

CONTEMPORARY CHALLENGES.

ISRAEL-PALESTINE AND RUSSIA-UKRAINE CONFLICTS BETWEEN JUSTICE AND INTERNATIONAL INTERVENTION.

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Abstract

The principle of the Responsibility to Protect (R2P) stands as one of the most ambitious and morally charged constructs in contemporary political philosophy and international law. It endeavors to articulate the conditions under which the international community bears an obligation to intervene in the face of gross human rights violations – genocide, war crimes, ethnic cleansing, and crimes against humanity. Yet, as the protracted crises in Israel-Palestine and Russia-Ukraine starkly reveal, the application of R2P is fraught with profound challenges, arising at the tangled nexus of geopolitical rivalries, ethical imperatives, and the inviolable claims of state sovereignty. This study engages the theoretical frameworks of John Rawls and Michael Walzer, probing the normative boundaries of justice, legitimacy, and intervention in these fraught contexts. It examines the extent to which the ideals of R2P can withstand the realities of power politics and ethical ambivalence, and in doing so, critically evaluates the contradictions that beset the international community in its aspirations to uphold universal human dignity amidst competing interests and moral uncertainties. Through this lens, it seeks to deepen our understanding of both the promise and the perils of one of the most defining principles of our global moral order.

Keywords: Political Philosophy, Global Justice, War, International Intervention, International Law.

1. A Philosophical Foundation

The R2P doctrine is built on the idea that sovereignty, in its legitimate form, requires a state to ensure the protection of its citizens' human rights¹. This principle, formally accepted at the 2005 United Nations World Summit, asserts that when a state fails in this core responsibility, the international community has a duty to intervene – even militarily, as a last resort – to protect populations at risk. In *The Law of Peoples*, John Rawls examines the notion of international justice between nations, distinguishing between reasonable and unreasonable peoples. It's probably true that, as Gunnar Skirbekk observes, «in modern societies there are *different* forms of reason and rationality»². Rawls envisions a *society of peoples* (rather than states), composed of peoples who, by and large, observe the law of peoples – a sort of minimal catalog of fundamental human rights. This society would ground international relations on a kind of realistic utopia. As previously mentioned, this concept is an extension of the theory of justice as fairness, adapted to the sphere of international relations. Rawls outlines a scenario characterized by an ideal theory and a non-ideal theory. The ideal theory consists of well-ordered societies, characterized by: a) liberal (reasonable) peoples, and b) decent peoples: that is, non-liberal societies whose basic institutions, while authoritarian or hierarchical, ensure citizen participation in political decisions. According to Rawls, adherence to basic human rights serves as the foundation for a state's legitimacy in the eyes of the international community. Rawls' concept of justice suggests that while respecting cultural autonomy and diversity among peoples, the

¹ On this topic, see in general J. Rawls, *The Law of Peoples: With "The Idea of Public Reason Revisited"*, Harvard University Press, Cambridge Ms. 1999; M. Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations*, Basic Books, New York 1977; A.J. Bellamy, *Responsibility to Protect: A Defense*, Oxford University Press, Oxford 2014; G. Evans, *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and For All*, Brookings Institution Press, Washington D.C. 2009; J. Pattison, *Humanitarian Intervention and the Responsibility to Protect: Who Should Intervene?*, Oxford University Press, Oxford 2010; A. Orford, *International Authority and the Responsibility to Protect*, Cambridge University Press, Cambridge 2011; T. Nardin, *International Political Theory and the Question of Justice*, Wiley, Hoboken 2006; A. Acharya, *The End of American World Order*, Wiley, Hoboken 2018²; A. Acharya, Amitav – B. Buzan, *The Making of Global International Relations: Origins and Evolution of IR at its Centenary*, Cambridge University Press, Cambridge 2019; A.J. Bellamy – T. Dunne, *The Oxford Handbook of the Responsibility to Protect*, Oxford University Press, Oxford 2016; D. Fassin – M. Pandolfi (Eds.), *Contemporary States of Emergency: The Politics of Military and Humanitarian Interventions*, Zone Books, Princeton 2010; R. Paris, *The 'Responsibility to Protect' and the Structural Problems of the International System*, in «International Peacekeeping», 21:5 (2014), pp. 569-603; A. Hehir – R.W. Murray, (Eds.), *Protecting Human Rights in the 21st Century*, Routledge, London 2017; C.M. Bailliet, *Research Handbook on International Law and Peace*. Edward Elgar, Cheltenham 2020; S. Moyn, *Not Enough: Human Rights in an Unequal World*, Harvard University Press, Cambridge Ms. 2018.

² G. Skirbekk, *Epistemic Challenges in a Modern World*, Lit, Wien 2019, p.19.

global community has a moral obligation to uphold fundamental rights, thereby laying a theoretical foundation for humanitarian intervention when necessary³.

This notion of responsible sovereignty diverges from traditional interpretations of state sovereignty as an inviolable right. Instead, it implies that a state's sovereignty is conditional upon its commitment to protect its citizens. When a state cannot or will not fulfill this duty, its sovereignty may be questioned, and intervention by the international community could be considered legitimate.

2. Prevention and Intervention

The R2P framework is centered on four categories of crimes: genocide, war crimes, ethnic cleansing, and crimes against humanity. While the first three are well-defined in international law, the term 'ethnic cleansing' is more ambiguous, presenting interpretive challenges. In theory, R2P emphasizes preventative measures to avoid human rights violations from escalating into mass atrocities. However, if these measures fail, R2P allows for the possibility of intervention by the international community, which can include military action as a last resort.

Political philosopher Michael Walzer offers useful criteria for evaluating humanitarian intervention, focusing on the concept of 'just cause' in responding to humanitarian crises. According to Walzer, intervention is justified only when it represents the sole option for safeguarding human lives and preserving dignity. Contemporary international law and Just War Theory acknowledge only one legitimate reason for initiating war independently: the defense of oneself or others in response to aggression, specifically when this aggression takes the form of an armed attack⁴. In this sense, R2P aligns with Walzer's views, advocating intervention only as a last measure when there are no alternatives to protect vulnerable populations.

Yet, R2P's preventive emphasis has faced criticism, with detractors questioning its logical coherence and its ability to avoid collateral damage. If an intervention is based on counterfactual assumptions – that is, acting to prevent hypothetical harm – how can it justify the unintended harms caused by such intervention?

³ Rawls, *The Law of the Peoples*, cit., p. 23 ss.

⁴ Walzer, *Just and Unjust Wars*, cit., pp. 53-54.

Rawls' theories help shed light the complexities of humanitarian intervention. In *The Law of Peoples*, he posits that international justice should be grounded in consensus among reasonable just societies of well-ordered peoples⁵ committed to upholding universal human rights as a moral foundation⁶. According to Rawls, sovereignty is conditional and legitimate only when a state respects these rights. Otherwise, the international community has a responsibility to intervene on behalf of those who suffer under regimes that fail to provide basic protection.

This perspective presents a direct challenge to conventional views of state sovereignty. If sovereignty is predicated upon responsible governance, then a state that fails to protect its citizens from mass atrocities loses its moral claim to sovereignty, opening the door to justified international intervention. However, this concept also raises practical and ethical challenges, especially when powerful states have conflicting interests in international crises.

3. Case Studies: Israel-Palestine and Russia-Ukraine

The ongoing conflicts in Israel-Palestine and Russia-Ukraine represent two critical case studies that highlight the challenges and limitations of applying R2P in the real world.

The Israeli-Palestinian conflict, with its long history of territorial disputes, political tension, and recurring violence, poses a unique challenge to R2P. Both Israeli and Palestinian populations have suffered significant human rights abuses over the decades, including targeted violence and mass displacements. However, the international community has struggled to apply R2P principles, largely due to geopolitical complexities, varying narratives of legitimacy, and the entrenched nature of the conflict.

⁵ Rawls, *The Law of the Peoples*, cit., p. 17.

⁶ A. Ferrara, *The Democratic Horizon. Hyperpluralism and the Renewal of Political Liberalism*, Cambridge University Press, Cambridge 2014, p. 17: «Just like Rawls's view of "the world" includes peoples that relate to one another on the basis of considerations of justice and then jointly relate to the remaining, variously categorized, peoples on a different (possibly a *modus vivendi*) basis, so a kind of multivariate domestic polity can be envisaged where most citizens share an overlapping consensus on the basic structure and the constitutional essentials, but then jointly relate in a *modus vivendi* way with minorities whose comprehensive conceptions overlap to a lesser extent with the reasonable ones and endorse only a subset of the constitutional essentials. In the multivariate democratic polity both "overlapping consensus" and "modus vivendi" – type relations coexist simultaneously among the citizens, just as on the global scene liberal and decent peoples who form a "society of peoples" operate on a public reason basis but do not exhaust the totality of political relations among peoples of the world».

Attempts to intervene in favor of civilian protection are complicated by competing claims of sovereignty, national security concerns, and accusations of disproportionate force by both sides. Rawls' framework suggests that any intervention must respect the right to self-determination, yet in cases like this, where both parties assert conflicting claims to land and statehood, achieving a fair and consistent application of R2P becomes nearly impossible.

Moreover, Walzer's notion of "just war" complicates R2P's applicability, as both sides have invoked self-defense arguments. This situation underscores a critical flaw in R2P: its limited ability to function effectively in conflicts characterized by reciprocal violence and deep-rooted historical grievances.

The conflict between Russia and Ukraine, following Russia's 2014 annexation of Crimea and its 2022 invasion of Ukraine, has posed one of the starkest tests for R2P and the international community's commitment to uphold it. Russia's actions have led to widespread civilian suffering, displacements, and alleged war crimes, particularly in areas affected by Russian military operations. In this case, the United Nations and other international organizations have condemned Russia's actions as violations of Ukraine's sovereignty and potential breaches of human rights on a massive scale. The international response has included sanctions, diplomatic efforts, and humanitarian assistance, but the question of direct intervention remains controversial, particularly given Russia's status as a permanent member of the UN Security Council. This creates an inherent conflict within the R2P framework: how can the international community effectively act against a powerful state that holds veto power in the very body meant to enforce R2P principles?

From a Rawlsian perspective, the violation of Ukraine's right to self-determination and the protection of its citizens might perhaps morally justify intervention by the international community. However, given Russia's military and political influence, such intervention could risk further escalation, highlighting the pragmatic limitations of R2P when confronted by great power politics.

4. The Role and Contradictions of the International Community

Both the Israel-Palestine and Russia-Ukraine conflicts reveal the inherent contradictions and challenges faced by the international community in implementing R2P. On one hand, there is an ethical imperative to protect vulnerable populations and prevent atrocities. On the other, geopolitical considerations, power imbalances, and state sovereignty pose significant barriers to consistent and effective action.

Critics of R2P argue that the doctrine's selective application, often influenced by the interests of powerful states, undermines its legitimacy and raises questions about its true motivations. Is the international community's intervention driven by genuine humanitarian concerns, or is it influenced by strategic interests and political agendas? This ethical dilemma is central to ongoing debates about the future of R2P and its role in promoting a more just international order. The R2P doctrine represents a profound ethical commitment by the international community to protect populations at risk of mass atrocities. Yet, as demonstrated by the conflicts in Israel-Palestine and Russia-Ukraine, the application of R2P is fraught with challenges, contradictions, and limitations. Philosophers like Rawls and Walzer provide valuable frameworks for understanding these complexities, suggesting that while R2P embodies noble ideals, its practical implementation requires careful consideration of justice, sovereignty, and the balance of power. Ultimately, the effectiveness of R2P depends on the international community's willingness to act consistently and impartially, navigating the delicate line between intervention and respect for state sovereignty in pursuit of global justice.

5. Justice Versus Peace: A Delicate Balance

The interplay of justice and peace underpins the philosophical and moral foundations of R2P, presenting a perennial tension between the urgency of intervention and the imperatives of sovereignty and stability. Justice demands accountability, the protection of fundamental rights, and redress for atrocity crimes, yet the pursuit of these goals can risk deepening conflict and jeopardizing peace.

Immanuel Kant's vision of a cosmopolitan order and John Rawls' articulation of a global duty of assistance frame justice as an international responsibility. Rawls, in particular, contends that affluent and stable societies bear an ethical obligation to help burdened states achieve institutional justice and political autonomy. However, this obligation, Rawls insists, must avoid paternalism, preserving the cultural and political self-determination of those it seeks to assist. Such frameworks resonate deeply with R2P's principles, which aim to safeguard human rights without imposing external ideologies.

Yet, reconciling justice with peace often proves intractable, particularly in protracted conflicts like Israel-Palestine and Russia-Ukraine. Walzer reminds us that peace, though sometimes necessitating compromise with unjust regimes, should ultimately serve as the scaffold for sustainable justice. In the Israeli-Palestinian conflict, for example, mutual recognition and security are prerequisites for peace, but these are often subsumed by historical grievances and demands for justice. Similarly, in

Ukraine, accountability for war crimes risks inflaming tensions, particularly when justice mechanisms confront the geopolitical influence of a global power like Russia.

Striking a balance between justice and peace requires more than theoretical rigor; it demands an acute awareness of context, power, and the limits of international influence. Without this balance, the noble ideals of R2P risk being subsumed by either the chaos of unending conflict or the inertia of compromised principles.

6. The Limits of Rawlsian Theory in the Contemporary World

John Rawls' *The Law of Peoples* provides a compelling normative blueprint for international justice, emphasizing cooperative engagement and respect for sovereignty. His vision of a global society of well-ordered peoples collaborating to assist burdened societies rests on principles of pluralism and non-coercion, presenting an elegant counterpoint to hegemonic models of intervention. Yet, when juxtaposed with the stark realities of modern geopolitics, Rawls' theory reveals profound limitations. Rawls' insistence on sovereignty and autonomy poses challenges in crises where urgent humanitarian intervention is needed. In the Israel-Palestine conflict, for instance, the idea of respecting both parties' autonomy while addressing gross asymmetries of power and persistent violations of human rights seems almost paradoxical. Similarly, in the Russia-Ukraine war, the principle of sovereignty clashes with the necessity of holding a powerful state accountable for its aggression and atrocities. Rawls' framework struggles to provide actionable guidance in such cases, where non-intervention risks perpetuating harm, and intervention risks violating the foundational respect for self-determination.

Moreover, Rawls' emphasis on moral consensus among well-ordered societies seems naive in a world characterized by stark power imbalances and competing interests. The R2P doctrine, while theoretically aligned with Rawlsian ideals, has been repeatedly undermined by the very geopolitical structures Rawls seeks to transcend. For instance, the United Nations Security Council, dominated by the veto power of its permanent members, epitomizes the challenges of realizing a truly cooperative international community. Russia's ability to shield itself from collective action in Ukraine underscores the impotence of Rawlsian ideals in the face of entrenched global hierarchies.

While Rawls' vision aspires to a just international order, its practical relevance diminishes in a landscape defined by strategic rivalry and selective accountability. R2P's efficacy, and the broader

pursuit of global justice, necessitate a recalibration of these ideals to address the complexities of modern power dynamics.

The ethical and philosophical aspirations of R2P and Rawlsian justice collide with the stark realities of global power imbalances. Rawls envisions a world of well-ordered societies acting in good faith to uphold justice, yet the modern international system is often dictated by the strategic interests of dominant states. In this environment, ethical principles are frequently subordinated to *realpolitik*, as seen in the conflicts in Israel-Palestine and Russia-Ukraine.

The United Nations Security Council exemplifies these contradictions, where the veto power of permanent members, such as Russia and the United States, stymies collective action in cases of clear human rights violations. Such structural inequities render Rawls' cooperative ideals aspirational at best and impractical at worst. The selective application of R2P further highlights these disparities, eroding its legitimacy and reinforcing perceptions of Western double standards.

Addressing these challenges requires a reimagining of international justice that transcends the limitations of both Rawlsian theory and the current global order. It demands mechanisms that account for power asymmetries while ensuring impartiality, consistency, and respect for sovereignty. Only then can the lofty ideals of R2P and the vision of a just international community move closer to realization.

7. A Need for Pragmatic Approaches to International Justice

While John Rawls presents a compelling ethical framework for envisioning a just international order, the limitations of his philosophy become strikingly evident when applied to the intricate realities of modern geopolitical conflicts. The cases of Israel-Palestine and Russia-Ukraine, in particular, expose the profound challenges of reconciling the demands of justice with the competing imperatives of sovereignty, entrenched power asymmetries, and the pragmatics of *Realpolitik*. Rawls' principled commitment to non-intervention and his respect for cultural pluralism, while philosophically admirable, frequently fall short in providing actionable solutions for situations where urgent humanitarian intervention is a moral necessity.

The practical pursuit of international justice, especially through mechanisms like the Responsibility to Protect (R2P), demands a more pragmatic lens – one that embraces the constraints of global power structures and the need for swift, decisive action. While Rawlsian ideals must undoubtedly continue

to shape ethical reflections on global justice, they must also be recalibrated to address the formidable challenges posed by real-world complexities. In a world still marred by atrocities, the international community is tasked with navigating a precarious balance: upholding the sanctity of sovereignty while responding to the moral imperative to shield vulnerable populations from harm. This task is further complicated by the fact that Rawls' post-Kantian vision of harmonious international cooperation often appears unattainable in practice.

Moreover, critiques of R2P as a potential vehicle for selective intervention raise troubling questions about its legitimacy and consistency. Such criticisms highlight the enduring tension between high-minded humanitarian ideals and the often self-serving interests that dominate international politics. These challenges suggest that if R2P is to serve as a credible and effective instrument of global justice, it may require significant reforms to enhance its legitimacy and operational effectiveness. Ultimately, the pursuit of justice on the international stage demands not only a philosophical commitment to ethical principles but also a nuanced understanding of the political realities that shape – and constrain – their application.

8. Fear Dynamics Amidst the Disruption of the International Order

The contemporary international order finds itself at a pivotal juncture, besieged by transformative forces that challenge its foundational principles and operational paradigms. These upheavals, driven by the entwined dynamics of globalization and digitalization, have rendered power increasingly diffuse, its trajectories ever more elusive. The resulting landscape is one of disarray, extending beyond the sphere of interstate relations to encompass the intricate interplay between governing institutions and the societies they preside over. In this disordered tableau, fear emerges as an omnipresent force – a pervasive emotional undercurrent that shapes the contours of public discourse and state policy alike.

Fear occupies a singular position in the realm of international relations, surpassing other variables in its capacity to frame perceptions of disorder. It thrives on the human instinct to mistrust the unknown, magnified in an age of instantaneous media that amplifies both local anxieties and global alarms. The range of perceived threats has broadened, extending beyond traditional concerns of physical security to encompass vulnerabilities in digital and informational domains. From terrorism and pandemics to climate crises and economic volatility, these dangers coalesce into a tapestry of perceived chaos,

fostering an atmosphere of mistrust that undermines collective efforts and exacerbates global fragmentation.

Historically, international order has been envisaged as a balance of power among states, anchored in shared rules and norms. Yet this paradigm has grown increasingly tenuous in the face of contemporary contradictions. Major powers oscillate between cooperation and unilateralism, their conflicting ambitions deepening the disorder they seek to address. This instability transcends structural dimensions, seeping into the psychological and sociopolitical spheres. In this context, the concept of *controlled disorder* has gained currency – a narrative employed by states to justify extraordinary measures purportedly aimed at managing chaos. Here, fear serves a dual role: both symptom and instrument, legitimizing expanded surveillance, curtailments of liberty, and the entrenchment of authoritarian tendencies. Fear, in this schema, is not merely reactive but constitutive of what might be termed a disordered order.

This climate of uncertainty elevates fear to the status of a perpetual state of emergency. The politics of emergency, defined by unceasing narratives of threat, displaces democratic processes in favor of centralized and opaque governance structures. Paradoxically, the measures enacted to restore stability often entrench a condition of provisional order, privileging reactionary responses over preventive strategies. The cyclical nature of this interplay reveals fear not as an incidental byproduct but as a foundational element of disorder's perpetuation, simultaneously destabilizing institutions and legitimizing their erosion.

The insidious role of fear extends beyond the state to corrode the broader social fabric. It destabilizes international systems by eroding trust in institutions and fostering mutual suspicion among states and communities. Fear amplifies the perception of chaos, becoming an instrument of exclusionary politics that fractures social cohesion and deepens global divisions. This reality compels a pressing question: can a global system rooted in cooperation and trust be envisaged – one that resists the manipulative power of fear and rejects the perpetuation of instability as a governing principle?

Cultural and civilizational divides further complicate this inquiry. Samuel Huntington's *Clash of Civilizations* thesis highlights the role of cultural identity in global conflicts, positing that civilizational differences, particularly between the West and blocs such as the Islamic or Confucian spheres, are the primary axes of contention. Within this framework, the doctrine of the Responsibility to Protect (R2P) assumes a contested role, often viewed as a vehicle for the imposition of Western

norms under the guise of humanitarian intervention. Although R2P is rooted in the moral imperative to prevent atrocities, its selective application – particularly in geopolitically strategic regions – reinforces suspicions of its use as an instrument of dominance rather than as a universal principle. This perception feeds into Huntington’s narrative, deepening skepticism in regions where cultural sovereignty and resistance to external intervention are paramount.

Efforts to transcend these tensions aim to position R2P as a universal ethos, yet such aspirations often falter without meaningful collaboration with regional organizations and a nuanced sensitivity to local contexts. Genuine universality demands more than rhetorical commitments; it requires an ethos that addresses crises without inflaming cultural divisions. The enduring tension between respecting cultural particularities and upholding universal human rights underscores the difficulty of constructing a truly inclusive global order, one capable of bridging the enduring fault lines of civilization.

The international order today is both a reflection and a perpetuation of fear. As a psychological force, fear shapes public and political responses to disorder; as a political tool, it justifies actions that entrench divisions and sustain instability. The challenge of our era is to envision an alternative model of global order – one that seeks stability through cooperation, trust, and the deliberate mitigation of fear’s corrosive influence. Achieving such a paradigm requires not only structural reforms but also a profound philosophical reorientation toward a shared humanity, one that resists the seductive allure of perpetual emergency and embraces the possibility of lasting peace amid diversity.

This ambition confronts deep-seated anxieties, particularly within the West. Echoing Huntington’s reflections, Christopher Coker’s exploration of the *Rise of the Civilizational State* examines the disquiet surrounding the liberal civilizational paradigm. Coker provocatively suggests that Western civilization itself may ultimately be a constructed *myth* – its ideals of liberal democracy as vulnerable to deconstruction as any other narrative of modernity. In this view, the very foundation of what we term “order” might be reimagined, challenging not only the dominance of Western constructs but the mythos of stability itself⁷.

⁷ C. Coker, *The Rise of the Civilizational State*, Polity Press, Cambridge-Medford Ma. 2019, p.18 ss.



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