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

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Abstract In this paper I examine what constructivist approaches to IR tell us about how states should act when confronted by atrocity crimes in the context of a politically pluralist international society. Building on the work of theorists who responded to Richard Price and Christian Reus-Smit's call to substantiate the constructivist's claim to explain "moral progress," and to better inform normative assessments, I claim that the constructivist emphasis on historical and social contingency does not rule out ethical standpoints, suggesting instead a "pragmatic" ethic. Norms are hypotheses rather than absolute values. The task of the pragmatic constructivist is not to establish beyond doubt the normativity of a norm—the task is to test the norm for how well its "meaning-in-use" supports action that ameliorates lived social problems. Pragmatic constructivists can commit to the Responsibility to Protect (R2P) as an idea that might reconcile various communities of normative practice and ameliorate vulnerability without upsetting international order. To the extent particular practices (e.g., prevention) have proven (and continue to prove) useful in doing this, pragmatic constructivists can equate the institutionalization of those practices with normative progress. However, R2P is a "complex" norm. It recognizes that knowledge of how to respond to ongoing atrocity is context specific and cannot therefore be fixed. The task of the pragmatic constructivist here is to assess the practical judgment of those that claim to speak for the norm by weighing the consequences of acting out their prescription in the specific context of a particular crisis. I test the meanings of R2P in use during the Syria crisis from 2011 to 2012. R2P was problematic to the extent certain meanings reinforced policy ends (e.g., protection through political/criminal accountability) that were impractical and pursued at the expense of non-ideal but realizable goals (e.g., protection through peace/aid).

The research for this article was supported by an EU Marie Curie International Outgoing Fellowship, project number 627740, and the RCUK "Rights and Ethics in a Security Context" research programme, grant number ES/L013355/1. I thank Tim Dunne, Christian Reus-Smit, Richard Devetak, Marianne Hanson, and Anna Nolan for their support in putting the fellowship proposal together and for their advice during my year at the University of Queensland (UQ). Edward Newman and Maggie Credland also provided valuable support at the University of Leeds. Versions of the paper were presented at ISA 2015 New Orleans, the University of Queensland, the University of Sydney, OCIS 2016 UQ Brisbane, and ISA 2017 Baltimore. I also thank Michael Barnett, Alex Bellamy, Daniel Bray, Chris Brown, Robyn Eckersley, Toni Erskine, Martha Finnemore, Luke Glanville, Adrian Gallagher, Jess Gifkins, Xavier Mathieu, Matt MacDonald, Nicholas Michelsen, Andrew Phillips, James Pattison, Richard Price, Richard Shapcott, Kathryn Sikkink, James Souter, Eglantine Staunton, Cristina Stefan, Martin Weber, and Colin Wight for their feedback, as well as Emanuel Adler and Vincent Pouliot for their workshop on international practices at UQ in April 2015.

International Organization 72, Winter 2018, pp. 173–203
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doi:10.1017/S0020818317000455

https://doi.org/10.1017/S0020818317000455 Published online by Cambridge University Press

I 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 I 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,"[1] 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 it would *explain* action that is inconsistent with R2P by referencing how well that norm has been "internalized."[2] But constructivists would not *advocate* a particular response to atrocity, nor would they *judge* state practice. That task is left to normative theorists.

Recently, however, a number of constructivist theorists have taken up Richard Price's 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.[3] Building on this work to consider what kind of ethic emerges from constructivist IR, I seek to apply that ethic to offer a normative assessment of state responses to atrocity, focusing specifically on the Syria case as an example. The constructivist emphasis on the historical and social contingency of a norm does not rule out ethical standpoints but 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, which 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.[4] However, as we shall see, classical pragmatism emphasizes 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 illustrate its contribution to the normative assessment of state practice, the article is structured in three

1. Reus-Smit 2008, 72.
2. Finnemore and Sikkink 1998.
3. Price 2008a, b, c, d, 2012a, b; Price and Reus-Smit 1998. See also Adler 2005, 3–28 on uniting analytical and normative constructivism.
4. Brown 2012.

https://doi.org/10.1017/S0020818317000455 Published online by Cambridge University Press

sections.[5] 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. Pragmatic constructivism recognizes 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 first that atrocities (such as those that occurred in Rwanda and Bosnia) were crimes of universal concern, and second that states motivated to stop such acts had the right to override the international non-intervention norm (as NATO did in Kosovo). 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 fulfills that promise must be assessed by what it means for and in practice. 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 I draw on the insights of what has recently been called "reflexive constructivist" approaches.[8] These argue that "conventional constructivists" too readily take the meaning of a norm to be fixed and this uncritically authorizes self-appointed norm entrepreneurs to dismiss alternative prescriptions as shameful acts of noncompliance. 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 norm's core.

The third section applies this ethic to assess the way R2P supported the initial response to the Syria crisis. There were certain meanings in the community of R2P

5. The term "pragmatic constructivism" was used by Haas and Haas 2002. There are obvious overlaps, notably the argument that IR is capable of generating "useful mid-level truths" from socially located or constructed ideas. While their focus was on establishing a new "explanatory lens" for IR, I focus more explicitly on a pragmatic constructivist ethic. It is also used by Widmaier 2004, with an emphasis on the role of theorists as public intellectuals.

6. Adler 2005.

7. Dewey 1920, 38; Hoover 2016, 125–26.

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

https://doi.org/10.1017/S0020818317000455 Published online by Cambridge University Press

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 but at the tenacity of those who insisted R2P's prescription was fixed, as well as those who held an unyielding commitment to ends that were, in practice, unrealistic. In this respect I find value 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 behavior. Its contribution has been to demonstrate how norms influence, and therefore help explain, state behavior. 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 takes us only 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 that 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.

9. Sikkink 2008, 83.
10. Adler 2005, 104; McKeown 2009; Sikkink 2013.
11. See Havercroft 2008, 116–17.

https://doi.org/10.1017/S0020818317000455 Published online by Cambridge University Press

For Toni Erskine, Price's volume held out "the intriguing possibility" of a constructivist ethic, but ultimately failed to deliver.[12] 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 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]

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 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 realized. 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

12. Erskine 2012.
13. Towns 2008, 225.
14. Price 2008a, 320.
15. Towns 2008, 227.
16. Sikkink 2008, 85.
17. Ibid., 86.
18. Erskine 2012; also Rengger 2012a.

https://doi.org/10.1017/S0020818317000455 Published online by Cambridge University Press

> their social contexts, making political agency (and arguably moral agency) radically 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 be established only 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 I later develop. "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] 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. However, the insistence that a constructivist ethic is necessarily communitarian 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

19. Erskine 2012, 461.
20. Ibid., 463.
21. Ibid., 463–64, emphasis added.
22. Ibid., 464.
23. Ibid., 465.
24. See Bray 2009, 2013; Brown 1999; Evanoff 2004; Hoffmann 2009; Price 2008d, 287, 303; Ralston 2013; Weber 2013; and Widmaier 2004. Cochran 1999, 2002b applies classical pragmatism to the cosmopolitan-communitarian problem without linking it to constructivism.

https://doi.org/10.1017/S0020818317000455 Published online by Cambridge University Press

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 a norm's origin.[26] For pragmatists inspired by John Dewey, norms are a fact of human life, which is characterized 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—crucially—they must advance those values with humility. Emanuel Adler also 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 or even global."[27]

Constructivism need not dismiss the normativity of 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 realize they are products of social practices[28] because, as Hoffmann notes, contingency influences *the manner* in which constructivists can commit to substantive values. Drawing on 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 such "all important" principles, however, Hoffmann risks downplaying an equally important (and in some senses paradoxical) aspect of the pragmatic approach, which is "anti-skepticism" or "faith."[30]

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 be

25. Hoffmann 2009, 243. Also Crawford arguing that understanding the process of social construction makes "it possible to think prescriptively about using ethical argumentative processes to re-make world politics." 2002, 2.
26. Dewey 1920; also Hoover 2016, 126.
27. Adler 2005, 13, emphasis added. Also Erskine 2008, 2012, 464.
28. This is a theme of Hoover 2016, 103–36.
29. Hoffmann 2009, 246 citing Dewey 1932 and the secondary accounts of Owen 2002 and Widmaier 2004.
30. Dancy 2016, 516.
31. Dewey [1931] 2004, 3.
32. Peirce cited in Hookway 2013; Malachowski 2013, 40–41.

https://doi.org/10.1017/S0020818317000455 Published online by Cambridge University Press

challenged only 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's and Adler's attempts to address the concern that constructivism necessarily leads to ethical and political communitarianism. The shared epistemology potentially restricted the scope for ethical critique to the standards that were already embedded within a particular community. Indeed, for 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 by disregarding 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, 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 fallibalism as humility was, 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]

The primacy of practical experience is significant here, not least because it is described in a much-cited reference as "*the* central" principle of the pragmatist

33. Peirce quoted in Hookway 2013, 21–22; also Bacon 2012, 19–20.
34. James [1896] 2005. On the "middle road" character of pragmatism, see Weber 2013, 35–41.
35. Also Adler 2005, 73, 97–98, 107–108.
36. Dewey [1910] 1965.
37. Adler 2005, 101. As Friedrichs puts it, "human practice is the ultimate miracle" because it proceeds even when our theories fail. 2009, 647.
38. Adler 2005.
39. Ibid., 107; also Haas and Haas 2002, 576. This echoes Dewey's (1927) concept of "growth." However, where "learning" could advantage the individual at the cost of their relations to the group, "growth" was cultivated by the amelioration of the shared problem. See Hildreth 2009, 795–96.

https://doi.org/10.1017/S0020818317000455 Published online by Cambridge University Press

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 faithfully 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 faith's benefits can create their 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's 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 as "intellectual instruments to be tested and confirmed—and altered—through consequences effected upon them."[45] Norms have to be investigated as hypotheses, checked for how well they could control practice, and ameliorate the social problems practice 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 have situated in a "wider modernist frame of knowing."[46] It then means prioritizing the significance of purposeful (not habitual) practice to change a problematic situation into a "consumatory" one (i.e., to effect or realize a goal).[47] To do that, pragmatism emphasizes the "ought" that is immanent within the "is" of the specific situation (what Dewey called "ends in view") ahead of the "ought"

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 Abraham and Abramson 2015; Adler and Pouliot 2011; Bauer and Brighi 2009; Friedrichs and Kratochwil 2009, 702; Kratochwil 2009, 2011.

42. Hoover 2016, 114–15, 125–26. Classical pragmatism poses a normative challenge to Bourdieuian understanding of practice theory that argues IR constructivism should emphasize the "pre-reflexivity" of knowledge. Adler-Nissen 2013. See Ralph and Gifkins 2017.

43. James [1896] 2005, 2308.

44. Hellmann 2009, 640.

45. Dewey [1930] 2008, 218.

46. Rytövuori-Apunen shows how IR has followed the modernist tradition that gives primacy to theory. 2009, 642. Also Brown 2010, 2012.

47. Hoover 2016, 116.

https://doi.org/10.1017/S0020818317000455 Published online by Cambridge University Press

that exists in the abstract.[48] As part of an inquiry into the indeterminate future, this "experimental method"[49] and "evolutionary epistemology"[50] supplements precedent with a combination of imagination, adaptability, and faith.

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."[51] 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.[52] Certain aspects of IR realism offered similar criticism. These also insisted on the existence of a reality independent of human ideas and criticized a peculiarly American faith in the creative power of belief.[53] 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.[54]

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 *know* it only 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."[55] Classical pragmatism, moreover, was not exclusively American, and it did "not aim to glorify the energy and the love of action which the new conditions of American life exaggerated." For Dewey, pragmatism was maintained "in opposition to many contrary tendencies in the American environment."[56]

The second and related criticism of classical pragmatism stemmed especially from James's insistence that knowledge flowed from "the passionate desire of individuals

48. Dewey quoted in Hoover 2016, 117.
49. Dewey [1931] 2004, 9. Or, as Crawford puts it, hard cases demand working "the realm of possible futures where imagination is another realm of experience." 2002, 424.
50. Haas and Haas 2002.
51. Russell 1919, 19.
52. Ibid. I discuss this later.
53. 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 Kennan 1952; Morgenthau 1952.
54. Barkin 2003.
55. Rorty 1989. Also Price 2008d, 295–96.
56. Dewey [1931] 2004, 13–14.

https://doi.org/10.1017/S0020818317000455 Published online by Cambridge University Press

to get their own faith confirmed."[57] For its critics, this allowed, "if not actively encourage[d], 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 realized *in* (not by) the means. Political and social democracy (or democracy as "a way of life") was needed precisely because we could not be certain of truth independent of method.[63]

Dewey was criticized for being naive 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]

57. James [1896] 2005, 2278.
58. Malachowski 2013, 36.
59. For a useful summary of this critique, see Hildreth 2009.
60. Ibid., 786–97.
61. Dewey [1931] 2004, 5; Dewey [1908] 1965, 73–75; also Hoover 2016, 120.
62. Dewey 1927.
63. Bacon 2012, 61–62. This Deweyian understanding of democracy has been applied in IR. See Abraham and Abramson 2015; Bray 2009, 2013; Deen 2013.
64. Niebuhr [1932] 2001, xxvi–xxvii. Also Morgenthau [1946] 1974, 20–37.
65. Hildreth 2009, 786. Also Barnett and Duvall 2005.
66. Hildreth 2009; Wolfe 2012.

https://doi.org/10.1017/S0020818317000455 Published online by Cambridge University Press

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] A close reading of Niebuhr's critique of "educators" like Dewey suggests he also accepted this. Social intelligence, Niebuhr writes, "may serve to mitigate the brutalities of social 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 this was more difficult to realize 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 to transcend various theoretical impasses,[70] to extrapolate from what James, Dewey, and others said about the international issues of their day,[71] and to distill key philosophical points before applying them to assess current problems and practices.[72] By applying pragmatism to the problem posed by humanitarian intervention in the context of political pluralism, the rest of this article contributes to the third body of work.

For part of the transnational community of practice motivated by an obligation to "humanity" and a "visceral impulse to help suffering strangers," the mid-1990s experiences in Bosnia and Rwanda were reason to disrupt the habits of a community of international practice based on state sovereignty and non-intervention.[73] However, the value of "humanitarian intervention" was 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

67. Carr [1939] 2001; Niebuhr [1932] 2001.
68. Dewey, [1937] 2008. Cited by Hildreth 2009, 796–98.
69. Niebuhr [1932] 2001, xxxi.
70. Cochran 1999, 2002a, 2012; Haas and Haas 2002; 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 (human rights); Haas and Haas 2002 (institutions); Hoover 2016 (human rights); Nyman 2016 (security); Shields and Soeters 2013 (peacekeeping).
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, for example, Wheeler 2002.

https://doi.org/10.1017/S0020818317000455 Published online by Cambridge University Press

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 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 support the implicit claims to a common humanity contained within the R2P norm only 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." This opens the door to supporting R2P *if* it ameliorates the social problems created by humanitarian intervention in the context of a politically pluralist society of states.

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, pragmatic constructivism recognizes that humanity and humanitarianism is "a constructed abstraction that needs to be constantly scrutinized."[76] This fallibalist view does not necessarily lead one to dismiss humanity or humanitarianism. A skeptic 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 humanity exists as a moral impulse, atrocity is a social problem of universal concern, and it would be a mark of normative progress if states properly discharged the responsibility to protect. 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.

That said, the pragmatist could not take the 2005 achievement as evidence of a fixed and final synthesis. International consensus reflects the state of an international community's learning and its assessment of what is a good norm. Because the pragmatic constructivist knows this norm is historically and socially contingent, he or she insists that the norm emerging from the consensus be advanced as a hypothesis that must prove itself. This move raises the bar of normative authority, but it also enhances a norm's claim to be authoritative. It helps make sure that faith in a

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

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

https://doi.org/10.1017/S0020818317000455 Published online by Cambridge University Press

norm is neither misplaced, nor the product of a consensus corralled to advance the particular interests of powerful gatekeepers. Normative authority rests instead on the norm's usefulness in ameliorating the lived social problem (or problem in view) without creating unmanageable ones in the future; and by acknowledging a norm's contingent status in this way, pragmatic constructivism "potentially open[s] 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.

Accepting the norm as a hypothesis (rather than a synthesis) does not mean that pragmatic constructivism necessarily demands normative compromise. As the recent debate on the anti-torture norm attests, it is not the case that norms should give way, or their meanings should always shift, to accommodate alternative views.[78] The evidence against the normative challenge may be so strong that it limits its persuasiveness, even reducing it to an "academic" abstraction. In this sense some norms are relatively more settled and their meanings hold a greater degree of fixedness. For the pragmatic constructivist, a norm's foundations will never be concrete (they are always contingent) and their meanings will never be absolute, but over time evidence accumulates to support a normative defence based on the argument that norm-consistent behavior ameliorates the social problem in view without creating unmanageable ones in the future. There is a kind of "technology" to pragmatic constructivism, in other words.[79] Norms are good because they are useful.

R2P is a "complex" norm in this regard.[80] At its core there is a settled consensus underpinning its *proscriptive* element, which insists that acts of atrocity are wrong. The emotional impulse or abstract reasoning that may inform this moral claim is reinforced for the pragmatic constructivist by the learning of lived experiences, which demonstrates how pluralist orders are unable to cope with arguments that suggest otherwise. On the other hand, the *prescriptive* element of R2P, which insists that 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 in the context of political pluralism varies according to the contingencies of the particular crisis, and in this respect R2P's prescriptive meaning *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 by judging how well they ameliorate vulnerability without creating unmanageable problems for international society.

This complexity means it is difficult to analyze R2P in terms of the norm life cycle. Norm-life-cycle models are useful to the extent they theorize particular practices that

77. Hoover 2016, 135.
78. Sikkink 2013.
79. Haas and Hass 2002, 592.
80. Welsh 2013, 2014b.
81. Welsh 2014b.

https://doi.org/10.1017/S0020818317000455 Published online by Cambridge University Press

have proven (and continue to prove) useful in *preventing* atrocities. With the availability of such technical knowledge we can identify competent R2P practices and point to norm internalization when these practices have a "taken-for-granted" status.[82] The limitations of norm-life-cycle theory are more apparent, however, in situations of *ongoing* atrocities where R2P is indeterminate *by design.* It embraces an ethic that is sensitive to the circumstances of the particular situation.[83] The 2005 World Summit document, 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.[84] It becomes a problem only if R2P's prescriptions are fixed to certain responses (e.g., intervention, regime change) and their absence is always interpreted as an example of inappropriate noncompliance.

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] Instead it looks at 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] In other words, 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.[88]

These parallels between reflexive constructivism and pragmatism are 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 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 prescriptive meaning, as if that had

82. Ibid.
83. See Welsh 2013, 368; Widmaier and Glanville 2015.
84. See Brown 2010; Gallagher 2015; Welsh 2014b.
85. Fierke 2013; Hopf 1998; Welsh 2013; Wiener and Puetter 2009.
86. Wiener 2004, 200. Also Acharya 2004, 2013; and for an application to R2P, see Kenkel and Stefan 2016.
87. Wiener 2014. For arguments that question the effectiveness of shaming tactics, see Epstein 2012; Gurowitz 2008; Lynch 2002, 2008; Reus-Smit 2008, 78–79.
88. Acharya 2013, 468.
89. Kratochwil 2011, 50.

https://doi.org/10.1017/S0020818317000455 Published online by Cambridge University Press

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—in this case, how best to protect populations from inhuman acts in 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] 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 advocacy has to be grounded in abstract reasoning. Her puzzlement about 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 that international law may be influenced by power relations, but implies 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 prioritization 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). But ultimately Sikkink's commitment to human rights is seemingly fixed on foundations that have no space for critique.

90. Welsh 2013.
91. Sikkink 2008.
92. Sikkink describes her commitment to human rights as being pragmatic but she does not make explicit the links to philosophical pragmatism. 2008, 89.
93. Sikkink 2008, 88. Also Ralston 2013, 11.
94. Also Hoover 2016.

https://doi.org/10.1017/S0020818317000455 Published online by Cambridge University Press

"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*. 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 pragmatism and Sikkink's constructivism is important. For instance, both Sikkink and Dewey stress the importance of a form of "forward-looking" or "counterfactual" inquiry.[97] Sikkkink notes that this kind of inquiry "can be notoriously uncertain," but if knowledge is to be useful 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. 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 Bourdieuian-influenced conception of practice found especially in the work of Vincent Pouliot, who emphasizes the *pre-reflexivity* of habit, and an Aristotelian-influenced conception where "habitual knowledge is developed consciously through processes of reasoning."[100] Aristotelian conceptions clearly resonate 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 prudence implies reasons for not acting, the practical reasoning valued by

95. Sikkink 2008, 103.
96. Ibid., 87–96; also Crawford 2002, 408; Dancy 2016, 524.
97. Hildebrand 2013, 67; Sikkink 2008.
98. Hoover 2016, 135.
99. Ibid., 119; Haas and Haas 2002, 591.
100. Brown 2012, 441; Ralph and Gifkins 2017.

https://doi.org/10.1017/S0020818317000455 Published online by Cambridge University Press

phronesis "is better understood as the ability to weigh the consequences of one's actions."[101]

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 amelioriate 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. 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 skepticism, however, tends more often to argue that "reality" must be endured and cannot be changed. In an R2P context it will more readily accept that a population's vulnerability is the consequence of humanity's earthly limitations. It will tend to characterize these situations as "tragic"; whatever states do they simply cannot remove conditions in which the vulnerable will suffer. From a pragmatic constructivist perspective, however, this relegates the analyst to the role of "spectator."[103] The theorist-practitioner may be stoical in the face of suffering, but to rest there 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]

101. Brown 2012, 453.

102. On the difference between pragmatic practical problem solving and Habermasian discourse ethics, see Bray 2013, 468; Deen 2013, 115–16; Hoffman 2009, 243; Honneth and Farrell 1998, 775. On the logic of practice as a supplement to the logic of arguing, see Pouliot 2008.

103. On Dewey's critique see Hildebrand 2013, 63–64.

104. Lachs 2005.

105. Lebow 2012, 65. For a pragmatic constructivist-type argument that an understanding of tragedy helps prevent its reoccurrence, see Erskine and Lebow 2012, 11. Also Price 2008d, 287, 303. For a defense of realism, see Rengger 2012b.

https://doi.org/10.1017/S0020818317000455 Published online by Cambridge University Press

Applying Pragmatic Constructivism

The Responsibility to Protect and Syria

Applying a pragmatic constructivist ethic involves, to repeat the 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 World Summit document. 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. 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 this sense, the pragmatic constructivist can support R2P as a hypothesis on how to act while remaining critical of certain practices that are done in its name.

Pragmatic constructivism is applied here to 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 response. 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, given the "realities" of the Russian and Chinese positions, there remain significant ethical questions to answer about western practice. The P3's proposed way forward was itself problematic for three reasons: it was fixed to a prescription—"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 realizable ends ("ends in view") that were valuable if not ideal. The argument is not that the P3 were guided only by R2P when they insisted "Assad must go." However, the P3 did appeal to that norm in the 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.

106. Borger 2013.

https://doi.org/10.1017/S0020818317000455 Published online by Cambridge University Press

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 after 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 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 criticize 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 the 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 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 about the risks of certainty and about fixing the prescriptive meaning of the norm. To be certain of what a norm means closes down the space for deliberation. It can authorize those who claim they know what R2P means to shame what they see as noncompliance. 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 (that Sikkink cites) that accountability for violations of human rights/crimes against humanity ameliorates vulnerability over the long term.[110] But this was not an "end in view" in this situation at that time.

This last claim is based on two main points. First, R2P demands action through the Security Council. In 2011, two of the five veto powers consistently set out their position against political interference and international accountability in Syria because of what they saw as a western betrayal during the 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.[112] Second, one might question how vigorous the P3 calls for political and criminal accountability were when they

107. United Nations 2011. See also United Nations 2012a, 2012b.
108. Adams 2015.
109. Ibid.
110. Sikkink 2008.
111. Ralph and Gallagher 2015.
112. Ralph and Gifkins 2017.

https://doi.org/10.1017/S0020818317000455 Published online by Cambridge University Press

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 was 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; in 2011–2012 it was 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 its normativity as it was being used in a specific situation. To suggest that R2P did not prescribe regime change in 2011–2012 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 realizable alternatives that could have protected vulnerable populations becomes ethically significant. This evidence is provided 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 the time, an obstacle 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. 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 increase the likelihood of atrocity and that peace is the best form of atrocity prevention.[116] 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 parts of the R2P community that continued to insist the norm meant political and criminal accountability.[118]

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.

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 power sharing government as a prelude to real and substantial reform."

https://doi.org/10.1017/S0020818317000455 Published online by Cambridge University Press

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, 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, the call for Assad to go was not only consistent with their state's identities and interests in the abstract, but was also realizable. Calling for Assad to go would put them on "the right side of history."[121] From an R2P perspective, the "Arab Spring" acted as a telescope that brought political and criminal accountability into view. And yet their faith in Arab Spring proved unwarranted and their practical judgment was exposed. Western powers were unwilling to intervene materially in a way that would have effected 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.

Reimagining R2P

Such a conclusion may be taken as evidence that leads pragmatic constructivists to abandon faith in R2P as a useful hypothesis. But it would be wrong to file this argument alongside those who wrote R2P's obituary some time ago.[122] The Syria case exposes the usefulness of a particular meaning of R2P at a certain time and in specific circumstances. The pragmatic constructivists 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. They can do this while challenging the judgment of an R2P community of practice that invoked the norm to support impractical responses. Indeed, alternative views on how to proceed were available within that community. The co-chair of

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.

120. See Ralph, Holland, and Zhekova 2017.

121. Rice 2012.

122. For instance, Rieff 2011.

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ICISS, Gareth Evans, for instance, argued that the P3 failed to give adequate weight to concerns that R2P was a veil for western political interference, especially after the Libya intervention. He recognized that there were "strong answers to these criticisms," including the riposte that Russia was acting instrumentally when it used this argument to protect the Assad regime.[123] But by describing the P3 as "dismissive" and by 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 implied a meaning of R2P that is more open to deliberation at the Security Council.[124] 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."[125]

At a more general level, the UN Special Adviser on R2P and IR academic, Jennifer Welsh, builds on what she calls "post-positivist" constructivism to offer a "subtle reframing" of the norm in ways that echo Evans's sensitivity to political pluralism.[126] Recognizing the importance of Wiener's constructivism to R2P, Welsh investigates the normative contestation after the 2005 World Summit. Of significance, Welsh notes, is the principle of sovereign equality that 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 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."[127] This would help reconcile the R2P community of practice with a pluralist international society once more. It would facilitate Deweyian "growth" or international learning in ways that made solutions more sustainable because they were evolutionary rather that 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.[128] However, it leaves unanswered the question of R2P's prescriptive meaning 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 2014–15) the permanent members enter the conflict for other reasons. In this situation the social problem—how to protect vulnerable populations in the context of political pluralism—intensifies. R2P remains useful but it probably requires imaginative new meanings. Again, Welsh offers an interesting reframing pertinent to this scenario. She notes how too often R2P is "framed still very much

123. See Adams 2012.
124. Evans 2014.
125. Evans 2012.
126. Welsh 2013.
127. Ibid., 392, 395; also Welsh 2011.
128. United Nations 2013.

https://doi.org/10.1017/S0020818317000455 Published online by Cambridge University Press

as a foreign policy issue: i.e., as something we do 'outside' our borders." Writing in the context of refugee flows from Syria to Europe, Welsh adds that the discourse should be "turned inward, to ask what the prevention and response to atrocity crimes could mean for the European heartland itself."[129] 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 a means of solving the social problem at the heart of R2P.[130]

R2P should not mean *only* asylum. Rather 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 be only 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 the likelihood of creating new unmanageable problems. Such decision making would inevitably include questions about a state's culpability for causing situations of vulnerability and the "special responsibility" that creates.[131] Reframing "R2P as asylum" does not then guarantee solutions to the problem of protection in the context of political pluralism. Pragmatic constructivism is about "replacing hard problems with more tractable ones."[132] By reframing the problem, "R2P as asylum" 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 constructivists to defend claims that theirs was a progressive social science. The follow-up essays Price published as *Moral Limit and Possibility in World Politics* were criticized 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.

129. Welsh 2014a.
130. Ralph and Souter 2015, 2017.
131. Coen 2017; Ralph and Souter 2015.
132. Haas and Haas 2002, 592.

https://doi.org/10.1017/S0020818317000455 Published online by Cambridge University Press

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 passage 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.

I have argued that a pragmatic ethic of this kind emerges from the constructivist emphasis on the contingency of norms. I 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 because 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 the 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 I have argued elsewhere, legal fixes such as this can be so detached from political reality that they further undermine faith in the norm's ability to ameliorate vulnerability.[135] This criticism can also apply 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 a pragmatic constructivist ethic 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 emphasizes other meanings, such as R2P as peace. This is how pragmatic

133. Dewey [1908] 1965, 64–65.
134. Roff 2013, 119–21.
135. Ralph 2016.

https://doi.org/10.1017/S0020818317000455 Published online by Cambridge University Press

constructivism traces a norm's meaning in use *and* establishes normativity through an assessment of that meaning's usefulness for ameliorating the lived social problem.

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https://doi.org/10.1017/S0020818317000455 Published online by Cambridge University Press