

Following Ways of Life: The Responsibility to Protect

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The “Responsibility to Protect” notion has emerged with unprecedented speed as a concept, a principle, and even a norm in international discourse.¹ In 2000, the International Commission on Intervention and State Sovereignty (ICISS) was struck with the mandate to answer this question posed by Kofi Annan, then Secretary General of the United Nations:

If humanitarian intervention is indeed an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica—to gross and systematic violations of human rights that offend every precept of our common humanity?²

The Commission’s report, “The Responsibility to Protect,” was produced in 2001. Its singular achievement was to shift the language from “right to intervention” to “responsibility to protect.” Its Basic Principles state that:

A. State sovereignty implies responsibility, and the primary responsibility for the protection of its people lies with the state itself.

B. Where a population is suffering serious harm, as a result of internal war, insurgency, repression or state failure, and the state in question is unwilling or unable to halt or avert it, the principle of nonintervention yields to the international responsibility to protect.³

By 2005, at the United Nations World Summit, many aspects of the ICISS report would be adopted by the international community. The Summit’s “Outcome” document amounted to an embrace of the Responsibility to Protect concept:

Each individual state has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity.... We accept that responsibility and

will act in accordance with it. The international community should, as appropriate, encourage and help States to exercise this responsibility.

The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means ... to help protect populations from war crimes, ethnic cleansing and crimes against humanity... We also intend to commit ourselves, as necessary and appropriate, to helping States build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and to assisting those which are under stress before crises and conflicts break out.⁴

In the short span of four years, a significant new reality emerged on the international scene.

R2P (as the Responsibility to Protect doctrine is known) focuses exclusively on “atrocities crimes”: genocide, crimes against humanity, and war crimes.⁵ Unlike “humanitarian intervention” (coercive military intervention for humanitarian purposes), states under R2P commit to assuming their responsibility to protect their own citizens from atrocity crimes, and the international community commits to supporting states to assume that responsibility using a wide range of peaceful diplomatic, economic, technical, and other means. Initiatives are geared specifically to prevention, reaction, and rebuilding. The possibility of international military intervention, under strict guidelines, is present but is not the primary focus of R2P.⁶ And unlike “human security,” which extends to a wide variety of types of conflicts, R2P’s scope is limited by its exclusive attention to atrocity crimes, which by definition are systemic or structural injustices.⁷

Finally, R2P is linked to the International Criminal Court (ICC), which is designed to be a legal forum for holding leaders accountable who do not assume their responsibility to protect their citizens from mass atrocity crimes.⁸

Since 2005, a great deal of literature has been generated about R2P.⁹ Advocates for R2P indicate that the international community’s embrace of the doctrine in practice has been disappointing.¹⁰ Clearly, R2P has not been

invoked in Darfur, the Congo, Sri Lanka, Somalia, and other places that would seem to have met R2P criteria. Further, some actors in the South object to R2P as merely a new rationale for Western imperialism.¹¹

What, then, are we to make of R2P? Does it represent a genuine new direction that can actually be effective in helping leaders assume their responsibility to protect their citizens from atrocity crimes? How should we interpret the speed of the development and acceptance of R2P by the international community but its apparent lack of use in practice? And how should the peace churches and the peace movement engage R2P? My purpose in this essay is to present some theses in response to these questions, in the hope of contributing to the broader discussion.

The Peace of Westphalia

Commentators are unanimous that R2P represents a response to the definition of state sovereignty arrived at in the so-called Peace of Westphalia.¹² In 1648 the Peace of Westphalia (consisting of two treaties) spelled out the definition of the modern-day nation state and drew the borders of modern states. If R2P is linked to Westphalia, then we would be wise to explore the milieu that gave rise to the Westphalian agreement.

The time of that agreement was one of profound uncertainty. People no longer knew what to believe: with the Reformation came a multiplication of conflictual, seemingly incompatible beliefs. To make matters worse, with new world travel, people heard fantastic stories about strange cultures that were relatively stable though not founded on Christian principles. Similarly, with Galileo and Copernicus, one's senses were no longer trustworthy: surely the sun goes around the earth, not the other way around? Surely the earth is flat? Finally, with the decline of papal power and the rise of the state as a form of public power independent of both the ruler and the ruled, people were uncertain as to who their rulers were and to which country they belonged.¹³ John Donne lamented in 1610:

'Tis all in pieces, all coherence gone
All just supply, and all Relation
Prince, Subject, Father, Sonne are things forgot
For every man alone thinks he hath got
To be a Phoenix, and that then can bee

None of the kinde, of which he is, but hee.¹⁴

In that crisis of incoherence, the quest for certainty became paramount. If one's senses could not be trusted, then certainty could be found in the notion of "I think, therefore I am" (Descartes and the mathematical method). If uncertainty plagued society, then, using the insights of the new natural sciences, one could reduce everything to its smallest atoms – individuals – and rationally reconstruct society on that basis (Hobbes and social constructivism). This led naturally to the supremacy of individual rights, especially property rights (Locke and autonomous freedom and equality).¹⁵ And the institution that would safeguard individual rights and freedoms was the modern nation-state formally created in the Treaty of Westphalia.

The constellation of answers to these crises of uncertainty gave rise to *modernity*,¹⁶ and the Westphalian frame by which the state safeguards individual rights is *liberalism*.¹⁷ Together they represent a comprehensive, specific view of life, humanity and the world.

In liberalism, the state protects individual rights and is limited by their primacy. But to guarantee those rights, the state requires the complete allegiance of its citizens. As William Cavanaugh has shown, this was accomplished by turning religious belief into a private, individual matter – by "domesticating" religion.¹⁸ Privatization of belief meant that one's religious conviction did not conflict with one's public loyalty to the state. The so-called Wars of Religion in the 16th and 17th centuries were less about resolving religious conflict than about establishing the absolute sovereignty of the state over its citizens. Meanwhile, the state itself is sovereign in relation to other states (a form of individual rights at a higher level).

Western society since has displayed a vacillating tension between state power and individual rights. Not surprisingly, and entirely consistent with the drive of liberalism to protect individual rights, crime became redefined not as a violation of one person against another but as a violation against the state.¹⁹ As renowned criminologist Herman Bianchi has shown, the modern (Westphalian) concept of crime and a retributive justice system derive from the Inquisition.²⁰ Crime becomes redefined as a "heresy" against the state and must be answered by punishment, just as – in Cavanaugh's terms – the "body of Christ" is replaced by the "body politic."²¹ The self-definition of the modern state rests upon this evolving process. We shall see below that

this redefinition of crime has a bearing on the ICC in relation to R2P.

With its focus on genocide, crimes against humanity, and war crimes, R2P speaks to issues of war and peace. How did the understanding of war and peace shift as a result of the Westphalian consensus? On the one hand, sovereignty meant “immunity.” As one commentator notes, “to put it bluntly, sovereignty is a license to kill: what happens within state borders, however grotesque and morally indefensible, is nobody else’s business.”²² Thus sanctioned, war-making was undertaken using, for example, Machievelli’s *The Art of War*.²³ Cavanaugh observes that:

... [the] transfer of ultimate loyalty to the nation-state ... only increased the scope of modern warfare. ... the new sixteenth-century doctrine of the state’s absolute sovereignty within a defined territory carried with it an increase in the use of war to expand and consolidate its borders.”²⁴

On the other hand, more ancient notions of “just war” were applied and redefined under the banner of Westphalian definitions of state sovereignty. The just war theory rapidly became the handmaiden of the new state sovereignty. The narrow just war “permission question” (are we morally permitted to take up arms to defend our sovereignty against another sovereign state?) consumed and reduced almost all deliberations about building peace and resolving conflict in human communities. This aspect of Westphalia becomes extraordinarily relevant in the R2P context.

Signs of Weakening

There are now at least three signs that the Westphalian consensus is weakening, and that the rigid walls of state sovereignty are cracking. R2P is one of those signs. But there are at least two others that must be explored as essential context for assessing R2P: the concept of military pre-emptive strike, and the changing nature of contemporary conflict.

Pre-Emptive Strike

The notion of pre-emptive strike, articulated in “The National Security Strategy of the United States” (September 2002) and exemplified by the “Coalition of the Willing’s” 2003 invasion of Iraq, clearly oversteps the bounds of Westphalian state sovereignty.²⁵ Pre-emptive strike is the most

recent expression of the concept of “total war.” Total war – in which all sectors of society are engaged in war and no restraints are present – first emerged fully in the French Revolution, when in 1793 the National Convention issued a mass conscription proclamation:

Article 1. From this moment until the time when the enemy is driven from the territory of the Republic, all Frenchmen are drafted into the service of the army.... Let the young men go into combat; the married men forge weapons and transport provisions; the women make army tents and uniforms and serve in the hospitals; the children tear up linen; and the elderly be put in public places in order to stir up the courage of the soldiers and preach the hatred of the kings and the unity of the Republic.²⁶

War became a goal that conscripted every means available in the service of the end. This concept of total war was later theoretically articulated by Carl von Clausewitz, who argued that war-making must be seen as one of several policy options available to governments. For Clausewitz, the practice of war itself, while limited by political policy, could be nothing less than absolute or total – for life and death itself was at stake.²⁷

Any number of instruments and practices, such as the Geneva Conventions, the Charter of the UN, international human rights instruments, the ICC, and “rules of engagement” developed by various militaries, have been designed to limit total war. Despite these developments, the “shock and awe” attack of Iraq drew explicitly from the concept of total war and graphically violated the Westphalian concept of state sovereignty.²⁸

I highlight these points in part because some commentators have incorrectly argued that the war against Iraq was an example of the use of the R2P doctrine.²⁹ On the contrary, it grew out of a specific tradition of modernity fundamentally opposed to R2P: the tradition of total war.³⁰

Changing Nature of Contemporary Conflict

A second sign of weakening is that the Westphalian just war paradigm is not capable of grasping the nature of contemporary conflict and is therefore woefully outmoded. An outcome of the Westphalian agreement was that the just war theory assumed a privileged position as the interpretive framework, the hermeneutic, by which most political commentators, government leaders,

decision-makers, theologians, and the public at large attempt to understand the dynamics of peace and conflict. But in view of the changing nature of contemporary conflict, the Westphalian paradigm has lost its explanatory power and cannot supply the framework for dealing with contemporary developments.

The just war theory was developed primarily to address situations where one government formally declared war on another government, and where trained government soldiers fought opposing trained government soldiers on a battlefield. It was not meant to address today's intra-state conflicts. Nor was it designed to grasp civilian suicide bombers and the social chaos or criminal activity that gives birth to much war today. It cannot comprehend high-tech, supposedly antiseptic, virtual military strikes.³¹ It has no frame of reference for the fact that around 1900, 5 per cent of those killed in war were civilians but by 1990 the figure was 90 per cent.³² Tragically, it puts forward military approaches that are badly out of sync with the realities of contemporary conflict.

Further, the just war position was not designed to address the reality that peace and conflict are structurally rooted in social, economic, spiritual, political, and cultural realities. It is thus silent on the conditions that can prevent war and make for a just peace, and it therefore systematically overestimates a possible military reaction in distinction from the myriad possibilities of conflict prevention, resolution, and transformation.³³ Moreover, the just war position does not grasp the developmental stages of conflict, the fact that each conflict has a beginning, middle, and end. Because the prospect of the possible use of military force usually surfaces relatively late in the life of a conflict, the just war approach altogether bypasses the possibility of specific interventions geared to a conflict's specific developmental stages. It misses the invitations present in every conflict, no matter how dire, to implement developmentally, historically, and culturally appropriate approaches.

However, we cannot blame the just war theory for not addressing issues of peace and conflict that it was not designed to handle. But it becomes extraordinarily problematic, and even unconscionable, when we privilege this theory as our hermeneutic for understanding conflict. It offers an illusion of comprehensiveness, and has the effect of dissociating and compartmentalizing peace and conflict from the rest of life.³⁴

If the Westphalian consensus is weakening, is the just war interpretive framework also weakening, given that its principles scarcely apply to contemporary conflict? Or, to borrow language from Albert Einstein's reflection on the invention of the atomic bomb, has everything changed except our (Westphalian) way of thinking? These questions bring us directly to R2P, the final indication that the Westphalian consensus is weakening.

R2P: A Genuine Way Forward?

Language is important. With its deliberate rejection of "intervention" (the quintessential term of liberalism) and its replacement with "responsibility," R2P represents, in my view, a beginning attempt to search for an alternative to liberalism and the Westphalian consensus.³⁵ The liberalism-defined question is *whether* the international community should "intervene" to stop atrocity crimes; the R2P-inspired question is *how* that community can support states and state actors to assume their responsibility to protect citizens from atrocity crimes. The first question is ahistorical and therefore dangerous: in a world of globalization, which the authors of *Hope in Troubled Times* call "the highest expression of modernism," it falsely assumes that the international community is not already involved in the state at issue.³⁶ The second question brings with it the question of justice: how can the ongoing involvement of the international community, already active in myriad ways in the country at issue, become more oriented towards justice, dignity, and the enhancement of assuming responsibility in the context of the duty to protect?

One wonders, however, if this R2P potential is being mined by the international community. R2P advocates complain that by and large the debate has narrowed down significantly only to the "permission" question of the just war framework, namely under what conditions the international community can and should resort to arms in order to prevent atrocity crimes.³⁷ This narrow focus threatens to sideline and marginalize R2P. Will the global community seize upon the opportunity presented by R2P to develop more just, life-affirming alternatives to liberalism in relation to statecraft, governance, and state and international responsibilities? Or, to use a musical metaphor, will the community simply use R2P to transpose the same liberal, Westphalian, just war interpretive framework into a more global key?

Joe Volk and Scott Stedjan maintain that what is missing from the R2P debate is a parallel emphasis on the development of a peace agenda, a prerequisite for R2P to be effective.³⁸ The liberal assumptions of the Westphalian agreement, including both the narrow just war approach to defending state sovereignty and the contrary development of total war, have prevented the development of a peace agenda. Volk and Stedjan argue that current priorities must be reversed, so that, contrary to the outcome of total war thinking (by which, for example, over 40 percent of US government expenditures is spent on military matters, while 1 percent is spent on the peaceful prevention of deadly conflict), investments are made in the multitude of peace options available.³⁹ They offer a “Toolbox” of responses to conflict at its various developmental stages. They further outline “Ten Steps for the United States to Become an R2P Leader,” including reversing the militarization of foreign assistance, rejuvenating support for international law and diplomacy, regulating small arms trade, and supporting the UN Peacebuilding Commission.⁴⁰ Without filling the current vacuum of single-solution, military practice with peace-supporting initiatives such as these, the danger is that R2P will simply become a Westphalian instrument on an international scale.

While I cannot develop it here, a similar argument applies in relation to the ICC. If the ICC simply embraces retributive justice as its approach to atrocity crimes, then it will be characterized by failings reminiscent of Western criminal justice systems. Says one commentator:

International criminal justice is thus seen as advancing the goals of prevention on the assumption that the prosecution and punishment of decision-makers and senior perpetrators of *jus cogens* crimes will produce deterrence. If this result is obtained, even in part, then prevention of crimes such as genocide, crimes against humanity, and war crimes will be achieved and the goals of R2P will be achieved.⁴¹

In the world of criminal justice, this statement is contra-indicated: the evidence that “punishment” produces “deterrence” is extremely thin, while evidence to the contrary is dramatic.⁴² Here too, if the Criminal Court is to help achieve the goals of R2P, a new paradigm is required.

Needed: A Multi-Sector, Systemic Response in Support of R2P

The plea by Volk and Stedjan lies within a crucial spectrum of peacebuilding and conflict transformation practice. In my view, more is needed. I propose to enlarge their plea by arguing that a peace agenda must open up onto a multi-sector, systemic commitment to peace. For much too long, Western societies have oriented themselves towards the pursuit of a goal that US President Eisenhower called “absolute security,” a security guaranteed by the development and deployment of every available military means. Eisenhower warned:

[T]here is no way in which a country can satisfy the craving for absolute security – but it can easily bankrupt itself, morally and economically, in attempting to reach that illusory goal through arms alone.⁴³

If security cannot be guaranteed – and overwhelming evidence suggests it cannot – then this implies that peace is impossible without accepting levels of strategic vulnerability, carefully chosen and coordinated with a deliberate effort to meet real human and environmental needs. Undergirding this is the reality that embracing genuine mutuality, justice, mercy, compassion, truth, equity, and an economy of care and environmental integrity is impossible without also embracing certain levels of vulnerability as an intrinsic, inescapable component of peace, even in the midst of threat.

Further, new weapons research and development, military capacity expenditures, and the global arms trade are now an indispensable, structural component of the economic and industrial growth of the West.⁴⁴ This means that developing greater human security is inconceivable without a corresponding drop, however small, large, or temporary, in the West’s material prosperity. Reducing dependence on lethal weapons of indiscriminate destruction will slow down economic growth. There can be no sustainable peace without a conscious or deliberate relaxation of the obsession with a constantly increasing Gross Domestic Product. By the same token, making our economies sustainable is inconceivable without a simultaneous commitment to peacebuilding.

Nations and communities must walk the walk in making the multi-sector structural changes and commitments needed to build for peace, not war. This is the vacuum that must be filled for R2P to reach its potential

instead of becoming a conscript of the Westphalian agreement. In the words of Desmond Tutu, nations and communities must demonstrate in their actions that “peace is not a goal to be achieved but a way of life to be lived.”⁴⁵

Role of Peace Churches

What role can peace churches and the peace movement play in helping R2P become an instrument in support of the protection of life, in the context of a systematic reorientation towards peace and security?

I have described the Westphalian agreement as participating in a narrow, specific view of life called modernity and liberalism. I have argued that if R2P falls into or remains controlled by that view of life, it will fail in its intention to support states and state actors to assume their rightful responsibility to protect their citizens from atrocity crimes. I have asserted that R2P represents a beginning impulse towards a different way of thinking and acting. And I believe that a genuine embrace of R2P is not possible without a debate at that level – the level of discussion about views of life, humanity, and world. The gift of R2P is that it begins to raise these fundamental questions: What is the meaning of peace? What is the meaning of life? Do liberalism and modernity affirm life in all its comprehensive richness? Do they support justice, solidarity, reconciliation, healing, peace? Are more life-affirming approaches possible?

Surely no sector is better suited to raise these questions in the public square than the peace churches. How might they do so? Modern societies tend to pursue goals instead of ways. We choose a goal, such as security or ever-increasing material prosperity, make it absolute, and then let it define our values and prescribe the means to achieve the goal. These goal orientations become structures of legitimation and societal energies that eventually transgress human rights, solidarity, care for the earth, care for the poor, dignity, and justice.⁴⁶ But taking steps down “ways of life,” or “way orientations,” are different. With them we seek to walk down paths of justice, solidarity, peace, and care for others and for the environment. These then serve to relativize our goals.

Notably, all the world’s major religions accent “ways” rather than “goals.” The Jewish faith is focused on the Torah – ways of shalom, living obediently. Islam means literally “obedience,” submission to the

commandments or ways of life. Buddhism teaches an eight-fold path to enlightenment; Taoism means going on a way (the word “Tao” means “way”). The first name given to Jesus’ followers was “people of the way.”⁴⁷

R2P presents an invitation to peace churches and the peace movement to stimulate an inter-religious public dialogue on following ways of life that affirm the other and the earth, which belongs not to us but to its Creator. The peace churches, through various means – writing, speaking, advocating, lobbying, activism – can advocate for society to adopt ways of justice, integrity, affirmation of life, shalom, in the context of demanding a multi-sector, systemic peace agenda to support R2P.⁴⁸ By means of this dialogue, peace churches can also engage their partners in the South and work with them to develop and promote alternative approaches to the responsibility to protect that are rooted in perspectives offering more hope than Western modernity and liberalism. A good place to start would be to affirm and engage the 2008 Papal Encyclical “*Caritas in Veritate*,” where Pope Benedict writes of “the urgent need to find innovative ways of implementing the principle of the responsibility to protect.”⁴⁹

In the context of “goal” orientations, R2P, despite its advocates’ best intentions, will become an instrument of absolute goals alien to itself. But in the context of “way” orientations, myriad economic, political, and peacebuilding possibilities open up that are keyed to each specific situation, whether in the Congo, northern Uganda, Somalia, or elsewhere.⁵⁰ Within those possibilities R2P will indeed function to support states and state actors in assuming their responsibility to protect vulnerable citizens from atrocity crimes. Let our advocacy begin!

Notes

¹ For a discussion of the use of “concept,” “principle,” and “norm” in relation to the R2P, see Alex J. Bellamy, *Responsibility to Protect: The Global Effort to End Mass Atrocities* (Cambridge: Polity Press, 2009), 4-7.

² Quoted in Gareth Evans, *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and for All* (Washington: Brookings Institution, 2008), 31.

³ *Ibid.*, 40.

⁴ Bellamy, *Responsibility to Protect*, 66.

⁵ For legal definitions of these specific crimes, see David Scheffer, “Atrocity Crimes: Framing

the Responsibility to Protect,” in *Responsibility to Protect: The Global Moral Compact for the 21st Century*, ed. Richard H. Cooper and Juliette Voinov Kohler (New York: St. Martin’s Press, 2009), 77-98.

⁶ Kenneth Roth of Human Rights Watch outlines the conditions for military intervention that were formulated by the Commission: “If this high threshold standard is met [only the imperative of stopping ongoing or imminent mass slaughter], one should then look to five other factors to determine whether the use of military force can be characterized as humanitarian. First, military action must be the last reasonable option. Second, the intervention must be guided primarily by a humanitarian purpose. Third, it should be conducted by forces that are committed to maximizing respect for international human rights and humanitarian law. Finally, it should ideally...be endorsed by the United Nations (UN) Security Council or another body with significant multilateral authority.” (“Was the Iraq War a Humanitarian Intervention?” in Cooper and Kohler, 103). The full text of the ICISS report’s “Principles for Military Intervention” is reprinted in Bellamy, *Responsibility to Protect*, 56-58. For an elucidation of its five guidelines, see Gareth Evans, “The Responsibility to Protect,” in Cooper and Kohler, 22-24.

⁷ For a detailed description of how R2P differs from both humanitarian intervention and human security, see Evans, *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and for All*, 56-59, 64-69. Ramesh Thakur, an ICISS Commissioner from the South, “has repeatedly argued that R2P is not an ‘intervenor’s charter’, but an attempt to restrain unilateral intervention while guiding genuine collective measures” (Bellamy, *Responsibility to Protect*, 18).

⁸ In “Advancing the Responsibility to Protect” in Cooper and Kohler, 33, Cherif Bassiouni writes: “International criminal justice is thus seen as advancing the goals of prevention on the assumption that the prosecution and punishment of decision-makers and senior perpetrators of *jus cogens* crimes will produce deterrence. If this result is obtained, even in part, then prevention of crimes such as genocide, crimes against humanity, and war crimes will be achieved and the goals of R2P will be achieved. In this respect, international criminal justice can be seen as a corollary of R2P—a modest step that needs to be perfected.”

⁹ The three book titles referenced above provide a representative sampling of the flood of R2P literature.

¹⁰ See, for example, Evans, *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and for All*, 51-53.

¹¹ See, for example, Walden Bello, “Humanitarian Intervention: Evolution of a Dangerous Doctrine,” retrieved at <http://focusweb.org/content/view/full/818/26>. Bello is executive director of the Bangkok-based research and analysis institute Focus on the Global South. He writes: “[F]or some people in the North, who belong to states that dominate the rest of the world, national sovereignty may seem quaint. For those of us in the South, however, the defense of this principle is a matter of life and death, a necessary condition for the realization of our collective destiny as a nation-state in a world where being a member of an independent nation-state is the primordial condition for stable access to human rights, political rights, and economic rights.... So long as nation-states remain the prime political collectivities of human beings, so long as we live in a Westphalian world ... our defense of national sovereignty must

be aggressive. And absolute, for imperialism is such that if you yield in one case, it uses that as a precedent for other, future cases” (1).

It should be noted that significant advocacy for R2P has come from the global South. Gareth Evans claims that, for the adoption of R2P at the World Summit in 2005, “the support that mattered was persistent advocacy by sub-Saharan African countries led by South Africa, as well as a clear—and historically quite significant—embrace of limited-sovereignty principles by the key Latin American countries” (“The Responsibility to Protect: From an Idea to an International Norm” in Cooper and Kohler, 20-21).

¹² See, for example, Evans, *The Responsibility to Protect*, 15-19.

¹³ The reference to the state is found in William T. Cavanaugh, *Theopolitical Imagination: Discovering the Liturgy as a Political Act in an Age of Global Consumption* (London: T & T Clark, 2002), 22.

¹⁴ Quoted in Bob Goudzwaard and Julio de Santa Anna, “The Modern Roots of Economic Globalization,” in *Beyond Idealism: A Way Ahead for Ecumenical Social Ethics*, ed. by Robin Gurney, Heidi Hadsell, and Lewis Mudge (Grand Rapids: Eerdmans, 2006), 93.

¹⁵ See Goudzwaard and de Santa Anna (Note 14), and Bob Goudzwaard, Mark Vander Vennen, and David Van Heemst, *Hope in Troubled Times: A New Vision for Confronting Global Crises* (Grand Rapids: Baker Publishing Group, 2007), 101-103, 143ff.

¹⁶ Goudzwaard and de Santa Anna write: “In recent years a shared conviction has grown among historians and philosophers that modernity can be seen as the answer society found for this 17th century crisis. They see the period from about 1600 to 1720 as the age in which a new, modern awareness of security and certainty appeared in Western Europe; though they differ about the precise turning point and about the identity of those who caused it” (“The Modern Roots of Economic Globalization,” 94). See Stephen Toulmin, *Cosmopolis: The Hidden Agenda of Modernity* (Chicago: Univ. of Chicago Press, 1990) and Paul Hazard, *The European Mind: The Critical Years 1680-1715* (New York: Penguin, 1964).

¹⁷ For an overview of liberalism, see David T. Koyzis, *Political Visions and Illusions* (Downers Grove, IL: Intervarsity Press, 2003). Koyzis writes (47-48): “[T]he first and most basic principle of liberalism runs as follows: Everyone possesses property in their own person and must therefore be free to govern themselves in accordance with their own choices, provided that these choices do not infringe on the equal right of others to do the same. If my proposed actions effectively violate the property another enjoys in her own person, then I have transgressed the primary liberal precept and must thereby be held accountable for what I have done. However, without political authority there is no effective way to enforce this accountability. This is the central dilemma of individual autonomy that the liberal project is called upon to resolve.”

¹⁸ The reference to “domestication,” as well as the argument, is found in Cavanaugh, *Theopolitical Imagination*, 42.

¹⁹ Howard Zehr, *Changing Lenses: A New Focus for Crime and Justice*, 3rd ed., (Scottsdale, PA: Herald Press, 2005), 181.

²⁰ Herman Bianchi, *Justice as Sanctuary: Toward a New System of Crime Control* (Bloomington: Indiana University Press, 1994), Chapter 1.

²¹ Cavanaugh writes: “Rather than ‘cohere’ directly to one another, we relate to each

other through the state by the formal mechanism of contract. Paul's image of the Body ... is supplanted by a formal interchangeability of each individual with any other.... In the absence of shared ends, individuals relate to each other by means of contract, which assumes a guarantee by force. Hobbes was of course clear on this, but Locke too assumed ... that the state body moves in whichever way the greater force compels it. Max Weber rightly perceived that the modern state cannot be defined by ends, but only by its peculiar means, which is a monopoly on the legitimate use of force. Internally, such force is necessary to keep the mass of individuals from interfering with each other's rights. Externally, the violence of war is necessary to provide some unity—albeit a false one—to a society lacking any truly social process.... In a word, violence becomes the state's *religio*, its habitual discipline for binding us one to another" (45-46). Cavanaugh is suspicious of the "soteriology" of the modern state to rescue us from violence (2). He adds: "what is at issue ... is the creation of 'religion' as a set of beliefs which is defined by personal conviction and which can exist separately from one's public loyalty to the state. The creation of religion, and thus the privatization of the Church, is correlative to the rise of the state" (31).

What I miss in this account is an emphasis on liberalism's limitation of the power of the state by the primacy of individual rights, and the fundamental – I believe irreconcilable – dialectical tension between individual and state rights. Might one imagine a non-liberal state that is nevertheless "independent of both the ruler and the ruled" and capable of affirming others, just ways of life, and the public power of religious convictions? John Gray, in *Black Mass: Apocalyptic Religion and the Death of Utopia* (Toronto: Doubleday Canada, 2007), writes of liberalism: "Like repressed sexual desire, faith returns, often in grotesque forms, to govern the lives of those who deny it" (190).

²² Gareth Evans, "The Responsibility to Protect: From an Idea to an International Norm," in Cooper and Kohler, 16.

²³ Niccolò Machiavelli, *The Art of War* (Chicago: Univ. of Chicago Press, 2005).

²⁴ Cavanaugh, *Theopolitical Imagination*, 39.

²⁵ The Security Strategy is available at www.globalsecurity.org/military/library/policy/national/nss-020920.htm.

²⁶ F.A. Aulard, ed. *Recueil de Actes du Comité de Salut Public [Record of the Acts of the Committee of Public Safety]*, 28 vols. (Paris: Imprimerie Nationale, 1899), 6:72.

²⁷ For more on Total War, see Goudzwaard, Vander Vennen, and Van Heemst, *Hope in Troubled Times*, 99-126.

²⁸ In *Shock and Awe: Achieving Rapid Dominance*, Harlan Ullman, whom Colin Powell, former US Secretary of State and Chairman of the Joint Chiefs of Staff, credited with "enlarging my vision several levels," wrote: "One recalls from old photographs and movie or television screens, the comatose and glazed expressions of survivors of the great bombardments of World War I and the attendant horrors and death of trench warfare. These images and expressions of shock transcend race, culture and history. Indeed, TV coverage of *Desert Storm* vividly portrayed Iraqi soldiers registering these effects of battlefield Shock and Awe.... In our excursion, we seek to determine whether and how Shock and Awe can become sufficiently intimidating and compelling factors to force or otherwise convince an adversary to accept our will in the Clausewitzian sense, such that the strategic aims and

military objectives of the campaign will achieve a political end.” The book was published by the Pentagon’s National Defense University in 1996.

²⁹ See Evans, *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and for All*, 69-71.

³⁰ I suspect Cavanaugh would argue that total war is a natural extension of violence having become the *religio* of the state (see Note 21).

³¹ The term “virtual war” comes from Michael Ignatieff, *Virtual War* (Toronto: Penguin Canada, 2000), a new style of conflict that he argues began with the Kosovo conflict and was made possible by technological advances. Ignatieff was a key member of the ICISS Commission.

³² UNICEF, “Impact of Armed Conflict on Children” (1996), 1, retrieved at www.unicef.org/graca/patterns.htm.

³³ For more on the inadequacies of the just war paradigm, see Goudzwaard, Vander Vennen, and Van Heemst, *Hope in Troubled Times*, 192-99. See also Mark Vander Vennen, “Biblical Faith and Paths of Peace,” *Toronto Journal of Theology* 26, Supplement 2, 2010: 75-90.

³⁴ For more on the patterns of “dissociation,” “compartmentalization,” and “compulsion” at the heart of Western society’s contemporary engagement with the realities of peace and conflict, see Vander Vennen, “Biblical Faith and Paths of Peace,” 75-90.

³⁵ Evans argues that the most politically useful contribution to the international policy debate made by ICISS was the effort “to turn the whole weary debate about the ‘right to intervene’ on its head and to recharacterize it not as an argument about the ‘right’ of states to anything, but rather about their ‘responsibility’—one to protect people at grave risk....” Gareth Evans, “The Responsibility to Protect,” in Cooper and Kohler, 19.

³⁶ Goudzwaard, Vander Vennen, and Van Heemst, *Hope in Troubled Times*, 145.

³⁷ In *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and for All*, Evans states: “It is not immediately obvious why the claim that R2P is only about military action maintains such a tenacious hold” (58). Further, “‘In extreme cases R2P always means the use of coercive military force’. This is not so, although it is a misunderstanding very often shared by even the most enthusiastic supporters of the responsibility to protect norm” (59). Similarly, Joe Volk and Scott Stedjan observe that “if the primary focus of R2P is prevention, the key question ... concerns the structure of responses to incipient crises. Focusing on the military portion of R2P limits the vital work of advocating for structures that could peacefully prevent deadly conflict and atrocities.” See “Building Structures for Peace: A Quaker Lobby Offers Strategies for Peacemakers,” in Cooper and Kohler, 206-07.

³⁸ Joe Volk and Scott Stedjan, “Building Structures for Peace,” 201.

³⁹ *Ibid.*, 217.

⁴⁰ *Ibid.*, 208-16.

⁴¹ Cherif Bassiouni, “Advancing the Responsibility to Protect Through International Criminal Justice,” in Cooper and Kohler, 33.

⁴² In 2002 the government of Canada released a meta-study of 111 studies involving over 442,000 offenders. It found that imprisonment increased recidivism (rates of reoffending) by 3 percent for short custody periods and 7 percent for long jail terms among all offenders. “The overall findings showed that harsher criminal justice sanctions had no deterrent effect

on recidivism.... Criminal justice policies that are based on the belief that “getting tough” on crime will reduce recidivism are without empirical support.” Quoted from Public Safety Canada, “The effects of punishment on recidivism,” Research Summary, Vol. 7, No. 3, May 2002, retrieved at www.publicsafety.gc.ca/res/cor/sum/cprs200205_1-eng.aspx.

⁴³ Quoted in Goudzwaard, Vander Vennen, and Van Heemst, *Hope in Troubled Times*, 109.

⁴⁴ This is a further expression of the concept of total war.

⁴⁵ From the Foreword to Goudzwaard, Vander Vennen, and Van Heemst, *Hope in Troubled Times*, 10.

⁴⁶ See Goudzwaard, Vander Vennen, and Van Heemst, *Hope in Troubled Times*, Chapter 2, “Myth, Ideology and Idolatry”, and further.

⁴⁷ For more on this theme, see Goudzwaard, Vander Vennen, and Van Heemst, *Hope in Troubled Times*, Chapter 9, “Widening Ways of Economy, Justice and Peace.”

⁴⁸ For one exemplary activist’s journey in this regard, see Vincent Eirene, *The Day the Empire Fell: Vietnam, the circus, globalization, and Grandma Molly, from Baghdad to New Orleans* (Pittsburgh: Barbary Shore Press, 2008), Foreword by Mark Vander Vennen.

⁴⁹ Pope Benedict XVI, “Caritas in Veritate” (2009). Paragraph 67, retrieved at www.vatican.va/holy_father/benedict_xvi/encyclicals/documents/hf_ben-xvi_enc_20090629_caritas-in-veritate_en.html.

⁵⁰ Consider South Africa and Sierra Leone as illustrations of engagements prior to R2P that have R2P features. I see the fall of apartheid as something of an R2P process. Foreign pressure (1) often took its cue from the oppressed – Desmond Tutu, for example, urged the international community to proceed with economic sanctions (the argument against them in the North was sanctions would punish the oppressed; (2) linked with local capacities for peace (such as Beyers Naudé, Stephen Biko, and NGOs); (3) involved economic sanctions that had an impact; and (4) strove to have the South African state assume its responsibilities (it did not enter the country and overthrow the government). In Sierra Leone, the warring parties were brought together in a peace process with help from the international community and NGOs. At a critical moment a show of force by the British military played a key role. Equally and perhaps more significant was the simultaneous movement towards “clean diamonds” – international pressure from within the economic sector to eliminate, as much as possible, the black market trade in diamonds that was helping fuel the civil war. Here, too, the international community did not step in to remove the government.

These examples involve different countries, histories, cultures, conflicts, conflict drivers, responses, and resolutions. But both involved responses coordinated across different sectors, including economic, towards peace—an example of multi-sector, differentiated responsibility. Today in the Congo, a genuinely inspired R2P response must deal with coltan, the rare mineral used in manufacturing cell phones and a significant factor fueling atrocity crimes. As with Sierra Leone, here R2P also calls for self-criticism, action, and responsibility-taking in the North. The Westphalian just war interpretive framework works against opening up this differentiated responsibility, and narrows the options to a sole question: Can the international community “intervene” by taking up arms in the Congo, or not?

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