RESPONSIBILITY TO PROTECT AS DISCURSIVE CO-RESPONSIBILITY?

Global Responsibility from a Discourse-Ethical Perspective

¿La responsabilidad de proteger como corresponsabilidad discursiva?

La responsabilidad global desde una perspectiva ético-discursiva

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Abstract

To protect against serious human rights violations or violations of international humanitarian law the international community of states has attempted to institutionalise the assumption of responsibility at the international level under the

term "Responsibility to Protect (R2P)". Although the basic idea of such a responsibility to protect may be welcome in principle, it is well known that it is associated with a number of problems which, in my view, require us to reconsider the underlying understanding of responsibility to bring to the fore an important component: we are not only responsible for something, but also to someone whom we owe good reasons for our actions. Thus, I argue that an ethics of global responsibility should be based on a discursive concept of responsibility. For only such a concept can enable us to take into account the complexities of current courses of action on the one hand and the normative uncertainties associated with them on the other, by taking into account the interests and needs of all those involved. To develop this idea, I first sketch such a discursive understanding of responsibility. Second, I argue that every concrete individual or institutional attribution of responsibility for individual actions or tasks as well as the concrete duty of justification is based on what Karl-Otto Apel has described as a "primordial co-responsibility". Third and finally, I will present some of the difficulties of such a discursive conception of responsibility at the global level, in order to then show that these difficulties may continue to exist regardless of the underlying understanding of responsibility, but that they may be solved differently on this basis.

Resumen

Para la protección ante graves violaciones de los derechos humanos o del derecho internacional humanitario, la comunidad internacional de Estados ha intentado institucionalizar la asunción de responsabilidades a nivel internacional bajo el término "Responsabilidad de Proteger (R2P)". Aunque la idea básica de dicha responsabilidad de proteger puede ser bienvenida en principio, es bien sabido que está asociada a una serie de problemas que, en mi opinión, nos obligan a reconsiderar la comprensión subyacente de la responsabilidad para poner en primer plano un componente importante: no sólo somos responsables de algo, sino también ante alguien a quien debemos buenas razones por nuestras acciones. Así, sostengo que una ética de la responsabilidad global debería basarse en un concepto discursivo de la responsabilidad. Porque sólo un concepto de este tipo puede permitirnos tener en cuenta las complejidades de los cursos de acción actuales, por un lado, y las incertidumbres normativas asociadas a ellos, por otro, teniendo en cuenta los intereses y las necesidades de todos los implicados. Para desarrollar esta idea, primero esbozo la comprensión discursiva de la responsabilidad. En segundo lugar, sostengo que toda atribución concreta de responsabilidad individual o institucional por acciones o tareas individuales, así como el deber concreto de justificación, se basa en lo que Karl-Otto Apel ha descrito como una "corresponsabilidad primordial". En tercer y último lugar, presentaré algunas de las dificultades de tal concepción discursiva de la responsabilidad a nivel global, para luego mostrar que estas dificultades pueden seguir

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existiendo independientemente de la comprensión subyacente de la responsabilidad, aunque puedan resolverse de manera diferente sobre esta base.

Palabras clave: *Responsabilidad de Proteger; Corresponsabilidad discursiva; Ética de la responsabilidad global; Corresponsabilidad primordial; Karl-Otto Apel.*

Introduction

The fact that the concept of "responsibility" continues to enjoy considerable popularity in political speech as well as in its critical reflection may be related to the fact that we live in a world characterised by increasingly complex fields of action: Progressive networked mechanisation and digitalisation, increasing globalisation and its side-effects have led to ever more unmanageable complexes of action. Traditional conceptions of ethics usually do not take these complex contexts of action sufficiently into account. The often vaguely addressed appeal to responsibility as a kind of *passe-partout* seems to be an answer to this. In contrast, the international community of states has attempted to institutionalise the assumption of responsibility at the international level, this time concretely and specifically, under the term "Responsibility to Protect" (R2P), (Knight & Egerton, 2012; Bellamy, 2011) to protect against serious human rights violations or violations of international humanitarian law. (Pattison 2012)[1] This concept is based on the idea that state sovereignty itself is to be understood as responsibility, (Thakur, 2005, p. 251)[2] namely as a responsibility to ensure the safety of the citizens under their personal or territorial sovereignty, especially with regard to the protection of human rights. Yet, if states are not in a position to do so, the international community of states should intervene in their place within the

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[1] While the report of the "International Commission on Intervention and State Sovereignty" originally envisioned to apply the concept widely, the heads of state and government expressed themselves in 2005 for a narrow scope of the concept, limited to four crimes, namely genocide, war crimes, ethnic cleansing and crimes against humanity. (ICISS, 2001).

[2] Thakur himself was an ICISS Commissioner and one of the principal authors of *The Responsibility to Protect.* See also critically Junk and Kroll (2017).

framework of a subsidiary responsibility to protect using both civil and, if necessary, military means.

While the basic idea of such a responsibility to protect may be welcome in principle, it is well-known that it raises a number of problems: Even if their own existence depends on it, those actually affected often have no say in the decisions taken to protect them. Moreover, in this context, as Neyer, Sienknecht and Martin-Russu, for example, argue, there is often a lack of "an organised discourse of justification between governments that use violence and those that are prepared to intervene". Moreover, they argue, there is a lack of a "reliable mechanism" to ensure "that massive human rights violations are addressed at all."[3]

The critical points mentioned here make it clear in my view that the understanding of responsibility underlying the concept of the responsibility to protect needs to be clarified in order to take greater account of an essential aspect of responsibility which is already contained in our everyday understanding of this concept, namely that we are not only responsible for something, but are also responsible *to someone*[4] whom we owe good reasons for our actions. In my view, any ethics of responsibility which is to meet the demands of increasingly globalised areas of action must take into account this aspect of responsibility and thus be based on a discursive concept of responsibility. For only such a discursive concept can enable us to consider the complexities of current courses of action on the one hand and the normative uncertainties associated with them on the other by considering the interests and needs of all those involved. In the following, I will outline such a discursive understanding of responsibility. In a

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[3] „Die Schutzverantwortung ist in eine institutionelle Ordnung integriert, in der es weder einen organisierten Rechtfertigungsdiskurs zwischen gewaltausübenden und interventionsbereiten Regierungen gibt noch einen verlässlichen Mechanismus, der gewährleistet, dass massive Menschenrechtsverstöße überhaupt thematisiert werden" (Neyer, Sienknecht & Martin-Russu, 2017, pp. 322f., translation E. B.)

[4] If one follows Thakur's conception of responsibility to protect, this aspect is already included thus perhaps not sufficiently brought to the fore, when he elaborates the concept of responsibility to protect by emphasising on the one hand that "state authorities are responsible for the functions of protecting the safety and lives of citizens and promotion of their welfare" but thereby also "*to* the citizens internally and to the international community through the UN" and thus finally that "they are accountable for their acts of commission and omission". (Thakur, 2005, pp. 255f, my emphasis).

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second step, I will claim that every concrete individual or institutional attribution of responsibility for individual actions or tasks as well as the concrete duty of justification is based on what Karl-Otto Apel described as a "primordial co-responsibility" (Apel, 2000, 2001). In a third step, I will sketch some of the difficulties of such a discursive conception of responsibility at the global level, in order to then show that these difficulties may continue to exist regardless of the underlying understanding of responsibility, but that they may be solved differently on this basis.

1. In numerous philosophical theories, responsibility is discussed in the context of the question of how human beings can be free and thus held responsible for their actions. Responsibility here is thus at first a question of "imputation".[5] Others take responsibility more or less as a synonym of "obligation"[6]. In my opinion, this is an inadequate conception of responsibility, in part because it takes only limited account of our everyday understanding of it and ignores an important semantic content of this concept. For having responsibility does not only mean that someone can retrospectively be attributed an action or task and be held imputable for it ("the other driver is responsible for the accident because they missed a red light. Therefore they have to pay all accident costs") or that someone is prospectively obliged to perform a certain action ("the caretaker is responsible for clearing the pavement of ice when winter sets in"). Rather, responsibility is an *obligation of response*: We *respond to someone* by redeeming the claim inherent in every action that it is justified by giving intersubjectively comprehensible and understandable reasons to those affected. Accordingly, being responsible means to orient one's own actions – to the extent that they affect others – already prospectively towards the idea that one may be able to provide satisfactory answers to legitimate questions concerning these actions. This may also include that those involved in an action communicate with one another

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[5] One can roughly distinguish three positions in this debate: "compatibilists", "libertarians" and "hard determinists". For a good overview of the different positions in this debate, see Kane (2002).
[6] Such as often in the debate on responsibility and human rights, see Kuper (2005).

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concerning the reasons, motives and intentions guiding their actions in the form of discourses of justification.

But why do people have to respond to others and justify their actions or omissions?[7] In my opinion, the demand and ability to justify one's own actions by reasons, which characterises the concept of responsibility, is already contained in the concept of acting as reasonable or oriented towards reason and thus is not imposed on the acting person only afterwards from outside. For action is intentional and based on reasons. It takes place within a world that is shared with others, constituted and linguistically structured by them, and is thus generally connected with the claim that it can be justified before others (those affected by this action). Language is not only to be understood as a condition in the sense that the intentionality necessary for every action presupposes a linguistically structured consciousness. Reasons for action and the claim made with every action to be able to justify one's own actions can also only be made explicit in language. However, being responsible not only requires language, but also speaking and having language implies the assumption of responsibility: language is intersubjective and must therefore always be comprehensible to others. No one can permanently place linguistic utterances that are not comprehensible to anyone in the intersubjective space, rejecting or stubbornly ignoring questions and requests from others to explain and justify them. In language, people commit themselves to certain, albeit not definitive, statements about the world and thus – at least implicitly – at the same time claim to be entitled to do so. And, if linguistic practice is to succeed, they must affirm and justify this claim of entitlement connected with their statements, to others with reasons.

First of all, it can thus be said that *every* acting and speaking person is responsible *for their actions*, and, consequently, as are corporations or institutions (see Buddeberg, Hecker, 2018) that share the space of reasons with us (see section 3 of this paper). However, individual actions can only be isolated superficially and rather artificially

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[7] See for a more detailed outline of my discursive conception of responsibility Buddeberg (2011, pp. 205-239).

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from the complex web of facts, events, subjective convictions, desires etc. that constitute the context of action. Only in highly standardised action situations may it be possible to identify an action and its consequences as an object of responsibility – whereby even here the inclusion of various intentions and reasons for action can expand what at first sight appears to be a simple action into a whole complex of actions. In principle, anything that exposes actors to the views and questions of (possibly) affected co-subjects may be required to be justified to them.

Acting subjects must potentially respond *to all those who* are or could be *directly or indirectly affected by the acts of the subject*.[8] This right to consideration or, as Rainer Forst formulates it, the right to justification,[9] can also be asserted on behalf of institutions and authorised persons: The more standardised actions are, the more clearly it is specified who is affected by these actions and to what extent, and therefore has such a concrete "right to be considered". If the context of an action or the interpretation of an action changes and another person or institution asks for reasons, the actor must also respond to this person or institution. This applies only / at least in case they can legitimise themselves accordingly. In most everyday situations of action, however, it is only rarely asked and examined who is entitled to claim consideration or justification at all (Brandom, 1994, pp. 177f). Such a problem generally arises only when consideration or justification has not usually been granted, is not being considered or is currently being questioned.

It is also possible to ask further questions, such as *what criteria* are actually *used* to evaluate the reasons given by the person responsible for their decision, or what the person in question bases their choice of reasons on: These may be legal rules, ethical or moral standards. In the discourse of responsibility, these provide a kind of *normative frame of reference* against which actions are evaluated by the authority.

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[8] For the attempt to justify this conception of responsibility morally, see Buddeberg (2011, pp. 253-272).

[9] Forst emphasises that this basic right is fundamentally due to all people "by virtue of their membership in the *human community*" (Forst, 2002, p. 170). De facto, this right is primarily claimed by people themselves who are directly or indirectly affected by actions. With the formulation of the right to *consideration*, my aim is to make clear that we must *generally* take account of the fact that they are affected in our actions, regardless of whether they de facto ask for reasons.

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While subject, object and authority are the elements between which the relationship of responsibility is constituted through interaction and linguistic communication, the rules and criteria, as a normative frame of reference, first form a kind of implicit background to the relationship of responsibility. Subject and authority must presuppose this background and implicitly refer back to it in order to be able to assume, define, attribute and evaluate responsibility at all; in many cases, however, the reference remains unthematic. The frame of reference itself then seems to be less a component of the relationship of responsibility than rather – comparable to the *life world* – a necessary background prerequisite, which is only addressed in cases of doubt, possibly put into question and then, when reformulated as a catalogue of criteria, becomes a further *relatum* of the relationship of responsibility.

2. As I have said so far, human beings are not only responsible as authors of a specific action, but *in principle*, insofar as they, as speaking and acting beings, share a world with others.[10] Similarly, they are not solely responsible for a specific action or task,[11] but potentially for everything they do or omit, or as Angela Smith puts it, for their attitudes and conduct (Smith, 2015) that concerns others. Thus, they are also fundamentally responsible to anyone who can claim good reasons for being affected.[12]

Yet, every individual responsibility is, as Karl-Otto Apel has pointed out, preceded by a general and *shared* responsibility:[13] Even before a single person bears responsibility for "any special tasks" or actions, all people are already responsible as members of a communication community for "*uncovering and discovering* all problems in the live

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[10] See analogously here Thakur's claim to perceive state sovereignty as *responsibility*, to which I already refer in the introduction (Thakur, 2005, footnote 3).

[11] Accordingly, the responsibility to protect should be understood as a particular, internationally institutionalised concrete instantiation of this underlying responsibility.

[12] This claim can also be raised by others instead, e. g. in cases where the person affected by an action is not themselves able to ask for reasons. Thus discursive responsibility is based in principle on the fact that people share a world in language, but it is not limited to this and thus also has to take into account people and other beings who themselves are not (any longer) capable of language and thus of exchanging reasons. On the question of why we are also responsible to these beings, see my criticism of Apel and my own positioning in Buddeberg (2011, p. 119, and Part III).

[13] See, for example, Apel (2001, 2000); see also my reconstruction in Buddeberg (2011, p. 99-104). A similar idea is defended by Young (2004).

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world that can be discussed, and for the *discussion* itself, thus also for bringing about the discourse and for *solving the problems*" (Apel, 2001, pp. 107f.) and "for ensuring *that* [these tasks] are assigned".[14] To bear responsibility therefore means first of all to participate in public, communicative processes with others.[15] In these processes, tasks can be identified, interests and needs can be investigated and taken into account, concrete responsibilities can be defined or delegated, but also the underlying norms of action can be critically examined, taking into account the interests and needs of all those affected. In addition, even "responsible" institutions may be set up. This always presupposed concept of *co*-responsibility of all people does in no way, as Apel also emphasises, exclude the traditional concept of *individually attributable responsibility*". On the contrary, co-responsibility forms a kind of basis for all individual (and collective) responsibility that is to be assumed or transferred individually or collectively.[16] As co-responsible members of a communication community, people do not act in isolation from others; rather, they are jointly able and obliged to coordinate themselves with others in communication *with these others*, not only with regard to their own actions, but also with regard to the possible, sometimes far-reaching consequences of the actions of all those involved. In this way it might be possible to recognise, avoid or minimise negative consequences, especially those resulting from the unfavourable interaction of various individual actions, at an earlier stage.

One bears, as Apel puts it, co-responsibility not only for the "uncovering or identification" of all morally relevant problems in the life world, but also for solving

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[14] Für das "*Freilegen, Entdecken* aller diskursfähigen Probleme in der Lebenswelt, und für das *Diskutieren* selbst, somit auch für das Zustandekommen des Diskurses und für das *Lösen der Probleme*" und „dafür, *dass* [diese Aufgaben] zugeteilt" werden (Apel, 2001, p. 109, translation E. B).

[15] Thus Thakur considers the "extensive outreach exercise" of the ICISS as "one of the most valuable parts of the ICISS process": "Commission meetings and round tables were held in all continents and most major capitals, involving continent-wide representatives, over 200 in total, from all sectors and a cross-section of views" (Thakur, 2005, p. 248). It should be ensured however that these discourses are never finally closed.

[16] Apel, 2000, p. 27. In contrast Thakur claims that "R2P acknowledges that responsibility rests primarily with the state concerned" (Thakur, 2005, p. 251). This does not necessarily need to be seen as a contradiction, but may also be due to the fact that the "inventors" of R2P wanted to accommodate the traditional understanding of state sovereignty. He seems to advocate the idea of "constitutional sovereignty" arguing that "the power and authority of the state are not absolute but contingent and constrained." (Thakur, 2005, p. 252).

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them "through argumentative discourse" (Apel, 2000, p. 37).[17] This should make clear how the concept of responsibility differs from other moral principles such as that of duty (Buddeberg & Neuhäuser, 2015) and cannot simply be replaced by it. Since all problems of the lifeworld are to be solved together in argumentative discourse, all members of the discourse community concerned potentially always demand, examine and judge the reasons for an action at the same time – ultimately, responsibility is only practised together through this process of demanding, examining and judging the reasons for an action. This also makes it understandable why the concept of *primordial* co-responsibility does not know *one* authority to whom one has to respond as a fixed institution, but rather, as a practice essentially characterised by the procedure of discourse, by demanding, giving and judging the reasons for an action, potentially determines each member of the communication community – alone or together with others – as such an authority of responsibility. Who decides whether an action is justified, i.e. whether it is well-founded, cannot be determined in advance, but is determined by the circumstances of the case. The concept of discursive co-responsibility, in contrast to the concept of imputability (liability) or the concept of duty, thus includes the intersubjective understanding and coordination of one's own actions and, if applicable, of the norms underlying these actions.

To what extent can such a concept of discursive co-responsibility take account of the criticism of the concept of the responsibility to protect mentioned above? According to the discursive conception of responsibility that is explained here, any perception of responsibility to protect must allow the affected persons themselves to

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[17]. It remains to be examined what can be used as an argument in which context: Habermas first defines arguments as "the means by which the intersubjective recognition of a proponent's hypothetical raised validity claim can be brought about and opinion thereby transformed into knowledge. The 'strength' of an argument is measured, in a given context, by the validity of the reasons". (Habermas, 1984, p. 25.) Following Toulmin, Habermas describes the general structure of an argument: "[It] is composed of the problematic utterance for which a certain validity claim is raised (conclusion), and of the reason (ground) through which the claim is to be established. The ground is obtained by means of a rule–a rule of inference, a principle, a law (warrant). This is based on evidence of different kinds (backing). If need be, the validity claim has to be modified or restricted (modifier)." (Habermas, 1984, pp. 25f.)

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have their claims and needs heard.[18] If this is not possible directly, this must still be done in exchange with as many other members of the communication community as possible. Special attention must be paid to those who are particularly well placed to assess the interests of those directly affected, for example through personal relationships. In addition, states must try to resolve conflicts by discursive rather than military means.[19] In cases where the other side refuses to engage in discourse – there is no other way to understand terror – every single military intervention must be justified before independent bodies, such as the UN Security Council[20]. At the same time, it should also be explained how this is to be carried out in such a way that a ceasefire, bindingly observed by both sides, is re-established as soon as possible, so that the discourse can then be resumed.[21] Finally, the discursive conception of co-responsibility used here implies the obligation to establish appropriate forums and institutions in which human rights violations are reported and those affected are heard, but where consideration may also be given to establishing and complying with more far-reaching norms.

Discursive co-responsibility also implies that no state or government should determine alone how it should act. (Thakur, 2005, p. 259ff) Rather, it must first reach a discursive agreement with others about its own reasons and interests as well as the

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[18] See Thakur who explains that the members of the ICISS, by reconceptualising sovereignty as responsibility, claimed that "the national political authorities are responsible to the citizens internally and to the international community through the UN." (Thakur, 2005, p. 256). Consequently, also the holders of the R2P are responsible to them, since they take over the state responsibility. Two pages later Thakur points out the "right intention" of a humanitarian intervention should be "assured with multilateral operations, clearly supported by regional opinion and *the victims concerned*." (Thakur, 2005, p. 258, my emphasis).

[19] They also have the task of assigning concrete responsibilities such as R2P or defining rules according to which these are determined. (Schmelzle, 2017, pp. 48f.) He convincingly argues that institutions and, at the transnational level, especially states are particularly well suited to "clearly, reliably and non-arbitrarily define more concrete relationships of responsibility and to lay down rules for their binding design". („eindeutig, zuverlässig und willkürfrei [zu] bestimmen bzw. Regeln für ihre verbindliche Gestaltung fest[zu]legen.") (Schmelzle, 2017, p. 48, translation E. B.).

[20] A "coalition of the willing" is unlikely to suffice.

[21] This is what Apel (1988) is aiming at with his complementary principle. See Thakur who emphasises that "[a]ction in support of the responsibility to protect necessarily involces and calls for a broad range and wide variety of measures and responses in fulfilment of the accompanying duty to assist. These may include development assistance to help prevent conflict from occurring, intensifying, spreading or persisting; rebuilding support to help prevent conflict from recurring" (Thakur, 2005, p. 257.

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consequences and possible alternatives for action. Accordingly, states are not only responsible when it comes to "helping" or "saving" the citizens of another state, e. g. in the form of a military intervention, but rather they have a long-term responsibility to ensure and guarantee, in exchange with the affected state and the community of states, that the "necessity" for a military intervention does not arise in the first place. In a word, responsibility to protect, understood as discursive co-responsibility, does not begin with the necessity to intervene militarily, but means to ensure in advance and in the long term that this does not happen in the first place.

3. In my view, a concept of discursive co-responsibility must therefore also be assumed at the level of international politics, not only as I tried to show as the basis for the narrow concept of responsibility to protect, but in general as the ground for any *ethics of global responsibility*.[22] However, this does not at the same time solve all the difficulties related to inter-, trans-or supranational contexts, such as

- non-ideal conditions:
  - · In the current world political order, many actors do not adhere to the rules of communicative understanding. To what extent can one nevertheless seek to communicate with them, and to what extent can actions be justified to people who themselves are not prepared to justify their own actions to others?[23]
  - · In many action situations there seems to be not enough time left to search for communicative agreement with others about one's own actions.
  - · The coordination effort of communication is extremely high, especially at the international, supra- or transnational level.

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[22] Apel (2000), in a new edition of this article, the title is "Der Begriff primordialer Mit-Verantwortung. Zur Begründung einer *planetaren* Makroethik" ("The Concept of a primordial Co-Responsibility. On the Foundation of a *Planetary* Macroethics", my emphasis*.* See Apel (2017), see also Neyer, Sienknecht and Marin-Russu (2017) who also defend a discursive conception of cosmopolitan responsibility.

[23] Apel himself has, as I said, tried to solve the problem by introducing its complementary principle (see among others Apel, 1988). For criticism of this see Habermas (1994, pp. 84ff).

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· The direct involvement of all stakeholders cannot be guaranteed due to their large number.

· The direct involvement of all those affected is not possible because many people who are not yet alive today will only be affected in the future (Fritsch, 2018).

- Lack of awareness of personal co-responsibility:

· Faced with problems of the magnitude or the geographic distance of counter-terrorism, global warming, most people find it difficult, either individually or collectively, to feel personally responsible (van Meegdenburg 2018); on the other hand, many individuals feel overwhelmed.

- Lack of institutionalisation: Particularly at the international, supra- and transnational level, actors depend on the mediation and support of *social or political institutions* that create the space for this exchange and for the inclusion of others. However, these are often lacking,[24] and where they exist, they often do not act themselves or do not act sufficiently discursively with due regard for the interests and needs of all those affected.

The legitimacy of these institutions must be respected by all affected, and arrangements must be made to ensure that decisions taken by such bodies can be enforced in practice.

- Difficulty in conveying various contexts of justification

· In addition to moral and political norms, macroeconomic and welfare state norms must also be considered in many situations.
· Different political norms can conflict with each other.
· Similarly, cultural differences in systems of norms can lead to different assessments of interests and requirements to be taken into account.

None of these problems can be dismissed out of hand, but they do not seem to me to stem essentially from the presumed concept of responsibility:

First of all, with regard to the non-ideal conditions, it can be stated that these are the very reason for any responsibility to protect: It is only because we live in a non-ideal world that states feel called upon to assume any responsibility to protect. But if

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[24] Particularly at the transnational level. See Neyer, Sienknecht and Martin-Russu (2017, pp. 326ff.).

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they do so without the idea of a duty of justification towards all those affected, it cannot be clarified to what extent the motivation of their actions is really legitimised. Furthermore, it should be clear that any responsibility to protect always entails a responsibility for the long-term realisation of better discourse conditions and this should be a basic prerequisite for any military intervention. (see again Thakur, 2005, p. 257) It may well be that communicative understanding with members of a terrorist organisation is not possible at present. However, no military intervention alone, i.e. detached from other measures, will be able to protect the populations of the affected states from their acts of terrorism. They remain insufficient as measures as long as they are not embedded in a strategy to return to the negotiating table as soon as possible.

Also with regard to the difficult conditions for implementation, it is true, in my view, that these exist for the time being, regardless of the conception of responsibility we assume: Human rights violations are happening, e.g. in Syria or in Yemen. If it is not yet too late to counteract this, time is at least very short. Surely it would be grotesque to start by listening to all those affected by human right violations personally and thinking together about how to counteract them. Not to mention the fact that many of those were already killed, or cannot be asked for other reasons, or, that we do not even know exactly how and to what extent people will be affected. However, here too there is time pressure and the almost immeasurable scope of the problem, regardless of the assumed concept of responsibility. Discursive communication and coordination do take time, but any government, any individual actor who would try to act on their own responsibility here must fail as long as they do not coordinate their actions with others, by also taking into account various sources of knowledge. But this is nothing other than discursive co-responsibility.[25]

Thirdly, concerning the lack of awareness of one's own co-responsibility: even if we presume a conception of responsibility as imputability or liability, individuals bear

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[25] See for a similar notion of responsibility Young (2004) who defends a social connection model of responsibility.

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responsibility at least indirectly for a great number of global problems as they often result from the sum of individual actions as well as collective actions. But unlike this understanding of responsibility as imputation, the discursive conception of responsibility puts all our actions into relation and points out that global problems such as climate change[26] cannot be stopped either by changes in the behaviour of individuals alone or by political decisions alone: The Paris Climate Change Convention thus can only be successful if we all change our lifestyles. This will require appropriate policies and public debate.

Similarly, the feeling of being overburdened seems to exist regardless of which conception of responsibility we presuppose, and here too the idea of discursive responsibility seems to me to lessen this feeling, because although it identifies each person as responsible, they never do so alone, but always as a member of a discourse community in which they bear responsibility alongside others.

The fact that there is a lack of institutions at international, trans- and especially at the supranational level is also independent of the underlying conception of responsibility. For without independent institutions that create and guarantee the space for the involvement of those affected, states can fulfil "their" responsibility to protect, but they cannot guarantee that they are really doing so in the interests of their subjects, but possibly primarily out of self-interest.

Finally, concerning the criticism that actors do not have to orient themselves solely by moral, but also by political, economic and other norms: This problem also exists independently of the underlying conception of responsibility. But while a non-discursive and thus also more static conception of responsibility often just ignores this fact, a discursive understanding allows for the consideration of different norms and demands or interests. The basic norm by which all must be guided should be that of

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[26] So far, climate change is not officially considered a possible reason for taking on the responsibility to protect. However, if state sovereignty is to be understood as responsibility for "the safety and lives of citizens" (Thakur, 2005, p. 251), the question may arise as to whether the international community of states should or may be allowed to intervene when individual states, for example by massively violating the Paris Climate Convention, jeopardise not only the safety of their own citizens but that of the whole of humanity. Here too, it seems clear that military intervention cannot be the solution to this problem and thus cannot be the appropriate way to fulfil this responsibility to protect. In all cases, the halting of climate change should be an important target of any ethics of responsibility.

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justice. With the help of this norm – and *at this abstract level* it can only be a formal concept of justice – one's own claims and interests and the various claims of others affected by an action can be compared and judged. What can be considered fair in each case depends not only on the degree to which the individual claims and interests to be considered are affected, but also on the context in which an action is to be considered. It is never certain once and for all in which context an action – including state action – is to be seen and which way or normative level of justification is therefore appropriate. Every action can potentially always be viewed in different contexts, since these are based on constructions and determinations between subjects (here again: state actors) which are in turn well-founded and can always be questioned anew. Therefore, a hierarchy of the reasons under discussion seems all the more relevant. But this too can be questioned again. In principle, I believe that the moral context always takes precedence in so far as it claims universal and unconditional validity, which cannot be called into question by interests of individual actors that are only particular and conditionally valid.

In my view, therefore, the most legitimate way to assume responsibility generally and thus also in the context of international politics is to understand and shape it as discursive co-responsibility. It then becomes understandable that states do not bear responsibility in isolation from the international community, as this community is not only responsible for the protection against human rights violations but also to prevent them and to rebuild "support to help prevent conflict from recurring" (Thakur, 2005, p. 257). Thereby they owe good reasons not only to their own citizens but also to the citizens of other countries affected by their actions and their political representatives. In the same way, it is also possible to take account of the fact that many problems of responsibility at international level cannot be solved by institutional political decisions alone. This becomes particularly obvious when it comes to climate change issues: Climate change requires also a rethinking how individuals see themselves, not only in the industrialised world, but also with regard to the development prospects of conditions of living in the "second" and "third" world. Although this can and must be

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initiated, guided and accompanied politically, it also remains a question of individual action.

However, in my view, another reason for understanding responsibility at the international level discursively and as joint responsibility is that this very context of action is still characterised by a lack of institutionally anchored norms. This means that there is still a particular need to agree on which norms can be accepted as just by all participants before they can be institutionalised as legal norms. And this discourse is also part of any discursive co-responsibility.

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