

Another Postcolonialism: Innovating Sovereignty from Below Through the Responsibility to Protect

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Another Postcolonialism: Innovating Sovereignty from Below Through the Responsibility to
Protect

A dissertation presented

By

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ABSTRACT

ANOTHER POSTCOLONIALISM: INNOVATING SOVERIEGNTY FROM BELOW THROUGH THE RESPONSIBILITY TO PROTECT

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I focus on the work of civil society actors, scholars, and diplomats from the Global South, in particular the South Sudanese anthropologist and diplomat Francis Deng, and the ways in which they attempt to remake sovereignty through institutions. Using sovereignty-as-responsibility and the Responsibility to Protect (R2P) as problem spaces, I recover an alternate vision of sovereignty and the community of states that emerged in response to defenses of non-intervention by postcolonial state actors. Focusing on sovereignty allows these agents to simultaneously critique and innovate that which is “above” (the international state system) and that which is “below” (the sovereign state). Further, I demonstrate how a deterministic view of structure in postcolonial theory misperceives the work of civil society agents who attempt to remake international structures.

In the context of atrocities and mass displacement in the postcolonial world, sovereignty is a particularly fraught concept. State sovereignty – as theory, structure, and law – was developed through its assumed absence outside of Europe and continues to impose colonial frameworks on a (temporally) postcolonial world. While postcolonial theory is (rightly) skeptical of the history of sovereignty, many theorists embrace the sovereign equality of states out of frustration with Western interventionism. My dissertation offers a different perspective on the problem of sovereignty by looking instead at how political agency is conceptualized in these debates. I ask, “How do critiques and reformulations of sovereignty empower agents to challenge structures of domination in the postcolonial world?”

I draw on constructivist IR theory and comparative political theory to frame the question of African agency in global politics, rejecting both liberal humanitarian models of how norms spread, as well as postcolonial arguments about neoimperial structural forces in global politics. One of the challenges of working in comparative theory is to center non-Western voices without isolating them into a self-referential dialogue; in essence, to avoid making “Western” and “non-Western” theory (both IR theory and political theory) non-intersecting topics. Thus, in my project I draw on African debates about sovereignty not to define an “African” approach but to frame political interventions by African intellectuals and diplomats. Francis Deng, in particular, is a figure both deeply rooted in Southern Sudanese Dinka culture and global institutions: to render him simply cosmopolitan or *sui generis* would be to truncate the complex politics and thought which drove his political innovations.

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INTRODUCTION: SOVEREIGNTY-AS-RESPONSIBILITY IN A WORLD *AFTER* HUMANITARIAN INTERVENTION

In 2013, the newly independent South Sudan experienced the worst massacre of civilians since the Rwandan genocide. Armed Dinka militias killed an estimated 20,000 Nuer in the capital city of Juba. Many more Nuer fled the city, becoming internally displaced persons (IDPs). Worse, this massacre happened over the course of just 3 days. The international community was horrified: two years earlier, South Sudan's independence was celebrated across the globe. Many in the international community had insisted that independence was the only option for southern Sudanese to escape the brutal regime in Khartoum.

Importantly, the massacre in Juba defied the discourse of humanitarian intervention. In the aftermath of the Rwandan genocide, security scholars, diplomats, generals, and statesmen all debated whether it would have been possible to activate an international – or even a single state's – armed force to stop a genocide that lasted only 100 days. Built into the liberal humanitarian vision of the Responsibility to Protect (R2P) was the idea of “early detection;” essentially, the importance of being able to recognize that a genocide was either immediately impending or already underway but only in its first days and weeks. It was under this logic that UN resolution 1973 authorized the use of armed force against Qaddafi's troops in Libya in 2011 – Libyan tanks were already *en route* to a rebel stronghold, Qaddafi had spoken of his intent to massacre everyone who stood against him, and there were already reports of indiscriminate targeting by Libya's state forces. While in the aftermath of Libya's collapse we rightly question the accuracy of reports that rebels were sending to their allies in the international community in 2011, based on available information it was plausible to state that the international community was reacting to credible evidence of an impending mass atrocity.

It is impossible, however, to “recognize” the early stages of genocide or a mass atrocity *and* activate an outside intervention force to stop a bloodbath that lasts only three days. The massacre in Juba, then, demonstrates the limits of thinking about atrocity crimes in terms of the ability of outsiders to intervene. In the eyes of many in the international community, in particular the donor community, nothing was to be done except withdraw support and aid from the newly independent state.

The liberal humanitarian vision of R2P, however, was not the only understanding of the purpose of the UN doctrine. Affirmed by unanimous consent in 2005, with major debates over implementation from 2006 to 2009, and then again after the intervention in Libya, R2P and sovereignty-as-responsibility – the vision of sovereignty on which R2P draws – had intellectual roots in the Global South, and many African states were its strongest supporters. Their arguments focused on *remaking* the postcolonial state. However, the vision of R2P and sovereignty-as-responsibility supported by these actors differed in significant ways from the liberal humanitarian vision for R2P which emphasized outside intervention, and also brought them into conflict with anti- and post-colonial movements in the Global South. Debates originating in the Global South make R2P and sovereignty-as-responsibility intriguing problem spaces within which to address larger questions about sovereignty and agency in the postcolonial world. In particular, how is this revision of sovereignty an attempt to escape the colonial legacy of domination? Can focusing on the civil society actors who promoted this shift in the concept of sovereignty change our understandings of agency in a structurally unequal world? I propose that both postcolonial accounts of the structuralism of global politics, as well as liberal accounts of how human rights and other norms are spread throughout the world, fail to understand how normative challenges “from below” against global and transnational injustice in a postcolonial

context emerge and resist cooptation while remaining open to contestation.

Over the course of the decade, a broader neo-nationalist turn undercut support for international institutions, in particular ones that might challenge a definition of sovereignty as a doctrine of non-intervention and local control. In the aftermath of the 2011 R2P action in Libya, Brazil led a coalition of Global South states to reform R2P to give the UN greater ongoing control over any future possible coercive actions. These proposals, under the mantle of “Responsibility While Protecting” (RWP), were quietly abandoned by the Brazilian delegation to the UN after the impeachment of Dilma Rousseff, and a series of a far-right nationalists served as president. India, another partner in the post-Libya RWP reform movement at the UN, elected Narendra Modi in 2014; Modi's ultranationalist ambitions put an end to much of India's support for multilateralism at the UN.

The right wing neo-nationalist turn had implications beyond the implementation of R2P; refugee policies and human rights promotion came under significant strain. In 2016 the UK chose to leave the EU in a “Brexit” referendum; polls found that control of borders and immigration flows, as well as “taking back sovereignty” were major motivating factors in the “Leave” vote. A few months later, Donald Trump was elected president of the United States. Among many virulently nationalist policies, his administration aimed to shut down legitimate channels for refugees to seek asylum in the United States. Large flows of refugees into Europe strengthened far-right parties in Eastern and Central Europe, and several EU member states refused to honor their institutional agreements to accept refugees. Russia supported right-wing governments and movements throughout Europe. China has become a major partner with numerous governments in Africa, and does not tie aid and assistance to human rights, dignity and equality, or other principles that the liberal order tied to development goals.

The liberal international order, it seems, is dying. The conservative realist John Mearsheimer (2019), as well as progressive constructivists Alexander Cooley and Daniel Nexon (2020), argue that liberal unipolarity has significantly eroded. Alternate centers of power which do not promote liberal priorities or values are increasingly important in global politics. Mearsheimer argues that the liberal order, with its emphasis on democracy and human rights, was *more* violent than the bipolar world that preceded it; the “end of liberal dreams” is, he argues, a normatively good thing.

The postcolonial left has responded largely by wishing the liberal order good riddance. Predictably, these theorists assailed liberal monetary institutions – from the World Bank to the Euro – as enforcers of a global hierarchy, weaponized to punish states who might seek an alternative to the integrationist liberal international order. But a strong ire was reserved for liberal projects of humanitarian intervention to promote human rights and/or democracy. In particular, the “sovereign equality of states” is now embraced by many left theorists (e.g. Cunliffe 2011, Cohen 2012, Getachew 2018) as a flawed but necessary bulwark against the neoimperial ambitions of liberal hegemony. R2P and sovereignty-as-responsibility, several postcolonial theorists argue (e.g. Cunliffe 2007, Cunliffe 2011, Mamdani 2011, Cunliffe 2016, Whyte 2017, Getachew 2018), are attempts to institutionalize and legitimate a prerogative of armed coercive intervention that could supersede sovereignty. While postcolonial theory had also critiqued both sovereignty and the state, these seemed to be necessary institutions to hold back the tide of neoimperialism.

Significantly, a “critique of the ethical turn” now holds strong sway in postcolonial and critical theories.¹ At a theoretical level² this is a rejection of “applied ethics” as the proper form

¹ To some degree this should be unsurprising if we understand Marxism as a left form of *realpolitik* which rejects bourgeois moralism.

of theorizing the political. Broadly, the critique holds that an applied ethics approach attempts to define normatively ethical positions and then make politics conform to those models. At a more worldly level, this creates a distrust of political theories that center “ethical” considerations. A binary is asserted which divides “ethical” approaches to politics from “properly political” approaches. By this logic, centering ethical considerations means that self-determination, sovereignty, and other political demands can be sacrificed in the name of ethical imperatives. Ethical approaches are said to create “one-size-fits-all” political models that leave little room for popular contestation, or “politics.” This is not to say these theorists are indifferent to phenomena such as genocide; rather, to center politics around the prevention of genocide, they claim, will be used to preempt political demands from below.

Most left theory understands R2P as an attempt to institutionally legitimate humanitarian intervention, sacrificing sovereignty to ethics – arguably accepting a particular liberal vision of the doctrine (e.g. Weiss 2007, Egerton 2012). Postcolonial critics (e.g. Whyte 2017, Getachew 2018) argue the sovereignty-as-responsibility, the vision of sovereignty upon which R2P is built, is an “ethics-first,” neoliberal attempt to abridge sovereignty for postcolonial states. R2P became a vehicle around which some governments and non-state actors organized resistance against the possible institutional legitimation of outright aggression from the Global North. This resistance posited R2P as a new face of a reconstructed colonial hierarchy in international order which would, through humanitarian logic, sacrifice the sovereign equality of states.

But many of the states that ratified R2P, as well as the diplomats, intellectuals, and political actors who developed the theory and policy details, contest that understanding, and indeed R2P has been invoked less often to promote armed coercive intervention than to offer an alternative. I argue that postcolonial and critical theory’s “critique of the ethical turn” in political

² See Geuss 2005, Ranciere 2015, Vasquez-Arroyo 2016, Getachew 2018

theory, combined with a structurally determinist account of global politics, has caused many to misperceive an African innovation in sovereignty that responds to the failure of the nation-state model.

In a televised interview in South Sudan³, Francis Deng argued that the aftermath of the Juba massacre was *precisely* when the international community needed to renew its commitment to South Sudan through the Responsibility to Protect. The problem, as he framed it, was that the moment the donor community chose to leave was the moment when state institutions in South Sudan needed the most reinforcing. Asked by the interviewer if in invoking R2P Deng meant that the international community should engage in military intervention in South Sudan, Deng unequivocally said no.

Beginning in the late 1980s, Deng – a South Sudanese diplomat and legal anthropologist – worked with human rights and legal scholars to identify and address the problem of Internally Displaced Persons (IDPs), who were not covered by international law concerning refugees. This led Deng towards a critique of sovereignty, soon arguing for “sovereignty-as-responsibility” as a way of centering care for its members as constitutive of state sovereignty. In the late 1990s, looking for ways to address UN failures to react to mass atrocities such as the Rwandan genocide, UN Secretary General Kofi Annan drew upon Deng's work on sovereignty-as-responsibility to call for re-framing the international community's responsibilities.

Strangely, Deng's contributions are noted but not explored in much of the literature on R2P. On the one hand, liberals note that his work with Roberta Cohen on IDPs in the 1990s laid the groundwork for R2P, and that his diplomacy helped convince initially skeptical states of the Global South to ratify the doctrine of R2P as part of the UN Global Summit in 2005 (e.g. Bellamy 2010). On the other hand, some postcolonial scholars (e.g. Whyte 2017, Getachew

³ Available at: <https://www.youtube.com/watch?v=ar8iinL9I60>

2018) present him in brief sketches as a Brookings Fellow who helped devise institutional mechanisms for powerful Western states to essentially override the sovereignty of postcolonial states.

What I endeavor to show in this dissertation project is that, to the contrary, Deng is a figure who helps us to see an alternative response, originating among African intellectuals, diplomats, and statesmen, to postcolonial state failure and mass atrocities. Sovereignty-as-responsibility, pioneered by Deng as a reformulation of the doctrine of sovereignty, is a way of rethinking state making and the international system *after* the nation-state. Sovereignty-as-responsibility is the vision of sovereignty upon which R2P is built. In *recovering* Deng's work on IDPs, sovereignty-as-responsibility, and the role of the postcolonial state, I challenge dominant liberal and postcolonial interpretations of sovereignty-as-responsibility and R2P as justifications for liberal states to intervene militarily in states of the Global South. I ask what assumptions and perceptions keep debates about sovereignty-as-responsibility and R2P mired in the same binaries ("the need to do something" versus "imperial legitimation")? Does the persistence of this divide, despite postcolonial theory and liberal rights arguments evolving significantly over the past 40 years, reveal that broader debates about global violence are still mired in the same assumptions and frameworks?

Importantly, I hold that postcolonial theory's reliance on structural understandings of global politics make it difficult to recognize innovations from Global South agents that are not framed as resistance or oppositional. Instead, I draw on approaches from the history of political thought and constructivist IR theory to ground an approach in comparative political theory. By incorporating critical insights from postcolonial theory but eschewing its political pessimism and structural determinism, my goal is to advance a comparative political theory in a world in which

post and neo-colonial orders confront each other.

The work of Francis Deng and the emergence of R2P can be examined as contextualized political moments, rather than as emanations of an untamed colonial spirit. Importantly, contexts are constructed, not facts of history, and the particular construal of a context foregrounds certain experiences and obfuscates others – in other words, contexts are acts of interpretation. It is in this spirit that I focus on civil society agents from the Global South – Francis Deng in particular – and how the questions that prompted their work differed from the questions and debates that frame more recent accounts and critiques of humanitarian intervention in the differently constructed context of the end of the Cold War. Returning to the vision of sovereignty on which R2P is based allows us to think critically about R2P *after* the era of humanitarian intervention.

CHAPTER 1: RECOVERING THE GLOBAL AFTER EMPIRE

Introduction

Recuperation and recovery are modes of political theorizing that aim at “de-naturalizing” present political conditions. In re-narrating a “lost moment,” theorists recover some alternative political vision that ultimately receded. However, historical recovery is not necessarily aimed at recovering a “correct” alternative political formation: rather, the goal may be to “change the questions we ask” of our present political condition (Skinner 1998, Guess 2008). Political questions, in this formulation, are not timeless but contextual; to assume that the questions that (for example) canonical political philosophers sought to answer are the same as the questions we find relevant in our present moment is to engage in “presentism” (Skinner 1969). The process of recovering questions and contexts de-naturalizes our present political moment, rendering certain formations and assumptions visible when they otherwise might be taken for granted or unnoticed. Thus, JGA Pocock’s “Machiavellian moment” and Quentin Skinner’s “republican freedom” are not claims that we should adopt these as models, per se – instead, they offer challenges to liberal modes of thought without necessarily offering a template for a normatively correct alternative.

Recovery and recuperation as theoretical actions have particular purchase in recent postcolonial and decolonial theorizing. They seek to recuperate political moments, innovations, and ideas that were crushed by dominant global forces – both colonial and neocolonial. However, a significant difference between many recent acts of recovery and the classic historicist accounts is the sense that colonial or imperial domination are ongoing – thus the alternative being recovered may not be as distant from our present political concerns. In her compelling account of anticolonial worldmaking *Worldmaking After Empire: The Rise and Fall of Self*

Determination (2019), Adom Getachew argues that non-domination – a major theme in recent political theory – was a central concern in innovations in sovereignty and global institutions from below after decolonization. While she does not seek to “reestablish” any specific institution or state form, in her account anticolonial nationalists’ normative commitments are closer to those of present-day postcolonial theorists – and the forces of domination they faced are similar as well. Thus, the *questions* faced by the present-day postcolonial theorist and the anticolonial thinker being recovered are not necessarily incommensurable.

At the heart of such postcolonial approaches is the attempt to re-think and re-narrate something which academic disciplines like political science have been invested in denying were *events*. Thus, recovering an occurrence such as the Bandung Conference as an *event*, or alternative formations of sovereignty though recovering ignored postcolonial political moments, become opportunities to make visible the erasures of an academic discipline as well as a “lost moment” in the resistance against colonialism and imperialism.

While my approach has strong affinities with a retrieval of “lost moments,” I do not attempt to adhere to a strictly Cambridge historicist approach. The faltering of the liberal global order and the emergence of a post-intervention order are an excellent opportunity to recover the work Francis Deng – rather than simply “changing the questions we ask,” the questions Deng attempted to answer about the struggles of postcolonial states remain relevant. Rather, I deploy the “recovery of questions and answers,” and the retrieval of “lost moments,” as ways of grounding a comparative political theory. Comparative political theory is a contested field, and much ink has been spilled about precisely what “comparative” means in this context.

I locate my work in comparative political theory because I pursue a simultaneous critique of liberal accounts of global humanitarian politics and postcolonial accounts of neocolonial

domination. Deng's anthropology of Dinka customary law is fertile ground for comparative political theorizing because of his attention to the ways in which Dinka legal culture absorbed outside influences and constantly remade itself. Comparative political theorizing is attuned precisely to these flows of ideas across boundaries, resisting assumptions of distinctly constituted cultures with wholly unique intellectual traditions.

One of the challenges of working in comparative political theory is to center non-Western voices without isolating them into a self-referential dialogue; in essence, to avoid making “Western” and “non-Western” political theory non-intersecting topics. Thus, in this project I draw on African debates about sovereignty not to define an “African” approach but to frame political interventions by African intellectuals and diplomats. Francis Deng, in particular, is a figure both deeply rooted in Southern Sudanese Dinka culture and global institutions: to render him simply cosmopolitan or *sui generis* would be to truncate the complex politics and thought which drove his political innovations.

This chapter proceeds in two parts. First, I identify a strategy of recuperation in recent postcolonial and comparative political theory. In contesting Eurocentric histories and concepts, these scholars re-narrate “lost moments” of theoretical innovation originating from subaltern or Global South populations. Recuperating these innovations both de-stabilizes traditional concepts like freedom and sovereignty, as well as broadens a postcolonial political horizon. In the second section, I outline my theoretical approach, drawing on RG Collingwood’s logic of questions and answers, Samuel Moyn’s manifesto for a global intellectual history, and recent work in constructivist IR theory by Kathryn Sikkink and Amitav Acharya on norms. In attempting to define the field of comparative political theory, several scholars (e.g. March 2009, Idris 2016, Jenco et al 2019) argue that “comparative” must signify something more than simply “non-

Western,” and should not be an occasion to simply reify the binary of Non/Western. In this section I argue that Collingwood, Moyn, Sikkink, and Acharya offer resources with which to construct a defensible account of “comparative” political theory that does not reify such a binary.

Contesting “the global” in postcolonial and comparative political theory

A starting proposition of much postcolonial theory (broadly understood⁴) is that, while formal colonialism may have ended, colonial concepts endure and shape present political struggles (e.g. Mamdani 1996, Anghie 2005). Postcolonialism seeks to uncover these concepts and overthrow them. In an influential text, Dipesh Chakrabarty (2000) put forward the claim that “the global” is itself a colonial concept. Ideas of “the global” crystallized under colonialism, this argument holds, as a way of imbuing meaning and exercising power. For some this was because of Europe's place in a Hegelian account of world history, while for others it was simply that until European overseas empires no other political entities could credibly make claims about the globe as a singular entity (either in terms of the physical domination of or knowledge over).

To speak of “the globe” in any political sense is, by such logic, implicitly centering Europe. Chakrabarty referred to the political project that would arise out of this recognition as “provincializing Europe.” As a result, claims about “global interactions” and “global politics” are viewed by many postcolonial theorists as driven by an inherent colonial logic. In particular, “the global order” – as constituted by the sovereign states system and international institutions – is treated as a thoroughly colonial construct. Further, postcolonial theories privilege attempts to overthrow structures and concepts, rather than to innovate or remake them. Thus, normative

⁴ At this moment, I am using “postcolonial theory” as an umbrella term to cover the myriad forms of political theory that seeks to reckon with the legacy of various forms of colonialism and imperialism after anticolonial theory, including (but not limited to) postcolonialism, decolonial theory, and Caribbean theory.

approaches to global conflict – upon which R2P draws heavily – are often treated as necessarily complicit in structural domination (e.g. Maldonado-Torres 2008), rather than tools or political arguments that can be taken up or developed by different actors at different moments.

A more recent wave of scholarship influenced by postcolonial theory articulates counter-conceptions of “the global.” Much of this research seeks to recover “lost” moments (in a Pocockian sense) of global anti-colonial significance. Thus, the place or absence of Haiti's revolution in global revolutionary thinking is one of the leading topics in the discipline of political theory in the past decade. Historical events once considered of universal importance because of their roles in Europe such as the French Revolution (e.g., Desan et al. 2013) or World War I (Morrow 2005, Manela 2009) are now re-narrated as “global histories.” And in the past decade a number of political theorists sought to recover counterhegemonic visions of global order, whether among anti-colonial intellectuals (e.g. Matera 2015, Getachew 2019) or in movements and institutions, such as Bandung (e.g. Acharya and Tan 2008, Lee 2010, Shilliam and Pham 2016, Eslava et al. 2017).

In re-narrating “the global,” these studies force international relations theorists, political theorists, and scholars of international law, to rethink numerous important concepts. Erez Manela's study of “the Wilsonian moment” among early 20th century anticolonial intellectuals reveals the harsh boundaries of liberal ideas of self-determination. Neil Roberts (2015) demonstrates that slavery is simultaneously constitutive of and obscured by theories of freedom. Adom Getachew challenges the received wisdom that strict Westphalian sovereignty was the goal of interwar and early postwar anti colonial Black intellectuals and uncovers a broad “world making” project.

It is worth delving deeper into two particular attempts to re-narrate “the global” –

Getachew's intellectual history of Black self-determination after empire and Luis Eslava's volume on Bandung as global history. Both offer narratives in which a European model of statehood is not an unshakable *telos*, and recover debates between Global South actors in spaces they were making for themselves.

The dominant academic view of how alternatives to strict Westphalian sovereignty were dropped after decolonization is summed up by Kalevi Holsti: “An administrative fiction had to become a meaningful political community. Nationalist movements thus did not fundamentally challenge the colonial state; what was at issue was who would control it. Competing conceptualizations of political organization, such as regional states or pan-Arabism, were quietly dropped” (Holsti 1996, 70). For Holsti and for much of the discipline, it is a simple fact that after independence colonial territories refashioned themselves into Westphalian sovereigns.⁵ This has two major implications: first, the decolonized world adopted a European model of sovereignty rather than innovating their own, and second, as Westphalian sovereigns these new states could be *judged* on standards developed in the West.

What Holsti waves away in three sentences, Getachew excavates and brings to the fore. She argues, “the anticolonial account of self-determination marked a radical break from the Eurocentric model of international society and established nondomination as a central ideal of a postimperial world order. Rather than tether the idea of independent and equal states to the legacy of Westphalia, we should identify this vision of international order with an anti-imperialism that went beyond the demand for the inclusion of new states to imagine an egalitarian world order” (Getachew 2019, 11). She finds in this “lost moment” an alternative

⁵ For some, this was simply because political formations were in competition and the sovereign state – being the most efficient and effective, won out over rivals. Waltz (1979) takes this as an assumption while acknowledging other state forms might dominate in other eras but not this one, whereas Spruyt (1996) gives an historical account of the “competition” from which the sovereign state emerged.

way of ordering the globe, and a vision of global justice guided by values related to both distribution and domination.

Getachew terms this larger project “worldmaking.” Worldmaking, in her account, is a comprehensive project of reordering. Reframing the struggle of decolonization around this project has an important immediate implication: that decolonizing projects were *innovations*. Hegemonic accounts of anti-colonial revolutionaries adopting European ideals of nationalism as grounds for establishing sovereign nation-states rely on a model of norm distribution – sovereignty and nationalism are assumed to be Western ideas that are then adopted (rather than innovated indigenously) by other actors across the globe. Which is to say, these arguments still center Europe.

In recasting decolonization as a worldmaking project, Getachew also moves away from thinking of empire as merely “alien rule,” and instead draws on sources from the Global South to posit European overseas empire as a totalizing experience for the governed. In this account, empire and decolonization are not simply a battle over sovereignty – sovereignty does not capture the totalizing experience of empire, and to posit that sovereignty was what was most at stake is to obfuscate the plethora of ways in which domination and hierarchy were enacted. By failing to register these other manifestations of domination and hierarchy, we miss how durable they are, even after the end of “alien rule.”

The reordering of the globe would be supported by new “international institutions that could secure the conditions of nondomination” in both political and economic senses (Getachew 2019, 15). Institutions, Getachew finds, were seen as a possible way of stemming the dominance of former colonial powers. Importantly, though, the demand was not simply for expanded membership of existing institutions. Sensitive to the imperial preservation function

that the League of Nations served, the anticolonial nationalists and intellectuals sought to make an expansive sense of self-determination part of UN doctrine, and proposed a New International Economic Order to address forms of (economic) domination that were unaddressed by a focus on sovereignty and alien rule.

Getachew does not deny that postcolonial states ultimately adopted a Westphalian sovereignty; however, she finds the struggles over the meaning of self-determination to be important and the turn to the sovereign state to be defensive: “as these projects faltered and nationalists faced domestic opposition and international criticism, they increasingly embraced a more defensive posture toward the state” (Getachew 2019, 179). For her, recovering this “lost moment” allows for not only a fuller understanding of the period of decolonization, but gives us a way of thinking about how the colonial legacy of domination can be theorized and addressed in the absence of alien rule. Getachew's idea of “worldmaking” provides a fruitful way of thinking about the global from a postcolonial perspective: it centers the agency of Global South actors, and “provincializes Europe” in productive ways.

However, there remains in Getachew's account a structural framing of resistance against a totalizing West, and the denouement as tragedy reinforces the sense that structural inequalities are ultimately determinate. This tragic structuralism,⁶ I argue, blinds postcolonial theorists to the sorts of innovations I argue Francis Deng spearheaded and which I recuperate in this project.

One way in which the diminution of agency is narrated in postcolonial theory is to focus on the ways in which actors from the Global South are acted upon by structural or neoimperial forces, while focusing on the radical ideals espoused by these actors. After noting that some of the policies and frameworks she examines in her account of worldmaking may

⁶ Structuralism is “tragic,” in this sense, because it is inescapable. “Tragic” does not mean simply sad or bad, but is related to tragedy as a literary genre. See White 1979.

have had limitations, Getachew claims, “internal limitations and inconsistencies do not in themselves explain the collapse of the NIEO [New International Economic Order], as external challenges ensured that the project never had the opportunity for its internal contradictions to unfold” (Getachew 2019, 171). In such an account, new institutions or new states were always short-circuited by malevolent outside actors, thus one can productively examine the *ideals* promoted by anticolonial actors and institutions without rendering a judgment on their feasibility or effectiveness. Getachew can then frame her argument by claiming “I thus characterize the NIEO as a welfare world that *would* enhance the bargaining power of postcolonial states, institute international planning and coordination to generate equitable redistribution, and ensure democratic decision-making” (emphasis added) (Getachew 2019, 145) without either engaging the contemporary critiques of these approaches (e.g. Gourevitch 1978) or specifying aspects of their ultimate failure that may not have been due to structural or outside forces. In the face of totalizing outside forces, the question of whether these might have constituted *effective* policies remains unaddressed.

The framing of “ideals” versus “acted upon” is especially strong in Getachew's discussion of Kwame Nkrumah. Throughout, there is very little discussion of things Nkrumah *did* or policies he *enacted*. Rather, the reader is presented with a series of economic and political doctrines Nkrumah *believed*. No effort is made to evaluate the *efficacy* of any of these proposals -- thus, Nkrumah's proto-dependency theory approach to economics is simply presented as a plan that is ultimately compatible with Getachew's commitment to non-domination, without any examination as to whether it was the basis of a sound economic or development policy. When discussing the turn in Nkrumah's political fortunes, Getachew frames this as the result of Nkrumah's regime (and the Ghanaian state more broadly) being *acted upon* by outside forces.

Rather than addressing the hyper-inflation (which is often understood as the result of domestic economic policy) that wrecked Ghana's economy under Nkrumah, Getachew frames the economic crisis as due to an unjust shift in terms of trade, with the strong suggestion that the terms of trade were *manipulated* by powerful Western actors. In this framing, favorable terms of trade are just (the result of a *fair* market, perhaps in opposition to a free market), whereas unfavorable terms of trade are unjust (the result of market manipulation by neoimperial actors). The rampant corruption in Nkrumah's regime receives only a passing mention in Getachew's account for why his popularity faltered.

This perspective reinforces the tragic emplotment of anticolonialism.⁷ Anticolonial innovation was consistently undermined by neoimperial structural forces. Rather than a moment of rebirth, it was a death foretold. Importantly, in so framing an examination of Nkrumah's and other Global South actors' efforts to achieve terms of non-domination in the international realm, we have very little sense of what, as *political agents*, these figures pursued -- only that their political projects were crushed by totalizing, neoimperial forces.

Following a series of disparate recoveries of the Bandung Conference (e.g. Acharya 2008, Lee 2010, Shilliam and Pham 2016), Luis Eslava, Michael Fakhri, and Vasuki Nesiah edited a volume on Bandung – *Bandung, Global History, and International Law: Critical Pasts and Pending Futures* – as a pivotal event in Global History (Eslava et al 2017). With 46 contributors, almost all drawn from the field of international law, it is the most comprehensive revisionist interpretation of the conference to date.⁸ The editors sought to push past both the romantic notion that Bandung “changed everything” as well as the skeptical notion that Bandung “changed nothing.”

⁷ On emplotment in historical narrative, see Hayden White, *Metahistory* (1978). On anticolonialism as tragedy, see David Scott, *Conscripts of Modernity* (1999).

⁸ It is not an “account” of the conference in the sense of a record of proceedings.

Importantly, Eslava and his co-editors seek to capture the diversity of thought at the conference, rather than treating it as a singular “voice of the dominated.” “Bandung's larger significance as a counterpoint to the dominant order has been particularly significant...it was both an act of collective imagination and a practical political project that gave rise to a range of institutional experiments and social movements. In this sense, Bandung is often identified with birthing the Third World project. However, it is more accurate to understand Bandung as a moment that facilitated and empowered a number of 'third-world-list' projects” (Eslava et al. 2017, 12). Refusing a singular voice of resistance was an important early postcolonial critique of anti-colonial thought, so in this way we might think of Eslava's volume as a postcolonial reckoning with Bandung.

Sovereignty, of course, is a central concern of many of the contributors. Bandung, unlike the United Nations, invited “not yet” sovereign peoples to participate in part because much of Africa was still colonized. Though sovereignty and non-intervention were overarching themes, they did not form a black and white template. By not making participation conditional on legal sovereignty, Bandung represents an innovation for institutional recognition of non-sovereign peoples. This was dramatically different than the League of Nation's protectorate system, in which a class of territories were deemed not yet fit for sovereignty and placed under the “protection” of victorious colonial powers.

But the contributors remind us how ingrained some of these colonial concepts, such as protection, remained -- and how they were even deployed by some decolonized states in attempts to unite territory. Antony Anghie (a contributor to the volume and one of the leading postcolonial scholars of sovereignty) highlights how Indonesia revived the idea of a “protectorate” to legitimate its territorial claims to West Irian. Indonesia claimed sovereignty

over West Irian, while the Dutch insisted the matter was “unresolved.” The UN had refused to adjudicate the competing claims, and the Indonesian government sought to legitimate its position through a Bandung Conference proclamation. However, “Indonesia argued that the people of West Irian were too 'primitive' to exercise the right of self-determination in a conventional way; the conditions were such that self-determination in the Irian context required consulting the appropriate elders. Many African states were disturbed by this argument...and accused Indonesia of behaving like a colonial power and betraying the sacred principles of Bandung” (Anghie 2017, 546). Just as over the next two decades the postcolonial states India, Vietnam, Tanzania, and Cuba would pioneer new rationales for overriding the principle of non-intervention (Wheeler 2000), self-determination and sovereignty proved to be more contentious than a simple declaration of a sacred principle.

In both Getachew's monograph and Eslava's edited volume, the role of sovereignty is treated in a less straightforward a fashion than political science has generally treated postcolonial sovereignty debates. In addition to Holsti's brief summary of the move from insurgent revolution to sovereign nation-states, Jean Cohen's (2012) influential account of post-WWII sovereignty argues that it was the first time the *principle* of non-intervention was universalized. While Cohen is certainly aware that non-intervention was not consistently *honored* in this period, she still sees it as a consistent organizing principle for the global order. This allows her to project a consistency across what in both practice and debate was a continuously evolving institution.

It is also important to note that central to both Getachew and Eslava et al's accounts is the idea of a global moment of resistance, of anticolonial statesmen and intellectuals finding an “outside.” Bandung as shorthand refers to the conference as well as the physical place – it was

both outside of existing international institutions as well as outside of the West. Self-determination not bound to the sovereign state, that recognized nondomination in all relations to be central to true independence, radically subverts the idea of an international system governed solely by “self-help,” and rejects the idea that independence signaled an end to hierarchy. This places self-determination outside of the framework of sovereign nation-states, opening the possibility of a world *after* the colonially designed sovereign state system.

There is a more recent overlooked vision of re-ordering “the global” that draws on and is propelled by Global South actors – sovereignty-as-responsibility and the Responsibility to Protect (R2P or RtoP). As noted in the introduction to this dissertation, the future of R2P is unclear, and it may ultimately recede in the face of power politics. If it does recede, this might render it another “lost moment” ripe for study, rather than resigning it to irrelevance. However, it is my contention that the faltering of the liberal order creates an opportunity to recover and elevate an alternate understanding of R2P and sovereignty-as-responsibility with roots in the Global South. Sovereignty-as-responsibility has already shifted the way many international institutions and actors understand sovereignty. Rather than simply another tragic “lost moment,” we may think of the recovery of a non-Western sovereignty-as-responsibility as romance through rebirth after (presumed) death. Instead of signaling the end of R2P, the end of humanitarian intervention may signal the rebirth of R2P in a form closer to the vision espoused by its adherents from the Global South.

A close examination of the intellectual roots and negotiations over R2P reveals a startlingly broad effort to transform and institutionalize the structure and normative values of the global order. Many of these insights are lost by the liberal framing of “resistance” to R2P from Third World actors. This framing begins from the assumption that the “heart” of R2P is

armed coercive intervention (e.g. Weiss 2007, Egerton 2012). But it is a mistake to frame R2P as reducible to armed intervention; rather, it is a framework and intervention is one possible outcome. R2P challenges received accounts of sovereignty but also attempts to unify state capacity, conflict mediation, and armed coercive intervention under a new normative and institutional framework. The innovations and debates about this framework, particularly from political actors and intellectuals from the Global South, present important challenges ripe for an analysis by political theory.

Unfortunately, many postcolonial political theorists view R2P, and sovereignty-as-responsibility, as yet another neoimperial imposition. Unpacking why that is reveals not just disputes over histories, but also important assumptions and frameworks in postcolonial thought. Sovereign responsibility and R2P, I argue, represent moments of postcolonial innovation from *inside*, rather than resistance from an *outside* point. Francis Deng was not an outsider to the UN, a decommissioned *guerrillero* arriving to enunciate a plan of global resistance to domination, but a seasoned diplomat able to influence important institutional players to buy into a revisionist and pragmatic account of sovereignty that could transform how the sovereign state system functions. A comparative political theory approach offers greater resources for thinking about this innovation in sovereignty.

Contexts, Questions, and Contestation: Approaching Comparative Political Theory

It is important not to reinscribe colonial fantasies and treat Francis Deng as a figure emerging *sui generis* from an isolated African tribe, or somehow embodying an “authentic” tribal identity. But it is also important to recognize that intellectual formation is not limited to formal education; thus, thinking about Deng's family, the tribal experiences he drew on for his research,

and the political climate of his early years helps us understand his later work. He was in the first generation of Dinka to receive formal education (Deng 1987, chapter 3), he enrolled at the University of Khartoum and then pursued graduate work at Yale under the influence of Harold Lasswell and the New Haven Jurisprudence. Each institution adds another layer of context prior to his entry into the diplomatic profession. Tracing those influences while being mindful of his reactions to, and interactions with, political developments in Sudan and the UN are important for thinking about Deng contextually. Excavating those contexts is central to understanding Deng as existing *in the world*, rather than positing him either as *sui generis* or transcending temporality to engage in timeless debates. This is particularly important in countering the claims of some postcolonial critics (e.g. Whyte 2017, Getachew 2018): Deng has a history, he is not simply an African who suddenly appears at the Brookings Institution mouthing (neo)liberal platitudes about postcolonial failed states. To give an account of that history, I draw on several different approaches, namely Collingwood’s logic of questions and answers, global intellectual history, and constructivist IR theory.

Importantly, the approaches upon which I draw are useful for grounding a specifically *comparative* approach to political theory. In debates surrounding the emergence of comparative political theory as a field, a persistent problem is to avoid treating non-Western thought as *a priori* unique (March 2009, Idris 2016, Jenco et al., 2019). But simply drawing a direct parallel with the political science subfield of “comparative politics” is not sufficient, either – comparative politics as a subfield tends to treat research *questions* as constant, and their contextual responses as variable. This approach is productive in analyzing elections, civil-military relations, and a whole host of other defined political science topics across political contexts. By contrast, to assume that the *questions* on which comparative political theory should focus are constant is to

overlook a central debate within political theory proper; that is, whether questions are contextually specific (and thus must be recovered), or whether they are timeless.

An earlier generation of comparative political theory (e.g. Dallmayr 1999, Parel 2003) placed “major figures” into conversation across cultures – Mahatma Gandhi and Confucius in dialogue with Kant and Plato, as it were. Such an approach not only fetishized and assumed cultural difference, it also relied on a canon-centric approach to political thought in which “major figures” could be treated both in isolation and as shorthand for broader cultures.

In light of this, I hold that grounding a comparative theoretical approach in RG Collingwood’s logic of questions and answers helps to move the theorist beyond a simple Non/western binary by focusing on the retrieval of relevant questions rather than assuming geographic or cultural difference to be significant in itself. Further, Collingwood’s grounding for an historicist approach to the history of political thought serves to establish cross-disciplinary links with theoretical thinking in international relations theory. In particular, the problems of recovering questions and ascertaining a “correct” context are of particular concern to constructivist IR theorists.

Collingwood articulated perhaps the most straightforward account of how an historical approach to political thought differs from a history of political thought guided by “timeless questions” or as a history of propositions. For Collingwood, the history of political thought was a history of questions and answers – but importantly, the questions themselves were neither constant nor obvious. Against proponents of propositional logic, he argues for the recovery of questions. “Now, the question 'To what question did So-and-so intend this proposition for an answer?' is an historical question, and therefore cannot be settled except by historical methods” (Collingwood 1982, 39) Thus, history precedes logic. In the subsequent chapters, I am broadly

concerned with how Francis Deng came to understand the problems he worked to ameliorate. I take these questions to be non-obvious and not reducible to an account of neoliberal or neoimperial hegemony.

Collingwood is frequently associated in political theory with the Skinnerian version of Cambridge historicism because of Quentin Skinner's explicit invocation of Collingwood while grounding an approach to the history of political thought (Skinner 1969). However, the (re)construction of contexts is a point on which I break with the Cambridge School; I reject the idea that a "correct" context can be excavated. Mark Bevir argues that this conceit relies on a Modernist theory of Truth: "modernist empiricism in the study of history appears primarily as the attempt to use empirical evidence to establish secure, atomized facts that then could conclusively determine the validity of broader historical theories and interpretations" (Bevir 2008). Just as history is not simply a recounting of "the facts" because there are too many facts in the world to recount, the (re)construction of contexts necessarily involves interpretive choices. Further, as Nathan Tarcov (1988) notes, defining context as necessarily contemporary can perversely silence portions of texts that deal with non-contemporary matters. So context is an hermeneutic, not a matter of determining the Truth of a text or an author's illocutionary force. The strongest formulation of claims based in context might be in demonstrating the impossibility of certain interpretive claims, such as in Peter Laslett's work on John Locke. But because context cannot establish a dispositive account, this must draw our attention to context as an interpretive act.

While Skinner explicitly draws on Collingwood to ground his own work, it is important to note that Collingwood provides a grounding for non-Cambridge approaches as well. The "history of questions and answers" was invoked by Sheldon Wolin in his broadside against the history of political thought as a history of great thinkers speaking to each other across the ages

(Wolin 2003). Raymond Geuss' account of philosophy's encounter with “real politics” echoes Collingwood as well (Guess 2008). We can thus think of Collingwood as grounding a broadly historical approach, rather than a singularly Cambridge approach.

By expanding our understanding of a key player's political and intellectual contexts, I argue against both postcolonial and Liberal interpretations of R2P and sovereignty-as-responsibility that situate their development as part of an end of the Cold War push by Western states to enshrine human rights as central to reordering global politics. Further, for Deng the end of the Cold War had a very different meaning than for Western liberals – rather than a triumph of good over the evil empire with liberals empowered to spread human rights, Deng focuses on the diminution of external meddling in African affairs in the name of bipolar strategy. Thus, even where the context is the end of the Cold War, how that context is constructed differs significantly. Constructing Deng's contexts – to paraphrase Collingwood, asking to what problem Deng saw his work as an answer – also allows us to see him as an important innovator, as opposed to a political figurehead for various larger ideas. I demonstrate that his work is not a replay of canonical theories of sovereignty (*contra* Glanville 2013, Johnson 2015), a resurrected ideal of colonial protection and punishment (*contra* Mamdani 2011, Muppidi 2012), nor a friendly face for Neoliberal structural adjustment (*contra* Whyte 2017).

Samuel Moyn's arguments about the dangers of global conceptual histories strongly inform my work. Against liberal historiographers of human rights like Lynn Hunt, he notes, “conceptual spread is an occasion for subaltern originality rather than simple derivation” (Moyn 2013, 200). Thus, the story of globalized normative commitments must be a story about subaltern actors, not simply about either the ideas themselves nor moments of Western history that “invented” a normative standard.

In particular, Moyn wishes to undercut the idea that certain normative concepts fulfill an inherent promise when non-Western actors take them up. He refers to this as a “truncation and fulfillment” approach, in which a supposedly universal idea is not applied universally at first, but is later taken up by once-excluded actors as part of a demand for inclusion. There is no immanent logic that propels any concept forward; models of human rights or freedom ultimately fulfilling an inherent promise of universalism locates agency within the concept, rather than actors. He argues that in this approach, “the role of...agents is that of *realizing the concept's already built-in potential*...In the model of truncation and fulfillment, the historian supposes that the universals like rights are meant to have a greater relevance that they actually do initially, so that if they travel across the globe, it is according to a potential they had from the beginning. Thus, their globalization may fulfill them and depend completely on subaltern actors, but in doing so it realizes only what they already were” (Moyn 2013, 190). If the promise of universal rights was made by the French Declaration of the Rights of Man and Citizen, there is nothing in that promise that necessarily results in the concept's eventual spread or universalization.

Against this, Moyn argues “if there is to be a global concept history, it must put comparison and competition of potentially global concepts at its heart. Another crucial proviso is that comparisons are frequently made, and competition resolved, by situated actors in precise historical moments” (Moyn 2013, 201). An 18th century Frenchman extolling the Rights of Man cannot be treated as a simple precursor to the drafters of the UN Declaration of Human Rights, and neither of these can be treated as “the origin” of human rights claims made by early 21st century populations resisting state oppression.⁹ Normative concepts are tools that may be taken up by different actors at different times for different reasons. Furthermore, Moyn’s emphasis on

⁹ Contrast with Finlay 2015, who argues that because rights-based arguments are made in both the French Revolution and early UN documents, that rights-based arguments are thus a legitimate mode of making universalizable arguments.

subaltern originality, comparison, and competition are important factors for a comparative political theory. Competition and originality, in particular, push back against the all-too-common assumption that non-Western engagements with Western ideas are simply derivative – in particular, analyzing competition reveals the teleological assumptions made in many studies that assert the origin or birth of present-day normative concepts in Modern or Enlightenment Europe.¹⁰

While I follow Moyn's approach to theorizing global concepts, in this dissertation I complicate his thesis (2012, 2013a) about human rights' ascendance in the 1970s in competition against self-determination as the paramount normative value. There is a *prima facie* plausible narrative tying R2P to Samuel Moyn's thesis about the “human rights breakthrough” by foregrounding Roberta Cohen's role (as Deng's research partner) in developing the legal category of IDPs. Cohen was a major figure in the Carter administration's attempt to make human rights pertinent to foreign policy, thus there exists a direct tie between the Western-led human rights breakthrough that Moyn dates to the 1970s. R2P is also driven by a concern for rights; even if only certain atrocity crimes are germane to R2P, their definition is grounded in human rather than communal or national rights. So it is easy to connect both the development of human rights discourse and the doctrine of R2P at the level of methodological individualism. This could be the basis of a fairly straightforward story that would read R2P as an outgrowth or fulfillment of the emergence in the 1970s of human rights as a dominant discourse. However, by tracing and contextualizing Deng's work, I argue a very different story emerges.

Focusing on Deng's contributions brings a different set of questions and contexts to the fore – specifically, how IDPs and sovereignty-as-responsibility emerge from the context of postcolonial African politics. One critique of Moyn's work is that in treating anti-colonialism and

¹⁰ For example, Hunt 2007, Joas 2011.

human rights as competing discourses he makes human rights into a story of “from the West to the rest.” I aim to recover how the intellectual grounding and political motivations for R2P emerge from African contexts and resist the simple “West to the rest” approach adopted by some scholars such as Bellamy (2009). This then has significant theoretical implications for thinking about varieties of sovereignty, humanitarianism, and postcolonial agency.

It is useful to connect approaches such as Moyn's, which emphasizes subaltern agency, with developments in constructivist IR theory which pursue the same goals. Opening a dialogue across subfields gives an opportunity to explore why different approaches to the same phenomena come to starkly opposed conclusions. In particular, some constructivist IR theory and human security scholars argue that R2P represents a case study of agency “from below,” whereas postcolonial political theorists generally argue that R2P is a form of neocolonial legitimation or a manifestation of an (always already) imperial international structure. Considering the reasons for such divergence can help us think through a productive critique of agency in postcolonial theory.

In the 21st century, “norms” and how they spread are a major concern for IR theorists, in particular for those concerned with human rights. Human rights liberals have tended to simplify norms in order to make them “actionable.” For Emilie Hafner-Burton (2013), human rights norms are “settled” – a claim which, for scholars of norm dynamics, is impossible since norms are intersubjective ideas inherently subject to change. Hafner-Burton makes this claim in order to cut off “debate” about the legitimacy of various human rights norms and instead theorize a coercive enforcement strategy – one in which participatory global institutions can be bypassed by a “concert of democracies” empowered to coercively enforce these norms on intransigent states and non-state actors. Beth Simmons et al (2006), on the other hand, aim to study how these norms become globalized, and propose a model of “diffusion” in which norms are spread first

regionally, and then globally. Diffusion is a model in which the appearance of a norm in one country is “systematically conditioned by prior policy choices” in other countries (Simmons et al 2006, cited in Sikkink 2011, 23). Importantly, though, norms themselves are treated as agentic – the ideas become “contagious” and grant their adherents legitimacy they might otherwise lack. In this way, the liberal model of norm diffusion runs afoul of Moyn’s warnings about treating ideas, rather than people, as agents. Further, for Hafner-Burton, Simmons et al., and other liberals, these are almost always “Western” ideas that need to be “diffused” to the Global South.

Constructivist IR scholars have explored alternative approaches to norms and agency which foreground “local” – i.e., non-Western – actors.¹¹ Kathryn Sikkink (2011) rejects what she derisively calls the “contagion” model of norm diffusion, instead arguing that these ideas are carried globally by people, and to study the diffusion of ideas means studying linkages between various concerned communities. She aims to explain the formation and diffusion of what she calls “the justice norm,” i.e., the emergence of a model of individual (rather than state) accountability for human rights abuses. Against those who claim that the International Criminal Court (ICC) is the result of neoliberal reason or a legitimization strategy for powerful states, she traces a longer history of the norm of individual accountability, arguing that the evolution of the justice norm can be theorized as a cascade, in which multiple streams converge to strengthen a norm and which may eventually make it irresistible. These streams, she is at pains to show, are dispersed globally, and she focuses on the roles played by survivors of Latin American and Egyptian military dictatorships in creating this norm.

Sikkink’s model of norm cascade is very helpful for thinking broadly about global sources for norms, and my own projects shares strong affinities with her work. However,

¹¹ In this project, I take Alexander Wendt’s (1987) constructivist argument about the mutual constitution of structure and agency as a background condition.

Sikkink's search for breadth takes perhaps too broad a view of norm sources. Sikkink repeatedly claims that the "first" stream in the justice cascade are the Nuremberg and Tokyo Tribunals (e.g. Sikkink 2011, 96). While noting that this model was not repeated until the 1990s, she regards it as a "precedent" upon which the ICTY and other tribunals in the 1990s draw. While the framers of the ICTY may have cited Nuremberg and Tokyo as inspiration, this is akin to the human rights historiography critiqued by Moyn that views post-WWII developments (or even the 18th century Declaration of the Rights of Man and Citizen) as the grounding upon which more recent human rights regimes are established. In this way, she arguably weakens the importance of the Latin American and Egyptian cases in her study, turning them into cases of retrieval of an idea more than innovators. Further, and in direct contrast with my project, she treats these norms as challenging sovereignty (Sikkink 2011, 17), rather than changing the normative underpinnings and meaning of sovereignty. For Sikkink, sovereignty has a definition, and norms challenge it; in this project, I aim to show an innovation in the meaning of sovereignty.

In a series of articles Amitav Acharya (2004, 2011, 2013) develops an approach to global norms and norm change that centers regional actors as important agents, not simply norm takers. While Gayatri Spivak's (2003) critique of Risse, Ropp, and Sikkink¹² focused on the need for uncoercive humanistic education for the subaltern to be agentic in debates about human rights norms, her approach both suggests that the subaltern are not already agents in these debates *and* gives an apolitical account of the path to agency. Acharya, by contrast, attempts to map Global South agency by looking at how norms are already challenged and rethought in diverse contexts.

Initially, Acharya introduces the idea of "norm localization" (2004) as a form of syncretism: norms are taken up by local actors but only when the norm itself can contribute to

¹² I describe and analyze Spivak's critique of Risse, Ropp, and Sikkink's "spiral model" of human rights in chapter 4.

the legitimacy of established local actors. Contrary to Liberal accounts, local actors do not simply gain legitimacy by taking up the norm; rather, norm localization transforms the norm into something *useful* for a local regime. Thus, liberal norms can simultaneously consolidate antidemocratic regimes. Alternatively, non-Western actors might have an interest in making norms more egalitarian than the initial norm entrepreneurs intended. This syncretic account is an important corrective to debates about how norms are supposedly “taken up” by non-Western cultures, as well as debates about whether norms are “compatible” with different cultures.

Paul D. Williams (2007) used this approach to analyze the genesis and evolution of R2P, though Acharya (2013) himself refined this approach further when he took up the question of R2P. Rather than localization, he introduced the idea of norm circulation in explicit contrast to Liberal accounts of norm diffusion. Diffusion posits a central source from which norms originate, eventually reaching other actors through diffusion. Circulation, by contrast, posits an influence by many actors on the *broad* norm, rather than simply local manifestations of the norm. Thus, whether a norm “originates” with particular norm entrepreneurs, other agents act upon the norm and innovate new norms in the process. Acharya pays particular attention to the role of Francis Deng and the African context of many debates over sovereign responsibility in this account. However, as with many other articles and chapters that gesture towards Deng as an important forebearer of R2P, Acharya's summary does not delve into Deng's actual thought – only *that* he made these arguments is relevant for Acharya's point.

Acharya's work thus complements mine; however, I aim to offer a deeper explanation of the genesis and theoretical implications of Deng and others' work – in political theory terms, I treat his work as texts to be interpreted, rather than a series of data points supporting an argument. Further, the idea of norm circulation answers an important challenge for comparative

political theory – as noted above, March (2009) and Idris (2016) both argue that a central task for comparative political theory is to not take “Western” and “non-Western” as *a priori* discrete entities. By looking at the interaction of ideas mapped by “circulation,” we do not reproduce colonial assumptions about neat divisions in thought defined regionally or the assumption that theorists in the Global South not working in an “ancient tradition” merely produce derivations from European traditions. Mapping circulation – and demonstrating that multiple actors engaging an idea or norm as it circulates are *acting* on it – should be a central project of comparative political theory.

CHAPTER 2: THE ROOTS OF SOVEREIGNTY-AS-RESPONSIBILITY

Introduction

In critiquing a new generation of imperial apologists, Edward Said (2003) asked, “who decides when history is over?” Specifically, these imperial apologists (such as Niall Ferguson) pointed to state failure and human rights abuses in the formerly colonized world and concluded both that empire was not as bad as what was happening now, and that these problems were of the recently decolonized peoples' own making. Understanding imperial apologetics is a part of much recent postcolonial theory, and central to such accounts are the unmasking of colonially influenced concepts. Two recent attempts to apply this aspect of postcolonial critique to sovereignty-as-responsibility and R2P are found in the Jessica Whyte’s essay “Always on Top? The ‘Responsibility to Protect’ and the persistence of colonialism” (2017) and Adom Getachew’s article “The limits of sovereignty as responsibility” (2018). Whyte argues that “responsibilization” declares the end of any colonial legacy, and names postcolonial states and peoples as the cause of their own woes. Similarly, Getachew holds that sovereignty-as-responsibility imposes Western experts as the figures who decide whether postcolonial states are failures or successes, rather than their own citizens. Both Whyte and Getachew name Francis Deng as a key figure for this development.¹³

Deng's work, however, does not recreate the neat divisions that this postcolonial critique relies on. Because his work spans multiple decades and fields there is a danger in taking up a single text or single moment in his career and placing him in the company of those seeking to resurrect a Western colonial “responsibility”; this approach winds up obfuscating a powerful alternative way of thinking about the problems of the postcolonial world.

In the first section, I present an overview of recent work postcolonial work on indirect

¹³ I will examine these two provocations in greater detail in chapter 4

rule colonialism. It is my contention that Deng's work is in conversation with the colonial legacy, but to reconstruct his understanding of the colonial legacy we must understand how British colonialism in the Sudan functioned. In the second section, I present an interpretation of how Deng's later diplomatic and political concerns were grounded in his anthropological studies of the Dinka and Sudan. In this section I make the case that there is both an intellectual grounding beyond Neoliberalism for his diplomatic and political work, and that his later contributions were substantive, rather than merely being an African face for liberal ideas emerging from the Global North. In the third section, I explore how Deng is guided by several Dinka concepts in his work. In the final section, I review Deng's reflections on his first (and failed) attempt to apply his anthropological work to a political problem.

Indirect Rule and the Colonial Legacy

Understanding the recent literature on indirect rule is important for thinking differently about Deng for several reasons. First, it makes clear that his (academic) concerns resonate with our own – he is not simply a Western educated colonial elite whose graduate and academic work are irrelevant to the sorts of problems he claims to tackle. It's not that a smart, well-connected intellectual of the Global South “proves” there is subaltern agency. Connecting this work to the recent political theory of indirect rule is not anachronistic. Second, it is my contention that his view of community, interaction, change, and contact, all reflect an engagement with and rejection of the ideology of indirect rule colonialism. Indirect rule theorized tribes and cultures as unitary and separate. But this isn't Deng's view of how communities and peoples interact – even though the Dinka were geographically isolated, they were in contact with other people, part of trade routes, etc. And they were *affected* by those contacts.

To be self-contained, as indirect rule made Dinka societies, is to cut them off from how communities have *always* interacted. This has two implications: first, part of the colonial legacy is artificially stunted growth, which necessitates (a form of) modernization or development. Therefore, state capacity building (a major theme in SasR and R2P) is a way of grappling with the colonial legacy, not a prescription for neoliberal structural adjustment. Second, giving an account of the ideology of indirect rule is part of the *construction* of Deng's context, which in the previous chapter I've said is important to my theoretical approach. Third, Westphalian sovereignty treats states as self-contained units. The embrace of sovereign equality after decolonization reifies the colonial fantasy of isolation and authority. Thus, while most postcolonial critiques of sovereignty focus on sovereignty's evolution in the assumed or legislated absence of non-European sovereignty (Anghie 2005), and therefore claim that sovereignty is a colonial concept, for Deng Westphalian sovereignty has colonial resonances because it encourages that fantasy of self-contained communities. This third point only becomes clear once we understand what indirect colonial rule entails.

Focusing on the Dinka experience, Francis Deng addresses British indirect rule colonialism. Indirect rule colonialism is a form of colonial administration pioneered by Sir Henry Maine in the aftermath of the uprisings against British liberal imperialism in Jamaica and India in the mid-19th century.¹⁴ Though liberal ideas of colonial progress through education never made good faith estimates for when colonized people might be “ready” for self-governance (Mehta 1999), Maine's innovation threw out the idea that the aim of colonialism was to reform,

¹⁴ Sudan was the site of the third major, and most successful, uprising against British imperialism in the 19th century. The Mahdi rebellion in the 1880s ended Turco-Egyptian rule (a careful balancing act between British and Ottoman imperialisms) and resulted in a briefly independent Sudan. Mantena (2010) does not consider this later rebellion part of the impetus for Maine's innovations in indirect rule ideology, though Mamdani (2020) considers it relevant to the framework of “settler vs native” that indirect rule reinvented and redeployed. In Mamdani's account, the British came to define Arabized and Muslim northern Sudanese as “settlers,” and Christian or animist Black African southerners as “natives.”

educate, and uplift the colonized. “Whereas earlier, reform-oriented, imperial ideologies conceived of native societies as in need of radical reconstruction along Western lines, late imperial thinking questioned both the practicality and the theoretical underpinnings of such an interventionist agenda” (Mantena 2010, 2). This new approach to colonial rule entailed a new justification for empire, but also a complex web of social theory regarding modernization, culture, law, and sovereignty.

Indirect rule was instituted in Southern Sudan “whereby the functions of governance would not descend to the educated [Northern] Sudanese elite but be left to the traditional tribal authorities with a British resident to advise them” (Collins 2008, 37). Recognizing that both anticolonial nationalism and Islam represented alternate modernities that might turn the South against British rule – especially in the aftermath of the Mahdist rebellion which overthrew 19th century colonial rule in Sudan and replaced it with a decade of (syncretic) Islamic theocratic military government – colonial officials believed the empowerment of local tribal officials would represent the “true” feelings of rural Sudanese against these “outside” modernities. British officials declared the South to be “Closed Districts, thereby excluding the most effective proselytizers of Islam, the *jellaba* merchants. In the same year the British established chiefs’ courts (*lukikos*) under the watchful eye of a British [official] in an attempt to institutionalize the authority of southern chiefs” (Collins 2008, 41). In true imperial fashion, “eager British [officials] began to seek out the traditional tribal rulers (an activity in which they often found themselves searching for lost tribes and vanished chiefs) in order to make Sudan safe for autocracy while limiting the growth of the Western-educated elite who, many British officials believed, would become a detribalized, discontented class contaminated by progressive ideas” (Collins 2008, 43). Deng Majok, Francis Deng’s father, consolidated power as an Ngok Dinka

paramount chief under this system.

Recent political, social, and legal theory, in expanding their understandings of colonialism, have sought to illuminate the broad ranging influence of late imperial ideologies. Mahmood Mamdani (1996) introduced the term “late imperialism” and defined its logic, and more recently Mamdani (2012) and Karuna Mantena (2010) looked explicitly at the influence of Henry Maine's social and legal theory on late imperial ideology and its legacy in the postcolonial world. Taking a different tack, Lauren Benton (2009) traced how late imperialism imagined terrain and geography's relationship to sovereignty. Central to these studies is the insight that late imperialism created forms of governance and control which sought to define and empower representatives of “authentic” cultures. While Said's classic account of Orientalism (1979) recognized the importance of cultural texts to imperial attempts to define non-Western cultures, the shift to indirect rule meant (rural, isolated) communities became sources for the production of imperial knowledge. The shift from text to community marks, then, a shift from philology to anthropology as the imperial mode of knowledge production. Mamdani, Mantena, and Benton helpfully draw our attention to the groups who were empowered to enforce the ideas of authenticity that imperial observers wished to elevate.

Forty years earlier, Deng was already wrestling with these questions in his anthropological and legal studies. Dinka were a people privileged by British colonialism's quest to preserve “authentic culture,” and his father, Deng Majok, was an important chief who centralized authority under himself with colonial administrators' blessings. It is this experience of late imperialism, I argue, that forms Deng's vision of the colonial legacy. In studying the effects of late imperialism on both a colonially-privileged tribe and a postcolonial state, Deng's work anticipated postcolonialism's critique of a unified colonized identity and informed his critique of

Westphalian sovereignty. Further, studying these communities allows us to see them as more than just collaborators with colonial rule. Stripping Deng from this context, as Whyte and Getachew do, denies that Deng is in a lifelong conversation with the colonial legacy.

In the rest of this section, I present some recent work on late imperialism in order to frame Deng's particular insights and interventions into debates over sovereignty, governance, and agency. Indirect rule was a rejection of earlier liberal forms of colonial rule. However, just as modernization theory posits that reaction is itself a modern phenomenon (Huntington 1968), indirect rule should be understood as a modern form of governance. Though it was garbed in the language of respect for tradition, these ideas were freighted with modern beliefs about authenticity and were in the service of a project of effective control of populations. Mamdani (2012) adopts a Foucauldian framing for understanding how late imperialism reinvented colonial subjectivity, while Mantena and Benton bring a primarily historicist lens to their analyses.

Mantena argues that the birth of social theory is both the theoretical context of, and influenced by, the turn to indirect rule. The colonial “reorientation was closely linked to the development of modern social theory, namely its stark historical contrast between traditional and modern societies, and the holisitic models of *culture* and *society* that sustained this dichotomy. Late imperial ideology relied upon the social-theoretic account of traditional society both as the displaced site of imperial legitimation and the rubric through which to formulate distinct strategies of ruling” (Mantena 2010, 2-3). Thus, the turn to indirect rule was not simply the result of a process of trial-and-error, but was guided by particular theories of what law, culture, society, and rule were, and how those were *necessarily* intertwined.

Henry Maine provided the social and legal theory that framed what the “native,” from the perspective of proper governance, fundamentally *was*. “Maine's social-theoretical model

conceptualized native society as an apolitical, functional whole, held together by stable bonds of custom and structures of kinship” (Mantena 2010, 3). For Said, the Oriental/Occidental binary was a static/dynamic binary, with the Oriental defined as static. In his critique of imperial knowledge production, understanding the “true” nature of a timeless culture could only come from studying ancient texts. Maine, by contrast, called for the search for “authentic” living examples of ancient communities. Thus, rather than studying the Vedas to understand India, one had to find communities uncontaminated by other cultural influences.

Outside influences were a “pollution,” corrupting the people and risking the loss of their authentic culture. This led to a twofold theory from Maine: “Maine's account of a traditional society in crisis supplied a rationale and an impetus for indirect imperial rule, a rule to protect native society from the traumatic impact of modernity” (Mantena 2010, 7). The encounter with modernity had destabilized these ancient communities, and the new burden of colonialism was not to modernize, but to encase in amber.

Despite her generally historicist approach, Mantena concludes by looking at recent resonances of the ideology of late empire. Writing in the late 00s, she notes the shift in rhetoric regarding America's wars in Iraq and Afghanistan: no longer would these be transformed into modern democracies that protected women's rights (early predictions not only from the Bush administration but from its supporters in academia such as Jean Elshtain), rather these tribal people with ancient cultures would need to be allowed to live as they always had, and to be protected within their cultural arrangements. While she does not draw a causal line between late imperialism and the American War on Terror, she does emphasize the way the logic recurs and is repurposed.

By adopting a Foucauldian approach, Mamdani is sensitive to the reinvention of colonial

subjectivity, and how to approach this from an interpretive perspective rather than historical exegesis. For Mamdani, more than simply “authentic culture” is invented by this move: “as a political identity, 'native' was the creation of intellectuals of an empire-in-crisis...the native is the creation of the colonial state: colonized, the native is pinned down, localized, thrown out of civilization as an outcast, confined to custom, and then defined as its product” (Mamdani 2012, 2-3). Native and settler become a binary that must be enforced by colonial administration. Difference, then, is a governing strategy: “it is under indirect rule colonialism that the definition and management of difference was developed as the essence of governance...the modern state ensures equal citizenship in political society while acknowledging difference in civil society, but its colonial counterpart institutionalized difference in both the polity and society” (Mamdani 2012, 2). This difference, under indirect rule, would be ethnicized as well, which entailed identifying some natives as in need of protection from others.

The protection from others was not simply physical protection, but also a protection of their culture. While diverse cultural influences could be a boon to European cities, outside of Europe it was a pollution. “Maine cast the contrast between the cosmopolitan coast and the isolated hinterland as one between an impure coast, open to foreign influences, and the pure hinterland whose isolation had protected it from contamination by these same influences. The same observer who would habitually recount the history of the English coast, open to foreign influences from the time of the Romans, as a story of progress, took a dim view of outside influences buffeting the Indian coast” (Mamdani 2010, 12). Authentic culture was important, it bears repeating, because it was a necessary component of governance.

In this suspicion of the coast was born an imagination of topography and terrain as defining aspects of civilization and the possibility of sovereignty. Benton (2009) traces how

island chains, landlocked areas, mountainous regions, the sea, and rivers were all believed to “generate” civilizational difference, and that such difference had an effect on sovereignty. “The notion that sovereign functions could be parceled out and assigned to territories as they developed was related, in turn, to a new version of an old idea of sovereignty as divisible, made up of a bundle of separate traits” (Benton 2009, 225). Difference, then, was both protected by colonial governance and informed colonial ideas of governance.

To seal an authentic culture against outside influence also took a theory of culture. Native culture was static, and as such could be *known*. “As a form of governance, *native administration* claimed to be faithful to tradition and custom, which it defined in the singular, more or less unchanged since time immemorial. No matter its local variations, a core set of rules defined the 'customary' in indirect rule colonies” (Mamdani 2012, 3). Members of a tribe must obey their tribal authority; they had no agency of their own. Rather, the “tribe” had agency. “Created by colonial power and scholarship, this agency was said to be tribal. Tribalism is reified ethnicity. It is culture pinned to a homeland, culture in fixity, politicized, so that it does not move” (Mamdani 2012, 7).

Once the authentic culture and the authentic tribe had been recognized, it was the colonial administration's duty to step back and let the tribe handle matters in the way it always had. This was termed by Maine a 'doctrine of noninterference.' While there was a rhetoric of hands-off administration, the effect was anything but. “The doctrine of noninterference turned into a charter for all around interference for one reason: the occupying power gave itself the prerogative to define the boundaries of that in which it will *not* interfere, and then to define the content of the authentic religion with which there was to be *no* interference, and finally, to acknowledge the authentic authority that would define and safeguard religion in its pure form –

without external interference” (Mamdani 2012, 26-27). Thus, tribal authority was just as much a colonial invention as “authentic” ancient culture was.

Recovering Deng’s Questions: Legal Anthropology in the Shadow of Decolonization

Deng earned a bachelor’s of arts in law at the University of Khartoum, before earning a Jurisprudential Science Doctorate (JSD) from Yale law school. His admission to Yale was *ad hoc*; while studying anthropology in the UK in 1963, he was recalled to Sudan by the government, which suspected him of organizing the Southern Sudanese diaspora behind the Anya-nya rebellion. Most of the other Sudanese graduate students in the UK “were senior government officials who had not known me before and therefore had not known my political background in both the secondary school and the university, nor my family position on provincial and national politics” (Deng 2016, 193). Along with the Sudanese diplomatic corps, these government officials served as intelligence gatherers, and thinking of Deng as simply a Southerner, had been keeping a close eye on him since his arrival in the UK. Deng’s belief that Dinka, and his family in particular, had a particular role to play bridging the North and the South of Sudan led him to regularly meet with Sudanese students of all political persuasions – which appeared to motivated intelligence officers as an attempt to sway all Sudanese to the Anya-nya cause. “My activities, both in England and on the continent, had convinced them that I was masterminding the southern movement in the whole of Western Europe. [Colonel Muzamil Ghandour] said that they had been monitoring every move I had made and had given it political significance” (Deng 2016, 204).

Several newly independent states were attempting to extradite rebel leaders living in Europe, and the UK had already complied with one high profile case: “Chief Enharo of Nigeria had just been extradited back to Nigeria and was very much in the news. Although the British

government was being subjected to extreme criticism for permitting extradition for alleged political crimes, a precedent had been established which could be successfully invoked by the Sudan government against me” (Deng 2016, 198). After meeting with Sudanese officials, Deng was officially cleared of suspicion and was invited – cordially, this time – to return to Sudan. Both because of a deteriorating eye condition (which would likely not receive proper care in rural Sudan), as well as the real possibility that he would not remain “cleared” for long, Deng began to look for safer alternatives to pursue his studies.

The chances of extradition from The United States seemed much lower. Deng’s advisers and academic collaborators – Godfrey Lienhart, E.E. Evans-Pritchard, W.H. Whitely, and Quinton Johnstone – reached out to contacts at Yale, where Deng was then accepted after the formal application period had closed (Deng 2016, 202). At Yale, his academic program was an *ad hoc* amalgamation; enrolled as a JSD student at Yale law, his adviser Harold Lasswell was a political scientist, and his work was in anthropology. He was influenced by the “New Haven Jurisprudence,” the attempt to assert an empirical grounding for universal human dignity rather than consigning dignity to metaphysics. His legal anthropology emphasized cultural histories and interviews with community members who presented their interpretations of the cultural past and related it to the present.

It is important not to reduce Deng’s education to his experience at Yale or in the UK; to treat this portion of his academic career as defining would be to assert that contact with elite Global North institutions is necessarily more relevant than broader experiences. The University of Khartoum was a radical space in the aftermath of decolonization; when Sudan’s second postcolonial government (a military dictatorship that had come to power on the promise to end the North-South civil war, but had only exacerbated it) briefly lifted a ban on discussion of the

“Southern problem” at the university, the campus exploded in activism and protests, in which students used the “Southern problem” as a springboard for critiquing the revolutionary government more broadly. “The inability of the military to crush the [Anyanya] rebels, those *‘abid*, forced the ‘Abbud government to placate its critics and improve its image by announcing in mid-October [1964] that it would permit public discussion of the Southern Problem at Khartoum University, which opened the floodgates of suppressed hostility against the regime...[the first student] meeting to discuss the Southern Problem during which its members contemptuously concluded that it would never be resolved so long as the military regime remained in power” (Collins 2008, 80). The regime quickly reversed course and attempted to suppress these discussions, which led to tens of thousands of marchers in the streets within days. Less than a week later, General ‘Abbud dissolved the revolutionary council and stepped down as head of state, a moment memorialized as Sudan’s “bloodless revolution.”

As a Southerner, Deng’s presence at the university was also an anomaly: though “the Southern problem” was a national political question, actual Southern voices were largely absent from this debate. Deng, then, entered this space as the object of an intense political struggle, and worked to make himself (and Southern perspectives more broadly) into a participant.

Deng’s adviser at the University of Khartoum, William Twining, encouraged him to undertake the study of traditional Ngok Dinka practices and customary law. Importantly, as a legal anthropologist Deng did not study Dinka practices in order to ascertain a “true” or “authentic” culture which should be imposed or embraced. In this way, his work was both a rejection of Henry Maine’s approach to ancient law (which guided the indirect imperial rule Deng critiques), in which non-Western cultures should be governed by the “correct” interpretation of their ancient customs, as well as a rejection of romantic anti-colonialist attempts

to recover a pre-imperial “authenticity” which would bring peace and prosperity.

Among Dinka tribes, Deng’s studies focus primarily on the Ngok Dinka. The story of Ngok Dinka legal and cultural values that Deng constructs, as well as lives, eschews the idea of a “pure” pre-history. Rather, they are a people who suffered under multiple different rulers, were empowered but also enervated by British colonialism, and have long existed in an in-between space between multiple identities and modernities.

Deng’s anthropology of customary law in Sudan undermines the same false binaries of anti-colonialism that postcolonial theorists would attack almost a decade later. In Sudan, Dinka in Abyei occupy a bridging space that does not fit neatly into the anticolonial narrative. It’s a people (more than a single tribe) which suffered under Turco-Egyptian alien rule prior to the British condominium and were later empowered by the British through indirect rule under “traditional law.” Furthermore, Dinka people and territory served as another intermediary space in between two African populations, North and South, of Sudan – both prior to alien rule and after Sudanization. Though racially and ethnically closer to Southern populations, Dinka in Abyei were administered from Kordofan, a Northern province, which created greater opportunities for cultural and political syncretism with the Arab-dominated North. The administration of Abyei from Kordofan was instituted by the British after the defeat of the Mahdi; after Ngok chief Arob Biong (Francis Deng’s great-grandfather) and “the neighboring chief Rehan of the Twich complained of Humr Misseriya attempts at slave-taking and extortion, [British colonial administration] decided to include them all in Kordofan province so that a single administration could resolve their disputes” (Johnson 2021, 17).¹⁵ Arob Biong and his

¹⁵ Despite slavery being banned in the British empire since 1807, this ban was not enforced in Sudan until 1880, due in part to the shared administration of territory with the Ottomans. Arab slave traders who lost their livelihoods by the new enforcement eagerly joined Mahdist forces. Thus, for Southern Sudanese, including Dinka and Nuer, the experience of Mahdist rule was the re-imposition of slavery, not the expulsion of masters. The reconquest of

descendants, Kwol Arob (Francis Deng's grandfather) and Deng Majok, maintained close ties to regional administration (first colonial and then postcolonial) in Kordofan, blending influence on Ngok Dinka in a way that Nuer and Dinka tribes further south resisted. The sense of bridging which Deng highlights complicates any easy narrative about persistent *structures* of domination.

Colonial indirect rule restructured tribal authorities along more hierarchical lines, taking authority and judicial responsibilities from clan chiefs and councils, and instead centering those under a single paramount chief. Deng's father, Deng Majok, played a significant (though flawed) role as a reformer and uniter as paramount chief under British rule and into the early postcolonial transition (see, broadly, Deng 1987). However, after Deng Majok's death and the start of the Anya-nya rebellion in the south, several family members with claims to tribal authority were tortured or assassinated by agents of the new “unified” Sudanese government based in Khartoum (Deng 1972, Deng 2016). While Ngok Dinka were not initially allied with the Anya-nya rebel army of the south, Khartoum treated the tribes' independent authority in a time of civil war as cause for suspicion. Deng's early anthropological studies were written in the immediate aftermath of Khartoum's crackdown on the independence of the Dinka, though after the Addis Abba peace accords in 1972 Deng was appointed first as Sudan's ambassador to “the Nordic Countries,” and later to the UN.

Tying themes from Deng's earlier anthropological work to his political writings reveals contexts and layers that are not immediately apparent when he is treated simply as a diplomat or Brookings Fellow. State capacity building is a major theme in *Sovereignty-as-Responsibility* and the first pillar of the Responsibility to Protect. While postcolonial critics see it as a stalking horse for “underdevelopment” and the empowerment of international bureaucrats, relating it to his work on Dinka and Sudan we can see capacity building as an escape from paternalist notions of

Sudan by the British ended the formal trade in slaves again.

“tradition.”

There is a parallel between the objection to indirect rule's empowerment of “tradition” and Deng's emphasis on the importance of state capacity building. In *Bonds of Silk* (1989), Deng documents that Dinka elite came to recognize the irony of their empowerment by British colonial administration – by remaining indirectly involved, the British did little to build the capacity of the Dinka to interact in a modern world. This would prove problematic after Sudanization, when – as Deng notes in both *The Man Who Was Deng Majok* and *Bonds of Silk* – out of 800 administrative posts in the new nation, only 6 junior positions went to South Sudanese. Indirect rule as a system (as Mamdani also notes) stigmatized anything that was not defined by the British as “traditional,” and treated “traditional societies” as encased in amber, resistant to “corrupting” influences. This stasis was a colonial imposition which stifled the historical practice of interaction between communities.

Capacity building, when reframed as against colonially imposed stasis, becomes a potentially emancipatory project which may involve a transnational community. The state as a unit in a larger system is not overthrown, but the community of states interacts as communities have always done – against the fantasy of hermetically sealed units, they cross-fertilize through interaction. Further, Deng critiques the postcolonial state's “overreliance on the state” which attempted to centralize civil society, the economy, and other aspects through an all-encompassing state, but a state that simultaneously did not have the capacity to carry out so many of the duties it jealously guarded.

Finding the Threads: Deng as Interpreter

“Manageable realism, positive orientation and constructive use of opportunities have always been vital in the Dinka heritage of survival.”
-Deng 1980, 438

There are three through-lines in this section: first, already in his writings on Dinka and Sudan, Deng is thinking about conflict resolution and reconciliation. Emerging from a decolonized state in almost continuous turmoil, this should perhaps be unsurprising. His anthropological studies are, therefore, not simple ethnographies to expand academic knowledge about a region and a people, but politically engaged as well. Second, Deng's understanding of the colonial legacy, which I reconstruct through his anthropological studies, strongly influences his critique of sovereignty. In contrast to Anghie's (2005) leading postcolonial critique of sovereignty as colonial construct, Deng's critique of sovereignty is that it preserves the colonial fantasy of closed political communities that was central to indirect rule. Third, Deng's studies of the Dinka anticipate postcolonial theory's critiques of anticolonial essentialism; by illuminating the paradoxical, dynamic, and in-between-ness that Dinka culture and politics embodied, Deng's concerns not only rejected dominant contemporary narratives but also anticipated important developments in theory that guide more recent analyses.

Bridging and the Colonial Past

The Dinka occupy an in-between space in Sudan. Though they are Nilotic and were under the “Southern policy” of British colonialism, they do not fit neatly into the Sudanese North-South binary:

While the line of demarcation between the North and the South has been neatly drawn and observed in the history of modern Sudan, the Ngok Dinka present somewhat of an anomaly of the South-North border. Their land, being ideally

suited for both agriculture and animal husbandry, is a seasonal meeting point between the pastoral tribes of both the North and the South, who go there in search of pastures and water. Although ethnically and culturally a southern people, the Ngok have been administered in Kordofan, one of the provinces of the North, since the days of the colonial intervention...This unique position has been fostered and reinforced by the bridging role that Ngok leaders have consistently played on the South-North border for a number of generations (Deng 1986, 42-43).

Beginning from this sense of bridging, Dinka are an excellent case study for thinking beyond both the colonially-enforced “governance of difference,” as well as the reification of essentialized ethnicity that led to much postcolonial civil strife.

More specifically, “bridging” is a central concept for Deng. In a recent memoir, he states, “Whether consciously or spontaneously, inside the pluralistic context of my country or abroad, the means by which I remain connected to my background, wherever I have gone and lived, and the dynamic process through which I have related to both ends of the transition, is what I have called the Invisible Bridge” (Deng 2021, 14). At one level, bridging connects two otherwise distinct points. What is significant about this is the sense that neither point is fundamentally altered even as they are connected. Thus, Deng sees bridging as an alternative to breaking or bending positions to one’s will – bridging can be unifying and persuasive without domination.

But the bridge is not just Deng’s personal way of staying in contact with his background as he moves. It reflects his visualization of how Dinka have evolved, culturally and politically, over time while remaining connected to a sense of tradition. Development and modernization do not need to be fundamental “breaks” with traditions. And situated between the North and South of Sudan in Abyei, Deng believed Ngok Dinka people occupied a bridging space in which a new, unified Sudanese identity could be formed that did not reify the racial and ethnic divides that had

been magnified by the colonial experience.¹⁶

Most importantly, the bridge is a visualization of syncretic practice. “In a world in which races, religions, and cultures meet, coexist and interact, it is important to understand what each one brings into the process of mutual influence. Since we cannot expect everything from our background to be understood, appreciated and accepted by people with whom we come in contact, this inevitably requires strategic selectivity. It then becomes a question of clarifying for ourselves and others what we consider to be of vital importance, not only to our own sense of identity and dignity, but also to our contribution to the pluralistic context” (Deng 2021, 13). Hermetically sealed communities are a colonial fantasy, and syncretism can involve active choice – “strategic selectivity,” in Deng’s words” – rather than “diffusion” or another agent-free formulation.

Bridging also applies to Deng’s own family; coming from a chieftain’s lineage, he saw his family as playing a unique bridging role as well. Francis Deng’s father, Deng Majok, was a tribal chief supported by the British colonial administration. “Under Deng Majok, Ngok area even more than ever before became a meeting ground for the neighboring pastoral peoples of both the North and the South...Because of its administrative position and its significance as an intertribal and interracial grazing ground, Ngok area became a national crossroads and a microcosm of the Sudan, in much the same way that the Sudan is a microcosm of Africa” (Deng 1987, 50). For Francis Deng, then, the history, culture, and politics of the Dinka is not a parochial interest. Rather, this complex web gives the observer insight into how communities in Africa evolved and navigated interaction, cooperation, and dominance from both neighboring

¹⁶ Deng’s vision of a possible unified Sudanese identity bears strong affinities with Dr. John Garang’s stated goal of the “New Sudan.” While Deng was important in introducing Garang’s cause in Washington, D.C., I am not aware of any direct affiliation between Deng and the SPLM/A. Garang’s vision of the “New Sudan” did not come to fruition after his death – his successor, Salva Kiir, was much more committed to Southern secession.

and alien communities.

With British backing, Deng Majok consolidated power within the Ngok tribe, stripping tribal courts of their authority and reducing the power of clan chiefs (Deng 1986). Majok emerged in the context of Britain's "Southern Policy" which "brought a halt to cross-cultural influence. The South was to develop along its indigenous lines at a very slow pace" (Deng 1972, 137). Though missionary work was encouraged by the British in the south of Sudan, "by [colonial] law, the southern region was regarded as 'Closed Districts' and contact between the South and the North was regulated and severely restricted" (Deng 1986, 42). In his belated attempt at modernization, Majok promoted formal education for elite Ngok tribesmen, and several of his sons were the first to attend universities. Francis Deng entered the University of Khartoum in the late 1950s.

Unlike the Dinka territory and Southern Sudan, Northern Sudan had not been governed by the British through empowering tribal elders and isolating regions. Rather, the North and Khartoum in particular was modernized in the way Cairo and other major colonial cities were. Thus, the only institutions of higher education in the Sudan were in the North. Founded in 1902 as Gordon Memorial College, the university was re-established at independence in 1956 under the name the University of Khartoum. Under British colonialism, the study of local culture and history was a legitimization tactic for alien rule. But nationalists also sought legitimization through similar studies. Thus, as both Gordon Memorial College and subsequently as The University of Khartoum, it was the leading academic institution exploring Sudanese culture, history, sociology and economy. As part of the "recovery" of Sudanese culture and history, these studies mapped interactions with and conquests by ancient Egypt, Arabization throughout the 1st millenium, the introduction of Christianity and Islam in the 6th and 7th centuries respectively, Turco-Egyptian

rule beginning in 1821, the Mahdist rule beginning in 1885, and through the British-Egyptian Condominium (1898) into independence in 1956. Further, as Gordon Memorial College the institution was not simply a training ground for White colonial bureaucrats: the institution's journal *Notes and Reports* had a growing number of Arab and African authors over the first half of the 20th century as well.

As part of a program of modernization, the study of law at the University of Khartoum in the immediate postcolonial era was divided between Anglo-American and Islamic law (Massoud 2013). This meant that Southern Sudanese customary law was absent from the curriculum. “Objectively, since customary law still applied to the overwhelming majority of Sudan, it seemed paradoxical that the faculty should limit itself to the teaching of Anglo-American and Islamic laws. Subjectively, we saw in the official disregard of customary law a discriminatory attitude which was part of the Southern problem” (Deng 2021, 248-249). By contrast, Deng’s adviser – William Twining – encouraged Deng to collect customary legal codes among the Dinka tribes for his thesis project (Twining 2021). In the context of both The University of Khartoum and Sudanese politics in the late 1950s and early 1960s, this was a radical project: it was premised on the twin beliefs that Dinka culture had something approximating a legal culture, *and* that Dinka were worthy of study. Deng noted later that his research was a “reinforcement of my identity, which paradoxically also entailed sensitive political dimensions” (Deng 2021, 249).

Deng would continue to study Dinka customary law in his graduate work at Yale Law (pursuing a JSD) while working under Harold Lasswell. The search for an empirical grounding for human dignity – a premise of the “Yale School” or “New Haven Jurisprudence” led by Lasswell and Alisdair McDougal – significantly influenced Deng's own understandings of how to think about customary legal cultures like the Dinka. Deng structured his dissertation and first

book around eight “value-categories” laid out by Lasswell and McDougal in their 1964 volume, *Law, Science, and Policy*. “The objective is to correlate modernization to the overriding goal of human dignity. This concept requires the establishment of a social order with a social process entailing the broadest shaping and sharing of values and with emphasis on persuasion rather than on coercion. Social process means people seeking values through institutions by using resources. Values refer to the broad categories of events which gratify desires; hence, preferred events. For convenience in determining such preferences, eight value-categories are used. These are power, affection, respect, rectitude, wealth, well-being, skill, and enlightenment” (Deng 1987a, xxx). Of Deng, Lasswell wrote, his “perception of the creative potential of legal process is an important step in correcting a one-sided emphasis on the passive conception of law as a ‘mirror’ or ‘register’ of social forces” (Lasswell 1987, viii).

As a social scientific study of customary law, Deng’s work asked deeper questions than simply about form or presence of “rule of law.” “Through the jurisprudential school of ‘Law, Science and Policy,’ I learned that law was not an abstract objective concept to be unscrupulously upheld, but an outcome of a constitutive, competitive power process in which people, individuals or groups, guided by overriding goals, seek value-objectives, through institutions, using resources” (Deng 2021, 388-389). However, while he saw himself as based in Lasswell and McDougal’s approach, he believed he ultimately transcended it by bringing his analysis to customary law. “I had developed my own perspective, which utilized Laswell’s and MacDougal’s theory of law, science and policy, but with its own originality and distinctiveness...I felt not only privileged to introduce the subject of customary law as a respectable subject for my doctoral dissertation, but also found new intellectual tools to build upon in my expanding study of African customary law” (Deng 2021, 388).

Deng's dissertation would be published as *Tradition and Modernization* in 1971 (second edition 1987). The following year, he published *The Dinka of the Sudan* for Holt Reinhart's series on cultural anthropology. In addition to these two monographs, in this section I will rely primarily on *The Dinka and their Songs* (1973), *Africans of Two Worlds* (1978), *Dinka Cosmology* (1980), *The Man Called Deng Majok* (1987), and *Bonds of Silk: The Human Factor in the British Administration of the Sudan* (1989).

Deng's Anthropology

It is important to clarify two senses of structural analysis. The first, which I argued in chapter 1 that postcolonial theory quietly preserves,¹⁷ views conflicts and politics on a global scale as guided by structures, rather than agents. The second sense of structural analysis is the belief in internally coherent unified wholes (or structures) which can be examined by looking at constituent parts. Deng's anthropological studies are avowedly structuralist along the lines of Saussure and Levi-Strauss. In outlining his interpretive methodology in *The Dinka of the Sudan*, he posits, “It is, however, important to present these processes and variations within a total 'system' with an 'inner logic' and a hierarchy of values and norms which provide the yardstick for measuring and evaluating behavior” (Deng 1972, 8). With my recovery of his work, I am not aiming to enshrine his accounts of Sudan or Dinka as hegemonic; structuralist approaches to the study of cultures have flaws related to projecting meaning into accounts of disparate practices. But the dated nature of his anthropological analysis does not mean the political challenges his descriptive work illuminates are without merit; further, it is my contention that his anthropological studies are central to his thinking throughout his career, and thus are important for understanding the logics driving his later diplomatic work.

¹⁷ I expand this argument in chapter 4

While Deng's anthropological work was avowedly structuralist in the sense of looking for coherent wholes, it is also important to note that “coherent” and “whole” do not mean that such structures are static or ancient – for Deng, the structures of culture must be coherent, which in turn means that a nation-building project must be intentional and have care for all aspects of a culture. To simply overlay a (supposedly) universal state or normative structure, as Getachew (2018) accuses him of doing with reference to sovereign responsibility, would be to engage in disrespect and invite backlash. Later in his career he would make the same argument about human rights (1990): for human rights to be universal, one had to find evidence of them across cultures, rather than to posit them as being of universal moral significance.

Based in the historical record of cultural and commercial interaction between North and South, Deng rejected the exclusive tribalized and ethnicized identities which were fostered by British colonialism and came to dominate politics after independence. Dinka culture, Deng argued, always *selected* new ideas and cultural aspects to enshrine as part of a dynamic tradition. In recounting the history of Ngok Dinka chiefs since the overthrow of Turko-Egyptian rule, he contends, “Records speak of all modern Ngok Chiefs, Arob de Biong, Kwol d'Arob, and Deng Majok de Kwol as 'Arabized Chiefs,' an erroneous assessment of their complex process of adoption, adaptation, and assimilation of what they thought best in the ways of the Arabs without foregoing what was best in their own Dinka ways” (Deng 1972, 144). Against the appearance of a timeless conservatism protecting Dinka culture, he clarifies that while “the Dinka show striking cultural uniformity...notwithstanding centuries of contact with other peoples,” this “conservatism has not been altogether one of rejection, but rather one of selection and assimilation of alien elements” (Deng 1973, 2). While the continuity of song as a medium for discussing order and value in the community gives the appearance of unchanged “tradition,” it masks ways in which

the culture is both substantively and *intentionally* evolving and changing. Thus, both the “great men” ('Arabized chiefs') of the Dinka and the commoner are engaged in these cultural adoptions – it is neither enforced from above, nor corruption of wayward tribal members.

For Deng, the state must embody the same dynamism; it cannot be based on the colonial constructions that empires used to divide and rule. Because of this cultural dynamism, there is nothing inherent about treating each community as a closed, self-governing unit. Thus, “nation-building” in Deng's parlance should not be misunderstood as merely a reference to development, but to the creation of a less-ethnicized imagined community. In this period Deng believed that a single Sudanese nation could be constructed; independence for the South was *not* his answer to the civil conflict.

Central to this challenge of constructing the nation, in Deng's estimation, is recognizing the degree to which “myth overshadowed reality” (Deng 1980, 2). For the Dinka, central to that myth is the extent of oppression from Arab neighbors, which began prior to Turko-Egyptian rule. “The Dinka were in contact with the Arabs long before colonialism, but the hatred caused by slave raids prevented profitable acculturation and disposed the Dinka to reject Arab ways” (Deng 1972, 137). However, not only did this mean the Dinka were not isolated, but some assimilation of cultural and political influence did occur. Later, “the Turko-Egyptian administration collected taxes, permitted slavery and other forms of exploitation, but otherwise left the 'natives' alone. It was never a model for change nor was it interested in change, yet it activated the assimilation of Arab political ideas and practices” (Deng 1972, 137). Though Dinka (in particular, Ngok Dinka) remained a separate *identity*, their *practices* – and thus culture – evolved because of contact.

Guided by Maine's ideology of indirect rule, the British sought to stamp out such cross-cultural exchange in inland and upland regions. Part of this strategy was to exploit and magnify

the memory of Arab cruelty. “With the advent of British rule, these peoples were lumped together into the loose unity of the modern state, but were otherwise kept separate and independent. The Dinka, having just emerged from a world 'spoiled' by the ravaging raids of Arab slavers, had memories to keep and grievances to nurse...The foreign ruler did not hesitate to use this for his policies of divide and rule. But he saw to it that conflicts did not occur” (Deng 1972, 138). The assurance of peace made the Dinka more sympathetic to British alien rule than Arab alien rule.

But this assurance of peace came with a cost; until 1944, when the British saw union and independence as likely and began scrambling to assist the South, Dinka and the South would be cut off from modernizing influences. Instead, they would be treated as separate tribes isolated unto themselves. At Sudanization (which parceled out the administrative apparatus of the state), the South and the Dinka simply did not have the capacities to engage in state-making, which meant that the North completely dominated the country after independence in 1956. “But so wide was the gap between North and South, that when Sudanization came in 1955, of the eight hundred posts that had been occupied by the colonial powers, only four junior positions went to the South” (Deng 1987, 42). In essence, these tribes were given a sovereign peace in exchange for rendering them incapable of engaging with the world. Authority and control of territory did not carry with them capabilities, a theme that returns throughout Deng's work and is a central problem in *Sovereignty as Responsibility* (1996).

As Mamdani (2012) outlines, ethnicizing tribes was a strategy of indirect rule governance – thus, while the history of slave raids by Arab tribes against the Dinka were an historical fact, colonial governance hardened these tales into permanent defining characteristics. This is an example of what Muppidi (2012) refers to as the protection project of colonialism – in which a

colonial subject is constructed as permanently vulnerable to an Other. These hardened identities become part of the colonial legacy (Mamdani 1996), and structure discourses of conflict in the postcolonial world. In the context of Sudan, Western understandings of the conflict (contested by both Deng and Mamdani) are structured on a binary between (good) Black Africans and a (bad) Arab state – both the crisis in Darfur and South Sudan's war for independence were portrayed in this light. The postcolonial state-making project (as Deng envisioned it) must resurrect the idea of dynamic cultures to combat this.

By emphasizing the history of Arab oppression, the British encouraged Dinka to overlook another side of their own history, one which Deng wished to emphasize. The narratives of upheavals and conflict were meant to overshadow histories of reconciliation and cooperation; Dinka history is “not simply [a history] of suffering and bitterness, but also a record of survival and achievement – an unending chain of challenges, always leading to renewed vitality and a realistic but manageable view of the future... creative potential of the people to respond constructively to the complex challenges of nation-building within the pluralistic society of modern Sudan” (Deng 1980, 13). To obscure that history of cooperation and reconciliation is to fuel the myth that interaction between communities must be tightly limited or prohibited. According to this late imperial ideology, each community must administer itself and the greatest guarantor of peace is to pursue of a policy of non-intervention, in both the sense of not intervening between communities and an overarching power not attempting to intervene to change the eternal characteristics of communities (in contrast to the “liberal imperial” doctrine of improvement). This attitude would be revived in the early post-Cold War period, when many Western observers (e.g. Kaplan 1994, Mearsheimer 1993) simply cited “ancient hatreds” as the cause of ethnic conflict and called for smaller states with “stronger” sovereignty.

Deng writes that knowledge of the past can inflame or “be used for a realistic understanding of the way in which the past has conditioned the present so that we may anticipate and counteract predictable negatives in our plans for the future...The solution [to the North-South conflict] is not an end but only a beginning of a constructive march toward the ultimate end of peace-consolidation and nation-building” (Deng 1978, 150). This critique of the use of the pre-colonial past anticipates Mamdani's (1996) work on the same subject, but unlike much of postcolonial theory Deng still holds *the state* as a central actor. This is an important distinction: Deng's work on sovereignty and IDPs mean that he does not discard the idea of the state in favor of community and other substate sources of identity and action. Rather, he focuses on state-making and state capacity building as projects that will empower and protect communities. In his promotion of sovereign responsibility and eventually R2P, the state no longer resembles the isolated tribe: it interacts with and engages other states as communities always have, rejecting the colonial fantasy of hermetically sealed peoples. This interaction carries with it a communal responsibility.

State-making, in turn, requires agency. Just as Deng argues both leaders and commoners of the Dinka *selected* foreign cultural and political influences to integrate, the postcolonial state must be constructed by agents rather than simply shaped by either departing colonial forces or international structures. And given the Southern experience of Sudanization, state-making will also require development. The Dinka “preoccupation with development is conceptually linked with their desire for self-liberation from all the bondages they have experienced, especially under the post-colonial period of domestic hostilities. Development thus becomes an envisaged weapon against a feared return to the hostilities that are now gone but continue to haunt the Dinka, not only in the psychic world of the survivors but also in the rationalized possibilities of the future.

Development is therefore both an objective pursuit and a subjective resort – a material and moral defense against apprehensions” (Deng 1978, 205). To conflate this with simply a fetishizing of Western notions of development is to deny Dinka agency – they are identifying, based on their experience of enforced isolation by colonialism and then domination by the postcolonial modern state, what they believe to be an emancipatory project. And because of the syncretism of appropriation and assimilation, this need not be a narrative about the “Westernization” of a “native” people.

Furthermore, Deng's emphasis on the *state* allowed him to articulate an account of internally displaced Southern Sudanese in the early 1970s. “Ironically as the South becomes an insecure battlefield, Southerners run to the North for refuge from death. The conditions of these 'refugees' are just as awful as those of refugees elsewhere. Indeed, they are often worse because they do not have the status, and therefore the sympathy, given refugees in a foreign land” (Deng 1972, 140). It is important to highlight this contribution of Deng: first, and importantly for analyzing his later diplomatic and political work, he articulates the problem of internal displacement in 1972, more than a decade before his collaboration with Roberta Cohen and his work for the UN on the same topic. Thus, we can conclude he was neither a figurehead nor guided by Cohen; Deng is a prime driver in thinking about this problem, he is not simply taking up a problem identified and articulated by a Western human rights activist community. Second, his identification of the problem has strong resonances with Hannah Arendt's identification of “statelessness” in *The Origin of Totalitarianism* (1951), and he certainly predates all of the secondary literature on the Arendtian formulation of the problem. Thus, for political theory, Deng can be brought into conversation with a major recent theme in the subfield, and may offer a way of *globalizing* our approaches.

Attention to the problematics of sovereignty led Deng to think about what the postcolonial state was lacking: social justice, welfare and self-help, the fair distribution of services (Deng 1980, 347). Rather than valorizing communities as the proper sources of these (as postcolonial theorists often do), the state remains the vital partner in Deng's writings. Thus, between state capacity building as an emancipatory project, and recognizing the plight of internally displaced Southern Sudanese, Deng has already laid out the outlines of sovereignty-as-responsibility more than two decades before the Brookings Africa Project presented *Sovereignty as Responsibility*. Thus, there is a strong case to be made that sovereignty-as-responsibility is not simply a Neoliberal “responsibilization” in the context of the end of the Cold War, but tied to a longer problem in the postcolonial world. When we connect Deng's work on colonialism and decolonization, we can recognize that for Deng we live in a world made by colonialism – but we still have to *live* in it. It's not that he believes postcolonial problems are homegrown, as Whyte charges; it is that postcolonial actors retain agency in this world shaped by the colonial legacy.

DIGNITY, COMMUNITY, AND QUESTIONS OF TRANSLATION

Thus far I have discussed the origins of Deng's approaches to sovereignty and dignity. However, “sovereignty” had no simple analogue in the Nilotic language of the Dinka people. Rather, Deng draws on terms related to community, and argues for the relationship of certain ideas as analogous to broader notions of dignity. For Deng, *cieng* and *dheeng* encapsulate ideas which relate a specifically Dinka tradition to a politics of dignity and persuasion.

Following Lasswell and McDougal, Deng believes one must find evidence of dignity as a value across cultures, rather than assert dignity as a transcendental value. He begins from “the hypothesis that every culture has humanitarian ideals or principles that could contribute to the re-

definition and promotion of universal standards as the latter are adapted to local and national contexts. In practical terms, societies or cultures do not retain or alter their entire systems of values and institutional practices in the process of change, but rather selectively adopt from, adapt to, and integrate into new situations of cross-cultural interaction” (Deng 1990, 261). The *politics* of universal dignity, then, are not static. So there is broader value to excavating these ideals in a Dinka context.

In “The Task of the Translator,” Walter Benjamin quotes Rudolf Pannwitz: “Our translations, even the best ones, proceed from a mistaken premise. They want to turn Hindi, Greek, English into German instead of turning German into Hindi, Greek, English. Our translators have a far greater reverence for the usage of their own language than for the spirit of the foreign works...The basic error of the translator is that he preserves the state in which his own language happens to be instead of allowing his language to be powerfully affected by the foreign tongue” (cited in Benjamin 1996, 262). In Deng’s context, it would be mistaken to simply search for the Dinka conception that translates most closely to an ostensibly universal or metaphysical concept of “dignity.” To paraphrase Pannwitz, we should not translate the concept of dignity into a thousand tongues, but rather let the concept of dignity be transformed by a thousand tongues.

We can also use this idea of translation and transformation to refine the distinction between norm localization (Acharya 2004) and norm circulation (Acharya 2013) outlined in the previous chapter. Localization is a process which presumes broader ideas to be static, while local variations will abound – in this way, it is translation of a universal ideal into a localized vernacular, with the universal ideal resistant to influence. Deng’s approach to development (discussed in the next section) may be read as localization, whereas his approach to sovereignty

may be read as circulation. Had Deng proposed an alternative mode of sovereignty for South Sudan based in the Dinka values he highlights, this would perhaps have been a practice of norm localization. But Deng's goals with reference to sovereignty¹⁸ included challenging the dominant understanding of the concept – in this case, he is acting on the broader norm, rather than pioneering a necessarily limited local alternative. The failure to see agents of the Global South transforming concepts through translation, rather than simply relaying an established (Eurocentric) meaning, is a significant problem in international relations scholarship: “the field would be well-served to consider the histories and lived experiences of subalterns beyond merely being producers of their own knowledge. Rather, as the interlingual encounters of the past show, subaltern translators – both indigenous and European – are arbiters of what counts as knowledge at all” (Caraccioli 2021, 1038). Deng does not assert that the specifically Dinka concepts he brings to bear should be made universal; however, in translating them and relating them they spur Deng to think differently about concepts, and from this difference, innovation is born.

For Deng, many of the values of modern democratic states can also be recognized in “traditional communities.” Deng uses the Dinka values of *cieng* and *dheng* in particular to think about responsibility, community, and intersubjective human relations. Importantly, in their traditional usage, these are terms applied *within* Dinka communities – relations with outsiders are not governed by the same concepts and logics. Thus, in his anthropology, these concepts are important in ethnographic description. However, in global politics, these concepts help the theorist to situate Deng's thinking. Importantly, this is not a claim that Deng is bound to or determined by supposedly traditional tribal cultural values, but rather that his *selection* of these values as central is important to reading his work.

Cieng orients the individual's efforts towards their community: “*Cieng* does not merely

¹⁸ The subject of the subsequent chapter.

advocate attuning individual interests to the interests of others; it requires positive assistance to one's fellow human beings. Good *cieng* is opposed to coercion and violence, for solidarity, harmony, and mutual cooperation are more fittingly achieved voluntarily and by persuasion" (Deng 1990, 266). The emphasis on positive responsibilities to others became the hallmark of Deng's innovations in sovereignty (discussed in the next chapter). Assistance and persuasion are central values for organizing the community and the roles of Dinka within their communities.

Importantly:

In its various meanings, *cieng* emphasizes human relations. Even when referring to abstract rules, *cieng* is a cultural process' in which the human factor is dominant. Emphasis is laid upon idealized human relations as an end rather than as a means of self-serving individualistic values, even though such values would ultimately facilitate Dinka approximation of the ideal in human relations. For this reason, deference values like power, respect, rectitude, and affection are the focus of *cieng*, while welfare values like well-being, wealth, skill, and enlightenment are seen in terms of the deference values (Deng 1987a, 25-26).

In *cieng*, Deng argues there is the kernel of a form of rule that is not based on command.

Harmonization of interests "is more than avoidance of conflict and violation of other people's rights; it imposes a positive obligation to foster a solidarity in which people cooperate in the shaping and sharing of values. Coercion is contrary to *cieng*, for solidarity, harmony, and mutual indulgence are more meaningful if achieved voluntarily or by persuasion" (Deng 1987a, 26). The ideal of relations valued among Dinka are (in Deng's account) marked by persuasion, not coercion or command.

A related term, *dheng*, is more descriptive rather than prescriptive. "The subjective elements of honor and pride, as well as their outward appearance and bearing, are grounded in a concept called *dheeng*, which has many meanings. As a noun, *dheeng* means such things as dignity, beauty, nobility, handsomeness, elegance, charm, grace, gentleness, richness, hospitality, generosity, and kindness" (Deng 1987a, 209). The relationship between *cieng* and *dheng* can be

read as *cieng* defining a value in the community, while *dheng* describes those who uphold the value: “*cieng* provides standards for evaluating conduct, while *dheng* classifies people according to that conduct; *cieng* requires that one should behave in a certain way, while *dheng* labels one virtuous for behaving in that way; *cieng* is a normative concept, a means, while *dheng* is a concept of status, an end” (Deng 1990, 267).

In framing persuasion in place of coercion as a primary value of community,¹⁹ Deng notes that “conflicts usually concerned personal matters and involved people who must nevertheless live together. Therefore, persuasion and reconciliation were traditionally a pragmatic necessity” (Deng 1990, 270). Command and coercion would serve to breed resentment, and the breakdown of harmony in the community would be particularly dangerous for a people already subject to outside domination.

Though British indirect rule imperialism claimed to empower “traditional” leaders, it sought to do so in order to rule more effectively. As noted above, British expertise defined the “tradition,” identified and empowered particular community members to enforce it, then stepped back and claimed to be guided by a policy of “non-interference.” In this empowerment by colonial authorities, however, came a breakdown in Dinka order based on persuasion:

But the Dinka viewed the effect of British rule on their society with ambivalence when it came to the exercise of police force behind the administrative and judicial powers of the chiefs, who had previously relied on the persuasive power of divine authority. The Dinka saw the coercive power of the chiefs, now expressed in flogging, fines, or imprisonment, not only as oppressive but as totally repugnant to Dinka notions of human dignity. Because policemen among the Dinka were

¹⁹ It is important to note here the complicated legacy of British imperialism on anthropology’s interest in the “consensual nature” of African tribes: “the functionalist anthropology of African societies stressed the *integrated* character of the political order and the *consensual* basis of political authority, on the other hand, orientalism emphasized *force* and *repression* on the part of Islamic leaders and *submission* and *indifference* on the part of the ruled” (Scott and Hirschkind 2006, 4). It is *possible* that Deng absorbed these influences through Lienhart, Evans-Pritchard, and others, and in turn viewed his homeland through this lens. However, as noted above, I do not aim to enshrine Deng’s anthropology as a hegemonic account of Ngok Dinka society; rather, I aim to demonstrate how his critique and innovation in sovereignty is grounded in his legal anthropology. A critique of his anthropological studies *qua* anthropology is beyond the scope of this project.

mostly Arab or northern, and the British rules remote and invisible, the symbols of oppression were seen as Arab. The Dinka word for the government is *jur*, which, at least among the Ngok Dinka, is used to mean Arab. An abundance of songs by former prisoners illustrate the reaction of the Dinka to this aspect of state power (Deng 1990, 282).

Tribal courts were brought directly under the authority of a single paramount chief, whose rule was supported by British colonial administration. While retaining chieftainship in name, important aspects were simply replaced by a statist view of authority-as-command.

For Deng, the prospect of being guided by cultural traditions is not a call to “return” to a pre-colonial idyllic Dinka value-structure; rather, it comes from a simultaneous recognition of a fundamentally pluralist world, *and* that Dinka peoples remained influenced by these value-structures and concepts. To overlay the Weberian state, with its emphasis on a monopoly of violence, would breed discontent and fail to secure a unified identity.

Further, while decolonization resulted in a newly sovereign nation-state, Dinka continued to lose out, as it were, in the national model. “Dinka reaction to developments in the pluralistic world of the nation-state and its conflicting array of positives and negatives is equally contradictory. On the one hand, they are beginning to reinterpret their value systems to become more universally valid...On the other hand, the Dinka have become increasingly disillusioned by their relative position in the modern world and in particular their subjection to the dominant Arab Muslim majority in the North” (Deng 1990, 287). Under successive regimes – Turco-Egyptian, Mahdist, the Anglo-Egyptian Condominium, and finally independent Sudan – rule and domination by outside authority was essentially constant for Dinka peoples. The new Sudanese state, furthermore, “assumed that [Northern Sudanese] identity was the national model, and what prevailed in the South was a distortion that the colonialists had imposed to keep the country divided (Deng 2010, 151). To resist the national model of the state, but still take part in the modern state, Deng sought to promote a syncretic approach to the state that could promote these

values centered around persuasion and positive obligations to the people.

Persuasion and positive obligation are, to Deng's interpretation, central values of modern democracy as well; thus, there is not an unbridgeable gulf between "the village" and "the democratic state." Instead, the appearance of a gulf is due to a particular vision of the Modern: "Modernization sees fully developed democracies as having evolved beyond rule by force, to enfold notions of equality, representation, rule of law and participation. And yet, these things have always existed in the African village, and, paradoxically, it is modernization that has thrust upon the village tumult and change, in the form of governments, their militaries, prisons and police – brute elements of power often exercised through local government administration" (Deng and Kuol 2019, 30). This approach to the Modern would bring Deng into conflict with emerging liberal ideas of development-as-modernization. Where Deng saw possibilities for syncretism and culturally-informed development, some Western development experts were still committed to a colonial discourse of helping "backwards peoples."

Instrumentalizing Deng's Anthropology: lessons from a first failure

The final section of Deng's first book, *Tradition and Modernization: A Challenge for Law among the Dink of the Sudan*, proposed a developmental approach he termed "transitional integration." In this section, he articulated an alternative view of development as "self-enhancement from within," which attempted to harmonize forces of tradition and modernity in a culturally-specific approach to development. Deng "conceived of it as a policy-oriented process of selecting the elements of continuity and those of change, and introducing changes purposefully and in a controlled manner so as to avoid the disruptions and losses that modernization might impose while also benefiting from all it had to offer" (Deng and Kuol 2019,

19). Particularity was important: other African countries were experimenting with “home-grown” approaches to development, and Deng’s proposal can be read in this context. “Rwanda provides a good example of how homegrown solutions such as *Umuganda* (community work), *Girinka* (a cow for every poor household) and *Agaciro* (self-worth or dignity similar to *Dheeng* in Dinka) are anchored to traditional values, institutions and age set to address human development, governance and service delivery. Deng saw that overriding values of Dinka society, such as the lineage concept of permanent identity and influence, *cieng* and *dheng*, could all be interpreted and applied to support the developmental strategy of transitional integration or self-enhancement from within” (Deng and Kuol 2019, 25). Unlike many anthropologists, Deng had the opportunity to try and implement this strategy. In the second edition of *Tradition and Modernization*, he reflected on the why the project failed.

The proposed implementation site was the Abyei region, with the primary beneficiaries being Ngok Dinka and Missiriya Arabs. “The importance of Abyei as a meeting point between the North and the South and a contested area of great sensitivity provided the *raison d’être* for a project of integrated rural development. But even this required persuasion” (Deng 1987a, 406). The Addis Ababa Accords of 1972 allowed for Southern autonomy, but because Abyei was administered from Kordofan it was not included in this autonomous region. Deng, who was part of the negotiations over the 1972 Accords, pressed for a “right to a referendum for peoples culturally related to South Sudan (including the Ngok Dinka),” which was ultimately included in the 1972 accords (Johnson 2021, 19). Such a referendum, however, proved difficult to convene because Missiriya tribes (who grazed cattle on Ngok Dinka land in the dry season) resisted implementing it, and the central government in Khartoum was hesitant to grant autonomy to more territory. Deng then worked to establish an alternative, since the referendum seemed

politically dead:

I came to the conclusion that if the grievances of the people of Abyei were addressed by granting them control over their local affairs, and if, in addition, they were provided with basic services and a development program that would recognize and build on their distinctive cultural features, their aspirations would be satisfied and they might become reconciled to the positives of their bridging situation...The program of action that was adopted stipulated the development of Abyei area as a symbol of national unity and integration (Deng 1987a, 406).

The Nimieri regime in Khartoum, eager to placate a base of support without divesting itself of authority, quickly agreed to support the plan.

The first major failing of the program came in the approach to unity; while Missiriya Arabs and Ngok Dinka both received funding through this program, Deng and the program administrators emphasized communication with Ngok Dinka peoples, and Missiriya Arabs began to view the program with suspicion, as a “Southernization” of Abyei administration (Deng 1987a, 408). “A complex situation was created in which the idea of Ngok autonomy and development was strongly espoused by the central government but covertly opposed by the provincial authorities and the Arabs who...actively, though usually discreetly, worked to undermine and discredit” the program authorities. “The result was that...the support that Abdel Rahman Salman and his team received from the authorities gradually diminished, and the development process came to a virtual standstill” (Deng 1987a, 409). Arab regional officials, concerned about the possibility of a newly empowered and enriched Ngok Dinka population, effectively scuttled the plan as originally conceived.

Not to be defeated so easily, Deng and his allies turned to foreign affairs officials in Khartoum to assist in a search for international sources for funding, and Nimieri reiterated his support for the effort, stating “I want the area of Abyei – where the great Dinka and Missiriya tribes meet and co-exist – to be an example of the interaction of cultures. Abyei is to the Sudan

exactly what the Sudan is to Africa” (cited in Deng 1987a, 409). The Harvard Institute for International Development (HIID) stepped in to partner with the project, with financial support from USAID. However, “the Harvard Project was challenging because the vision of development as self-enhancement from within that Deng believed in was so diametrically different than the standard approach to development where western experts are flown in for short periods of time to fix ‘problems,’ seen through the lens of western modernization, and import solutions based on their own experience” (Deng and Kuol 2019, 26). The HIID officials were part of an apolitical community of experts who knew what development was and how to implement it. “HIID’s main objective...was to search for the least expensive techniques that would work...for the development of the third world, especially such poor and remote rural areas as Abyei” (Deng 1987, 409).

A major stumbling block was that HIID believed that Dinka culture was itself in need of correction. Dinka saw themselves as wealthy because their wealth was measured in terms of cattle; further, cattle have a cultural and aesthetic role in Dinka life, rather than for farm labor or slaughter. Dinka people, especially those considered wealthy because of cattle holdings, felt keenly the condescension of HIID administrators’ pity. “There is something profoundly wrong with telling people with such a positive attitude that they are among the poorest of the poor, can therefore expect help, and cannot improve their lot without outside help (Deng 1987a, 410). Because Dinka were poverty-stricken in their eyes, HIID administrators took it upon themselves to “problem solve” without consultation with locals – the exact opposite of Deng’s recommendations. In particular there was a:

proposal by the American field manager that cattle be used for animal traction. Anyone with the least understanding of Dinka society would realize that cattle are central to its social, moral, and spiritual values...The Dinka have seen their Arab neighbors use cattle as animals of burden for centuries but have never entertained

the idea of subjecting their cattle to what they consider an indignity. The Dinka, including the educated, made it emphatically clear to HIID that such use of cattle was totally unacceptable on cultural grounds. The American field manager, dedicated to the idea, threatened that he had the key to the money and that, if the Dinka did not accept the use of cattle, the project would be terminated (Deng 1987a, 410-411).

Though that American administrator was eventually replaced, the program suffered severe reputational damage with its intended audience.

The program helmed by HIID had broader political problems as well: “The Arab tribes and Kordofan authorities missed the main objective...and saw it as favoritism to the people of Abyei and circumvention of provincial authority...The outcome of the project was the exact opposite of its intended results. Political problems over Abyei and the project itself continued to mount, erupting into a series of violent conflicts between the Arabs and the Dinka and among the Dinka themselves” (Deng 1987a, 411). To assume a material benefit for the Missiriya Arabs would be sufficient to earn their support was a central flaw in the approach.

From this experience, we can see two further lessons Deng would apply in his later diplomatic work. The first is that projects of capacity building, development, and modernization are fundamentally political, and the boundaries of their politics are not co-terminus with an intended community. That the Missiriya Arab tribes derived a material benefit from the project did not erase their political concerns, and the lack of communication likely intensified those concerns. Even gaining the support of the national government did not render intra-regional concerns moot. The second lesson concerns the limits of outside intervention. In projects of capacity building, development, and modernization, outsiders can be partners, but they cannot lead or substitute for local leadership.

In the next chapter, I will show how these lessons guided Deng’s attempt to define an ideal of sovereignty that rejected non-intervention, the apolitical pretensions of humanitarian

assistance, and the emerging politics of humanitarian intervention.

CHAPTER 3: AGENCY IN THE TIME OF (NEO)LIBERAL INTERVENTION?

Introduction

The story of sovereignty-as-responsibility and R2P told by many liberals (e.g. Weiss 2007, Bellamy 2011) as well as postcolonial political theorists (e.g. Getachew 2018, Whyte 2017) begins in the early 1990s. Thus far, I have narrated a longer theoretical history of these doctrines by closely examining the legal anthropology of Francis Deng. In this chapter, I connect those earlier ideas of Deng's to the diplomatic work he undertook in the 1990s. Doing so bolsters the theoretical critiques I draw out in the final chapter: understanding the history and politics of these doctrines pushes against the claims made under the parallel banners of “critique of the ethical turn” and “critique of humanitarianism” – as I reconstruct them, these are intensely *political* debates, not the anti-political elevation of ethics over all else. I argue that the sense of “responsible sovereignty” promoted by Deng was not a neoliberal attempt to deny responsibility for past harms, but rather a recognition of what was required to govern *in light of* past harms. He uses the internally displaced person (IDP) as a liminal figure to demonstrate the shortcomings of contemporary humanitarian and human rights approaches, and as a starting point from which to introduce the idea of sovereignty as entailing positive responsibilities. In proposing sovereignty-as-responsibility, Deng rethinks the problem of state building, and the boundaries of “the international,” *after* the nation state. Focusing on sovereignty allows him to rethink both that which is “below” (the state) and “above” (the state system).

Francis Deng produced very few academic publications in the 1990s. However, he was sole, lead, or co-author of several important UN reports as well as NGO reports. Many of these were exercises in consensus building, compromise, or guides for implementation. In some of the co-authored reports, Deng's personal contribution is clearly identified (e.g. *The Challenge of*

Famine Relief, 1992), whereas in others no direct indication is given (e.g. *Sovereignty-as-Responsibility*, 1996). However, when we put these reports into conversation with Deng's earlier academic work, as well as later interviews and writings, a clearer picture of Deng's own contributions and positions emerges which is at odds with postcolonial critics who argue he simply proposed a template for neoliberal interventionism. In this way, Deng emerges as engaged in a project of dramatically shifting accepted notions of sovereignty – in a way that promotes mutual responsibility and interaction against a colonial fantasy of hermetically sealed units.

Importantly, tracing Deng's work and the emergence of sovereignty-as-responsibility also draws a distinction between this project and other forms of interventionism, humanitarianism, and human rights-based politics that emerged in the 1990s. It is true that at the end of the Cold War, some powerful Western actors saw the world as theirs to remake in a liberal image. Left theorists –postcolonial and critical theorists – and IR realists argued that Neoliberal/neoimperial impulse guided (implicitly or explicitly) all institutional attempts to grapple with the waves of violence in this period. But to make this claim is to foreclose the very possibility of Southern agency in these responses to violence and immiseration.

Further, bringing Deng's broad body of work to the fore provides a grounding for a *global* political theoretical critique of several important problems in mainstream political theory. Deng is not simply reviving old doctrines (neither minority treaties nor pre-Westphalian sovereignty) and “applying” them in a period of liberal hegemony. Rather, Deng's approach derives from his observations and analyses in Africa. Thus, he begins neither from Europe as *the* universalizable model nor from an abstract ideal theory that may reinscribe colonial reason.

I begin this chapter with a defense of sovereignty-as-responsibility as a theoretical innovation. Here I take up recent work by Luke Glanville (2013) and James Turner Johnson

(2015), both of whom excavate histories of the responsibilities sovereignty carries to the domestic and the global. Glanville's book is an influential account of sovereignty in the English school of IR theory, and is treated across IR approaches as a theoretical grounding for R2P. Johnson's argument is an important historical, theoretical, and theological corrective to recent work on the role of justice and responsibility in the history of sovereignty (e.g. Philpott 2001, Elshtain 2012). Both Glanville and Johnson's accounts are instructive because in looking for a more expansive historical account of sovereignty, they look to the history of sovereignty in Europe. Thus, when they arrive at R2P in their historical narrations, the UN doctrine can be understood as simply heir to a different tradition of sovereignty *in Europe*. In such accounts, the Global South may be a site of implementation of doctrines of sovereignty, but not a site of innovation – the South as devoid of agency in the history of political concepts. To understand evolutions in sovereignty and their relationship to R2P embodied in events like the 2005 UN World Summit, one must allow for the possibility of innovation outside of Europe. Otherwise, one will conclude (as Johnson does with reference to the UN World Summit) that Global South actors only play a role as spoilers in the promotion and institutionalization of norms. In an ironic way, Johnson's argument is thus the flipside of postcolonialism's structural determinism – neither postcolonial scholars nor Johnson recognize Global South innovation in such a moment, only resistance.

In the second section of the chapter, I reconstruct the political and institutional context of displacement into which Deng's innovation fits. Drawing primarily on the historical work of Emma Haddad (2008) and Mark Mazower (2009), I examine how four different categories – the minority, the displaced, the refugee, and the internally displaced person – emerge in different historical-political contexts and become “problems” to be addressed by the international

community. It is important to understand that there is nothing “obvious” about the ways in which we conceive of persons displaced by war, famine, or persecution – or even that those are distinct phenomena. These are conceptual shifts that emerge in and address particular contexts, not simply the bureaucratic headings needed to “rescue” or protect people who are obviously in need. Each new category created possibilities of international responsibility and assistance – while foreclosing others. Thus, when we come to the emergence of the IDP *qua* problem, we can recognize that the emergence of the “problem” is a *conceptual* innovation to address a political problem, rather than a new phenomenon that *obviously* requires new terminologies and regimes.

In the third section, I connect Deng's work on IDPs for the UN in the 1980s and 1990s to his anthropological work I explored in the previous chapter, to argue that Deng's analysis is informed by his understanding of the colonial legacy, rather than simply claiming that internal displacement is a problem “native to” the decolonized world or the Global South. By presenting the legacy of the colonial state as *the* starting point for understanding Global South conflict in the aftermath of the Cold War, he *enacts* an ontological challenge – Deng makes the colonial legacy integral to the UN's own understanding of what postcolonial violence *is*. Importantly, however, the colonial legacy is a starting point, not an end point. Thus, to think about the IDP requires thinking about the colonial state's governance strategies and seeing how the ideologies that legacy promoted – most centrally, sovereignty as non-interference – manifest in the postcolonial state. Key to my claim is that Deng constructed the IDP “problem” to be *resistant* to reformist solution; had he simply sought to be an effective bureaucrat addressing a humanitarian or human rights crisis, Deng would have worked with aid groups and UN committees to craft an implementation strategy under existing conventions and treaties. Rather, he uses the IDP *qua* problem to demonstrate the limits of those approaches.

In the final section, I demonstrate how Deng's work on the question of sovereignty in the mid-90s emerges from his approach to IDPs, and how he conceives of it as a solution. In this way, the *question* Deng constructs to which sovereignty-as-responsibility is the answer is very different than the question Western liberals sought to answer with humanitarian rationales for abrogating sovereignty in the postcolonial world. This takes him in a very different direction than either major Western powers who wanted to legitimate humanitarian intervention, and anticolonialist Global South actors who sought to reify sovereign equality to stymie neoimperial aggression. Importantly, Deng's work makes him a strong case for thinking about the simultaneity of structures (re)making agents while agents (re)make structures. Against the structural determinism of postcolonial theory elaborated in chapter 1, Deng emerges as a model for thinking about Global South agency.

I tie Deng's work to the work of other contemporary African diplomats to argue that Deng was not *sui generis*, but part of a particular African current in re-envisioning sovereignty and the postcolonial state. It is this approach to sovereignty and the bounds of the postcolonial state that is driven by African political actors, not the humanitarian vision promoted by major Western powers after the Cold War, that is embodied in Global South support for R2P. While R2P is officially UN doctrine, different actors have differing visions of what R2P *is*. Recovering Deng and other Africans' intellectual and diplomatic groundwork for R2P pushes against the singular vision of R2P as armed coercive intervention for humanitarian purposes, which is the account of both many Liberal supporters and postcolonial critics. In contrast, the African legacy of R2P grounds an alternative vision of Global South agency.

Does Sovereignty-as-Responsibility Represent Something New?

Central to my claim about agency is the argument that Francis Deng's work on sovereignty was a highly influential *innovation* which became an important building block for an attempt to restructure the sovereign state system by reassessing the status of conflict within states. Thus, the story is not simply one of parliamentary negotiation in an international institution in which, as a necessary part of coalition building, some states of the Global South had to be “bought off” or “assuaged.” A possible critique, however, is simply that the idea of sovereignty entailing positive responsibilities is nothing new. If sovereignty has always required various responsibilities to the people, then perhaps a discussion of Deng ought to be limited to the question of institutional implementation, rather than innovation.

Two theories that identify responsibility as constitutive of the norm and the institution of sovereignty are the Augustinian sovereign and the popular sovereign.²⁰ Recently, the just war theorist James Turner Johnson and the English school IR scholar Luke Glanville have drawn on these theories in their attempts at a deeper theoretical engagement with R2P. Johnson (2015) focuses on the pre-Modern sovereign, tracing the Augustinian sovereign who is responsible for his people until Westphalia redefines sovereignty as the defense of borders. Glanville (2013) takes a different approach, holding both that sovereignty as theorized and as practiced had *always* contained responsibility to a people as *the* authorizing component. Glanville argues (following Martin Wight) that innovations in legitimacy within states can only be understood by studying innovations in legitimacy between states. Thus, he aims to recast the emergence of popular sovereignty as also a moment in which sovereigns could be held accountable by each other – and that it was only the end of WWII and the drafting of the UN charter in which what

²⁰ Though popular sovereignty is usually interpreted as not implying responsibility to an international community. On popular sovereignty as explicitly eschewing an international responsibility, see Cunliffe 2007, Cunliffe 2009, and Getachew 2018.

we erroneously call the “traditional” notion of sovereignty was legitimated. It is worth delving into these two arguments both because they challenge the idea that a responsible sovereignty is novel or an innovation, and because their oversights reveal ways in which thinking about sovereignty purely from the perspective of European thinkers and political communities blinds us to innovation from non-European agents.

Johnson begins from the argument that the just war tradition is really a political and theological tradition of thinking about sovereignty and all it entails, rather than *merely* a way of thinking about war.²¹ Responsibility of the sovereign for the common good, then, is both the primary feature of this pre-Modern sovereignty *and* something that is lost with the move to a Westphalian model of sovereignty. The older conception of sovereignty “differs importantly from the modern one: a conception of sovereignty not in terms of the state and its territorial inviolability but in terms of the moral responsibility of the ruler for the common good of the people governed” (Johnson 2015, 1-2). The rash of humanitarian interventions in the 1990s, and the rise of R2P doctrine in the 2000s, become an opportunity to think past (both directionally and temporally) the model of sovereignty as the sacralization of borders. “But thinking of the matter of humanitarian intervention in terms of just war tradition, I thought of sovereignty in a different way: as responsibility for the common good. The result was to encounter a dilemma similar to that encountered from the perspective of human rights: Humanitarian intervention, from the just war perspective, might be a moral obligation; yet at the same time, it would be a violation of international law. The two conceptions of sovereignty were thus in direct conflict with each other” (Johnson 2015, 2). In carefully detailing this pre-Modern history of sovereignty, Johnson lays out what could be the groundwork for an historically informed legitimation of Deng's efforts

²¹ *Sovereignty* (2015) is the clearest formulation of Johnson's longstanding critique of the “just war revival” inspired by Michael Walzer's *Just and Unjust Wars*.

to think of sovereignty as constituted by positive responsibilities.

Yet when Johnson arrives at R2P and the conception of sovereignty upon which it rests, he commits the same error of which he accuses just war revivalists: taking war (in this case, armed coercive intervention), rather than sovereignty, as the defining feature. Thus, in first laying out the content of the ICISS report, Johnson skips much of the discussion of sovereignty to claim that “the meat of the report had to do with what should be done in cases in which states fail in this responsibility, and a major focus of the answer provided by the report was to lay out conditions for military intervention” (Johnson 2015, 143). In doing so he primes his reader to treat the change of the idea of R2P from the 2001 ICISS report to the 2005 World Summit document as a failure because humanitarian intervention is de-emphasized in the latter. He is not alone: Alex Bellamy (2011) and Thomas G. Weiss (2007), both treat the 2005 World Summit document as a weakening or watering down of R2P because humanitarian intervention is not emphasized or formally recognized.

In treating the 2005 World Summit document as a retreat from the ideals of R2P, merely the messy and disappointing result of negotiation and implementation, these scholars treat R2P as reducible to armed coercive intervention. It is my aim in this chapter to demonstrate that sovereignty-as-responsibility, the conception of sovereignty upon which R2P rests, is itself an important development directly informed by Francis Deng's analysis of the postcolonial African state. Focusing on armed coercive intervention misses the significant shift in the discourse of sovereignty spearheaded by Deng.

Further, Johnson does note that in the Augustinian tradition the sovereign is responsible *for* the people, but not actually accountable *to* the people: “the thinkers who defined this conception of sovereignty as responsibility did not seek to provide any particular mechanism by

which those people could influence the understanding or exercise of that responsibility” (Johnson 2015, 107). A significant difference between the possibility of intervention through R2P and Augustinian protection of the neighbor is that in the latter, another sovereign holds the corrupt and tyrannical ruler responsible – essentially, sovereignty is revoked or superseded by an outsider – whereas Deng’s argument about sovereign responsibility rests on the idea that sovereignty may dissolve from *within*. This means that in Deng’s vision of sovereignty, the people are not simply wards to be cared for but agentic themselves, and thus sovereignty-as-responsibility and R2P cannot be reduced to a claim of right by others to supersede sovereignty. Because sovereignty-as-responsibility offers an alternative vision of state-making in which legitimacy is grounded in a responsibility that is simultaneously *to* and *for* the people, sovereignty in the Augustine tradition provides little guidance for evaluating this approach to state sovereignty.

By contrast, Glanville is both more optimistic about R2P and concerned with responsible sovereignty as a Modern idea. Thus, he begins by examining sovereignty in early Modern Europe, rather than Augustine and Roman law. He insists that “it is not a categorical or timeless definition of sovereignty that we [should] seek” (Glanville 2013, 10), because attempting to distill some essence would blind us to how sovereignty actually operates, and how it changes across historical eras. Helpfully, he insists that we read the history of sovereign responsibility without averting our gaze from Europe’s declaration of “responsibility” over “backwards peoples”: “advocates ought to acknowledge, as historians increasingly do, that some of the central ideas that today underpin the ‘responsibility to protect’ concept – ideas of self-rule and accountability, individual rights and forcible intervention – were historically both framed by the experience of empire and also put to work to justify empire” (Glanville 2013, 222). However,

while he treats the objection as valid, he does not find a way to do more than acknowledge it in the analysis he presents.

A problem for Glanville's project is that he wants to find consistent evidence of states refusing to treat sovereignty as an absolute distinction between domestic and international concerns, to the extent that numerous examples he cites, in particular during the 19th and early 20th centuries, are exercises in reading history backwards to ground a modern idea. At times his examples cut against his thesis, and other times they simply embody an exceptional moment which does nothing to build an argument about *norms* of sovereignty.

Glanville credulously repeats imperial justifications, presenting them as evidence of a mixed record rather than as cynical or self-righteous justifications. Thus, the Berlin Conference – perhaps the height of colonial aggression against Africa – is cast as a story of European powers stripping Belgium of its African holdings because of the brutality of Leopold's rule over the Congo. He claims, “the Berlin Act led to actions by the imperial powers...that harmed native interests and welfare more than protected them. *Nevertheless*, the act established in international law...that the treatment of natives by those in authority over them was a legitimate matter of international concern...if we follow the [history of the Congolese Free State] to its conclusion, we find that it is also an example of a sovereign eventually being held to its newly internationalized responsibilities” (Glanville 2013, 123) (emphasis added). Similarly, he treats the regulation and eventual end of the slave trade as a case of sovereigns being forced to account to the society of states for their internal cruelties, and it serves as a transitional case for his attempt to connect colonial sovereignty to the tradition of popular sovereignty. Lacking from these discussions, it is worth emphasizing, are the voices of Africans who fought slavery and Africans who fought colonial domination.

It is important that Glanville recognizes the anti-imperial critique as valid – by contrast, English School IR theorist and special adviser to the UN on R2P Alex Bellamy (2017) dismisses the anti-imperial critique of sovereignty out of hand – but Glanville does little to think through what it might mean. Thus, while he consistently notes that advocates of sovereign responsibility must take such critiques seriously, he neither considers what taking such critiques seriously might look like, nor does he consider the possibility that (certain theories of) sovereign responsibility might also be a critique of colonial sovereignty. At root, the problem is that Glanville excavates a Eurocentric history of sovereignty and does not think about what it would mean to think *theoretically* about sovereignty from a non-European perspective – the critiques he gestures towards are simply critiques of the *implementation* of ideals of sovereignty.

If Glanville and Johnson are right that sovereignty-as-responsibility is not new and is just a rejection of one recent(ish) conception of sovereignty, then Deng is not necessarily innovating anything. More importantly, such a claim returns us to thinking about sovereignty in terms of the European state. But part of what is so dramatic about Deng's arguments about sovereignty is that he is looking at the postcolonial state in Africa not as a parochial interest or a matter for area studies, but as a way of rethinking the broader concept of sovereignty. This aspect is lost in Johnson and Glanville's studies.

Further, thinking with Acharya's model of “norm circulation”²² here is helpful – even if Glanville and Johnson were correct that responsible sovereignty is an old idea, this would not then mean that Deng simply promoted the ideas of others. In a process of norm circulation, there are multiple agents acting upon the norm in turn, rather than a single agent “diffusing” an idea. Sovereign responsibility may be both an old idea *and* simultaneously an important innovation from the Global South. Innovation is rarely absolute originality, and it is not the claim that either

²² I outline Acharya's (2013) account of “norm circulation” in chapter 1.

Deng makes or that I make about Deng's work. It is in the debate about sovereignty in which Deng is engaged that we may gain another perspective on the *agency* of Global South actors in global politics.

(Re)Defining the Displaced, and What it Means to Help

There is nothing new about populations fleeing to avoid threats of war, persecution, and famine. However, this does not mean the problems faced by or posed by such populations, and solutions to those problems, are obvious or timeless. Rather, historical and global political contexts are key to “knowing” the displaced. Emma Haddad holds that studies of displacement, particularly “refugee studies,” have “a tendency to reify the concepts of sovereignty, the state and citizenship as natural pre-given features, and actors' identities and interests as fixed. However, the concept of sovereignty and the structure of an international system based on sovereign entities are not static, and 'sovereignty' and the 'state' are ambiguous and dynamic concepts” (Haddad 2008, 14). How the displaced are recognized, whether they are understood to be a “problem,” and how to address them as a problem are not arrived at independent of contemporary discourses of sovereignty and citizenship. In the changing context of the sovereign nation-state of the 20th century, several figures – the minority, the displaced, the refugee, and the internally displaced person – emerged as “problems” within the sovereign states system.

After the First World War, the League of Nations established a protectorate system as well as a series of minority treaties to address both the problems of “peoples without states” and those who were displaced by war. But after the Second World War, the global institutional response to displacement, and the meaning of sovereignty, shifted dramatically towards “sovereign equality” (Haddad 2008, Mazower 2009, Cohen 2012) and did not consider a state's

“minorities” as a legitimate question for international institutions. Francis Deng's anthropological work, based on both his lived experiences and field research beginning in the 1950s, with publications beginning the early 1970s, coincided with another dramatic shift in thinking about displacement – namely, displacement in the aftermath of decolonization. Then, as a UN diplomat, Deng's work on internal displacement spanned the emergence of Detente and the end of the Cold War. His work on internal displacement was important precisely because he challenged dominant conceptions of sovereignty, ultimately using the figure of the internally displaced person as a starting point from which to work for acceptance of sovereignty as entailing positive responsibilities.

The minority treaties promoted by the League of Nations recognized that the nation-state was not universalized in Europe and sought to deny a *casus belli* for states seeking to “protect” their co-nationals who lived across sovereign borders (Haddad 2008, for historical background on this kind of intervention see Finnemore 2004). However, the minority treaties *only* applied to the losing powers – the United Kingdom, The United States, and France were not bound by these treaties. Minority treaties were ostensibly guarantees of tolerance within borders; however, as Mamdani (2020) helpfully notes, they also defined a permanent “outgroup” in whose image the state could never legitimately be remade. Thus, we can think of the minority treaties as consonant with the “apolitical” approach to humanitarian protection derided by Getachew and Mamdani²³ – protection coming at the cost of political empowerment. But the minority treaties neither reliably protected those subject to them, nor did they survive the normative realignment of the post-WWII era.

After World War II, displaced persons were conceived of as a problem stemming from war, thus the resolution of their problem was conceived of as related to the cessation of

²³ This is detailed in chapter 4

hostilities. In particular, they represented a “*temporary problem*, a concept brought about by specific transformations in international society which could be resolved as soon as international conditions were stabilised” (Haddad 2008, 31) [emphasis added]. This is in marked contrast to the interwar minority, who was seen to be a stubborn fact to be accommodated.

One proposed solution to stabilize the states system, despite its previous association with the recently defeated Nazi regime, was population transfer. Mark Mazower argues this approach – not simply of European Jews to Israel (a favored option of Joseph Schechtman, the author of several leading technical texts on population transfer), but also of ethnic Germans out of Eastern Europe, and numerous proposed “homelands” outside of Europe for other minority populations – became an intellectually sophisticated solution. “One indication” of the shift in opinion, “was the erosion of belief in any revival of minority rights even among those who had supported the idea before the war” (Mazower 2009, 121). On this account, uniting nations and states (in order to reduce ethnically-aligned conflict) would mean territoriality concentrating nations rather than expanding or creating new states.

Creating new states to house stateless nations, several representatives at the UN Charter meetings in San Francisco worried, might embolden France and the UK's colonies to demand their own states as well. “This is evidenced,” notes Haddad, “in the incorporation of the reference to 'self-determination of peoples' in the UN Charter, as distinct from the discredited League of Nations idea of 'national self-determination'...now the stability of states and borders was to be paramount” (Haddad 2008, 137). Peoples was a more ambiguous term than nations – could not all the Queen's subjects be one people? Or as de Gaulle would state unequivocally a decade later: there is no Algeria, only France.

With the disappearance of the national “minority” as an internationally recognized

problem in the sovereign states system, and the emergence of a stricter sovereignty less amenable to intervention of any kind,²⁴ a new “problem” emerged: the refugee. The refugee, Emma Haddad reasons, is created by the states system that excludes him. As defined in the 1951 UN Convention Relating to the Status of Refugees, the refugee was defined as someone displaced *in Europe* by World War II (Haddad 2008). Half a decade after the end of WWII, many “displaced persons” had not been “repatriated” – the victors’ initial plan to deal with them. “The refugee regime that became immortalised in the 1951 Convention was formulated as a specific response to the post-war situation in Europe, and, accordingly, the refugee continued to develop as a concept invented in and for Europe. Indeed, it first applied only to European refugees and it was not until 1967 that the refugee concept was 'universalized' with the removal of the geographical limits of the 1951 Convention via the [UN Protocol Relating the Status of Refugees]” (Haddad 2008, 148). Non-Western peoples (particularly Arabs) displaced either by WWII or the postwar resettlement projects, “were regarded as malleable,” thus their displacement did not call for protections through international conventions nor dedicated territorial homelands, but rather endless integration (Mazower 2009, 144).

Decolonization and the emergence of postcolonial state conflict demonstrated the short-sightedness of the refugee convention. It is important to register that the challenge was not simply to institutional arrangements, but to an entire mode of thought. “Estimates put the total refugee population of Africa at 400,000 in 1964, a figure that had reached one million by the end of the decade and several million by the end of the 1970s. But these large-scale movements of refugees were constructed by western states as 'national problems,' outside the scope of the

²⁴ It is from the disappearance of the international legally recognized minority that Glanville (2014) concludes that the origin of 'traditional' sovereignty is actually a post-WWII phenomenon – an international legal regime that recognized the status (if not necessarily rights, *per se*) of domestic actors within sovereign states cannot be described as the 'strict' sovereignty that much 20th and 21st century IR scholars invoke.

'international', yet in practice heavily European, refugee protection regime” (Haddad 2008, 149-150). We might thus take the refugee as another example of Chakrabarty's critique of the inherent Eurocentrism of the “international”²⁵ – a phenomenon in Europe could be understood as international, but outside of Europe an identical phenomenon would be simply provincial and not of “international” concern.

Here we should return to Moyn's argument against the “truncation and fulfillment” approach to intellectual history²⁶: concepts are not themselves agentic, so if an initial promise of universality is not immediately fulfilled, but later expanded in a more universal sense, this was not an inherent potential in the concept itself fulfilling its immanent promise. Rather, these are moments when subaltern agency is being expressed – and to focus exclusively on the concept is to deny that agency. Thus, the elimination of territorial limitations on the definition of “refugee” did not come about because a new phenomenon demonstrated the need to fulfill a promise of universality, but because postcolonial actors – most prominently the Organisation on African Unity (OAU) – fought to expand the definition.²⁷

However, in a technical sense there was one aspect of the idea of Africa's displaced as a “domestic” issue rather than an “international” one which was correct: in the early 1970s, many (though not clearly a majority) of Africa's displaced people had not crossed a sovereign border. While the 1951 Convention definition of the refugee recognized that people might become refugees if they were fleeing individual persecution (as Eastern European political dissidents were), fleeing civil war did not clearly count. Thus, the Southern Sudanese displaced to Sudan's North, about whom Francis Deng wrote in the early 1970s, were unrecognized by international

²⁵ See chapter 1

²⁶ See chapter 1

²⁷ A detailed account of these fights and negotiations are beyond the scope of this project, but readers may consult Haddad 2008, chapter 6.

convention and hidden beneath a discourse of strict state sovereignty. Arguably, these internally displaced persons might have been covered by a revival of the interwar minority treaties. However, this is not the approach Deng took. Minority status is much closer to colonial tribal sovereignty, a protection at the cost of political empowerment and which would promote ethnicity as the primary line upon which state power would be delegated. Instead, drawing on his anthropological studies, he sought to gain international recognition for a new category of displaced persons.

From Domestic Phenomenon to International Concern: Inventing the IDP

At the end of the Cold War, two approaches originating in the Global North emerged quickly to explain conflict in the decolonized world. First, triumphant liberals declared that “the past was over” and – with the end of superpower rivalry – responsibility for violence lay solely at the feet of the states in which it occurred.²⁸ The other approach, usually associated with IR realists, was that the end of the Cold War also meant the end of outside moderating influences, and that “ancient hatreds” were re-emerging and would lead to more bloodshed.²⁹ Both of these approaches deflected attention from histories of colonialism and decolonization: the first denied the relevance of history, while the second imagined a permanent enmity that was only kept in check by outside forces. Refusing to accept such simple narratives, Francis Deng argued that the roots of the conflicts that he was tracking had their origins in the colonial state.

Deng was not the first nor the only figure to identify postcolonial conflict as having roots in the colonial world. However, there were important differences to his approach: while among anticolonial thinkers in the 1960s and 1970s it was common to argue that the roots of conflict lay

²⁸ For an overview of this literature, see Edward Said (2003).

²⁹ See, among others, Robert D Kaplan (1994) and John Mearsheimer (1993).

in colonial legacies, these formulations generally sought to blame an ongoing (neo)colonial structure for crises in the decolonized world.³⁰ More specifically, they held that international institutions drew upon colonial constructs to perpetuate domination beyond the end of *de jure* colonialism. By contrast, Deng argued that the colonial legacy reshaped the agency and identity of decolonized peoples – but he regarded them as the ultimate agents in their political fates. In his early UN work he highlighted the colonial construction of these postcolonial identities as a way of confronting – and escaping – the colonial legacy rather than naturalizing it. Further, Deng focused on the colonial *state*, rather than the colonial international *structure* – which meant he was attuned to the ways in which imperial governance strategies (re)produced difference and hierarchy through identity, rather than positing them as simply structural problems. Importantly, Deng made the argument for the colonial state's role in postcolonial violence as part of an analysis for the UN bureaucracy; he was not a triumphant rebel taking the podium to excoriate the assembled body for its complicity with colonial domination. This meant that Deng's analysis was an attempt to make this analytical claim central to how the UN understood – and dealt with – problems, rather than a critique or protest of the institution itself. In essence, he presented an ontological challenge, rather than immanent critique.

Internal displacement also became a way for Deng to foreground the reverberations of the colonial legacy, and African experience in particular, rather than viewing everything through the prism of the end of bipolar rivalry. “The period of the cold war overlapped worldwide processes of decolonization. International institutions emerged that are dedicated to providing developmental assistance across sovereign jurisdictions and cultural differences” (Deng and Minear 1992, 1-2). Thus, the Cold War and decolonization become simultaneous events, rather

³⁰ See, for ex, Rodney 1972, Gunder Frank 1967. For more recent examples of the neocolonial/ne imperialism thesis, see Mamdani 2020.

than the Cold War as the defining conflict of the post-WWII world. Furthermore, Deng argues, that as “the Cold War raged...conflicts [in the decolonized world] were not seen as domestic struggles for power and resources but as extensions of the superpower ideological confrontation. Rather than help resolve them peacefully, the superpowers often made them worse by providing military and economic aid to their allies” (Deng 1993, 155). Destabilization in the decolonized world has specific historic roots, it is not simply the result of “ancient hatreds” and one cannot pretend the end of the Cold War marks a “clean slate.” While these statements seem rather pedestrian for a political theorist in the 21st century, it is important to acknowledge that in the early 1990s, and in official UN reports, to make such a claim carried a very different significance.

In a special report on internal displacement he authored in 1993 for the UN secretary general, Deng writes unequivocally:

“The starting-point in many of the affected countries has to be the colonial State and its unification of the diverse groups which it kept, paradoxically, separate and unintegrated. Ethnic groups were broken up and affiliated with others within the artificial borders of the new State system. While the colonial powers were the third-party moderators of ethnic coexistence and interaction, they imposed a superstructure of law and order that often was stratified on the bases of racial, ethnic, cultural and religious differences and inequities. Although the basic needs of survival were provided by the State, social, economic and political development were low on the priority list of the colonial State.” (Deng 1993a, 34)

Here, he is drawing directly upon his research in Sudan on both the colonial state and its legacy for governance through ethnic and racial identity. Against the sorts of reductionist approaches that guided Western audiences, Deng is at pains to lay out what these identities mean and, importantly, what they *do not* mean. Writing against the “Arab Muslim versus Black African” framing which would later cause so many Westerners to misperceive conflicts in Darfur and South Sudan, Deng argues that while the “most significant [difference in Sudan] is the dichotomy between the Arab-Muslim North and the indigenously African South...Diversity is by

no means limited to that dualism...regional and ethnic diversities reflect vast distances from Khartoum in physical, political, and socioeconomic terms that explain the separation, if not alienation, of the national leadership from the rural populace” (Deng and Minear 1992, 3). It is not simply racial, ethnic, or religious difference that defines conflict in the postcolonial state, which also means that dividing postcolonial states into smaller, more homogeneous units would not necessarily resolve these conflicts.³¹

Importantly, “colonial structures and processes of control had divested the local communities and ethnic groups of much of their indigenous autonomy and sustainable livelihood and replaced them with a degree of centralized authority and dependency on the State system” (Deng 1993a, 35). Thus, these communities are caught in a double-bind: on the one hand, their “identity” was hardened as a strategy of colonial rule, and on the other hand colonial rule enervated these communities and destroyed their ability to rule themselves. This formulation is developed in Deng's legal anthropology throughout the 1970s and 1980s, and we see here how that work frames Deng's diplomatic work.

For postcolonial political and social theorists in the 21st century, this problem of the colonial legacy is well understood. However, this recognition is relatively recent in our field: as Jennifer Pitts (2010) points out, political science and political theory were very late to recognizing empire and imperialism as problems for theory, let alone how their forms of governance crafted identities. Deng's work grounding UN reports in this history is also a few years before Mamdani's *Citizen and Subject* (1996), perhaps the most important work for introducing political science to anthropology's work on imperialism's rule through identity creation. At the time of Deng's work for the UN on IDPs, political theory's approach to identity was dominated by Charles Taylor's *Multiculturalism*, which was an analytic argument focused on

³¹ This was a favored option for many who believed in the “ancient hatreds” hypothesis.

rights and recognition, rather than being in dialogue with anthropological sources and histories of imperialism. Thus, Deng's work was far ahead of political science and political theory's understandings of the colonial legacy.

It is important to emphasize how radical a break from the “common knowledge” of many international bureaucrats and public intellectuals this was in the early 1990s – *and* that Deng is drawing on this knowledge to structure how the UN *recognizes* internal displacement. This is in marked contrast to how more recent Liberal humanitarians narrate the rise of IDPs as a concern that ultimately lead to R2P. For example, Alex Bellamy and Edward Luck (2019) argue that the end of the Cold War and the emergence of the “human security” paradigm made internal displacement something that could be dealt with – as though it were an *existing* problem that everyone recognized, and with the end of superpower competition human rights concerns in the Global South could finally be addressed. But Deng's work reveals that internal displacement was something that first had to be *thought*, rather than an existing problem in search of an answer. In this way, we can return to Collingwood's logic of question and answer: the history of answers tell us much less about political thought than the recovery of (non-obvious) questions. With a focus on Deng, we can trace how an important set of questions emerged and how they were *different* than the ones Liberal humanitarians sought to address.

As representative of the UN-Secretary General on issues related to internally displaced persons, Deng prepared several reports in the early 1990s for the UN Commission on Human Rights. At this point, “internally displaced persons” was not a recognized category; indeed, Deng reports that many hedged against marking the IDP as a category. “The essential thrust of the proposals contained in this study is not to create new categories of persons having special rights, but rather to extend the protections already recognized as the rights of persons in certain

situations to others in analogous situations, and thus promote a more harmonious and coherent approach to human rights” (Deng 1993a, 16). In other words, the human rights community was interested in addressing the problem of internal displacement by subsuming it under existing approaches to human rights. Human rights conventions and treaties (such as the Convention Against Torture) rely on signatory states to uphold responsibilities defined by convention. The attempt to subsume IDPs under existing conventions can be understood as a reformist approach: using existing mechanisms, conventions, and institutions, to expand mandates to address a “new problem” “as it arises.”

But internal displacement generated greater tension surrounding sovereignty because of the similarity between the refugee and the internally displaced person. What separated them, of course, was the sovereign border. In these early reports, Deng consistently bumps up against sovereignty as a *problem* for addressing the needs of IDPs. This echoes language used by former Secretary General Javier Perez de Cuellar as well as then-Secretary General Boutros Boutros-Ghali. While Deng also gestures towards a way of thinking *through* sovereignty, rather than trying to surmount it, that approach was far beyond the human rights community's capacity in the early 1990s. Thus, in these reports, we see Deng exploring – and ultimately demonstrating – the limits of thinking about internally displaced persons primarily through the lens of human rights.

Furthermore, because the IDP lacked access to food, shelter, and medicine, many were eager to address it as a simple humanitarian crisis. But in his co-authored UN report on famine emergencies, Deng lays the groundwork for thinking of internal displacement as driven by acute political conflicts rather than simply being the expected result of natural disasters. “Where the causes [of internal displacement] are natural disasters, a national consensus to provide protection and assistance is likely and the government often assumes responsibility with the assistance of

the international community” (Deng 1993, 3-4) This insight is important for several reasons: first, Deng is recognizing internal displacement by violent conflicts as a political problem, *distinct from* displacement by natural causes of immiseration. Thus, internal displacement is not simply a condition to be subsumed under traditional humanitarian approaches because when internal displacement is sparked by political conflict, the state will resist treating displaced persons as a global concern. Second, international assistance in the wake of natural disasters can be a *model* for thinking about internal displacement – states should *accept* or *solicit* aid, rather than regarding these as “domestic issues.” But this involves convincing states to act in this way; organizing an international humanitarian response in the absence of this willingness from a state will lead to little help for IDPs. And finally, contrary to Marxist and postcolonial claims that R2P excludes “natural disasters” because these are exacerbated by global capitalism (Meiches 2019, 7), the willingness of governments to accept aid in the aftermath of natural disasters is part of the model of sovereignty *embraced* by R2P. Armed coercive intervention is not necessary in cases where humanitarian assistance is consensually agreed upon or specifically requested. Drawing specifically on his work in Sudan, Deng notes: “The salient feature of both [Sudanese famine] emergencies was the reticence and denial that characterized the response of the government of Khartoum and aggravated the emergencies” (Deng and Minear 1992, 2). The problem, as Deng identifies it, lies squarely with the *denial of access* to internally displaced persons by central governments.

The denial of access to the international community, Deng notes, is due to a particular vision of sovereignty. “It is particularly in these circumstances that the protection and assistance of the international community are needed...although they are frequently difficult to provide because of the jealous defense of sovereignty by governments that are unwilling or unable to

provide equal protection to all nationals” (Deng 1993, 4). Sovereignty as identified with non-interference of all kinds, including giving aid to internally displaced persons, insists on an absolute barrier between “domestic” and “international.” Deng identifies this “traditional” conception of sovereignty as the primary stumbling block in addressing the issue of IDPs.

Treating internal displacement as a political problem would mean that, rather than straightforward humanitarian food aid, political solutions would be necessary. “Resolving the problems of the internally displaced must ultimately mean addressing the causes of displacement, which, in many instances, means making efforts toward resolving conflicts, ensuring peace and security for all, and guaranteeing the rights of citizenship without discrimination, a task that may call for international intervention with all its attendant problems” (Deng 1992, 4). This was a dramatic departure from the dominant view of humanitarianism in the 20th century, which was that humanitarian aid must be apolitical.³² Furthermore, the inclusion of “citizenship without discrimination” is another significant departure; rather than stating that all *populations* must be safeguarded, Deng is tying internal displacement to the question of *citizenship*.

Political empowerment through citizenship, rather than a revival of minority rights treaties or an appeal to an apolitical humanity, is Deng's favored approach. And Deng recognizes the ways in which stripping people of their citizenship can be used as an excuse by governments to deny responsibility for them: as I quoted Deng above, he notes that “governments that are unwilling or unable to provide equal protection to all nationals” (Deng 1993, 4) will resort to invoking their sovereign right to refuse outsiders access. In this quote, Deng uses “all nationals,” not “all citizens,” such that the denial or revocation of citizenship cannot absolve a state of its

³² Barnett 2011, though Barnett views the apolitical understanding as more of a legitimization story than an accurate description.

responsibilities to the displaced. So universal state citizenship is part of the solution to the crisis of internal displacement, and the denial of citizenship cannot be treated as a sovereign right.

Revocation of citizenship is a question that goes to the heart of statelessness: as Mira Siegelberg (2020) recounts, in the aftermath of WWI the question of whether a state could revoke citizenship, and whether other states could refuse to recognize another state's revocation of citizenship, was central to whether “stateless” could become a recognized category. A powerful faction within the League of Nations bureaucracy opposed the attempt to deny a right of revocation, arguing that citizenship was central to the institution of sovereignty, and to place internationally mandated limits on that would be to deny a distinction between national and international realms. The League could argue in favor of protecting “national minorities” by treaty, by contrast, because minority status was a protection not an individual right. Thus, we can say that when Deng argues that revocation of citizenship cannot be recognized as a sovereign right, we should interpret that as much as an affirmation of political right, rather than apolitical protection.

In repeatedly tying the failures to deal with internal displacement to sovereignty as a “problem,” Deng demonstrates the shortcomings of the mandate he was given to study internal displacement from the perspective of human rights. “Although human rights law provides a basis for protecting and assisting internally displaced persons, it does not directly address some situations affecting them, such as forcible displacement and lack of access to humanitarian assistance” (Deng 1993, 6). What the UN Human Rights Commission was looking for was an implementation strategy or set of reforms that would enable the UN to address a particular form of immiseration that it had not previously recognized as part of its purview. Deng, however, used the assignment to bring bigger questions to the fore, arguing that implementation and reform

would be unable to address the problem in the way he was constructing it. “In effect, the challenge becomes more than one of implementation and enforcement. Just as certain categories of vulnerable groups such as refugees, the disabled, women, and children, require special regimes for protection, so do the internally displaced” (Deng 1993, 9) The internally displaced person, for Deng, had to become a category – and thus a subject – in a way that existing approaches were not able to represent.

Deng was not the first person to identify sovereignty as a “problem” in this way; as noted above, two UN Secretaries General, Perez de Cuellar and Boutros-Ghali had both identified sovereignty as a “problem” for dealing with human rights. Deng would also talk about the possibility of enforcement actions necessitating “the international community to override traditional prerogatives of sovereignty” (Deng 1993, 13). He justified this approach by arguing that “where the government is not in control or the controlling authority is unable or unwilling to create the conditions necessary to ensure rights, and gross violations of the rights of masses of people result, sovereignty in the sense of responsible government is forfeited and the international community must provide the needed protection and assistance” (Deng 1993, 13). “Override” and “forfeit,” in relation to sovereignty, are stark claims of an authority *above* sovereignty. While Liberal humanitarians embraced such language, sometimes tying it to human rights as the spectre above sovereignty, Deng certainly understood that creating an expectation that the international community would override sovereignty in certain cases would make states in the decolonized world hesitant to embrace any initiative to which that was attached. And it is in this space that Deng begins to break from that approach to sovereignty as a “problem” and instead begin to think *through* sovereignty.

Internally displaced persons are the *vehicle* by which Deng challenges the “traditional”

notion of sovereignty that has taken hold in the postcolonial world. The IDP is a liminal figure who demonstrates the limits of traditional notions of sovereignty and humanitarianism. Deng's purview as representative of the UN Secretary General to the UNHCR did not include a rethinking of sovereignty as the basis for the international system. Thus, in order to introduce sovereignty into the discussion, Deng presented the question of sovereignty as *already* contested. After noting the possible need for “overriding” or “forfeiting” sovereignty, he noted that “world developments suggest that transcending sovereignty is no longer a forbidden territory for discussion” (Deng 1993, 13). While Deng first echoed the idea of sovereignty as a problem, the turn to “transcending” signals how Deng will chart an alternate course. Without noting his participation in the cited report, he writes that “The concept of sovereignty [the 1992 report argues], is becoming understood more in terms of conferring responsibilities on governments to assist and protect persons residing in their territories, so much so that if governments fail to meet their obligations, they risk undermining their legitimacy” (Deng 1993, 15). While not using the phrase “sovereignty-as-responsibility” yet, he is framing sovereign power around this notion of responsibility rather than non-interference.

How is this ultimately different from liberal threats to use force to crack down on human rights abuses? A central difference is in how the international community is framed. For human rights liberals like Emilie Hafner-Burton, the enforcement of human rights must be taken up by liberal democracies. Human rights norms are settled, and those who respect them (a list which is almost exclusively Western democracies) must protect the abused of the world. New institutions (for Hafner-Burton (2013), a “concert of democracies”) may be necessary to get past the gridlock of global participatory institutions like the UN. Alex Bellamy treats African norms and institutions instrumentally, claiming that “by the time of the 2005 World Summit, Africa had

already developed a peace and security architecture that mirrored – indeed went well beyond – the norms espoused by R2P” (Bellamy 2014, 118). What Bellamy wishes to do, however, is to appropriate that political and moral authority to legitimate a doctrine of armed coercive intervention emanating not from regional institutions themselves but from the UN.

This is not Deng's approach. As noted above, Deng clearly considers how decolonized states will understand any proposals, and understands these states are determined not to be swept along into giving up their hard won authority. Furthermore, Deng's studies of indirect rule imperialism highlight the ways in which colonial powers used pacification and exaggerated threats from others to make populations pliant to alien rule. After stoking these fears of neighbors, “colonial masters imposed a superstructure of law and order to maintain relative peace and tranquility” (Deng 1993, 114). Entrusting the enforcement of human rights to powerful states who can override the sovereign authority of others would risk re-establishing this fear based hierarchy. Thus, the first difference between Deng's approach and the Liberal humanitarian approach is Deng's emphasis on *regional* human rights instruments (Deng 1993, 5). To be respected as responsibilities entailed by sovereignty, human rights cannot be treated as norms to be “diffused” to or “enforced” on the Global South. A second important difference will be Deng's emphasis on human dignity over human rights³³ – the former of which he sees as having greater claims to universality than the latter (Deng 1990).

Throughout his analysis of IDPs for the UN, Deng uses Africa – and Sudan in particular – as a source for thinking about broader global problems, *rather* than representing Africa as a unique situation or a parochial interest. He frames his study of the dual famine crises in Sudan by treating it as a generalizable model. “Looking to the future, [we suggest] ways in which the international community, learning from the problems of relief operations in the Sudan, may

³³ Discussed below in section 4

strengthen such interventions in the future” (Deng and Minear 1992, 7). Throughout this period, Deng highlights African innovation as a model for global change – and that includes the question of sovereignty.

In the context of the end of the Cold War, many African leaders and intellectuals believed that the international community, led by the US, was likely to disengage from Africa entirely – if African conflicts were not proxies for the Cold War, but rather manifestations of “the coming anarchy” in Robert Kaplan's (1994) words, then all forms of assistance to the continent might erode. “African problems now exist in regional and national but not international contexts” Deng observed ruefully. However, this made self-help (understood as Africans helping Africans) of greater importance: “Having lost [Cold War] ties, self-reliance in resolving conflicts and encouraging economic development is increasingly imperative.” For Deng, this perception of the post-Cold War context leads to “two seemingly contradictory but in fact complementary lines of action. They are recognizing that if the world does not care much about them, they must take their destinies into their own hands. At the same time, the imperatives of global interdependence propel them to resist marginalization” (Deng 1993, 112). Thus, innovation in conflict resolution among Africans was both a form of self-help *and* offered the potential to put Africa at the center of global conversations about conflict resolution.

Deng locates OAU secretary-general Salim A. Salim at the center of this conversation, noting that Salim “has implored Africa to take the lead in building on its traditional values of communal solidarity to transcend conventional notions of sovereignty and propose peaceful resolution of conflicts and cooperation in addressing humanitarian challenges” (Deng 1993, 114). Deng places Salim in contrast with earlier nationalist invocations of “African values” which sought to strengthen the principles of non-intervention, but often also strengthened a leader's grip

on power. “Cultural self-assertions are part of this process. From the dawn of African independence, such slogans as Senghor's 'negritude,' Nkrumah's 'consciencism,' Kenyatta's 'Uhuru,' Nyerere's 'Ujamaa,' Mobutu's 'authenticity,' and Kaunda's 'humanism' have symbolized African leaders' search for cultural legitimation of their political and economic strategies. Often the slogans were rationalizations for ideas and practices adopted from foreign prototypes and dressed up in local garb,” so the simple assertion of an “African value” cannot be taken at face value.

Salim, as the head of a regional organization which aimed to foster mutual support and assistance, rather than as a nationalist leader who sought to define his own rule as the “true” cultural value, gave his claim much more credibility for Deng. Further, because the state is a foreign imposition, Salim's innovation was a way of using “cultural values” to *mitigate* the power of the state through a syncretic reformulation, rather than making state power unassailable through the invocation of tradition or culture. In a 1992 report, Salim wrote that the OAU needed to establish a clear provision for intervention by the organization into African state conflicts. “In that way, the apparent shift in the thinking of Member States on the non-interference principle will move from the realm of mere theory to actual practice” (cited in Deng 1993, 113).

Non-interference as the cornerstone of sovereignty, Deng sought to demonstrate through his work on IDPs, relieved states of responsibilities to their own populations. In focusing on Salim's attempt to weaken the doctrine of non-interference in the OAU, Deng and other African leaders presented this view of sovereignty as an African innovation *and* made clear that weakening non-interference was not simply an invitation for great powers to impose their political visions on African states while covering themselves in the name of humanity.

Throughout his anthropological work, Deng emphasized the importance of “practicality”

in Dinka traditions, and acting with an acknowledgment of existing constraints when incorporating innovation. We should regard Deng's exploration of the limits of human rights and humanitarian approaches to IDPs in a similar manner: given a mandate to propose a program of reforms and implementation strategies, Deng skillfully constructed the problem of IDPs in such a way as to resist a reformist approach. He made the colonial legacy part of the UN's understanding of post-Cold War conflict, and used his mandate to introduce a larger question: that of sovereignty. In a 1995 report prepared by Deng on behalf of the UN Secretary General, he wrote that in his role as representative “the mandate [to study IDPs] has evolved into a more focused catalytic role” (Deng 1995, 31). Addressing root causes of displacement, rather than attempting to meet needs through traditional humanitarian and human rights mechanisms, must be the UN's role. “Humanitarian assistance and the promotion of human rights cannot become substitutes for broader political efforts to advance the cause of peace, security and stability in a country” (Deng 1995, 28). Furthermore, “Neither the political will nor the resources, however, exist at the present time to support the creation of a new agency responsible for the internally displaced. It is pointed out, moreover, that internally displaced persons have needs spanning the entire range of United Nations agencies” (Deng 1995, 24). It is from this problem space from which the question of sovereignty necessarily emerges.

Sovereignty-as-Responsibility: To Remake the State and States System

Internal displacement, as constructed by Deng, was a problem that demonstrated the limits of discourses of humanitarianism and human rights under conditions of sovereign equality. Importantly, however, Deng's answer to this was not that postcolonial states did not “deserve”

“full sovereignty” – which was a common claim throughout the 1990s and 2000s.³⁴ Rather, Deng pressed the system as a whole towards a different understanding of sovereignty.

Deng sought to *remake* the states system. As I laid out in Chapter One, agents remaking structures are not themselves free of structural influence. Agents are (re)made by structures, and structures are (re)made by agents: “the simultaneity of this interaction creates difficulties for capturing both the self-reinforcing nature of structures and the ways in which people sometimes overturn social order. People consciously and unintentionally replicate and challenge institutionalized routines and prevailing assumptions” (Klotz and Lynch 2007, 7). Deng's recognition of the legacy of the colonial state structuring problems faced by the postcolonial state is precisely an awareness of this simultaneity; rather than concluding that the colonial legacy was a determinant structure, postcolonial actors remain agents in his account.

Deng recognizes the colonial legacy as a structural and epistemological conditioning of postcolonial actors. But these actors, in recognizing their situatedness, can work to remake the structures in which they live. This is very different than postcolonial and anticolonial ideas of *overthrowing* or *resisting* neoimperial structures, in which an outside position is sought. Thus, while anticolonial statesmen sought to create South-South relations as a means to escape the domination of the Global North (Getachew 2019), Deng does not see participatory institutions such as the UN as simple handmaidens of imperialism, nor does he posit South-South collaboration as a buffer against domination by the Global North, but rather as the empowerment of a more *globalized* international community. Deng's work is also different from liberal reformist approaches; for a liberal such as Keohane (2003), sovereignty should retain its post-WWII meaning, but some states may simply not *qualify* as sovereign. Deng rejects this two-

³⁴ The first powerful argument for partial sovereignty for postcolonial states at the end of the Cold War was Jackson (1990). Keohane (2003) argued for partial sovereignty on humanitarian intervention grounds.

tiered approach (which was designed to facilitate humanitarian intervention by powerful Western states) in order to recast the broad norm of sovereignty, not simply its application.

The task Deng sets forth is the *remaking* of the postcolonial state: “is Africa bound to follow the Eurocentric models which the colonial powers bequeathed to them at independence?” (Deng 2010, 2). In remaking the postcolonial state, Deng posits a vision of sovereignty around which the state system can be remade. Central to remaking the postcolonial state is recognizing and rejecting the colonial logics guiding the state form. Sovereignty as the hermetically sealed unit, hierarchical with a single locus of authority, is a European export. But this does not mean rejecting the state in toto: “even as the traditional concept of sovereignty erodes, there is no presumptive, let alone adequate, replacement for the state...Until a replacement is found, the notion of sovereignty must be put to work and reaffirmed to meet the challenges of the times in accordance with accepted standards of human dignity (Deng et al 1996, xi). The state remains the (flawed) essential partner, never fully reducible to the community.

In Deng's writings about sovereignty-as-responsibility in the mid-90s, he begins from two premises: the failure of many postcolonial (African) states, and the origins of these problems as located in the colonial state. For Deng, any conversation about state failure begins from the premise that the colonial legacy is not irrelevant – the past is not “over,” as (postcolonial critics claim) Neoliberals argue, but a different sense of responsibility emerges. In this way, Deng distinguishes himself from both Liberal interventionists and anticolonial rebels: the colonial past created problems that bequeath a burden of responsibility on the postcolonial state to address. Understanding this colonial past is key for recognizing the problems the postcolonial state faces; and because postcolonial actors are agentic, they have the responsibility to remedy these challenges. Thus, it is neither enough to say that postcolonial violent conflict, displacement, and

state failure are the fault of the colonial legacy, nor to say that postcolonial states bear all responsibility for violent conflict, displacement, and state failure.

The critique of the colonial state

Deng includes references and analysis of pre-colonial and colonial rule in his multiple writings on sovereignty-as-responsibility in the mid-1990s. This is the clearest indication that his diplomatic work is shaped by his legal anthropology, and that his whole career can be read as wrestling with the colonial legacy. As I argue in chapter two, Deng's understanding of the colonial state is heavily informed by his legal anthropology in Sudan. Thus, he is particularly sensitive to the dynamics of British indirect rule colonialism, and the ways in which it reified certain identities and attempted to make communities into isolated hierarchical units dependent on the colonial power. Importantly, however, Deng also refuses a reflexive romanticizing of the pre-colonial past: "Conflicts as they now pertain in the new states of Africa have their roots in the formation of the colonial state. This is not to say that there were no conflicts in Africa before colonial intervention; quite the contrary, conflicts were rampant and in some cases catastrophic" (Deng 1996, 221). For Deng, a recognition of the problems created by colonialism is not a call to return to a mythic peacefulness and authenticity. Rather, colonialism created a particular set of problems; to overcome the colonial legacy requires addressing how those problems underlie contemporary conflicts.

Central to Deng's legal anthropology of Dinka tribes was the recognition of their syncretic character: there was no transhistorical, authentic "Dinka-ness" which survived contact with other communities. Rather, there was a process of assimilating ideas and practices into a larger culture, such that any discussion of culture was a discussion of dynamism rather than

stasis or authenticity. While the state was a colonial imposition, Deng argues, the postcolonial state must remake itself as a syncretic entity. Thus, a pre-colonial past is *useful* for thinking about the world after colonialism, not a template for political organization.

Deng writes:

a different political and social order existed in pre-colonial Africa which involved largely horizontal relations among groups of varying levels of organization. African political systems ranged from highly centralized kingdoms to stateless societies with a segmentary lineage system. Ethnic groups interacted, cooperated, conflicted, and reconciled in accordance with the established rules of kinship and the normative code of the wider community. Over time, communities developed rules of coexistence and interrelationships embodied in local agreements or customary norms, predicated on autonomy and reciprocity. While groups jealously guarded their lands, borders remained porous and neighbours interacted as economic activities dictated and in accordance with established rules of conduct (Deng 1996, 222).

Political and ethnic communities have always interacted: according to Deng, the “strict” sovereign boundary was not part of any African political tradition. It was only with the theoretical basis of indirect rule, pioneered by Henry Maine,³⁵ that the idea of the isolated “authentic” community came to dominate thinking about non-European peoples. Indirect rule colonialism created the need to identify an authentic culture, and remake these societies hierarchically with a strong ruler at the top to enforce this authenticity and to enforce an isolation to protect that authenticity. Francis Deng's father, Deng Majok, (unevenly) played this role for the British among the Ngok Dinka.

This reformation of traditional life was the basis of “the colonial state, with its rigid borders and centralized structures and procedures.” This imposition of the state “tore apart regional ethnic groups and affiliated them with other groups. But while these groups were supposedly united by incorporation into the modern state, they were kept apart. Indeed, their

³⁵ See Chapter 2.

relations were manipulated as part of the divide and rule strategy of colonial domination” (Deng 1996, 222). Colonialism's obsession with classification also had consequences for economic distribution. “During the precolonial period, when in many areas the concept of the state in the European sense had not yet been instituted, communities coexisted and interacted horizontally on the basis of relative parity and mutual accommodation in the common interest.” However, “The formation of the centralized state system that became responsible for the distribution of power and resources shifted the focus away from local arrangements...This introduced into the equations of power at all levels elements of stratification that had not existed in precolonial times” (Deng et al 1996, 67). Thus, in addition to introducing hierarchies into communities, indirect rule colonialism also created hierarchies between communities. The advantages that various communities received under colonialism would be new sources of conflict after decolonization.

It was this colonial reification and isolation of tribalized and racialized identity that fueled the identity-based conflicts in the 1990s, *not* “ancient hatreds” – indeed, the idea of these identities as hardened and ancient was itself a *product* of the colonial legacy. This also pits Deng against leading Liberal interventionists at the time: in arguing in favor of humanitarian intervention to stem the tide of nationalist-based internal conflicts, Stanley Hoffmann (1997) treated nationalist identity simultaneously as toxic and anachronistic. For Hoffmann and other liberals, nationalism was gasping a dying (and dangerous) breath, and Liberal values needed an (armed) nudge to overcome it. The post-nationalist Liberal future would be cosmopolitan, with identity related to civic ideals rather than nationality, ethnicity, race, or creed. Deng certainly recognizes that identity can be weaponized for power and in conflict, but he resists stigmatizing these forms of identity as constitutive of political organization, and instead wants to dig into how

they are constituted and deployed.

This isolation of identities from each other was a strategy of rule by British colonizers, and now the postcolonial state is living with its aftermath. “It is widely recognized that the problems in Africa have their roots in state formation and the challenge of nation building. The system was first intended to serve the interests of the colonial powers. Independence granted political autonomy to the colonies while maintaining their linkage to the economies of former colonial powers through trade, investment, and largely tied aid” (Deng 1998, 138-139). For Deng, the problem of the postcolonial state begins with its inheritance of the colonial state that was meant to serve others. Here he is in agreement with many anticolonial and postcolonial thinkers, and the contrast is strongest with liberals who claimed “the past was over” as well as with those who saw identity-based conflict as a matter of “ancient hatreds.” It is in his analysis of the postcolonial state where Deng breaks solidly with most anticolonial and postcolonial thinkers.

The critique of the postcolonial state

Deng, however, is not content to assign blame to colonialism for the origins of postcolonial problems. He writes that “however external their sources or continued linkages, the primary responsibility for solutions, especially in the post-cold war era, fall first on the Africans themselves. The time has long since come to stop blaming colonialism for Africa's persistent problems” (Deng 1998a, 139). This is a stark statement, seemingly at odds with the portrait I have drawn of someone continuously wrestling with the colonial legacy. Indeed, taken in isolation, this might seem to confirm Jessica Whyte's thesis (2017) about R2P as Neoliberal

responsibilization – making postcolonial states “responsible” for violence within their borders, with no consideration of colonial legacies.

Deng's statement is different in important ways from Whyte's critique of the Neoliberal erasure of the colonial past in service of making postcolonial states *responsible*. We can think of Deng and Whyte as employing two different meanings of “responsibility.” For Whyte (and Said, upon whom she draws), Neoliberalism makes postcolonial states “responsible” by claiming that the past is over, and that conflicts and catastrophes in the postcolonial world are simply homegrown and not the legacy of centuries of oppressive imperial rule. Deng does identify postcolonial states as responsible, but “responsibility” in this sense is not because there is no past. Rather, postcolonial states are responsible because they are *agents* and thus must work to escape the legacy of the colonial state. Anticolonial and postcolonial theorists also sought to portray these actors (states, civil society actors, communities, intellectuals, etc) as agents, but theorized that escaping the colonial legacy would take the form of resisting continued domination from the Global North. Internal aspects of the colonial legacy, prior to Mamdani's (1996) pioneering work, were frequently associated with a Western educated colonial elite.³⁶

For Deng, the internal structure of the postcolonial state – its reliance on “strict” sovereignty, its approach to ethnicity, and its jealous centralization of all functions of society under its own power – is part of that colonial legacy, but which has been adopted by postcolonial state actors to further their own power. “The irony, however, is that the principal modern agent of Africa's political and economic development and the interlocutor in the international arena is the state, itself a creature of foreign intervention” (Deng 1998a, 139). While state borders were the

³⁶ The classic version of this argument is made by Frantz Fanon in *The Wretched of the Earth*.

most outwardly recognizable colonial aspect of the postcolonial African state, its internal structure also preserved colonial organization.

In the immediate aftermath of decolonization, several regions – not exclusively ethnically or racially defined – attempted to secede from the newly formed states to pursue their own “self-determination,” most prominently the Anyanya rebellion in southern Sudan and the Biafra war in Nigeria. Anyanya and Biafra represented two different approaches to identity. Anyanya was racially Black, made up of diverse tribes from the South, against a central government drawn heavily from the Arabic north. By contrast, many outside observers questioned whether a “Biafran people” existed outside of the claims by the Biafran rebel leaders (Heerten 2015). However, Deng’s anthropology should caution us about the “obviousness” versus “inventedness” of these identities. He uses Ngok Dinka history, occupying a space intersecting the North and the South of Sudan, to demonstrate that both race and ethnicity were colonial projects, and that such identification is tied to particular strategies of governance. As Deng treated the Dinka region as a microcosm of Sudan as a whole, he concluded, “Sudan is an example of a context in which applying racial or ethnic standards is particularly problematic. The Sudanese, who are commonly referred to as Arabs, are primarily Africans who speak Arabic...The Northern Sudanese claim to be Arab race can only be valid for a negligible few. And yet it is one of the factors in the overwhelming identification of the North and the country as a whole with Arabism, and one of the major reasons for conflict with the South” (Deng et al 1996, 64). Thus, we should be wary of any argument that treats an “invented” identity like Biafran as somehow less authentic than one of the identities reified by colonial rule. Indeed, Deng would go on to argue that “one of the ironies of the Sudanese situation is the extent to which identities are both malleable and rigid...The ambiguities of identity are potentially both acutely divisive and bridging” (Deng

2010a, 163).

Aware of the potential instability from identity-based claims for self-determination, early postcolonial African states simply agreed to abide by the colonial borders. “The demand by regions and ethnic groups, not only to control their own affairs through decentralization but also to participate at the national level on equal footing, was perceived by the power elite as a threat to the unity of the country...The threat that these demands posed for the unity of the newly independent African countries prompted the Organization of African Unity to adopt the principle of preserving the colonial borders against any demands for secession or self-determination” (Deng 1996, 223). This was done ostensibly to create stability and order, from which these states could organize as new, self-reliant units. However, “In most African countries, the determination to preserve national unity following independence provided the motivation behind one-party rule, excessive centralization of power, oppressive authoritarian regimes, and systematic violations of human rights and fundamental liberties. The participatory decisionmaking in African society was later alluded to by nationalist leaders to justify the one-party system, the rationale being that since Africans traditionally sat and debated until they all agreed, the multiparty system was antithetical to African culture” (Deng 1998, 145). Using “culture” as a veil, many states entrenched themselves in power, jealously guarding all functions of civil society and regional authority as solely the purview of the central government.

Identity became the primary source of unmanageable conflict for the postcolonial African state. This cannot be surprising: among states previously ruled by many forms of 19th century colonialism (certainly British, Belgian, and French), the emphasis and management of difference was a colonial governance strategy. To then press together into a supposed nation-state these disparate identities that had been fostered and rewarded – though simultaneously kept separate –

under a previous system created tensions and conflicts the world over. Africa, in particular, had many overlapping identities which colonial powers had used to command loyalty to “local” rulers. “Given its centrality and pervasiveness, ethnicity is a reality no country can completely afford to ignore. As a result, African governments have ambivalently tried to dismiss it, marginalize it, manipulate it, corrupt it, or combat it. But no strategic formula for its constructive use has been developed” (Deng 1998, 145). In numerous postcolonial states, such as Nkrumah's Ghana and Nyerere's Tanzania, the state attempted to marginalize and stamp out ethnicity as a source of political affiliation or loyalty. Other states, such as Bashir's Sudan, attempted to unify the state under a single identity, be it ethnic, racial, or religious (or some combination of the three).

In addition to being a simple way of identifying enemies of the regime, salient identities became shorthand for graft and a substitute for state capacity building. Rewarding supporters was a substitute for building state institutions. This tied power even more closely to identity, further raising the stakes in conflicts over identity. And it made the state less responsible to its broad population. “In many parts of Africa, the threat to human dignity is often rooted in the politics of identity and competition for power and scarce resources, which often clash with the demands of nation building....The crisis of national identity emanates not only from the conflict between the exclusive and the inclusive notions of identity, but also from the tendency of the dominant, hegemonic groups to try to impose their identity as the framework for the national identity and a basis for power-sharing and resource allocation” (Deng et al 1996, 20).

Importantly, even where corruption was not a motivator, patronage government could still be a rational response of the state in the face of scarcity. “There is always strong pressure on elected politicians to become benefactors to their kin-group or ethnic constituencies, whether financially

or in terms of social services and development projects...the abuse of power for the acquisition and private disbursement of wealth under those conditions, rather than being the result of indigenous propensity toward corruption, may well be the outcome of felt need caused by the demands of new standards of living in the midst of a scarcity” (Deng 1998, 153). When the state does not have the capacity to ensure an equitable distribution of resources for all its citizens, the “responsibility” felt by some leaders will be not to the state as a whole, but to those with whom they most closely identify.

Consignment to minority status could thus mean immiseration or persecution. “In most African countries the population is a conglomerate of many ethnic groups, which makes it difficult to speak of majority and minority...groups that find themselves threatened with a minority status would rather resist incorporation into such a stratifying national framework” (Deng 1998, 141). When the postcolonial state enshrined an identity as the “authentic” identity of the state – even where it was not a numerical majority – the lack of institutions which might facilitate political contestation exacerbated conflict. By mythologizing the notion of national unity, these states did not develop political mechanisms for resolving conflict that was the result of competing demands from different identity or civil society groups, and could only recognize such conflict as a threat to national unity. The postcolonial state, in this account, had no means for successfully managing “internal” conflict in a political context. Thus, there was simultaneous pressure on the state to engage in repression to “unify” the population, and on “minority” (or simply alternative) identity groups to pursue their interests through violent means.

Internal displacement due to violent conflict thus became a crisis in postcolonial Africa. Sovereignty was the mask behind which both repressive governments and the international community hid: both could claim that this was merely a “domestic” issue, and of little concern to

the international community. Humanitarian aid was sometimes accepted (though, as Deng points out, in some cases it was rejected) by central governments, which created a new paradox of dependence. “Perhaps the most conspicuous aspect of the crisis [of internal displacement] is that by uprooting such large numbers of people, they, and ultimately the nation, are deprived of their resource-base and capacity for self-reliance. They must therefore depend on international humanitarian assistance for basic survival. Such assistance, while pivotal in saving lives, may also have the effect of encouraging dependency and undermining development as a self-generating and self-sustaining process from within” (Deng 1996, 219). Persecution and dislocation further undermined the stated goal of self-sufficiency, both for the displaced persons who had no choice but to rely on international assistance, but also for the state, which could not draw upon the productive power of large portions of its population.

It is important to return to the distinction between *responsibility for* and *caused by*. The underlying causes of the problems of the postcolonial state outlined here lie with the colonial state. But in Deng's account, responsibility for addressing these problems lie with the postcolonial state. This is a statement of agency – the structure left by colonialism is not determinative. It falls upon the postcolonial political community to remake the state such that it can address the problems the colonial state created. Ultimately, this argument is anti-fatalist: Africans can remake their states, and in doing so *remake* the structure of the states system. The system itself is not a structure which, absent resistance from an outside point, will crush attempts at substantive change. If the outcome of the postcolonial state is state failure, internal displacement, corruption, and immiseration, the responsibility for that lies with the postcolonial state – just as the responsibility for overcoming these weaknesses also lies with the postcolonial state.

A new path for sovereignty?

Sovereignty-as-responsibility begins as an argument for the need to re-define “the state” in Africa, not simply its borders. The crisis of internal displacement is an entryway for thinking about the ways in which “traditional” sovereignty masks many postcolonial African states' failure to be a functioning state responsible to all its people. Because there are so many forms of identity, as well as overlapping and dynamic identities, simply cleaving off new states from colonial constructs in order to give every possible communal “self” the right to self-determination would not end identity-based conflict – indeed, it would likely exacerbate such conflict because there would be a strong incentive to make a preferred identity “incompatible” with the state in which it resided. In essence, sovereignty-as-responsibility is about the problem of state building in a world *after* the nation-state.

Rethinking the meaning of sovereignty in Africa, it is important to note, is not simply a regional or parochial interest. The other aspect of sovereignty-as-responsibility is to rethink how the international community more broadly understands sovereignty. Importantly, the sovereign state system is a *system* – and systems are conventional. Thus, rules for entry and recognition can be created and modified. Deng is using the problem of postcolonial state conflict in Africa to rethink the rules of the system as a whole. The grounding of sovereignty in responsibility carries with it a corollary responsibility: if the states system is founded on sovereignty, then the states system carries a reciprocal responsibility to its members. When sovereignty is defined primarily as non-interference, that responsibility is to respect a state's sovereignty as a boundary. But when sovereignty is conceived of as positive responsibilities to a people (or peoples), the system as a whole becomes secondarily responsible to populations (since the state carries the primary

responsibility). This does not mean that the international community can simply use its secondary responsibility to engage in armed coercive intervention: rather, it means that in times of crisis (such as massive internal displacement), the international community cannot simply categorize the crisis as a “domestic problem.” What the international community's responsibility entails will differ based on the crisis; it is not a one-size-fits-all proposition (contra Getachew 2018) nor a pretext toward armed coercive intervention or invalidation of state agreements (contra Mamdani 2011).

Central to this rethinking is the idea of making the postcolonial state into a syncretic entity. The sovereign nation-state was a poor model for the postcolonial state to adopt, but the world is still made up of states so some form of state needs to be embraced – not an imagined pre-colonial communal structure, nor an internationally mandated “quasi state” (Jackson 1990). To construct “a nation on indigenous identities, structures, values, institutions, and heritage does not mean a return to the past. Instead the concept envisages a dynamic reinterpretation and transformation of tradition as a foundation and a resource for promoting a transitional integration that is self-reliant and self-sustaining. This would make development a process of self-enhancement from within” (Deng 1998, 152). Africans as agents can work to create the new reality of states, and this process of creation is in itself an emancipatory project. “There can be no question that Africa stands to benefit from cross-cultural fertilization, but that should mean what the word says: synergizing the positive aspects of the interactive culture and related value-systems” (Deng 2010, 3). Importantly, syncretism is not simply derivative.

In Deng's argument, restructuring the state may mean accepting certain universal ideals for states but being open to different institutional and procedural norms informed by local histories and customs: “all African countries strive in varying ways and degrees to transcend the

simplistic Eurocentric model constitutions and principles of constitutionalism which assumed a degree of homogeneity with hardly any regard to the specificities of the African context, its cultural values, institutions, and patterns of behavior” (Deng 2010, 1-2). For both human rights and democracy, Deng wants to avoid fetishizing or valuing a particular process, and instead think about the ways in which the underlying values might be approached from a variety of cultural backgrounds. For human rights, this means focusing on values of dignity – evidence of which can be found across cultures – rather than necessarily an enumerated set of institutionally ratified rights. “To argue for the principle of universality is not to deny the significance of the cultural context for the definition, the scope, and the degree of protection of human rights...its is by seeing human rights concretely manifested in a particular context that we can fully appreciate their form and content in a comparative framework” (Deng 1990, 261). Thus, while Dinka societies had no pre-colonial conceptions of rights, Deng identifies Dinka values such as *cieng* as consistent with a universalist sense of dignity.³⁷ Urging postcolonial states to promote and enshrine such local values when they are consistent with universal or transnational principles is thus different from “cultural arguments” that were deployed in some postcolonial states to resist broader values and entrench certain groups in power. This approach also resists the norm distribution model of human rights, in which norms originate in a particular place (usually in the West) and are then “taken up” when actors in other areas accept the legitimacy of the norm and adopt it (in the process, confirming their own legitimacy).

In terms of democracy, Deng urged an approach that would promote broad inclusion in the political process with a goal of consensus, but resist “winner take all” elections. “The quest for consensus becomes the key to conflict prevention, management, and revolution. Western-

³⁷ Here the influence of the New Haven/Yale jurisprudence, in particular Deng's adviser Harold Lasswell, is most clear. Lasswell's approach sought to find empirical evidence of universal values of human dignity, rather than consigning dignity to metaphysics.

style democracy of the vote, with the 'winner take all' outcome, runs counter to the African indigenous principles of power-sharing and conciliation, and therefore cannot be a basis for conflict resolution in the African cultural context” (Deng 1996, 226) Indeed, African-led attempts at conciliation in the aftermath of violence stemming from winner-take-all elections provide perhaps the one “success” case for R2P thus far.³⁸ In the aftermath of Kenya's 2008 post-election violence, in which incumbent president Mwai Kibaki's supporters rampaged through Kikuyu settlements and killed indiscriminately, the UN engaged the conflict as an R2P emergency but did not call for armed coercive intervention. Rather, former UN Secretary-General Kofi Annan, himself from Ghana, led reconciliation talks between Kibaki and his challenger, Raila Odinga.

Deng observes that reconciliation through discussion, rather than punitive action or submission of one side, has a strong basis across African cultures.³⁹ “In the African cultural context, because of the family and kinship orientation of society, where people in conflict are expected to settle their differences and resume cooperative, interpersonal relations, methods of conflict resolution aim at consensus and reconciliation... 'Talking it out', even after a bitterly violent dispute, is a prevalent aspect of African settlement of disputes” (Deng 1996, 221). Both punitive and winner-take-all systems discouraged buy-in from minority identities, which hampered the process of postcolonial state building in Africa.

The tendency of the international community to treat humanitarian crises and violent conflicts as isolated moments, rather than as manifestations of deeper rifts, meant that the causes of internal conflict in Africa were allowed to hide under the veil of strict state sovereignty.

³⁸ See Thakur, 2011 for a detailed argument for why the Annan-led talks in Kenya were a case of R2P, and why it may be regarded as a success.

³⁹ There is an ironic parallel to Mamdani's (2020) argument for why the South African Truth & Reconciliation process was successful in preventing outbreaks of mass violence, while the partition of South Sudan fueled mass violence. In the former, punitive measures were not held out as a looming sanction for a particular identity group. However, the international community beyond Africa was much more involved in the creation of South Sudan, thus colonially -informed racial categories became the basis for assigning political power in way that did not happen in South Africa.

“What needs to be underscored in the discussion of the normative factors of nation-building is that as long as the root causes of conflicts are not addressed and the framework for consensus within the nation-state is not consolidated, conflict, whether potential or actual, will remain a threat to nationhood...To favour harmony and peaceful interaction is not, or should not, be to support a problematic *status quo*” (Deng 1996, 221). Restructuring the state, Deng holds, is indispensable for thinking about conflict resolution and responsibility in postcolonial Africa.

This culturally syncretic approach distanced Deng from both emerging discourses around human rights and the democratic peace, both of which sought to make foreign imposed regime change (FIRC) part of an international arsenal to enforce compliance. The responsibility of the international community Deng envisioned did not include armed coercive intervention or FIRC in service of either human rights or democratization. The latter is of particular importance: the democratic peace became a justification for American politicians to advocate FIRC, and was a secondary justification for the 2003 Iraq War.

Francis Deng is an excellent case for examining the ways in which colonially-informed sovereignty and the nation-state were being challenged across Africa in the 1990s and 2000s. Neither Deng, nor Salim, were alone in their convictions, nor did they work as solitary actors. The Conference on Security, Stability, Development, and Cooperation in Africa (CSSDCA) in conjunction with the African Leadership Forum (ALF) promoted the Kampala Document, in what Olusegun Obasanjo referred to as “a second wave of liberation struggle, this time against internal domination” (Obasanjo 2001, xiv). The Kampala Document recognized the sovereignty of each African state, but in a marked shift away from the OAU's conception of strict sovereignty (which Salim as OAU secretary-general challenged), also recognized the interdependence of security, stability, and development of African states. According to this vision for Africa, “The

key to security...is the responsible exercise of state sovereignty, in the absence of which cooperation among neighbors is required to deal with internal problems and conflicts” (Deng and Zartman 2002, 8). While Deng was a member of the ALF, he was one of several on this “council of elders,” and not acting alone.

Further, the disbanding of the OAU and the establishment of the African Union (AU) in 2002 demonstrated that the principle of non-intervention was losing popularity among African states. As noted above, the OAU was founded in part to secure the principle of non-intervention. By contrast, Article 4(h) of the Constitutive Act of the African Union established the legitimacy of an AU-led intervention into African states. Taken together, the CSSDCA and the AU point to ways in which Deng's ideas were both taken up in Africa, as well as demonstrating that he was not a *sui generis* figure, but part of a larger movement from the Global South challenging the sovereign state.

Conclusion

At negotiations over the implementation of R2P at the UN in 2009, Maged A. Abdelaziz, speaking on behalf of the Non-Aligned Movement (NAM), issued a statement re-affirming the adoption of R2P as UN doctrine through the 2005 World Summit document, while also expressing concern about the doctrine's potential for abuse. This was a significant stance: institutional opponents of the R2P, such as General Assembly president Miguel d'Escoto Brockmann, and delegations from Cuba, Venezuela, and Iran, insisted that the paragraphs 138 and 139 of the 2005 World Summit document did not establish R2P as UN doctrine, and moved to send the discussion into committee (where it could be interminably blocked) rather than before the General Assembly.

The statement on behalf of the NAM included two important points for thinking about R2P both beyond intervention and as the result of innovation from the Global South. First, noting the unease that even some supporters harbored, the statement argued: “In order to build consensus on the way forward, there must be clarity on what needs to be done, based on our agreement that each individual State has the responsibility to protect its populations. Capacity building is key in this regard in order to allow States to shoulder this responsibility, and allow the international community under the umbrella of Chapter VIII of the United Nations Charter to support their efforts, as necessary and appropriate, and to assist those States which are under stress before crises and conflicts break out” (Abdelaziz 2009, 3). State capacity building, as I have argued in this and the previous chapters, is not a matter of neoliberal structural adjustment but an emancipatory strategy for postcolonial states emphasized by Francis Deng. Sovereignty-as-responsibility, in focusing on the question of sovereignty rather than intervention or human rights, addresses problems by simultaneously considering state capacity and responsibility, as well as the responsibility of the international community to every state's people. Though “sovereignty-as-responsibility” is never named in official R2P doctrine, state capacity building is clearly an outgrowth of Deng's conceptualization of sovereignty.

Second, the NAM statement noted that R2P and its constituent features were the result of African innovation: “the African Union is a pioneer in implementing R2P due to its particular historical experience. The conditions for implementation are clearly stipulated under Article 4 (h) and (J) of the Constitutive Act of the African Union, namely in order to restore peace and security upon the request of the State, and only pursuant to a decision by the Assembly of the Union. To date, the African Union has dispatched two operations, both upon the decision of its Assembly” (Abdelaziz 2009, 3). Locating the positive example of the genesis of R2P in the

African Union (AU, a successor organization to the OAU) locates both the innovation in sovereignty and institutional implementation in the Global South.

The 2009 statement from the NAM helps us to understand the impact of Deng's work, and also gives voice to an understudied side of R2P. In carefully reconstructing Deng's work – first his legal anthropology, then on IDPs, and finally sovereignty-as-responsibility – we can trace a significant innovation in the state system to its roots in the postcolonial world. While other studies (notably Weiss 2007 and Bellamy 2011) frame R2P as a particular approach to humanitarian intervention emerging from the aftermath of NATO's Kosovo campaign in 1999, such accounts cannot explain why the doctrine eventually drew widespread support in the Global South (beyond a cursory mention of Deng's diplomacy prior to the 2005 World Summit) and downplay the role of state capacity building. The 2009 NAM statement in support of R2P, however, demonstrates that important actors from the Global South promote an understanding of R2P which is rooted in Deng's vision of sovereignty, not the ICISS nor that of the major powers' approach to intervention.

In a critique of the postcolonial intellectual, the South African writer Fetson Kalua argues that after decolonization too many intellectuals became servants of regimes. Rather, the intellectual must be a transformative thinker: “Such transformations should focus on amelioration in realms such as physical development, education, health, human rights, identity, various freedoms, and several spheres of life. In a word, rather than being sterile or non-creative technocrats, genuine intellectuals are people who are imbued with and have learnt to cultivate the spirit of impartiality and justice as the founding principles or ideals of a stable society” (Kalua 2020, 29). Rather than focusing on being an effective international bureaucrat in a structurally

unequal world – and treating internal displacement as a matter for technocracy – Deng's challenge to sovereignty worked to upend colonial assumptions that fueled modern conflict.

CHAPTER 4: RETHINKING THE POSTCOLONIAL

In earlier chapters of this dissertation, I demonstrated that Francis Deng's work on internal displacement and sovereignty-as-responsibility are innovations in thinking about the broader constitution of sovereignty, as well as a challenge for how to theorize from a comparative perspective. In this final chapter, I argue that Deng's work directly intersects with a multitude of problems in contemporary political theory. Bringing Deng's work, both his legal anthropology and his diplomatic work, into conversation with these problems in political theory becomes an opportunity to think comparatively. Second, I argue that my close examination of his work grounds a broad critique of postcolonial theory today. In particular, the "tragic structuralism" I identified as guiding much postcolonial political theory would reduce Deng to either an irrelevant figure working to ameliorate overwhelming structural forces, or else directly collaborating with those structural forces. In bringing my close reading of Deng into conversation with his postcolonial critiques I challenge the latter interpretation, and in recuperating his vision of sovereignty-as-responsibility for a post-intervention order I work to challenge the former. In essence, I begin by bringing Deng into conversation with political theorists of statelessness who have not read him, and I end by critiquing political theorists of neoimperialism whom I argue have *misread* him. In this way, the structure of this chapter mirrors the progression of Deng's career – beginning with statelessness, and moving to sovereignty.

While liberation and emancipation from colonial rule in the 20th century were revolutionary achievements, the fact of durable inequalities between states and the internal weaknesses of newly decolonized states prompts many theorists to look beyond the fact of legal sovereignty towards other structures ordering the world. Simply being "against" the domination of colonial alien rule could not, from this perspective, constitute an emancipatory politics

because of the myriad ways in which domination persisted.

Several important theorists working in the context of decolonization identified the spectre of continued domination as neocolonialism or neoimperialism (e.g. Nkrumah 1964, Gunder Frank 1967, Rodney 1972). However, following the linguistic turn in continental theory, postcolonial theory largely rejected the structural assumptions undergirding Marxist-inflected approaches to domination. To speak of “colonized people” was to accept colonial constructions of subjectivity, to begin from an always already colonized premise. Undoing the colonial formations of knowledge is, according to postcolonial theory, essential to any emancipatory project. However, 20th century Marxism remains part of postcolonial theory's intellectual heritage. In this chapter, I argue *inter alia* that a remnant of Marxist structuralism finds expression in postcolonial theory's approach to global structures of power.

I argue this persistent form of structural thinking in postcolonial theory comes from a Marxist conception of (primarily economic) power, and this ultimately frames resistance against domination as resistance to a structural force. Because of this conceptualization, Global South agency in postcolonial theory is largely conceived as resistance from an outside position, rather than remaking from within. Persistent global structures are totalizing, rather than being continually reshaped by agents, and can only be resisted or overthrown. This view of structure is most clearly visible in postcolonial theory's preservation of the idea of colonial dependence continuing to structure a binary between states of the Global North and the Global South. Thus, instead of structure and agency as mutually constitutive, structure shapes agents but agents cannot significantly alter structure beyond attempting to overthrow or escape it. In this section I draw on Robert JC Young (2001/2016) and Ania Loomba (1998) to ground my argument about postcolonial structuralism, and then examine how Gayatri Spivak (2003) and Himadeep

Muppiddi (2004, 2012) ultimately recreate this binary even as they seek to undermine it.

I argue that postcolonial critiques of sovereignty-as-responsibility and the Responsibility to Protect exist at the intersection of a structurally determinist approach to global power *and* an attempt to rethink “the global.” Here I detail how three postcolonial critics of R2P and sovereignty-as-responsibility – Adom Getachew, Mahmood Mamdani, and Jessica Whyte – draw on major themes in contemporary political theory to ground their critiques. Detailing how these critiques ultimately misperceive sovereignty-as-responsibility and R2P opens a broader path for the argument about the mutual constitution of structure and agency that I pursue in this dissertation project, demonstrating that debates surrounding sovereignty-as-responsibility and R2P can be vehicles for critique, rather than simply narrow topics. Thinking comparatively, with a focus on African experience and thought, provides alternative ways of thinking about these as *problems* in political theory.

Statelessness in Contemporary Political Theory

The abundance of secondary literature on Hannah Arendt since the 1990s has brought the issue of “statelessness” into wide conversation among political theorists (among many, see e.g. Benhabib 2018, Hayden 2009, Owens 2007, Villa 1999, Benhabib 1996). Statelessness, as discussed by Arendt in *The Origins of Totalitarianism*, was the phenomenon by which people (Jews in particular) lost their standing as citizens of states without either leaving the state or intentionally renouncing their citizenship. Statelessness, in this formulation, is describing much the same concept as “internally displaced persons.” However, as Anne Phillips notes, secondary literature on “statelessness” that uses Arendt as a starting point often misses the meaning of statelessness – instead looking at other forms of displacement like refugees: “refugees are not

stateless: they are citizens trying to escape their current citizenship, and living in fear of being returned to the dubious ‘protection’ of their states. The increasing use of Arendt’s writings about statelessness to analyse the current situation of refugees is then somewhat odd” (Phillips 2015, 65n42). Just as the IDP had to be conceptualized because this figure was not covered by international law of refugees, stateless Jews (in Arendt’s formulation) were different than the refugee Jews who escaped the European nation-states that stripped them of citizenship.⁴⁰

More recently, several works in political theory (e.g. DeGooyer, et al 2018, Gordon 2019) intentionally seek to “expand” our understanding of statelessness to include not just refugees (who are, as noted above, not traditionally understood to be stateless), but also forms of migrant labor, oppressed minorities, as well as “degrees of statelessness,” without addressing the core idea that Arendt sought to address in *The Origins of Totalitarianism*.⁴¹ As part of critiques of neoliberalism and/or capitalist Modernity, “statelessness” as a specific category is abandoned and instead theorized as a condition under capitalism. In their introduction to a co-authored volume on Arendt’s “right to have rights,” Stephanie DeGooyer, Alastair Hunt, Lida Maxwell, and Samuel Moyn define statelessness as a loosely defined group:

The most conspicuous group in this predicament are, of course, the migrants and refugees who have been forced by violent conflict or climate change to flee their homelands and seek asylum in other countries... Those without functioning citizenship, however, also include the millions of undocumented immigrants, or *sans papiers*, who reside in countries without holding the legal permission to do so. A smaller but no less significant group includes those currently held in indefinite detention without trial by supposedly civilized governments. Yet another group comprises ordinary workers of many western nations who, although legally citizens of the country in which they live, find their ability to access the full range of citizens’ rights threatened by the assault of neoliberal market fundamentalism on public institutions” (DeGooyer et al. 2018, 3)

Nowhere in the volume do the authors mention IDPs as a category of “stateless.” Defining

⁴⁰ Arendt’s essay “We Refugees” discusses this latter phenomenon, and is wholly separate from her discussions of statelessness.

⁴¹ A notable exception to this trend is Mira Siegelberg, *Statelessness: A Modern History* (2020)

statelessness in such a fashion contributes to an erasure of IDPs, as well as to the erasure of *theorizing* IDPs. If statelessness is merely a condition that many face due to neoliberal market hegemony, then the phenomenon of internal displacement is swallowed by an indictment of how states (primarily in the Global North) fail to care for those in need.

There is a double irony at play: by obfuscating not only the phenomenon of internal displacement, but the scholarship and diplomacy concerning IDPs, this expansion of “statelessness” does not engage with a broad body of literature on internal displacement from the Global South at the same moment that other scholars highlight the Eurocentrism and racial blindness in Arendt’s *The Origins of Totalitarianism* (e.g., Temin 2019, Gines 2014, though the first major criticism along these lines was Norton 1995). Thus, it is not simply that these scholars failed to engage a particular set of texts or literatures; rather, in rewriting the concept, they contributed to precisely what has been critiqued in Arendt’s own work. Deng’s (and others’) work on IDPs are an opportunity to think comparatively about this issue of statelessness, to engage African thinkers on worldly matters.

On the other hand, the definition and use of statelessness has also been broadened by Jane Anna Gordon (2020), working in the Caribbean thought tradition which centers Black diaspora voices. The paradigm of the colonial plantation as emblematic of capitalist Modernity, central to Caribbean thought (popularized by the revival of CLR James’ *The Black Jacobins*, see in particular Scott 1999) is an important correction to theories of capitalist Modernity that posit its development as limited to continental, as opposed to colonial, Europe. However, the overly broad definition of statelessness, as well as the idea of imperial slavery and capitalist modernity as mutually constitutive, means that this theory does not travel well even across colonial contexts.

In delineating “three primary modes of producing stateless people,” Gordon includes, first, the formation of “Euromodern nation-states, distinctive regional groups that had long lived semi-autonomously were forcefully incorporated into centralized, homogenizing states” in which she includes the formation of the American state, reading Amerindian tribes as effectively and affectively stateless. The second historical process for producing statelessness in her formulation is the aftermath of WWII, in which “millions of people were pushed outside of the nation-states in which they had resided, with literally nowhere to go.” But it is her last category which is most novel (and troubling): “all groups, even the enfranchised, become marked by *degrees of statelessness* through which the concrete value of political membership is eroded” (Gordon 2019, 2). Again, statelessness becomes a *condition of modernity*, rather than a specific phenomenon. And in constructing this condition of modernity, internal displacement is entirely absent.

In grounding her approach, Gordon fails to recognize the IDP and both the diplomatic and scholarly work relating to this category.

Until 2014, for scholars of statelessness, it was the failure to discuss the phenomenon of stateless – or this issue’s “*(non)emergence*” – that required explanation...it previously received, at best, episodic and limited organizational attention devoted primarily to Europeans displaced in the World War II era and in the 1990s as Soviet-era successor states claimed independence...Despite such challenges, 2014 inaugurated what Kristy Belton called ‘a veritable sea-change’. The First Global Forum on Statelessness was held at The Hague (Gordon 2019, 3).⁴²

This timeline erases important work on internal displacement that was spearheaded by postcolonial, and particularly African, thinkers and diplomats,⁴³ and it treats international thought and legal regimes as static in the wake of World War II.

Gordon posits a continuity between statelessness and slavery under neoliberal capitalism.

⁴² A possible explanation for this curious timeline may be that Gordon is looking explicitly for the term “stateless,” rather than international legal work and scholarship addressing the phenomenon.

⁴³ See chapter 3 of this dissertation

One of the book's greatest merits is reclaiming the idea of modern slavery as a problem of labor, against the politics of transnational evangelical Christian networks which use the language of slavery to shutter brothels in order to push sex workers into sweatshops. Gordon forces her readers to think about the ways in which denial of consent and abuse of the body without recourse are normalized under capitalism. There is much to commend in this work, but the use of "statelessness" in this formulation – while denying the existence of extensive scholarship and diplomatic work on the phenomenon – ultimately obscures global injustices as much as it illuminates others.

Further, Gordon posits a unique interrelation of capitalism and imperial slavery, which she argues is unique from pre-Modern forms of slavery. She gestures first to Greek and Roman slavery, then Islamic slavery in Cordoba and Medina, as examples of how different "non-imperial slavery" is from the plantation paradigm. Colonial-capitalist slavery is both unique and constitutive of capitalist Modernity.

But one may read the history of slavery in Sudan as disrupting this narrative arc. In the anti-colonial Mahdi rebellion, for allies of the Mahdi (especially those hailing from the kingdom of Darfur), the *reimposition* of slavery (with slave raids into Dinka and Nuer territory in the South of Sudan) was a central goal of resisting colonial Modernity (Collins 2008). And the slave catching expeditions were not to bring Southern Sudanese into a form of slavery akin to what Gordon describes as the pre-Modern slaveries of Cordoba or Athens. More recently, the Bashir regime quietly permitted slave raiding to re-emerge in the 1990s as part of the second Sudanese Civil War. Transnational Christianist politics were again involved, but in this case in the controversial practice of *redeeming* (buying then freeing) Southern Sudanese who had been captured (see Deng 2010 on the practice, on the ethics see eds. Appiah and Bunzl 2007,

especially the chapter by Jok).

The colonial plantation is an important paradigm for New World thought, but it travels unevenly *even across colonial contexts*. Slavery, it seems, can be constitutive of both capitalist Modernity and its resistance. Because reaction can itself be theorized as a modern phenomenon (Huntington 1968), these resistances can still be understood as a *form* of modernity – but they remain resistances against imperialism and capitalism.

Here, it is important to examine Gordon's idea of capitalist (neoliberal) Modernity more closely. She writes that the neoliberal approach of privatizing functions of the state and subjecting local industries to international competition "continues a longer pattern of the most extractive earlier forms of colonialism...benefitting the north and the west at the expense of poorer countries as the latter are forced to comply with policies of deregulation and elimination of trade barriers that the former themselves can opt to ignore" (Gordon 2019, 9). Drawing on David Harvey, she posits a direct line between colonial domination based on extractivism and neoimperial hegemony based in markets and institutions controlled by the Global North. This is, I hold, a commonly held view of structure in postcolonial theory, and one that is quite problematic. I now turn to how this understanding of structural power shapes postcolonial theory's understanding of global politics.

The Disappearance of Agency in Postcolonial Theory

"postcolonialism does not mark the end of colonialism
but rather the emergence of the world it created."
(Kohn and McBride 2011, 8)

Postcolonialism emerged in part as a reaction against the false binaries of anti-colonial thought. Influenced by poststructuralism, theorists such as Gayatri Spivak and Edward Said sought to move beyond an anti/colonial binary that ultimately reproduced colonial forms of knowledge. However, in much postcolonial theory one binary in particular was preserved: that colonial powers created relations of dependency which continued beyond the end of formal colonialism. Though not explored significantly in Marx's *oeuvre* itself, the idea of colonial economic dependence is articulated in 20th century Marxist anti-colonial writings. Though postcolonialism absorbed Foucault and Derrida's critiques of structuralism in relation to language, the 20th century Marxist economic framework remains a resource for how postcolonialism treats economic dominance and exploitation. In turn, by viewing these as sources of power, postcolonialism reinscribes a particular oppositional binary in its thinking about power on the global stage. I do not seek to trace particular Marxist visions within postcolonial theory, rather I trace the structural element that appears in postcolonial thinking about the global.

In *Postcolonialism: An Historical Introduction* (2001, reissued 2016), Robert JC Young posits, “The assumption of postcolonial studies is that many of the wrongs, if not crimes, against humanity are a product of economic dominance of the north over the south. In this way, the historical role of Marxism in the history of anti-colonial resistance [is] the fundamental framework of postcolonial thinking” (Young 2016, 6). For Young, the Dependency Theory school of Marxist economics grounds this approach. In particular, he cites André Gunder Frank (1966) on the centrality of relations of economic and political dependence to the project of colonialism, and which continued beyond the end of formal colonialism. Gunder Frank (and

others such as Walter Rodney) adapted the idea from Kwame Nkrumah's critique of “neocolonialism” which was based on this notion of continued dependence. More recently, Nkrumah's critique of neocolonialism is being recovered among postcolonial theorists (e.g. Getachew 2019) as a resource for expanding the postcolonial horizon in the aftermath of postcolonial state failure. Because newly decolonized states were not truly free of the domination of former colonial powers, this early line of anti-colonial argument holds, a whole swath of problems experienced by newly decolonized states (underdevelopment, economic crashes, ethnic strife, etc) were simply the legacy of colonialism. Thus, to focus solely on the question of political sovereignty would be to ignore the ways in which a structural system of exploitation survived the formal end of empire.

Ania Loomba also foregrounds Marxist critique in her genealogy of postcolonial theory. Beginning with Marx, she works through the Marxist tradition up to Althusser, before turning to Foucault and then postcolonial critics of Foucault. Placing the economic in productive tension with the politics of sovereignty, she writes, “We cannot dismiss the importance of either formal decolonisation, or the fact that unequal relations of colonial rule are reinscribed in the contemporary imbalances between 'first' and 'third' world nations. The new global order does not depend upon direct rule. However, it does allow the economic, cultural, and (to varying degrees) political penetration of some countries by others” (Loomba 1998, 7). For Loomba, neoimperialism is the phenomenon by which former colonial powers rely on colonially constructed global structures to continue exerting power over the Third World.

Drawing on and against Foucault, Loomba emphasizes the ways in which colonial knowledge creates the colonial subject, and asserts that part of the postcolonial project is to unmake this binary in order to recover the diversity and agency of colonized peoples. She

argues, “an Oriental/Occidental binarism, in which continents and colonies which do not belong to this West/East axis are nonetheless absorbed into it is detrimental to recovering the specificity of certain situations in Africa” (Loomba 1998, 16). But while Loomba notes the varieties of strategies and forms of colonial governance, and also notes that colonialism “made” both colonizer and the colonized, there remains a unity in thinking about colonial domination. Thus, continued domination winds up baked into a structure that must be resisted, rather than a structure of domination being constantly remade through the actions of agents.

There is much to the argument about durable forms of domination, but for many postcolonial theorists, I argue, it becomes a form of structural determinism. The futility of remaking these structures leads to a political pessimism, and the only agency actors in the Global South can express is to search for an outside point from which to resist or overthrow these totalizing structures.

My critique is not a call for methodological individualism – I do not seek to deny the role of a colonially-informed structure at play in the postcolonial world. Nor do I claim that agents are free of the structures in which they exist. Rather, I seek to illuminate how these structures are constantly being *remade*. Here again, constructivist IR theory is helpful: “At first glance, the very mention of agency appears to set up an opposition to structure. Presumably structure is static, while agency moves. But...[it is] a cycle of mutual constitution. As a result, actors and institutions are not discrete entities, because they are constituted by each other” (Klotz and Lynch 2007, 44). The problem of postcolonial theory, I hold, is that it only theorizes agents *resisting* or *escaping* structures, rather than *remaking* them. I avoid “reform,” because reform implies incremental changes within existing institutional procedures. Similarly, “recreate” is ambiguous because in one sense it can mean to change, but in another sense, it can

mean to reify. Agents are (re)made by structures, and structures are (re)made by agents: “the simultaneity of this interaction creates difficulties for capturing both the self-reinforcing nature of structures and the ways in which people sometimes overturn social order. People consciously *and* unintentionally replicate *and* challenge institutionalized routines and prevailing assumptions” (Klotz and Lynch 2007, 7)

In a world of deep structural inequalities, though, it can be hard to take seriously the possibility of agent-centered change. The idea of a structural relation of dependence can do much to explain persistent state and economic failures in the postcolonial world, as well as to understand Third World class conflict in which a globalized or transnational Western-educated elite cuts across national lines. But such structural arguments also risk explaining too much and becoming deterministic.

In her Amnesty International Lecture, Gayatri Chakravorty Spivak (2003) appears at first glance to break this binary with her focus on the subaltern in rural India, rather than examining the country as a whole. She notes that “the work of righting wrongs is shared above a class line that to some extent and unevenly cuts across race and the North-South divide” (Spivak 2003, 171). Global North versus Global South is not immediately framed as a deterministic divide. And in attempting to recover an agency for the subaltern, she focuses on literacy and humanistic education – tools that empower the subaltern to make decisions of their own, rather than indoctrinate them into a particular script.

However, Spivak's seeming transcendence of the binary turns into a fairly straightforward Marxist class analysis applied to India. The point of the exercise is not to complicate a dependent relationship between the Global South and Global North, but to unsettle the idea of a unified Global South. The persistent domination of the Global North remains the

backdrop to this exercise.

Like Fanon, Spivak is skeptical of a Westernized Third World elite. In this lecture, human rights are the focus of her critique, and she brings Thomas Risse, Steven Ropp, and Kathryn Sikkink's "spiral model" of human rights in for particular excoriation. Risse, Ropp, and Sikkink's "idea of the motor of human rights is 'pressure' on the state 'from above' (international) and 'from below' (domestic). (It is useful for this locationist privilege that most NGOs of the global South survive on Northern aid)...unless 'education' is thought differently from 'consciousness-raising' about 'the human rights norm' and 'rising literacy expand[ing] the individual's media exposure', 'sufficient habitualization or institutionalization' will never arrive, and this will continue to provide justification for international control" (Spivak 2003, 171- 172). Human rights advocates and their allies in the Global South are, in Spivak's estimation, resistant to actual agency on the part of the subaltern – rather, the subaltern is to be instructed (not educated) in the "correct" manner which will lead to them agreeing with the norm entrepreneurs themselves.

Spivak posits: "Education in the humanities attempts to be an *uncoercive* rearrangement of desires...It is only when we interest ourselves in this new kind of education for the children of the rural poor in the global South that the inevitability of unremitting pressure as the primum mobile of human rights will be questioned. If one engages in such empowerment at the lowest level, it is in the hope that the need for international/domestic-elite pressure on the state will not remain primary forever" (Spivak 2003, 173). For Spivak, anything short of this ground-up approach will result in mere *projections* of agency onto the subaltern.

Even Himadeep Muppidi, who deconstructs the binary of dependence from a postcolonial perspective in the economic realm (2004), revives it when analyzing theories of

conflict (2012). Both texts are postcolonial critiques of international relations as a discipline, with the earlier text focusing on constructions of “the global” while the latter looks to how massacre continues to be rationalized through colonial signs. After demonstrating the shortcomings of the three primary schools of American IR (realist, liberal, constructivist) to engage a globalized, rather than international, world, he cautions that while Marxist and Gramscian theorists do much to break down “the international” in a European context, “many historical materialists relapse into simplistic narratives when it comes to spaces outside the West....the larger historical-materialist story is always already foretold in theory” (Muppidi 2004, 14-15). Beginning with an account of the governor of Hyderabad's attempt to erase a distinction between local and global, Muppidi examines how a “globalized” political ontology helps us to see agency and innovation in the context of existing structural inequalities.

Muppidi's focus shifts dramatically in his study of massacre. International relations, and related knowledge producing institutions, fed the return of an imperial ethos that reached its apotheosis in the 90s and 00s. “The brazen and easy resurgence of a discourse of empire in the West is evidence that the educational and cultural machinery of the West offers, primarily, degrees in colonial responsibility” (Muppidi 2012, 23). Unlike Robert Vitalis (2016) who argues that unexamined foundational assumptions in the discipline of IR promote a logic of racial hierarchy, for Muppidi the entire institutional structure remains continuous with the colonial administration training programs of empire. This colonial responsibility of international relations (re)produces a “universality and humanity, colonial education as well as 'real and responsible' international relations were about ceaselessly rescuing one from the Other...but without ever setting any of us free: (Muppidi 2012, 17). On such an account, the *function* of international relations and its institutions is to neatly divide the Global South between two

camps, to render one side innocent and without agency, dependent on outsiders to protect them from evil and irrational forces of the other (darker) side of the Global South. Functional and self-sustaining political communities cannot be created in the Global South, according to this neocolonialist view, because intervention is ultimately inevitable. This in turn creates a reality of dependency because any attempt at self-determination will always be scuttled by “concerned” outsiders.

The problems of agency and “real politics” for postcolonial theory are not new – post-structural IR theorists (e.g. Doty 1996) argued that the redeployment of the colonial binary by oppositional forces paradoxically worked to entrench ideas of the colonized/decolonized as limited in their agency, while Marxist social theorists (e.g. San Juan 1999) held that the postcolonialism's linguistic turn obfuscated real political oppression in the world. What close attention to debates around R2P reveals, I contend, is that these problems remain *unresolved* and have political consequences. Foregrounding Global South agency helps us navigate the impasse in theorizing global interaction that plagues postcolonial theory.

A close reading of sovereignty-as-responsibility and R2P as problem spaces, I have endeavored to show, demonstrates that this deterministic view of structure in postcolonial theory misperceives the work of civil society agents who attempt to remake international structures. Sovereignty in the postcolonial world is often framed in international relations and international political theory as needing to be suspended to protect vulnerable peoples (e.g. Keohane 2003, Weiss 2007, Hafner-Burton 2013), or needing to be safeguarded to protect against neo-imperial interventionism (e.g. Mamdani 2009, Whyte 2017, Getachew 2018) – the former is a liberal approach, the latter an anti- and postcolonial approach. While postcolonial theory is (rightly) skeptical of the history of sovereignty, many theorists embrace the sovereign equality of states

out of frustration with Western interventionism. In chapters 2 and 3, I made the critique of liberal interventionism explicit; here I turn to postcolonial engagements with R2P and sovereignty-as-responsibility to argue that these theorists' structural reasoning and skepticism of ethics forecloses the emancipatory possibilities of these innovations in sovereignty.

Postcolonial Critiques of Sovereignty-as-Responsibility and R2P: Agency, Structure, and Liberal Anti-Politics

Against the dominance of both liberal theory and liberal global politics, left theorists (both critical and postcolonial) in recent years have revived the argument that liberalism is a de-politicizing ideology. In this account, liberalism artificially narrows the horizon of political debate, framing certain issues as either moral/ethical or as the purview of expert policy making. Structures built and maintained by liberal states and liberal institutions then deny agency to others, defining their own prerogatives as apolitical – whether as humanitarian, or matters of expertise. Within these structures, there is no opportunity for significant political action, for agency, on the part of dominated states and peoples. The only chance to express agency is to search for an outside, to resist, or to overthrow.

In these structuralist formulations, sovereignty-as-responsibility and R2P become yet another neoimperial imposition on the rest of the world. Engaging these postcolonial critiques gives an opportunity to highlight the diminution of agency, and to connect this to broader themes in international and postcolonial theory. I examine three postcolonial formulations of the critique of R2P and how they draw on three broader themes: the “critique of the ethical turn” in political theory, the “critique of humanitarianism,” and the “neoliberal turn” towards responsibility.

1) The Ethical Turn and Its Critics

One of the dominant themes in recent political theory is termed “the critique of the ethical turn” or the return of “realism,” which argues that the dominance of ethical and legal paradigms of political theorizing evacuates the political content and contexts of the problems being examined (e.g. Geuss 2008, 2009, 2010, Vasquez-Arroyo 2016, Ranciere 2015). From this perspective, ethical and legal theories that prescribe right action for a decontextualized, anonymous subject(s) have given up on *politics* as form of action, instead seeing politics as a realm upon which the ethical or legal must be imposed as guidelines. These legal and ethical boundaries constrain how political claims are made and interpreted, ultimately narrowing the political agency of non-dominant actors.

The critique of the ethical turn is an important development in political theory, primarily as a challenge to the dominance of Rawlsian liberalism. I contend, however, that ethical arguments are not themselves anti-political – it is their deployment as “trumps” which circumscribes political claims (here I agree with Geuss' (2008) critique of Dworkin's “rights as trumps” position). To insist on a banishment of ethical claims from “pure” political argument would be to de-historicize one's own interpretive approach – exactly Vasquez-Arroyo's critique of the purely ethical approach to politics. By envisioning ethics and politics as a neat binary these theorists make it too easy to dismiss the ethical.

The “critique of the ethical turn” or the return to “realism” does have significant problems. Geuss (2005, 2008), adopts realism as a polemical stance rather than building a robust critique. Vasquez-Arroyo (2016) connects the ethical turn to the rise of neoliberalism, but in narrating this account he elides both the failures of contemporaneous socialist alternatives and

the counter-hegemonic uses of rights discourses. Importantly, *how* these ethical imperatives are pioneered goes unexamined in these works – it is as though applied ethics and neoliberal rights-based anti-politics are dictated by deontologists. Thus, the *politics* of the anti-torture movement or sovereignty-as-responsibility, for example, are hidden behind categorical prohibitions against certain practices. In clamoring for a “return to politics,” these authors ignore the politics that got us here.

Getachew grounds her critique in “The Limits of Sovereignty as Responsibility” (2018) to the critique of the ethical turn by arguing that, “the relationship between principles and practices are viewed as a form of applied ethics where norms are first elaborated and agreed to and then applied and implemented in practice” (Getachew 2018, 4). This, she holds, creates a “one-size-fits-all” approach designed by “experts” to circumvent the nitty gritty of politics. State capacity building, one of Deng’s central concerns, comes in for especially harsh critique because rather than allowing the people to decide through (democratic) political channels how the state should be organized, this approach relies on “expertise” to dictate state form. Providing protection to its population, as sovereignty-as-responsibility and R2P advocates insist a state must do, is placed in opposition to politically empowering its people (the goal Getachew hopes a new state might strive for). Even the use of “population,” Getachew holds (while acknowledging the significance of this term in genocide studies) is a de-politicizing move that enervates the possibility of a state responsive to its *citizens*, the more politically active term. Her critique echoes Philip Cunliffe's (2007, 2011) work placing “sovereignty-as-responsibility” in tension with “popular sovereignty.”

There are several problems with this approach. First, for Getachew, it is unclear what she sees a state as *doing*. Is a state an institution? If so, why is expertise inimical to institutional

design? Second, does she see the state coming into being as a result of spontaneous political action? She argues that sovereignty-as-responsibility takes agency away from the citizens of the new state, but does not discuss how she sees these citizens-to-be forming a state, or even deciding who counts as a citizen, beyond a broad gesture towards “politics.” To reframe, Getachew envisions international bureaucrats under sovereignty-as-responsibility and R2P as Rousseauvian lawgivers, foreigners dictating a framework. But sovereignty-as-responsibility in her account goes even further than Rousseau; the state guided in such a manner is always *ultimately accountable* to the international bureaucracy that molded it, as opposed to Rousseau's lawgiver who disappears after the founding moment. Because the responsibility of “responsible sovereignty” is not to citizens but to a de-politicized “population,” by this logic outside experts will determine whether the state is upholding its responsibility.

Further, treating sovereignty-as-responsibility as applied ethics is not consonant with Rawls' definition of nonideal theory. Rawls writes, “nonideal theory presupposes that ideal theory is already on hand. For until the ideal is identified, at least in outline – and that is all we should expect – nonideal theory lacks an objective, an aim, by reference to which its queries can be answered” (Rawls 1999, 90). By contrast, I have demonstrated throughout this dissertation that sovereignty-as-responsibility grows out of an engagement with postcolonial state failure, not ideal theory. Furthermore, in *Sovereignty-as-Responsibility*, (one of two primary texts Getachew engages on the subject) Deng et al (1996) begin by examining factors common among unstable states in Africa over the previous three decades, not from an abstract postulation such as Rawls' “basic structure of society.”

As a final rejoinder, it is important to ask: what are the boundaries of political deliberation? Getachew and Cunliffe both aim to resurrect an ideal of popular sovereignty

in a context of decolonizing and postcolonial states. But there is a distinctly *postcolonial* political problem of “who are the people?” in the aftermath of colonialism. It was not uncommon after decolonization for a dominant identity group to assert that the presence of another identity group was simply a residue of colonialism – and that this called for either forced assimilation or expulsion. Deng writes that the new Sudanese state, “assumed that [Northern Sudanese] identity was the national model, and what prevailed in the South was a distortion that the colonialists had imposed to keep the country divided (Deng 2010, 151). In asserting the political and postcolonial identity of the Myanmar/Burmese people, the Muslim Rohingya population has been identified as itself a residue of colonialism. Idi Amin identified South Asians in Uganda as a continued colonial imposition. While none of these states were (consistently) democratic, it is far from certain that these calls to ethnic cleansing were unpopular. Sovereign responsibility is concerned with this very real fact in the world.

2) The Critique of Humanitarianism

Like the critique of the ethical turn, critics of humanitarianism argue that by holding humanity, dignity, or human rights as the supreme value in the international sphere, powerful actors are allowed to present their actions as apolitical, that is, as responses to humanitarian facts and embodiments of humanitarian reason (e.g. Fassin 2012, Mamdani 2011). If one acts in the name of humanity, according to this logic, one is not acting on behalf of a state or its interests. This is, in fact, an old critique of liberalism – Carl Schmitt famously derided the idea of an “enemy of humanity” in interstate relations because it denied the inherently political and brutal calculus behind such decisions. Further, because violations of humanity and human rights are empirical facts, outsiders need not consult with

populations or governments – an objective assessment can be made, and a (coercive) remedy applied. The main difference between critiques of humanitarian reason and the critique of the ethical turn is that the former are focused most closely on the arguments of states and powerful actors (“in the name of humanity”), whereas the latter are focused primarily on the relationship of analytic political philosophers to theories and measurements of justice (“the view from nowhere”).

Mahmood Mamdani writes “Whereas the language of sovereignty is profoundly political, that of humanitarian intervention is profoundly apolitical, and even sometimes anti-political...The international humanitarian order...is not a system that acknowledges citizenship. Instead, it turns citizens into wards...The new language refers to its subjects not as bearers of rights – and thus active agents in their own emancipation –but as passive beneficiaries of an external ‘responsibility to protect’” (Mamdani 2011, 126). This, he holds, is not in fact novel – Western colonial powers always claimed to have acted selflessly to defend the victims of native tyrants. “Whereas the crimes they denounced were real, the technique of power was to turn victims into so many proxies whose dilemma would legitimate colonial intervention as a rescue mission” (Mamdani 2011, 127). R2P, then, is merely an updated embodiment of a colonial “right to punish.” Further, by criminalizing actors in localized conflicts, the international community may circumvent the possibility of a political settlement. He notes that the International Criminal Court (ICC) – which was not party to the conflict – disapproved of a settlement between the warring Lord's Resistance Army and the Ugandan legislature, declared the government “incompetent” and thus held the agreement to be invalid. In doing so, the ICC took the side of the Ugandan president in what Mamdani reads as a domestic political fight, and scuttled the peace agreement.

Interestingly, this is a point on which Deng and Mamdani are in cautious agreement. After noting the ICC indictment of President Bashir, Deng writes that it “is too late to prevent genocide in the South [of Sudan]. In any case, punishing those responsible would have run against negotiating and consolidating the peace agreement, as it would do in Darfur. Priority should therefore be placed on ending Sudan’s proliferating wars by addressing the crisis of national identity and the marginalization and gross injustices associated with the crisis” (Deng 2010, 171). In Deng’s argument, conflict resolution takes priority over punitive action against individual leaders. Because sovereignty-as-responsibility emerges as an attempt to address root political causes, rejecting both dominant human rights and humanitarian approaches (see chapter 3 of this dissertation), it may be in tension with other international institutions.

This nuance is lost as Mamdani paints with a broad brush, lumping R2P, the ICC, humanitarian intervention, and even some states together under a broad neocolonial banner. These are all different phenomena – in fact, when the ICISS released their 2001 proposal for R2P, they noted in the introduction that they would not refer to intervention as “humanitarian” because many in the humanitarian assistance community adamantly opposed militarizing their work. While Mamdani no doubt would argue there is a “family resemblance” among them, losing the differences between them deprives actors their agency. In this account, R2P is simply about outsiders.

For Mamdani, the “responsibility” in R2P is rendered simply as a responsibility of outsiders to victims. The first pillar of R2P, the responsibility of the state to its own population (which is based on sovereignty-as-responsibility), is flattened such that it is merely pretextual for the eventual punishment meted out by foreigners. Postcolonial states such as Uganda can

effectively be declared incompetent by international institutions, thus invalidating any political decisions undertaken by their governments or approved by their peoples – regardless of any actual capacity of the state. In this way, “incompetence” fulfills a similar function to the colonial idea that a people “are not ready” for self-governance, and must be administered by outsiders guided by humanitarian concerns.

3) The Neoliberal Turn and Responsibility

Though engagement with the political implications of neoliberal economics dates back to at least Foucault's Birth of Biopolitics lectures at the College de France, investigations of neoliberalism only began to dominate Left theory in the early 2000s.⁴⁴ Central to these studies have been how the logics of the economic theories of Milton Friedman (1962) and, more centrally, Gary Becker and Richard Posner (1974) make the individual responsible for actions and consequences, and deny the relevance of systemic or structural factors.

While critiques of neoliberal economic prescriptions (like structural adjustment policies) are not new, Jessica Whyte (2017) offers an international theory and critique of sovereignty-as-responsibility and R2P grounded in this view of neoliberalism. She draws on Edward Said – methodologically as well as textually – to offer a discursive analysis of sovereignty-as-responsibility, situating it as another in a series of linguistic shifts to establish neocolonial legitimacy and prerogative. R2P and sovereignty-as responsibility are, in her analysis, a neoliberal update of the “standard of civilization” discourses deconstructed by other postcolonial critics.

The tactic of assigning postcolonial states “responsibility” for state failure is a theme that

⁴⁴ Prior to studies of Neoliberalism, Marxist scholars focused on “late capitalism.” It is unclear to what extent Neoliberalism is different in form from late capitalism, however, the investigation and critique of neoliberalism commands more attention than the critique of late capitalism did after the 1980s.

runs through Said's 2003 review essay, "Always on Top." Making these states "responsible," Said reasons, means declaring an end to their colonial histories, making them un-situated actors in control of – and therefore responsible for – choices that lead to state failures, famines, economic collapses, and atrocities since the 1970s. Whyte adopts this theme and applies it to both sovereignty-as-responsibility and the responsibility to protect.

Whyte's larger critique of human rights posits that neoliberalism redefined and reconstituted the idea of human rights to guarantee a right to capital (Whyte 2017, 2019). Within this context, state capacity building and promoting the private sector – both goals outlined in *Sovereignty-as-Responsibility* – are simply neoliberal claims dressed up as answers to make postcolonial states "responsible" for their failures. She refers to this as "neoliberal responsibilization," meaning that under conditions of neoliberalism each actor becomes entirely "responsible" for their actions and outcomes. "I suggest that this new account of sovereignty, like the imperial revivalism identified by Said, is premised on the argument that it is time for post-independence states to put the experience of colonialism behind them," (Whyte 2017, 309). As in Getachew's account of postcolonial self-determination (2019), Whyte holds that durable forms of domination set in place by colonialism but outliving that arrangement of sovereignty must be highlighted, and to claim that "the past is over" is to simply legitimate those forms of domination.

Though Deng emphasizes the relevance of the colonial legacy, *Sovereignty-as-Responsibility* takes the postcolonial African *state* as its object of examination. Whyte introduces Deng by noting the central role he played in the definition of sovereignty-as-responsibility, but identifies him solely as a Brookings Institution Fellow working at the institution's Africa Project.

She then quickly pivots to talking about R2P as the idea of outsider intervention. What Whyte effectively does is to render Deng and his co-authors “outsiders,” rejecting the possibility of sovereignty-as responsibility as autocritique, or even as having significant roots in the Global South. Further, by only identifying Deng with the Brookings Institution, Whyte grounds her narrative of sovereignty-as responsibility as neoliberal responsibilization in a famous American liberal institution. Deng is then situated – rather than alongside institutionalists from the Global South like Kofi Annan, Boutros Boutros-Ghali, or Salim A. Salim who were concerned about the failure of international participatory institutions to prevent atrocities – with VS Naipul and other Western-educated Third World elites who see postcolonial problems as entirely “homegrown problems for which colonial powers could not be held responsible” (Whyte 2017, 310).

Deng and other R2P advocates acknowledge that some Global South states may be (justifiably) skeptical of the claims made under the banners of sovereignty-as-responsibility and R2P; Deng’s work (as I have demonstrated) aims to take that skepticism seriously in re-thinking sovereignty without “suspending” it. However, such acknowledgment of skepticism is treated by Whyte not as a grounding for the R2P framework, but instead as a concern that merely needs to be assuaged – or perhaps negated. She notes the insistence of Deng and his co-authors, as well as the ICISS report, that for these doctrines to have legitimacy they must be clearly distinguishable from aggressive attempts to assert a right of domination or intervention for powerful states. In framing the postcolonial challenge of resistance to R2P, Whyte writes, “What must be questioned...is the idea that poverty and political failure are 'entirely indigenous' and therefore that they can, and must, be 'corrected' from outside. Such a questioning refuses to bracket the legacy of colonial rule, and the persistence [sic] forms of exploitation, coercive interventions, US-backed coups, and IMF structural adjustment programs, in explaining the

current disorder and violence in those states now targeted for Western intervention” (Whyte 2017, 310). But here Whyte conflates R2P with a broader interventionism into Global South states. The possibility of intervention under R2P is specifically only applicable to an explicitly enumerated set of four atrocity crimes, but if one views R2P as merely a penumbra of neocolonialism then one can treat R2P (and sovereign responsibility generally) as one of many tools that powerful Western states have to dominate the rest of the world.

Whyte toggles back and forth between competing ideas and political programs, presenting them as allied or part of the same continuum. Thus, the “right to intervene” (R2I) championed by Bernard Kouchner, becomes “softened” into R2P – despite the fact that the right to intervene not only had an unrelated genesis, but the two doctrines were in competition with each other. R2P was not a “compromise” alternative to an initially formulated R2I, nor were their proponents allied. Indeed, Whyte is aware of these separate histories. In an essay on Foucault and intervention, Whyte (2012) usefully traces the alliances and actions around Bernard Kouchner and *Médecins du monde*, presenting this as part of a continuum with R2P. Nevertheless, for thinking about agency, focusing on the differences between the trajectory of Kouchner's proposal of an R2I against Deng's proposal of sovereignty-as-responsibility is important. Kouchner became disillusioned with the humanitarian medical community's insistence on absolute neutrality in all conflicts. By setting up a medical ship in the South China Sea in the early 1970s to intercept refugees and care for them, Kouchner recognized that his medical work would be understood as taking a side in armed conflict in Southeast Asia. That insistence of “doing good” no matter what may come became bolder over time. In the 1990s he proposed a dramatic “right to intervene” in cases of humanitarian emergency.

The proposal of a right to intervene, unlike sovereignty-as-responsibility and R2P, did

not explore the meaning and practice of sovereignty in the modern world, nor did it seek buy-in from a broad swathe of players – it was perhaps the apotheosis of a militarized “humanitarian reason.” Kouchner and his allies were not part of Deng and Roberta Cohen's work for the UN on Internally Displaced People, nor did they have a hand in drafting the principles of sovereignty-as-responsibility. Indeed, this declaration of a right *above* sovereignty was antithetical to Deng's work.

Common to Getachew, Mamdani, and Whyte is the erasure of the *politics* of sovereign responsibility. Sovereignty-as-responsibility and R2P become spectres haunting the postcolonial world, emerging from a colonial logic and enforcing a hierarchical order by denying the political agency and claims of postcolonial citizenship. They cannot but embody the wills of neocolonial states and institutions who still do not believe these emancipated former subjects are ready, or could ever be ready, to rule themselves. Even Getachew and Whyte, who acknowledge Deng's role in formulating sovereignty-as-responsibility, see the logic as *inevitably* leading towards the Western led intervention of Libya. In essence, they offer a *teleological* account in which sovereignty-as-responsibility and R2P must eventually become part of the neoimperial arsenal. Further, because the logics and mechanisms reproduce colonial relations, the identities of drafters, framers, bureaucrats, diplomats, judges, etc., are ultimately irrelevant – the logic of the doctrine, institution, or norm will guide action to a reconstructed colonial world.

Conclusion

Postcolonial theory provides powerful tools for analyzing the world that was made by colonialism. Recovering the colonial histories of concepts, and urging us to think through how these concepts perpetuate forms of domination, makes it indispensable for those who seek a reckoning with the colonial legacy. However, even as it challenges conceptions of “the global,”

many postcolonial theorists have preserved a (Marxist inflected) theory of power and structure that pushes theorists towards deterministic conclusions. Agents are made by these totalizing structures, so the political project of postcolonial emancipation must first find an *outside* from which to resist. Postcolonial critiques of sovereignty-as-responsibility and R2P are manifestations of this structural determinism. I argue that this structuralism, often narrated by anti-colonial and postcolonial scholars as a tragic structuralism, forecloses the ability to recognize important theoretical and institutional innovations originating in the Global South that are not framed as “resistance.”

CONCLUSION: COMPARATIVE POLITICAL THEORY AFTER THE NATION-STATE

When Russia invaded Georgia in 2008, Vladimir Putin cynically invoked the responsibility to protect⁴⁵ to justify the “protection” of South Ossetians and Abkhazians from the Georgian government. In 2014 and again in 2022, Russia invoked the protection of ethnic Russians in Ukraine to justify military invasions, initially calling the invasion of Ukraine in 2022 a “peacekeeping” mission. While clearly a (bad faith) critique of post-Cold War Western military action, Putin’s objective – a sovereign state intervening in a neighboring sovereign state to “protect” co-nationals who represent a minority in the latter state – was not itself new. In the late 19th and early 20th centuries, protection of co-nationals was justification for “intervention,” which was argued to be different from simple interstate war (Finnemore 2004).

A prime argument for the legitimacy of the nation-state was protection and unification of the nation. Though commentators warned of the perils of such attempts to consolidate the nation-state in Africa in the 1990s (Kaplan 1994, Hoffman 1997), this legitimization strategy has re-emerged in the early 21st century in Eastern Europe. The broader neo-nationalist turn in world politics has revealed that the perils of nationalism, until recently theorized as primarily a problem in Africa, remain salient within the Global North as well.

A central aspect of R2P and sovereignty-as-responsibility is the rejection of the belief that the nation-state as the only reliable institution for protection. While *the state* retains primary responsibility for protection of its population, I have argued in this dissertation that the project of

⁴⁵ Because R2P is a UN doctrine, a single state cannot declare its unilateral action to be R2P. Putin was arguably attempting to “expose” the doctrine’s hypocrisy, rather than making a good-faith declaration. See Badescu and Weiss 2010, on the “norm clarifying” effects of the rejection of unilateral R2P claims.

sovereignty-as-responsibility is rethinking state building and conflict *after* the nation-state. The night of Russia's invasion of Ukraine, Martin Kimani (representing Kenya at the UN Security Council) put this framework directly to the council:

Today, across the border of every single African country, live our countrymen with whom we share deep historical, cultural, and linguistic bonds. At independence, had we chosen to pursue states on the basis of ethnic, racial, or religious homogeneity, we would still be waging bloody wars these many decades later... We chose to follow the rules of the Organisation of African Unity and the United Nations charter, not because our borders satisfied us, but because we wanted something greater, forged in peace. We believe that all states formed from empires that have collapsed or retreated have many peoples in them yearning for integration with peoples in neighboring states. This is normal and understandable. After all, who does not want to be joined to their brethren and to make common purpose with them? However, Kenya rejects such a yearning from being pursued by force. We must complete our recovery from the embers of dead empires in a way that does not plunge us back into new forms of domination and oppression.⁴⁶

Kimani's position is an interesting vantage point from which to make this argument: Kenya accepted UN mediation in 2008 under the R2P framework to resolve post-election violence stoked by Uhuru Kenyatta's Kikuyu supporters against Raila Odinga's Luo supporters.⁴⁷ Rather than asserting the primacy of nonintervention – a pillar of Westphalian sovereignty and an enumerated principle of the (by-then disbanded) OAU – Kenya became the first state subject to a UN-invoked R2P action. By accepting outside assistance under the framework of R2P, Kenya also draws our attention to the breadth of the framework – the logic of R2P is not simply a formula for Western-led armed coercive intervention into warring states of the Global South. In this light, the 2011 intervention in Libya becomes a case for understanding R2P, rather than its unshakable *telos*.

⁴⁶ His remarks are available at: <https://www.youtube.com/watch?v=fyOpp-rVv6A>

⁴⁷ Kenyatta and several associates were indicted by the International Criminal Court for stoking post-election violence, though the prosecutor claimed that a coordinated campaign of witness intimidation made a trial impossible. See: <https://www.aljazeera.com/news/2022/3/13/kenya-president-kenyatta-backs-former-arch-rival-odinga-in-polls>

Importantly, Kimani's argument is distinctly, and temporally, *postcolonial*. He rejects the romanticism of *restoring* a pre-imperial world, instead accepting "the embers of dead empires" as a messy starting point which necessarily forecloses some possibilities. Further, he locates the (Russian) imperial legacy in Europe, rather than casting Europe as "central" to the drama of world politics in opposition to its conquered imperial "periphery." Just as Francis Deng argued in *The Challenges of Famine Relief* (1992) that conflict resolution in Africa could provide a *global* model (and specifically relates it to crises in early post-Soviet states), so too does Kimani offer the African experience as generalizable rather than parochial. Where Russia aims to resurrect the nation-state, Kimani urges the world to abandon it for good.

In this project, I have argued that sovereignty-as-responsibility is part of a problem space that emerged with decolonization. The IDP – the vehicle which Francis Deng used for a critique of Westphalian sovereignty – had to be theorized against the rise of the postcolonial state. Previous humanitarian categories of displacement excluded the figures Deng found so pressing. Importantly, in recovering the questions motivating Deng, we find a stark *politics* driving his work on IDPs and sovereignty. Thus, against both the Left critique of liberal anti-politics and the humanitarian community's claim to be apolitical, Deng promoted a profoundly political critique of the colonial legacy and the postcolonial state.

Recovering Deng's work on IDPs and sovereignty-as-responsibility also helps us to recognize R2P as itself a site of contestation, rather than simply a neoimperial imposition. But to recognize it as such requires a broader understanding of Global South agency than postcolonial theory employs in examining global politics. It is in this spirit that I offer an account of a comparative political theory that, drawing on constructivist IR theory, treats structure and agency

as mutually constituted. R2P can emerge as a site of contestation, rather than simply something to be resisted, when Global South actors are not reduced to the binary choice of resistance versus collaboration. Recognizing Deng's work as an innovation, moreover, also requires rejecting the idea that concepts themselves are agentic.

Moving forward, this dissertation project has raised several new research possibilities. First, Deng's treatment of "dignity" as a relational concept, rather than a status, offers a very different approach to dignity from the recent literature bringing dignity into debates about the foundations of human rights (e.g. Moyn 2015, Rosen 2012, Waldron 2012). Reframing dignity as relational may allow theorists to get past Moyn's genealogical critique, in particular. Second, the recuperation of Deng's intellectual project in this dissertation can significantly deepen Acharya's work in IR theory on how norm "circulation." Acharya's original article drawing on Deng (2013) is a provocation – it presents circulation as a compelling *idea*, but must be regarded as only a first step in examining both Deng and how norm circulation operates. Finally, the account of Global South agency in this project significantly undermines much recent work in political theory under the banner of "the critique of the ethical turn." I have prepared a standalone article manuscript making this critique, drawing on sections from chapters one and four of this dissertation.

One could accept the argument that the roots of R2P can be found in Francis Deng's legal anthropology in the early 1970s, yet still maintain that, as a UN doctrine, it is now dead. Effectively, R2P died in the place where it began – South Sudan. But in constructing R2P as a site of contestation, I argue that it was the liberal interventionist vision of R2P that died in South Sudan in 2013. In recuperating Deng's work, I argue we find an alternate vision of both the

postcolonial state and the sovereign states system. Against the neo-nationalist turn, I hold that African figures such as Deng, Kimani, Salim, and Abdelaziz offer a promising alternative.

APPENDIX: A BRIEF HISTORY OF THE RESPONSIBILITY TO PROTECT

The primary audience for this dissertation is a political theory audience. However, in this project I examine the work of a civil society actor in an institutional context, and his role and influence in the shaping and contestation of institutional doctrines. It is important to give adequate explanations of these doctrines, as well as timelines.

I must emphasize: I do not treat the responsibility to protect (R2P) as a discourse. R2P certainly is part of multiple discourses; however, I do not find examining “the discourse of R2P” to be theoretically productive at this juncture. In part this is because among critics of American (neo)imperialism, R2P is often invoked loosely and broadly, and serves primarily a rhetorical, rather than analytical, function. As a corrective, in this appendix I lay out a very brief overview of the emergence of R2P doctrine, what R2P *is*, and several cases where it has been invoked to justify international action or international action has been rejected under the doctrine.

In 1997, Kofi Annan cited Francis Deng et al's *Sovereignty-as-responsibility: Conflict Resolution in Africa* in his own essay, “Two Concepts of Sovereignty.” This essay laid out what Annan believed to be the “problem” of sovereignty in the aftermath of the Rwandan and Srebrenica genocides, as well as offering a potential path forward that did *not* involve a paternal-colonial proposal to “suspend” sovereignty for certain states. As Secretary General of the UN, he called for a commission to study state sovereignty and intervention. The Canadian delegation moved to create the commission, the International Commission on Intervention and State Sovereignty (ICISS). The commission was co-chaired by Australian diplomat Gareth Evans, and Algerian diplomat Mohamed Sahnoun, with 10 other commission members.

In December of 2001, ICISS delivered their official report, entitled “The Responsibility

to Protect: Report of the International Commission on Intervention and State Sovereignty.” The phrase “responsibility to protect” was Deng’s, and they relied heavily on his ideas of sovereignty-as-responsibility, though the report did not cite him. After a chapter making the claim that sovereignty entailed positive responsibilities, the report laid out three specific responsibilities of the international community under R2P: prevention of mass atrocity crimes, reaction to mass atrocity crimes, and rebuilding after mass atrocity crimes.

It is imperative to emphasize that the 2001 ICISS report was simply an advisory report: it is *not* UN doctrine, it has never been ratified. Mistaking the ICISS report for R2P is understandable – it was published as a book with the title, *The Responsibility to Protect* – but ultimately misguided. Rather, the first endorsement of R2P was two operative paragraphs in the 2005 UN World Summit Outcome document. The 2005 World Summit document was endorsed by unanimous consent. We may thus draw two immediate conclusions: first, the *idea* (though not necessarily the implementation) of R2P was endorsed unanimously, and second, anything before 2005 cannot be said to have been a case of R2P.

This section reads in full:

Responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity

138. Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it. The international community should, as appropriate, encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability.

139. The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help to protect

populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. We stress the need for the General Assembly to continue consideration of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity and its implications, bearing in mind the principles of the Charter and international law. We also intend to commit ourselves, as necessary and appropriate, to helping States build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and to assisting those which are under stress before crises and conflicts break out.

It is important to emphasize that in these two operative paragraphs there is no direct endorsement of armed coercive intervention. Thus, we can say that the basis of R2P as UN doctrine is not reducible to armed coercive intervention.

Negotiations concerning the implementation of R2P began in 2006, with an official General Assembly discussion in 2008. This meeting was presided over by UN GA president and Nicaraguan diplomat Miguel d'Escoto Brockmann. Brockmann invited a number of dissenters to present briefs against R2P, with several arguing that the unanimous endorsement of the UN World Summit document did not itself constitute an adoption of R2P as UN doctrine.

BIBLIOGRAPHY

- Abdelaziz, Megad. *Statement by H.E. Ambassador Megad A. Abdelaziz, the permanent representative on behalf of the Non-Aligned Movement, on agenda item 44 and 107: Integrated and Coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic, social, and related fields; Follow-up to the outcome of the Millenium Summit: report of the Secretary-General*, New York, 23 July 2009.
- Acharya, Amitav. 2004. "How Norms Spread: Whose Norms Matter? Norm localization and institutional change in Asian regionalism," *International Organization*, 58(2), pp. 239-275.
- _____. 2011. "Norm subsidiarity and Regional Orders: Sovereignty, Regionalism, and Rule-Making in the Third World," *International Studies Quarterly*, 55 (1), 95-123.
- _____. 2013. "The R2P and Norm Diffusion: Towards a Framework of Norm Circulation," in *Global Responsibility to Protect*, 5(4), pp. 466-479.
- Acharya, Amitva, and Tan, See Seng. Eds. 2008. *Bandung Revisited: The Legacy of the 1955 Asian-African Conference for International Order*.
National University of Singapore Press.
- Anghie, Antony. 2005. *Imperialism, Sovereignty, and the Making of International Law*.
Cambridge University Press.
- _____. 2017. "Bandung and the Origins of Third World Sovereignty," in eds. Luis Eslava et al. *Bandung, Global History, and International Law: Critical Pasts and Pending Futures*.
Cambridge University Press.
- Badescu, Cristina G. and Weiss, Thomas G. 2010. "Misrepresenting R2P and Advancing Norms: An Alternative Spiral?" *International Studies Perspectives*, Vol. 11, Issue 4. pp. 354-374.
- Bellamy, Alex J. 2009. *Responsibility to Protect*.
Polity Press. 1st edition.
- _____. 2010. *Global Politics and the Responsibility to Protect: From Words to Deeds*.
Routledge. 1st edition.
- _____. 2014. *The Responsibility to Protect: A Defence*.
Oxford University Press. 2nd edition.
- _____. 2017. "Francisco de Vitoria (1492-1546)," in eds. Daniel Brunstetter and Cian O'Driscoll, *Just War Thinkers: From Cicero to the 21st Century*.
Routledge. 1st edition.
- Bellamy, Alex J. and Luck, Edward. 2019. *The Responsibility to Protect: From Promise to Practice*.
Polity Press. 1st edition.
- Benhabib, Seyla. 1996. *The Reluctant Modernism of Hannah Arendt*.
Sage Publications. 1st edition.
- _____. 2018. *Exile, Statelessness, and Migration: Playing Chess with History from Hannah Arendt to Isaiah Berlin*.
Princeton University Press.
- Benjamin, Walter. 1996. "The Task of the Translator," in eds. Marcus Bullock and Michael W. Jennings, *Walter Benjamin Selected Writings: Volume 1, 1913-1926*.
Harvard Belknap Press.
- Benton, Lauren. 2009. *A Search for Sovereignty: Law and Geography in European Empires, 1400-1900*.

- Cambridge University Press.
- Bevir, Mark. "The Contextual Approach," in ed. George Klosko, *The Oxford Handbook of the History of Political Philosophy*.
Oxford University Press.
- Caraccioli, Mauro J. 2021. "The Stories Translators Tell," *International Studies Review*, 23, 1015-1045. doi: 10.1093/isr/viaa019
- Chakrabarty, Dipesh. 2000. *Provincializing Europe*.
Princeton University Press.
- Cohen, Jean. 2012. *Globalization and Sovereignty: Rethinking Legality, Legitimacy, and Constitutionalism*.
Cambridge University Press.
- Collingwood, R.G. 1982. *An Autobiography*.
Oxford Clarendon Press.
- Collins, Robert O. 2008. *A History of Modern Sudan*.
Cambridge University Press.
- Cooley, Alexander and Nexon, Daniel. 2020. *Exit from Hegemony: The Unraveling of the American Global Order*.
Oxford University Press.
- Cunliffe, Philip. 2007. "Sovereignty and the Politics of Responsibility," in eds. Christopher J. Bickerton, et al. *Politics Without Sovereignty: A Critique of Contemporary International Relations*.
Routledge.
- _____. 2011. "A Dangerous Duty: Power, Paternalism, and the Global 'Duty of Care,'" in ed Philip Cunliffe, *Critical Perspectives on the Responsibility to Protect*.
Routledge.
- _____. 2016. "From ISIS to ICISS: A Critical Return to the Responsibility to Protect Report," *Cooperation and Conflict*, Vol. 51, No. 2. Pp. 233-247.
- Dallmayr, Fred. 1999. "Introduction: Toward a Comparative Political Theory," in ed. Fred Dallmayr, *Border Crossings: Toward a Comparative Political Theory*.
Lexington Books.
- DeGooyer, Stephanie et al. 2018, *The Right to Have Rights*.
Verso
- Deng, Daniel and Kuol, Luka. 2019. *Journeys Across the Invisible Bridge: Ideas of Francis Mading Deng*.
Detro Press.
- Deng, Francis et. al. 1996. *Sovereignty-as-Responsibility: Conflict Resolution in Africa*.
Brookings Institution Press.
- Deng, Francis and Daly, M.W. 1989. *Bonds of Silk: The Human Factor in the British Administration of the Sudan*.
Michigan State University Press.
- Deng, Francis and Minear, Larry. 1992. *The Challenges of Famine Relief: Emergency Operations*.
Brookings Institution Press.
- Deng, Francis and Zartman, I. William. 2002. *A Strategic Vision for Africa: The Kampala Movement*.
Brookings Institution Press.

- Deng, Francis. 1972. *The Dinka of the Sudan*.
Holt, Rinehart, and Winston.
- _____. 1973. *The Dinka and their Songs*.
Oxford Clarendon Press.
- _____. 1978. *Africans of Two Worlds: The Dinka in Afro-Arab Sudan*.
Yale University Press.
- _____. 1980. *Dinka Cosmology*.
Ithaca Press. 1st edition.
- _____. 1987. *The Man Called Deng Majok: A Biography of Power, Polygyny, and Change*.
Yale University Press.
- _____. 1987a *Tradition and Modernization: A Challenge for Law among the Dinka of the Sudan*.
Yale University Press. 2nd edition.
- _____. 1990. "A Cultural Approach to Human Rights among the Dinka," in eds. Abdullahi Ahmed An-Na'im and Francis M. Deng, *Human Rights in Africa: Cross-Cultural Perspectives*.
Brookings Institution Press.
- _____. 1993. *Protecting the Dispossessed: A Challenge for the International Community*.
Brookings Institution Press.
- _____. 1993a. *Further Promotion and Encouragement of Human Rights and Fundamental Freedoms, Including the Question of the Programme and Methods of Work of the Commission*, UN Commission on Human Rights, 49th session, Item 11(a) of the provisional agenda, 21 January 1993.
- _____. 1994. *Human Rights Questions: Human Rights Situations and Reports of Special Rapporteurs and Representatives, Internally displaced persons*, Forty Ninth Session of the UN, Agenda item 100(c), 19 October 1994.
- _____. 1995. *Human Rights Questions: Human Rights Situations and Reports of Special Rapporteurs and Representatives, Internally displaced persons*, Fiftieth Session of the UN, Agenda item 112(c), 20 October 1995.
- _____. 1996. "Anatomy of Conflicts in Africa," in eds. Luc Van de Goor et al. *Between Development and Destruction: An Enquiry into the Causes of Conflict in Post-Colonial States*.
St. Martin's Press.
- _____. 1998. "African Policy Agenda: A Framework for Global Partnership," in eds. Francis M. Deng and Terrence Lyons, *African Reckoning: A Quest for Good Governance*.
Brookings Institution Press.
- _____. 2010. "Sudan: A Case of Mismanaged Diversity," in ed. Francis M. Deng *Self-Determination and National Unity: A Challenge for Africa*.
Africa World Press.
- _____. 2016. *Talking It Out: Stories in Negotiating Human Relations*.
Routledge, 1st edition.
- _____. 2021. *Invisible Bridge: An African Journey Through Cultures*.
Africa World Books.
- Desan, Suzanne. et al. Eds. 2013. *The French Revolution in Global Perspective*.
Cornell University Press.
- Doty, Roxanne. 1996. *Imperial Encounters: The Politics of Representation in North-South*

Relations.

- University of Minnesota Press.
- Egerton, Frazer. 2012. "What is right with R2P?" in eds. W. Andy Knight and Frazer Egerton, *The Routledge Handbook of the Responsibility to Protect*.
Routledge.
- Elshtain, Jean Bethke. 2012. *Sovereignty: Gold, State, and Self*.
Basic Books.
- Eslava, Luis et. al. 2017. "Introduction: The Spirit of Bandung," in eds. Luis Eslava et. al. *Bandung, Global History, and International Law: Critical Past and Pending Futures*.
Cambridge University Press.
- Fassin, Didier. 2011. *Humanitarian Reason: A Moral History of the Present*.
University of California Press.
- Finnemore, Martha. 2004. *The Purpose of Intervention: Changing Beliefs About the Use of Force*.
Cornell University Press.
- Friedman, Milton. 1962. *Capitalism and Freedom: A Leading Economist's View of the Proper Role of Competitive Capitalism*.
The University of Chicago Press.
- Getachew, Adom. 2018. "The Limits of Sovereign Responsibility," in *Constellations*. Online first, published 27 November 2018. <https://doi.org/10.1111/1467-8675.12387>
- _____. 2019. *Worldmaking After Empire: The Rise and Fall of Self-Determination*.
Princeton University Press.
- Geuss, Raymond. 2005. *Outside Ethics*.
Princeton University Press.
- _____. 2008. *Philosophy and Real Politics*.
Princeton University Press.
- Gines, Kathryn. 2014. *Hannah Arendt and the Negro Question*.
Indiana University Press.
- Glanville, Luke. 2013. *Sovereignty and the Responsibility to Protect: A New History*.
University of Chicago Press.
- Gordon, Jane Anna. 2019. *Statelessness and Contemporary Enslavement*.
Routledge.
- Gourevitch, Peter. 1978. "The Second Image Reversed: the international sources of domestic politics," in *International Organization*, Vol. 32, No. 4. Autumn, 1978.
- Gunder Frank, Andre. 1967. *Capitalism and Underdevelopment in Latin America: Historical Studies of Chile and Brazil*.
Monthly Review Press.
- Haddad, Emma. 2008. *The Refugee in International Society: Between Sovereigns*.
Cambridge University Press.
- Hafner-Burton, Emilie. 2013. *Making Human Rights a Reality*.
Princeton University Press.
- Hayden, Patrick. 2009. *Political Evil in a Global Age: Hannah Arendt and International Theory*.
Routledge.
- Heerten, Lasse. 2013. "The Dystopia of Postcolonial Catastrophe: Self-Determination, the Biafran War of Secession, and the 1970s Human Rights Movement," in eds. Samuel Moyn and Jan Eckel, *The Breakthrough: Human Rights in the 1970s*.

- University of Pennsylvania Press.
- Hoffmann, Stanley. 1997. *The Ethics and Politics of Humanitarian Intervention*.
University of Notre Dame Press.
- Holsti, Kalevi J. 1996. *The State, War, and the State of War*.
Cambridge University Press.
- Huntington, Samuel P. 1968. *Political Order in Changing Societies*.
Yale University Press.
- Idris, Murad. 2016. "Political Theory and the Politics of Comparison," *Political Theory*, July 2016. doi:[10.1177/0090591716659812](https://doi.org/10.1177/0090591716659812)
- Jenco, Leigh K. et al. 2019. "Comparison, Connectivity, and Disconnection," in eds. Leigh K. Jenco, et al. *The Oxford Handbook of Comparative Political Theory*.
Oxford University Press.
- Johnson, Douglas H. 2021. "Introduction," in Francis Mading Deng *Blood of Two Streams: Gender Balance in Parental Legacy*.
Refuge Press.
- Johnson, James Turner. 2015. *Sovereignty: Moral and Historical Perspectives*.
Georgetown University Press.
- Jok, Jok Maduk. 2007. "Slavery and Slave Redemption in the Sudan," in eds. Kwame Anthony Appiah and Martin Bunzl, *Buying Freedom: The Ethics and Economics of Slave Redemption*.
Princeton University Press.
- Kalua, Fetson A. 2020. *African Intellectuals in the Post-Colonial World*.
Routledge.
- Kaplan, Fred. 1994. "The Coming Anarchy," *The Atlantic Monthly*. February, 1994.
<https://www.theatlantic.com/magazine/archive/1994/02/the-coming-anarchy/304670/>
- Keohane, Robert O. 2003. "Political authority after intervention: gradations in sovereignty," in eds. J.L. Holzgrefe and Robert O. Keohane, *Humanitarian Intervention: Ethical, Legal, and Political Dilemmas*.
Cambridge University Press.
- Klotz, Audie and Lynch, Cecilia. 2007. *Strategies for Research in Constructivist International Relations*.
Routledge.
- Kohn, Margaret and McBride, Keally. 2011. *Political Theories of Decolonization: Postcolonialism and the Problems of Foundations*.
Oxford University Press.
- Lasswell, Harold D. 1987. "Foreword," in Francis Mading Deng, *Tradition and Modernization: A Challenge for Law among the Dinka of the Sudan*.
Yale University Press. 2nd edition.
- Lee, Christopher J. ed. 2010. *Making a World After Empire: The Bandung Moment and its Political Afterlives*.
Ohio University Press, 1st edition.
- Loomba, Ania. 1998. *Colonialism/Postcolonialism*.
Routledge.
- Maldonado-Torres, Nelson. 2008. *Against War: Views from the Underside of Modernity*.
Duke University Press.
- Mamdani, Mahmood. 1996. *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*.

- Princeton University Press. 1st edition.
- _____. 2011. "Responsibility to protect or right to punish?" in ed. Philip Cunliffe, *Critical Perspectives on the Responsibility to Protect*. Routledge.
- _____. 2012. *Define and Rule: Native as Political Identity*. Harvard University Press.
- _____. 2020. *Neither Settler nor Native: The Making and Unmaking of Permanent Minorities*. Harvard Belknap Press.
- Manela, Erez. 2009. *The Wilsonian Moment: Self-Determination and the International Origins of Anticolonial Nationalism*. Oxford University Press.
- Mantena, Karuna. 2010. *Alibis of Empire: Henry Maine and the Ends of Liberal Imperialism*. Princeton University Press.
- March, Andrew F. 2009. "What is Comparative Political Theory?" *The Review of Politics*, Vol. 71, No. 4, pp. 531-565.
- Massoud, Mark Fathi. 2014. *Law's Fragile State: Colonial, Authoritarian, and Humanitarian Legacies in Sudan*. Cambridge University Press.
- Matera, Marc. 2015. *Black London: The Imperial Metropolis and Decolonization in the Twentieth Century*. University of California Press.
- Mazower, Mark. 2009. *No Enchanted Palace: The End of Empire and the Ideological Origins of the United Nations*. Princeton University Press.
- Mearsheimer, John. 1993. "The Answer" in *The New Republic*. Available at: <https://www.mearsheimer.com/wp-content/uploads/2019/07/A0019.pdf>
- _____. 2019. *The Great Delusion: Liberal Dreams and International Realities*. Yale University Press.
- Mehta, Uday Singh. 1999. *Liberalism and Empire: A Study in Nineteenth-Century British Liberal Thought*. University of Chicago Press.
- Meiches, Benjamin. 2019. *The Politics of Annihilation: A Genealogy of Genocide*. University of Minnesota Press.
- Morrow, John H. 2005. *The Great War: An Imperial History*. Routledge.
- Moyn, Samuel. 2012. *The Last Utopia: Human Rights in History*. Harvard Belknap Press.
- _____. 2013. "On the Nonglobalization of Ideas," in eds. Samuel Moyn and Andrew Sartori, *Global Intellectual History*. Columbia University Press.
- _____. 2013a. "The Return of the Prodigal: The 1970s as a Turning Point in Human Rights History," in eds. Samuel Moyn and Jan Eckel, *The Breakthrough: Human Rights in the 1970s*. University of Pennsylvania Press.
- _____. 2015. *Christian Human Rights*

- University of Pennsylvania Press.
- Muppidi, Himadeep. 2004. *The Politics of the Global*.
University of Minnesota Press.
- _____. 2012. *The Colonial Signs of International Relations*.
Oxford University Press.
- Nkrumah, Kwame. 1964. *Consciencism: Philosophy and Ideology for De-colonization and Development with Particular Reference to the African Revolution*.
Monthly Review Press.
- Norton, Anne. 1995. "Heart of Darkness: Africa and African Americans in the Writings of Hannah Arendt," in ed. Bonnie Honig, *Feminist Interpretations of Hannah Arendt*.
Penn State University Press.
- Obasanjo, Olusegun. 2002. "Preface" in Francis M. Deng and I. William Zartman, *A Strategic Vision for Africa: The Kampala Movement*.
Brookings Institution Press.
- Owens, Patricia. 2007. *Between War and Politics: International Relations and the Thought of Hannah Arendt*.
Oxford University Press.
- Parel, Anthony J. 2003. "The Comparative Study of Political Philosophy," in eds. Anthony J. Parel and Ronlad C. Keith, "Comparative Political Philosophy: Studies Under the Upas Tree."
Lexington Books.
- Pham, Quynh and Shilliam, Robbie. Eds. 2016. *Meanings of Bandung: Postcolonial Orders and Decolonial Visions*.
Rowman & Littlefield Publishers.
- Phillips, Anne. 2015. *The Politics of the Human*.
Cambridge University Press.
- Philpott, Daniel. 2001. *Revolutions in Sovereignty: How Ideas Shaped Modern International Relations*.
Princeton University Press.
- Pitts, Jennifer. 2010. "Political Theory of Empire and Imperialism," *Annual Review of Political Science*. Vol. 13: 211-235.
- Posner, Richard. 1974. "Economic Theories of Regulation," in *The Bell Journal of Economics and Management Science*, Vol 5, No 2.
- Ranciere, Jacques. 2015. *Dissensus: On Politics and Aesthetics*.
Bloomsbury Academic.
- Rawls, John. 1999. *The Law of Peoples: with "The Idea of Public Reason Revisited."*
Harvard University Press.
- Roberts, Neil. 2015. *Freedom as Marronage*.
University of Chicago Press.
- Rodney, Walter. 1972. *How Europe Underdeveloped Africa*.
Bogle-L'Ouverture Publications.
- Rosen, Michael. 2012. *Dignity: Its History and Meaning*.
Harvard University Press.
- San Juan, Jr. E. 1998. *Beyond Postcolonial Theory*.
Palgrave MacMillan, New York.
- Said, Edward. 1979. *Orientalism*.
Vintage. 1st edition.

- _____. 2003. "Always on Top: From Birmingham to Jamaica" *London Review of Books*, Vol. 25, No. 6.
- Scott, David. 1999. *Conscripts of Modernity: The Tragedy of Colonial Enlightenment*. Duke University Press.
- Scott, David and Hirschkind, Charles. 2006. "Introduction: The Anthropological Skepticism of Talal Asad," in eds. David Scott and Charles Hirschkind, *Powers of the Secular Modern: Talal Asad and his Interlocutors*. Stanford University Press.
- Siegelberg, Mira L. 2020. *Statelessness: A Modern History*. Harvard University Press.
- Simmons, Beth, et al. 2006. "The International Diffusion of Liberalism," *International Organization* 60, no. 4 pp. 781-810.
- Skinner, Quentin. 1969. "Meaning and Understanding in the History of Ideas," *History and Theory*, Vol. 8, No. 1, pp. 3-53.
- _____. 1998. *Liberty Before Liberalism*. Cambridge University Press.
- Sikkink, Kathryn. 2011. *The Justice Cascade: How Human Rights Prosecutions are Changing World Politics*. W.W. Norton & Company.
- Spivak, Gayatri Chakravorty. 2003. "Righting Wrongs," in ed. Nicholas Owen *Human Rights, Human Wrongs: The Oxford Amnesty Lectures 2001*. Oxford University Press.
- Spruyt, Hendryk. 1996. *The Sovereign State and Its Competitors: An Analysis of Systems Change*. Princeton University Press.
- Tarcov, Nathan. 1988. "Quentin Skinner's Method and Machiavelli's *Prince*," in ed. James Tully, *Meaning and Context: Quentin Skinner and His Critics*. Princeton University Press.
- Temin, David. 2019. "'Nothing Much Happened': Settler Colonialism in Hannah Arendt" *European Journal of Political Theory*, online first, December 2019. doi:[10.1177/1474885119893077](https://doi.org/10.1177/1474885119893077)
- Thakur, Ramesh. 2011. *The Responsibility to Protect: Norms, Laws, and the Use of Force in International Politics*. Routledge.
- Twining, William. 2021. "Foreword," in Francis Mading Deng, *Invisible Bridge: An African Journey Through Cultures*. Africa World Press.
- Vázquez-Arroyo, Antonio. 2016. *Political Responsibility: Responding to Predicaments of Power*. Columbia University Press.
- Villa, Dana. 1999. *Politics, Philosophy, Terror: Essays on the Thought of Hannah Arendt*. Princeton University Press.
- Vitalis, Robert. 2016. *White World Order, Black Power Politics: The Birth of American International Relations*. Cornell University Press.
- Waldron, Jeremy. 2012. *Dignity, Rank, and Rights*. Oxford University Press.

- Waltz, Kenneth. 1979. *Theory of International Politics*. Waveland Press.
- Weiss, Thomas G. 2007. *Humanitarian Intervention*. Polity Press, 1st edition.
- White, Hayden. 1979. *Metahistory: The Historical Imagination in Nineteenth Century Europe*. Johns Hopkins University Press.
- Whyte, Jessica. 2012. "Human rights: confronting governments? Michel Foucault and the right to intervene," in eds. Matthew Stone et al. *New Critical Legal Thinking: Law and the Political*. Routledge.
- _____. 2017. "'Always on Top'? The Responsibility to Protect and the Persistence of Colonialism," in eds. Jyotsna G. Singh and David D. Kim, *The Postcolonial World*. Routledge.
- _____. 2019. *The Morals of the Market: Human Rights and the Rise of Neoliberalism*. Verso.
- Williams, Paul D. "From non-intervention to non-indifference: the origins and development of the African Union's security culture," *African Affairs*, 106 (423), 253-279.
- Wolin, Sheldon. 2003. *Politics and Vision: Continuity and Innovation in Western Political Thought*. Princeton University Press. 2nd edition.
- Young, Robert JC. 2016. *Postcolonialism: An Historical Introduction*. Wiley-Blackwell. 2nd edition.