dewey [1931] 2004, 3.

³² Peirce 1878. Cited in Hookway 2013; Malachowski 2013, 40-1.

³³ Peirce, [1878] 1986. Cited in Hookway 2013, 21-2; also Bacon 2012, 19-20.

³⁴ James, [1896] 2005. On the 'middle road' character of pragmatism see Weber 2013, 35-41.

Peirce and the pragmatist tradition he inspired, belief in a hypothesis could only be affirmed in the context of a scientific community.³⁵ However, a community could not hold fast to a belief irrespective of the weight of evidence generated by practice, nor could it fix a belief through repression or censorship. Tenacity and authority may reaffirm a belief in the short run only. As Dewey in particular stressed, Darwinian thought had illustrated the constancy of change.³⁶ Facts have a material aspect to them and human practices evolve, even in the absence of normative theory.³⁷ To avoid falling foul of unhelpful dogma therefore, communities of practice have to make their beliefs answerable to the world. New ideas can be imagined and normative agents are entitled to believe in them, but they have to subject that faith to social scientific inquiry if they are to be relevant.

This does not escape the communitarian character of knowledge.³⁸ The arbiter of competing beliefs for classical pragmatists was indeed the consensus that established across the scientific community; but, crucially, *the method of inquiry and its relationship to practice* stood apart from consensus and the community that constructed it. This commitment to scientific inquiry enabled reflexivity, critique and the construction of new knowledge *regardless of whether that knowledge was immanent in existing communities*. Faith (or sticking to one's beliefs) was therefore as much a part of Peirce's fallibilism as was humility, but both came together through the medium of 'experimentalism' or what Adler calls 'learning'; that is a 'capacity and motivation to understand competing alternatives to a currently entertained inference, [which] becomes a creative process through which alternatives and preferences or 'interests' are generated.'³⁹

³⁵ See also Adler 2005, 73, 97-8, 107-8.

³⁶ Dewey [1910] 1965.

³⁷ Adler 2005, 101.

³⁸ Adler 2005.

³⁹ Adler 2005, 107. This echoes Dewey's (1927) concept of 'growth'. However, he distinguished 'growth' from 'learning'. Where the latter could advantage the individual at the cost of their relations to the group, the former was cultivated by the amelioration of the shared problem. See Hildreth 2009, 795-6.

The primacy of experience and practice is significant here, not least because it is described in a much cited reference as ‘*the central*’ principle of the pragmatist tradition.⁴⁰ It also links the discussion to the recent ‘practice turn’ in IR theory.⁴¹ For classical pragmatism, practice was not simply a matter of whether and how one could implement preconceived values, practice had a deeper epistemological significance. In the absence of certain knowledge beyond our experiences, our practices are all we have to judge the adequacy of our beliefs. If by tenaciously acting according to certain beliefs we create social problems and find ourselves unable to cope with evolving practice then we have a right to doubt and to revise those beliefs.⁴² At the same time, the benefits of revision have to be judged against the benefits of faith, especially because the latter can create its own reality. This is the case, for example, when people’s faith in each other lead them to act collectively to stop something they would not have been able to stop individually (James’ illustration was collective action to stop the robbery of passengers on a train). To say knowledge of reality must precede faith in this instance is ‘an insane logic’.⁴³ Or, as Hellmann puts it: ‘we have to cope with reality, but to do so successfully, our beliefs do not have to “correspond” to it’.⁴⁴

Here we see the latent power of ideas that constructivist IR scholarship has demonstrated. What pragmatism adds is an argument that the normativity of those ideas rests not on *a priori* foundational knowledge, nor on communitarian claims to authenticity. Instead ideas can claim normative authority by proving their worth in ways that can control practice and ameliorate the social problems it otherwise causes. This involves collapsing the division of labor between theory and practice/empirics that Erskine identified in Price’s volume on constructivist ethics, and others

⁴⁰ Putnam 1995: 52. Cited, for example, in Hellmann 2009. The neo-pragmatism of, for example Rorty, (1989) rejects the correspondence theory of truth but it parts company from classical company on the issue of whether experience or language is a more primary means of knowledge construction.

⁴¹ On the practice turn in IR as part of the renewed interest in pragmatism see Adler and Pouliot 2011; Friedrichs and Kratochwil 2009, 702; Bauer and Brighi 2009; Kratochwil 2009, 2011; Abraham and Abramson 2015.

⁴² Hoover 2016, 114-5; 125-6 Here classical pragmatism poses a normative challenge to Bourdieuan understanding of practice theory (Alder-Nissen 2013; Adler-Nissen and Pouliot 2014) that argues IR constructivism should emphasize the ‘pre-reflexivity’ of knowledge. See Ralph and Gifkins 2016.

⁴³ James, [1896] 2005, loc.2308.

⁴⁴ Hellmann 2009, 640.

have situated in a ‘wider modernist frame of knowing’.⁴⁵ It then means prioritising the significance of purposeful (not habitual) practice in order to change a problematic situation into a ‘consumatory’ one (i.e. to effect or realise a goal).⁴⁶ To do that, it emphasises the ‘ought’ that is immanent within the ‘is’ of the specific situation (what Dewey called ‘ends in view’) ahead of the ‘ought’ that exists in the abstract.⁴⁷

As Dewey explained in his 1930 essay *The Construction of Good*, Cartesian thought, and the quest for certainty that followed, had imposed an unhelpful hierarchy that privileged abstract theory (usually debated among wealthy elite) over practice (usually done by the poor). The worth of practice in this hierarchy, he writes, was subservient to an unaccountable expression of ‘ultimate reality’.⁴⁸ In the arts of practice, however, we find not only the means to implement ends, we also find knowledge that potentially challenges the adequacy of existing prejudices / habits and provides the material for creating new beliefs.⁴⁹ By elevating practice in this way, we begin to see our knowledge, including our norms, not as fixed standards, but as ‘intellectual instruments to be tested and confirmed – and altered – through consequences effected upon them’.⁵⁰ For Dewey this kind of experimentalism enabled a forward-looking stance that could control the forces that theories identifying absolute truths saw as transcendent and unchanging. This progressivism relied partially on precedent, what had worked in the past. As part of an inquiry into the indeterminate future, however, the experimental method supplemented precedent with a combination of imagination, adaptability and faith.⁵¹

⁴⁵ Influenced by Toulmin (1990), Rytövuori-Apunen (2009, 642) shows how IR has followed the modernist tradition that gives primacy to theory. Also Brown 2010; 2012.

⁴⁶ Hoover 2016, 116.

⁴⁷ Dewey 1920, 97 cited in Hoover 2016, 117.

⁴⁸ Dewey [1930] 2008, 206.

⁴⁹ As Friedrichs (2009, 647) puts it, ‘human practice is the ultimate miracle’ because it proceeds even when our theories fail. Also Friedrichs and Kratochwil 2009.

⁵⁰ Dewey [1930] 2008, 218.

⁵¹ Dewey [1931] 2004, 9. Or, as Crawford 2002, 424, puts it: hard cases demand working ‘the realm of possible futures where imagination is another realm of experience’.

Pragmatism and its critics.

For early critics like Bertrand Russell, pragmatism could be dismissed along with ‘theological superstition’, and ‘the habit of accepting beliefs because they are pleasant’.⁵² He was ‘repelled by instrumentalism’ and the claim that knowledge was found only in resolving the doubts created by practice. Russell argued that abstract reasoning, or ‘contemplation’, was valuable because it was capable of ‘purifying’ practice.⁵³ Interestingly, certain aspects of IR Realism offered similar criticism. These too insisted on the existence of a reality independent of human ideas and criticised a peculiarly American faith in the creative power of belief.⁵⁴ This is significant for our purposes because it reminds us of that aspect of IR Realism that rejects the constructivist/pragmatist belief in the malleability of reality. It means we should approach with caution Samuel Barkin’s conflation of constructivism and Realism (see below for further discussion).⁵⁵

For their part, the classical pragmatists could respond to Russell by noting that they do not deny the existence of reality and truth. They insisted, however, that humans could only ever *know* it as a settled belief that was realized through habitual practice that had, *for the time being*, proven its worth as a tool that removed doubt by addressing social problems; and because belief-based practices could modify reality, understanding the creative consequences of such action was a necessary aspect of any knowledge claim. Given this contingency, truth claims always had to contain a degree of what Richard Rorty later called ‘irony’.⁵⁶ Classical pragmatism, moreover, was not exclusively American, and it did ‘not aim to glorify the energy and the love of action which the

⁵² Russell 1919, 19.

⁵³ Ibid.

⁵⁴ On the ‘objective laws of politics’ see Morgenthau [1948]. This was a shift from the 1946 [1974] attack on ‘scientific man’ where Morgenthau, like Niebuhr [1932] 2001, attacked Dewey’s rationalism for repudiating politics. For the critique of American progressivism see Russell 1919, 26; Morgenthau 1952; Kennan, 1952.

⁵⁵ Barkin 2003.

⁵⁶ Rorty 1989. Also Price 2008d, 295-6.

new conditions of American life exaggerated'. For Dewey, pragmatism was maintained 'in opposition to many contrary tendencies in the American environment'.⁵⁷

The second and related criticism of classical pragmatism stemmed especially from James's insistence that knowledge flowed from 'the passionate desire of individuals to get their own faith confirmed'. For its critics, this allowed, 'if not actively encourages, a sort of philosophical gunboat mentality: were pragmatism to reign, key issues would inevitably get decided by force'.⁵⁸ By failing to understand the way issues were first defined as social problems, pragmatism in effect 'acquiesced' to power.⁵⁹ Yet this criticism overlooked Peirce's argument that beliefs underpinned by authoritarian practices were unsustainable in the long term. More significantly, it overlooked the pragmatist's commitment to learning through the experimental method, which accepted faith as a starting point but also acted as a check on dogmatism and particularism.⁶⁰ As Dewey put it: 'the theory of Peirce is opposed to every restriction of the meaning of a concept to the achievement of a particular end, and still more a personal aim. It is still more strongly opposed to the idea that reason or thought should be reduced to being a servant of any interest which is pecuniary or narrow'.⁶¹ For Dewey, this commitment to experimentalism translated into a commitment to democracy *and* the improvement of public discussion. This was necessary to hold power to account, to test the beliefs of experts and the sustainability of their solutions, as well as to cope with the doubt created by pluralism.⁶² Again, this commitment to democracy was a commitment to truth as method; the ends were realised *in* (not by) the means. Political and social democracy

⁵⁷ Dewey [1931] 2004, 13-14.

⁵⁸ Malachowski 2013, 36.

⁵⁹ For a useful summary of this critique, including Mills 1963, see Hildreth 2009.

⁶⁰ Hildreth 2009, 786-97.

⁶¹ Dewey [1931] 2004, 5; Dewey [1908] 1965, 73-5; also Hoover 2016, 120 on Dewey's distinction between something being enjoyed and the reflective process of valuation. The former is 'a call for caution' because 'the enjoyment of a particular end may well be outweighed by negative consequences that results when it acts as a general guide to action'.

⁶² Dewey 1927.

(or democracy as ‘a way of life’) was needed precisely because we could not be certain of truth independent of method.⁶³

Dewey too was criticised for being naïve about power. Reinhold Niebuhr, for instance, thought his commitment to experimentalism exaggerated society’s willingness to adapt in the face of evidence. Faith in a particular hypothesis may appear misplaced from the pragmatist’s perspective but it was often sustained by political interests rather than ignorance. Reason was the servant of interests; political conflict was inevitable and power was the ultimate arbitrator. To believe otherwise ‘betrayed the prejudices of the middle-class educator’.⁶⁴ This charge is unwarranted according to Dewey’s defenders. They argue that his emphasis on a knowledge of practical consequences as a means of controlling practice at least implied a theory of ‘power to’ if not ‘power over’.⁶⁵ Rather than support thinking and action that creates longer term problems through the exclusive advancement of particular ends, power was to be directed through intelligent inquiry into the continuous identification and amelioration of shared social problems.⁶⁶

Such a response would not satisfy realists who saw appeals to the common good as mere veils used to disguise particular interests.⁶⁷ But where the realist’s focus on power among competing groups potentially led only to observe power in practice, the pragmatist’s commitment to ameliorating social problems offered a means of critiquing power. Contrary to Morgenthau’s and Niebuhr’s portrayal, pragmatism did not believe social intelligence could *remove* conflict through education. It instead believed conflict could be more purposefully channelled through *democratic* inquiry.⁶⁸ Indeed, a close reading of Niebuhr’s critique of ‘educators’ like Dewey suggests he too accepted this. Social intelligence, Niebuhr writes, ‘may serve to mitigate the brutalities of social

⁶³ Bacon 2012, 61-2. This Deweyian understanding of democracy has been applied in IR, see Abraham and Abramson 2015; Bray 2009, 2013; Deen 2013; Goldman 2013.

⁶⁴ Niebuhr [1932] 2001, xxvi-xxvii. Also Morgenthau 1946 [1974], 20-37.

⁶⁵ Hildreth 2009, 786. For the use and elaboration of this distinction in IR see Barnett and Duvall 2005.

⁶⁶ Wolfe 2012; also Hildreth 2009.

⁶⁷ Niebuhr [1932] 2001; Carr 1939 [2001].

⁶⁸ Dewey, [1937] 2008. Cited by Hildreth 2009, 796-8.

conflict' even if 'they cannot abolish conflict itself'.⁶⁹ By accepting the check placed on power by democracy, even realists like Niebuhr saw in power a capacity for reason and a willingness to accept moral suasion. The Realist contribution was simply to point out that it was more difficult to realise this in international politics than it was in national politics.

Pragmatic constructivism

The R2P norm: from meaning in use to useful meanings

IR academics have applied the work of the classical pragmatists in three ways. The first offers pragmatism as an approach that transcends various theoretical impasse.⁷⁰ The second extrapolates from what James, Dewey and others said about the international issues of their day to reflect on contemporary issues.⁷¹ The third tries to distil key points from philosophical pragmatism and to apply them to assess international problems and practices.⁷² By applying pragmatism to the problem posed by atrocity in the context of political pluralism, the rest of this paper contributes to this third body of work. The following sections focus on the idea that R2P offers a hypothesis about how to address this problem, and illustrates how pragmatic constructivism can assess the norm in action. More specifically, the response of international society and the R2P community of practice to the initial crisis in Syria, is used as an example to illustrate how certain meanings of R2P justified practices that were less than effective in protecting populations and damaged faith in the norm's promise.

The violence experienced by the Rwandan and Bosnian populations in the mid-1990s highlighted profound social problems. For part of the transnational community of practice motivated by an

⁶⁹ Niebuhr 1932 [2001], xxxi.

⁷⁰ Cochran 1999, 2002, 2012; Goldman 2013; Isacoff 2002; Kratochwil 2009, 2011; Nyman 2016; Rytövuori-Apunen 2005;

⁷¹ Cochran 2010; Kaag 2013; Kaag and Kreps 2012.

⁷² Bellamy 2002 (humanitarian intervention); Brown 2013 (climate change); Cochran 2001 (foreign policy); Dancy 2016, Hoover 2016 (human rights); Schmidt 2014; Nyman 2016 (security); Shields and Soeters 2013 (peacekeeping);

obligation to ‘humanity’ and a ‘visceral impulse to help suffering strangers’, these experiences were of global concern and they were reason to disrupt the habits of an international community of practice that was based on state sovereignty and non-intervention.⁷³ The value of ‘humanitarian intervention’ was, however, questioned in the late-1990s following NATO’s action to prevent ethnic cleansing in Kosovo. It could undermine order in a ‘pluralist’ international society if, as NATO was accused of doing, states intervened without proper authority.⁷⁴ R2P was formulated by the International Commission on Intervention and State Sovereignty (ICISS) in response to this problem. In constructivist terms, ICISS was a ‘norm entrepreneur’ and its central idea, that sovereignty was contingent and international society has a responsibility to protect when states are unwilling or unable to stop atrocities, entered the ‘norm life-cycle’ with the release of its 2001 report.⁷⁵

Before elaborating on R2P’s ‘life-cycle’, it is necessary to address the argument that those supporting R2P (or the R2P community of practice) might justify a normative commitment to atrocity prevention with recourse to the kind of abstract and foundationalist thinking that is seemingly ruled out by the communitarian epistemology demanded by constructivism. This might mean that constructivists can only support the implicit claims to a common humanity contained within the R2P norm if they adopt moral standpoints exogenous to their social theory. Constructivist advocates of R2P would in this sense have to practice Erskine’s division of labor approach. The *pragmatic* constructivist, however, is interested less in discovering or establishing moral foundations than he or she is in the practical consequences of an idea like ‘humanity’; and this opens the door to supporting R2P *if* it ameliorates the social problems created by atrocities in the context of a politically pluralist society of states.

⁷³ Barnett and Weiss 2011, 112. On the two communities of ‘global social practice’ see Frost 2009.

⁷⁴ The dilemma has been at the centre of English School approaches. See for example Wheeler 2002.

⁷⁵ ICISS, 2001; Badescu and Weiss 2010; Barnett and Weiss 2011, 79-87; Shawki 2011; Job and Shesterinina 2014; Welsh 2014b.

From this perspective there is space to question the ends of a humanitarian community that insists international society should protect the vulnerable. Where this space may be closed by (exogenous) theories claiming moral certainty, pragmatism recognises that humanity and humanitarianism is ‘a constructed abstraction that needs to be constantly scrutinized’.⁷⁶ At the same time, however, this fallibilist view of R2P does not necessarily lead one to dismiss its normative value. One may claim, for instance, that because ‘humanity’ lacks absolute foundation states do not have a responsibility to protect the vulnerable. But this too must be treated *as a hypothesis* that is exposed to practice, and having done that there is reason to conclude that the weight of empirical evidence suggests the opposite. In adopting R2P at the 2005 World Summit, for instance, states reimagined international society, making clear that they do have a responsibility to protect populations from atrocities. Yet it is important here to understand that the pragmatist would not take this as evidence of a fixed and final synthesis. It is, from the pragmatist’s perspective, evidence that R2P, as a hypothesis, *might* ameliorate the social problem in view without creating new and unmanageable problems. Its normative authority is derived not from a consensus but from how well the hypothesis withstands practice.

By acknowledging a norms’ contingent status pragmatism ‘does potentially open up the way for more democratic forms of action’.⁷⁷ Voices other than the original norm entrepreneurs should have a say in how it is implemented if the norm is to remain useful in reconciling evolving communities of practice. But having done that, pragmatism also recognizes that contestation does not necessarily justify change. As the recent debate on the anti-torture norm attests, the meaning of some norms are more fixed than others and it is not the case that meanings should always shift to accommodate alternative views.⁷⁸

⁷⁶ Hoover 2016, 134; see also Barnett and Weiss 2011, 109, 124.

⁷⁷ Hoover 2016, 135.

⁷⁸ Sikkink 2013.

R2P is ‘complex’ in this regard.⁷⁹ At its core there is a settled consensus underpinning its *proscriptive* elements, which are defined in international law: acts of atrocity and international intervention without UN authorization are illegal. Of course, these can still be contested, they are hypotheses about how we should live; but the consensus underpinning this aspect of the norm is such that contestation exists in the abstract. In contemporary practice, the proscriptive part of the norm is stable.⁸⁰ On the other hand, the *prescriptive* element of R2P, which insists states as members of an international community have a responsibility to protect foreign populations, is less clear, and from a pragmatic constructivist perspective this indeterminacy is useful given the problem R2P addresses.⁸¹ How best to protect a vulnerable population varies according to the contingencies of the particular crisis. In that respect R2P’s prescription *should* not be fixed. The role of the pragmatic constructivist here is to test R2P’s various meanings as they are used in particular situations to judge how well they ameliorate vulnerability and maintain a pluralist international order.

This complexity means it is difficult to analyse R2P in terms of the norm-life cycle. This approach is useful to the extent particular practices have proven (and continue to prove) useful in *preventing* atrocities. With the availability of this knowledge we can identify R2P-consistent behaviour and norm internalization when these practices have a ‘taken-for-granted’ status.⁸² The limitations of norm life-cycle theory are more apparent in situations of *ongoing* atrocities. Here R2P is indeterminate *by design*. It embraces an ethic that is sensitive to the circumstances of the particular situation.⁸³ The WSOD, for instance, calls on states to act through the UN Security Council on ‘a case-by-case’ basis. Ambiguity and inconsistency of response is not necessarily a problem therefore.⁸⁴ It only becomes a problem if R2P’s prescriptions are fixed to certain responses (e.g.

⁷⁹ Welsh 2013, 2014b

⁸⁰ Although some states do maintain that a Kosovo-type humanitarian intervention is legal, see Robertson 2014.

⁸¹ Welsh 2014b.

⁸² Welsh 2014b.

⁸³ See Welsh 2013, 368; Widmaier and Glanville 2015.

⁸⁴ See Brown 2010; Welsh 2014b; Gallagher 2015.

intervention, regime change) and their absence is always interpreted as an example of inappropriate non-compliance.

IR Constructivism has recently moved toward this view of norms and that has opened up interesting lines of ethical inquiry. ‘Critical’, ‘consistent’, ‘reflexive’, ‘post-positivist’ constructivism reject the idea that the meaning of a norm can be fixed.⁸⁵ The emphasis here is on the role that discourse plays in repeatedly constructing meaning. Indeed, Antje Wiener echoes a classical pragmatist theme when she notes that ‘meanings – while stable over long periods of time and within particular contexts – are always in principle contested’.⁸⁶ This means discourse analysis, which exposes the way norms like R2P accommodate various ‘meanings-in-use’, should always form part of constructivist analysis. Again echoing a classical pragmatist theme, Wiener argues that the plurality of meanings contained within discursive contestation should in fact be embraced in deliberative forums because ultimately a norm’s normativity is weaker if it relies only on the tenacity of norm entrepreneurs and the coercive practices (including possibly the shaming tactics) of their supporters.⁸⁷ Amitav Acharya’s theory of norm-circulation also captures this. He writes that the ‘receptivity of a new international norm is likely to be higher if the responsibility for its creation and diffusion is seen to be more broadly shared than being credited with any particular group’.⁸⁸

These parallels between reflexive constructivism and pragmatism are in fact made explicit by Friedrich Kratochwil. He reminds us that actors are not ‘normative “dopes” implementing the expectations of others’. Situations ‘allow for “bending” the rules’ and introducing a new meaning that ‘allows for innovation in coping with social problems.’⁸⁹ This emphasis on ‘coping’ with

⁸⁵ Hopf 1998; Fierke 2013; Wiener and Puetter 2009; Welsh 2013.

⁸⁶ Wiener 2004, 200. Also the work of Amitav Acharya 2004, 2011, 2013; and for applications to R2P see Hofmann 2015; Kenkel and De Rosa 2015; Kenkel and Stefan 2016.

⁸⁷ Wiener 2014. For critical constructivist arguments that question the effectiveness of the norm-entrepreneur’s shaming tactics see Epstein 2012; Gurowitz 2008; Lynch 2002, 2008; Reus-Smit 2008, 78-9.

⁸⁸ Acharya 2013, 468.

⁸⁹ Kratochwil 2011, 50.

problems as they are experienced also reminds us of the way classical pragmatists assessed a belief in terms of the practical consequences that followed from acting it out. It should shift the norm diffuser's focus away from efforts to 'clarify' the norm's meaning, as if that had been fixed by the original norm entrepreneur.⁹⁰ It focuses instead on the norm's ability to prompt practice that effectively ameliorates the lived social problem, which is how to protect populations from inhuman acts in the context of a pluralist society of states.

This combination of constructivism and pragmatism allows us to move the research agenda beyond tracing various meanings-in-use. It enables constructivists to assess the usefulness of those meanings. More specifically, pragmatic constructivists can commit to R2P as a useful hypothesis for addressing the social problems that were exposed by the 1990s experiences in Rwanda, Bosnia and Kosovo. What that means in practice, however, remains contingent on particular circumstances. Pragmatic constructivists can interrogate how various meanings of R2P are used discursively to make possible certain practices; *and*, building on that, they can normatively critique those practices by 'weighing' the consequences of those meanings for threatened populations and international society both at a particular moment and in the future.

Weighing practical consequences

This definition of a pragmatic constructivist ethic resonates strongly with Kathryn Sikkink's contribution to Price's volume.⁹¹ As noted, Sikkink acknowledged that constructivists can do more to 'explicitly articulate a normative or prescriptive position'. In seeking to address this shortcoming, and to defend her normative commitment to human rights, Sikkink offers what at first sight appears a pragmatist position.⁹² For instance, she rejects the idea that human rights

⁹⁰ Welsh 2013.

⁹¹ Sikkink 2008.

⁹² Sikkink (2008, 89) describes her commitment to human rights as being pragmatic but she does not make explicit the links to philosophical pragmatism.

advocacy has to be grounded in abstract normative reasoning. Her puzzlement as to why we ‘must start from scratch’ is substituted by an acceptance of existing international human rights law. This offers ‘a good starting point for normative argument’.⁹³ She accepts international law may be influenced by power relations, but the implication is that human rights are valuable because they can be turned on power in ways that test the adequacy of its practices.⁹⁴ Second, Sikkink’s emphasis on the ‘need to know something about the empirical consequences of some norms in order to judge their ethical desirability’, resonates with the pragmatist’s prioritisation of practice.

On this basis, Sikkink is willing to drop a normative commitment to human rights trials if new empirical research demonstrates that they worsen human rights situations (which she insists is not the case). Yet ultimately Sikkink’s commitment to human rights is seemingly fixed on foundations that have no space for critique. ‘I believe’, she concludes ‘there should be some basic deontological principles so that we don’t have to reopen the ethical debate about consequences at every point’.⁹⁵ Again, the pragmatic constructivist approach could share Sikkink’s normative commitment to human rights; however, it would reject the claims to moral certainty implied by deontological approaches. Instead, the pragmatist’s ‘belief’ in human rights as a principle would be based on evidence that its *meaning in use is useful*. Indeed, Sikkink and others *have* defended their normative commitment to human rights in these terms, citing evidence of the idea’s long term effectiveness.⁹⁶ However, the need to also appeal to deontological principles problematizes, in ways Erskine noted, Sikkink’s understanding of constructivist ethics.

This subtle difference between pragmatic and Sikkink’s constructivism is significant. For instance, both Sikkink and Dewey stress the importance of a form of ‘forward-looking’ or ‘counterfactual’ inquiry.⁹⁷ As Sikkink notes, this kind of inquiry ‘can be notoriously uncertain’, but if knowledge

⁹³ Sikkink 2008, 88. As Ralston (2013, 11) puts it: philosophical pragmatists emphasize ‘the idea that experience begins and ends in the middle of things, rather than from an initial position or terminating in a fixed and final end’.

⁹⁴ See also Hoover 2016.

⁹⁵ Sikkink 2008, 103.

⁹⁶ Sikkink 2008, 87-96; also Crawford 2002, 408; Dancy 2016, 524.

⁹⁷ Hildebrand 2013, 67; Sikkink 2008.

is to be useful (and pragmatism insists it must) it is unavoidable. Past experience is only a partial guide to the usefulness of acting out a particular belief. It can mitigate some of the uncertainty, but ultimately the art of ‘weighing consequences’ *before* acting out certain norms (and certain meanings thereof), is an exercise of practical judgment. The key point here, however, is that by problematizing (without necessarily removing) the ground on which the original norm entrepreneur stands, pragmatic constructivism – to repeat Hoover’s formulation – ‘does potentially open up the way for more democratic forms of action’.⁹⁸ The ‘imaginative rehearsal’ of consequences is improved by the democratic process and the critical inquiry it encourages.⁹⁹

At this point, the affinities between a pragmatic constructivist ethic, which assesses a norm’s various meanings in terms of their practical consequences, and the Aristotelian concept of *phronesis*, including its expression in policy-oriented writings of classical realists, comes into sharper focus. There are, as Chris Brown notes, similarities between *phronesis* and practice as it is used in IR’s recent turn to pragmatism. Significantly, however, Brown distinguishes between the Bourdieuan-influenced conception of practice found especially in the work of Vincent Pouliot, which emphasises the *pre-reflexivity* of habit, and an Aristotelian-influenced conception where ‘habitual knowledge is developed consciously through processes of reasoning’.¹⁰⁰ The latter clearly resonates better with the classical pragmatist’s insistence that habit be subjected to critical inquiry. Drawing on Aristotle’s *Ethics*, Brown describes *Phronesis* as deliberation about things that are good or bad for human beings, it is about knowledge of particular situations and about matters that could be otherwise. It roughly translates as practical wisdom or prudence, but where the latter implies reasons for not acting, the practical reasoning valued by *phronesis* ‘is better understood as the ability to weigh the consequences of one’s actions’.¹⁰¹

⁹⁸ Hoover 2016, 135.

⁹⁹ Hoover 2016, 119.

¹⁰⁰ Brown 2012, 441; Ralph and Gifkins 2016.

¹⁰¹ Brown 2012, 453.

Practical judgment in this way is central to a pragmatic constructivist ethic that assesses the practical consequences of a norm's various meanings in terms of whether they ameliorate the social problem that norm purportedly addresses. Indeed, practical knowledge of *how* to ameliorate the problem is prior to, but also influenced by, more public forms of deliberation, such as debate at the UN Security Council. Practical judgment should inform the positions that states offer in these forums, and pragmatic constructivists can assess those starting positions separate to 'the logic of arguing' that ensues.¹⁰² A judgment of what is possible should inform any assessment of 'the better argument', and on that basis it should inform the decision of whether to stick to a position or to compromise. Practical judgment, in other words, should inform the interplay of faith and doubt that characterises deliberation. In an R2P context, a state that concedes to an argument that cannot practically ameliorate vulnerability may not be acting appropriately, even if that argument commands consensus. If the evidence suggests practical alternatives that can better protect populations without consequences that are unmanageable in a pluralist international society, then a state should try to persuade others of that.

Confusion might arise at this point from Brown's association of practical wisdom with classical realism. He highlights the writings of those like Morgenthau and Kennan, who saw theory as a tool for informing practitioners. Does this mean that a pragmatic constructivist ethic is essentially a realist one? To the extent this kind of realism accepts that prudent practice can ameliorate social problems then the difference might be a matter of degree. Realist scepticism, however, tends more often to argue that 'reality' must be endured and cannot be changed. In an R2P context, for instance, it will more readily accept that a population's vulnerability is the consequence of humanity's earthly limitations. It will tend to characterise these situations as 'tragic'; whatever states do they simply cannot remove conditions in which the vulnerable will suffer. From a

¹⁰² On the difference between pragmatic practical problem-solving and Habermasian discourse ethics see Bray 2013, 468; Deen 2013, 115-6; Hoffman 2009, 243; Honneth and Farrell 1998, 775. On the logic of practice as a supplement to the logic of arguing see Pouliot 2008.

pragmatic constructivist perspective, however, this potentially relegates the analyst to the role of ‘spectator’.¹⁰³ The theorist-practitioner may be stoical in the face of suffering, but to rest there merely demonstrates a lack of imagination.¹⁰⁴ Prudence is a virtue but it does not mean social problems cannot be ameliorated. It demands action that will, in Richard Ned Lebow’s words, ‘reduce our vulnerability to tragedy’.¹⁰⁵

Applying pragmatic constructivism

The Responsibility to Protect and Syria

Applying a pragmatic constructivist ethic involves, to repeat the above formulation, interrogating how various meanings of a norm in use help make possible certain practices, and offering a normative critique of those practices by weighing their consequences for ameliorating the social problem that the norm purportedly addresses. The R2P norm sets out a *process* through which international society aims to protect populations from ongoing atrocities in the context of political pluralism. This was set out in paragraph 139 of the WSOD. The international community, through the UN Security Council, would take collective action, in a timely and decisive manner, on a case-by-case basis. The centrality of the Security Council to that process is sometimes missed by commentators who assume the norm mandates action without UN approval.¹⁰⁶ It was, however a pragmatic response to the social problem caused by the unauthorized character of Kosovo-type humanitarian interventions and it demands pragmatism especially among the Permanent 5 as they deal with each situation. To propose action that cannot command collective support of the Security Council is as problematic as agreeing to a proposal that cannot protect populations. In

¹⁰³ On Dewey’s critique of a dualist model of knowledge and how it restricted agency to being a spectator see Hildebrand 2013, 63-4.

¹⁰⁴ Lachs 2005.

¹⁰⁵ For a pragmatic constructivist-type argument that an understanding of tragedy helps prevent its reoccurrence by encouraging a sense of fallibilism see Erskine and Lebow 2012, 11; Ned Lebow 2012. Also Price 2008d, 287, 303. For a defense of realism see Rengger 2012b.

¹⁰⁶ Borger 2013.

this sense the pragmatic constructivist can support R2P while still being critical of certain practices that are done in its name.

Pragmatic constructivism is applied here to analyse and assess the P3's response to the initial violence in Syria, specifically the three resolutions they proposed in 2011 and 2012, as well as the manner in which R2P supported that. The critique that follows should not be read as support for the Russian and Chinese vetoes of these resolutions. The 'realities' in Syria may have changed, and humanity better served, had Russia and China supported the western position. Still, there remains a significant ethical question to answer about the western proposals given the 'realities' of the Russian and Chinese positions. The argument here is that the P3's proposed way forward was itself problematic for three reasons: it was fixed to an outcome – 'Assad must go' - that was, after the political fallout from the Libya intervention, unlikely to gain Security Council support; the strength of the commitment to that outcome was underpinned by unwarranted assumptions about the inevitability of Assad's fall; and the P3's insistence on regime change came at the expense of realisable ends ('ends in view') that were valuable if not ideal. To be sure, the argument is not that the P3 were guided only by R2P when they insisted 'Assad must go'. It is evident, however, that the P3 did appeal to that norm in proposed resolutions, which also called for political transition in Syria (an end far from view). It is also evident that R2P advocacy groups supported these resolutions. In this sense, R2P did mean, in certain quarters, regime change; a meaning that ultimately proved useless in addressing the problem of protecting populations in the context of political pluralism.

The link between R2P and an end out of view (i.e. regime change) is evident in the draft resolutions that were vetoed. Two months on from the first calls for Assad to step aside, the UK drafted a resolution that recalled the Syrian government's 'primary responsibility to protect'.¹⁰⁷ It also called for 'an inclusive Syrian-led political process ... aimed at effectively addressing the legitimate

¹⁰⁷ United Nations 2011. See also United Nations 2012a; 2012b; 2014.

aspirations and concerns of Syria's population.' It demanded the government 'allow full exercise of human rights and fundamental freedoms by its entire population'. It might be argued that in this instance the R2P norm was simple window dressing, and that the P3 states were guided by other concerns, in which case pragmatic constructivists might be able to criticise the P3 but not R2P. Yet it is also evident that R2P advocacy groups supported the resolution and shared the P3's view that the Russian and Chinese vetoes were responsible for international society's failure. For instance, as Director of the Global Centre for R2P, Simon Adams argued that the UK resolution was 'a vigorous response in keeping with R2P'. Here, then, R2P meant political transition and those who did not support that view were, in Adams's view, 'abstaining, both literally and figuratively, from the process of finding a solution'.¹⁰⁸

In this situation, pragmatic constructivism would warn of the risks of certainty and of fixing the meaning of a norm. To be certain on what a norm means closes down the space for deliberation. Moreover, it notionally authorizes those who claim they know what R2P means to shame what they see as non-compliance. In this instance, the meaning of R2P became fixed in some quarters to an unyielding commitment to accountability, which involved removing Assad and bringing him to justice. The consequence of not doing that, it was argued, was more atrocity. Thus, Adams writes that 'at each point of the conflict the absence of accountability encouraged more extreme forms of deadly violence'.¹⁰⁹ As a hypothesis, this is possibly right. There is evidence (which Sikkink cites) that accountability for violations of human rights / crimes against humanity ameliorates vulnerability over the long term.¹¹⁰ But the point here is that this was not an 'end in view' in this particular situation at that particular time.

This last claim is based on two main points. Firstly, R2P demands action through the Security Council. In 2011, two of the five veto powers consistently set out their position against political

¹⁰⁸ Adams 2015.

¹⁰⁹ Adams 2015.

¹¹⁰ Sikkink 2008.

interference and international accountability in Syria because of what they saw as a western betrayal during Libya intervention.¹¹¹ In this way it is problematic to say the P3's 'vigorous' response to Syria (i.e. regime change) was in keeping with R2P. The P3 thought for various reasons that it was appropriate for Assad to step aside but to persist with a line that would not pass the Security Council was to propose something impractical. Indeed, evidence suggests that the draft resolution referring the situation to the ICC, which was tabled in May 2014, was motivated by reputational rather than practical concerns.¹¹² Secondly, one might question how vigorous the P3 calls for political and criminal accountability were when they themselves consistently argued that 'Syria is not Libya' and ruled out the kind of intervention that was needed to materially effect that goal.¹¹³ As one commentator noted at the time, Russia and China may have been in the minority at the Security Council, but P3 criticism of their vetoes also provided western powers with a convenient 'alibi' for western unwillingness to intervene.¹¹⁴ In short, to the extent R2P meant accountability it was not useful because accountability was not realizable; it was in 2011-2012 an end out of sight. Taking this kind of evidence into account, the pragmatic constructivist approach is able not only to trace the meaning of a norm but to challenge the normativity of the norm as it was being used in a specific situation. To suggest in the 2011-2012 that R2P did not mean the kind of accountability that lead to regime change, would have opened space for alternative approaches to preventing atrocities in the context of political pluralism. Here we are forced to argue counterfactually, as Sikkink suggested; any evidence of realisable alternatives that could have protected vulnerable populations becomes ethically significant. This evidence is provided in this instance by Jean Marie Guéhenno, who was an adviser to the 2012 UN Envoy to Syria, Kofi Annan. He has argued that the western insistence on accountability was, at that time, an obstacle

¹¹¹ Ralph and Gallagher 2015.

¹¹² Ralph and Gifkins 2016.

¹¹³ Clinton and Gates 2011; Sengupta 2012 called this refrain 'a [UK] government mantra'. For elaboration on the arguments that prevented western states intervening in these early stages of the conflict, including a refusal to arm 'moderate' rebels see Ralph, Holland and Zhekova 2017.

¹¹⁴ Sherlock and Spencer 2012.

to an enforceable peace and Security Council backing. Prejudging the outcome of a political transition, (i.e. Assad *must* go) made it less likely that the process would ever get started. Assad himself may have never agreed to negotiate but to insist on a form of accountability that led to regime change also made it difficult to engage his influential backers. Annan, for instance, had considered Iran's involvement in negotiations necessary because it had leverage over Assad. But this was opposed by western states and, Guéhenno concludes, 'for some countries, the fall of Assad would prove to be a much more important goal than a quick end of the war'.¹¹⁵

Of course, conceding that Assad could stay in 2011-12 went against the evidence that accountability assists atrocity prevention by ending a culture of impunity; but it was also consistent with evidence that demonstrates how situations of armed conflict increases the likelihood of atrocity and that peace is best form of atrocity prevention.¹¹⁶ Indeed, other R2P supporters interpreted the norm in a way that gave less weight to the importance of political transition and accountability.¹¹⁷ Still, western policymakers continued to insist Assad must go and this policy was supported by R2P advocacy groups that continued to insist R2P meant political and criminal accountability.¹¹⁸

The 2012 peace process failed in part because of what Annan called the 'destructive competition' at the Security Council.¹¹⁹ P3 resolutions, tabled alongside their calls for Assad to go, were vetoed in February and July. The Syrian conflict then escalated, providing the context for more atrocities. A resolution in keeping with R2P *was* passed in July 2014 when the humanitarian track was delinked from the political and ICC tracks, which again suggests that 'R2P as accountability' may have been appropriate *in the abstract*, but *in practice* it worked against implementing other meanings of R2P,

¹¹⁵ Guéhenno, 2015. Kindle edition. Loc.5525. See also Walt 2016.

¹¹⁶ Ki-Moon 2014.

¹¹⁷ Western and Goldstein 2013.

¹¹⁸ While the Global Centre insisted 'R2P is not about regime change', and argued 'R2P should be a constructive context to frame this [Annan's] heightened diplomatic effort', it too went beyond atrocity prevention by insisting on 'genuine powersharing government as a prelude to real and substantial reform'. Adams 2012. In regularly calling on the Security Council to refer the situation to the International Criminal Court, GCR2P (2012) was joined by the human rights groups of the International Coalition for R2P.

¹¹⁹ Black 2012.

including 'R2P as humanitarian aid'. The question that this poses for pragmatic constructivists is why the western powers in this early period remained committed to what in effect was regime change, and why R2P advocacy groups would reinforce that position by arguing it was in keeping with their norm.

The evidence suggests that western policy in this early period was heavily influenced by an 'Arab Spring' discourse that interpreted the violence in Syria as part of a movement that replaced dictatorships in the wider Middle East. Assad's downfall was understood and represented as inevitable.¹²⁰ From the perspective of P3 governments, therefore, the call for Assad to go was not only consistent with their state's identities and interests in the abstract, it was also realisable. Calling for Assad to go would put them on 'the right side of history'.¹²¹ From an R2P perspective, moreover, the 'Arab Spring' acted as a telescope that brought political and criminal accountability into view. As the British National Security Adviser at the time put it to the author: 'we understood Syria was not Libya but we thought Syria was Egypt', suggesting a firmly held view that the dictator *would* be removed.¹²² In these circumstances, it was relatively easy for the P3 and the R2P community to conclude that Assad *should* be held politically and (later) criminally accountable for his crimes. And yet their faith in Arab Spring proved unwarranted and their practical judgment exposed. Western powers were unwilling to intervene materially in a way that would effect regime change and they contented themselves by proposing resolutions that helped them frame the Russian and Chinese vetoes as responsible for international society's failure. Again, a pragmatic constructivist approach would not only investigate the meanings of the R2P norm that facilitated this approach, it would also conclude that the meaning of R2P *as accountability* was, in these circumstances practically useless. It would also criticise those whose practice was both guided by and perpetuated this meaning.

¹²⁰ See Ralph, Holland and Zhekova 2017.

¹²¹ Rice 2012.

¹²² Ricketts, 2016.

Reimagining R2P.

Such a conclusion may be taken as evidence that leads pragmatic constructivists to abandon faith in R2P as a useful hypothesis. It would be wrong, however, to file this argument alongside those who wrote R2P's obituary some time ago.¹²³ The argument here is that the Syria case exposes the usefulness of a particular meaning of R2P at a certain time and in specific circumstances. The pragmatic constructivist in this sense can maintain faith in R2P as a norm that sets out a process for ameliorating the problem of atrocity in the context of political pluralism while at the same time challenge the judgment of an R2P community that invoked the norm to support an impractical response to the Syria crisis. Indeed, alternative views on how to proceed in Syria were available within the R2P community. The Co-Chair of ICISS, Gareth Evans, for instance, argued that the P3 failed to give adequate weight to concerns that R2P as accountability was a veil for western political interference, especially after the Libya intervention. He recognised that there were 'strong answers to these criticisms', including the riposte that Russia too was acting instrumentally when it used this argument to protect the Assad regime.¹²⁴ But by describing the P3 as 'dismissive' and arguing that Security Council 'bruises will have to heal before there will be any prospect at all of consensus on tough responses to such situations in the future', Evans implies a meaning of R2P that was more open to deliberation at the Security Council.¹²⁵ If 'an un-vetoed majority vote is ever going to be secured again for strong action' he wrote in 2012, 'the issues at the heart of the backlash against the implementation of the Libyan mandate simply have to be addressed'.¹²⁶

¹²³ For instance, Rieff 2011.

¹²⁴ See Adams 2012.

¹²⁵ Evans 2014.

¹²⁶ Evans 2012

At a more general level, the Special Adviser on R2P to the UN Secretary General, and IR academic, Jennifer Welsh builds on what she calls ‘post-positivist’ constructivism to offer a ‘subtle reframing’ of R2P in ways that echo Evans’s sensitivity to political pluralism.¹²⁷ Recognising the importance of Wiener’s critique of norm-life cycle theory to R2P, Welsh investigated the normative arguments underpinning the contestation after the 2005 World Summit, and especially after the 2011 intervention in Libya. Of significance here, Welsh notes, is the principle of sovereign equality, which, she argues, is rooted in the liberal ideal of an egalitarian international society and had been useful in establishing a ‘baseline for institutionalized international cooperation’. Certain practices in the implementation of R2P (e.g. if the P3’s meaning prevailed) threatened sovereign equality and the international cooperation that flowed from it. Echoing Evans, she concludes, that one way to address this would be to emphasize human protection but avoid ‘the spectre of [international] hierarchy and external enforcement’.¹²⁸ This would help reconcile the R2P community of practice with international society once more. It would facilitate Deweyian ‘growth’ in ways that were more sustainable because they were evolutionary rather than revolutionary.

These pragmatic approaches focus on how to achieve Security Council backing for R2P-appropriate action in the context of political pluralism. Framing R2P as prevention (rather than intervention) is one way of doing this.¹²⁹ This, however, leaves unanswered the question of what R2P means - and should mean - in instances of ongoing atrocities when a Security Council resolution authorizing external intervention to protect vulnerable populations is impossible. Of course, this may be the case when (as happened in Syria in 2014-5) the permanent members enter the conflict for other reasons. In this situation the social problem remains: how to protect vulnerable populations in the context of political pluralism; and R2P can still be useful, but this requires imaginative new meanings. Again, Welsh offers an interesting reframing pertinent to this

¹²⁷ Welsh 2013

¹²⁸ Welsh 2013; also Welsh 2011.

¹²⁹ United Nations 2013.

scenario. She notes how too often R2P is ‘framed still very much as a foreign policy issue: i.e., as something we do ‘outside’ our borders’. Speaking in the context of refugee flows from Syria to Europe, Welsh adds, that discourse should be ‘turned inward, to ask what the prevention and response to atrocity crimes could mean for the European heartland itself.’¹³⁰ Ralph and Souter develop this line of argument further, arguing that providing asylum for those who have protected themselves by fleeing atrocity should be considered as a means of solving the social problem at the heart of R2P.¹³¹

The argument here is not that R2P should *only* mean asylum. The pragmatic constructivist does not look to fix meanings. Rather the argument is that asylum is potentially a useful means of addressing the social problem that R2P purportedly ameliorates: how to protect vulnerable populations in the context of political pluralism. That *hypothesis* – for pragmatic constructivists it can only be that – would be subjected to critical analysis in the context of the specific contingencies of the moment. This would include weighing the consequences of taking in more refugees and judging how likely the potential problems created are, and whether they are manageable. Such decision-making would inevitably include questions about a state’s culpability for causing situations of vulnerability and the ‘special responsibility’ that creates.¹³² Reframing ‘R2P as asylum’ does not then guarantee solutions to the problem of protection in the context of political pluralism. By reframing the problem, however, it offers possible solutions in situations where ‘R2P as intervention’ offers none.

Conclusion

In his 2008 *International Organization* article Richard Price set out a new research agenda for constructivists in IR. The new task was to engage normative theory in a way that enabled

¹³⁰ Welsh 2014.

¹³¹ Ralph and Souter 2015, 2017.

¹³² Ralph and Souter 2015; Coen 2017.

constructivists to defend claims that theirs was a progressive social science and to steer empirical research in ways that could sustain that vision. The follow-up essays Price published as *Moral Limit and Possibility in World Politics* were criticised for adopting a division of labor whereby substantive normative ends were fixed by abstract theoretical reasoning and the constructivist contribution was limited to offering empirical guides to implementation. If constructivists were to engage normative theory and remain committed to an argument that norms are historically and socially contingent they had to go beyond this. They had to abandon the idea that their own ethical starting points could be grounded in abstract theories that established moral truths independent of human practice. For Erskine this meant accepting communitarianism, at least at an epistemological level, and that did not sit comfortably with the cosmopolitan starting points of some constructivists.

Exactly one hundred years prior to the publication of Price's article, John Dewey delivered a public lecture in which he made a similar criticism. Reason that was 'stripped naked of empirical accretions' may have delivered Kant's categorical imperative to treat others as moral ends but

it became a mere voice, which having nothing in particular say, said Law, Duty ... [left] to the existing social order of the Prussia of Frederick the Great the congenial task of declaring just what was obligatory in the concrete. The marriage of freedom and authority was thus celebrated with the understanding that sentimental primacy went to the former and practical control to the latter.¹³³

As this quote suggests, the search for moral certainty in abstract theoretical reasoning was for the pragmatist futile and irresponsible. Norms with no practical consequence risked acquiescence through irrelevance. Normativity was instead to be judged by how well a belief prompted action that exposed and ameliorated lived social problems. To do that, norms had to be exposed to the world. They had to be treated as hypotheses to be constantly tested for how useful they were.

¹³³ Dewey [1908] 1965, 64-5.

This paper argued that a pragmatic ethic of this kind emerges from the constructivist emphasis on the contingency of norms. The paper then applied that ethic to offer a critique of norm life-cycle theory using the R2P norm, its various meanings in use, and their performance during the Syria crisis, as an illustrative example. Dewey's critique of Kant is interesting in this regard as it reflects on neo-Kantian efforts to address what is seen as the failure, or at least inconsistent application, of the R2P norm. Heather Roff, for instance, argues that R2P as it is currently conceived is an 'imperfect duty' because it is contingent on state, and especially the Security Council, to discharge it. Proper implementation for Roff requires the creation of an institution separate from the Security Council (an R2P-Institution), which could remove private judgment or the national interest from the decision on when to intervene. To perfect the duty of humanitarian intervention a UN Rapid Reaction Force (RRF) should be created to act on the new institution's findings.¹³⁴

This certainly is an interesting hypothesis, but as Ralph argues (echoing Dewey), legal fixes such as this can be so detached from political reality that they risk simply adding to the scepticism regarding the norm's ability to ameliorate vulnerability.¹³⁵ As this paper has demonstrated moreover, this criticism also applies to less radical approaches to discharging R2P. Certain meanings of R2P in use during the initial Syria crisis – especially R2P as accountability - were also detached from political reality. Applying the pragmatic constructivist ethic argued for in this paper would have meant questioning the usefulness of this particular meaning and the policy end of regime change that flowed from it, as well as advocating a more open policy discourse that emphasises other meanings, such as R2P as peace. This is how pragmatic constructivism traces the impact of a norm and its various meanings in use, *and* establishes normativity through an assessment of that meanings usefulness for ameliorating the lived social problem.

¹³⁴ Roff 2013, 119-21.

¹³⁵ Ralph 2016.

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